

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2017 FEB -2 P 1:56

1. Minutes, City Council Meeting, January 23, 2017.
2. PUBLIC HEARING On the Petition from MA Electric & Verizon New England to relocate two Joint Owned P4 & Guy P4-84 25' west of existing location on Concord Rd. They will also be installing a line recloser on Pole 4 for reliability improvement, Order No. 17-1006801.
3. PUBLIC HEARING On a Proposed Zoning Ordinance which amends Chapter 650, by Adding Section 63 - TEMPORARY CESSATION OF THE ACCEPTANCE OF APPLICATIONS FOR SPECIAL PERMITS FOR HOUSING PROJECTS. Said temporary cessation, and non-acceptance of applications for special permits for housing projects, shall be in effect for six months from the date of approval by the City Council, Order No. 17-1006784.
  - a. Communication from Mirick O'Connell re: Proposed Moratorium for New Housing Developments, Order No. 17-1006784.
4. Communication from City Council President Clancy re: Reappointment of Councilor Ossing as a member of the OPEB Board of Trustees for a term of two years effective immediately.
5. Communication from the Mayor re: Mid-year transfer requests as detailed in the attached package which includes applicable spreadsheets.
6. Communication from the Mayor re: MassWorks Infrastructure Program Grant Acceptance in the amount of \$2.7 million from the Executive Office of Housing and Economic Development (EOHED) earmarked for the East Main St. Revitalization Project.
7. Communication from the Mayor re: 2017 Mass Wildlife Habitat Grant Program Acceptance in the amount of \$14,483.00 from the Commonwealth of MA, Division of Fisheries and Wildlife for the purpose of removing and monitoring non-native invasive plants at the Desert Natural Area off Concord Rd.
8. Communication from the Mayor re: Public Safety Revolving Account Expenditure Limit.
9. Communication from the Mayor re: Marlborough Police Department Certification.
10. Communication from the Mayor re Acceptance of State Statutes to Lower Speed Limits.
11. Communication from Councilor Ossing re: Ad Hoc Municipal Aggregation Committee Approval of the Amended Municipal Aggregation Plan, Order No. 16-1006774, X16-1006690.
12. Communication from Walker Realty LLC re: Apex Decorative Walls and Car Wash Rendering, Order No. 16-1006634D, & 16-1006443K.
13. Application for Special Permit from Mirick O'Connell on behalf of BSL Marlborough Development LLC to construct a 52-Unit, 60,823 +/-square foot Assisted Living Facility with a Special Care Unit, 421 Bolton St.
14. Communication from Central Mass Mosquito Control Project re: Pesticide Exclusion Regulations and Process.
15. Minutes, Board of Assessors, November 14, 2016.
16. Minutes, Planning Board, December 19, 2016 & January 9, 2017.
17. Minutes, Council on Aging, December 13, 2016.
18. Minutes, License Board, November 30 & December 21, 2016.
19. Minutes, Traffic Commission, December 20, 2016.

**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.**

20. CLAIMS:

- a. Shawn Lambert, 50 Hamilton Circle, residential mailbox claim 2(b).
- b. John Ward, 69 McNeil Circle, residential mailbox claim 2(b).
- c. John Lauderbach, 152 Blanchette Dr, residential mailbox claim 2(a).
- d. Pam Elsenburg, 64 Varley Rd., residential mailbox claim 2(b).

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:



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CITY OF MARLBOROUGH

**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

2017 JAN 30 P 3:43

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

**JANUARY 23, 2017**

Regular meeting of the City Council held on Monday, JANUARY 23, 2017 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juare, Oram, Ossing, Robey, Doucette, Elder, Tunnera, Irish and Landers. Absent: Delano. Meeting adjourned at 8:25 PM.

**ORDERED:** That the Minutes of the City Council meeting January 9, 2017, **FILE AS AMENDED**; adopted.

**ORDERED:** That the City Council Regular Meeting Schedule & Committee Assignments, **FILE**; adopted.

**ORDERED:** That the Fire Department transfer request in the amount of \$615,629.11 which moves funds from Reserve for Salaries and Deputy Fire Chief to various accounts as noted below to fund the Memorandum of Agreement and reorganization of the Fire Department, refer to **FINANCE COMMITTEE**; adopted.

BUDGET TRANSFERS -											
DEPT:		FIRE				FISCAL YEAR:					2017
		FROM ACCOUNT:				TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Available Balance	
\$733,779.70	\$341,817.75	11990008	57820	Reserve for Salaries	\$128,735.47	12200001	50450	Firefighter		\$1,419,381.08	
	Reason:	Calculated amounts for contractual obligations									
					\$148,150.36	12200001	50334	Battalion Chief		\$0.00	
	Reason:										
					\$23,596.92	12200001	50800	Fire Captain		\$151,170.01	
	Reason:										
					\$43,335.00	12200001	50330	Assistant Chief		\$0.00	
	\$341,817.75	Total			\$341,817.75	Total					

CITY OF MARLBOROUGH BUDGET TRANSFERS -										
DEPT:		FIRE				FISCAL YEAR: 2017				
FROM ACCOUNT:		TO ACCOUNT:								
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$733,779.70	\$92,803.72	11990006	57820	Reserve for Salaries	\$44,278.42	12200001	50810	Fire Lieutenant	\$591,276.47	
	Reason:	Calculated amounts for contractual obligations								
					\$18,940.40	12200003	51920	Sick Leave Buy Back	\$28,881.18	
	Reason:									
					\$20,166.57	12200003	51480	Holiday	\$182,255.69	
	Reason:									
					\$488.30	12200003	51481	Training Special Services	\$1,758.20	
	Reason:									
					\$8,932.03	12200003	51480	EMT	\$79,183.55	
	Reason:									
	\$92,803.72	Total			\$92,803.72	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS -										
DEPT:		FIRE				FISCAL YEAR: 2017				
FROM ACCOUNT:		TO ACCOUNT:								
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$733,779.70	\$82,538.96	11990006	57820	Reserve for Salaries	\$8,531.22	12200003	51450	Night Shift	\$42,489.62	
	Reason:	Calculated amounts for contractual obligations								
					\$13,530.40	12200003	51440	Educational Incentive	\$107,686.57	
	Reason:									
					\$55,953.53	12200003	51430	Longevity	\$54,492.14	
	Reason:									
					\$4,471.24	12200003	51226	First Responder	\$29,333.78	
	Reason:									
					\$2,052.57	12200003	51328	Call Fire Overtime	\$73,692.95	
	Reason:									
	\$82,538.96	Total			\$82,538.96	Total				

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	FIRE					FISCAL YEAR:	2017	
	FROM ACCOUNT:				TO ACCOUNT:				
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available
Balance									Balance
\$733,779.70	\$29,809.73	11990006	57820	Reserve for Salaries	\$29,809.73	12200003	51300	Overtime	\$120,733.91
	Reason:	Calculated amounts for contractual obligations							
\$733,779.70	\$1,748.95	11990006	57820	Reserve for Salaries	\$1,748.95	12200003	51324	Overtime Vehicle Maint.	\$16,692.54
	Reason:	Calculated amounts for contractual obligations							
\$733,779.70	\$1,910.00	11990006	57820	Reserve for Salaries	\$1,910.00	29022501	51420	Hazmat Overtime	\$18,723.95
	Reason:	Calculated amounts for contractual obligations							
\$74,428.32	\$65,000.00	12200001	50335	Deputy Fire Chief	\$65,000.00	12200001	50330	Assistant Chief	\$0.00
	Reason:	Calculated amounts for contractual obligations							
	\$98,468.68	Total			\$98,468.68	Total			

ORDERED: At a regular meeting of the Marlborough City Council on JANUARY 23, 2017, the following proposed amendment to the Code of the City of Marlborough, be further amended as follows:

Be it ordained by the City Council of the City of Marlborough, acting upon a recommendation of the Mayor, that the Code of the City of Marlborough as amended, be further amended in Chapter 125, Section 6 "Salary Schedule" as follows:

Non Union Employees								
Position	Effective Date	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 yrs. of service	4 yrs. of service	5 yrs. of service
Assistant Chief	January 23, 2017							\$140,000.00
Chief	July 1, 2017							\$142,800.00

Marlborough Fire Department		
Position	Effective Date	Base Salary
Battalion Chief	January 23, 2017	\$86,190.22
	July 1, 2017	\$87,914.02

Refer to FINANCE COMMITTEE AND ADVERTISE; adopted.

ORDERED: Be it ordained by the City Council of the City of Marlborough, acting upon a recommendation of the Mayor, that the Code of the City of Marlborough (hereinafter, the "City Code"), as amended, be further amended as follows:

- A. The City Code is hereby amended in its entirety by deleting the words "Chief Engineer" as said words appear throughout the City Code, , and inserting in place thereof, throughout the entirety of the City Code, the words "Fire Chief."
- B. Chapter 74 is hereby amended by deleting the words "Assistant Engineer" as said words appear throughout the City Code, and inserting in place thereof, throughout the entirety of the City Code, the words "Assistant Chief."
- C. Section 125-17, entitled "Overtime Pay," is hereby amended in its entirety by deleting the words "First Assistant Engineer and Second Assistant Engineer in the Fire Department" and inserting in place thereof the following words: "Assistant Chiefs."
- D. Section 74-5, entitled "Permanent Department Force," is hereby amended as follows:

**§ 74-5 Permanent Department Force**

- A. The permanent force of the Fire Department shall consist of a Fire Chief; Assistant Chiefs; Battalion Chiefs; Captains; Lieutenants; and as many firefighters as the Mayor and City Council may from time to time order.

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Walker Building Feasibility Study, refer to **URBAN AFFAIRS COMMITTEE & PLACE THE ELECTRONIC FILE OF SAME ON CITY'S WEBSITE**; adopted.

ORDERED: That a petition to the General Court, accompanied by a bill for a special law relating to the city of Marlborough to be filed with an attested copy of this order, be, and hereby is, approved under Clause (1) of Section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

**An Act exempting all positions in the fire department of the City of Marlborough from the Civil Service Law.**

SECTION 1. Notwithstanding any general or special law to the contrary, all uniformed positions in the fire department of the City of Marlborough below the rank of Fire Chief, including assistant fire chiefs, deputy fire chiefs, fire captains, fire lieutenants, and fire fighters shall be exempt from the provisions of chapter 31 of the General Laws.

SECTION 2. This act shall not impair the civil service status of a person holding a position described in section 1 on the effective date of this act.

SECTION 3. This act shall take effect upon its passage.

**APPROVED**; adopted.

ORDERED: That the Communication from the Mayor re: Dementia Friendly Community Initiative, refer to **OPERATIONS & OVERSIGHT COMMITTEE**; adopted.

ORDERED: That the Communication Attorney Bergeron regarding Acceptance of Bouffard Dr., X13-1005405, 14-1006010, 14-1006096, &16-1006425, refer to **PUBLIC SERVICE COMMITTEE & PLANNING BOARD**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, FEBRUARY 27, 2017** as **DATE FOR PUBLIC HEARING** on the Application for Special Permit from Mina Property Group LLC, to construct a commercial automotive facility on less than 1 acre of land, 408 Maple St., refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY FEBRUARY 6, 2017** as **DATE FOR PUBLIC HEARING** On the Petition from MA Electric & Verizon New England to relocate two Joint Owned P4 & Guy P4-84 25' west of existing location on Concord Rd. They will also be installing a line recloser on Pole 4 for reliability improvement, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, Conservation Commission, December 15, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, November 14 & 28 & December 5, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Board of Health, December 13, 2016, **FILE**; adopted.

ORDERED: That the Minutes, Assabet Valley Regional Technical High School, December 20, 2016, **FILE**; adopted.

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

- a. Cindy Dorsey, 10 Page Circle., other property damage.
- b. Edwin Quiles, 440 North Ave. #276, Haverhill, pothole or other road defect.
- c. Derek Barber Shop, 195 Main St., other property damage.

Reports of Committees:

There were NO Reports of Committees.

ORDERED: Be it ordained by the City Council of the City of Marlborough, acting upon a recommendation of the Mayor, that the Code of the City of Marlborough (hereinafter, the "City Code"), as amended, be further amended by amending in Chapter 125, entitled "Personnel," Section 6, entitled "Salary Schedule," as follows:

- A. This salary schedule shall take effect January 1, 2017
- B. The position of Senior Clerk (nonunion) shall now be titled Administrative Assistant
- C. The position of Financial Assistant (nonunion) shall now be titled DPW Financial Analyst
- D. All positions on the 7 Step schedule shall work a 40-hour work week

Position	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7 / Max
	<i>Start</i>	<i>6 months of service</i>	<i>1 year of service</i>	<i>2 yrs. of service</i>	<i>3 yrs. of service</i>	<i>4 yrs. of service</i>	<i>5 yrs. of service</i>
Assistant City Solicitor	\$87,909.17	\$89,667.35	\$91,460.70	\$93,289.91	\$95,155.71	\$97,058.82	\$99,000.00
Recreation Director	\$71,037.71	\$72,458.46	\$73,907.63	\$75,385.79	\$76,893.50	\$78,431.37	\$80,000.00
Executive Director of the Council on Aging	\$69,261.77	\$70,647.00	\$72,059.94	\$73,501.14	\$74,971.16	\$76,470.59	\$78,000.00
DPW Financial Analyst	\$58,142.62	\$59,305.47	\$60,491.58	\$61,701.41	\$62,935.44	\$64,194.15	\$65,478.03

**APPROVED;** adopted.

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

ORDERED: That the proposed amendment to the Code of the City of Marlborough, as amended, be further amended by amending Chapter 125, Section 6, non-union salaries in its entirety, **APPROVED;** adopted.

(Salary Ordinance on file in the City Clerk's Office for viewing)

**APPROVED;** adopted.

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

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:25 PM.





# IN CITY COUNCIL

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Marlborough, Mass., ~~\_\_\_\_\_~~ JANUARY 23, 2017

**ORDERED:**

That there being no objection thereto set **MONDAY FEBRUARY 6, 2017** as **DATE FOR PUBLIC HEARING** On the Petition from MA Electric & Verizon New England to relocate two Joint Owned P4 & Guy P4-84 25' west of existing location on Concord Rd. They will also be installing a line recloser on Pole 4 for reliability improvement, be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 17-1006801



# IN CITY COUNCIL

Marlborough, Mass., JANUARY 9, 2017  
PAGE 1

ORDERED:

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

A new Section 650-63, entitled "TEMPORARY CESSATION OF THE ACCEPTANCE OF APPLICATIONS FOR SPECIAL PERMITS FOR HOUSING PROJECTS," is hereby added, as follows:

**650-63 TEMPORARY CESSATION OF THE ACCEPTANCE OF APPLICATIONS FOR SPECIAL PERMITS FOR HOUSING PROJECTS**

A. Purpose.

The regulation of housing projects by special permit raises novel and complex legal, planning, public health and safety issues, and the City needs time to undertake a planning process to consider amendments to the Zoning Ordinance regarding the regulation of said housing projects. The City intends to adopt a temporary cessation on the use of land and structures in the City for the purpose of housing projects by special permit, so as to allow the City sufficient time to engage in a planning process to consider various issues and impacts, including without limitation the adequacy of the water supply and sewer treatment systems, the condition and repair of public ways, proper staffing at the Department of Public Works, potential staffing and equipment needs for the Police Department and the Fire Department, pending fiscal responsibilities for schools and the Library, the Subsidized Housing Inventory by which the City is currently at or above the 10% threshold and therefore exempt from 40B Comprehensive Permits, vehicular traffic and municipal services, in order to address the effects of such use for the welfare of its inhabitants, present and future, and to enact ordinances in a manner consistent with sound land use planning goals and objectives.



# IN CITY COUNCIL

Marlborough, Mass., JANUARY 9, 2017  
PAGE 2

## ORDERED:

### B. Temporary Cessation.

For the reasons sets forth above, and notwithstanding any other provision of the Zoning Ordinance to the contrary, the City hereby adopts a temporary cessation on the use of land or structures for housing projects by special permit. In no case shall the City accept an application for special permit for a housing project. Said temporary cessation, and non-acceptance of applications for special permits for housing projects, shall be in effect for six months from the date of approval by the City Council. During the temporary cessation period, the City shall undertake a planning process to address the potential impacts of housing projects in the City, and shall consider amending its Zoning Ordinance to address the impact of said housing projects.

President Clancy asked the City Council to stand in favor of the referral and advertisement as indicated below. Motion moved 8-3.

Be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY, FEBRUARY 6, 2017.**

ADOPTED

ORDER NO. 17-1006784



MIRICK O'CONNELL

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ATTORNEY CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2017 FEB -2 A 11: 59

David K. McCay  
Mirick O'Connell  
1800 West Park Drive, Suite 400  
Westborough, MA 01581-3926  
dmccay@mirickoconnell.com  
t 508.860.1460  
f 508.983.6273

February 2, 2017

VIA EMAIL

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

Re: Proposed Moratorium for New Housing Developments

Dear President Clancy and Members of the City Council:

I write on behalf of BSL Marlborough Development LLC ("Benchmark") with respect to its pending Application for Special Permit for an assisted living facility at corner of Bolton Street and Poirier Drive, and in particular on the proposed moratorium for new housing developments in the City. While Benchmark believes that carefully-considered planning efforts are an important exercise and beneficial to the communities in which Benchmark's residents live, we request that the proposed moratorium have a specific carve out or exception for assisted living facilities under the recent zoning ordinance amendment adopted by the City Council on November 28, 2016.

As you may recall, Benchmark had been in cooperative discussions with the City to amend the zoning ordinance that, up until recently, did not allow assisted living facilities even by special permit within the City. The currently available housing options for seniors in the City are quite limited. Assisted living facilities, like that proposed by Benchmark, are an important housing alternative for seniors who need assistance with the activities of daily living and cannot comfortably live alone, but do not require the level of medical and nursing care of a nursing or convalescent home. Seniors needing the reduced level of care provided at an assisted living facility are severely underserved in the Marlborough community and the region generally. It is for that reason that Benchmark proposed an assisted living facility in the City and worked closely with City officials over the last year to amend the zoning ordinance for that purpose. The proposed moratorium without an exception for assisted living facilities would undo much of that hard work to the detriment of the City and our seniors.

Accordingly, we respectfully request that the City Council, if inclined to enact a moratorium new housing developments, provide an exception in the moratorium that would allow an assisted living facility project under the newly-adopted zoning amendment to move forward.

---

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

WORCESTER | WESTBOROUGH | BOSTON

[www.mirickoconnell.com](http://www.mirickoconnell.com)

**MIRICK O'CONNELL**

Councilor Edward Clancy, President  
Marlborough City Council  
February 2, 2017  
Page 2

Thank you for your attention to this important matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "David K. McCay". The signature is written in a cursive, somewhat stylized font.

David K. McCay

DKM/ljg

cc: Eric Gardner, Benchmark Senior Living  
Arthur P. Bergeron, Esq.  
Brian R. Falk, Esq.



*City of Marlborough*  
*Office of the City Council*

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

*Edward J. Clancy*  
PRESIDENT

*Joseph F. Delano, Jr.*  
VICE-PRESIDENT

*Karen A. Boule*  
CITY COUNCIL SECRETARY

February 2, 2017

Marlborough City Council  
City Hall  
Marlborough, MA 01752

Reference: OPEB Board of Trustees Appointment

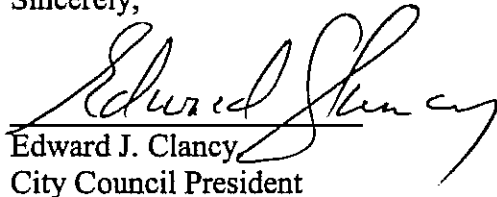
Dear Councilors:

I am honored to reappoint Councilor Mike Ossing to the OPEB Board of Trustees.

His initial appointment by former President Pope has expired, and he has notified me of his willingness to continue to serve.

As no formal confirmation process is required with this designation, I would recommend a motion to accept and file the reappointment of Councilor Ossing as a member of the OPEB Board of Trustees for two years.

Sincerely,

  
Edward J. Clancy  
City Council President

EJC/kb

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2017 FEB -2 A 8:10



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CITY OF MARLBOROUGH

2017 FEB -2 A 11:58

*City of Marlborough*  
*Office of the Mayor*

140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

*Arthur G. Vigeant*  
MAYOR

*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

February 2, 2017

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

**Re: Mid-year Transfer Requests**

Honorable President Clancy and Councilors:

Enclosed for your approval are mid-year transfer requests from several City Departments.

As always, Department Heads who have requested transfers will be in attendance at a future Finance Committee meeting to discuss these requests with you in greater detail.

Thank you in advance for your consideration and please do not hesitate to let me know if you have any questions.

Sincerely,

Arthur G. Vigeant  
Mayor

Enclosures



# City of Marlborough POLICE DEPARTMENT

508-486-1212 • FAX 508-624-6949  
355 BOLTON STREET • MARLBOROUGH, MA • 01752

MARK F. LEONARD  
Chief of Police

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


February 1, 2017

Dear Mayor Vigeant:

Per the attached transfer request form, I am requesting five internal transfers to allow for sufficient funds to be properly allocated to the appropriate line items within the police department budget. There are requests to transfer funds into the Police Captains, Police Lieutenants, Public Safety Dispatchers, Vehicle Repair and Maintenance, and Office Supply/Expenses accounts to allow for sufficient funds to fully cover these accounts for the remainder of the fiscal year. The attached request form contains a brief reason for each transfer request. All transfer requests are from within the existing police department budget, and I do not anticipate any other significant surpluses or deficits.

Please let me know if you have any questions.

Sincerely,

  
Mark F. Leonard  
Chief of Police

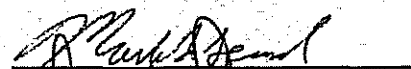
Cc: D. Smith; B. Doheny



CITY OF MARLBOROUGH  
BUDGET TRANSFERS -

DEPT:	Police					FY:	2017		Available Balance	
Available Balance	Amount	Org Code	Object	Account Description:	Amount	TO ACCOUNT:	Org Code	Object	Account Description:	Available Balance
<u>\$315,528</u>	<u>\$11,500.00</u>	<u>12100003</u>	<u>51440</u>	<u>Educational Incentive</u>	<u>\$11,500.00</u>	<u>12100001</u>	<u>50500</u>	<u>Police Captains</u>	<u>\$71,066</u>	
	Reason:	<u>Accounting/charging discrepancy</u>					<u>Contract settled after budget was submitted</u>			
<u>\$315,528</u>	<u>\$78,320.00</u>	<u>12100003</u>	<u>51440</u>	<u>Educational Incentive</u>	<u>\$78,320</u>	<u>12100001</u>	<u>50510</u>	<u>Police Lieutenants</u>	<u>\$149,076</u>	
	Reason:	<u>Accounting/charging discrepancy</u>					<u>Contract settled after budget submitted and temp. lieutenant</u>			
<u>\$45,373</u>	<u>\$45,373.00</u>	<u>12100003</u>	<u>50540</u>	<u>Chief Dispatcher</u>	<u>\$45,373</u>	<u>12100003</u>	<u>51213</u>	<u>Public Safety Dispatchers</u>	<u>\$134,836</u>	
	Reason:	<u>Chief Dispatcher retired</u>					<u>Chief dispatcher position not filled yet</u>			
<u>\$99,934</u>	<u>\$10,000.00</u>	<u>12100003</u>	<u>51490</u>	<u>Holiday</u>	<u>\$10,000.00</u>	<u>12100006</u>	<u>52560</u>	<u>Vehicle Repair &amp; Maint.</u>	<u>\$9,686</u>	
	Reason:	<u>Sunday holidays - fewer officers working</u>					<u>Older cruisers requiring more maintenance</u>			
<u>\$7,630</u>	<u>\$5,000.00</u>	<u>12100003</u>	<u>51920</u>	<u>Sick Leave Buy Back</u>	<u>\$5,000</u>	<u>12100005</u>	<u>54220</u>	<u>Office Supply/Expenses</u>	<u>\$12,441</u>	
	Reason:	<u>Officers bought back fewer days than anticipated</u>					<u>Extra ammo needed for rifle training</u>			
	<u>\$150,193.00</u>	Total			<u>\$150,193.00</u>	Total				

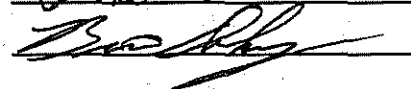
Department Head signature:



Auditor signature:



Comptroller signature:





**City of Marlborough**  
**FIRE DEPARTMENT**  
**215 MAPLE STREET**  
**MARLBOROUGH, MASSACHUSETTS 01752**

January 31, 2017

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

**REF: Transfer request**

Dear Mayor Vigeant,

I am submitting for your approval the following transfer requests within our FY2017 budget.

<b>Overtime</b>	<b>12200003-51300</b>	<b>\$200,000.00</b>
<b>Deputy Fire Chief</b>	<b>12200001-50335</b>	<b>\$ 7,818.59</b>
<b>Meal Allowance</b>	<b>12200006-51990</b>	<b>\$ 5,000.00</b>
<b>Vehicle Repair &amp; Maintenance</b>	<b>12200006-52560</b>	<b><u>\$ 12,000.00</u></b>
	<b>TOTAL</b>	<b>\$224,818.59</b>

As you can see, the majority of this transfer request is related to overtime. There are many factors contributing to the high level of overtime expenditures. They include existing firefighter vacancies because of unfilled positions, service retirements and several extended absences due to various medical issues and injuries. The transfer request to Deputy Fire Chief addresses an error in vacation buyback for three retired members. The transfer request for Meal Allowance is needed to cover predicted costs through FY2017. Finally, the transfer request to Vehicle Repair and Maintenance seeks to replenish funds primarily used to cover costs associated with installing emergency lighting, radio communications and incident command equipment in a staff vehicle. Please feel free to contact me if you have any questions or need additional information.

Sincerely,

Kevin J. Breen  
Fire Chief

W Enclosures

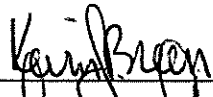

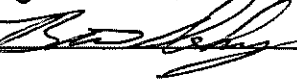
CITY OF MARLBOROUGH  
BUDGET TRANSFERS -

DEPT: FIRE FISCAL YEAR: 2017

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$582,218.32</u>	<u>\$125,000.00</u>	<u>12200001</u>	<u>50810</u>	<u>Fire Lieutenant</u>	<u>\$200,000.00</u>	<u>12200003</u>	<u>51300</u>	<u>Overtime</u>	<u>\$110,378.06</u>
	Reason:	<u>Funds available due to unfilled positions</u>				<u>Firefighter vacancies, retirements &amp; medical absences</u>			
<u>\$1,354,422.77</u>	<u>\$53,975.80</u>	<u>12200001</u>	<u>50450</u>	<u>Firefighter</u>	<u>\$7,818.59</u>	<u>12200001</u>	<u>50335</u>	<u>Deputy Fire Chief</u>	<u>\$71,192.40</u>
	Reason:	<u>Funds available due to unfilled positions</u>				<u>Calculated amount for contractual obligation</u>			
<u>\$105,447.84</u>	<u>\$45,842.79</u>	<u>12200003</u>	<u>51440</u>	<u>Educational Incentive</u>	<u>\$5,000.00</u>	<u>12200006</u>	<u>51990</u>	<u>Meal Allowance</u>	<u>\$1,647.09</u>
	Reason:	<u>Funds available due to unfilled positions</u>				<u>Account balance will not be sufficient</u>			
					<u>\$12,000.00</u>	<u>12200006</u>	<u>52560</u>	<u>Vehicle Repair &amp; Mnt.</u>	<u>\$36,873.13</u>
	Reason:					<u>Account balance will not be sufficient</u>			
	Reason:								
	<u>\$224,818.59</u>	<u>Total</u>			<u>\$224,818.59</u>	<u>Total</u>			

Department Head signature:   
 Auditor signature:   
 Comptroller signature: 



*City of Marlborough*  
*Office of the Comptroller*

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

January 31, 2017

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

**RE: TRANSFER REQUEST**

Dear Mayor Vigeant,

Enclosed herewith is a transfer request for the mid-year review of the Comptroller's accounts. Most of the transfers are for reclassifications of the long-term debt, interest and the associated bond accounts. These reclassifications are mainly created from the fact that the budget report is submitted prior to the sale of the bond so conservative estimates are used in the budget process. At this time I have identified some surplus monies in the 2016 bond related accounts and a shortfall in the issuance cost accounts. The surplus was caused by a better than anticipated bond rate than what was originally estimated. We had originally projected a 4% bond rate but the actual rate was 1.881%. There was also a surplus on some of the state bonds which were projected to be 2% but qualified for 0% financing. The shortfall in the issuance cost accounts was primarily on the state issued notes by having the costs included in the bond payment and not disclosed as a separate line item.

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

Sincerely,

Brian Doheny  
Comptroller



*City of Marlborough*  
**Legal Department**

140 MAIN STREET

MARBOROUGH, MASSACHUSETTS 01752

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

[LEGAL@MARBOROUGH-MA.GOV](mailto:LEGAL@MARBOROUGH-MA.GOV)

**DONALD V. RIDER, JR.**  
CITY SOLICITOR

**CYNTHIA M. PANAGORE GRIFFIN**  
ASSISTANT CITY SOLICITOR

**ELLEN M. STAVROPOULOS**  
PARALEGAL

February 1, 2017

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

RE: Transfer Request

Dear Mayor Vigeant:

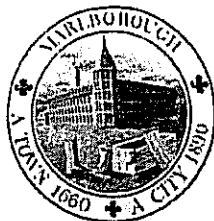
I am submitting for your approval a transfer request in the amount of \$94,000 into Legal Services (account #11510004 53110). The reasons for this request include pending and projected expenses for outside labor counsel services; appraisal services either already rendered or to be rendered in connection with DPW's Maple Street reconstruction project; and four MIA deductibles for insurance defense provided in various litigation matters.

Please let me know if you require any further information. Thank you for your attention to this matter.

Very truly yours,

Donald V. Rider, Jr.  
City Solicitor

cc: Brian Doheny, Comptroller  
Diane Smith, Auditor



CITY OF MARLBOROUGH  
*Department of Public Works*  
Office of the Commissioner  
135 Neil Street  
Marlborough, Massachusetts 01752  
(508) 624-6910 Ext. 33200  
Facsimile (508) 624-7699 \* TDD (508) 460-3610

February 1, 2017

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

Re: Transfer Requests

Dear Mayor Vigeant,

Enclosed herewith are the Department of Public Works and Public Facilities Department transfers for Fiscal Year 2017. These request are being funded from surpluses within the operating budgets.

Explanations for the transfers have been included with each line item.

Please contact me if you require any additional information.

Sincerely,

John L. Ghiloni  
Commissioner



*City of Marlborough*  
*Council on Aging and Senior Center*

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

*Patricia A. Pope*  
EXECUTIVE DIRECTOR

February 1, 2017

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

Re: Transfer Requests

Dear Mayor Vigean,

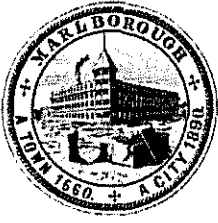
I am submitting to you the Council on Aging inter-departmental transfers for FY 2017. These requests are being funded from the surpluses within our operating budget.

Explanations for the transfers have been included with each line item. I would like to further explain that the Social Service Coordinator is working additional hours (per your prior approval) while we are shorthanded due to the resignation of the Outreach Coordinator. I do anticipate having that position filled by the end of February.

Please do not hesitate to contact me for any additional information.

Sincerely,

Trish Pope  
Executive Director



*City of Marlborough*  
**BUILDING DEPARTMENT**

140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3766 Facsimile (508) 460-3736 TDD (508) 460-3610

*DOUGLAS SCOTT - C.B.O.*  
BUILDING COMMISSIONER

*PATRICK DAHLGREN*  
BUILDING INSPECTOR

*RICHARD DESIMONE*  
PLUMBING & GAS INSPECTOR

*JOHN CAIN*  
WIRING INSPECTOR

February 1, 2017

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

Re: Transfer Requests

Dear Mayor Vigeant,


Enclosed herewith are the Building Departments transfer requests for the FY 2016.

I have requested funds to replenish this departments in-state travel line item.

Enclosed is a review of this year's budget by me.

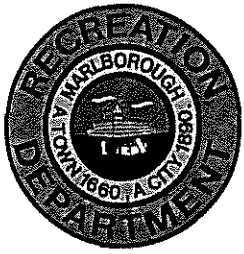
Please contact me if you require additional information.

Sincerely,



Douglas Scott  
Building Commissioner





**CITY OF MARLBOROUGH  
RECREATION DEPARTMENT**

239 Concord Road  
Marlborough, Massachusetts 01752  
Tel (508) 624-6925 FAX (508) 624-6940 TTY (508) 460-3610

**COMMISSIONERS**  
Brenda Calder  
Nancy Klein  
Robert Kays: Chairman  
Mark Vitali

**DIRECTOR**  
Charles Thebado

**PROGRAM MANAGER**  
Zachary Lambert

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

February 2, 2017

Dear Mayor Vigeant,

Per the attached transfer request form, I am requesting an internal transfer from the Events Coordinator account, the Equipment Youth Activities account and the Recreation Director's account to the Recreation Program Manager account to fund that account for the remainder of the fiscal year.

Please let me know if you have any questions.

Sincerely,

Charles Thebado  
Recreation Director

Cc: D. Smith; B.Doheny



# CITY OF MARLBOROUGH

## BOARD OF HEALTH

140 Main Street, Lower Level  
Marlborough, Massachusetts 01752  
Facsimile (508) 460-3625 TDD (508) 460-3610

Robin Williams, Member  
James Griffin, Vice Chairman  
Joseph Tennyson, MD, Member  
Tel (508) 460-3751

January 25, 2017

Dear Mr. Mayor,

I am requesting a transfer from nurse line item to the assistant sanitarian line item. The reason for the request is to fund the assistant sanitarian account through the end of the fiscal year due to a step increase.

In closing, the Health Department would appreciate the approval of the request of transfer.

Sincerely,

Cathleen Liberty  
Director of Public Health



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

**Lisa M. Thomas  
City Clerk**

January 30, 2017

Mayor Arthur Vigeant  
Council President Edward Clancy  
Comptroller Brian Doheny  
140 Main St.  
Marlborough, MA 01752

Dear Mayor Vigeant,

Please be advised that I have thoroughly reviewed the City Clerk and Election Budget line items. I will require more funding for my Advertising line item as City Council has been very busy during FY17. Additionally, the Traffic Commission is working towards recodification of the Traffic Rules and Regulations.

I respectfully request the following intradepartmental transfers totaling \$3,344.13 from the various accounts as noted below to the Advertising account.

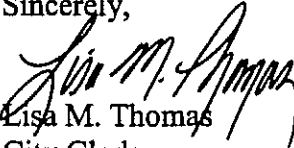
**FROM:**

[REDACTED]  
Prof & Technical Services - Account 11610004-53180 \$1,805.00  
[REDACTED]  
Printing - Account 11620004-53930 \$1,100.13  
Election Programming – 11620004-53932 \$439.00

**TO:**

[REDACTED]  
Advertising – Account 11610004-53150 \$3,344.13

Sincerely,

  
Lisa M. Thomas  
City Clerk

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: Various

FISCAL YEAR: 2017

FROM ACCOUNT:

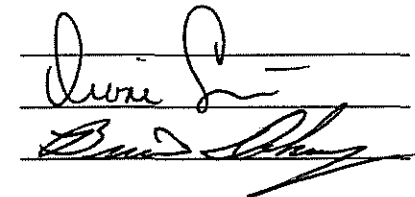
TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$34,904.22</u>	<u>\$20.00</u>	<u>11440001</u>	<u>50042</u>	<u>Collector</u>	<u>\$20.00</u>	<u>11440002</u>	<u>50770</u>	<u>Senior Clerk-Collector</u>	<u>\$35,997.36</u>
	Reason:	<u>Funds available</u>				<u>To fund line item through 6/30/17</u>			
<u>\$101,564.65</u>	<u>\$5,400.00</u>	<u>15430006</u>	<u>57710</u>	<u>Veterans Benefits</u>	<u>\$5,400.00</u>	<u>15430001</u>	<u>50080</u>	<u>Veterans Agent</u>	<u>\$15,092.50</u>
		<u>Benefits running slightly lower than budgeted</u>				<u>To fund shortage due to a retirement</u>			
<u>\$1,360.92</u>	<u>\$400.00</u>	<u>11110005</u>	<u>54220</u>	<u>Office Supplies-Council</u>	<u>\$400.00</u>	<u>11110002</u>	<u>50401</u>	<u>P.T. Senior Clerk-Council</u>	<u>\$9,062.34</u>
	Reason:	<u>Funds available</u>				<u>To fund line item through 6/30/17</u>			
<u>\$381.12</u>	<u>\$380.00</u>	<u>15410003</u>	<u>51920</u>	<u>Sick Leave Buy Back-COA</u>	<u>\$1,210.00</u>	<u>15410001</u>	<u>50312</u>	<u>Outreach Worker-COA</u>	<u>\$14,859.72</u>
	Reason:	<u>Funds available</u>				<u>To fund shortage due to a resignation</u>			
<u>\$13,240.30</u>	<u>\$1,280.00</u>	<u>15410006</u>	<u>57075</u>	<u>Transportation-COA</u>	<u>\$450.00</u>	<u>15410001</u>	<u>50996</u>	<u>Social Service Coordinator</u>	<u>\$6,195.00</u>
	Reason:	<u>Funds available.</u>				<u>To fund line item through 6/30/17</u>			
	<u>\$7,480.00</u>	<u>Total</u>			<u>\$7,480.00</u>	<u>Total</u>			

Department Head signature:

Auditor signature:

Comptroller signature:



2

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: Various

FISCAL YEAR: 2017

FROM ACCOUNT:

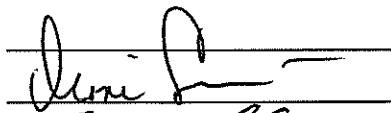

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$1,805.00</u>	<u>\$1,805.00</u>	<u>11610004</u>	<u>53180</u>	<u>Professional &amp; Tech-Clerk's</u>	<u>\$3,344.13</u>	<u>11610004</u>	<u>53150</u>	<u>Advertising-Clerk's</u>	<u>\$1,705.40</u>
	Reason:	<u>Funds available</u>				<u>To fund line item through 6/30/17</u>			
<u>\$1,738.88</u>	<u>\$1,100.13</u>	<u>11620004</u>	<u>53930</u>	<u>Printing-Elections</u>					
		<u>Funds available</u>							
<u>\$439.00</u>	<u>\$439.00</u>	<u>11620004</u>	<u>53932</u>	<u>Election Programming</u>					
	Reason:	<u>Funds available</u>							
<u>\$758.20</u>	<u>\$758.00</u>	<u>12410003</u>	<u>51920</u>	<u>Sick Leave Buy Back-Inspection</u>	<u>\$3,500.00</u>	<u>12410006</u>	<u>57100</u>	<u>Instate Travel-Inspections</u>	<u>\$81.84</u>
	Reason:	<u>Funds available</u>				<u>To cover inspections through 6/30/17</u>			
<u>\$29,779.55</u>	<u>\$2,742.00</u>	<u>12410001</u>	<u>50380</u>	<u>Electrical Inspector</u>					
	Reason:	<u>Funds available.</u>							
	<u>\$6,844.13</u>	Total			<u>\$6,844.13</u>	Total			

Department Head signature: \_\_\_\_\_

Auditor signature: \_\_\_\_\_

Comptroller signature: \_\_\_\_\_

CITY OF MARLBOROUGH  
BUDGET TRANSFERS -

DEPT: Various FISCAL YEAR: 2017

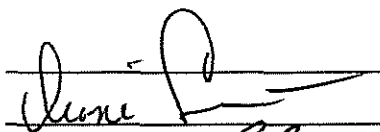


FROM ACCOUNT: TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$9,253.78</u>	<u>\$1,000.00</u>	<u>14920003</u>	<u>50999</u>	<u>Events Coordinator-Recreatn</u>	<u>\$1,567.00</u>	<u>14920001</u>	<u>50166</u>	<u>Recreation Program Mgr</u>	<u>\$22,994.01</u>
	Reason:	<u>Funds available</u>				<u>To fund line item through 6/30/17</u>			
<u>\$17,582.85</u>	<u>\$193.00</u>	<u>14920007</u>	<u>53610</u>	<u>Equipment-Youth Activities</u>					
		<u>Funds available</u>							
<u>\$28,342.59</u>	<u>\$374.00</u>	<u>14920001</u>	<u>50110</u>	<u>Recreation Director</u>					
	Reason:	<u>Funds available</u>							
<u>\$53,692.87</u>	<u>\$1,035.00</u>	<u>15120001</u>	<u>50390</u>	<u>Nurse-Board of Health</u>	<u>\$1,035.00</u>	<u>15120001</u>	<u>50611</u>	<u>Assistant Sanitarian</u>	<u>\$42,951.50</u>
	Reason:	<u>Funds available</u>				<u>To fund line item through 6/30/17</u>			
<u>\$395,000.00</u>	<u>\$5,500.00</u>	<u>17520006</u>	<u>59254</u>	<u>Interest on BAN</u>	<u>\$5,500.00</u>	<u>11940006</u>	<u>51860</u>	<u>Widows Pensions</u>	<u>\$17,983.88</u>
	Reason:	<u>Funds available.</u>				<u>To fund line item through 6/30/17</u>			
	<u>\$8,102.00</u>	Total			<u>\$8,102.00</u>	Total			

Department Head signature:

Auditor signature:

Comptroller signature:

CITY OF MARLBOROUGH  
BUDGET TRANSFERS –

DEPT:		Various			FISCAL YEAR:		2017		
Available Balance	Amount	FROM ACCOUNT:	TO ACCOUNT:	Available Balance	Amount	FROM ACCOUNT:	TO ACCOUNT:	Available Balance	
		Org Code	Object	Account Description:		Org Code	Object	Account Description:	
<u>\$127,019.57</u>	<u>\$127,019.57</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries</u>	<u>\$16,740.20</u>	<u>14001303</u>	<u>50740</u>	<u>Equipment Operators-Sts</u>	<u>\$322,572.98</u>
	Reason:	_____				Retirement			
<u>\$885,000.00</u>	<u>\$124,336.28</u>	<u>60071106</u>	<u>59966</u>	<u>16 Multi Purpose Bond</u>	<u>\$19,115.65</u>	<u>14001303</u>	<u>51920</u>	<u>Sick Leave Buy Back-Sts</u>	<u>\$2,113.54</u>
		Funds available				Retirement			
					<u>\$38,000.00</u>	<u>12100001</u>	<u>50140</u>	<u>Police Chief</u>	<u>\$68,361.00</u>
	Reason:	_____				Retirement			
					<u>\$80,000.00</u>	<u>12100003</u>	<u>51920</u>	<u>Sick Leave Buy Back-Police</u>	<u>\$7,630.41</u>
	Reason:	_____				Retirement			
					<u>\$3,000.00</u>	<u>12100001</u>	<u>50500</u>	<u>Police Captains</u>	<u>\$67,314.08</u>
	Reason:	_____				Contractual agreement			
					<u>\$9,000.00</u>	<u>12100001</u>	<u>50510</u>	<u>Police Lieutenants</u>	<u>\$138,740.88</u>
	Reason:	_____				Contractual agreement			
					<u>\$12,000.00</u>	<u>12100001</u>	<u>50820</u>	<u>Police Sergeants</u>	<u>\$288,632.85</u>
	Reason:	_____				Contractual agreement			
					<u>\$73,500.00</u>	<u>12100001</u>	<u>50420</u>	<u>Police Officers</u>	<u>\$1,345,137.88</u>
	Reason:	_____				Contractual agreement			
	<b>\$251,355.85</b>	<b>Total</b>			<b>\$251,355.85</b>	<b>Total</b>			

Department Head signature:

Auditor signature:

Comptroller signature:

*[Handwritten Signature]*  
\_\_\_\_\_  
*[Handwritten Signature]*  
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CITY OF MARLBOROUGH  
BUDGET TRANSFERS –

DEPT: Various

FISCAL YEAR: 2017

FROM ACCOUNT:

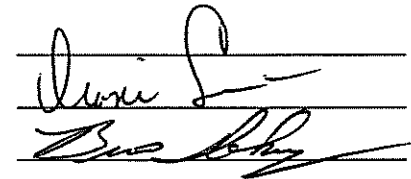
TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$53,692.87</u>	<u>\$24,965.00</u>	<u>15120001</u>	<u>50390</u>	<u>Nurse-Board of Health</u>	<u>\$2,641.00</u>	<u>11110003</u>	<u>51920</u>	<u>Sick Leave Buy Back-Council</u>	<u>\$0.00</u>
	Reason:	<u>Funds available</u>				<u>To fund FY17</u>			
<u>\$25,542.46</u>	<u>\$10,000.00</u>	<u>11510006</u>	<u>57600</u>	<u>Claims &amp; Judgements</u>	<u>\$3,434.00</u>	<u>11110003</u>	<u>51430</u>	<u>Longevity-Council</u>	<u>\$0.00</u>
		<u>Funds available</u>				<u>To fund FY17</u>			
<u>\$669,388.72</u>	<u>\$78,110.00</u>	<u>60075106</u>	<u>58966</u>	<u>16 Multi Purpose Interest</u>	<u>\$13,000.00</u>	<u>11520004</u>	<u>53140</u>	<u>Contract Services-HR</u>	<u>\$7,000.00</u>
	Reason:	<u>Funds available</u>				<u>To fund assessment center for police chief search</u>			
					<u>\$94,000.00</u>	<u>11510004</u>	<u>53110</u>	<u>Legal Services</u>	<u>\$50,751.45</u>
	Reason:					<u>To fund line item through 6/30/17</u>			
	Reason:								
	Reason:								
	<u>\$113,075.00</u>	<u>Total</u>			<u>\$113,075.00</u>	<u>Total</u>			

Department Head signature:

Auditor signature:

Comptroller signature:





CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: Comptroller

FISCAL YEAR: 2017

FROM ACCOUNT:

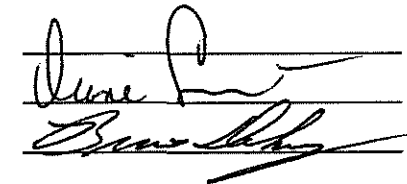
TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$75,000.00</u>	<u>\$5,000.00</u>	<u>61071106</u>	<u>59956</u>	<u>06 Multi Purpose Bond</u>	<u>\$5,000.00</u>	<u>61071106</u>	<u>59954</u>	<u>05 Multi Purpose Bond</u>	<u>\$0.00</u>
	Reason:	<u>Reclassify to correct account</u>			Reason:	<u>Reclassify to correct account</u>			
<u>\$1,620,000.00</u>	<u>\$28,000.00</u>	<u>17110006</u>	<u>59966</u>	<u>16 Multi Purpose Bond</u>	<u>\$28,000.00</u>	<u>13800006</u>	<u>59966</u>	<u>16 Multi Purpose Bond</u>	<u>\$161,000.00</u>
	Reason:	<u>Reclassify to correct account</u>			Reason:	<u>Reclassify to correct account</u>			
<u>\$28,000.00</u>	<u>\$700.00</u>	<u>61075106</u>	<u>59956</u>	<u>06 Multi Purpose Bond</u>	<u>\$700.00</u>	<u>17510006</u>	<u>59956</u>	<u>06 Multi Purpose Bond</u>	<u>\$52,000.00</u>
	Reason:	<u>Reclassify to correct account</u>			Reason:	<u>Reclassify to correct account</u>			
<u>\$669,388.72</u>	<u>\$205,000.00</u>	<u>60075106</u>	<u>58966</u>	<u>16 Multi Purpose Bond</u>	<u>\$205,000.00</u>	<u>17510006</u>	<u>58966</u>	<u>16 Multi Purpose Bond</u>	<u>\$485,000.00</u>
	Reason:	<u>Reclassify to correct account</u>			Reason:	<u>Reclassify to correct account</u>			
<u>\$885,000.00</u>	<u>\$230,000.00</u>	<u>60071106</u>	<u>59966</u>	<u>16 Multi Purpose Bond</u>	<u>\$50,000.00</u>	<u>11330006</u>	<u>57850</u>	<u>Bond Issue Expense</u>	<u>\$43,935.52</u>
	Reason:	<u>Reclassify to correct account</u>			Reason:	<u>Reclassify to correct account</u>			
					<u>\$100,000.00</u>	<u>60019906</u>	<u>58890</u>	<u>Bond Issue Expense</u>	<u>\$33,549.49</u>
	Reason:				Reason:	<u>Reclassify to correct account</u>			
					<u>\$80,000.00</u>	<u>60019906</u>	<u>58891</u>	<u>Loan Origination Fee</u>	<u>\$17,719.60</u>
	Reason:				Reason:	<u>Reclassify to correct account</u>			
	<u>\$468,700.00</u>	Total			<u>\$468,700.00</u>	Total			

Department Head signature:

Auditor signature:

Comptroller signature:



CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: Department of Public Works

FISCAL YEAR: 2017

FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$2,600</u>	<u>\$2,000</u>	<u>60080003</u>	<u>51440</u>	<u>Educational Incentives-Sewer</u>	<u>\$2,000</u>	<u>60080003</u>	<u>51470</u>	<u>Interim Foreman-sewer</u>	<u>\$0</u>
	Reason:	<u>Vacant positions</u>				<u>Anticipated cost to cover remaining FY 17</u>			
<u>\$1,250</u>	<u>\$1,250</u>	<u>60081003</u>	<u>51440</u>	<u>Educational Incentives-East</u>	<u>\$2,204</u>	<u>60081003</u>	<u>51470</u>	<u>Interim Foreman-East WWTP</u>	<u>\$0</u>
	Reason:	<u></u>				<u>Anticipated cost to cover remaining FY 17</u>			
<u>\$2,954</u>	<u>\$1,954</u>	<u>61090003</u>	<u>51430</u>	<u>Longevity-Water</u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>
	Reason:	<u>Vacant positions</u>				<u></u>			
<u>\$306</u>	<u>\$306</u>	<u>60085003</u>	<u>51430</u>	<u>Longevity-West WWTP</u>	<u>\$1,306</u>	<u>60085003</u>	<u>51470</u>	<u>Interim Foreman-W WWTP</u>	<u>\$429</u>
	Reason:	<u></u>				<u>Anticipated cost to cover remaining FY 17</u>			
<u>\$5,510</u>				<u>Total</u>	<u>\$5,510</u>			<u>Total</u>	

Department Head signature:

Auditor signature:

Comptroller signature:

*Joseph J. Allen*  
*Jane*  
*Bud*

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

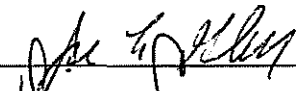


DEPT: Department of Public Works

FISCAL YEAR: 2017

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$2,954</u>	<u>\$1,000</u>	<u>61090003</u>	<u>51430</u>	<u>Longevity-Water</u>	<u>\$3,000</u>	<u>61090003</u>	<u>51470</u>	<u>Interim Foreman-Water</u>	<u>\$1,356</u>
	Reason:	<u>Vacant positions</u>				<u>Anticipated cost to cover remaining FY 17</u>			
<u>\$3,540.00</u>	<u>\$2,000</u>	<u>61090003</u>	<u>51440</u>	<u>Educational Incentive-Water</u>					
	Reason:	<u>Vacant positions</u>							
<u>\$47,807.26</u>	<u>\$47,807</u>	<u>61090001</u>	<u>50460</u>	<u>Water Meter Reader</u>	<u>\$56,000</u>	<u>61090003</u>	<u>51310</u>	<u>OT-Water</u>	<u>\$36,110</u>
	Reason:	<u>vacant position</u>				<u>Anticipated cost to cover remaining FY 17</u>			
<u>\$12,459.30</u>	<u>\$12,459</u>	<u>61090003</u>	<u>51920</u>	<u>Sick Leave Buy Back-Water</u>	<u>\$4,267</u>	<u>61090003</u>	<u>51240</u>	<u>Temp. Part Time Help</u>	<u>\$3,380</u>
	Reason:	<u>Vacant position</u>							
	Reason:								
	<u>\$63,267</u>	<u>Total</u>			<u>\$63,267</u>	<u>Total</u>			




Department Head signature:   
 Auditor signature:   
 Comptroller signature: 

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: Department of Public Works

FISCAL YEAR: 2017

Available Balance	Amount	FROM ACCOUNT:	TO ACCOUNT:	Available Balance
		Org Code Object Account Description:	Org Code Object Account Description:	
<u>\$2,844.25</u>	<u>\$2,844.25</u>	<u>60080003 51920 Sick Leave Buy Back-Sewer</u>	<u>14001304 53140 Contract Services-Streets</u>	<u>\$79,742</u>
		Reason: <u>vacant positions</u>	<u>Anticipated costs to cover remaining of FY 17</u>	
<u>\$3,424.02</u>	<u>\$3,424.02</u>	<u>60081003 51920 Sick Leave Buy Back-East Plant</u>		
		Reason: <u>vacant position</u>		
<u>\$2,475.95</u>	<u>\$2,475.95</u>	<u>60085003 51920 Sick Leave Buy Back-West Plant</u>		
		Reason: <u>vacant position</u>		
<u>\$39,677.52</u>	<u>\$20,000.00</u>	<u>61090001 50680 General Foreman-Water/Sewer</u>		
		Reason: <u>vacant position</u>		
	<u>\$28,744</u>	Total	<u>\$28,744</u> Total	

Department Head signature:   
 Auditor signature:   
 Comptroller signature: 

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: Department of Public Works

FISCAL YEAR: 2017

FROM ACCOUNT:				TO ACCOUNT:				Available	
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$131,326.15	\$30,000	14001301	50690	Foreman-Streets	\$6,000	14001103	51310	Overtime-Engineering	\$0
	Reason:	<u>vacant position</u>				<u>Anticipated costs to cover remaining FY 17</u>			
\$348,965.16	\$30,000	14001303	50740	Equipment Operator-Streets	\$12,500	14001303	51310	Overtime-Streets	\$2,311
	Reason:	<u>vacant position</u>				<u>Anticipated costs to cover remaining FY 17</u>			
\$1,801.20	\$1,801	14001303	51430	Longevity-Streets	\$20,000	14001503	51310	Overtime-Parks	\$0
	Reason:	<u>vacant position</u>				<u>Anticipated costs to cover remaining FY 17</u>			
\$2,113.54	\$2,114	14001303	51920	Sick Leave Buy Back-Streets	\$23,619	14001503	51240	Temp Help-Parks	\$3,090
	Reason:	<u>vacant position</u>				<u>Anticipated costs to cover remaining FY 17</u>			
\$704.41	\$704	14001403	51430	Longevity-Fleet	\$2,500	14001002	50520	Principal Clerk-Engineering	\$16,959
	Reason:	<u>vacant position</u>				<u>Increase due to retirement</u>			
	\$64,619	Total			\$64,619	Total			

Department Head signature:

Auditor signature:

Comptroller signature:

*[Handwritten signatures]*



CITY OF MARLBOROUGH  
BUDGET TRANSFERS –

DEPT: Department of Public Works

FISCAL YEAR: 2017

FROM ACCOUNT:				TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$4,801.32</u>	<u>\$4,801</u>	<u>14001403</u>	<u>51920</u>	<u>Sick Leave Buy Back-Repair</u>	<u>\$50,000</u>	<u>14001504</u>	<u>53140</u>	<u>Contract Services-Parks</u>	<u>\$47</u>
	Reason:	<u>Vacant position</u>				<u>Anticipated cost for remaining FY 17</u>			
<u>\$344,629.45</u>	<u>\$70,000</u>	<u>14001503</u>	<u>50740</u>	<u>Equipment Operators-Parks</u>	<u>\$33,599</u>	<u>14001505</u>	<u>54610</u>	<u>General Materials-Parks</u>	<u>\$47</u>
	Reason:	<u>vacant positions</u>							
<u>\$1,385.80</u>	<u>\$1,386</u>	<u>14001503</u>	<u>51430</u>	<u>Longevity-Parks</u>					
	Reason:	<u>vacant positions</u>							
<u>\$411.73</u>	<u>\$411.73</u>	<u>14001503</u>	<u>51920</u>	<u>Sick Leave Buy Back-Parks</u>					
	Reason:	<u>vacant positions</u>							
<u>\$35,913.26</u>	<u>\$7,000.00</u>	<u>60080001</u>	<u>50570</u>	<u>Chemist</u>					
	Reason:	<u>vacant position</u>							
	<u>\$83,599</u>	Total			<u>\$83,599</u>	Total			

Department Head signature:

Auditor signature:

Comptroller signature:

*[Handwritten signatures]*

CITY OF MARLBOROUGH  
BUDGET TRANSFERS -

DEPT: Department of Public Works

FISCAL YEAR: 2017

FROM ACCOUNT:

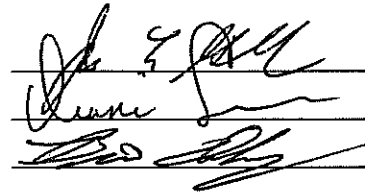
TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$56,500.00</u>	<u>\$45,000</u>	<u>14001002</u>	<u>50062</u>	<u>Finance Analyst</u>	<u>\$47,620</u>	<u>14001304</u>	<u>53140</u>	<u>Contract Services-Streets</u>	<u>\$79,742</u>
	Reason:	<u>vacant position</u>				<u>Anticipated costs to cover remaining of FY 17</u>			
<u>\$339.61</u>	<u>\$339</u>	<u>14001003</u>	<u>51430</u>	<u>Longevity-Admin</u>					
	Reason:	<u>vacant position</u>							
<u>\$728.34</u>	<u>\$728</u>	<u>14001003</u>	<u>51920</u>	<u>Sick Leave Buy Back</u>					
	Reason:	<u>vacant position</u>							
<u>\$506.29</u>	<u>\$506</u>	<u>14001103</u>	<u>51430</u>	<u>Longevity</u>					
	Reason:	<u>vacant position</u>							
<u>\$1,046.24</u>	<u>\$1,046</u>	<u>14001103</u>	<u>51920</u>	<u>Sick Leave Buy Back-Eng</u>					
	Reason:	<u>vacant position</u>							
	<u>\$47,620</u>	<u>Total</u>			<u>\$47,620</u>	<u>Total</u>			

Department Head signature:

Auditor signature:

Comptroller signature:







RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

*City of Marlborough*  
*Office of the Mayor*

2017 FEB -2 A 11:05 140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

*Arthur G. Vigeant*  
MAYOR

*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

February 2, 2017

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

**Re: Grant Acceptance – Department of Public Works**

Honorable President Clancy and Councilors:


Enclosed for your acceptance is a grant in the amount of \$2.7 million from the state MassWorks Infrastructure Program for the East Main Street Revitalization Project. As you know, this grant was awarded in Fall 2015.

Since the grant was announced, DPW Engineering and our engineering consultant has been working on the project plans and design. This portion of the project was not eligible for grant payments. Now that the City has finalized the planning portion of the project, the Department of Public Works is preparing to enter construction this spring and MassWorks grant funding will be used to fund the work associated with the East Main Street project.

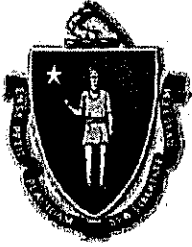
This project will include the reconstruction of East Main Street, the replacement of water lines, the construction of a new retaining wall, new sidewalks and bike lanes. This is an exciting project to bring much needed infrastructure improvements along the length of East Main Street.

Thank you in advance for your consideration and please do not hesitate to contact me or City Engineer Thomas DiPersio with any questions.

Sincerely,

  
Arthur G. Vigeant  
Mayor

Enclosures



*Commonwealth of Massachusetts*  
**EXECUTIVE OFFICE OF  
HOUSING & ECONOMIC DEVELOPMENT**  
ONE ASHBURTON PLACE, ROOM 2101  
BOSTON, MA 02108  
[www.mass.gov/eohed](http://www.mass.gov/eohed)

CHARLES D. BAKER  
GOVERNOR

KARYN E. POLITO  
LIEUTENANT GOVERNOR

JAY ASH  
SECRETARY

TELEPHONE  
(617) 788-3810

FACSIMILE  
(617) 788-3805

November 12, 2015

Mayor Arthur Vigeant  
Main Street, Suite 204  
Marlborough, MA 01752

Dear Mayor Vigeant,

Thank you for submitting an application for consideration during the 2015 MassWorks Infrastructure Program funding round.

On behalf of the Baker Administration, I am pleased to inform you that the East Main Street Revitalization Project was approved for a \$2,700,000 MassWorks Infrastructure Program grant. The Executive Office of Housing and Economic Development (EOHED) received 101 applications requesting \$245 million in funding and the selection process was highly competitive. A member of the MassWorks staff will contact the City of Marlborough directly in the next month to set up a meeting to discuss specific requirements related to this award, as well as next steps.

Please be advised that this award letter does not act as a contract with EOHED for the grant award specified above. The City of Marlborough should not proceed with any work on this project that is expected to be reimbursed through the MassWorks Infrastructure Program until a contract has been fully executed between EOHED and the City of Marlborough. This letter of award is subject to the City of Marlborough completing all necessary steps to allow both the public and private elements of the project to proceed as outlined in the submitted MassWorks application. This letter of award shall not confer any rights onto the City of Marlborough.

If you have any questions about the award, please feel free to contact the MassWorks Infrastructure Program staff at 617-788-3631 or by email at [MassWorks@state.ma.us](mailto:MassWorks@state.ma.us).

Thank you for your participation in the MassWorks Infrastructure Program. We look forward to working with you to advance this important project.

Sincerely,

  
Jay Ash  
Secretary

**CITY OF MARLBOROUGH  
NOTICE OF GRANT AWARD**

DEPARTMENT: DPW DATE: 2/1/2017

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: John Ghiloni

NAME OF GRANT: MassWorks

GRANTOR: Commonwealth of Massachusetts

GRANT AMOUNT: \$2,700,000.00

GRANT PERIOD: FY2017-2018

SCOPE OF GRANT/  
ITEMS FUNDED End East Main Street reconstruction and infrastructure improvements  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IS A POSITION BEING  
CREATED: No  
\_\_\_\_\_

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? No

ARE MATCHING CITY  
FUNDS REQUIRED? Yes

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:  
Approximately \$600,000 in Chapter 90 funds to be used in addition for  
reconstruction of East Main Street

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

# COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



This form is jointly issued and published by the **Executive Office for Administration and Finance (AEF)**, the **Office of the Comptroller (CTR)** and the **Operational Services Division (OSD)** as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors may not require any additional agreements, engagement letters, contract forms or other additional terms as part of this Contract without prior Department approval. Click on hyperlinks for definitions, instructions and legal requirements that are incorporated by reference into this Contract. An electronic copy of this form is available at [www.mass.gov/osc](http://www.mass.gov/osc) under **Guidance For Vendor - Forms** or [www.mass.gov/osd](http://www.mass.gov/osd) under **OSD Forms**.

<b>CONTRACTOR LEGAL NAME:</b> City of Marlborough (and d/b/a):	<b>COMMONWEALTH DEPARTMENT NAME:</b> Executive Office of Housing and Economic Development <b>MMARS Department Code:</b> EED
<b>Legal Address: (W-9, W-4, T&amp;C):</b> 135 Neil Street, Marlborough MA 01752	<b>Business Mailing Address:</b> One Ashburton Place, Room 2101, Boston, MA 02108
<b>Contract Manager:</b> Thomas DiPersio	<b>Billing Address (if different):</b>
<b>E-Mail:</b> TDipersio@marlborough-ma.gov	<b>Contract Manager:</b> Jacqueline Furtado
<b>Phone: (508) 624-6910</b>	<b>E-Mail:</b> Jacqueline.Furtado@state.ma.us
<b>Fax: (508) 229-1720</b>	<b>Phone: (617) 788-3649</b>
<b>Contractor Vendor Code:</b> VC6000192112	<b>Fax: (617) 788-3605</b>
<b>Vendor Code Address ID (e.g. "AD001"):</b> AD 001 (Note: The Address Id Must be set up for EFT payments.)	<b>MMARS Doc ID(s):</b> 17MARLBOROEASTMAINST
<input checked="" type="checkbox"/> <b>NEW CONTRACT</b> <b>PROCUREMENT OR EXCEPTION TYPE: (Check one option only)</b> <input type="checkbox"/> <b>Statewide Contract</b> (OSD or an OSD-designated Department) <input type="checkbox"/> <b>Collective Purchase</b> (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> <b>Department Procurement</b> (Includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> <b>Emergency Contract</b> (Attach justification for emergency, scope, budget) <input type="checkbox"/> <b>Contract Employee</b> (Attach Employment Status Form, scope, budget) <input type="checkbox"/> <b>Legislative/Legal or Other:</b> (Attach authorizing language/justification, scope and budget)	<input type="checkbox"/> <b>CONTRACT AMENDMENT</b> Enter Current Contract End Date <i>Prior</i> to Amendment: __, 20__ Enter Amendment Amount: \$ _____ (or "no change") <b>AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.)</b> <input type="checkbox"/> <b>Amendment to Scope or Budget</b> (Attach updated scope and budget) <input type="checkbox"/> <b>Interim Contract</b> (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> <b>Contract Employee</b> (Attach any updates to scope or budget) <input type="checkbox"/> <b>Legislative/Legal or Other:</b> (Attach authorizing language/justification and updated scope and budget)
The following <b>COMMONWEALTH TERMS AND CONDITIONS (T&amp;C)</b> has been executed, filed with CTR and is incorporated by reference into this Contract. <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services	
<b>COMPENSATION: (Check ONE option):</b> The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> <b>Rate Contract</b> (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> <b>Maximum Obligation Contract</b> Enter Total Maximum Obligation for total duration of this Contract (or new Total if Contract is being amended), \$ <u>2,700,000.00</u>	
<b>PROMPT PAYMENT DISCOUNTS (PPD):</b> Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ___% PPD; Payment issued within 15 days ___% PPD; Payment issued within 20 days ___% PPD; Payment issued within 30 days ___% PPD. If PPD percentages are left blank, identify reason: ___agree to standard 45 day cycle ___ statutory/legal or Ready Payments (G.L. c. 29, § 23A); <input checked="" type="checkbox"/> only Initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)	
<b>BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT:</b> (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) MWIP grant funding for the East Main Street Revitalization Project in accordance with all information contained in Attachment A; Attachment B and Exhibits A - E.	
<b>ANTICIPATED START DATE:</b> (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input checked="" type="checkbox"/> 1. may be incurred as of the <b>Effective Date</b> (latest signature date below) and <b>no</b> obligations have been incurred <b>prior</b> to the <b>Effective Date</b> . <input type="checkbox"/> 2. may be incurred as of __, 20__, a date <b>LATER</b> than the <b>Effective Date</b> below and <b>no</b> obligations have been incurred <b>prior</b> to the <b>Effective Date</b> . <input type="checkbox"/> 3. were incurred as of __, 20__, a date <b>PRIOR</b> to the <b>Effective Date</b> below, and the parties agree that payments for any obligations incurred prior to the <b>Effective Date</b> are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.	
<b>CONTRACT END DATE:</b> Contract performance shall terminate as of <u>June 30</u> , 20 <u>18</u> with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.	
<b>CERTIFICATIONS:</b> Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached <b>Contractor Certifications</b> (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable <b>Commonwealth Terms and Conditions</b> , this Standard Contract Form including the <b>Instructions and Contractor Certifications</b> , the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in <b>801 CMR 21.07</b> incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.	
<b>AUTHORIZING SIGNATURE FOR THE CONTRACTOR:</b> <input checked="" type="checkbox"/> Date: <u>2/1/17</u> (Signature and Date Must Be Handwritten At Time of Signature)	<b>AUTHORIZING SIGNATURE FOR THE COMMONWEALTH:</b> X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature)
Print Name: <u>Arthur Vigeant</u> Print Title: <u>Mayor, City of Marlborough</u>	Print Name: <u>Jay Ash or Designee</u> Print Title: <u>Secretary of the Executive Office of Housing and Economic Development</u>



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

*City of Marlborough*  
*Office of the Mayor*

2017 FEB -2 A 11: 06 140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

*Arthur G. Vigeant*  
MAYOR

*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

February 2, 2017

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

**Re: Grant Acceptance – Conservation**

Honorable President Clancy and Councilors:

Enclosed for your acceptance is a grant in the amount of \$14,483.00 from the MassWildlife Habitat Management Grant for the Conservation Department to utilize for remove and monitor non-native invasive plants at the Desert Natural Area off Concord Road.

As the attached letter from Conservation Officer Priscilla Ryder indicates, these non-native invasive plants have no natural predators or disease that keep their growth constrained. Some of the non-native invasive plants located in the Desert Natural Area include oriental bittersweet vine, glossy and common buckthorn, Japanese barberry, winged euonymus, as well as phragmites.

Removing and then monitoring the area for invasive species will help us maintain the healthy biodiversity of this unique habitat.

Thank you for your consideration. If you have any questions, please do not hesitate to contact me or Conservation Officer Ryder.

Sincerely,

Arthur G. Vigeant  
Mayor

Enclosures



# City of Marlborough Conservation Commission

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

January 31, 2017

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

RE: Mass Wildlife Habitat Management Grant Award


Dear Mayor Vigeant,

The City of Marlborough, through the Conservation Commission has been awarded a 2017 Mass Wildlife Habitat Management Grant in the amount of \$14,483.00. I have enclosed the grant award notice and project description. This is a reimbursement grant and all funds must be expended by June 30, 2017. Please submit to City Council for their acceptance.

These funds are to be used to set up a program to first remove and then monitor for non-native invasive plants at the Desert Natural Area off Concord Rd. Most non-native invasive plants have no natural predators or diseases that keep them in check, consequently, if not controlled, they can grow into large monocultures and cover large areas and crowd out native species of plants, animals and insects. The problem non-native invasive plants we've identified at the Desert Natural Area are: oriental bittersweet vine, glossy and common buckthorn, Japanese barberry, winged euonymus, as well as phragmites. This weed control work will be done in spring of 2017 to help restore and maintain the healthy biodiversity that exists on this 88-acre parcel of conservation land.

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.

Sincerely,



Priscilla Ryder  
Conservation Officer

Cc: Con. Com.  
Diane Smith

**CITY OF MARLBOROUGH  
NOTICE OF GRANT AWARD**

DEPARTMENT: Conservation DATE: 1-31-17

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Priscilla Ryder

NAME OF GRANT: 2017 Mass Wildlife Habitat Management Grant Program

GRANTOR: Commonwealth of Massachusetts Division of Fisheries and Wildlife

GRANT AMOUNT: \$14,483.00

GRANT PERIOD: Must be completed by June 30, 2017

SCOPE OF GRANT/  
ITEMS FUNDED Funds will be used to cut, remove, and do controlled herbicide treatment (where needed) on invasive, non-native plants to restore and maintain a healthy biodiversity of this regionally unique pitch-pine scrub oak habitat.

IS A POSITION BEING  
CREATED: no

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

ARE MATCHING CITY  
FUNDS REQUIRED? Matching funds are not needed however this is a reimbursement grant.

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

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

ANY OTHER EXPOSURE TO CITY?  
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL? As soon as possible – work must be completed by June 30, 2017

**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**



# DIVISION OF FISHERIES & WILDLIFE

Jack Buckley, Director

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## ***MASSACHUSETTS DIVISION OF FISHERIES AND WILDLIFE (MASSWILDLIFE)***

2017 MASSWILDLIFE HABITAT MANAGEMENT GRANT PROGRAM (MHMGP)

### **MANAGEMENT PLAN FOR THE CITY OF MARLBOROUGH - DESERT NATURAL AREA INVASIVE SPECIES CONTROL PROJECT**

#### **Vendor Information**

Priscilla Ryder  
Conservation Officer  
City of Marlborough, Conservation Commission  
140 Main Street City Hall  
Marlborough, MA 01752  
508-460-3768  
pryder@marlborough-ma.gov

#### **Project Description**

Desert Natural Area in Marlborough is an 88 acre site that contains a pitch pine-scrub oak forest, and the rest is a mix of white pine and oak forest with a red maple swamp and trout stream running through the middle. The property is all wooded. Rolling hills and oak dominated forest cover the western side to more level terrain, pine-dominated forest flanking Cranberry Brook in the middle of the property, then rising somewhat in elevation to a pitch pine scrub oak forest on a knoll along the eastern boundary. Cranberry Brook, which supports native brook trout populations, flows from the center of the northern boundary through a beaver pond and begins to meander at the southeastern portion of the property, nearly dividing this forest in two.

The long-term plan is to restore the pitch pine-scrub oak forest in this area and manage the remaining forest for biodiversity. This project plans to target the removal of glossy and common buckthorn, oriental bittersweet, Japanese barberry, bush honeysuckles and winged euonymus which are the primary culprits in the upland, and phragmites and purple loosestrife that are found in the wetlands.

#### **Project Deliverables**

Objective 1: Woody invasive removal along disturbance corridors: Old Concord Rd., Plympton and Cranberry Brook trails.

- Task 1: Stems below 1" diameter will be hand pulled or removed using weed wrenches taking care to remove entire root

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**MASSWILDLIFE**

1 Rabbit Hill Road | Westborough, MA 01581 | [mass.gov/masswildlife](http://mass.gov/masswildlife)



- Task 2: Larger stems will be chemically treated using MASSWILDLIFE's BMPs for winter and spring application of herbicides
- Task 3: Following cutting of the stems, resulting debris must be removed from the area
- Task 4: Removal of invasive herbaceous plants by hand pulling before flowering

Objective 2: Invasive removal along stream corridor

- Task 1: Phragmites control near the beaver pond using herbicides applied by a licensed contractor
- Task 2: Glossy buckthorn, oriental bittersweet and bush honeysuckle removal along stream corridor and replanting with local natives as appropriate
- Task 3: Purple Loosestrife control in along the stream corridor using herbicide application by licensed contractor

Objective 3: Educate the public about project and invasive plants in general

- Task 1: Create an educational brochure to be distributed at the kiosk. The text for this brochure must be approved by the MASSWILDLIFE for this expense to be eligible for reimbursement, and must be submitted no later than May 15, 2017 for review. Approval of language or revised language will be provided to the grantee no later than May 30, 2017.

Understandings

- It is understood that the landowner is solely responsible for ensuring compliance with all applicable local, state, and federal law including obtaining any necessary permits prior to commencement of work associated with the Scope of Services described herein.
- MHMGP projects are subject to approval by the Massachusetts Natural Heritage and Endangered Species Program (NHESP) pursuant to the Massachusetts Endangered Species Act (MGL c.131A). Any terms or conditions imposed on the management activities conducted under the MHMGP by the NHESP must be followed in order for the project to be eligible for reimbursement; failure to do so may result in forfeiture of awarded funds.
- It is understood that the landowner and all those working on the MHMGP Management Area will take all necessary precautions to avoid adverse affects to Federal and State listed species.
- It is understood that MHMGP project information is subject to the Massachusetts Public Records Law and may be disclosed. However, certain personal information such as social security numbers and birthdates are exempt from disclosure.
- It is required that all staff providing time as reimbursement towards this grant submit documentation that the hourly rate provided is the actual hourly rate without fringe or indirect that the employee receives in their normal line of work. This documentation should be in the form of a pay stub or signed letter from the grantee's financial manager stating that the rate applied accurately reflects the employee's rate of pay.
- It is understood that the landowner will adopt MASSWILDLIFE's Best Management Practices for Controlling Invasive Species, which state that contractors working on a

project funded through the MWHMGP shall certify that they have made efforts to assure that their off-road equipment and their field personnel who have been working within invasive plant infestations are reasonably free from invasive plant propagules prior to entering MHMGP project sites. This document can be found at:

<http://www.mass.gov/eea/docs/dfg/dfw/habitat/grants/bmp-invasives.pdf>

- Any of the following deviations to the project, as approved, must be requested in writing:
  - Revisions to the scope of services (regardless of whether there are associated budget revisions).
  - Changes in sub-contracting, sub-granting, or otherwise obtaining the services of a third party to perform activities which are central to the purpose of this award.
  - Changes to the project budget (the total award will not be increased)

MASSWILDLIFE will respond in writing to all requests. No deviation to the project as approved may occur without receipt of written notification from MASSWILDLIFE.

- The grantee shall maintain records, books, files and other data as specified in a Contract and in such detail as shall properly substantiate claims for payment under a Contract, for a minimum retention period of seven (7) years beginning on the first day after the final payment under a Contract, or such longer period as is necessary for the resolution of any litigation, claim, negotiation, audit or other inquiry involving a Contract. MASSWILDLIFE shall have access, as well as any parties identified under Executive Order 195, during the Grantee's regular business hours and upon reasonable prior notice, to such records, including on-site reviews and reproduction of such records at a reasonable expense.

### **Reporting Requirements**

- The landowner must submit a Final Project Report that includes a comparison of the actual accomplishments with the goals and objectives of the award as detailed in the approved scope of services, a description of why established goals were not met, if appropriate, and any other pertinent information relevant to the project results. Final Project Reports should be submitted to the James Burnham at the Massachusetts Division of Fisheries and Wildlife, 1 Rabbit Hill Road, Westborough, MA 01581 by July 31, 2017. The Final Project Report must be received and approved before the final reimbursement will be made.
- Because this project may involve state-listed species, managers must file a brief summary of management actions completed (e.g., a page or less) and complete rare species observation forms for each state-listed species encountered; both report and forms should be sent to the Massachusetts Natural Heritage & Endangered Species Program (attn: Database Manager) by July 31, 2017.

### **Access**

- The landowner agrees to authorize a MHMGP Representative access to the MHMGP Management Area during the Grant Agreement Period by appointment or with permission.

### **Timeline**

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## MASSWILDLIFE

- All funds to be expended between the date that the contract is executed and June 30, 2017. All work must be completed between these dates.
- There will be no extensions to this project.

### **Budget**

- State Services not to exceed \$14,483.00.
- Submit reimbursement requests with supporting documentation including:
  - MHMGP reimbursement expense summary,
  - Post-treatment area photographs,
  - Landowner/Staff tracking sheets,
  - Receipts for project purchases,
  - Paid invoices from contractors (proof of payment required),
  - Prevailing wage weekly certified payroll report form and statement of compliance (if applicable),


to James Burnham, at the Massachusetts Division of Fisheries and Wildlife, 1 Rabbit Hill Road, Westborough, MA 01581. Supporting documentation will be checked against the approved budget prior to the approval of any reimbursement request. Site visits may be conducted at the discretion of MASSWILDLIFE to verify project completion and reimbursement request documentation. Payment will be issued within forty five (45) days of approval by MASSWILDLIFE of the reimbursement request.

- Reimbursement requests may be submitted at any time during the grant period for work that has been completed, with a maximum of one request each calendar month. Up to 25% of the awarded total may be withheld until receipt and approval of the final report.

# COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



This form is jointly issued and published by the Executive Office for Administration and Finance (ANF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors may not require any additional agreements, engagement letters, contract forms or other additional terms as part of this Contract without prior Department approval. Click on hyperlinks for definitions, instructions and legal requirements that are incorporated by reference into this Contract. An electronic copy of this form is available at [www.mass.gov/osc](http://www.mass.gov/osc) under [Guidance For Vendors - Forms](#) or [www.mass.gov/osc](http://www.mass.gov/osc) under [OSD Forms](#).

<b>CONTRACTOR LEGAL NAME:</b> (and d/b/a): SAME		<b>COMMONWEALTH DEPARTMENT NAME:</b> Division of Fisheries and Wildlife <b>MMARS Department Code:</b> FWE	
<b>Legal Address: (W-9, W-4,T&amp;C):</b>		<b>Business Mailing Address:</b> 251 Causeway St, Suite 400, Boston MA 02114	
<b>Contract Manager:</b>		<b>Billing Address (if different):</b> 1 Rabbit Hill Rd, Westborough, MA 01581	
<b>E-Mail:</b>		<b>Contract Manager:</b> Lori Cookman	
<b>Phone:</b>	<b>Fax:</b>	<b>E-Mail:</b> <a href="mailto:lori.cookman@state.ma.us">lori.cookman@state.ma.us</a>	
<b>Contractor Vendor Code:</b>		<b>Phone:</b> 508-389-6371	<b>Fax:</b> 508-389-7890
<b>Vendor Code Address ID (e.g. "AD001"): AD</b> _____ (Note: The Address Id Must be set up for EFT payments.)		<b>MMARS Doc ID(s):</b>	
		<b>RFR/Procurement or Other ID Number:</b>	
<b>___ NEW CONTRACT</b>		<b>___ CONTRACT AMENDMENT</b>	
<b>PROCUREMENT OR EXCEPTION TYPE: (Check one option only)</b> ___ <u>Statewide Contract</u> (OSD or an OSD-designated Department) ___ <u>Collective Purchase</u> (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> <u>Department Procurement</u> (includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation) ___ <u>Emergency Contract</u> (Attach justification for emergency, scope, budget) ___ <u>Contract Employee</u> (Attach Employment Status Form, scope, budget) ___ <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification, scope and budget)		Enter Current Contract End Date <u>Prior</u> to Amendment: _____, 20 _____. Enter Amendment Amount: \$ _____. (or "no change") <b>AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.)</b> ___ <u>Amendment to Scope or Budget</u> (Attach updated scope and budget) ___ <u>Interim Contract</u> (Attach justification for Interim Contract and updated scope/budget) ___ <u>Contract Employee</u> (Attach any updates to scope or budget) ___ <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification and updated scope and budget)	
The following <b>COMMONWEALTH TERMS AND CONDITIONS (T&amp;C)</b> has been executed, filed with CTR and is incorporated by reference into this Contract. <input checked="" type="checkbox"/> Commonwealth Terms and Conditions    ___ Commonwealth Terms and Conditions For Human and Social Services			
<b>COMPENSATION: (Check ONE option):</b> The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. ___ <u>Rate Contract</u> (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> <u>Maximum Obligation Contract</u> Enter Total Maximum Obligation for total duration of this Contract (or new Total if Contract is being amended). \$ <u>14,483.00</u> .			
<b>PROMPT PAYMENT DISCOUNTS (PPD):</b> Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ___% PPD; Payment issued within 15 days ___% PPD; Payment issued within 20 days ___% PPD; Payment issued within 30 days ___% PPD. If PPD percentages are left blank, identify reason: ___agree to standard 45 day cycle ___ statutory/legal or Ready Payments (G.L. c. 29, § 23A); ___ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)			
<b>BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT:</b> (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) City of Marlborough Desert Natural Area – MassWildlife Habitat Management Grant Program Project			
<b>ANTICIPATED START DATE:</b> (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input checked="" type="checkbox"/> 1. may be incurred as of the <u>Effective Date</u> (latest signature date below) and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . ___ 2. may be incurred as of _____, 20____, a date <u>LATER</u> than the <u>Effective Date</u> below and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . ___ 3. were incurred as of _____, 20____, a date <u>PRIOR</u> to the <u>Effective Date</u> below, and the parties agree that payments for any obligations incurred prior to the <u>Effective Date</u> are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.			
<b>CONTRACT END DATE:</b> Contract performance shall terminate as of <u>June 30</u> , 2017, with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.			
<b>CERTIFICATIONS:</b> Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached <u>Contractor Certifications</u> (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable <u>Commonwealth Terms and Conditions</u> , this Standard Contract Form including the <u>Instructions and Contractor Certifications</u> , the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.			
<b>AUTHORIZING SIGNATURE FOR THE CONTRACTOR:</b>		<b>AUTHORIZING SIGNATURE FOR THE COMMONWEALTH:</b>	
X:  Date: <u>2/1/17</u> (Signature and Date Must Be Handwritten At Time of Signature)		X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature)	
Print Name: <u>Arthur Vigor</u>		Print Name: _____	
Print Title: <u>Mayor</u>		Print Title: _____	



# City of Marlborough

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

## Office of the Mayor

2017 FEB -2 A 11:05  
140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

*Arthur G. Vigeant*  
MAYOR

*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patrieta Bernard*  
EXECUTIVE SECRETARY

February 2, 2017

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

### Re: Public Safety Revolving Account Expenditure Limit

Honorable President Clancy and Councilors:

Over the course of the past year, the Marlborough Police and Fire Departments have utilized the Public Safety Revolving Account to fund various trainings for Department staff. To date, this amount in training is approximately \$45,000.00.

Each year when the Public Safety Revolving Account is reauthorized for the following Fiscal Year, we set a limit on the amount that may be expended. For Fiscal Year 2017, that limit is \$50,000.00. Due to the training initiatives that have been undertaken by Police and Fire personnel, I am requesting that we increase the limit to \$85,000.000. This new limit reflects the approximately \$16,000 available and \$24,000 in projected revenues between now and the end of the Fiscal Year.

I am pleased to have to return to you for an increase in the limit because it indicates that police and fire have utilized the revolving account on a regular basis. One of my directives to both Chiefs has been to get as much training for their personnel as they find necessary.

Thank you for your consideration of this request and I look forward to discussing it with you further.

Sincerely,

Arthur G. Vigeant  
Mayor

Enclosures



## CITY OF MARLBOROUGH

Office of the City Auditor  
140 Main St.  
Marlborough, MA 01752  
508.460.3774

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### MEMORANDUM

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TO: Mayor Arthur G. Vigeant  
FROM: Diane Smith, City Auditor  
DATE February 1, 2017  
RE: Public Safety Training Revolving account

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When the Public Safety Training Revolving account was re-authorized last June the maximum amount that could be expended during FY17 was \$50,000.00. To date, we have expended approximately \$45,000.00.

The Police and Fire Departments have requested approval of additional training that is above and beyond the \$50,000.00 limit. Currently there is \$16,035.60 available in the revolving fund for additional training and we expect to collect approximately \$24,000.00 more in fees between now and June 30<sup>th</sup>. I recommend that we amend CO# 16-1006574A and increase the amount to be expended during FY17 to no more than \$85,000.00

If you have any questions please feel free to contact me directly.

Cc: Brian Doheny, Comptroller/Treasurer



## CITY OF MARLBOROUGH

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

February 1, 2017

### MEMORANDUM

**TO:** Mayor Arthur G. Vigeant  
**FROM:** Diane Smith, City Auditor  
**RE:** Public Safety Training Revolving Account

The income and expenditures of the Public Safety Training Revolving account are as follows:

Beginning balance as of July 1, 2016	\$35,827.10
Funds received to date	25,235.00
Expenditures to date-	
Trench Rescue Training	( 432.00)
Active Shooter Training	( 6,402.24)
Tech Rescue Team Training	( 1,674.06)
Student Officer Academy	( 3,000.00)
MDU Drill	( 1,066.85)
Public Risk Management	( 1,135.76)
SRR Traffic Safety	( 725.00)
Municipal Police Training	( 1,100.00)
Cellebrite Corp	( 3,850.00)
Municipal Police Institute	( 6,391.00)
Fire & Rescue Training	( 4,860.22)
Powerphone	( 369.00)
Taser Training	( <u>12,520.37</u> )
Subtotal	( 43,526.50)
Encumbrances	( 1,500.00)
Balance as of February 1, 2017	<u>\$16,035.60</u>



## IN CITY COUNCIL

Marlborough, Mass., JUNE 20, 2016

ORDERED:

### Public Safety Revolving Fund

That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2017, re-authorize a revolving fund to be utilized by the Mayor. It is further ordered that:

- (a) receipts credited to the fund shall be limited to an emergency dispatch fee due the City pursuant to its contract with Patriot Ambulance, unless otherwise directed by the General Laws; and
- (b) expenditures from said fund shall be limited to public safety training; and
- (c) the Mayor shall be the only officer authorized to approve expenditures from the same; and
- (d) no more than fifty thousand dollars shall be expended during fiscal year 2017, unless otherwise authorized by City Council and Mayor; and
- (e) the Mayor shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (f) no provisions of this order shall be changed unless approved by the Mayor and City Council.

Be and is herewith **APPROVED**.

ADOPTED  
In City Council  
Order No. 16-1006574A

Approved by Mayor  
Arthur G. Vigeant  
Date: June 27, 2016

TRUE COPY  
ATTEST:

  
City Clerk





RECEIVED  
CITY CLERK'S OFFICE  
OF MARLBOROUGH

2017 FEB -2 A 11: 06

*City of Marlborough*  
*Office of the Mayor*

140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

*Arthur G. Vigeant*  
MAYOR

*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

February 2, 2017

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

**Re: Marlborough Police Department Certification**

Honorable President Clancy and Councilors:

I am pleased to inform you that the Marlborough Police Department has been certified by the Massachusetts Police Accreditation Commission. Certification is a prestigious achievement for police departments in Massachusetts and it means that Marlborough PD meets standards in the critical areas of police management, operations, and technical support activities.

This certification program sets standards for the law enforcement profession and for the delivery of police services to citizens. Certification is self-initiated and I had requested that the Police Department to focus on achieving certification. Thanks are due to Chief Leonard as well as Lieutenant Amoros for their hard work on overseeing the certification process.

Certification has been granted for a period of three years. Participation in the program is voluntary and it is the intention for the Department to remain in the program, continue to maintain certification status while continuing to strive for accreditation status.

Please note that there are additional transfers to the Police Department in the Mid-Year Transfer Requests that I submitted to the Council for review. These transfers reflect a contract obligation to provide officers in the Marlborough Police Department with a one-time payment upon Department certification.

Again, congratulations are due to the Marlborough Police Department for this recognition. This is a significant achievement for all our officers, and a worthy testament to Chief Leonard's tenure and leadership of the department as we approach his retirement.

Sincerely,

Arthur G. Vigeant  
Mayor

Enclosures

# MASSACHUSETTS POLICE ACCREDITATION COMMISSION, INC.



## BOARD OF DIRECTORS

2017

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Hampshire, Mt. Holyoke & Smith Colleges

**Donna Taylor Moors**  
Executive Director

January 18, 2017

Chief Mark F. Leonard  
Marlborough Police Department  
355 Bolton Street  
Marlborough, Massachusetts 01752

Dear Chief Leonard:

It is my pleasure to confirm that on this date, January 18, 2017, the Massachusetts Police Accreditation Commission voted to award the prestigious status of state *Certification* to the Marlborough Police Department.

Certification status has been awarded for a three-year period ending January 2020. The integrity vested in your Department now presumes functional compliance with program standards in between assessments which includes complying with all new and amended standards adopted by the Commission. To assist you in your efforts to monitor standards compliance, please be advised that a scheduled midpoint review of selected time-sensitive standards will be conducted with your Accreditation Manager during this award period.

Achieving state Certification demonstrates your Department's commitment to delivering an exemplary level of police service in your community. As you know, it is a lot of hard work and a department-wide effort. We commend your Department for its accomplishments and applaud you personally for your leadership role in the process.

We look forward to working with you in your continuous pursuit of professional excellence. On behalf of the Commission, thank you again for your participation in the Massachusetts Police Accreditation Program and congratulations on a job well done!

For the Commission:

Donna Taylor Moors  
Executive Director



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CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

*City of Marlborough*  
*Office of the Mayor*

2017 FEB -2 AM: 05

140 Main Street

Marlborough, Massachusetts 01752

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*Arthur G. Vigeant*  
MAYOR

*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

February 2, 2017

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

**Re: Acceptance of State Statutes to Lower Speed Limits**

Honorable President Clancy and Councilors:

Please find enclosed for your review and approval an order to accept two provisions of M.G.L. Chapter 90 which will enable the City to reduce the speed limit in thickly settled districts to 25 miles per hour and enable the City to create safety zones with a 20 mile per hour speed limit.

Last year, Governor Baker launched an initiative to update state statutes that impact municipalities in order to delegate more power to cities and towns and reduce bureaucratic burdens in order to streamline processes. One piece of this municipal modernization bill he filed enabled cities and towns to reduce speed limits and create safety zones.

I recommend that the City adopts these sections of the proposed law. Rather than adopting it for all thickly settled or business districts in Marlborough, I recommend that the Traffic Commission determine which thickly settled or business districts should be 25 mph. This would enable residents to work with the traffic commission when they wish to see their neighborhoods adopt the slower speed limit.

Adopting safety zones may also be beneficial for streets that abut high pedestrian and bike traffic areas like parks, playgrounds, Memorial Beach, the Rail Trail, and Main Street.

It is important to note, however, that lowering speed limits will not itself make Marlborough's streets safer for all users. We ask residents and visitors to be aware of their surroundings and take it slow. I continue to request the police department to make traffic enforcement a focus. Improved street design, lower speed limits, greater enforcement, and drivers taking it slowly, being attentive, and not texting while driving are all part of the equation to making Marlborough's streets safer for all users.

Sincerely,

**Arthur G. Vigeant**  
Mayor

ORDERED:

That the Marlborough City Council hereby accepts Section 17C of Chapter 90 of the Massachusetts General Laws, as amended, as follows:

(a) Notwithstanding section 17 or any other general or special law to the contrary, the city council, the transportation commissioner of the city of Boston, the board of selectmen, park commissioners, a traffic commission or traffic director of a city or town that accepts this section in the manner provided in section 4 of chapter 4 may, in the interests of public safety and without further authority, establish a speed limit of 25 miles per hour on any roadway inside a thickly settled or business district in the city or town on any way that is not a state highway.

(b) Upon establishing a speed limit under this section, the city or town shall notify the department. The operation of a motor vehicle at a speed in excess of a speed limit established under this section shall be a violation of section 1.

And further, that the Marlborough City Council hereby accepts Section 18B of Chapter 90 of the Massachusetts General Laws, as amended, as follows:

(a) Notwithstanding section 18 or any other general or special law to the contrary, the city council, the transportation commissioner of the city of Boston, the board of selectmen, park commissioners, a traffic commission or traffic director of a city or town that accepts this section in the manner provided in section 4 of chapter 4 may, in the interests of public safety and without further authority, establish designated safety zones on, at or near any way in the city or town which is not a state highway, and with the approval of the department if the same is a state highway. Such safety zones shall be posted as having a speed limit of 20 miles per hour.

(b) The operation of a motor vehicle in such zone at a speed exceeding the speed limit established under this section shall be a violation of section 17.

ADOPTED  
In City Council  
Order No. 17-

Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2017 JAN 31 P 12:05

**Marlborough City Council**  
**Michael H. Ossing**  
**City Councilor-at-Large**  
140 Main Street  
Marlborough, Massachusetts 01752  
(508) 460-3711 TDD (508) 460-3610

January 31, 2017

President and Members  
City Council  
City Hall  
Marlborough, MA

Subject: Ad-Hoc Municipal Aggregation Committee Approval of the Amended Municipal Aggregation Plan

Dear Councilors:

The Ad-Hoc Municipal Aggregation Committee (established by Order No. 06100-1337A November 2006) met on January 20, 2017 to review the comments received on the proposed Amended Municipal Aggregation Plan ("Amended Plan" or "Plan"). The proposed Amended Plan was submitted to the City Council for review on December 19, 2016. The proposed Amended Plan was posted on the City's website from December 21, 2016 to January 13, 2017 as well as posted at the City's Clerk office. There were no comments received from the public on the Amended Plan during this period.

**Recommendation:** The consensus of the Ad-Hoc Municipal Aggregation Committee was to unanimously approve the Amended Plan and recommend the City Council vote to approve the Amended Plan at the February 6, 2017 City Council meeting.

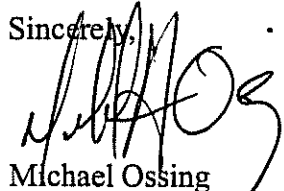
The updated timeline to obtain the Department of Public Utilities (DPU) approval is presented below for your information.

- 1.1 Vote and Authorize to become a Public Aggregator: **Complete November 2006**
- 1.2 Development of Amended Plan in Consultation with Department of Energy Resources (DOER): **Complete Revised November 2016 (attached)**
- 1.3 Review of Amended Plan by Mayor, City Council and Consumers: **Complete – review period was December 21, 2016 to January 13, 2017**
- 1.4 Vote by City Council: **February 2017 (anticipated)**
- 1.5 Submit Amended Plan to Department of Energy Resources for Consultation: **February 2017 (anticipated)**
- 1.6 Submit Amended Plan to DPU: **April/May 2017 (anticipated)**
- 1.7 DPU conducts Public Hearing on Amended Plan: **May 2017 (anticipated)**

**1.8 Approval of Amended Plan by the DPU: June/ July 2017 (anticipated)**

Based on the above timeline, it is anticipated that the Amended Municipal Aggregation Plan should be approved by the DPU by approximately June/July 2017. The process to amend the Plan has no impact on the current rates that are in place. The Ad-Hoc Municipal Aggregation Committee will monitor that process and update the Council as necessary.

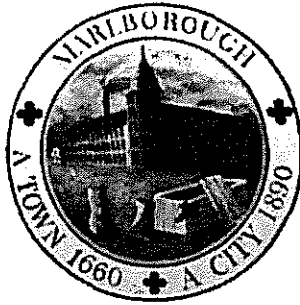
Sincerely,

A handwritten signature in black ink, appearing to read 'MO', written over the word 'Sincerely,'.

Michael Ossing  
Municipal Aggregation Committee

MO/kb

Attachment 1: Amended Municipal Aggregation Plan



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# **CITY OF MARLBOROUGH COMMUNITY CHOICE POWER SUPPLY PROGRAM**

## **AGGREGATION PLAN**

PREPARED BY

**COLONIAL POWER GROUP, INC.**

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### **PURPOSE OF THE AGGREGATION PLAN**

The City of Marlborough (“City”) developed this Aggregation Plan (“Plan”) in compliance with Massachusetts law regarding public aggregation of electric consumers. It contains required information on the structure, operations, services, funding, and policies of the City’s Plan. The Plan has been developed in consultation with an aggregation implementation consultant (“Consultant”), initially Colonial Power Group, Inc. (“CPG”) and the Massachusetts Department of Energy Resources (“DOER”).

The purpose of this Plan is to represent consumer interests in competitive markets for electricity. It seeks to aggregate consumers in the City to negotiate rates for power supply. It brings together the buying power of more than 40,000 consumers. Furthermore, the City seeks to take control of energy prices. Participation is voluntary for each eligible consumer. Eligible consumers have the opportunity to decline service provided through the Plan and to choose any Competitive Supplier they wish. Based on enrollment figures from previous community aggregations, it is anticipated that 97% of the eligible consumers will participate. The City has distributed this Plan for public review prior to submitting it to the Massachusetts Department of Public Utilities (“Department”).

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# **REQUIREMENTS FOR MUNICIPAL AGGREGATION**

The Massachusetts Electric Utility Restructuring Act of 1997 (“Restructuring Act”) contains several requirements for municipal aggregators. One requirement is to develop an aggregation plan in consultation with the DOER. The Plan is subject to review by consumers in the participating municipality and approval by the Department.

## **1 THE PROCESS OF MUNICIPAL AGGREGATION**

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Municipal aggregation involves a multi-step public process as follows:

- 1.1 Vote and Authorization to become a Public Aggregator
- 1.2 Development of Plan in Consultation with DOER
- 1.3 Review of Plan by Mayor, City Council and Consumers
- 1.4 Vote on Plan by City Council
- 1.5 Submission of Plan for Department Approval
- 1.6 Public Hearing on Plan by Department
- 1.7 Selection of Date for Receipt of Price Terms from Competitive Suppliers
- 1.8 Selection of Competitive Supplier by Mayor
- 1.9 Notification of Enrollment for Eligible Consumers
- 1.10 Beginning of Opt-Out Period (30 days prior to first service date)
- 1.11 Transfer of Participating Consumers to Competitive Supplier

In addition to this process, municipal aggregators must comply with open meeting laws, ethical rules, and certain public bidding and information requirements.

## **2 MARLBOROUGH'S COMMUNITY CHOICE POWER SUPPLY PROGRAM**

---

The City offers one program to achieve its goals: Marlborough's Community Choice Power Supply Program ("Program"). The Program provides professional representation on behalf of consumers in state proceedings and in regional or local forums to protect consumer interests in an evolving marketplace.

The Program is designed to offer competitive choice to eligible consumers and to gain other favorable economic and non-economic terms in service contracts. The City does not buy and resell power, but represents consumer interests to set the terms for service. Through a competitive bid and negotiation process, the City develops a contract with a Competitive Supplier for firm, all-requirements service. The contract runs for a fixed term. The process of contract approval contains checks and balances. Once the contract has been negotiated by the City's Consultant, it must be submitted to the Mayor for approval. And lastly, eligible consumers may opt-out of the Program, and select Basic Service or power supply from any other Competitive Supplier they wish at any time before or following their enrollment in the City's Program. No eligible consumer is required to receive service under the City's contract. [See Section 4.1.6 for detailed information on the opt-out process.]

### **2.1 ORGANIZATIONAL STRUCTURE**

The City's government is led by an eleven person City Council. Daily operations are overseen by a Mayor. City elections are held the first Tuesday in November.

The City Council's eleven members are elected for two-year terms. They meet bi-weekly on Monday evenings at 8:00 P.M. at City Hall. They may also hold other meetings from time to time. The Mayor acts as the City's Chief Executive and the City Council as the Legislative Body, both responsible for the general welfare of the community. Specific powers and responsibilities of the City Council are set forth in the City Charter. The operational role of the City and its Consultant in relation to consumers is outlined and described in the following pages.

### **2.2 OPERATIONAL LEVELS**

There are five operational levels to the City's Program as follows:

#### **2.2.1 Level One: Consumers**

Consumers hold the ultimate authority over the Program and its functions. They can elect candidates for the City Council who may take positions regarding the Program. They can

participate in local and regional meetings and hearings regarding issues related to restructuring in general and the City's Program in particular. And they can attend meetings to express their views.

Every eligible consumer in the City may participate in the City's Program. All eligible consumers will also have the ability to decline service through the Competitive Supplier and choose any other power supply option they wish or remain with the Local Distributor, National Grid ("NGRID"). Eligible consumers who are dissatisfied with services provided under the contract negotiated by the City may also communicate directly with the Competitive Supplier or the Consultant retained by the City to assist with the implementation of the Plan via e-mail or toll-free telephone number in an effort to alter or otherwise improve service. Eligible consumers may also opt-out at any time by contacting the Competitive Supplier. Eligible consumers may also bring issues before the City Council.

### **2.2.2 Level Two: City Council**

Based upon its existing authority or authority provided by voters at City elections, the City Council may act on program and policy issues and contract recommendations. In addition, it may provide instructions to the City's Consultant regarding specific policy or program decisions to be made under the Program. It may also raise issues directed to it by consumers for the City to address.

### **2.2.3 Level Three: Mayor**

The Mayor carries out the collective decisions and instructions of the City Council and participating consumers.

### **2.2.4 Level Four: Consultant**

As the City's agent, the Consultant shall provide the day-to-day management and supervision of the business affairs of the Program under a contract agreement. The Consultant shall serve as the City's procurement agent, utilizing its existing staff to solicit services as requested by the City. In addition, the Consultant provides office space and administrative support to coordinate the Program's operations.

This administrative support includes:

- communications;
- program development;
- recordkeeping; and
- program oversight and maintenance.

### **2.2.5 Level Five: Competitive Suppliers**

Competitive Suppliers contract with the City through its Mayor. The contract is negotiated, recommended, and monitored for compliance by the Consultant. No contract is binding until it is approved by the Mayor. The complete set of Competitive Supplier responsibilities is found in the Electric Service Agreement (“ESA”) between the City and the Competitive Supplier.

## **2.3 OPERATIONS**

The Program’s operations are guided by the provisions and goals contained in this Plan and the instructions and decisions of the Mayor, the Consultant, and participating consumers.

The goals of this Plan are as follows:

- provide the basis for aggregation of eligible consumers on a non-discriminatory basis;
- acquire a market rate for power supply and transparent pricing;
- provide equal sharing of economic savings based on current electric rates;
- allow those eligible consumers who choose not to participate to opt-out;
- provide full public accountability to participating consumers; and
- utilize municipal and other powers and authorities that constitute basic consumer protection to achieve these goals.

## **2.4 STAFFING AND MANPOWER**

The operations necessary to plan, deliver, and manage the City’s Program include:

- technical analysis;
- competitive procurement of services;
- regulatory approvals;
- accounting and fiscal management;
- contract maintenance;
- communications;
- program coordination; and
- administrative support.

The City intends to utilize the Consultant as the professional, technical, and legal consultant to operate the Program. The City’s current Consultant is a licensed broker of electricity in Massachusetts (EB-107). The Consultant has experience designing, implementing and administering opt-out municipal aggregation programs.

The Consultant will be responsible for monitoring all aspects of the Program and any resulting contractual agreements, including but not limited to: monitoring and reporting on compliance with all contract terms and conditions, resolution of contract issues, implementation of the opt-out process for consumers, participation in negotiations with NGRID, preparation of reports as directed, and routine updates and attendance at meetings with the Mayor and City Council.

The Program has been developed on behalf of the City by the Consultant with the support of technical consultants and legal counsel. Once a contract has been secured, the Consultant will administer the Program.

The Consultant will undertake negotiations with Competitive Suppliers and provide representation at the state level, as needed, at the direction of the Mayor and City Council. The terms and conditions of any contract may be subject to review by the City Solicitor, as well as by any outside legal counsel which may be selected by the City, and may be further subject to the City Solicitor's approval as to legal form.

### **3 FUNDING**

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Initial funding for the City's Program comes from private capital supplied by the Consultant. The ESA with a Competitive Supplier will include a \$0.001 per kWh adder that will be paid by the Competitive Supplier to the Consultant. The \$0.001 per kWh adder will fund the on-going costs of the Program. The start-up costs, to be borne by the Consultant, include costs for legal representation, public education, and communications. Mailing costs will be borne by the Competitive Supplier.

### **4 ACTIVATION AND TERMINATION**

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#### **4.1 ACTIVATION**

Following the process of municipal aggregation and competitive procurement of a proposed contract by the City, activation of the Program requires the following steps:

- a) Approval of Plan by Department
- b) Acceptance of ESAs by Mayor
- c) Signing of ESA by Mayor
- d) Notification of Enrollment for Eligible Consumers
- e) Notification of NGRID
- f) Beginning of Opt-Out Period
- g) Transfer of Participating Consumers to Competitive Supplier

Each of these steps is described as follows:

#### **4.1.1 Approval of Plan by Department**

The City, through its Consultant, shall file this Plan with the Department. The Department is required to hold a public hearing on the Plan.

#### **4.1.2 Acceptance of ESAs by Mayor**

All contracts negotiated by the City shall be expressly conditioned upon the acceptance of the contract by the Mayor. Competitive Suppliers and contracts must comply with all applicable laws and rules and regulations promulgated by the Department concerning Competitive Suppliers.

#### **4.1.3 Signing of ESA by Mayor**

With the signing of the contract by the Mayor, the terms and conditions in the contract will be utilized for service for eligible consumers within the municipal boundaries of the City, except for those eligible consumers who have selected a Competitive Supplier prior to the contract activation date and do not wish to switch to service under the City's contract, or those eligible consumers who affirmatively opt-out of the Program.

#### **4.1.4 Notification of Enrollment for Eligible Consumers**

Following approval of the contract by the City, the Competitive Supplier shall undertake notification of all eligible consumers on Basic Service to be enrolled. NGRID will inform the Competitive Supplier and the Consultant as to which consumers are on Basic Service and which consumers are receiving power from third-party suppliers. NGRID will electronically transmit the name, address and account of eligible consumers and run this data just prior to the meter read at which the change to the Competitive Supplier is set to occur to ensure that no consumers contracted with third-party suppliers are enrolled. Only current Basic Service consumers will be sent opt-out notices. The City may also generally notify all consumers receiving competitive service of their eligibility to receive power from the City's Competitive Supplier. Once the appropriate notification has been provided to the eligible consumer and applicable opt-out requirements met, the Competitive Supplier will electronically enroll the eligible consumer by submitting an "enroll customer" transaction to NGRID in accordance with the rules and procedures set forth in the Electronic Business Transaction ("EBT") Working Group Report, which is applicable to all Competitive Suppliers and distribution companies in Massachusetts.

The process of notification, paid for by the Consultant, shall be multi-layered and will include:

- mailings by the City;
- newspaper notices;
- public service announcements (“PSAs”); and
- notices posted in City Hall.

Prior to enrollment, this notification shall:

- inform eligible consumers they have the right to opt-out of the aggregated entity without penalty and choose Basic Service at any time before or after their first day of service;
- prominently state all charges to be made and a comparison of the price and primary terms of the City’s contract compared to the price and terms of NGRID’s Basic Service;
- explain the opt-out process; and
- provide written notification that no charges associated with the opt-out will be made by the Competitive Supplier.

When a new eligible consumer first moves to the City, the eligible consumer will not be assigned to the City’s Competitive Supplier until the Competitive Supplier submits an “enroll customer” transaction. Prior to such “enroll customer” transaction, the eligible consumer shall receive Basic Service. The Competitive Supplier is responsible for including new eligible consumers in the Program as they move into the City by the requesting electronic transmittals on a quarterly basis from NGRID, notifying and enrolling per the procedures followed for the initial enrollment.

The approximate timing of the major procedural steps related to the notification of consumers is as follows:

Day 1	Supply contract executed between City and Competitive Supplier
Day 2	Competitive Supplier notifies NGRID to prepare City eligible consumer data
Day 3	Competitive Supplier begins Electronic Data Interchange (“EDI”) testing with NGRID
Day 14	Competitive Supplier receives eligible consumer data from NGRID
Day 18	CPG and/or Competitive Supplier mails opt-out notice to all eligible consumers
Day 19	30-day opt-out period begins on date of postmark
Day 21	Eligible consumers receive mail
Days 21-51	Consumers wishing to opt-out return reply card in pre-paid envelope to Competitive Supplier

Day 33	Competitive Supplier completes EDI testing with NGRID
Day 52	Competitive Supplier removes opt-outs from eligible list
Day 53	Competitive Supplier sends “supplier enrolls customer” EDI for all participating consumers

Participating consumers are enrolled with supplier on the next meter read, provided that the enrollment transaction is submitted no fewer than two full business days before the meter read.

Our current Consultant’s experience with previous aggregation programs suggests that the City, Competitive Supplier and NGRID need about two months to complete the consumer notification and enrollment process.

The major procedural steps described above may also be found in NGRID’s Terms and Conditions for Municipal Aggregators, M.D.P.U. No. 1202, as amended or superseded from time to time. These steps were discussed in numerous meetings between the Consultant and NGRID.

The methods by which eligible consumers will be enrolled in the Program are consistent with NGRID’s Terms and Conditions for Competitive Suppliers, M.D.P.U. No. 1201, as amended or superseded from time to time.

**4.1.5 Notification of NGRID**

Along with notification of eligible consumers, the City shall notify the selected Competitive Supplier and NGRID to begin preparation of the administrative process to transfer eligible consumers coincident with each eligible consumer’s billing cycle. Alternatively, or in combination with the City notification, the selected Competitive Supplier may notify NGRID to begin preparation of the administrative process.

**4.1.6 Beginning of Opt-Out Period**

Eligible consumers may opt-out of service from the Program at no charge either in advance of service start up deadlines or at any time after the first day of service. Participating consumers who seek to return to NGRID’s Basic Service should provide notice to the Competitive Supplier and/or NGRID five or more business days before the next scheduled meter read date. Pursuant to NGRID’s Terms and Conditions for Municipal Aggregators, M.D.P.U. No. 1202, participating residential consumers will be transferred to NGRID’s Basic Service in two business days if they directly notify NGRID of the intent to terminate generation service from the Competitive Supplier. If a commercial or industrial consumer directly notifies NGRID of the choice to terminate generation service from the Competitive Supplier, the generation service shall be terminated on the date of the customer’s next scheduled meter read. If a residential, commercial, or industrial customer notifies the Competitive Supplier of the choice to terminate receipt of



generation service, the termination shall take place on the date of the customer's next scheduled meter read, so long as the Competitive Supplier has submitted the transaction to NGRID no fewer than two business days prior to the meter read date. There shall be no charge for returning to NGRID's Basic Service in this manner. Further opportunities for eligible consumer opt-out may be negotiated by the City and the Competitive Supplier and included in the terms of the contract presented to the City Council, the Mayor, and made part of the public information offered to each eligible consumer. Eligible consumers who opt-out and subsequently wish to enroll may be enrolled at the Competitive Supplier's discretion and pursuant to NGRID's Terms and Conditions for Competitive Suppliers, M.D.P.U. No. 1201, as amended or superseded from time to time.

#### **4.1.7 Transfer of Participating Consumers to Competitive Supplier**

The process of activation is an administrative function with three parts:

- a) Data Preparation: NGRID will identify all eligible consumers on Basic Service in the City by eliminating those who have already selected a Competitive Supplier.
- b) Automatic Enrollment: All verified eligible consumers shall be transferred to the City's Competitive Supplier coincident with NGRID's billing periods, unless they have previously sent in notification of their intent to opt-out according to established deadlines. Eligible consumers will be enrolled with the new Competitive Supplier over the period of one month. Service under the new Competitive Supplier shall begin at the start of the billing period following transfer.
- c) Notification: NGRID shall notify each transferred participating consumer of the change to the City's Competitive Supplier with its last bill for Basic Service.

#### **4.2 TERMINATION**

The Program may be terminated in two ways:

- upon contract termination or expiration without any extension, renewal, or subsequent contract being negotiated; or
- at the decision of the City Council and Mayor to dissolve the Program.

Each participating consumer receiving service under the City's Program will receive notification of termination of the Program 90 days prior to such termination.

In the event of contract termination, participating consumers would return to NGRID's Basic Service or choose a Competitive Supplier. This transfer would occur in coordination with NGRID using established EDI protocols and in accordance with the rules and procedures set forth in the EBT Working Group Report.

## **5 METHODS FOR ENTERING AND TERMINATING AGREEMENTS**

---

The City's process for entering, modifying, enforcing, and terminating all agreements associated with the Program shall comply with the requirements of the City's charter, and state and federal laws. Where required, the procedures outlined in M.G.L. c. 30B shall be followed. Other agreements shall be entered, modified, or terminated in compliance with the law and according to the express provisions of the relevant agreement.

Prior to the end of the initial ESA, the Consultant will be responsible for conducting a subsequent bidding process for a new ESA. The Mayor is responsible for executing a new ESA. Customers will be notified through press releases and public notices. New opt-out notices will not be mailed. The City will not use on-bill messaging or bill inserts. However, NGRID may include on-bill messaging notifying consumers of a supplier switch. The transfer of customers from the existing supplier to the new supplier is conducted by the new supplier in coordination with NGRID using established EDI protocols.

The City, through its Consultant, will notify NGRID of the planned termination or extension of the program. In particular, the City will provide NGRID notice:

- 90 days prior to a planned termination of the Program;
- 90 days prior to the end of the anticipated term of the Program's ESA; and
- four business days after the successful negotiation of a new electricity service agreement.

## **6 RATE SETTING, COSTS, AND BILLING**

---

The City will offer the Program at rates and terms to be negotiated with Competitive Suppliers. All Competitive Supplier charges to the participating consumer will be fully and prominently disclosed under the notification process.

NGRID shall continue to provide metering, billing, and maintenance of the distribution system as a regulated monopoly function. Charges for metering, billing and other distribution services shall be regulated by the Department, unless otherwise provided for in law, or Department rules and regulations.

## **6.1 RATE SETTING**

Under Department orders, NGRID assigns the rate classification and corresponding character of service and associated regulated rates. These rates include a monthly customer charge, a distribution charge, a transmission charge, a transition charge, an energy conservation charge, and a renewable energy charge that currently make up a portion of a ratepayer's bill. Although the City, or its Consultant, may participate in regulatory proceedings and represent the interests of ratepayers regarding these regulated rates, it will not assign or alter existing rate classifications without the approval of the Department. [See Section 6.3 for an example of a typical residential bill.]

The focus of the City, as noted above, will be acquisition of competitive prices and terms for power supply. This price, or prices, will be set through the competitive bid and negotiation process, and will be noted on the participating consumer's bill as the "generation charge."

The competitive bid process will seek prices that will differ among the rate classifications established by NGRID's tariffs. The terms and conditions of service may also vary among rate classifications.

## **6.2 COSTS**

There is no cost to eligible or participating consumers. The Program funding will be derived from a \$0.001 per kWh commission fee payable by the Competitive Supplier to the Consultant.

In addition, the City may fund personnel costs associated with an Energy Manager position(s), of which one of the responsibilities would be to assist with the Aggregation Program, through an Operational Adder payable by the Competitive Supplier to the City.

## **6.3 BILLING**

Participating consumer billing under the City's Program will be made by the Competitive Supplier under contract and shall be incorporated into the standard monthly utility billing. Participating consumers will receive a "complete bill" from NGRID that incorporates the power supply charge and NGRID's delivery charges. The bill shall include a clear delineation of all regulated and non-regulated charges.

The typical residential "complete bill" for use of 600 kWh shows the following charges for NGRID's Basic Service in May 2016:

For Customer With Monthly Usage of 600 kWh		
	Rate (\$/kWh)	Charge
<b>Delivery Services Detail (Rate: R1)</b>		
Customer Charge		4.00
Distribution Charge	0.04182	25.09
Transition Charge	(0.00035)	(0.21)
Transmission Charge	0.02829	16.97
Energy Efficiency Charge	0.01784	10.70
Renewable Energy Charge	0.00050	0.30
<b>Total Delivery Services</b>		<b>\$ 56.85</b>
<b>Supplier Services Detail (Rate: Basic Service)</b>		
Generation Services Charge	0.08042	48.25
<b>Total Supplier Services</b>		<b>\$ 48.25</b>
<b>Average Bill Total</b>		<b>\$ 105.10</b>

Sources: [http://www.nationalgridus.com/masselectric/non\\_html/MA\\_Residential\\_Table.pdf](http://www.nationalgridus.com/masselectric/non_html/MA_Residential_Table.pdf)  
[http://www.nationalgridus.com/non\\_html/meco.pdf](http://www.nationalgridus.com/non_html/meco.pdf)

Accessed: May 1, 2016

## 7 UNIVERSAL ACCESS

“Universal access” is a term derived from the traditional regulated utility environment in which all consumers desiring service receive that service. The DOER’s Guide to Municipal Electric Aggregation in Massachusetts has defined universal access to mean “electric services sufficient for basic needs (an evolving bundle of basic services) available to virtually all members of the population regardless of income.” The Guide also provides that a municipal aggregation plan meets the requirement of universal access “by giving all consumers within its boundaries the opportunity to participate, whether they are currently on Basic Service or the supply service of a Competitive Supplier.” For the purposes of the City’s Program this will mean that all existing consumers within the borders of the City and all new consumers in the City shall be eligible for service from the Competitive Supplier under the terms and conditions of the contract. One of the City’s goals, as indicated in Section 2.3, is to “Provide the basis for aggregation of eligible consumers on a non-discriminatory basis.”

Service under the City’s Program shall include rate classifications in adherence with universal service principles and requirements, and the traditional non-discriminatory practices of local

government. Contracts with all Competitive Suppliers shall contain provisions to maintain these principles and equitable treatment of all rate classifications.

Eligible existing consumers in the City shall be transferred to the Program unless they have already contracted with a Competitive Supplier or affirmatively opted-out of the Program.

Eligible low-income consumers shall remain subject to all existing provisions of state law regarding their rights to return to Basic Service and to participate in the Program as well.

New Eligible consumers in the service territory shall be enrolled in the Program unless they already contracted with a Competitive Supplier or affirmatively opted-out of the Program. New Eligible consumers will retain the right to opt-out any time after the commencement of Program service.

## **8      EQUITABLE TREATMENT OF RATEPAYERS**

---

All ratepayers will be treated equitably. They will be guaranteed the right to raise and resolve disputes with the Competitive Supplier, be provided all required notices and information, and always retain the right to opt-out of the City’s Program as described herein or to switch Competitive Suppliers. The requirement of equitable treatment of all ratepayers does not, however, require that all ratepayers be offered the same pricing or terms and conditions. To impose such an interpretation to the statutory requirements governing municipal aggregation programs would, in effect, result in inequitable treatment, as attempting to apply identical prices, terms, and conditions to ratepayers with widely disparate characteristics would have the inevitable effect of giving some ratepayers more favorable service than others. The implementation of the Program will recognize this reality through appropriate distinctions in pricing and, where applicable, terms and conditions among ratepayers.

## **9      RELIABILITY**

---

“Reliability” in power supply and in transmission and distribution is essential to consumers. This will be accomplished and reinforced by the Program at several levels through:

- provisions of the contract that will include language on reliability of supply, liability and damages provisions;
- traditional proceedings related to NGRID’s regulated transmission and distribution services; and
- direct discussions with NGRID concerning specific or general problems related to quality and reliability of transmission and distribution service in the City.

## **10 RIGHTS AND RESPONSIBILITIES OF PARTICIPANTS**

---

### **10.1 RIGHTS**

All participating consumers shall enjoy the protections of law afforded to them as they currently exist or as they may be amended from time to time. These include rights to question billing or service quality or service practices. Under protocols developed by the Department, problems related to billing or service shall be directed to the appropriate parties. All eligible consumers shall also enjoy the individual right to decline participation in the City's Program.

### **10.2 RESPONSIBILITIES**

All participating consumers shall meet all standards and responsibilities required by the Department, including payment of billings and access to essential metering and other equipment to carry out utility operations.

## **11 BENEFITS OF MUNICIPAL AGGREGATION**

---

The Program functions under the restrictions of state law and reflects a range of results and opportunities:

### **11.1 PARTICIPATION IN COMPETITIVE MARKET**

Many consumers lack knowledge and leverage to negotiate terms for power supply. A municipal aggregator provides them with an option for professional representation and the leverage of a large group so that they may participate more effectively in the competitive process and achieve benefits.

### **11.2 SELECTION OF ALTERNATE SUPPLIER**

Because the law guarantees the right to opt-out, including the right to choose Basic Service at no charge, all eligible consumers have the right to select a Competitive Supplier other than the one chosen by the Mayor.

### **11.3 INDEMNIFICATION AND RISK ASSOCIATED WITH COMPETITIVE MARKET**

In a competitive market, it is possible that the failure of a Competitive Supplier to provide service may result in the need for participating consumers to acquire alternative power supply, or for participating consumers to receive power at Basic Service prices. The City will seek to

minimize this risk by contracting with reputable Competitive Suppliers who demonstrate reliable service. The City also intends to include conditions in its contract with a Competitive Supplier that will indemnify participating consumers against risks or problems with power supply service.

#### **11.4 RENEWABLE ENERGY CERTIFICATES**

In addition to soliciting bids for power supply that meet the required Massachusetts Renewable Portfolio Standard (“RPS”) obligation, the City will solicit bids to supply additional Renewable Energy Certificates (“RECs”) for an optional product. The City will seek RECs from a variety of renewable sources and will choose the proposal that offers the best combination of environmental benefit and price.

The City will ask Competitive Suppliers to identify the technology, vintage, and location of the renewable generators that are the sources of the RECs. The City will require that the RECs either be created and recorded in the New England Power Pool Generation Information System or be certified by a third party such as Green-e.

#### **11.5 OTHER PROTECTIONS**

The City intends to negotiate a range of provisions in its contracts to enhance participating consumer protection.

### **12 REQUIREMENTS CONCERNING AGGREGATED SERVICE**

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The City shall comply with the requirements established by law and the rules set forth by the Department concerning aggregated service.

Dated: December 14, 2016

# WALKER REALTY LLC

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

January 31, 2017 2017 FEB -1 A 9:56

Councilor Edward Clancy, President Marlborough City Council  
City Hall  
Marlborough, MA 01752

**Re: APEX Decorative Walls and Car Wash Rendering**

Dear Councilor Clancy and Councilors:

Enclosed please find the following:

- 1) Twelve (12) color copies of the rendering of the Primrose Car Wash at Apex; and
- 2) Six (6) color copies of the decorative wall at Apex Center facing Route 20.

Walker Realty LLC kindly requests that the City Council place this matter on your next available agenda on February 6, 2017 for confirmation of approval. Thank you in advance for your attention and consideration to this matter.

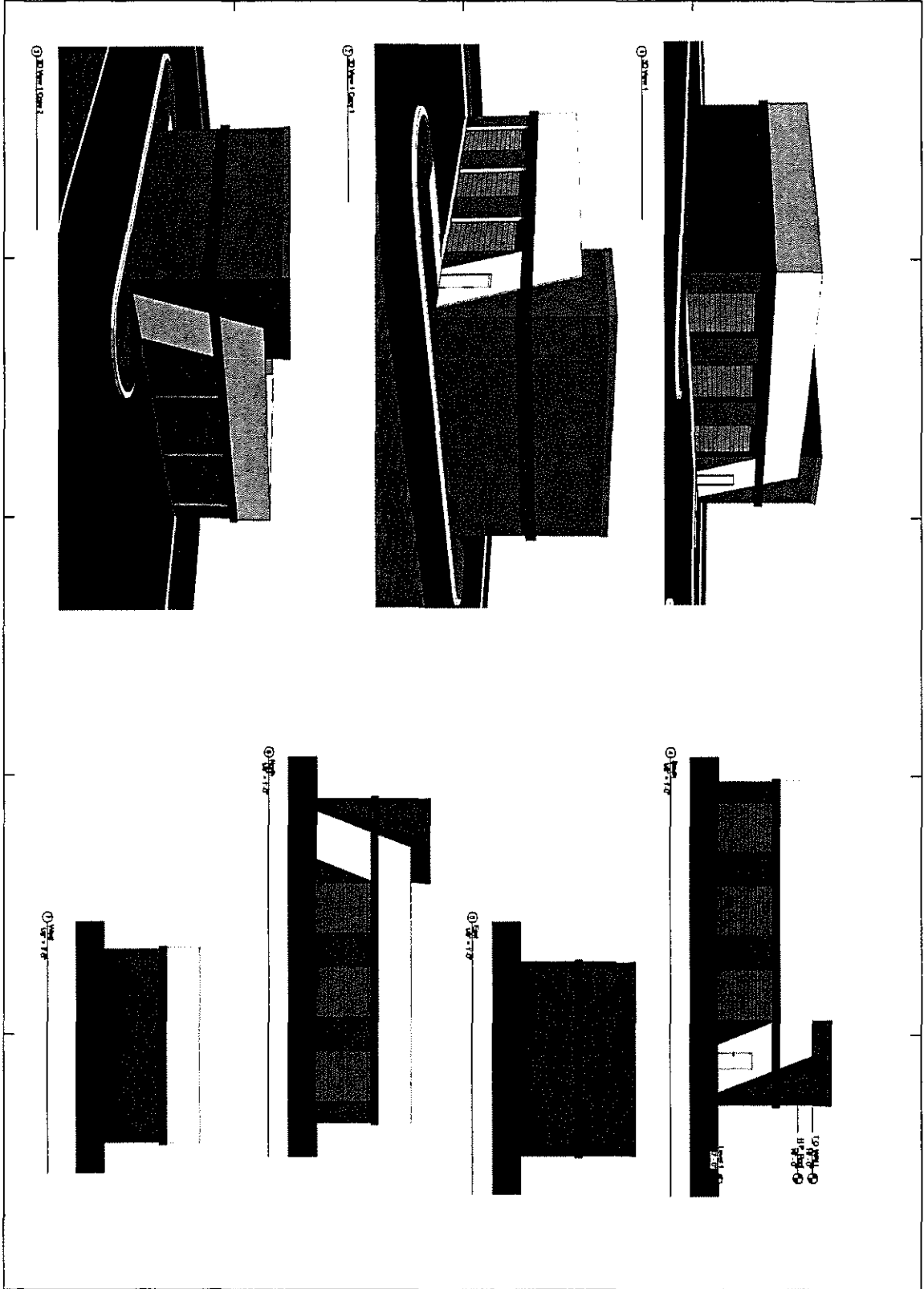
Sincerely,

Walker Realty LLC



Kevin S. Eriksen, Esq.





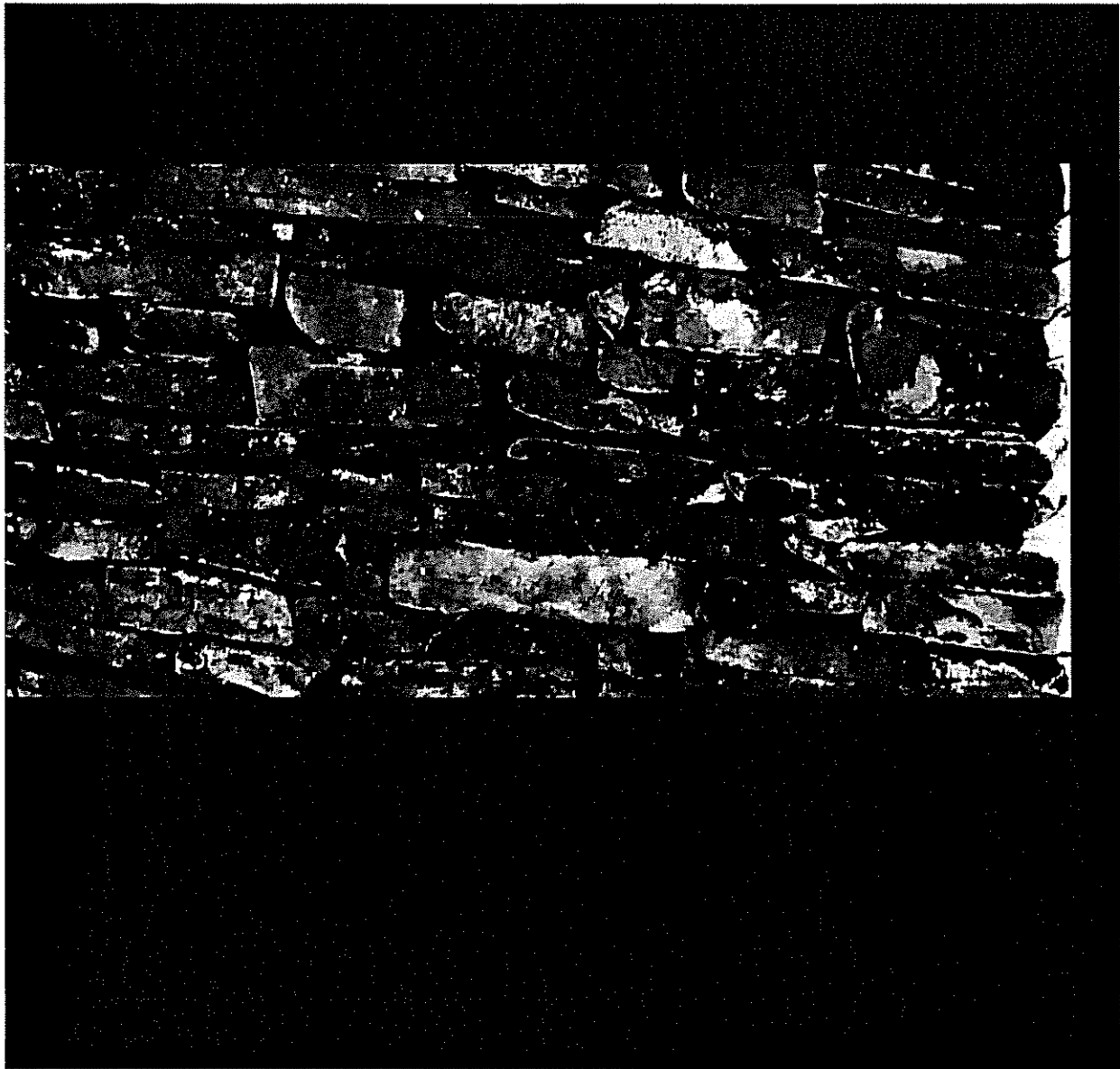
A101	NO. 1	DATE	BY	CHKD.	APP'D.
<small>         PREPARED BY: J.D. LaGrasse          ARCHITECT          1000 STATE AVENUE, SUITE 200          DORSET, MASSACHUSETTS 01922          TEL: (508) 451-1111 FAX: (508) 451-1112          WWW.JDLAGRASSE.COM       </small>					

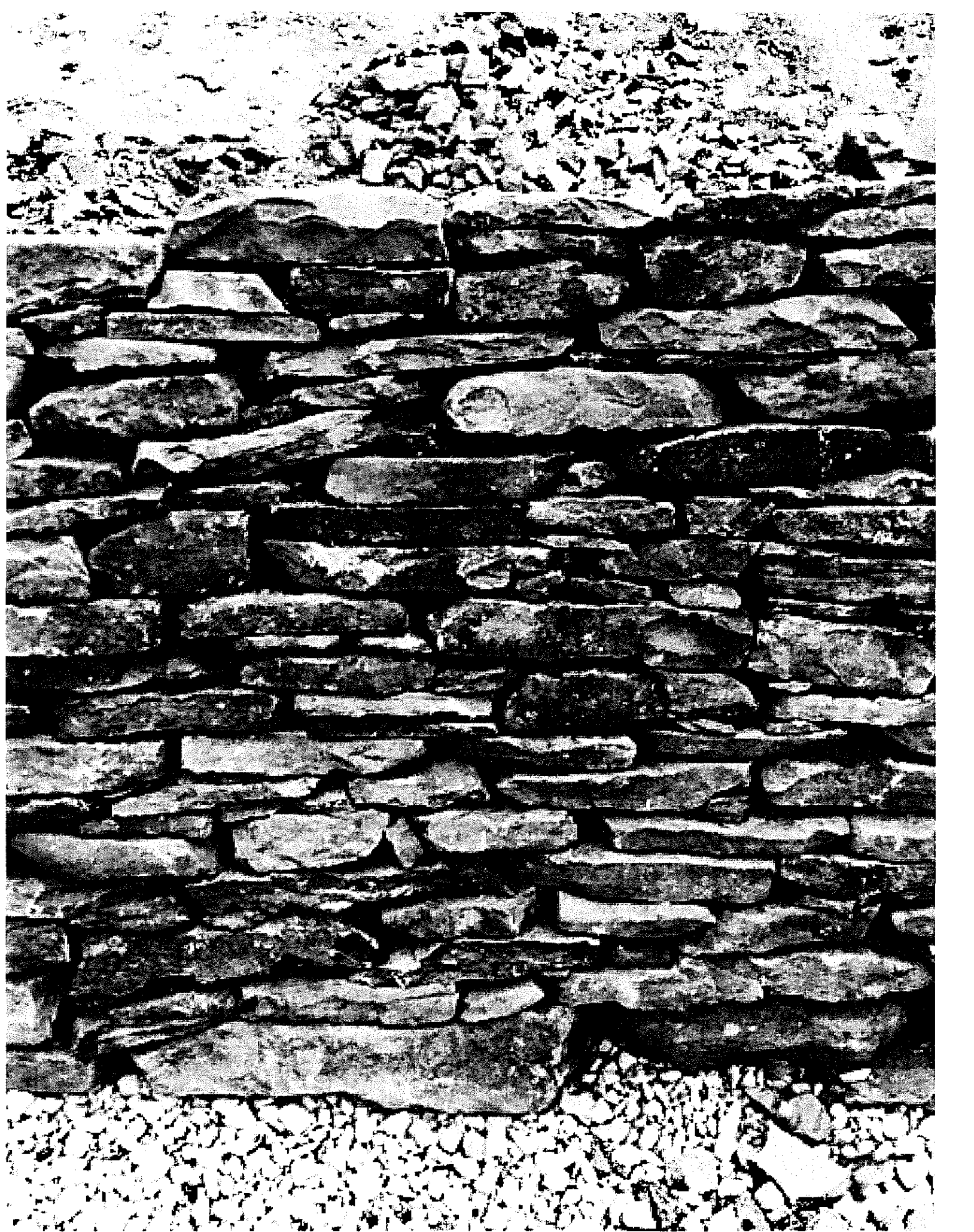
**Preliminary Elevations**

**APEX CENTER  
Bldg-09**

Dorset Post Road West, Marshborough, MA 01752

**JD LaGrasse**  
 & Associates, Inc.  
 Technical Support: (508) 451-1111  
 1000 State Avenue, Suite 200  
 Dorset, MA 01922  
 Tel: (508) 451-1111 Fax: (508) 451-1112  
 www.jdlagrass.com





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# MIRICK O'CONNELL

ATTORNEYS AT LAW

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2017 FEB -2 A 11: 48

David K. McCay  
Mirick O'Connell  
100 Front Street  
Worcester, MA 01608-1477  
dmccay@mirickoconnell.com  
t 508.860.1460  
f 508.983.6273

February 1, 2017

**VIA HAND DELIVERY**

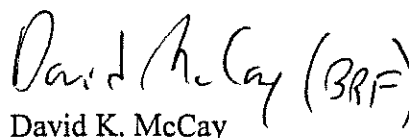
Councilor Edward Clancy, President  
Marlborough City Council  
City Hall  
Marlborough, MA 01752

Re: Application for Special Permit;  
The Branches of Marlborough Assisted Living Facility

Dear Councilor Clancy:

Enclosed please find an application for a Special Permit for The Branches of Marlborough assisted living facility, to be located at 421 Bolton Street, submitted on behalf of my client BSL Marlborough Development LLC.

Very truly yours,

  
David K. McCay

DKM/brf

Encl.

cc: Client  
Brian R. Falk, Esq.

---

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

**CITY OF MARLBOROUGH  
OFFICE OF THE CITY CLERK**

**APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT**

1. Name and address of Petitioner or Applicant:

BSL Marlborough Development LLC, c/o Benchmark Senior Living, 201 Jones Road, Third Floor West, Waltham, MA 02451

2. Specific Location of property including Assessor's Plate and Parcel Number.

421 Bolton Street; Map 30, Parcels 13, 14 and 700

3. Name and address of owner of land if other than Petitioner or Applicant:

Richard and Jill Cochrane; City of Marlborough

4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.)

5. Specific Zoning Ordinance under which the Special Permit is sought:

Article V Section 650-17 Paragraph \_\_\_\_\_ Sub-paragraph \_\_\_\_\_  
650-18(44)

6. Zoning District in which property in question is located:

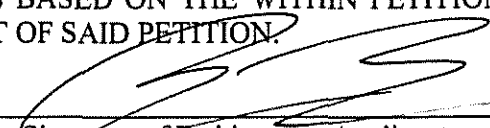
Residence A-2

7. Specific reason(s) for seeking Special Permit

The Applicant seeks to construct a 52-Unit, 60,823 +/- square foot Assisted Living Facility with a Special Care Unit.

8. List of names and addresses of abutter. SEPARATE SHEET ATTACHED

PETITION IS HEREBY MADE FOR THE ISSUANCE OF A SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH AND IS BASED ON THE WITHIN PETITION OR APPLICATION AS FILED HEREWITH AND MADE PART OF SAID PETITION.

  
\_\_\_\_\_  
Signature of Petitioner or Applicant

BSL Marlborough Development LLC,

By its Attorneys

Address: David K. McCay and Brian R. Falk

Mirick, O'Connell, DeMallie & Lougee, LLP

1800 West Park Drive

Westborough, MA 01581

Telephone No. (508) 791-8500

Date: \_\_\_\_\_

City Clerk's Office

LIST OF NAMES AND ADDRESS OF ABUTTERS  
AS REQUESTED ON THE APPLICATION FOR SPECIAL PERMIT OF:

BSL Marlborough Development LLC

(Name of Petitioner)

FOR THE ISSUANCE OF SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH UNDER CHAPTER 650, ZONING, OF THE CODE OF THE CITY OF MARLBOROUGH.

(Abutters as defined in §650-59, Section 4H, **Powers and Procedure of Special-Permit Granting Authorities**)

## MARLBOROUGH, MA

ap	Block	Lot	Unit	Owner's Name	Co Owner's Name	Address	City	ST Zip	Par
0	12			CITY OF MARLBOROUGH	MARLBORO HIGH SCHOOL	140 MAIN ST	MARLBOROUGH	MA 01752	431
0	13			COCHRANE RICHARD C	JILL E COCHRANE	2 TURTLE CREEK CIR	SHREWSBURY	MA 01545	421
0	14			COCHRANE RICHARD C	JILL E COCHRANE	2 TURTLE CREEK CIR	SHREWSBURY	MA 01545	BOL
0	18			CCP BOLTON MANOR 0529 LLC		C/O ALTUS GROUP US INC	PHOENIX	AZ 85050	BOL
0	12A			COMMONWEALTH OF MASSACHUSETTS		100 CAMBRIDGE ST STE 900	BOSTON	MA 02114	451
1	3			MCCARTHY MICHAEL K	COURTNEY MCCARTHY	329 STEVENS ST	MARLBOROUGH	MA 01752	329
1	4			JOHNSON CHRISTOPHER W		11 OAKCREST AVE	MARLBOROUGH	MA 01752	11
1	5			CAVICCHI PAULINE M LI EST	ROBERT G CAVICCHI LI EST	21 OAKCREST AVE	MARLBOROUGH	MA 01752	21
1	6			AYKANIAN MARY LI EST		27 OAKCREST AVE	MARLBOROUGH	MA 01752	27
1	13			COOKE JAMES L	EVA F COOKE	36 OAKCREST AVE	MARLBOROUGH	MA 01752	36
1	14			LIRETTE EDGAR J		24 OAKCREST AVE	MARLBOROUGH	MA 01752	24
1	15			HADDAD MATTHEW	JENNA N SALVUCCI	345 STEVENS ST	MARLBOROUGH	MA 01752	345
1	16			PICKETT DAVID S	HEIDI PICKETT	353 STEVENS ST	MARLBOROUGH	MA 01752	353
1	17			LOPEZ RAMONA		361 STEVENS ST	MARLBOROUGH	MA 01752	361
13	86			HOWE DWIGHT JR		107 KELBER DR	MARLBOROUGH	MA 01752	107
13	88			CITY OF MARLBOROUGH	POLICE STATION	140 MAIN ST	MARLBOROUGH	MA 01752	355
13	95			SAUNDERS KRISTINE A		378 BOLTON ST	MARLBOROUGH	MA 01752	378
13	96			SAWVELLE MICHAEL J	INGRID D SAWVELLE	382 BOLTON ST	MARLBOROUGH	MA 01752	382
13	86C			HOWES LANDING DEVELOPERS LLC		1881 WORCESTER RD STE 200	FRAMINGHAM	MA 01701	BOL
13	87A			CCP BOLTON MANOR 0529 LLC		C/O ALTUS GROUP US INC	PHOENIX	AZ 85050	40C
13	88A			HOUSING AUTHORITY		397 BOLTON ST	MARLBOROUGH	MA 01752	397
14	2			GODFREY KATHLEEN A		272 STEVENS ST	MARLBOROUGH	MA 01752	272
14	3			MOREAU LEIGH ANN		268 STEVENS ST	MARLBOROUGH	MA 01752	268
14	16			CITY OF MARLBOROUGH	WHITCOMB MIDDLE SCHOOL	140 MAIN ST	MARLBOROUGH	MA 01752	25
14	42			CHAOUSIS JAMES		C/O AMY ALDRICH	MARLBOROUGH	MA 01752	155
14	49			SHERMAN ERIKA J		259 STEVENS ST	MARLBOROUGH	MA 01752	255
14	50			SYLVESTER THOMAS W		265 STEVENS ST	MARLBOROUGH	MA 01752	265
14	50A			VILLATORO JORGE	NORMA I MORALES	263 STEVENS ST	MARLBOROUGH	MA 01752	263

## MARLBOROUGH ASSESSORS

*Anthony C. Amore Jr.*  
*Allen K. Silverstein*  
*John May Jr.*

## SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: BSL Marlborough Development LLC Address: c/o Benchmark Senior Living  
201 Jones Road, Third Floor, Waltham, MA 02451

Project Name: The Branches of Marlborough Address: 421 Bolton Street, Marlborough, MA 01752

1. PROPOSED USE: (describe) 52-Unit Assisted Living Facility with Special Care Unit

2. EXPANSION OR NEW: New

3. SIZE: floor area sq. ft. 60,823 +/- 1<sup>st</sup> floor 39,187 SF all floors 60,823 +/-

# buildings 1 # stories 2 lot area (s.f.) 677,332

4. LOT COVERAGE: 6.2 %Landscaped area: 93.8 %

5. POPULATION ON SITE: Number of people expected on site at anytime:

Normal: 99 Residents, 28 Staff and Peak period: 104 Residents, 53 Staff and Visitors  
Visitors

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 29 Peak period: 54

(B) How many service vehicles will service the development and on what schedule?  
Primary Food Delivery: 2 per week; Produce: 3-4 per week; Bread and Dairy: 3-4 per week; Facility/Supply Deliveries: 3-5 per week; Linen: 1 per week; Waste Removal: 2-3 per week; Fed-ex/UPS: 2-3 per week; Landscaping: 1-2 per week in season; Snow Removal: as needed; Repair and Maintenance: as needed.

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? Site lighting will be downward facing. The building will be fitted with accent lighting and appropriate lighting at the building entrances. Light will not trespass on to abutting property.

8. NOISE:

(A) Compare the noise levels of the proposed development to those that exist in the area now.

Same.

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. Delivery and service trucks during business hours.

9. AIR: What sources of potential air pollution will exist at the development? None.

10. WATER AND SEWER: Describe any unusual generation of waste. N/A

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? None.

**\*Attach additional sheets if necessary**





**CITY OF MARLBOROUGH  
MARLBOROUGH, MASSACHUSETTS 01752**

City Hall  
140 Main St.

Marlborough, Massachusetts 01752

Voice (508) 460-3775 Facsimile (508) 460-3723 TTD (508) 460-3610

President and Members City Council

Date: 2-2-17

**SPECIAL PERMIT APPLICATION  
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: The Branches of Marlborough

Project Use Summary: 52-Unit Assisted Living Facility with Special Care Unit

Project Street Address: 421 Bolton Street, Marlborough, MA 01752

Plate: 30 Parcel: 13, 14 and 700

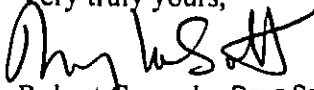
Applicant/Developer Name: BSL Marlborough Development LLC

Plan Date: 1/20/17 Revision Date: \_\_\_\_\_

Dear President and Members:

In accordance with the City Council's Rules for Special Permit Applications, I hereby certify that the Site Plan filed with the City Clerk has been reviewed by the Building Department within the limits of work shown on the plan, and that said plan meets all prior referenced informational requirements of Section 7; that the plan conforms in all aspects to City Code and to these Rules and Regulations, and that any necessary zoning variances have been already granted by the Marlborough Zoning Board of Appeals, and any applicable appeal period concerning said variances have run.

Very truly yours,

  
Robert Gamache

Doug Scott  
Interim Building Commissioner

Application Fee to submit to  
City Clerk's office

\$1525

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



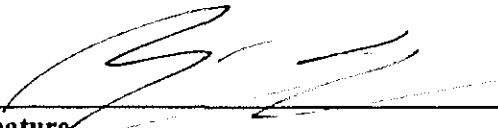
**Lisa M. Thomas  
City Clerk**

Dear Applicant,

To ensure that each department listed below receives a copy of your completed Special Permit application, please hand-deliver to each department as instructions indicate below.

**PLACE A CHECK-MARK AFTER HAND-DELIVERING THE APPLICATION TO THE FOLLOWING DEPARTMENTS AND SIGN YOUR NAME & DATE IT ACCORDINGLY. MAKE SURE THIS PAGE IS SIGNED AND RETURNED TO THE CITY CLERK'S OFFICE WITH THE COMPLETED APPLICATION. THE CITY CLERK'S OFFICE WILL NOT ACCEPT THE APPLICATION WITHOUT THE SIGNATURE OF THE APPLICANT OR PETITIONER AS INDICATED BELOW.**

3 SETS	OFFICE OF THE CITY CLERK	<input checked="" type="checkbox"/>
1 SET	POLICE CHIEF	<input checked="" type="checkbox"/>
1 SET	FIRE CHIEF	<input checked="" type="checkbox"/>
1 SET	CITY ENGINEER	<input checked="" type="checkbox"/>
1 SET	CITY PLANNER	<input checked="" type="checkbox"/>
1 SET	CONSERVATION OFFICER (IF WETLANDS AFFECTED)	<input checked="" type="checkbox"/>
1 SET	BUILDING INSPECTOR	<input checked="" type="checkbox"/>
12 SETS	OFFICE OF THE CITY COUNCIL	<input checked="" type="checkbox"/>

  
\_\_\_\_\_  
Signature

2/2/17  
\_\_\_\_\_  
Date

Thank you for your cooperation in this matter.

Sincerely,

*Lisa M. Thomas*  
*City Clerk*



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

**Lisa M. Thomas  
City Clerk**

I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all Municipal tax returns and paid all Municipal taxes required under law.

**Company Name**

BSL Marlborough Development LLC

**Owner Name/Officer Name of LLC or Corporation**

Sarah Laffey, Vice President

**Owner/Officer Complete Address and Telephone Number**

BSL Marlborough Development LLC, c/o Benchmark Senior Living

201 Jones Road, Third Floor West

Waltham, MA 02451

**Signature of Applicant**



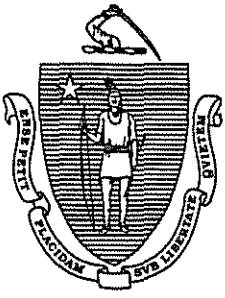
**Attorney on behalf of Applicant, if applicable**

By Attorney Brian R. Falk, Esq.

The Special Permit Package will not be accepted unless this certification clause is signed by the applicant and the Tax Collector.



**Tax Collector**



THE COMMONWEALTH OF MASSACHUSETTS  
 STATE RECLAMATION & MOSQUITO CONTROL BOARD  
**CENTRAL MASSACHUSETTS  
 MOSQUITO CONTROL PROJECT**  
 111 Otis Street, Northborough, MA 01532 - 2414  
 Telephone (508) 393-3055 • Fax (508) 393-8492  
 www.cmmcp.org



COMMISSION CHAIRMAN  
 RICHARD DAY

EXECUTIVE DIRECTOR  
 TIMOTHY D. DESCHAMPS

January 20, 2017

Marlboro City Clerk  
 140 Main St.  
 Marlboro, MA 01752

Each January we send out notices asking you to post information about the pesticide exclusion regulations and collect any exclusions that are registered with your office. The regulations have been changed, and the City/Town Clerk's officer will no longer be part of this process.

Once the regulations have been completed and the process is under way, we will send you the information so it can be posted in your office. Please let me know if you have any questions; I can be reached by phone or e-mail at [deschamps@cmmcp.org](mailto:deschamps@cmmcp.org). Thank you.

Sincerely,

Timothy D. Deschamps  
 Executive Director

cc: Marlboro Board of Health

CITY OF MARLBOROUGH

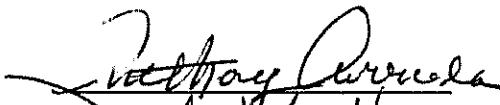


BOARD OF ASSESSORS

MEETING MINUTES: November 14, 2016

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CITY OF MARLBOROUGH

2017 JAN 23 P 3: 22

1. CALL TO ORDER: 9:00 am  
MEMBERS PRESENT: Anthony Arruda, David Manzello, Ellen Silverstein  
Also in attendance: Paula Murphy, Head Clerk
2. MOTION TO ACCEPT: minutes of the June 22, 2016 meeting: Mr. Arruda, second Ms. Silverstein  
Vote: 3-0
3. APPROVE AND SIGN: Chapter Land Applications for FY 2018
4. DISCUSS AND VOTE: Application for Statutory Exemption: 149 Cook Ln, 162 Clinton St and  
17 Evelina Dr  
Motion to Deny: Mr. Arruda, second Ms. Silverstein  
Vote:3-0
5. Ms. Silverstein informed the Board of her official notification from the Division of Local Services regarding her Certificate of Achievement for attendance and successful completion of the examination meeting minimum standards for assessors pursuant to M.G.L. 830 Code of Massachusetts (CMR) 58.3.1
6. Discussion regarding 2016 ATB settlement for Gay St parking lot adjacent to 40 Mechanic St., settlement to be worked out and voted at next board meeting.
7. Mr. Manzello reported to the Board on the Department of Revenue's approval of Property Values and New Growth Revenues for Fiscal 2017.
8. Fiscal 2017 Tax Classification Hearing Draft Document was presented to Board
9. DISCUSSION AND VOTE: Release of 2010 and 2011 overlay in the amounts of \$209,084.41 and \$178,829.86 to the City of Marlborough  
MOTION TO APPROVE: Ms. Silverstein, second Mr. Arruda  
Vote: 3-0
10. MOTION TO CONCLUDE – Mr. Arruda, second Ms. Silverstein  
Meeting Adjourned – 9:34 am

**MARLBOROUGH PLANNING BOARD  
MARLBOROUGH, MA 01752**

2017 JAN 25 A 9:53

**Call to Order**

**December 19, 2016**

The Meeting of the Marlborough Planning Board was called to order at 7:00pm in Memorial Hall, 3<sup>rd</sup> Floor City Hall 140 Main Street, Marlborough, MA. Members present included: Barbara Fenby, Colleen Hughes, Sean Fay, Shawn McCarthy & Brian DuPont. Also in attendance were Acting Board Secretary Pamela Wilderman & Assistant City Engineer Timothy Collins. Philip Hodge was absent.

**1. Meeting Minutes:**

**A. Regular Meeting November 14, 2016**

On a motion made by Mr. DuPont, seconded by Mr. McCarthy it was voted approve the regular meeting minutes from November 14, 2016. Motion carried.

**B. Regular Meeting November 28, 2016**

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted approve the regular meeting minutes from November 28, 2016. Motion carried.

**C. Regular Meeting December 5, 2016**

On a motion made by Mr. McCarthy, seconded by Ms. Hughes it was voted approve the regular meeting minutes from December 5, 2016. Motion carried.

**2. Chair's Business:**

**A. Update regarding Planning Board Page – Calendar**

Mr. DuPont previewed the newly created Planning Board Share Point page. After discussion amongst the members it was decided that Mr. DuPont would work directly with Mr. Gibbs and the Board Secretary to finalize the site. Creating a calendar as well as a task list of current projects and milestone.

**3. Approval Not Required: None**

**4. Public Hearings (7:25):**

**A. Proposed Zoning Amendment 650-56 & 650-59**

Ms. Hughes read the notice into the record.

The Public Hearing was opened at 7:15pm Ms. Hughes read the notice into the record. The hearing was taken in the traditional 4 stages:

Presentation

Those speaking in favor-questions

Those speaking in opposition

Questions from Board Members

Presentation:

City Solicitor Rider presented the proposed changes to the Board. These changes fall in the category of general housekeeping amendments as a result of changes from the legislature. The change moves the expiration date for a Special Permit from 2 years to 3 years. This change will bring the City's Zoning Ordinance in line with the Massachusetts General Laws that made this change back in August 2016.

Speaking in Favor: None

Speaking in Opposition: None

Questions/Comments from the Board Members: None

The Public Hearing was closed at 7:30pm

On a motion made by Mr. Fay, seconded by Mr. DuPont it was voted to forward a favorable recommendation to the City Council regarding this amendment as presented. Motion carried.

**5. Pending Sub Division Plans: Updates and Discussion:**

**A. Engineers Report**

Assistant City Engineer Collins reported out to the Board regarding the 6 currently active subdivisions;

Mauro Farms is currently in their 1-year maintenance period.

Blackhorse Farms is currently in their 1-year maintenance period.

Cider Mill Estates (exp. 5-26-17) The bond needs to be recalculated to ensure proper funding is still held. The drain lines are in need of cleaning and videotaping and repair prior to the final paving being completed.

Walker Brook Estates (exp. 1-10-17) Developer was unable to finish paving due to weather. A request for extension is anticipated at the next regularly scheduled meeting.

Howe's Landing (exp. 12-1-17) Developer was notified regarding the Open Space deeding requirement.

Goodale Estates (exp. 11-14-18) Developer has cut in the roadway, developer was reminded about requirements for the open space deeding etc.

**B. Toll Brothers Bond Release Request**

Solicitor Rider reported out to the Board that he has no objections to the request as presented.

On a motion made by Mr. Fay, seconded by Ms. Hughes it was voted to approve the request as presented and release the performance bond in the amount of \$45,000.00 held regarding the Toll Brothers Subdivision, Country Club Estates.

**C. Request for Extension Marlborough Hub (Attorney Bergeron)**

Attorney Bergeron was in attendance to present the request to the Board.

After much discussion revolving around the requested waiver reducing the roadway width to 40', as well as analysis of the other requested waivers including the concern regarding the appearance of setting precedent for this particular proposed subdivision the Board took the following action:

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to grant the requested extension until April 1, 2017 as well as continue this discussion at the next regularly scheduled meeting.

**6. Preliminary/Open Space Submissions/Limited Development Subdivisions: None**

**7. Definitive Subdivision Submission: None**

**8. Signs: None**

**9. Unfinished Business: None**

**10. Informal Discussion: None**

**11. Correspondence:**

**A. der Massachusetts, downstream Number 35**

On an motion made by Ms. Hughes, seconded by Mr. McCarthy it was voted to accept and place on file item 11A. Motion carried.

**12. Public Notices of other Cities and Towns:**

**A. Town of Framingham, Planning Board, 3 Notices**

**B. Town of Framingham, Zoning Board of Appeals 4 Notices**

On an motion made by Ms. Hughes, seconded by Mr. McCarthy it was voted to accept and place on file items 12A-B. Motion carried.

**Adjournment:** On a motion made by Ms. Hughes, seconded by Mr. Hodge it was voted to adjourn at 8:05pm. Motion carried.

Respectfully submitted,

Colleen Hughes  
Clerk

/mai



MARLBOROUGH PLANNING BOARD  
MARLBOROUGH, MA 01752

2017 JAN 25 A 9:53

**Call to Order**

**January 9, 2017**

The Meeting of the Marlborough Planning Board was called to order at 7:00pm in Memorial Hall, 3<sup>rd</sup> Floor City Hall 140 Main Street, Marlborough, MA. Members present included: Barbara Fenby, Colleen Hughes, Sean Fay, Shawn McCarthy, Brian DuPont & Philip Hodge. Also in attendance were Board Secretary Melissa Peltier & City Engineer Thomas DiPersio

**Officer Selection:**

Mr. DuPont acting as Chairperson Pro Tem opened the nominations for Clerk.

Mr. Fay nominated Ms. Hughes as Clerk, seconded by Mr. Hodge. Nominations were closed and Ms. Hughes was elected by unanimous vote.

Mr. DuPont acting as Chairperson Pro Tem opened the nominations for Chairperson.

Mr. Hodge nominated Dr. Barbara Fenby as Chairperson, seconded by Ms. Hughes. Nominations were closed and Dr. Fenby was elected by unanimous vote.

**1. Meeting Minutes:** None

**2. Chair's Business:**

**A. Update regarding Planning Board Page – Calendar**

This item was carried over to the next regularly scheduled agenda. (January 23, 2016)

**B. Street Acceptance Continued Discussion**

City Engineer DiPersio informed the Board that he had no updates regarding this matter other than Attorney Bergeron is currently working on the Bouffard Drive acceptance paperwork.

**C. Board Member Term Expirations Discussion**

Chairperson Fenby handed out the most current listing of Member term expiration dates. The following members have indicated their interest in seeking reappointment, Chairperson Fenby, Clerk Colleen Hughes, Mr. Sean Fay, and Mr. Philip Hodge. Mr. Brian DuPont's term is current until February 2018 and Mr. McCarthy has expressed his desire to not seek reappointment.

**3. Approval Not Required:** None

**4. Public Hearings (7:15):** None

**5. Pending Sub Division Plans: Updates and Discussion:**

**A. Engineers Report**

City Engineer DiPersio reported out in an effort to make the Board aware of a potential issue with the recently approved Goodale Estates Subdivision.

There appears to be an issue in the Woodland Drive area regarding the topography and the placement/requirement of a sidewalk. The developer may reappear in front of the Board.

**B. Request for Extension Walker Brook Estates (Melanson) January 9, 2016**

Ms. Hughes read the request into the record.

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to allow the extension as requested until May 15, 2017 subject to receipt of the verification of no blight status from the Code Enforcement Officer and agreement of the construction schedule form the Engineering Department. Motion carried.

**C. Mauro Farms Open Space Communication from P. Ryder Conservation Officer**

On a motion made by Mr. DuPont, seconded by Mr. McCarthy it was voted to waive the reading of the entire communication with the exception of the final page. Motion carried.

Ms. Hughes read the communications final page into the record.

After discussion of the three (3) options that were laid out by the Conservation Officer in the communication the following action was taken.

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to support Option #1 with the following modification: The Board is not in favor of "allowing" the owner of lot 29 to mow Parcel 30 on an annual or biannual basis. Motion carried.

**D. Marlborough Hub (continued discussion)(April 1, 2014)**

Ms. Hughes read the communication from Assistant City Engineer Timothy Collins into the record.

On a motion made by Mr. Fay, seconded by Mr. DuPont the communication was accepted and placed on file.

City Solicitor Donald Rider was available to the Board to attempt to clarify the outstanding issues/problems.

The development parcel in question consists of 2 parcels of land that had been previously combined together utilizing property conveyed to Mary Howe in 1896 and property formerly owned by a railway until the 1960s. The main issue involves a "contemplated street" conveyed in the same 1896 deed of the property conveyed to Mary Howe. The "contemplated street" was intended in 1896 to provide access to the Mary Howe property and it continues to exist as an easement appurtenant to her property. The current developer is intending to utilize the "contemplated street" as the roadway to access the proposed subdivision. Since the railway property was acquired by one of the developer's predecessors in title in the 1960s, decades after the appurtenant easement had been conveyed to provide access to the Mary Howe property, the legal problem is that the after-acquired railway property cannot legally be added to the dominant estate, which is the former Mary Howe property, at least not without the consent of the owners of the properties abutting the other (west) side of the proposed subdivision road. Absent that consent, use of the easement to access the portion of the development parcel consisting of the after-acquired railway property would impermissibly 'overload the easement.'

The second issue that the Board is waiting on is a plan from the developer showing a "waiverless" plan as required by the Board. The plan had not been provided as of the meeting date.

It was requested to keep this item on the agenda for the next regularly scheduled meeting (January 23, 2017).

**6. Preliminary/Open Space Submissions/Limited Development Subdivisions: None**

**7. Definitive Subdivision Submission: None**

**8. Signs: None**

**9. Unfinished Business: None**

**10. Informal Discussion: None**

**11. Correspondence:**

**A. National Grid (Gas Transmission Pipeline Safety)**

On a motion made by Ms. Hughes, seconded by Mr. Hodge it was voted to accept and place on file item 11A. Motion carried.

**12. Public Notices of other Cities and Towns:**

**A. Town of Framingham, Planning Board, 3 Notices**

**B. Town of Framingham Zoning Board of Appeals, 9 Notices**

**C. Town of Southborough Planning Board, 1 Notice**

On a motion made by Ms. Hughes, seconded by Mr. Hodge it was voted to accept and place on file items 12A-C. Motion carried.

**Adjournment:** On a motion made by Mr. DuPont, seconded by Ms. Hughes it was voted to adjourn at 8:05pm. Motion carried.

Respectfully submitted,

Colleen Hughes  
Clerk

/mai

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**CITY OF MARLBOROUGH MEETING MINUTES**

**Meeting:** Council on Aging Board of Directors Meeting 2017 JAN 25 A 11:45  
**Date:** Tuesday, December 13, 2016  
**Time:** 8:30 A.M.  
**Location:** Conference Room, Marlborough Senior Center, 40 New Street, Marlborough, MA 01752

**ATTENDANCE:** *Leslie Biggar, Jim Confrey, Richard Cygan, Marie Elwood, Pat Gallier, Judy Kane, Jeanne McGeough, Richard Collins, Trish Pope, Debra Barter – Guest*

**Excused:** *Brenda Costa*

- I. CALL TO ORDER AT 8:35 AM
- II. APPROVAL OF November 8, 2016 MINUTES
- III. DIRECTOR'S UPDATE – Trish Pope, Director

Trish discussed the many events which occurred and will occur during the month of December, including, but not limited to: Decorating handmade wooden ornaments, ribbon cutting ceremony for Ward Park, Cookie Swap, Golden Tones event, movie *It's A Wonderful Life*, the annual Christmas Party catered by Kennedy's. She also discussed some January events such as a Jazz Brunch in January and a Sip and Paint night in February. Trish obtained 12 one day liquor licenses for the coming events.

IV. IMPROVED SIGN-UP SUGGESTIONS REVIEW

There were ten suggestions presented to the Executive Director. Much time was spent discussing the pros and cons of each suggestion. What ultimately was agreed upon was as follows:

- a. Exercise class fees will be raised to \$3.00 – to occur after the next session.
- b. No more numbers will be given out.
- c. All sign-ups will take place in the afternoon.
- d. All sign-ups will be first come, first served.
- e. Any person on a wait list will automatically be registered in the next class.

A suggestion was made by the Board to charge a flat rate for classes and eliminate the "reduced cost" for multiple sign ups. A show of hands revealed that all Board members voted "Yes" on this. The ultimate decision belongs to the Executive Director. The Board is advisory only and has no say in the final decision.

The next sign up for exercise classes will be held on Thursday, January 19 and Friday, January 20 at 2:00 PM.

V. BOARD UPDATES

A. BAY PATH ELDER SERVICES UPDATE

No report available due to Brenda's absence. Attached are BayPath's board highlights provided by Brenda, post-meeting.

B. TRANSPORTATION REPORT – Jeanne McGeough

Jeanne reported that in November there were 99 rides. Of these 53 were to the Senior Center, 38 were to Supermarket/Shopping/Restaurants, City Van had 4 Other, MWRTA had 4 requests. There were 7 new applicants.

VI. NEW/OLD BUSINESS

Judy Kane suggested that signs in the exercise room should be in multiple languages.

Board Re-Appointments have been concluded and all members are in the process of being reappointed.

Deb Barter asked to address the Board and made suggestions regarding the exercise sign-up sessions. Some discussion ensued with no definitive conclusion. She left before the business meeting began.

VII. MEETING ADJOURNED AT 10:00 AM

The next board meeting is Tuesday, January 10, 2017 at 8:30 AM in the conference room at the Senior Center, 40 New Street, Marlborough, MA

Respectfully Submitted,

Jeanne McGeough  
For Brenda Costa

**City of Marlborough  
License Board**  
140 Main Street, Lower Level  
Marlborough, MA 01752  
(508) 460-3751 FAX (508) 460-3638

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2017 FEB -1 A 10: 20

**Minutes of the License Board Regular Meeting Held Wednesday, November 30, 2016**  
at 7:30 pm, City Hall, 1<sup>st</sup> floor, Council Committee Room.

Attending: Walter Bonin, Chairman; Gregory Mitrakas, Dave Bouvier, Member; Tina Nolin, Clerk

Meeting called to order by Walter Bonin, Chairman at 7:30 PM

**New Business**

**1. One Day Permits**

COA/Senior Center (12) -

Want to hold several new events over the course of 2017 to accommodate new members and expand offerings. Each event will receive the license prior to the event.

Member Mitrakas motioned for approval, Member Bouvier seconded

Board vote: 3-0 approved

**2. First Edition Pub License Intention - Richard Sullivan**

Mr. Sullivan intends to renew the license for 2017 and is in discussion with other parties with an intent to open within the 2017 calendar year.

Mr. Sullivan agreed to attend the December meeting to give a more detailed timeline and plan for using the license.

**3. Unknown Business at Time of Posting: Brazilian Steak Grill**

informational discussion on opportunity for the Brazilian Steak Grill restaurant to obtain a beer and wine license for their restaurant as they expand their business. Mr. Do Espirito Santo will attend the Board meeting next month with plans showing seating, bar area, storage etc.

**4. Reports from the Chairman**

There were no reports from the chairman

**5. Misc. Correspondence**

Letter to Matt Leduc re: Westender Inspection (Pam Wilderman, Code Enforcement)  
The Board will wait to hear from Mr. LeDuc and the C110 will need to be signed off before a license is renewed.

Member Bouvier motioned to accept and place on file the communication between Code Enforcement and Mr. Leduc. Member Mitrakas Seconded the motion. Board vote 3-0 to accept and place communication on file.

**5. Review of Minutes**

– October 26, 2016, Regular Meeting

Member Mitrakas motioned to accept and place on file the minutes of the October 26, 2016, Meeting. Member Bouvier seconded the motion. Board Vote 3-0 to approve the October 26<sup>th</sup> Meeting Minutes and place on file.

Next meeting will be Wednesday, December 21, 2016 at 7:30 pm

Motion made to adjourn: 8:12 pm vote: 3-0 for adjournment.

Respectfully submitted,



Walter Bonin, Chairman

**City of Marlborough  
License Board**

140 Main Street, Lower Level  
Marlborough, MA 01752  
(508) 460-3751 FAX (508) 460-3638

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2017 FEB -1 A 10: 20

**Minutes of the License Board Regular Meeting Held Wednesday, December 21, 2016  
at 7:30 pm, City Hall, 1<sup>st</sup> floor, Council Committee Room.**

Attending: Walter Bonin, Chairman; Gregory Mitrakas, Dave Bouvier, Member; Tina Nolin, Clerk

Meeting called to order by Walter Bonin, Chairman at 7:30 PM

**New Business**

**1. One Day Permits**

Masonic Hall -

Member Mitrakas motioned for approval, Member Bouvier seconded  
Board vote: 3-0 approved

Immaculate Conception School Parents Association –

Member Mitrakas motioned for approval, Member Bouvier seconded  
Board vote: 3-0 approved

**2. ITAM - Change of Manager and Officers Application**

Member Mitrakas motioned for approval, Member Bouvier seconded  
Board vote: 3-0 approved

**3. Class II Dealership Application – Emmanuel Motors (128 South Bolton St)**

Mark Evangelous, owner/applicant applied for Class II Dealership license, with no cars on the lot – the office would be on the 128 S. Bolton Street premise. The Board reminded Mr. Evangelous that he needed a visible posted sign at the location that has the establishment name, and clearly points to the location of the office.

Member Bouvier motioned for approval, Member Mitrakas seconded  
Board vote: 3-0 approved

**4. Class II Dealership Application (change of location and name) – EM Auto Services**

Item tabled as applicant was not in attendance



5. **Welly's Restaurant - Informal discussion regarding changing their current Wine, Malt and Cordial License to an All Alcohol License**  
Item tabled as applicants not in attendance
6. **Brazilian Steak Grill – continued discussion regarding application for a beer and wine license** Item tabled at applicant's request until next month's meeting
7. **First Edition Pub License Intention - Richard Sullivan**  
Tabled as applicant was not in attendance – will carry over to next agenda.
8. **Reports from the Chairman**  
There were no reports from the chairman
9. **Misc. Correspondence**  
ABCC decision letters regarding La Tapatia, Moniti's Mini Mart and Capital Liquors.

Member Mitrakas motioned to accept and place on file the various ABCC decision letters. Member Bouvier seconded the motion. Board vote 3-0 to accept and place communication on file.

5. **Review of Minutes**  
– November 30, 2016, Regular Meeting

Member Mitrakas motioned to accept and place on file the minutes of the November 30, 2016, Meeting. Member Bouvier seconded the motion. Board Vote 3-0 to approve the November 30<sup>th</sup> Meeting Minutes and place on file.

Next meeting will be Wednesday, January 25, 2017 at 7:30 pm

Motion made to adjourn: 8:15 pm vote: 3-0 for adjournment.

Respectfully submitted,



Walter Bonin, Chairman

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CITY OF MARLBOROUGH

2017 FEB -1 P 2: 35



**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 Tuesday, December 20, 2016 at 10:00am in the City Council Committee Room, City Hall. Members present: Chairman - Police Chief Mark Leonard, DPW Commissioner John Ghiloni and City Clerk Lisa Thomas. Also present: Assistant City Engineer Tim Collins, Executive Director of Council on Aging and Senior Center Trish Pope and local resident Stefanie Ferrecchia. Minutes taken by: Karen Lambert, MPD Records Clerk.

**1- Minutes**

The minutes of the Traffic Commission meeting of Tuesday, October 25, 2016.

MOTION was made, seconded, duly VOTED:  
TO APPROVE - Accept and Place on File.

**2 – New Business**

**2a) Request to explore the possibility of changing the one-way direction of travel on Hayden Street.**

Trish Pope was in attendance for this issue. She said in her email to the Chief that many seniors have told her that they would park at Bigelow School if they could figure out how to get there. Rather than going back out to Granger and circling around with a left onto West Main and then a left onto Orchard, it would be easier to have signage at Water Street directing them to the parking at the school. Ms. Pope also mentioned an issue with people parking in restricted areas. This causes a problem for buses coming to the Center as they can't make the turn with other vehicles parked in the way.

Tim Collins provided a diagram of the area with the parking restriction indicated. Chief Leonard suggested that Ms. Pope call the Police Department if she sees an issue with the parking restriction so that it can be addressed at the time. With regard to changing the direction of traffic, he feels this may be a problem for residents. Commissioner Ghiloni

agrees that it would be a benefit to the Senior Center but not for residents. Ms. Pope advised that she has tried to schedule events in a way to facilitate parking. For example, all large events were switched to Wednesday. This is Bingo day and when buses come. Exercise class are now on Tuesday. They get about 200 people through the door for these classes.

Chief Leonard asked if we need state approval for a one-way. Tim Collins advised that no it does not. It would only require state approval if it were a mid-block issue. Chief Leonard asked if there was another option. It seems easier (though longer) for people to be directed to take a right onto Granger, then a right onto Liberty and a right into the school. It is the left onto Granger from New Street that can be difficult. Is it more of a matter of educating people? Chief Leonard would also like to include the Fire Chief in this discussion and have Engineering look at it more closely. Trish Pope said she understands if the direction of travel on Hayden can't be changed but she had to ask since it has become an issue. The easier solution would have been to change it before the Senior Center was completed.

With regard to the issue of educating the public, Commissioner Ghiloni passed out the new Warning Notices the DPW had made up relative to parking restrictions and/or winter parking bans. They just came in yesterday and are the first step to educating the public.

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

*Chief Leonard made a motion to suspend the rules and take the agenda items out of order. All in Favor*

**2d) Request for truck exclusion on Winter Street.**

This request came from Stephanie Ferrecchia, property owner of 6 Winter Street. She was in attendance for this issue. She has continuously had problems with trucks coming onto her lawn and hitting the boulders and signs put there by the DPW to protect the house. She said that trucks have to come onto her lawn in order to make the turn. She said that her tenants are "petrified".

It appears that GPS is sending trucks down Winter Street to get back to Rte. 495. The better route would be to take Felton St. to Landry Ave. Tim Collins said that GPS doesn't know our traffic restrictions. Once you go down Winter Street you hit Lincoln Street, which has a truck exclusion, to get back to Rte. 20. A truck exclusion requires MassDOT approval. It was discussed that Winter Street would not hit the required numbers for a truck exclusion. If trucks make up less than 3% of traffic it is not considered a big enough problem. Also, even with a truck exclusion, trucks would need to be able to get down there to make deliveries.

If the real issue is actually getting trucks back onto Rte. 495, it would better to have signs directing traffic specifically to Rte. 495, along with signs indicating the there is a truck exclusion ahead. Chief Leonard suggested focusing on specific companies, for example, if a certain company is generating a lot of truck traffic maybe we can tell them to advise their drivers on the preferred route. He said that he also likes the idea of "directional signage". Ms. Ferrecchia also asked about making Winter Street one way from Lincoln

St. to Elm St. Chief Leonard said that residents would not be happy with this idea. Tim Collins said that people who live at the other end would continue to “zip up the street” and think that the one way doesn’t apply to them because they live there. It creates other problems.

All agreed that directional signs to Rte. 495 were a good idea and that there should also be signs at Felton St. and Lock Dr. Chief Leonard also asked if the tenants could possibly note any specific times of day or days of the week that are more of a problem or the specific companies involved. If so, he can have an officer monitor the area at that time and then also be able to contact the specific companies. Ms. Ferrecchia said that she would ask the tenants to keep track. It was also discussed that it might be a good idea to put the truck counters out if they are available. Commissioner Ghiloni advised that they are available, however, Tim Collins said that they would have to be pulled if it snowed so that plowing could be done.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to install new signage directing truck traffic to Rte. 495 and to set out the truck counters.

**2b) Request to consider restricting parking on Grant Ct.**

The Traffic Commission received an email from Pam Wilderman, Code Enforcement Officer, on this issue. She said that the road is extremely narrow and she received a complaint that it is very difficult for people to back out of their driveways when cars are parked on the street. Tim Collins said that the road is 17 – 18 feet wide. He provided a GIS diagram of the area which included the number of families in each house, the number of bedrooms and the number of parking spaces required for each. The total needed is 42 spaces, however, they will not get this as there is no room. New parking areas have been added and it does make it difficult to back out. Mr. Collins said that the narrow streets and parking issues are a common problem in the core of Marlborough. No Parking signs can be put up, however, a lot of people will then have nowhere to park. Restricting parking would just create more problems.

Chief Leonard asked if something new has happened in the area. Tim Collins said no it is just a continuous issue all around. The Chief said that this is actually the first real problem that he has heard of and maybe it is just that someone new has moved into the area. He advised that he can send an officer out to see if all cars are legally parked.

Lisa Thomas asked if the new driveways were legal. Tim Collins said “probably not”, however, they are not “illegal” it’s just that they probably didn’t take out a permit. In reality, it does get more cars off the roadway. Chief Leonard said that it could be argued that they are helping the parking issue.

Chief Leonard said that he can reply to Pam Wilderman and advise that the Traffic Commission does have some concerns on the legality of the new parking areas. He will also let her know that the Traffic Commission feels that a parking restriction on Grant Court will just cause other issues. It was discussed in detail, however, there are no good alternatives at this point.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to advise Pam Wilderman on the Traffic Commissions discussion. Also REFER to the POLICE DEPARTMENT to monitor if cars are legally parked.

***NOTE: A resident of Hayden Street came into the meeting at this point looking for an update.***

Chief Leonard gave an overview of the issues that were discussed earlier in the meeting. He advised that the Traffic Commission needs to look at alternatives before making any changes. It will not be a quick fix and the neighborhood would be notified of any possible changes. At this point, it is all a preliminary discussion and seeing if problems can be resolved with possible signage and education.

**2c) Request for a crosswalk on Hosmer St. near #25 - #37.**

This request came from a Resident Owner and Trustee of the Marlborough Court Condos. She mentioned in her email that there is no visitor parking at the complex and that visitors often park at the shopping center across the street.

Tim Collins passed out a GIS aerial photo with the proposed crosswalk location indicated and four photos of the area. He said that there is actually no easement here that they are allowed to use as a cut through. One of the photos is of a sign indicating that the parking area is for Price Chopper customers only and there is no overnight parking allowed. He said that there is not actually overflow parking here for the Condo Complex and noted that there are already two crosswalks in the area about 200 feet in each direction from the proposed crosswalk. They do have an accessible route available, if necessary.

Mr. Collins' other three photos were of the gate opening from different angles and he noted on each photo as to why it was not an accessible route.

- 1) Not an accessible Route – Excessive Grade, Not Paved
- 2) Not an accessible Route – Curbing Present, Within a Parking Space
- 3) Not an accessible Route – Insufficient Width, was previously fenced – top rail connectors present, fence fabric on the right

After further discussion, it was determined that the Traffic Commission can't create a crosswalk that leads to private property for visitor parking. Chief Leonard advised that he will reply to the request.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to advise that this issue was discussed by the Traffic Commission, however, cannot be accommodated.

**2e) Discussion of new Thickly Settled Zone (25MPH) and new Safety Zone regulations from MassDOT.**

The MassDOT provided a list of "Frequently Asked Questions on Speed Limits" which was included in the agenda packet. Tim Collins also provided the amended wording to the specific Chapter and Sections and examples of the new signage. It was discussed that the State is now going to allow cities or towns to be able to reduce speed limits in thickly settled areas from 30 mph to 25 mph if they think it is necessary. Tim Collins advised

that the speed limit change can be made citywide or specific to certain streets. He also passed out a list of streets currently posted as "Thickly Settled 30 MPH". There were nine streets on the list. He said that there are also thickly settled streets that are not actually posted as such. These are local streets and no MassDOT approval is needed to revise the speed limits though Engineering studies may be required.

Commissioner Ghiloni said that he would think the Traffic Commission would want to reduce some of the areas from 30mph to 25mph. Chief Leonard agreed and said it should be reviewed on a case by case basis. The ones that are posted as "thickly settled" would be a good place to start. There would have been an issue at some point in order for it to have been specifically posted.

The criteria for "thickly settled" was discussed and it was noted, for example, that Mechanic Street at 25 mph wouldn't work. People would need to know whether they were in a 25mph zone or a 30mph zone in order for it to be regulated and enforced. Speeds for thickly settled zones would need to be listed. A letter would need to be sent to the State listing which thickly settled streets are 25mph and which are 30mph.

Chief Leonard said that he would not be in favor of a Citywide change. His preference would be to start where we have had issues. When word gets out that the speed limit in thickly settled areas can be reduced, "everyone" will want a 25mph sign. Should the majority be 30mph or 25mph?

Chief Leonard also said that another option would be to "do nothing" at this point and leave it there for the future. "If it aint broke, don't fix it." At least now we will have the opportunity to reduce speeds in thickly settled areas if the need arises.

MOTION was made, seconded, duly VOTED to ACCEPT and PLACE ON FILE for future use.

### **3-Old Business**

#### **3b) Traffic Concerns at Wilson & Hemenway Sts.**

**Update:** Engineering advised that they would be waiting until the Spring to make any changes here. They don't want to install the new island with the snow. <sup>rs</sup>

MOTION was made, seconded, duly VOTED to TABLE.

#### **3c) Request for stop signs on Weed St. at Florence St.**

Commissioner Ghiloni advised that this issue is still pending.

MOTION was made, seconded, duly VOTED to TABLE.

#### **3d) Parking restriction on Forest Street near AMSA.**

Chief Leonard said that he has been receiving complaints again on this issue. He recently received an anonymous picture showing traffic backed way up on Forest Street.

Commissioner Ghiloni said that he also was in this area recently and could not pass. The main problem is that people arrive too early and have to wait to pick up their children. Tim Collins advised that 50 signs would be needed to restrict traffic on both sides of Forest Street along that stretch. It was discussed that snowbanks throughout the winter were just going to cause more trouble and that signs at least need to go up in the vicinity of the school. They need to be installed "at the curve and grade".

MOTION was made, seconded, duly VOTED to REFER to the DPW for installation of No Parking signs in specific areas.

**3a) Traffic Commission rules and regulations update.**

Lisa Thomas advised that she now has all the changes from Tim Collins and they will be advertised at the discretion of the newspaper. She believes that she is now up to date. Chief Leonard and Karen Lambert are working on organizing the regulations that that need to be sent to General Code.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to work with Karen Lambert on compiling what is missing for General Code.

*Commissioner Ghiloni asked to discuss a new item not on the Agenda.*

**Parking for 240 Main Street – Granger Blvd., Parking Garage**

Doug Bushman sent an email advising that he was contacted by the parking clerk about MCDA tenants getting ticketed for overnight parking in the garage. Someone was appealing a ticket saying they had a permit to park there. Mr. Bushman explained in his email that the MCDA retains 50 spaces in the garage. They do not assign individual spaces but they tell tenants they can park on the second floor. He said that there is no signage on the second floor regarding reserved spaces. He said "Options could be that the MCDA parking stickers will be honored anywhere in the facility or ensure that the tenants understand that they can only park on the second floor of the garage."

Chief Leonard said that he was unaware of any special permits for parking in the garage. The ticket must have been given to someone parking on the lower level between 2 – 5am as parking on the second level would have been fine overnight. The lower level is supposed to be left open for people coming to work in the morning and businesses.

Commissioner Ghiloni will discuss the issue in more detail with Mr. Bushman and determine the best way to handle the issue so that everyone understands and no one is ticketed by mistake.

MOTION was made, seconded, duly VOTED to REFER to Commissioner Ghiloni to follow up with Doug Bushman.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 11:30 am.

Respectfully submitted,

Karen L. Lambert  
Records Clerk  
Marlborough Police Department

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

- Meeting Agenda for Tuesday, December 20, 2016. (Including City of Marlborough Meeting Posting).
- Draft of minutes from Tuesday, October, 25, 2016.
- E-mail from Commissioner Ghiloni to Chief Leonard, dated 11/14/16, Re: Parking at the Senior (original email sent by Trish Pope on 11/14/16.)
- E-mail from Pam Wilderman to the Traffic Commission Members, dated 11/14/16, Re: "Two Issues".
- E-mail from Kirstie Parker to Chief Leonard, dated 11/7/16, Re: Process for requesting a new pedestrian crosswalk.
- E-mail from Stefanie Ferrecchia to the City Council, dated 11/16/16, Re: 6 Winter Street. (Forwarded by City Council Secretary to Chief Leonard on 11/16/16)
- Information guide from MassDOT, dated 10/17/16, Re: new Thickly Settled Zone and new Safety Zone.

**Additional Handouts:**

- 4 photos, with specific notations, provided by Tim Collins relative to new crosswalk request noted above.
- GIS map of Orchard and Hayden Streets with current no parking area highlighted in pink.
- GIS aerial photo on Hosmer Street with area for proposed crosswalk indicated.
- GIS map of Grant Court with specific number of parking spots required for number of tenants.
- Email from Douglas Bushman to Chief Leonard, dated 12/19/16, re: Parking for 240 Main Street – Granger Blvd. Parking Garage.
- Copy of official "Warning" notice from the DPW, regarding parking restriction.