

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2016 OCT 13 P 1:28

1. Minutes, City Council Meeting, October 3, 2016.
2. PUBLIC HEARING On the Application to further modify Special Permit from Crabtree Lake Williams LLC for Overlook at Lake Williams, Lakeside Ave., to accommodate changes to the design and configuration of the emergency access road and perimeter fencing in the vicinity of Bond St., likely affecting Conditions #20, #22, #23, #36, #38 and #39, Order No. 16-1006683, X16-1006636B, X08/09-1002051E.
3. Communication from the Mayor re: Executive Office of Public Safety State 911 Department EMD Grant from the Commonwealth of MA in the amount of \$59,686.00 to offset personnel costs in the Public Safety Dispatch center for training overtime and to fund overtime costs associated with meeting the State mandated emergency dispatch protocols.
4. Communication from the Mayor re: Digital Federal Credit Union Gift in the amount of \$7,500.00 to fund information technology upgrades for the Fire Department.
5. Communication from the Mayor re: Digital Federal Credit Union Gift in the amount of \$7,500.00 to supplement various Police Department programs, units including RAD self-defense classes and Explorer program for the youth.
6. Communication from the Mayor re: Order of Acceptance of Deed-In-Lieu of Foreclosure, Russell St., Map 55, Parcel 210B.
7. Communication from Council President Clancy re: Municipal Aggregation Committee's approval of a six month fixed price contract with TransCanada, whose electrical rates are lower than National Grid Basic service rates.
8. Communication from City Solicitor, Donald Rider, re: Proposed Amendment to City Code by providing the Zoning Board of Appeals 100 days to file a decision on an appeal or a variance.
9. Communication from Assistant City Solicitor, Cynthia Panagore Griffin re: scrivener's error to Order No. 16-1006467B as the effective date of Stipend increase for Pollworkers which should have reflected July 1, 2016.
10. Communication from City Clerk, Lisa Thomas re: November 8, 2016 State Election Information.
11. Communication from Kristin Regan re: Permission to Park on City Property at the top of Emmett St., X14-1006035, X12-1005237, X11-1004017 & X03-9919A.
12. Communication from Attorney Twohig, on behalf of Hines Global REIT Marlborough Campus I LLC, to extend sewer connection permit for Campus at Marlborough, 100 Campus Dr.
13. Communication from Attorney Erikson, Walker Realty LLC, for proposed Hyatt hotel to be constructed at 169 Apex Drive, Order No. 16-1006443H.
14. Communication from Attorney Erikson, Walker Realty LLC, multisided architectural elevations for proposed buildings to be located at 160, 142, 115, 105, 90, 58, 43, 36, 22, 21 & 11 Apex Dr., Order No. 16-1006443H.
15. Communication from Michael & Karen Buckley re: Bolton Street Citgo Gas Station.
16. Minutes, Community Development Authority, August 25, 2016.
17. Minutes, School Committee, August 30 & September 13, 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.

REPORTS OF COMMITTEES:

18. Minutes, Planning Board, September 26, 2016.
19. Minutes, School Building Committee, August 9, 2016.
20. Minutes, Conservation Commission, September 15, 2016.
21. CLAIMS:
 - a. Ana Wydom, 51 Briarwood Ln., #9, pothole or other road defect.
 - b. Robert Raynor, 20 Hampton Ave., #309, Northhampton, MA 01060, other property damage and/or personal injury.
 - c. Doug Pizzi, 354 Stow Rd, other property damage and/or personal injury.

22. ORDERED: That the Marlboro City Council support a resolution requesting the Massachusetts Legislature act on House Bills 684, 685 and 686 regarding the Citgo Fuel Oil Spill.Submitted by Councilor Ossing

UNFINISHED BUSINESS:



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2015 OCT 11 P 4:12

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

OCTOBER 3, 2016

Regular meeting of the City Council held on Monday, OCTOBER 3, 2016 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juaire, Oram, Ossing, Robey, Delano, Doucette, Elder, Tunnera, Irish and Landers. Meeting adjourned at 8:32 PM.

Council President Clancy called upon Chief Mark Leonard to introduce the new Police Officers, Officer Robert Ayers, and Officer Justin Bonina.

ORDERED: That the Minutes of the City Council meeting SEPTEMBER 26, 2016, FILE; adopted.

ORDERED: That the PUBLIC HEARING On the Petition from Attorney Bergeron, on behalf of Cameron Realty Trust, 28 South Bolton St. re: Proposed Zoning Ordinance Amendment within the Marlborough Village District, Section 650-34 and Table of Lot Area, Yards and Heights of Structures, 650-41, Order No. 16-1006667, all were heard who wish to be heard, hearing recessed at 8:22 PM.

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

ORDERED: That the Municipal Aggregation Program, refer **BACK TO MAYOR SO THAT HE MAY PROVIDE DETAILS AND MAKE A RECOMMENDATION BACK TO THE CITY COUNCIL FOR THE NEXT MEETING;** adopted.

MOTION made by Councilor Oram for a friendly amendment to Councilor Ossing's motion above, to also request that the Mayor provide pricing comparison charts for the various power companies – Carries.

ORDERED:

That The City Clerk be and is hereby authorized and directed to warn and notify the voters of each of the seven (7) Wards and fourteen (14) Precincts of the City of Marlborough, duly qualified to vote in the State Election, to assemble in their respective polling places, as designated by the City Council as follows:

- | | |
|------------------------------|--|
| WARD ONE: Precinct 1 and 2 | Francis J. Kane School, 520 Farm Rd. |
| WARD TWO: Precinct 1 and 2 | Francis J. Kane School, 520 Farm Rd. |
| WARD THREE: Precinct 1 | Senior Center, 40 New St. |
| WARD THREE: Precinct 2 | Raymond J. Richer School, 80 Foley Rd. |
| WARD FOUR: Precinct 1 and 2 | Senior Center, 40 New St. |
| WARD FIVE: Precinct 1 and 2 | Senior Center, 40 New St. |
| WARD SIX: Precinct 1 and 2 | 1LT Charles W. Whitcomb School, 25 Union St. |
| WARD SEVEN: Precinct 1 and 2 | Hildreth School, 85 Sawin St. |

On Tuesday, November 8, 2016 then and there, for the purpose of casting their votes in the State Election for the candidates of political parties for the following offices:

- | | |
|--|---|
| ELECTORS OF PRESIDENT | FOR THE COMMONWEALTH AND VICE PRESIDENT |
| REPRESENTATIVE IN CONGRESS | THIRD DISTRICT |
| COUNCILLOR | THIRD DISTRICT |
| SENATOR IN GENERAL COURT | MIDDLESEX & WORCESTER DISTRICT |
| REPRESENTATIVE IN GENERAL COURT | FOURTH MIDDLESEX & THIRTEENTH MIDDLESEX DISTRICT |
| SHERIFF | MIDDLESEX COUNTY |

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

This proposed law would allow the state Gaming Commission to issue one additional category 2 license, which would permit operation of a gaming establishment with no table games and not more than 1,250 slot machines.

The proposed law would authorize the Commission to request applications for the additional license to be granted to a gaming establishment located on property that is (i) at least four acres in size; (ii) adjacent to and within 1,500 feet of a race track, including the track’s additional facilities, such as the track, grounds, paddocks, barns, auditorium, amphitheatre, and bleachers; (iii) where a horse racing meeting may physically be held; (iv) where a horse racing meeting shall have been hosted; and (v) not separated from the race track by a highway or railway.

A YES VOTE would permit the state Gaming Commission to license one additional slot machine gaming establishment at a location that meets certain conditions specified in the law.

A NO VOTE would make no change in current laws regarding gaming.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

This proposed law would allow the state Board of Elementary and Secondary Education to approve up to 12 new charter schools or enrollment expansions in existing charter schools each year. Approvals under this law could expand statewide charter school enrollment by up to 1% of the total statewide public school enrollment each year. New charters and enrollment expansions approved under this law would be exempt from existing limits on the number of charter schools, the number of students enrolled in them, and the amount of local school districts' spending allocated to them.

If the Board received more than 12 applications in a single year from qualified applicants, then the proposed law would require it to give priority to proposed charter schools or enrollment expansions in districts where student performance on statewide assessments is in the bottom 25% of all districts in the previous two years and where demonstrated parent demand for additional public school options is greatest.

New charter schools and enrollment expansions approved under this proposed law would be subject to the same approval standards as other charter schools, and to recruitment, retention, and multilingual outreach requirements that currently apply to some charter schools. Schools authorized under this law would be subject to annual performance reviews according to standards established by the Board. The proposed law would take effect on January 1, 2017.

A YES VOTE would allow for up to 12 approvals each year of either new charter schools or expanded enrollments in existing charter schools, but not to exceed 1% of the statewide public school enrollment.

A NO VOTE would make no change in current laws relative to charter schools.

QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

This proposed law would prohibit any farm owner or operator from knowingly confining any breeding pig, calf raised for veal, or egg-laying hen in a way that prevents the animal from lying down, standing up, fully extending its limbs, or turning around freely. The proposed law would also prohibit any business owner or operator in Massachusetts from selling whole eggs intended for human consumption or any uncooked cut of veal or pork if the business owner or operator knows or should know that the hen, breeding pig, or veal calf that produced these products was confined in a manner prohibited by the proposed law. The proposed law would exempt sales of food products that combine veal or pork with other products, including soups, sandwiches, pizzas, hotdogs, or similar processed or prepared food items.

The proposed law's confinement prohibitions would not apply during transportation; state and county fair exhibitions; 4-H programs; slaughter in compliance with applicable laws and regulations; medical research; veterinary exams, testing, treatment and operation if performed under the direct supervision of a licensed veterinarian; five days prior to an pregnant pig's expected date of giving birth; any day that pig is nursing piglets; and for temporary periods for animal husbandry purposes not to exceed six hours in any twenty-four hour period.

The proposed law would create a civil penalty of up to \$1,000 for each violation and would give the Attorney General the exclusive authority to enforce the law, and to issue regulations to implement it. As a defense to enforcement proceedings, the proposed law would allow a business owner or operator to rely in good faith upon a written certification or guarantee of compliance by a supplier.

The proposed law would be in addition to any other animal welfare laws and would not prohibit stricter local laws.

The proposed law would take effect on January 1, 2022. The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would prohibit any confinement of pigs, calves, and hens that prevents them from lying down, standing up, fully extending their limbs, or turning around freely.

A NO VOTE would make no change in current laws relative to the keeping of farm animals.

QUESTION 4: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

The proposed law would permit the possession, use, distribution, and cultivation of marijuana in limited amounts by persons age 21 and older and would remove criminal penalties for such activities. It would provide for the regulation of commerce in marijuana, marijuana accessories, and marijuana products and for the taxation of proceeds from sales of these items.

The proposed law would authorize persons at least 21 years old to possess up to one ounce of marijuana outside of their residences; possess up to ten ounces of marijuana inside their residences; grow up to six marijuana plants in their residences; give one ounce or less of marijuana to a person at least 21 years old without payment; possess, produce or transfer hemp; or make or transfer items related to marijuana use, storage, cultivation, or processing.

The measure would create a Cannabis Control Commission of three members appointed by the state Treasurer which would generally administer the law governing marijuana use and distribution, promulgate regulations, and be responsible for the licensing of marijuana commercial establishments.

The proposed law would also create a Cannabis Advisory Board of fifteen members appointed by the Governor. The Cannabis Control Commission would adopt regulations governing licensing qualifications; security; record keeping; health and safety standards; packaging and labeling; testing; advertising and displays; required inspections; and such other matters as the Commission considers appropriate. The records of the Commission would be public records.

The proposed law would authorize cities and towns to adopt reasonable restrictions on the time, place, and manner of operating marijuana businesses and to limit the number of marijuana establishments in their communities. A city or town could hold a local vote to determine whether to permit the selling of marijuana and marijuana products for consumption on the premises at commercial establishments.

The proceeds of retail sales of marijuana and marijuana products would be subject to the state sales tax and an additional excise tax of 3.75%. A city or town could impose a separate tax of up to 2%. Revenue received from the additional state excise tax or from license application fees and civil penalties for violations of this law would be deposited in a Marijuana Regulation Fund and would be used subject to appropriation for administration of the proposed law. Marijuana-related activities authorized under this proposed law could not be a basis for adverse orders in child welfare cases absent clear and convincing evidence that such activities had created an unreasonable danger to the safety of a minor child.

The proposed law would not affect existing law regarding medical marijuana treatment centers or the operation of motor vehicles while under the influence. It would permit property owners to prohibit the use, sale, or production of marijuana on their premises (with an exception that landlords cannot prohibit consumption by tenants of marijuana by means other than by smoking); and would permit employers to prohibit the consumption of marijuana by employees in the workplace. State and local governments could continue to restrict uses in public buildings or at or near schools. Supplying marijuana to persons under age 21 would be unlawful. The proposed law would take effect on December 15, 2016.

A YES VOTE would allow persons 21 and older to possess, use, and transfer marijuana and products containing marijuana concentrate (including edible products) and to cultivate marijuana, all in limited amounts, and would provide for the regulation and taxation of commercial sale of marijuana and marijuana products.

A NO VOTE would make no change in current laws relative to marijuana.

It is further ordered that the polling places legally designated by the City Council be opened at 7:00 o'clock in the forenoon and be closed at 8:00 o'clock in the evening. The City Clerk be and hereby is authorized to cause notice to be given by publication of this Order in a local newspaper and by posting a copy of the same in a conspicuous place in the office of the City Clerk and in each Ward and Precinct of the City.

Edward J. Clancy
City Council President

FILE; adopted.

ORDERED: That Communication from the Planning Board re: Favorable Recommendation to the City Council on the Proposed Zoning Amendment Allowing Assisted Living Facilities under Sections 650-5.B, 650-17, 650-18.A(44) and 650-48.A, Order No. 16-1006631A, **FILE** & refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from the MA State Lottery Commission re: Keno-to-Go Agent, 7-Eleven, 92 Broad St., **FILE**; adopted.

ORDERED: That Minutes, Planning Board, August 29, 2016 & September 12, 2016, **FILE**; adopted.

ORDERED: That Minutes, Traffic Commission, August 23, 2016, **FILE**; adopted.

ORDERED: That the Reappointments of the following individuals to the Council on Aging with staggered terms; Jim Confrey and Richard Collins with four year terms expiring in May 2020 and Brenda Costa to a three-year term expiring in May 2019, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:32 PM.



IN CITY COUNCIL

SEPTEMBER 26, 2016

Marlborough, Mass., _____

ORDERED:

That there being no objection thereto set **MONDAY, OCTOBER 17, 2016** as **DATE FOR PUBLIC HEARING** on Application to further modify Special Permit from Crabtree Lake Williams LLC for Overlook at Lake Williams, Lakeside Ave., to accommodate changes to the design and configuration of the emergency access road and perimeter fencing in the vicinity of Bond St., likely affecting Conditions #20, #22, #23, #36, #38 and #39, X16-1006636B, X08/09/-1002051E, be and is herewith refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE.**

Ninety days after public hearing is 01/01/17 which falls on a Sunday, and Monday, 01/02/17 is a holiday, therefore 01/03/17 would be considered the 90th day.

ADOPTED

ORDER NO. 16-1006683
X16-1006636B
X08/09-1002051E



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2016 OCT 12 12:41:13
Arthur G. Vigeant
MAYOR
Nicholas J. Milano
EXECUTIVE AIDE

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

Patricia Bernard
EXECUTIVE SECRETARY

October 13, 2016

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

Re: Grant Acceptance – Marlborough Police Department

Honorable President Clancy and Councilors:

I am pleased to submit for your acceptance a grant for the Marlborough Police Department in the amount of \$59,686 from the Massachusetts Executive Office of Public Safety and Security (EOPSS).

As the attached letter from Chief Mark Leonard indicates, this reimbursement grant will be used to offset personnel costs in the Public Safety Dispatching center for training overtime and overtime costs associated with meeting state mandated emergency dispatching protocols.

If you have any questions or comments, please do not hesitate to contact me or Chief Leonard.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough POLICE DEPARTMENT

508-485-1212 • FAX 508-824-8949
355 BOLTON STREET • MARLBOROUGH, MA • 01752

MARK F. LEONARD
Chief of Police

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

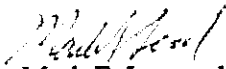
October 12, 2016

Dear Mayor Vigeant:

The Marlborough Police Department has been awarded a grant in the amount of \$59,686 from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, FY2017 State 911 Department Training Grant and EMD/ Regulatory Compliance Grant Program. The grant is a reimbursement grant, which will be used to offset personnel costs in the Public Safety Dispatching center for training overtime and overtime costs associated with meeting the State mandated Emergency Dispatching Protocols.

Attached is a copy of the Notice of Grant Award, grant approval letter, and signed grant contract. I am requesting that the grant award be forwarded to the City Council for approval. Should you have any questions, please do not hesitate to call.

Sincerely,


Mark F. Leonard
Chief of Police

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Police Department DATE: September 30, 2016

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Chief Mark F. Leonard

NAME OF GRANT: Executive Office of Public Safety State 911 Department EMD Grant

GRANTOR: Commonwealth of Massachusetts

GRANT AMOUNT: \$59,686.00

GRANT PERIOD: Present to June 30, 2017

SCOPE OF GRANT/
ITEMS FUNDED To meet State mandates for Dispatch Training and to review
911 Calls for Quality assurance puposes

IS A POSITION BEING
CREATED: No

CAN FRINGE BENEFITS BE PAID FROM GRANT?

IF YES: No

ARE MATCHING CITY
FUNDS REQUIRED? None

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

IF MATCHING IS
MONETARY PLEASE
GIVE ACCOUNT None

ANY OTHER EXPOSURE TO CITY? No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: Approval needed asap to begin
the use of the grant.

DEPARTMENT HEAD MUST SIGN 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, DEPARTMENT TO EXPEND THE FUNDS RECEIVED FOR THE PURPOSE OF THE G



The Commonwealth of Massachusetts
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
STATE 911 DEPARTMENT
151 Campanelli Drive, Suite A ~ Middleborough, MA 02346
Tel: 508-828-2911 ~ TTY: 508-828-4572 ~ Fax: 508-828-2585
www.mass.gov/e911



CHARLES D. BAKER
Governor

DANIEL BENNETT
Secretary of Public Safety
and Security

FRANK POZNIAK
Executive Director

September 30, 2016

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

Dear Chief Leonard:

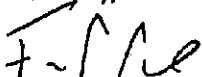
The Commonwealth of Massachusetts, State 911 Department would like to thank you for participating in the FY 2017 State 911 Department Training Grant and EMD / Regulatory Compliance Grant program.

For your files, attached please find a copy of the executed contract and the final approved Appendix A: Listing of Certified Telecommunicators for your grant. Please note your contract start date is September 30, 2016 and will run through June 30, 2017. Please keep in mind that there shall be no reimbursement for costs incurred prior to the effective date of the contract and all goods and services MUST be received on or before June 30, 2017.

Reimbursement requests should be submitted to the Department within thirty (30) days of the date on which the cost is incurred. We have made the request for payment forms available on our website www.mass.gov/e911. For any questions related to this process, please contact Michelle Hallahan at 508-821-7216. Please note that funding of reimbursement requests received more than three (3) months after the close of the fiscal year under which costs were incurred cannot be guaranteed.

If, in the future, you would like to make any changes to the authorized signatory, the contract manager, and/or the budget worksheet, please e-mail those proposed changes to 911DeptGrants@state.ma.us. Grantees are strongly encouraged to submit final, year-end budget modification requests on or before April 14, 2017.

Sincerely,


Frank P. Pozniak
Executive Director

cc: FY 2017 Training Grant and EMD / Regulatory Compliance Grant File

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 under Guidance For Vendors - Forms or www.mass.gov/osd under OSD Forms.



CONTRACTOR LEGAL NAME: City of Marlborough (and d/b/a): Marlborough Police Department		COMMONWEALTH DEPARTMENT NAME: State 911 Department MMARS Department Code: EPS	
Legal Address: (W-3, W-4, T&C): 140 Main Street, Marlborough, MA 01752		Business Mailing Address: 151 Campanelli Drive, Suite A, Middleborough, MA 02346	
Contract Manager: Chief of Police Mark F. Leonard		Billing Address (if different):	
E-Mail: mleonard@marlborough-ma.gov		Contract Manager: Cindy Reynolds	
Phone: 508-624-6970	Fax: 508-624-6938	E-Mail: 911DeptGrants@state.ma.us	
Contractor Vendor Code: VC600019211		Phone: 508-921-7298	Fax: 508-828-2585
Vendor Code Address ID (e.g. "AD001"): AD 001 (Note: The Address ID Must be set up for EFT payments.)		MMARS Doc ID(s): CT EPS GRNT	
PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department) <input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> Department Procurement (includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget) <input type="checkbox"/> Contract Employee (Attach Employment Status Form, scope, budget) <input type="checkbox"/> Legislative/Legal or Other: (Attach authorizing language/justification, scope and budget)		CONTRACT AMENDMENT Enter Current Contract End Date <u>Prior</u> to Amendment: _____, 20____ Enter Amendment Amount: \$ _____ (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> Amendment to Scope or Budget (Attach updated scope and budget) <input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> Contract Employee (Attach any updates to scope or budget) <input type="checkbox"/> Legislative/Legal or Other: (Attach authorizing language/justification and updated scope and budget)	
The following COMMONWEALTH TERMS AND CONDITIONS (T&C) 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			
COMPENSATION: (Check ONE option): 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"/> Rate Contract (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"/> Maximum Obligation Contract Enter Total Maximum Obligation for total duration of this Contract (or new Total if Contract is being amended). \$ <u>59,686.00</u>			
PROMPT PAYMENT DISCOUNTS (PPD): 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: <input checked="" type="checkbox"/> 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.)			
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (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.) Contract is for the reimbursement of funds under the State 911 Department FY2017 Training Grant and EMD/Regulatory Compliance Grant as authorized and awarded in compliance with grant guidelines and grantee's approved application.			
ANTICIPATED START DATE: (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 no obligations have been incurred prior to the <u>Effective Date</u> . <input type="checkbox"/> 2. may be incurred as of _____, 20____, a date LATER than the <u>Effective Date</u> below and no obligations have been incurred prior to the <u>Effective Date</u> . <input type="checkbox"/> 3. were incurred as of _____, 20____, a date PRIOR 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.			
CONTRACT END DATE: Contract performance shall terminate as of <u>June 30, 2017</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.			
CERTIFICATIONS: 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.			
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: _____ (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Arthur Vigeant</u> Print Title: <u>Mayor of Marlborough</u>		AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: _____ Date: <u>9/20/16</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Frank Pozniak</u> Print Title: <u>Executive Director</u>	



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/11/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	A.I.I. Insurance Brokerage of Mass., Inc. 183 Davis Street P.O. Box 1139 Douglas MA 01516	CONTACT NAME:		
		PHONE (A/C, No, Ext):	FAX (A/C, No):	
INSURED	Barretts Horse Drawn Services c/o Roland Barrett 52 Fisher Street Millville MA 01529	E-MAIL ADDRESS:		
		PRODUCER CUSTOMER ID #:		
		INSURER(S) AFFORDING COVERAGE		NAIC #
		INSURER A:	PENN AMERICA INS CO	
		INSURER B:		
		INSURER C:		
		INSURER D:		
		INSURER E:		
		INSURER F:		

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR		PAV0095329	09/23/2016	09/23/2017	EACH OCCURRENCE	\$ 1,000,000
						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
						MED EXP (Any one person)	\$ 5,000
						PERSONAL & ADV INJURY	\$ 1,000,000
						GENERAL AGGREGATE	\$ 2,000,000
						PRODUCTS - COMP/OP AGG	\$ Included
							\$
	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC						\$
	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident)	\$
						BODILY INJURY (Per person)	\$
						BODILY INJURY (Per accident)	\$
						PROPERTY DAMAGE (Per accident)	\$
							\$
							\$
	UMBRELLA LIAB EXCESS LIAB DEDUCTIBLE RETENTION \$					EACH OCCURRENCE	\$
						AGGREGATE	\$
							\$
							\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory In NH) If yes, describe under DESCRIPTION OF OPERATIONS below					WC STATUTORY LIMITS	OTHER
						E.L. EACH ACCIDENT	\$
						E.L. DISEASE - EA EMPLOYEE	\$
						E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Carriage rides

Event location: 37 High Street, Marlborough, MA 01752, Event date: 12/2/2016

CERTIFICATE HOLDER**CANCELLATION**

City of Marlborough 140 Main Street Marlborough MA 01752	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

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City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
RECEIVED
MAYOR
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Nicholas J. Milano
2016 OCT 12 12
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

October 13, 2016

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

Re: Gift Acceptance – Marlborough Fire Department

Honorable President Clancy and Councilors:

I am pleased to submit for your acceptance a gift for the Marlborough Fire Department in the amount of \$7,500 from Digital Federal Credit Union (DCU).

As the attached letter from Chief Breen and notice of grant award form indicate, the Marlborough Fire Department intends to use the funds for information technology upgrades.

Again, on behalf of the City, I would like to thank DCU for their continued support of the Marlborough Fire Department.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



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

October 3, 2016

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

Dear Mayor Vigeant,

The Marlborough Fire Department has received a donation in the amount of \$7,500.00 from Digital Federal Credit Union.

Attached is a completed Notification of Grant Award form, a copy of their cover letter and check. I respectfully request that this be forwarded to the City Council for approval.

Please let me know if you have any questions.

Sincerely,

Kevin J. Breen
Fire Chief

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Fire DATE: 10/3/2016

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Kevin J. Breen, Fire Chief

NAME OF GRANT: Donation

GRANTOR: Digital Federal Credit Union (DCU)

GRANT AMOUNT: \$7,500.00

GRANT PERIOD: _____

SCOPE OF GRANT/
ITEMS FUNDED Information technology upgrades

IS A POSITION BEING
CREATED: No

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

ARE MATCHING CITY
FUNDS REQUIRED? No

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

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

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: _____

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



September 30, 2016

Marlborough Fire Department
215 Maple Street
Marlborough MA 01752

To Whom It May Concern,

On behalf of Digital Federal Credit Union, I am pleased to provide the Marlborough Fire Department with the enclosed check for \$7,500. This donation represents DCU's support of your organization's efforts in providing programs that will make a difference.

As a socially responsible organization, DCU is committed to partnering with other organizations, such as yours that make a difference in the communities we serve. The purpose of this donation is to give back to our communities by supporting programs offered by your organization. The donation is not a sponsorship or an opportunity for DCU to market our credit union. We hope that our contribution makes a difference to the people you serve in our communities.

Thank you for all that you do. Please feel free to mail any questions and/or inquiries to Digital Federal Credit Union, Attn: Diana Taxiera, 220 Donald Lynch Blvd., Marlborough, MA 01752. DCU hopes that this contribution makes a difference.

For further information about DCU and our branch locations, or communities we serve, please visit our website at www.dcu.org.



City of Marlborough
Office of the Mayor

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

RECEIVED
Arthur G. Vigeant
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2016 OCT 12
Nicholas J. Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

October 13, 2016

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

Re: Gift Acceptance – Marlborough Police Department

Honorable President Clancy and Councilors:

I am pleased to submit for your acceptance a gift in the amount of \$7,500 for the Marlborough Police Department from Digital Federal Credit Union (DCU).

As the attached letter from Chief Mark Leonard indicates, this gift is for general police department programs. He intends to utilize the funds to supplement various MPD programs and units, including RAD self-defense classes for women.

On behalf of the City, I would like to thank DCU for their continued support the Marlborough Police Department.

If you have any questions about the gift, please do not hesitate to contact me or Chief Leonard.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough POLICE DEPARTMENT

508-485-1212 • 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

October 12, 2016

Dear Mayor Vigeant:

The Marlborough Police Department has recently received a gift award from Digital Federal Credit Union (DCU). DCU has donated \$7,500 to the police department for general use involving MPD programs. We will use these funds to supplement various MPD programs and units, including RAD self-defense classes for women and our newly created Police Explorer program for youth.

Attached is the corresponding "Notice of Grant Award" form and a letter from DCU that accompanied the donation. Should you have any questions, please do not hesitate to call.

Sincerely,

Mark F. Leonard
Chief of Police

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Police DATE: 10/12/2016

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Chief Mark F. Leonard

NAME OF GRANT: Donation/Gift

GRANTOR: DCU - Digital Federal Credit Union

GRANT AMOUNT: \$7,500.00

GRANT PERIOD: _____

SCOPE OF GRANT/ Police programs

ITEMS FUNDED RAD and Police Explorer programs

IS A POSITION BEING
CREATED: No

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

ARE MATCHING CITY
FUNDS REQUIRED? No

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

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

ANY OTHER EXPOSURE TO CITY?
No

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

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



September 30, 2016

Marlborough Police Department
355 Bolton St
Marlborough MA 01752

To Whom It May Concern,

On behalf of Digital Federal Credit Union, I am pleased to provide Marlborough Police Department with the enclosed check for \$7,500. This donation represents DCU's support of your organization's efforts in providing programs that will make a difference.

As a socially responsible organization, DCU is committed to partnering with other organizations, such as yours that make a difference in the communities we serve. The purpose of this donation is to give back to our communities by supporting programs offered by your organization. The donation is not a sponsorship or an opportunity for DCU to market our credit union. We hope that our contribution makes a difference to the people you serve in our communities.

Thank you for all that you do. Please feel free to mail any questions and/or inquiries to Digital Federal Credit Union, Attn: Diana Taxiera, 220 Donald Lynch Blvd., Marlborough, MA 01752. DCU hopes that this contribution makes a difference.

For further information about DCU and our branch locations, or communities we serve, please visit our website at www.dcu.org.

DATE
9/29/2016

CHECK NUMBER
046093

Detach This Portion Before Depositing

INVOICE NUMBER	INVOICE DATE	DESCRIPTION	GROSS AMOUNT	DISCOUNT	NET AMOUNT
2016 Donation	9/28/2016	Vchr: VO085750	\$7,500.00	\$0.00	\$7,500.00

PRINT BATCH 2,083	VENDOR CODE MARLBORPOLI	PAY TO NAME CITY OF MARLBROUGH-POLICE DEPARTMENT	NET TOTAL \$7,500.00
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ORIGINAL CHECK HAS A VOID PANTOGRAPH AND IS PRINTED ON CHEMICAL REACTIVE PAPER - SEE BACK FOR DETAILS

ACCOUNTS PAYABLE

53-9182
2113

DATE	CHECK NO.
9/29/2016	046093

PAY

Seven thousand five hundred and 00 / 100 Dollars Only *****

VOID AFTER 90 DAYS

AMOUNT
\$7,500.00

PAY TO ORDER OF

CITY OF MARLBROUGH-POLICE DEPARTMENT
 355 BOLTON STREET
 MARLBOROUGH, MA 01752

Jeani M. LaChapelle



City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
RECEIVED MAYOR
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Patricia J. Milano
EXECUTIVE AIDE
2016 OCT 12 P 4: 12
Patricia Bernard
EXECUTIVE SECRETARY

October 13, 2016

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

**Re: Order of Acceptance of Deed-In-Lieu of Foreclosure
Russell Street/Assessors Map 55, Parcel 210B**

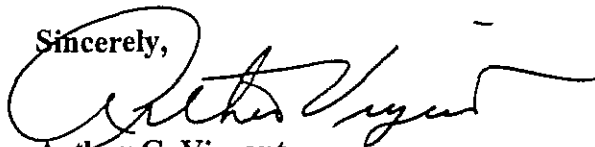
Honorable President Clancy and Councilors:

Please find enclosed a proposed Order of Acceptance of a Deed-In-Lieu of Foreclosure concerning Assessors Map 55, Parcel 210B located on Russell Street. This parcel, which is largely comprised of wetlands and is therefore unbuildable, is in tax title. Its owner, Antoinette Dufault, who is also known as Sister Mary Francis, has offered the parcel to the City in exchange for forgiveness of the tax debt.

This proposal is requested on behalf of the Comptroller, Brian Doheny, and the Commissioner of Public Works, John Ghiloni. As the attached letter from Commissioner Ghiloni indicates, accepting the deed will enable the City to maintain a culvert on the property which is part of the street drainage system.

The Comptroller, Commissioner, and Legal Department will be available to answer any specific questions relative to the parcel. In the meantime, if you have any question, please do not hesitate to contact me.

Sincerely,


Arthur G. Vigeant
Mayor

Enclosures

Cc: Brian Doheny, Comptroller
John Ghiloni, Commissioner of Public Works
Harald Scheid, Assessor

Cynthia Panagore Griffin, Assistant City Solicitor

ORDERED:

That pursuant to Section 77C of Chapter 60 of the General Laws of Massachusetts, the City does hereby accept title, by deed in lieu of foreclosure, from Antoinette Dufault, also known as Sister Mary Francis, of the Sisters of the Benedictine Center, 254 Still River Road, Still River MA, to a certain parcel of land described herein as follows:

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 55 Parcel 210B, being approximately 43,966 S.F., and located on Russell Street.

ADOPTED

In City Council
Order No. 16-
Adopted

Approved By Mayor
Arthur G. Vigeant Date:

A TRUE COPY

ATTEST:



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

October 7, 2016

Mayor Arthur G. Vigeant
City Hall
140 Main Street
City of Marlborough

RE: Order Of Acceptance of Deed-in-Lieu of Foreclosure
Russell Street/Assessors Map 55, Parcel 210B

Dear Mayor Vigeant:

I request that you send the attached Order of Acceptance of Deed-In-Lieu of Foreclosure, concerning an approximately 43,966 S.F. portion of land on Russell Street, to the City Council for its action.

The majority of the property is comprised of wetlands. Acceptance by the City Council of the Deed-In-Lieu of Foreclosure will allow the Department of Public Works to maintain the culvert, which is part of the street drainage system, located on the property.

The City Engineer Tom DiPersio, is available to answer any specific questions relative to the project.

Sincerely,

John L. Ghiloni
Commissioner

Enclosures

cc: Tom DiPersio, City Engineer
Timothy Collins, Assistant City Engineer
Cynthia Panagore Griffin, Assistant City Solicitor



City of Marlborough
Office of the Comptroller

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

October 13, 2016

Arthur G. Vigeant
Mayor
City of Marlborough

RE: Order Of Acceptance of Deed-In-Lieu of Foreclosure
Russell Street/Assessors Map 55, Parcel 210B

Dear Mayor Vigeant:

I request that you send the attached Order of Acceptance of Deed-In-Lieu of Foreclosure, which concerns an approximately 43,966 S.F. portion of land on Russell Street, to the City Council for its action. The parcel is currently in tax title, and because it is largely comprised of wetlands, it is unbuildable. Under section 77 C of M.G.L. c. 60, the City, acting through the City Council, may accept the deed. Upon acceptance, the real estate taxes will be treated as if having been paid. I have included a tax statement as of September 29, 2016 in order to show the liability and the assessed value as of that date.

I am available to answer any questions you may have relative to the tax title.

Sincerely,

Brian Doherty
Comptroller

Enclosures

Cc: John Ghiloni, Commissioner
Tom DiPersio, City Engineer
Timothy Collins, Assistant City Engineer
Cynthia Panagore Griffin, Assistant City Solicitor



09/29/2016 12:08
6876bdoh

CITY OF MARLBOROUGH
Real Estate Tax Statement

P 1
txtaxstm

PARCEL: 0055-210B

LOCATION: RUSSELL ST

CURRENT OWNER:
DFAULT ANTOINETTE C
C/O SISTERS OF ST BENEDICT CENTER
ATTN SISTER MARY FRANCIS
254 STILL RIVER RD
STILL RIVER MA 01467

CURRENT STATUS:
ACRES: 1.010
LAND VALUATION: 6,100
BUILDING VALUATION: 0
EXEMPTIONS: 0
TAXABLE VALUATION: 6,100

LEGAL DESCRIPTION:

DEED DATE:		BOOK/PAGE:	INTEREST DATE: 09/29/2016			
YEAR	TYPE	BILL INST CHARGE	BILLED	PRIN DUE	INT DUE	TOTAL DUE
2017	RE-R	3735				
	1	RES RE TAX	23.98	23.98	.54	24.52
	2	RES RE TAX	23.97	23.97	.00	23.97
			47.95	47.95	.54	48.49
2016	LIEN	28				
	1	BAL DUE	93.57	93.57	4.35	97.92
		DEMAND FEE	15.00	15.00	.70	15.70
		INTEREST B	6.98	6.98	.32	7.30
			115.55	115.55	5.37	120.92
			115.55	115.55	5.37	120.92
2015	LIEN	34				
	1	BAL DUE	105.59	105.59	22.08	127.67
		DEMAND FEE	15.00	15.00	3.14	18.14
		INTEREST B	7.03	7.03	1.47	8.50
			127.62	127.62	26.69	154.31
			127.62	127.62	26.69	154.31
2014	LIEN	23				
	1	BAL DUE	101.49	101.49	37.64	139.13
		DEMAND FEE	5.00	5.00	1.85	6.85
		INTEREST B	6.78	6.78	2.51	9.29
			113.27	113.27	42.00	155.27
			113.27	113.27	42.00	155.27



09/29/2016 12:08
6876bdoh

CITY OF MARLBOROUGH
Real Estate Tax Statement

P 2
txtaxstm

YEAR	TYPE	BILL INST CHARGE	BILLED	PRIN DUE	INT DUE	TOTAL DUE
2013	LIEN	55				
	1	BAL DUE	102.00	102.00	54.10	156.10
		DEMAND FEE	5.00	5.00	2.65	7.65
		INTEREST B	6.71	6.71	3.56	10.27
			113.71	113.71	60.31	174.02
			113.71	113.71	60.31	174.02
2012	LIEN	20120054				
	1	BAL DUE	100.64	100.64	68.69	169.33
		DEMAND FEE	5.00	5.00	3.41	8.41
		INTEREST B	7.18	7.18	4.90	12.08
			112.82	112.82	77.00	189.82
			112.82	112.82	77.00	189.82
2011	LIEN	73				
	1	BAL DUE	94.79	94.79	79.82	174.61
		DEMAND FEE	5.00	5.00	4.21	9.21
		INTEREST B	7.05	7.05	5.94	12.99
			106.84	106.84	89.97	196.81
			106.84	106.84	89.97	196.81
2010	LIEN	84				
	1	BAL DUE	96.55	96.55	96.96	193.51
		DEMAND FEE	5.00	5.00	5.02	10.02
		INTEREST B	7.14	7.14	7.17	14.31
			108.69	108.69	109.15	217.84
			108.69	108.69	109.15	217.84
2009	LIEN	55				
	1	BAL DUE	103.36	103.36	120.20	223.56
		DEMAND FEE	5.00	5.00	5.81	10.81
		INTEREST B	5.34	5.34	6.21	11.55
			113.70	113.70	132.22	245.92
			113.70	113.70	132.22	245.92



09/29/2016 12:08
6876bdoh

CITY OF MARLBOROUGH
Real Estate Tax Statement

P 3
txtaxstm

YEAR	TYPE	BILL INST CHARGE	BILLED	PRIN DUE	INT DUE	TOTAL DUE
2008	LIEN	225				
	1	BAL DUE	39.43	39.43	49.19	88.62
		DEMAND FEE	5.00	5.00	6.24	11.24
		ADFEETT	7.04	7.04	8.78	15.82
		PREPARE	10.00	10.00	12.48	22.48
		POST TAKIN	5.00	5.00	.00	5.00
		PREP TK	10.00	10.00	12.48	22.48
		RECORDING	75.00	75.00	.00	75.00
		INS TAK	75.00	75.00	93.57	168.57
		INTEREST B	5.51	5.51	6.87	12.38
			<hr/>	<hr/>	<hr/>	<hr/>
			231.98	231.98	189.61	421.59
			<hr/>	<hr/>	<hr/>	<hr/>
			231.98	231.98	189.61	421.59
 GRAND TOTALS			 1,192.13	 1,192.13	 732.86	 1,924.99

DEED IN LIEU OF FORECLOSURE

I, **Antoinette C. Dufault**, of 254 Still River Road, Still River, MA 01467

for consideration paid and in full forgiveness of the present outstanding tax liability on the herein conveyed property

hereby grants, transfers and delivers unto the City of Marlborough, a municipal corporation having a principal address of City Hall, 140 Main Street, Marlborough, MA, ("Grantee") with Quitclaim covenants

all of my right, title and interest in and to the fee in that certain lot located on the southerly side of Russell Street, shown as all of Lot No. 3 and one-half of Lot No. 4 on a plan of land entitled "Plan of Land in Marlboro, Mass, owned by William A. Amato, Scale 1" = 40 ft., June 1953, George D. White, Marlboro, Mass., Surveyor" recorded in the Middlesex South Registry of Deeds as Plan 1048 of 1953 in Book 8089, Page 263, the area of said certain lot being 43,966 S.F. acres, more or less, also known and numbered on the Assessors Map of the City of Marlborough as Map 55, Parcel 210B.

Being the same premises conveyed to Richard A. Dufault and Antoinette C. Dufault, as tenants by the entirety by deed of Karl Siniawski dated November 24, 1971 and recorded in the Middlesex South Registry of Deeds in Book 12117, Page 55. For probate of Richard A. Dufault, see Massachusetts Probate Court, Middlesex Division, Docket Number 85D-4060.

WITNESS my hand and seal this ____ day of _____, _____.

By: _____
Antoinette C. Dufault

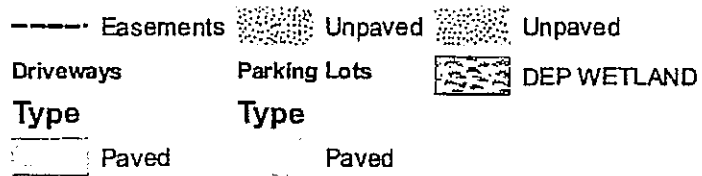
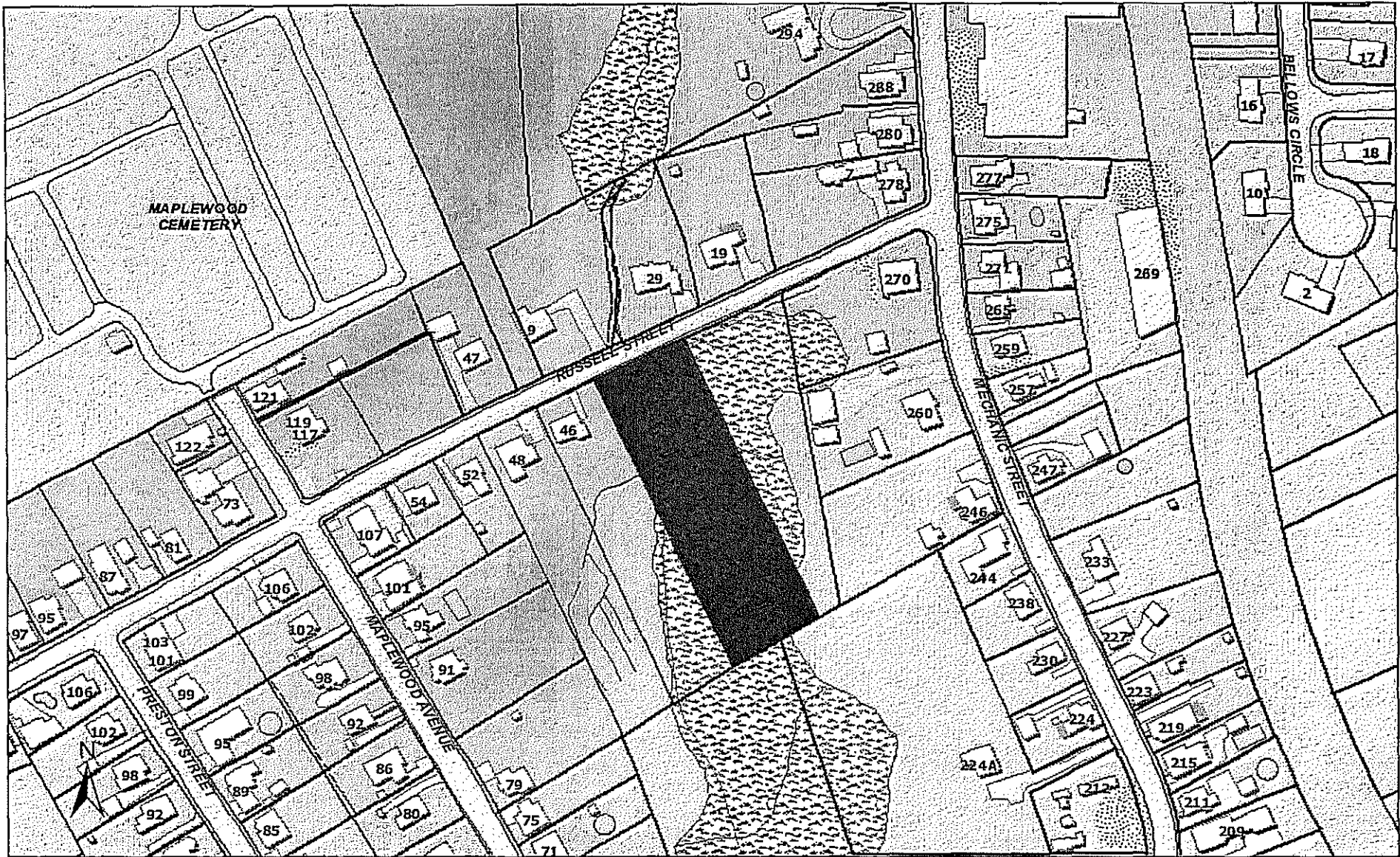
COMMONWEALTH OF MASSACHUSETTS

_____, ss.

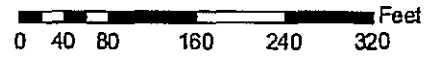
On this ____ day of _____, _____, before me, the undersigned notary public, personally appeared Antoinette C. Dufault, proved to me through satisfactory evidence of identification, being _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

Map 55 Parcel 210B on Russell Street



1 inch = 160 feet



October 4, 2018

City of Marlborough



All Marlborough GIS data is to be considered a generalized spatial representation that is subject to review. This information is provided as a visual presentation only and is not to be used as a legal or official representation of legal boundaries. This web site is not intended to be used as the exclusive basis for decision-making.



City of Marlborough

Office of the City Council

Edward J. Clancy
PRESIDENT

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Joseph F. Delano, Jr.
VICE-PRESIDENT

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

2016 OCT 13

A 10:31
Karen A. Boule
CITY COUNCIL SECRETARY

October 12, 2016

Marlborough City Council
City Hall
Marlborough, MA 01752

Dear Honorable Members:

In accordance with Order #06100-1337A, this correspondence informs the City Council that the Municipal Aggregation Committee has approved a six month fixed price contract with TransCanada that will have electricity rates lower than the National Grid Basic service rates.

- National Grid Basic Service Rate = .09787 \$/kWh
- TransCanada Rate = .09585 \$/kWh
- Will **SAVE** Marlboro Residents .00202 \$/kWh on electricity

The new rates will be in effect from November 1, 2016 through April 30, 2017.
Attached are the options reviewed by the Municipal Aggregation Committee.

City of Marlborough Options for Municipal Aggregation October 2016

Background:

The current Municipal Aggregation program is with Hampshire Power and has an electricity supply rate of .07780 \$/kWh. The current comparable rate for National Grid basic service is .08042 \$/kWh. This yields a savings of .00262 \$/kWh for Marlboro residents participating in the program.

The current Municipal Aggregation rate expires with the November 2016 meter reads, requiring the City of Marlborough to decide the path forward for electricity supply rates for residential customers. There are three options:

1. Discontinue the Municipal Aggregation Program and return customers to National Grid Basic Service.
 - a. Ends up costing Marlborough consumers more money for electricity than electricity supply market can offer.
 - National Grid Basic Service Rate = .09787 \$/kWh
 - Selected Vendor Rate = .09585 \$/kWh
 - Will **COST** Marlborough residents .00202 \$/kWh more for electricity
 - b. Requires the City go through a lengthy regulatory process to get the Program back up and running.

2. Sign a six-month contract with an electricity supply.
 - a. Saves consumers money verses National Grid's Basic Service rate.
 - National Grid Basic Service Rate = .09787 \$/kWh
 - Selected Vendor Rate = .09585 \$/kWh
 - Will SAVE Marlborough residents .00202 \$/kWh on electricity
 - b. Existing Program remains intact. Doesn't require the City go back through the state's regulatory process.

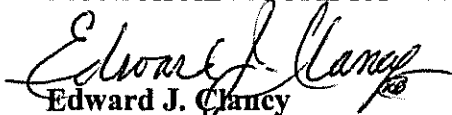
3. Sign a two-year contract with an electricity supplier.
 - a. Longer term deal may expose the City to out-of-market prices.
 - b. Given current time constraints, there is an insufficient amount of time to vet all the terms and conditions contained within a two-year agreement.
 - c. Option can be fully vetted while the next six-month contract is delivering savings to Marlborough's consumers.

Conclusion:

The Municipal Aggregation Committee approved option 2 to sign a six month fixed price contract with TransCanada that will cover the period of November 1, 2016 through April 30, 2017.

Sincerely,

MUNICIPAL AGGREGATION COMMITTEE


Edward J. Clancy
City Council President



City of Marlborough
Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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

LEGAL@MARLBOROUGH-MA.GOV

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
DONALD V. RIDER, JR.
CITY SOLICITOR

2016 OCT 13 2:10 PM
CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

October 13, 2016

Edward Clancy
President
Marlborough City Council

RE: Proposed Amendment to City Code –
Providing ZBA with 100 Days to File Decision on an Appeal or a Variance

Dear President Clancy:

Last month my office received the enclosed letter from the chairman of the Marlborough Zoning Board of Appeals. He requests, on behalf of the ZBA, that the City Code be amended so as to come into conformance with MGL c. 40A, § 15 by providing 100 days for the ZBA to file its decision on an appeal of a Building Commissioner decision or on a variance petition. Sections 650-58.C(3) and (4) currently provide only 75 days, which is the same period MGL c. 40A, § 15 formerly provided until it was amended to provide 100 days.

A proposed order reflecting the ZBA's request is also enclosed for the Council's consideration.

Thank you for your attention to this matter.

Very truly yours,

Donald V. Rider, Jr.
City Solicitor

Enclosures

cc: Arthur Vigeant, Mayor
Paul Giunta, Chairman, Zoning Board of Appeals
Douglas Scott, Interim Building Commissioner

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING RECEIVED FROM THE MARLBOROUGH ZONING BOARD OF APPEALS A SUBMISSION PROPOSING CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

1. Section 650-58, entitled "Provisions for Board of Appeals," is hereby amended in subsection C, entitled "Procedure," by deleting sub-subsection (3) in its entirety and inserting in place thereof the following:-- An appeal from a decision of the Building Commissioner and a petition for a variance shall be filed with the City Clerk, who shall forthwith transmit it to the Board of Appeals. The Board shall hold a public hearing within 65 days of the receipt of the appeal or petition from the City Clerk and shall render a decision within 100 days from the date of filing.
2. Section 650-58, entitled "Provisions for Board of Appeals," is hereby amended in subsection C, entitled "Procedure," by deleting the preamble in sub-subsection (4) in its entirety and inserting in place thereof the following:-- If the Board of Appeals shall fail to act within 100 days of the filing of the appeal or petition, as the case may be, then the appeal or petition shall be deemed approved subject to the following requirements: .

ADOPTED
In City Council
Order No. 16-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



**City of Marlborough
Zoning Board of Appeals**

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

July 28, 2016

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

Re: Zoning Petition to correct a discrepancy between the Marlborough City Code and Massachusetts General Laws Chapter 40A Section 15, Decision of Zoning Board on Variances and Appeals within 100 Days after date of filing

Dear Honorable President Clancy and Councilors:

The Zoning Board of Appeals respectfully requests an amendment to the Code of the City of Marlborough to correct the discrepancy found in City Code Chapter 650-58(C3) and (C4) that requires the Zoning Board to file its decision within 75 days from date of filing of a petition for a Variance or Appeal. Massachusetts General Law Chapter 40A Section 15 provides that the decision of the board shall be made within 100 days after the date of the filing of an appeal, application or petition.

The proposed zoning amendment would correct the Marlborough City Code to reflect the 100 days allowed for ZBA action found in Massachusetts General Law Chapter 40A Section 15.

I have attached copies of the sections of the City Code and MGL Chapter 40A Section 15 for your information and review. If you have any questions, please call me 617-699-0912.

Sincerely,

Paul Giunta

Chairman – Zoning Board of Appeals

*City of Marlborough, MA
Thursday, July 28, 2016*

Chapter 650. Zoning

Article VIII. Administration

§ 650-58. Provisions for Board of Appeals.

- A. Creation, appointment and organization. A Board of Appeals consisting of five members and five associate members shall be appointed as provided in MGL Chapter 40A, as amended, who shall all be residents or taxpayers of the City of Marlborough, which shall act on all matters within its jurisdiction under MGL Chapter 40A, as amended, and under this chapter in the manner prescribed in said section and subject always to the rule that it shall give due consideration to promoting the public health, safety, convenience and welfare, encouraging the most appropriate use of land and conserving property values, that it shall permit no building or use of land or building that is injurious, noxious, offensive or detrimental to a neighborhood and that it shall prescribe appropriate conditions and safeguards in each case.
- B. Powers and duties. The Board of Appeals shall act as a permit-granting authority and shall have all the powers and perform all the duties conferred or imposed upon it by the provisions of MGL Chapter 40A, and this chapter, as follows:
- (1) Appeals. To hear and decide an appeal taken by any person aggrieved by reason of his/her inability to obtain a permit or enforcement action from the Building Commissioner under the provisions of MGL Chapter 40A, or of this chapter, by the Metropolitan Area Planning Council or by any person, including an officer or board of the City of Marlborough or of an abutting municipality aggrieved by an order or decision of the Building Commissioner in violation of any provision of MGL Chapter 40A, or of this chapter.
[Amended 10-6-2014 by Ord. No. 141005921A]
 - (2) Variances. To hear and decide a petition with respect to particular land or structures for a variance from the terms of this chapter, where the Board specifically finds that owing to circumstances relating to soil conditions, shape or topography of such land or structures and especially affecting such land or structures, but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this chapter would involve substantial hardship, financial or otherwise, to the petitioner or

appellant and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this chapter. The Board of Appeals may impose conditions, safeguards and limitations, both of time and use, including the continued existence of any particular structures, but excluding any condition, safeguards or limitation based upon the continued ownership of the land or structure to which the variance pertains by the applicant, petitioner or any owner. If the rights authorized by a variance are not exercised within one year of the date of the authorization, they shall lapse and may be reestablished only after a new notice and hearing.

C. Procedure.

- (1) In the case of every appeal made to the Board of Appeals and every petition for a variance to said Board under the provisions of this chapter, the Board shall hold a public hearing thereon. Notice of the hearing shall be given by publication in a newspaper of general circulation in the City once in each of two successive weeks, the first publication to be not less than 14 days before the day of the hearing and by posting said notice in the City Hall for a period of not less than 14 days before the day of the hearing. Notice shall be sent by mail, postage prepaid, to parties in interest, including the petitioner, abutters, owners of land directly opposite on any public or private street or way, owners of land within 300 feet of the property line, including owners of land in another municipality, all as they appear on the most recent applicable tax lists; the Planning Board; and the planning board of every abutting municipality. The Assessors shall certify to the Board the names and addresses of the parties in interest.
- (2) The decision of the Board, including all findings, conditions and safeguards, and a record of the public hearing shall be filed promptly with the City Clerk and at the same time copies transmitted to the Planning Board, Conservation Commission, Building Commissioner and other appropriate City agencies.
[Amended 10-6-2014 by Ord. No. 141005921A]
- (3) An appeal from a decision of the Building Commissioner and a petition for a variance shall be filed with the City Clerk, who shall forthwith transmit it to the Board of Appeals. The Board shall hold a public hearing within 65 days of the receipt of the petition from the City Clerk and shall render a decision within 75 days from the date of filing.
[Amended 10-6-2014 by Ord. No. 141005921A]
- (4) If the Board of Appeals shall fail to act within 75 days of the filing of the appeal or petition, as the case may be, then the appeal or petition shall be deemed approved subject to the following requirements:
 - (a) The petitioner, after the expiration of the aforesaid periods, shall file with the City Clerk a copy of his petition and an affidavit stating the date of the public hearing or filing, as the case may be, and the failure of the Board of Appeals to render a decision within the required period.

- (b) Upon receipt of the petition and affidavit, the City Clerk shall give notice of the filing to those persons entitled to a notice of the decision under MGL c. 40A, § 15. The filing of a petition and affidavit in the office of the City Clerk shall be deemed the equivalent of the filing of a decision for purposes of the provisions of MGL c. 40A, §§ 11 and 17.
 - (c) If no appeal is taken within the required statutory period, then the City Clerk shall furnish the petitioner with a certificate that no appeal has been filed, all of which shall be recorded in the manner prescribed under MGL c. 40A, § 11, in lieu of the documents required to be recorded under that section.
- D. Rules. The Board of Appeals shall adopt rules and procedures not inconsistent with this chapter and the provisions of MGL Chapter 40A for the conduct of its business in deciding on appeals and granting variances and shall file a copy thereof with the City Clerk. Such rules shall include provisions for submission of petitions in writing, for advertising and holding hearings, for keeping records of proceedings, for recording the vote of each member upon each question, for setting forth the reason or reasons of each decision and for notifying the parties at interest, including the Building Commissioner and the Planning Board, as to each decision. Wherever proceedings under this chapter require the giving of notice by publication in a newspaper, mailing or service by a civil officer, the costs thereof shall be borne by the applicant. The Board of Appeals shall require estimated costs to be advanced by the applicant in accordance with provisions in the rules.
[Amended 10-6-2014 by Ord. No. 14-1005921A]

**PART I** ADMINISTRATION OF THE GOVERNMENT**TITLE VII** CITIES, TOWNS AND DISTRICTS**CHAPTER 40A** ZONING**Section 15** Appeals to permit granting authority; notice; time; boards of appeal hearings; procedure

Section 15. Any appeal under section eight to a permit granting authority shall be taken within thirty days from the date of the order or decision which is being appealed. The petitioner shall file a notice of appeal specifying the grounds thereof, with the city or town clerk, and a copy of said notice, including the date and time of filing certified by the town clerk, shall be filed forthwith by the petitioner with the officer or board whose order or decision is being appealed, and to the permit granting authority, specifying in the notice grounds for such appeal. Such officer or board shall forthwith transmit to the board of appeals or zoning administrator all documents and papers constituting the record of the case in which the appeal is taken.

Any appeal to a board of appeals from the order or decision of a zoning administrator, if any, appointed in accordance with section thirteen shall be taken within thirty days of the date of such order or decision or within thirty days from the date on which the appeal, application or petition in question shall have been deemed denied in accordance with said section thirteen, as the case may be, by having the petitioner file a notice of appeal, specifying the grounds thereof with the city or town clerk and a copy of said notice including the date and time of filing certified by the city or town clerk shall be filed forthwith in the office of the zoning administrator and in the case of an appeal under section eight with the officer whose decision was the subject of the initial appeal to said zoning administrator. The zoning administrator shall forthwith transmit to the board of appeals all documents and papers constituting the record of the case in which the appeal is taken. An application for a special permit or petition for variance over which the board of appeals or the zoning administrator as the case may be, exercise original jurisdiction shall be filed by the petitioner with the city or town clerk, and a copy of said appeal, application or petition, including the date and time of filing, certified by the city or town clerk, shall be transmitted forthwith by the petitioner to the board of appeals or to said zoning administrator.

Meetings of the board shall be held at the call of the chairman or when called in such other manner as the board shall determine in its rules. The board of appeals shall hold a hearing on any appeal, application or petition within sixty-five days from the receipt of notice by the board of such appeal, application or petition. The board shall cause notice of such hearing to be published and sent to parties in interest as provided in section eleven. The chairman, or in

his absence the acting chairman, may administer oaths, summon witnesses, and call for the production of papers.

The concurring vote of all members of the board of appeals consisting of three members, and a concurring vote of four members of a board consisting of five members, shall be necessary to reverse any order or decision of any administrative official under this chapter or to effect any variance in the application of any ordinance or by-law.

All hearings of the board of appeals shall be open to the public. The decision of the board shall be made within one hundred days after the date of the filing of an appeal, application or petition, except in regard to special permits, as provided for in section nine. The required time limits for a public hearing and said action, may be extended by written agreement between the applicant and the board of appeals. A copy of such agreement shall be filed in the office of the city or town clerk. Failure by the board to act within said one hundred days or extended time, if applicable, shall be deemed to be the grant of the appeal, application or petition. The petitioner who seeks such approval by reason of the failure of the board to act within the time prescribed shall notify the city or town clerk, in writing, within fourteen days from the expiration of said one hundred days or extended time, if applicable, of such approval and that notice has been sent by the petitioner to parties in interest. The petitioner shall send such notice to parties in interest, by mail and each notice shall specify that appeals, if any, shall be made pursuant to section seventeen and shall be filed within twenty days after the date the city or town clerk received such written notice from the petitioner that the board failed to act within the time prescribed. After the expiration of twenty days without notice of appeal pursuant to section seventeen, or, if appeal has been taken, after receipt of certified records of the court in which such appeal is adjudicated, indicating that such approval has become final, the city or town clerk shall issue a certificate stating the date of approval, the fact that the board failed to take final action and that the approval resulting from such failure has become final, and such certificate shall be forwarded to the petitioner. The board shall cause to be made a detailed record of its proceedings, indicating the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and setting forth clearly the reason for its decision and of its official actions, copies of all of which shall be filed within fourteen days in the office of the city or town clerk and shall be a public record, and notice of the decision shall be mailed forthwith to the petitioner, applicant or appellant, to the parties in interest designated in section eleven, and to every person present at the hearing who requested that notice be sent to him and stated the address to which such notice was to be sent. Each notice shall specify that appeals, if any, shall be made pursuant to section seventeen and shall be filed within twenty days after the date of filing of such notice in the office of the city or town clerk.



City of Marlborough

RECEIVED
CLERK'S OFFICE
MARLBOROUGH

Legal Department

140 MAIN STREET

OCT 5 P 4:39 MARLBOROUGH, MASSACHUSETTS 01752

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

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DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

October 3, 2016

President Clancy & Members of the City Council
City of Marlborough
140 Main Street
Marlborough, MA

RE: Date of July 1, 2017 As It Appears in Order No. 16-1006467B

Dear President Clancy & Members of the City Council:

It has been brought to my attention that Order No. 16-1006467B, dated April 25, 2016, increased the stipend per election for Election Wardens, Election Clerks, and Election Inspectors/Checkers "effective as of July 1, 2017." (See attached). It is apparent, however, that the stipend increase was intended to be effective on July 1, 2016.

In support is the cover letter by President Clancy and the memo by City Clerk Lisa Thomas, both of which were included in the Council agenda of February 22, 2016. (See attached). By letter dated February 16, 2016, President Clancy referred to the "monetary implications for FY2017." President Clancy's letter, which supported a request by Ms. Thomas for stipend increases, also described the difficulties in enticing new poll workers, mandated training sessions, and the lack of support for a stipend increase since 1997. Attached to President Clancy's letter was the memo by Ms. Thomas which described the same issues in greater detail and provided the "monetary implications for FY2017." Moreover, I am informed by Ms. Thomas that the subject stipend increases were approved by the Council in the FY17 budget.

Based on the above facts, it is clear that the date of July 1, 2017 as it appears in Order No. 16-1006467B is a scrivener's error, and that Council intended the effective date to be July 1, 2016. I believe that a vote by the Council is necessary to confirm that the correct date upon which Order No. 16-1006467B was to be effective is July 1, 2016, that the date of July 1, 2017 as it appears in Order No. 16-1006467B is a scrivener's error, that it should be stricken from the record, and that the correct date of July 1, 2016 should be inserted in place thereof.

Respectfully yours,


Cynthia M. Panagore Griffin
Assistant City Solicitor

Attachments

Cc: Lisa Thomas, City Clerk

ORDERED:

That the City Council of the City of Marlborough, confirms that Order No. 16-1006467b by which the City Code of the City of Marlborough, as amended, was further amended to increase the stipend positions of election wardens, election clerks, election inspectors/checkers and constables at polls, included a scrivener's error, being the effective date of "July 1, 2017," and that the correct effective date is July 1, 2016.

ADOPTED

In City Council
Order No. 16 -
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

**A TRUE COPY
ATTEST:**



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

Edward J. Clancy
 PRESIDENT

RECEIVED
 CITY CLERK'S OFFICE
 MARLBOROUGH

2016 FEB 18 A 10:28

Joseph F. Delano, Jr.
 VICE-PRESIDENT

Karen A. Boule
 CITY COUNCIL SECRETARY

February 16, 2016

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

Reference: Proposed Salary Ordinance: Election Stipend for Poll Workers

Dear Honorable Members:

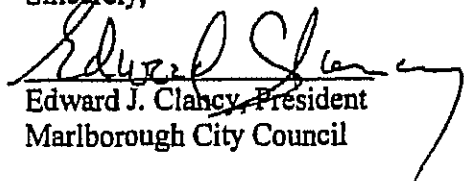
I recently met with City Clerk, Lisa Thomas to discuss a proposed increase to the election stipend for wardens and clerks. In turn, she has submitted a detailed explanation, including the monetary implications for FY2017, which I have attached hereto.

Wardens are now paid \$125.00 per Election Day. The Clerk's proposal would increase the stipend to \$250.00. Clerks are now paid \$90.00 per Election Day. The Clerk's proposal would increase the stipend to \$200.00. The positions of inspector and constable are included in the proposal although an increase is not requested at this time.

As some of you may recall, increases to the election stipend for wardens and clerks have been discussed in the past and failed to garner sufficient support. However, given the increasing difficulty to entice new poll workers and mandated training sessions, I feel compelled to place the question before the body once again. The City Clerk puts forth a compelling argument in her attached report, and I hope to gain your support for her most recent proposal. I have also attached the 1997 schedule of payments for Election Poll Workers which has remained in effect to this date. The rate of pay for constables is not included in the 1997 Order although records indicate the rate of pay has remained unchanged since 2002. The proposed ordinance is included for your action, including advertising as required.

The City Clerk and I look forward to discussing this matter with the Finance Committee and other members of the City Council.

Sincerely,


 Edward J. Clancy, President
 Marlborough City Council

EC/kb
 Enclosures

City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT



Lisa M. Thomas
City Clerk

February 15, 2016

Council President Clancy
 City Council Office
 140 Main St.
 Marlborough, MA 01752

Dear President Clancy,

I respectfully request a review of Pollworker pay for just the Wardens and Clerks to incorporate in the FY17 Budget. Additionally, I propose a new Salary Ordinance to incorporate stipend adjustments for the Wardens and Clerks, replicate the current stipend for the Inspectors and reflect the currently hourly pay for the Constables.

I will be reducing the total number of Constables at the polling locations effective next election which is March 1, 2016. The head constable position will remain intact.

The Wardens currently receive a \$125.00 stipend and the Clerks receive a \$90.00 stipend per Election Day. They both must arrive at the polling locations at 5:30 AM Election morning and work until after polls close (8:00 PM) and they have reconciled their numbers. After reconciliation, the Wardens and Clerks report to my office so that we can record the data on our Election spreadsheet and obtain any pertinent election information they need to impart. Their arrival at City Hall could vary anywhere from 9:00 PM to 11:00 PM.

The Inspectors (Checkers) currently receive \$60.00 per approximate 6 hour shift per Election and are not required to attend Election training. I believe that pay is equitable.

Please note that the Wardens and Clerks also must attend mandated training. This year, I will be conducting two mandated training sessions; one before the Presidential Primary and one later in the year.

If I were to add the estimated total hours for the three elections (16 hours per election) this year, plus their attendance for the two Election Trainings (4 total hours) it would be 52 hours. The current Stipend pay for Warden's equates \$7.21 per hour and the Clerk's pay equates to \$5.19 per hour.

It is very difficult to entice new pollworkers. Folks who are interested, in the end, request to be an Inspector. Some of my Elections workers retired after the Municipal Election took place in November 2015. We desperately need to make these positions more palatable to potential interested parties.

My proposal would be to increase the Warden pay to \$250.00 and Clerks \$200.00 stipend per Election Day. If I were to use the same algorithm as above, then the Stipend pay for the Wardens would be \$14.42 per hour, and the Clerks stipend pay would be \$11.53 per hour, which reflects a more reasonable pay given their immense duties.

If approved, the monetary implications for FY17 would be as follows:

- 1) Line item 11620006-53871 (Pollworkers) from Election budget would increase from FY16 allocated amount of \$12,000 to \$18,580 based upon 2 elections for the fiscal year. The other variable which could decrease this amount further are grant funds which when received, are always exhausted first, prior to expending from this line item.
- 2) Line item-11620003-51460 (Constable at Poll)) would decrease from FY16 allocated amount of \$15,000 to \$10,400 based upon 2 elections for the fiscal year. Again, the other variable which could decrease this amount further are the grant funds which when received, are always exhausted first, prior to expending from this line item.

My office staff and I strive to uphold the integrity of each and every election and as elections laws change, we impart this information to our Wardens and Clerks through extensive training. It has become increasingly more difficult to replace our Wardens and Clerks as they opt to retire. Your attention to this matter is greatly appreciated and as always, I am available to answer any questions and/or concerns that you may have.

Sincerely,



Ljsa M. Thomas
City Clerk



IN CITY COUNCIL

APRIL 25, 2016

Marlborough, Mass.,

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING SECTION 125-6 OF CHAPTER 125, ENTITLED "COMPENSATION SCHEDULE," SAID AMENDMENT TO BE EFFECTIVE AS OF JULY 1, 2017, AS FOLLOWS:

<u>Stipend Position</u>	<u>Stipend Per Election</u>
Election Wardens	\$250.00
Election Clerks	\$200.00
Election Inspectors/Checkers (per approximate 6-hour shift)	\$ 60.00
Constables at Polls	\$18.75 per hour

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

ADOPTED
In City Council
Order No. 16-1006467B

Approved by Mayor
Arthur G. Vigeant
Date: April 29, 2016

A TRUE COPY
ATTEST:


City Clerk



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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2016 OCT 11 P 2:30

**Lisa M. Thomas
City Clerk**

October 10, 2016

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

Re: November 8, 2016 State Election Information

Dear President Clancy & Councilors:

The United States presidential election of 2016, scheduled for Tuesday, November 8, 2016, will be the 58th quadrennial U.S. presidential election. This election, in particular, will certainly rival the City's 81% turnout from the November 4, 2008 State Election.

The City Clerk's office has been steadily registering voters as we broach 23,000 registrants for the November election which is the highest number realized since my appointment in 2007.

We have also seen a huge spike in absentee ballot applications and are processing them daily to ensure the voters receive their ballots. My office will rapidly surpass the administration of 1,000 absentee ballot applications. Registered Voters can fill out an absentee ballot application and submit it either by mail, or in person, and the Voter will receive an absentee ballot. A Registered Voter has up until 12 noon on Monday, November 7th, to apply for an absentee ballot and cast their vote. All applications are available on the City's top page under the Quick Links category named Voting Information and located on the City Clerk's webpage as well.

The last day to Register to Vote is Wednesday, October 19, 2016. My office will be open from 8:30 AM-8:00 PM. If anyone is unsure of their Voter status, the following link will allow you to check your status: <https://www.sec.state.ma.us/VoterRegistrationSearch/MyVoterRegStatus.aspx>.

We are excited to announce that all registered voters will be able to vote before Election Day for the first time ever in Massachusetts. Early voting can be done in person or by mail. In Marlborough, Early Voting can be done in person at City Hall during the following dates and times: **Monday, October 24, 2016 through Friday, November 4, 2016. Monday, October 24th and Monday, October 31st, our office will be open from 8:30 AM-7:00 PM and Tuesday through Friday of the same time frame, the office hours will be from 8:30 AM-5:00 PM. For public convenience, the Marlborough City Clerk's office will offer weekend hours on Saturday, October 29, 2016 from 9:00 AM-1:00 PM which will be exclusively dedicated to Early Voting.**

Also, registered voters have the option to request an Early Voting ballot through the mail. Simply fill out an application and mail it to City Clerk's Office, 140 Main St., Marlborough, MA 01752. You can find the application on the Secretary of the Commonwealth's website: <http://www.sec.state.ma.us/ele>.

Please note, however, once a voter has cast an Early Voting ballot, the voter may no longer vote at the polls on Election Day.

For the first time in Massachusetts, the first choice all voters will make is which day to vote. Early Voting will make the most fundamental right of our citizens more convenient than ever to exercise. We encourage all of our citizens to exercise that right and take advantage of the opportunity to vote based upon their schedules.

Although we encourage you to call our office should you have any questions/concerns, please note that the City Clerk's webpage has a plethora of information links pertinent to Voter Registration, Absentee Voting, Early Voting, Polling Locations and District Designation to name just a few. You may reach the City Clerk's office at 508-460-3722 and 508-460-3775.

Sincerely,



Lisa M. Thomas

City Clerk

Saturday, September 17, 2016

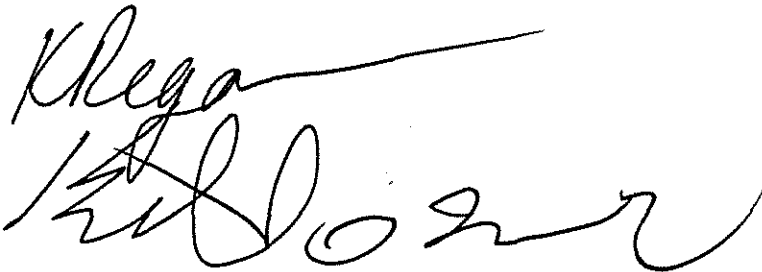
To Marlborough City Council,

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2016 OCT -3 A 11: 53

My name is Kristin Regan and I am writing this letter to request permission to park on city property at the top of Emmett Street. My husband, Kenneth D. Regan Jr. and I are the homeowners of 56 Emmett Street and only have on street parking. I am requesting again to gain permission of the City to park on the city property during the winter months so we do not interfere with snow removal. There have been previous parking permits licensed to Kenneth and myself, as well as Jillian Barrile in May of 2003 and was renewed by Richard and Jane A. Sullivan in June of 2006. I would like the City Council to consider a longer term of parking permission to avoid going through this process every two years. A five-year permit would make our lives and the lives of the city more acceptable. I am looking to get this issue resolved before the first snow fall. I have attached previous parking permits as evidence that I obtained from the City Council. If you have any further questions you can contact me at 774-245-2206. Thank you for looking into this situation.

Sincerely,

The image shows two handwritten signatures in black ink. The first signature is 'K. Regan' and the second is 'Kenneth D. Regan Jr.'.

Kristin L. Regan

Kenneth D. Regan Jr.



IN CITY COUNCIL

Marlborough, Mass., NOVEMBER 17, 2014

ORDERED:

That the portion of the public way identified on a plan entitled, "Plan of Land in Marlborough, Massachusetts, to be licensed to Richard F. and Jane A. Sullivan, 56 Emmett Street for parking, Prepared by: City of Marlborough Department of Public Works, Engineering Division (BWT), Scale: 1" = 20', January 2002," which is attached hereto and incorporated herein by reference, and containing 316.41± square feet, which Order No. 03-9919A declared available for disposition for the sole purpose of parking by the owners of 56 Emmett Street, is herewith approved as a license for the current owners of 56 Emmett Street, Kenneth D. and Kristin L. Regan, Jr., based, however, upon the following conditions:

1. The license shall be on a temporary two-year basis, requiring further City Council approval two years from the date of adoption of this order;
2. The licensees shall utilize the licensed premises for the parking of the vehicle(s) in their household, and they shall not permit the parking of their vehicle(s) on the public way so as to impede snow removal operations conducted by or on behalf of the City of Marlborough;
3. The licensees' use of the portion of the public way approved under this license, each year it is in effect, shall coincide with the period of the City of Marlborough's winter parking ban for that year, and the licensed portion of the public way shall otherwise be available to other neighbors and abutters for parking purposes at other times of the year, especially during the summer months; and
4. The licensees shall indemnify and hold harmless the City of Marlborough from any liability arising as a result of their use of the licensed portion of the public way for parking purposes.

Councilor Oram recused.

ADOPTED

In City Council

Order No. 14-1006035

X12-1005237

X11-1004017

X03-9919A

Approved by Mayor

Arthur G. Vigéant

Date: November 21, 2014

A TRUE COPY

ATTEST:

John M. Spence
City Clerk



IN CITY COUNCIL

DECEMBER 19, 2011

Marlborough, Mass., _____

ORDERED:

Suspension of the Rules requested - granted

That the portion of the public way identified on a plan entitled, "Plan of Land in Marlborough, Massachusetts, to be licensed to Richard F. and Jane A. Sullivan, 56 Emmett Street for parking, Prepared by: City of Marlborough Department of Public Works, Engineering Division (BWT), Scale: 1" = 20', January 2002," which is attached hereto and incorporated herein by reference, and containing 316.41± square feet, which Order No. 03-9919A declared available for disposition for the sole purpose of parking by the owners of 56 Emmett Street, is herewith approved as a license for the current owners of 56 Emmett Street, Kenneth D. and Kristin L. Regan, Jr., based, however, upon the following conditions:

1. The license shall be on a temporary one-year basis, requiring further City Council approval one year from the date of adoption of this order;
2. The licensees shall utilize the licensed premises for the parking of the vehicle(s) in their household, and they shall not permit the parking of their vehicle(s) on the public way so as to impede snow removal operations conducted by or on behalf of the City of Marlborough;
3. The licensees' use of the portion of the public way approved under this license, each year it is in effect, shall coincide with the period of the City of Marlborough's winter parking ban for that year, and the licensed portion of the public way shall otherwise be available to other neighbors and abutters for parking purposes at other times of the year, especially during the summer months; and
4. The licensees shall indemnify and hold harmless the City of Marlborough from any liability arising as a result of their use of the licensed portion of the public way for parking purposes.

ADOPTED

In City Council

Order No. 11-1004017

X-03-9919A

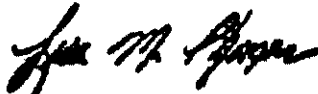
Approved by Mayor

Nancy E. Stevens

Date: December 21, 2011

A TRUE COPY

ATTEST:


City Clerk



IN CITY COUNCIL

JUNE 26, 2006

Marlborough, Mass., _____ 20

ORDERED:

Request from Jillian Barrile, 56 Emmett St. for renewal of the "license" (issued 5-03) to park on City property at the top of the hill (formerly licensed to Richard and Jane A. Sullivan). Recommendation of Committee to approve with the following conditions:

1. The license shall be on a temporary one-year basis, requiring further City Council approval one year from the execution of the initial license.
2. The licensee shall utilize the licensed premises for the parking of both vehicles in the household and shall not permit the parking of vehicles on the public way so as to impede snow removal operations conducted by the City of Marlborough.
3. The term of the license shall coincide with the City of Marlborough's winter parking ban, and the lot shall be available to other neighbors and abutters for parking purposes at other times of the year, especially during the summer months;
4. The licensee shall indemnify the City of Marlborough from liability that might arise as a result of said license to use a portion of the public way for parking.

ADOPTED
In City Council
Order No. 06100-1128A

Approved by Mayor
Nancy E. Stevens
Date: July 11, 2006

A TRUE COPY
ATTEST:

City Clerk



IN CITY COUNCIL

MAY 5, 2003

Marlborough, Mass.

ORDERED:

That the portion of the public way identified on a "Plan of Land in Marlborough, Massachusetts to be licensed to Richard F. and Jane A Sullivan, 56 Emmett Street for parking, Prepared by: City of Marlborough Department of Public Works, Engineering Division (BWT), Scale: 1" = 20', January 2002, which is attached hereto and incorporated herein by reference, and containing 316.41± square feet is declared available for disposition for the sole purpose of parking for the owners of 56 Emmett Street, be and is herewith APPROVED WITH CONDITIONS as follows:

1. The License shall be on a temporary one-year bases, requiring further City Council approval one year from the execution of the initial license;
2. The Licensee shall utilize the licensed premises for the parking of both vehicles in the household and shall not permit the parking of vehicles on the public way so as to impede snow removal operations conducted by the City of Marlborough;
3. The term of the License shall coincide with the City of Marlborough's winter parking ban, and the lot shall be available to other neighbors and abutters for parking purposes at other times of the year, especially during the summer months;
4. That Licensee indemnify the City of Marlborough from liability that might arise as a result of said License to use a portion of the public way for parking purposes.

ADOPTED
In City Council
Order No. 03-9919A
Adopted May 5, 2003

Approved by Mayor
William J. Mauro, Jr.
Date: May 7, 2003

A TRUE COPY
ATTEST:

City Clerk

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2016 OCT 11 P 2:50

goulston&storrs
counsellors at law

John E. Twohig
jtwhig@goulstonstorrs.com
617-574-6403 Tel

October 10, 2016

EMAIL AND OVERNIGHT DELIVERY

Councilor Edward Clancy, President
City of Marlborough
City Council
140 Main Street
Marlborough, MA 01752

**Re: Request to Extend Sewer Connection Permit for the Campus at
Marlborough – 100 Campus Drive, Marlborough, Massachusetts**

Dear President Clancy:

On behalf of Hines Global REIT Marlborough Campus I LLC (the “**Applicant**”) and in connection with proposed development of Phase Two of the Campus at Marlborough (the “**Campus**”), we are pleased to submit this request to the Marlborough City Council (the “**Council**”) for extension of an existing Sewer Connection Permit. Approval of this request will enable the Applicant to continue its efforts to develop the Campus and attract new business to the City of Marlborough.

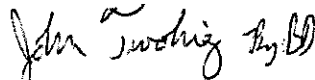
The first phase of the Campus was constructed in the 1990s and consists of four buildings containing approximately 532,000 square feet of commercial office space and approximately 57,000 square feet of amenities, including a full-service cafeteria, a fitness center and a conference center with a 300-seat auditorium, along with approximately 1,494 parking spaces. On December 19, 2005, the Council granted a Sewer Connection Permit, which was extended by the City Council on December 6, 2010, and automatically extended by operation of the Permit Extension Act until December 18, 2016 (as so extended, the “**Existing Sewer Permit**”). The Existing Sewer Permit, together with a Site Plan Permit (the “**Site Plan Permit**”) granted by the Marlborough Site Plan Review Committee on November 22, 2005, allowed for development of the Campus’s second phase, which is planned to include five (5) new buildings containing approximately 650,000 square feet of office space, and 2,528 net new surface and structured parking spaces. At this time, the Applicant proposes no changes to the development plans for Phase Two, except all final construction plans will be updated to ensure compliance with current stormwater rules and regulations.

Over the past few months, the Applicant has worked with City staff to extend the Site Plan Permit and the Existing Sewer Permit to facilitate development of Phase Two at the Campus. Based on discussions between the Applicant and City staff, on August 2, 2016, the Site Plan Review Committee voted to extend the Site Plan Permit for two years, until December 2, 2018, and on September 7, 2016, Michele Mochnoc Higgins, Assistant Commissioner (Utilities) for the City's Department of Public Works confirmed that "sewer capacity for the project still remains... [and] extending the sewer permit to match the site plan extension is acceptable."

We have included below for reference the 2005 Sewer Connection Permit, the recent extension of the Site Plan Permit, and the email from Assistant Commissioner Mochnoc Higgins referenced herein. Upon your review and confirmation that this request is complete and otherwise in order, we would appreciate your assistance in coordinating with the appropriate committee.

Thank you.

Very truly yours,



John E. Twohig, as Attorney for the Applicant

Enclosures:

Existing Sewer Connection Permit
2016 Extension of Site Plan Permit
Email from Assistant Commissioner Mochnoc Higgins

cc: City Council, c/o Karen Boule, Council Secretary
Priscilla Ryder, Conservation Officer
John Ghiloni, Commissioner, DPW
Michele Mochnoc Higgins, Assistant Commissioner, DPW
Thomas DiPersio, City Engineer, DPW
Michael Francis, Hines
Greg Brown, Hines
Brian Dugdale, Goulston & Storrs



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 19, 2005 20

ORDERED:

Marlborough Campus Limited Partnership (Applicant)

In accordance with the provisions of the Code of the City of Marlborough Chapter 161 section 161-4, the City Council grants a sewer connection permit to the Applicant its successors and assigns for use at The Campus at Marlborough Phase II Assessors Map 111 parcel 1 under the following terms and conditions:

That the application of Marlborough Campus Limited Partnership, 100 Campus Drive for a Sewer Connection Permit be and is herewith APPROVED with the following conditions

A. Permit Gallons Per Day: Fifty Thousand Two Hundred Thirty Two (50,232 GPD) Gallons Per Day.

B. Conditions: 1. Permit Period: The Permit Period is for sixty months from date of City Council approval.

2. Permit Period Extension: Upon issuance of the first building permit, the Permit Period will be extended for an additional period of two years;

3. Right to Recapture:

a. After two years and for the balance of the permit period as may be extended, the City may recapture up to, but no more than, twenty thousand (20,000 GPD) gallons per day to be transferred to actual users.

b. The recapture will be incremental, meaning, if a user only needs 10,000 GPD, that amount will be recaptured leaving the balance of the recapture amount of 10,000 GPD for the applicant or for another identified user any time after the end of the said first two years.

c. As a condition of the recapture, the Applicant will be reimbursed its original actual mitigation cost for the specific number of gallons recaptured. That cost to be paid for by the new user through the City of Marlborough.

4. The Permit with conditions runs with the land.



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 19, 2005 20

ORDERED:

5. In the event the Applicant has not used all of the permitted gallons at the end of the permit period or the extended permit period and the gallons have not been recaptured under provisions of paragraph 3. above, the permit period will end and the City of Marlborough will reimburse the Applicant for any unused sewer capacity remaining in the permit at the rate of eight (\$8.00) dollars per gallon.
6. Although the Applicant has committed to performing work identified in the Westerly Wastewater Treatment Plant Sewer System Evaluation Survey performed by Camp Dresser & McKee Inc. (CDM) in 2004, it proposes to pay the City at the rate of eight (\$8.00 pg) dollars per gallon and for the City to assume the obligation of having the work performed. The total payment would be four hundred one thousand eight hundred fifty-six (\$401,856.00) dollars. Payment would be made upon the perfection of the permit by vote of the City Council and final approval by DEP.
7. In all other respects the Applicant shall comply with the provisions of the City of Marlborough Interim Sewer Connection Policy for the Westerly Wastewater Treatment Plant.

ADOPTED
In City Council
Order No. 05-100959A

A TRUE COPY
ATTEST:

Jo Ann E. Reynolds
City Clerk-



IN CITY COUNCIL

DECEMBER 6, 2010

Marlborough, Mass., _____

ORDERED:

Suspension of the Rules requested – granted

That the owners of "The Campus at Marlborough" request an extension for a sewer connection permit granted on December 19, 2005 which expires on December 18, 2010 to allow owners to continue to market Phase II, be and is herewith **APPROVED FOR TWO YEARS FROM DATE OF APPROVAL.**

ADOPTED

In City Council

Order No. 10-1002767

Approved by Mayor

Nancy E. Stevens

Date: December 9, 2010

A TRUE COPY

ATTEST:

A handwritten signature in black ink, appearing to read "Lisa M. [unclear]", is written over the word "ATTEST:".

City Clerk

December 5, 2012

VIA E-MAIL

Donald V. Rider, Jr., Esquire
City Solicitor
City of Marlborough
140 Main Street, 4th Floor
Marlborough, MA 01752

Re: The Campus at Marlborough

Dear Mr. Rider:

As you know, certain municipal permits and approvals have been issued for the above referenced Project, which include, but are not limited to, a site plan approval and a sewer connection permit (together with any other permits issued for the Project, collectively, the "Permits").

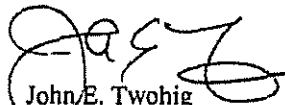
Pursuant to the Massachusetts Permit Extension Act (Section 173 of Chapter 240 of the Acts of 2010), an "approval" in effect or existence during the period beginning August 15, 2008 and continuing to August 15, 2012, is automatically extended for four years, in addition to the lawful term of the approval. "Approval" is defined to include "any *permit*, certificate, order, excluding enforcement orders, license, certification, determination, exemption, variance, waiver, building permit, *or other approval or determination of rights from any municipal, regional or state governmental entity, including any agency, department, commission, or other instrumentality of the municipal, regional or state governmental entity, concerning the use or development of real property, including certificates, licenses, certifications, determinations, exemptions, variances, waivers, building permits, or other approvals.*" [emphasis added] In this case, the Permits are approvals or determinations of rights from a municipality concerning the use or development of real property that were in effect during the period beginning August 15, 2008 through August 15, 2012. Accordingly, the Permits have been automatically extended for four years beyond their lawful term.

On behalf of the Hines Global REIT ("Hines"), although not required by statute, we are requesting your confirmation that the Permits have been automatically extended for four years beyond their lawful term.

Also, as we discussed, to the extent staff desires an update on the Project, we would gladly do so.

Thank you for your attention to this matter and please feel free to contact me with any questions.

Very truly yours,


John E. Twohig
Attorney for Hines

CONFIRMED:

CITY OF MARLBOROUGH

By 

City of Marlborough Commonwealth of Massachusetts



Site Plan Review Staff

Douglas Scott, Building Commissioner
Kevin Breen, Fire Chief
Mark Leonard, Police Chief
Priscilla Ryder, Conservation Officer
Thomas DiPerso, City Engineer
Cathleen Liberty, Board of Health

Phone: (508) 460-3768

Email: sbrown@marlborough-ma.gov
pryder@marlborough-ma.gov

August 10, 2016

Hines Global REIT Marlborough Campus I LLC
c/o Goulston & Storrs PC
400 Atlantic Avenue
Boston, MA 02110-3333
Attn: John Twohig

RE: The Campus at Marlborough (SP-2005-0016) – Extension

Dear Mr. Twohig:


At its meeting on August 2, 2016, the Site Plan Review Committee voted to approve an extension of site plan approval for the above-referenced project (the "Project") until December 2, 2018. However, because regulations have changed since 2005 the Project design must be upgraded to meet the following:

1. The new DEP Stormwater Management Standards in effect as of January, 2008, and as outlined in 310 CMR 10.05(6)(k). As is standard practice, all site plan projects in Marlborough must meet the newest DEP storm water standards and local Stormwater Requirements in City Code Chapter 271.
2. When each building is advanced, further review by the Site Plan Review Committee will be required to ensure it meets current standards for utilities, layout and fire dept. requirements etc. which may have changed.
3. During the review for the first building the on- and off-site transportation commitments associated with the Phase 2 development shall be modified or supplemented, as necessary, based on an update to the existing traffic study and planned improvements referenced in prior correspondence prepared by the consulting traffic engineer, VHB.

Therefore, the plans will need to be reviewed and amended to reflect the updates required and resubmitted for site plan review and comment. Such revision may be subject to the site plan review fee structure approved by the City Council.

If you have any questions on the extension, please do not hesitate to contact me.

Sincerely,


Douglas Scott
Building Commissioner

Dugdale, Brian

From: Michele Higgins <mhiggins@marlborough-ma.gov>
Sent: Wednesday, September 7, 2016 12:42 PM
To: Dugdale, Brian
Cc: John Ghiloni
Subject: RE: The Campus at Marlborough - Sewer Connection Permit Extension

Brian,

The sewer capacity for the project still remains. As we discussed earlier extending the sewer permit to match the site plan extension is acceptable.

If you have any questions please let me know.

Thanks.

Michele Mochnoc Higgins, PE
Assistant Commissioner, Utilities
City of Marlborough
135 Neil Street
Marlborough, MA 01752
(508)624-6910, ext. 33103
(508)726-2436
mhiggins@marlborough-ma.gov

From: Dugdale, Brian [mailto:BDugdale@goulstonstorrs.com]
Sent: Wednesday, September 7, 2016 12:29 PM
To: Michele Higgins <mhiggins@marlborough-ma.gov>
Subject: FW: The Campus at Marlborough - Sewer Connection Permit Extension

Hi Michele,

I hope you enjoyed the long weekend. As requested, here is my gentle reminder.

Please let me know if there is anything I could do to be helpful.

Thank you.

Brian

From: Dugdale, Brian
Sent: Tuesday, August 30, 2016 2:18 PM
To: 'mhiggins@marlborough-ma.gov' <mhiggins@marlborough-ma.gov>
Cc: 'Thomas DiPersio' <tdipersio@marlborough-ma.gov>
Subject: The Campus at Marlborough - Sewer Connection Permit Extension

Hi Michele,

Thank you for your time this afternoon. In follow up to our conversation regarding The Campus at Marlborough, attached are copies of the original Sewer Connection Permit and its most recent extension, along with the recent Site Plan Permit Extension we received for the project.

Please let us know if you have any questions or need additional information to confirm available capacity.

Thank you.

Brian

Brian W. Dugdale
Direct (617) 574-6532
Direct Fax (617) 574-7520

goulston&storr

A Professional Corporation
400 Atlantic Avenue * Boston, Massachusetts 02110-3333
(617) 482-1776 * Fax (617) 574-4112 * www.goulstonstorr.com

This communication may contain information which is privileged and/or confidential under applicable law. Any dissemination, copy or disclosure, other than by the intended recipient, is strictly prohibited. If you have received this communication in error, please immediately notify us via return e-mail to bdugdale@goulstonstorr.com and delete this communication without making any copies. Thank you for your cooperation.

2016 OCT 13 A 8:40

October 7, 2016

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

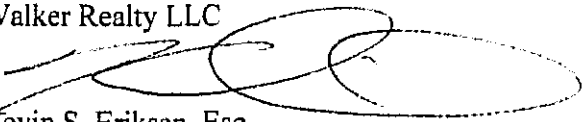
Re: Apex Center- Hyatt

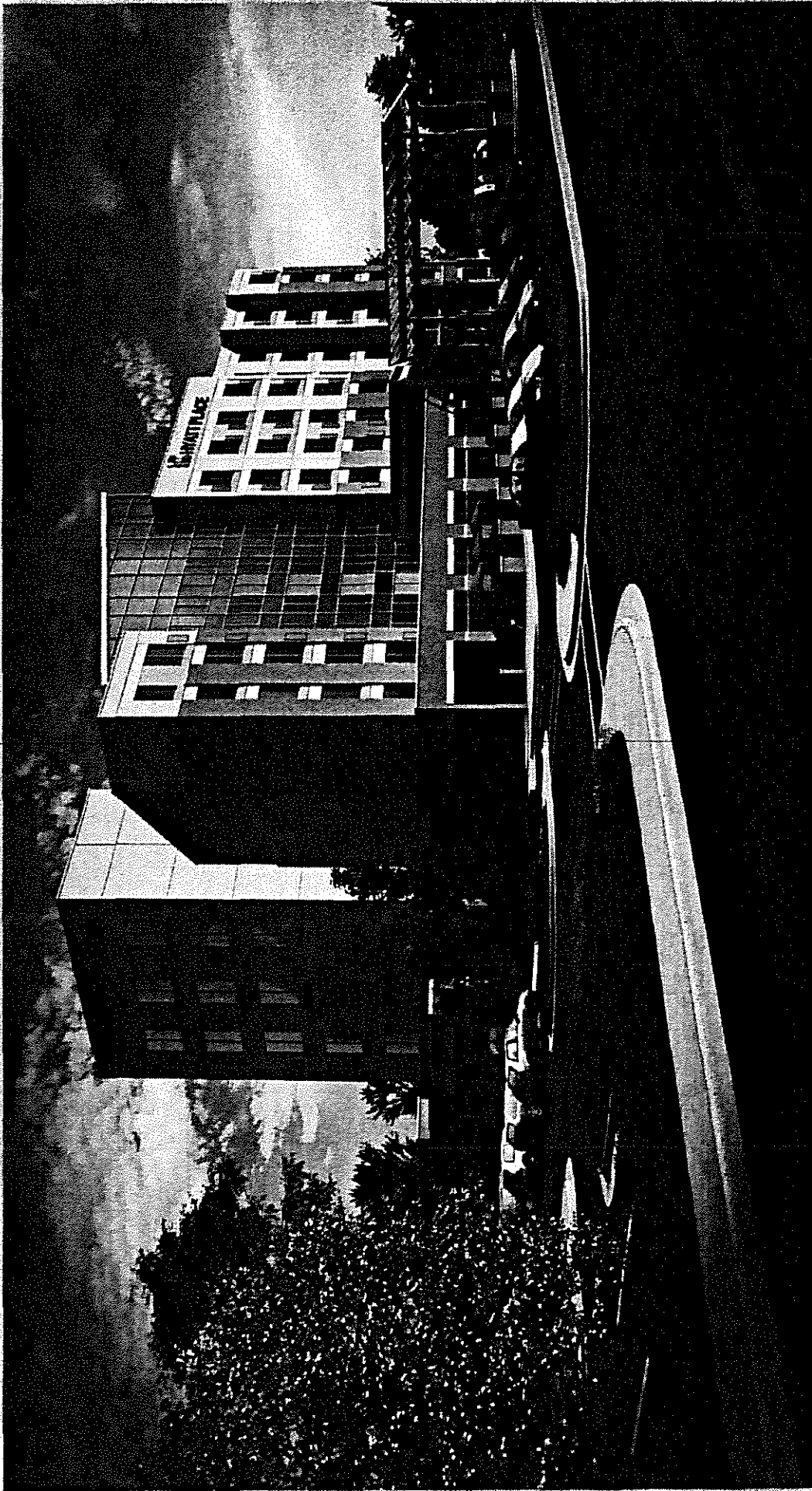
Dear Councilor Clancy and Councilors:

Enclosed please find the color rendering for the proposed Hyatt hotel to be constructed at 169 Apex Drive. As the Council will note, and as Walker Realty LLC hereby certifies, the design details and rendering of the Hyatt substantially conform in all material respects with the details previously provided to the Council within the Master Concept Plan and the Development Agreement. Accordingly, Walker Realty LLC kindly requests that the City Council waive the requirements of Paragraph 8 of the Development Agreement as it pertains to the Hyatt hotel and allow the Building Commissioner to issue the requisite building permit for the commencement of construction of the Hyatt. Thank you in advance for your attention and consideration to this matter.

Sincerely,

Walker Realty LLC


Kevin S. Eriksen, Esq.



Architecture
March 22, 2016



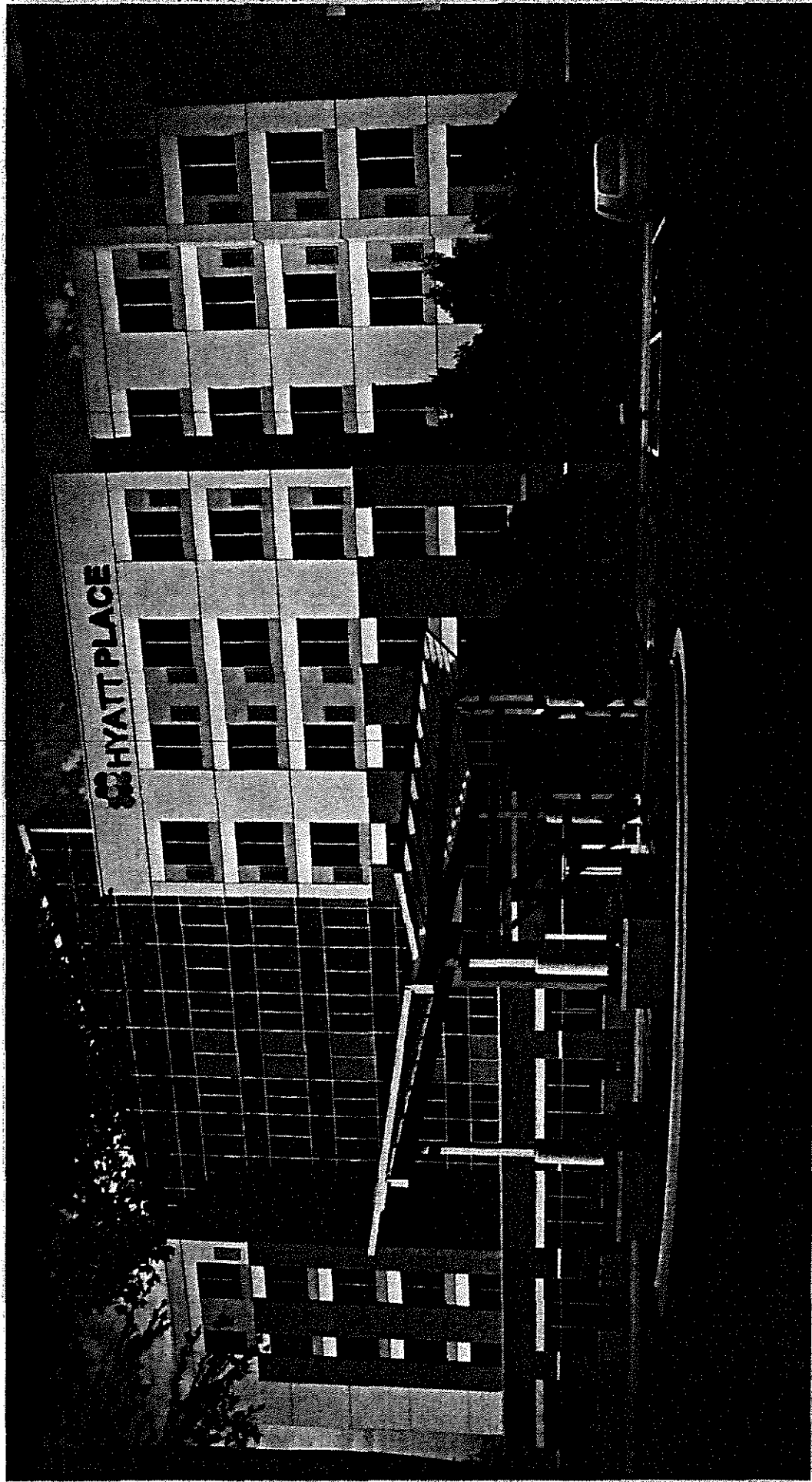
Hyatt Place
Mariborough, MA



Architecture
March 22, 2016



Hyatt Place
Marlborough, MA



Architecture

March 22, 2016



Hyatt Place
Marlborough, MA

01

OCT 13 A 8:40

October 12, 2016

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

Re: Apex Center- 160 Apex Drive, 142 Apex Drive, 115 Apex Drive, 105 Apex Drive, 90 Apex Drive, 58 Apex Drive, 43 Apex Drive, 36 Apex Drive, 22 Apex Drive, 21 Apex Drive and 11 Apex Drive

Dear Councilor Clancy and Councilors:

Enclosed, in accordance with paragraph 8 of the Development Agreement, please find multi-sided architectural elevations for the proposed buildings to be located at 160 Apex Drive, 142 Apex Drive, 115 Apex Drive, 105 Apex Drive, 90 Apex Drive, 58 Apex Drive, 43 Apex Drive, 36 Apex Drive, 22 Apex Drive, 21 Apex Drive and 11 Apex Drive. As the Council will note, and as Walker Realty LLC hereby certifies, the design details and renderings of these buildings substantially conform in all material respects with the details previously provided to the Council within the Master Concept Plan and the Development Agreement. For reference, Walker Realty LLC has provided copies of the original elevations approved by the City Council with the initial Master Concept Plan, along with the current version of these elevations.

In many cases, as the Council will note, there have been no changes (i.e. 105 Apex Drive, 36 Apex Drive, 22 Apex Drive, 43 Apex Drive, and 11 Apex Drive). In other cases, minimal and insubstantial changes were made (i.e. 160 Apex Drive, 142 Apex Drive, 115 Apex Drive, 90 Apex Drive, 58 Apex Drive and 21 Apex Drive). In addition, the proposed materials are varied on each building and are consistent with what was previously presented to the City Council. These materials include: metal paneling, T&G wood siding "IPE", aluminum storefront systems, EIFS, and masonry block.

Accordingly, Walker Realty LLC kindly requests that the City Council authorize the issuance of building permits as it pertains to 160 Apex Drive, 142 Apex Drive, 115 Apex Drive, 105 Apex Drive, 90 Apex Drive, 58 Apex Drive, 43 Apex Drive, 36 Apex Drive, 22 Apex Drive, 21 Apex Drive and 11 Apex Drive at its hearing on October 17, 2016. The Applicant also formally requests that the City Council authorize the Building Inspector to review any and all proposed changes and/or variations to

these elevations, or any of the other building elevations previously approved by City Council, and determine whether or not such a change is material thereby requiring further review by the City Council or whether such change is insubstantial and therefore appropriate for administrative approval by the Building Commissioner.

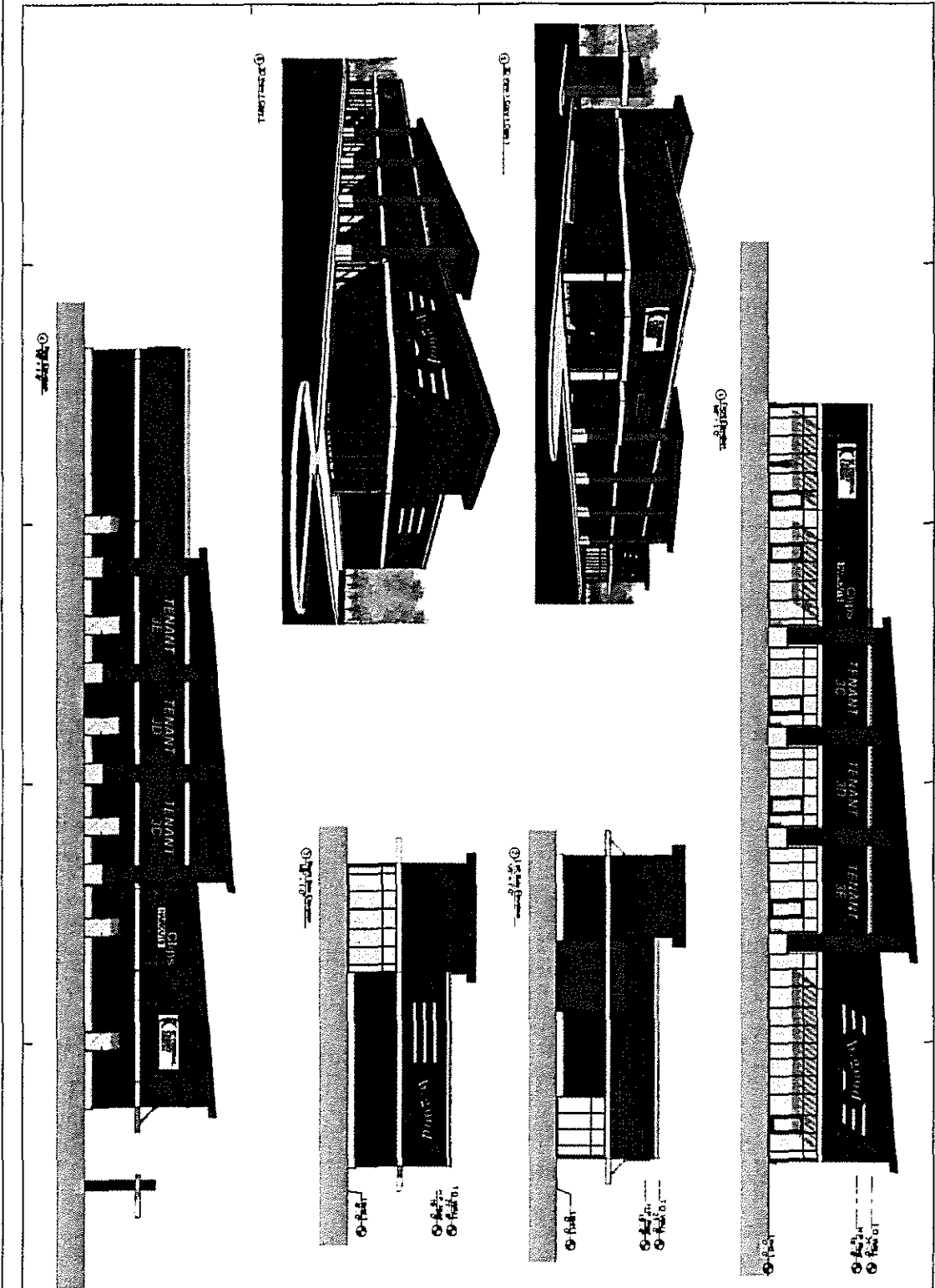
Thank you in advance for your attention and consideration to this matter.

Sincerely,

Walker Realty LLC


Kevin S. Eriksen, Esq.

160 Apex Drive Original



NO.	DATE	REVISION
1		

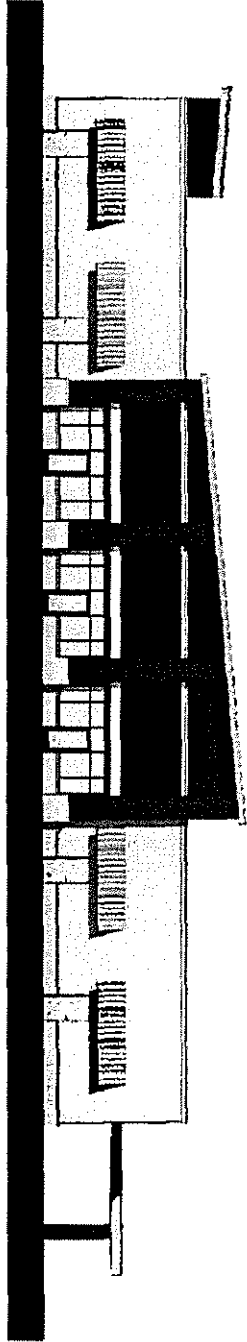
PROJECT NO.	
DATE	
SCALE	
CHECKED BY	
DESIGNED BY	
DR.	

Schematic Elevations

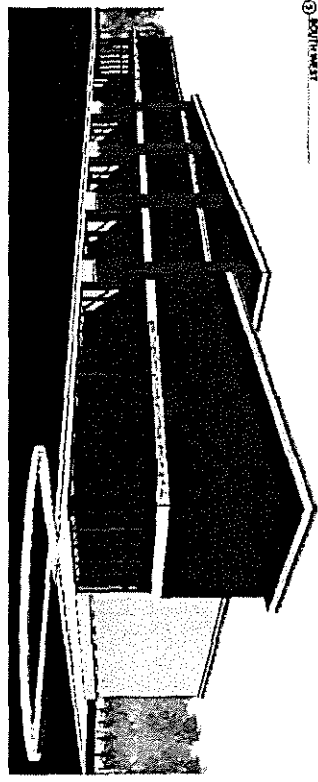
APEX CENTER
Bldg-3
 Section East-South (Level 10) (Scale 1/4"=1'-0")

JD LaGrasse & Associates, Inc.
 ARCHITECTS
 100 West ...
 ...
 ...

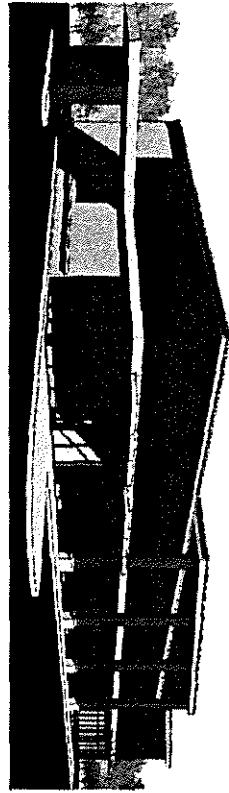
160 Apex Drive Current



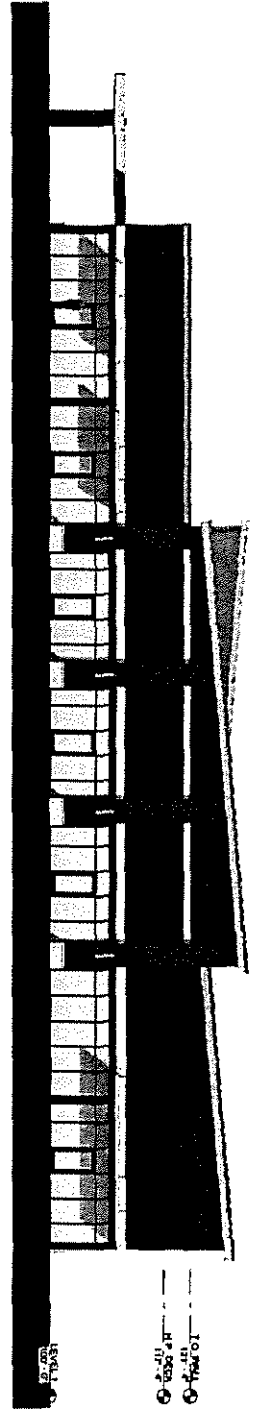
1 NORTH FACADE ELEVATION



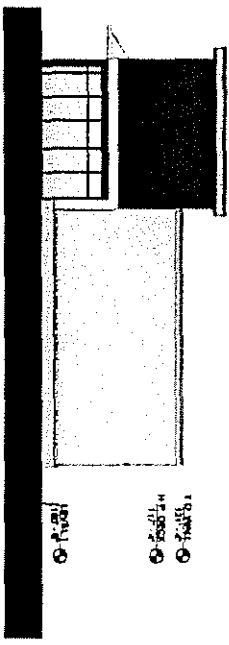
2 SOUTH FACADE ELEVATION



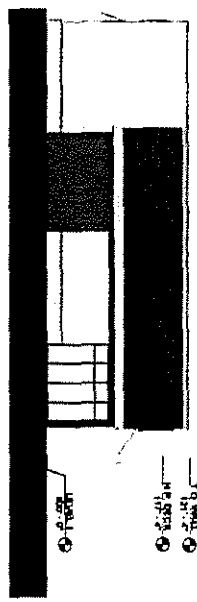
3 WEST FACADE ELEVATION



4 EAST FACADE ELEVATION



5 ENTRANCE ELEVATION



6 ENTRANCE ELEVATION

NO.	DATE	DESCRIPTION
1		

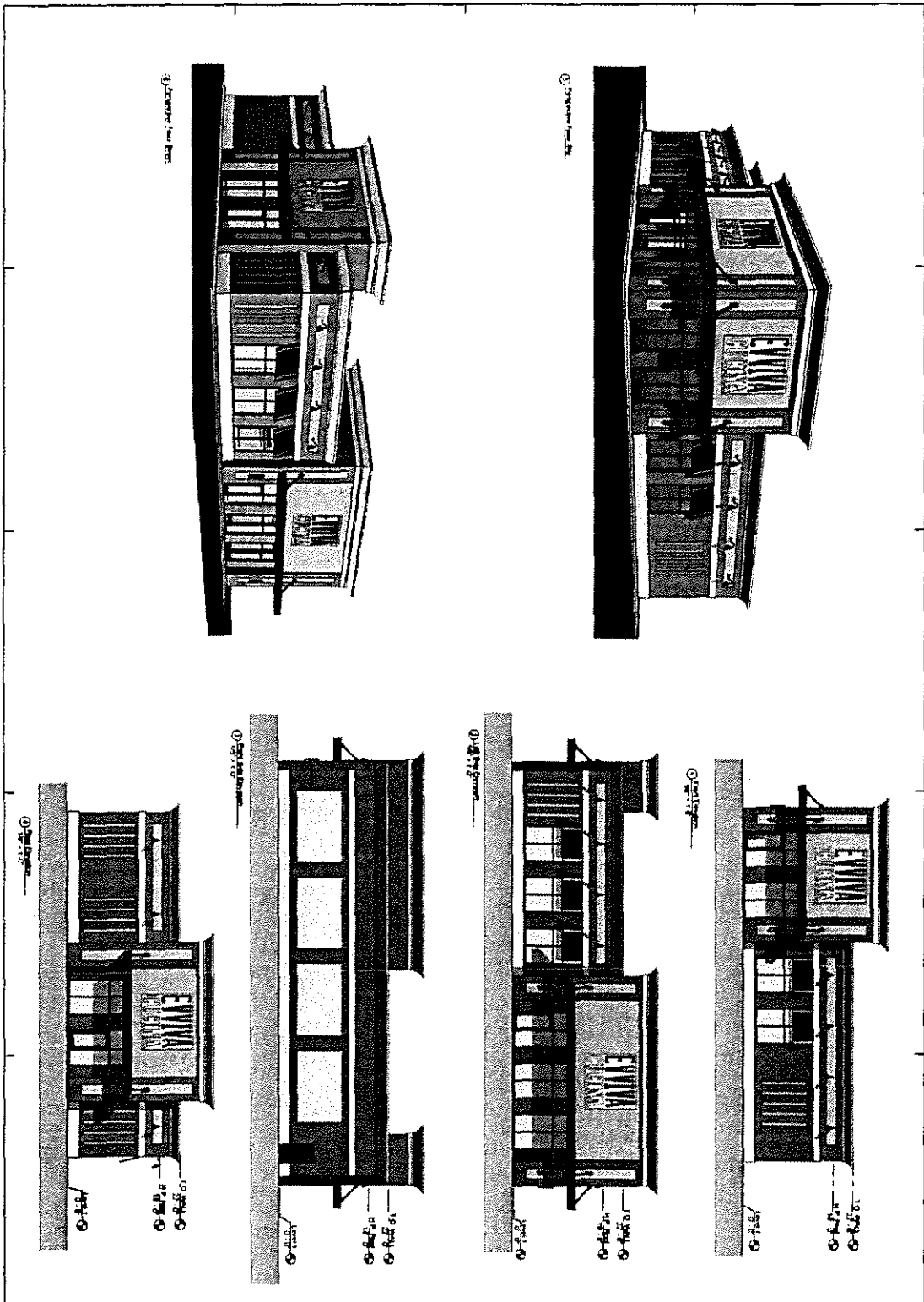
Prepared by: APEX CENTER LLC
 160 APEX DRIVE
 WASHINGTON, MA 01792

BUILDING ELEVATIONS

APEX CENTER
 160 APEX DRIVE
 WASHINGTON, MA 01792

JD LaGrasse
 & Associates, Inc.
 Architects - Engineers - Interiors - Land Planning
 100 Main Street, Lowell, MA 01850
 Phone: 978.452.1234 Fax: 978.452.1235
 www.jdlaGrasse.com

142 Apex Drive Original



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Schematic Elevations

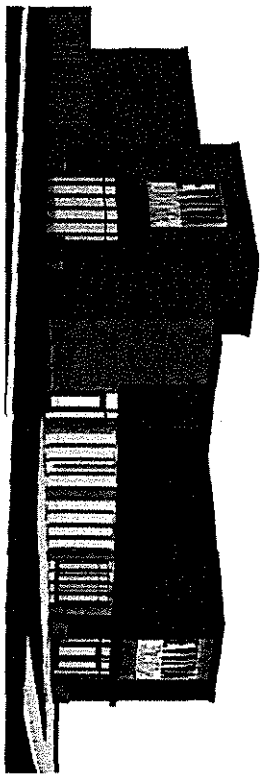
APEX CENTER
Bldg-4

Architect: **J.D. LaGrasse & Associates, Inc.**
 17700 E. 1st Ave., Suite 100
 Denver, CO 80232
 Phone: (303) 751-1111
 Fax: (303) 751-1112
 www.jdla.com

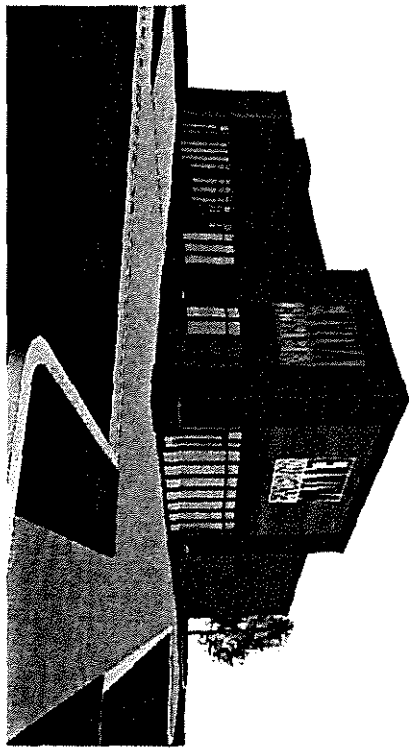
J.D. LaGrasse & Associates, Inc.
 17700 E. 1st Ave., Suite 100
 Denver, CO 80232
 Phone: (303) 751-1111
 Fax: (303) 751-1112
 www.jdla.com

142 Apex Drive Current

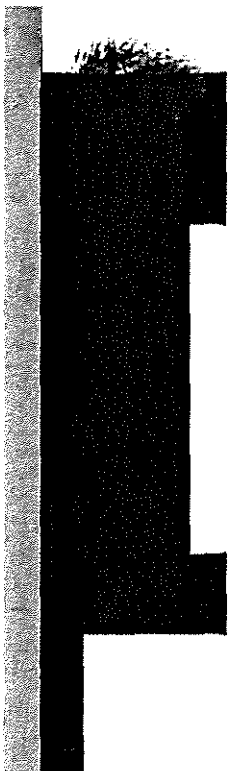
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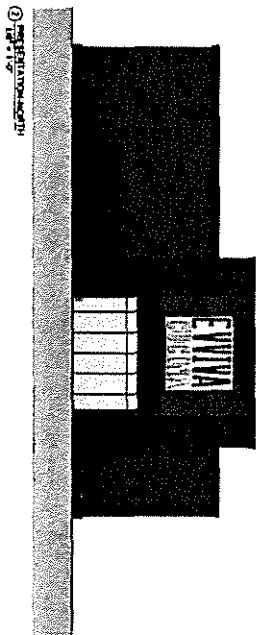
① Perspective Elevation



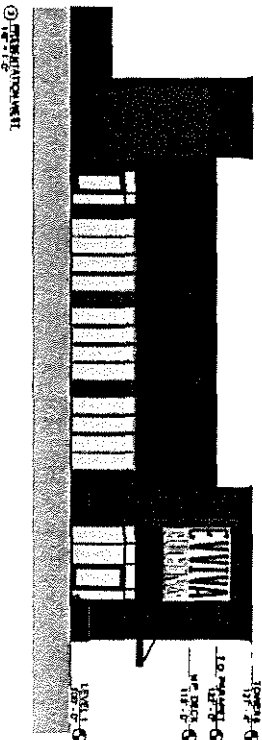
② Perspective



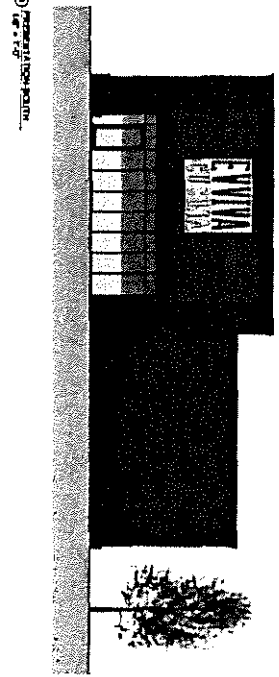
③ Elevation



④ Elevation



⑤ Elevation



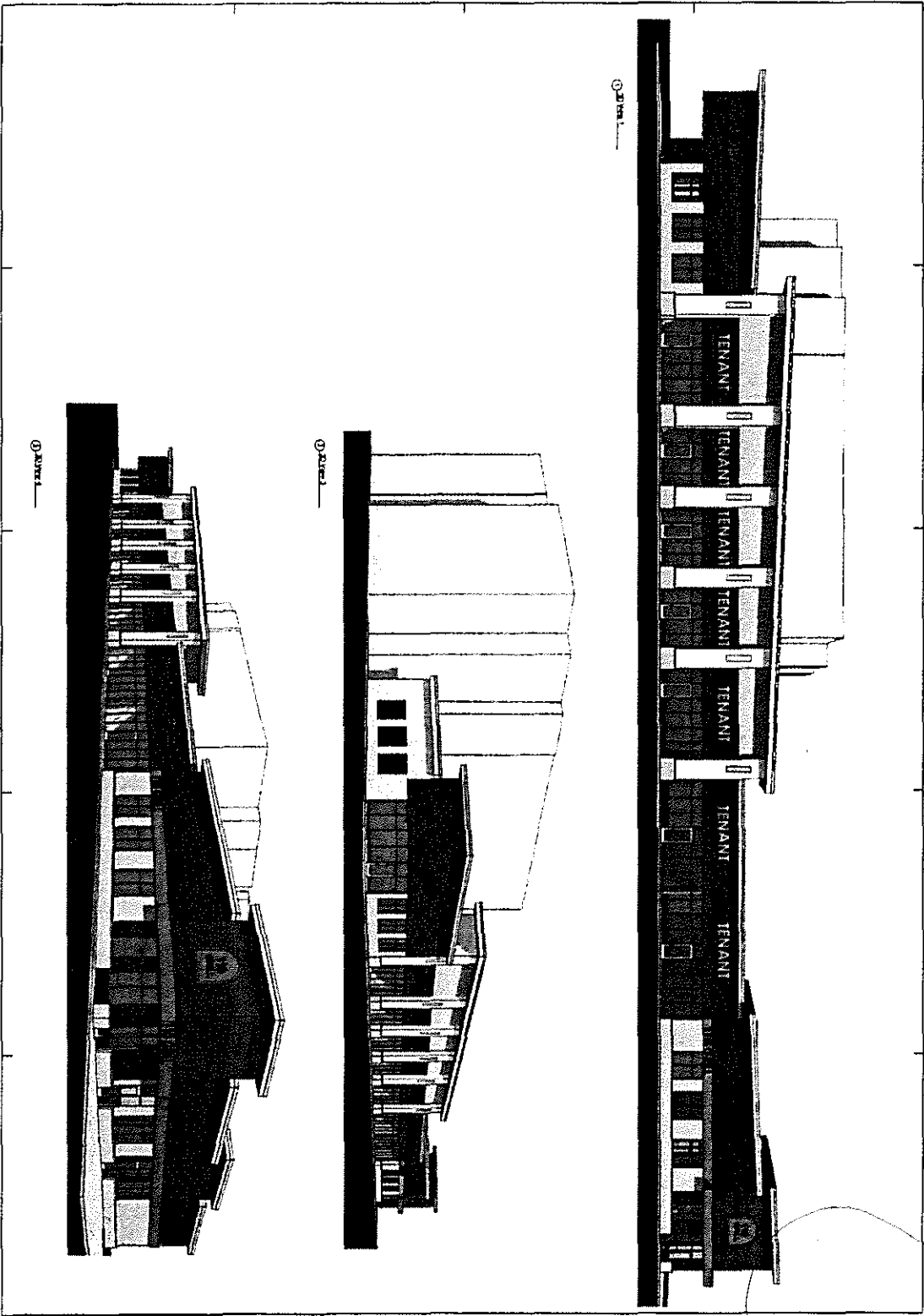
⑥ Elevation

1	Project No. 00-000000 Date: 11/11/00 Drawn by: J.D. LaGrasse Checked by: J.D. LaGrasse Title: Building Elevations
	J.D. LaGrasse Architect 142 Apex Drive Marlborough, MA 01752

APEX CENTER
 142 APEX DRIVE
 Marlborough, MA 01752

J.D. LaGrasse
 & Associates, Inc.
 Architects - Planners - Interiors - Land Planning
 142 Apex Drive, Marlborough, MA 01752
 Tel: 508-252-1111 Fax: 508-252-1112
 www.jdla.com

115 Apex Drive Original



NO.	DESCRIPTION	DATE	BY	CHECKED
1	Final Perspective Drawings	11/22/11	JD LaGrasse	

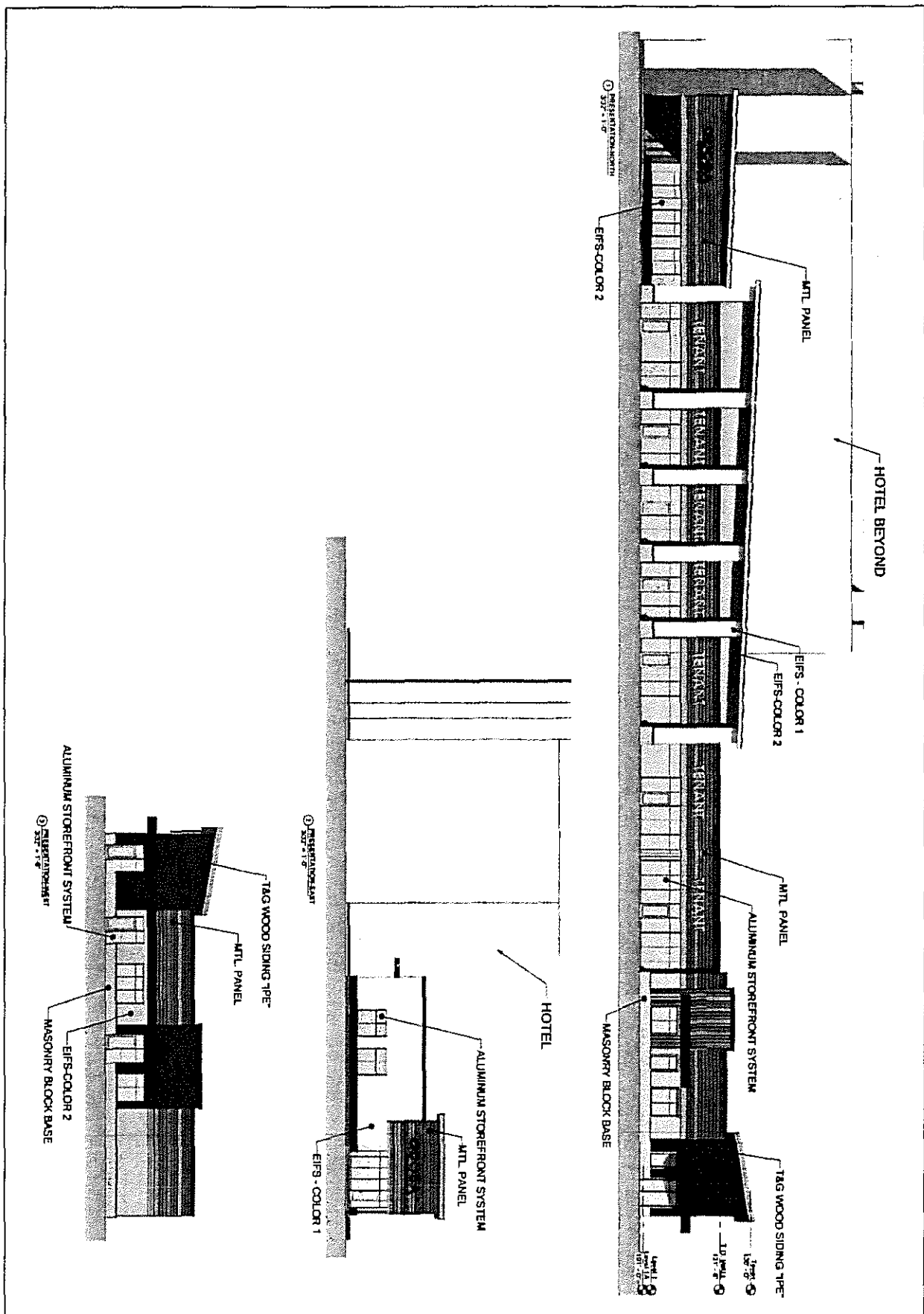
Project No. **11-048**
 Client
Perspectives
 Project Location
 11/22/11

APEX CENTER
Bldg-5
 Project File Name: Apex_Center_Bldg-5.dwg

JD LaGrasse
& Associates, Inc.
 Architectural Firm
 1115 W. 10th Street
 Oklahoma City, OK 73101

115 Apex Drive Current

115 Apex Drive Current



NO.	DATE	DESCRIPTION
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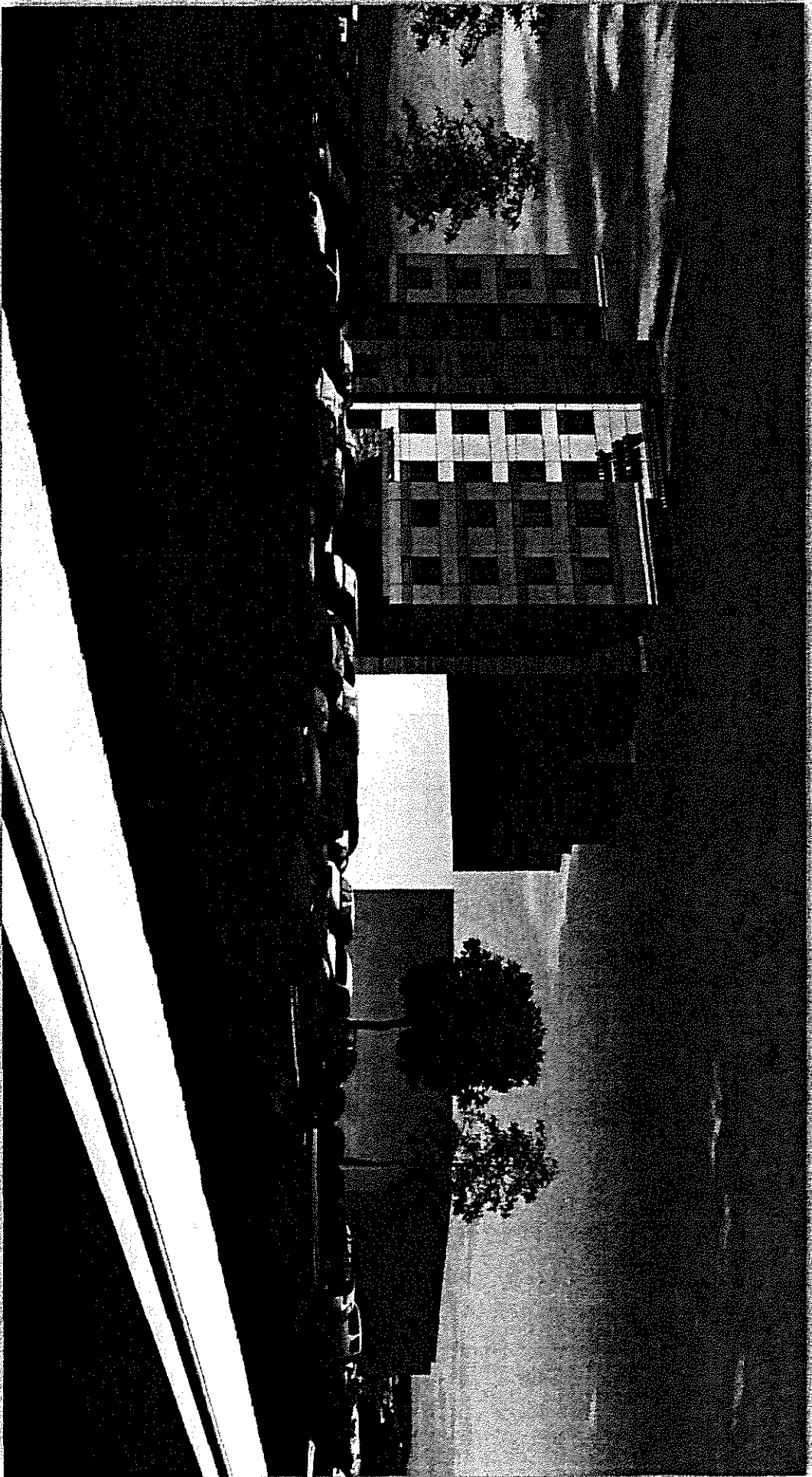
THE AT STUDIO
 115 APEX DRIVE
 SCHEMATIC ELEVATIONS
 MULTIPLE MA 0173

APEX CENTER
 115 APEX DRIVE
 MULTIPLE MA 0173

JD LaGrasse
 & Associates, Inc.
 Architects - Engineers - Interiors - Land Planners
 400 State Street, Suite 1200
 Providence, RI 02903
 Tel: 401-843-1100
 Fax: 401-843-1101
 www.jdla.com

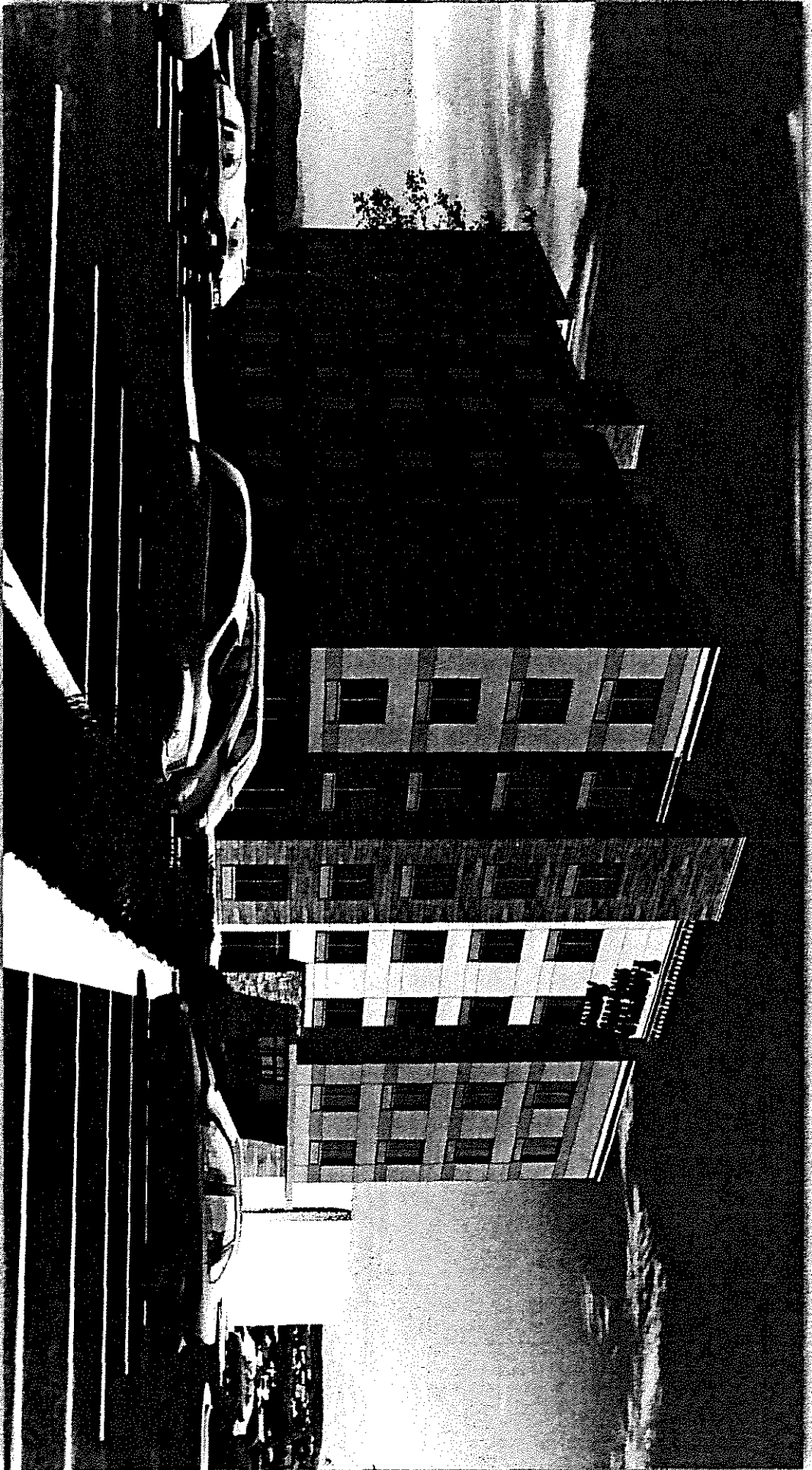
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105 Apex Drive Original



Architecture
April 14, 2016

Fairfield Inn & Suites
Marlborough, MA



Architecture
April 14, 2016

Fairfield Inn & Suites
Marlborough, MA

02

105 Apex Drive Current



Architecture
April 14, 2016

Fairfield Inn & Suites
Marlborough, MA

01



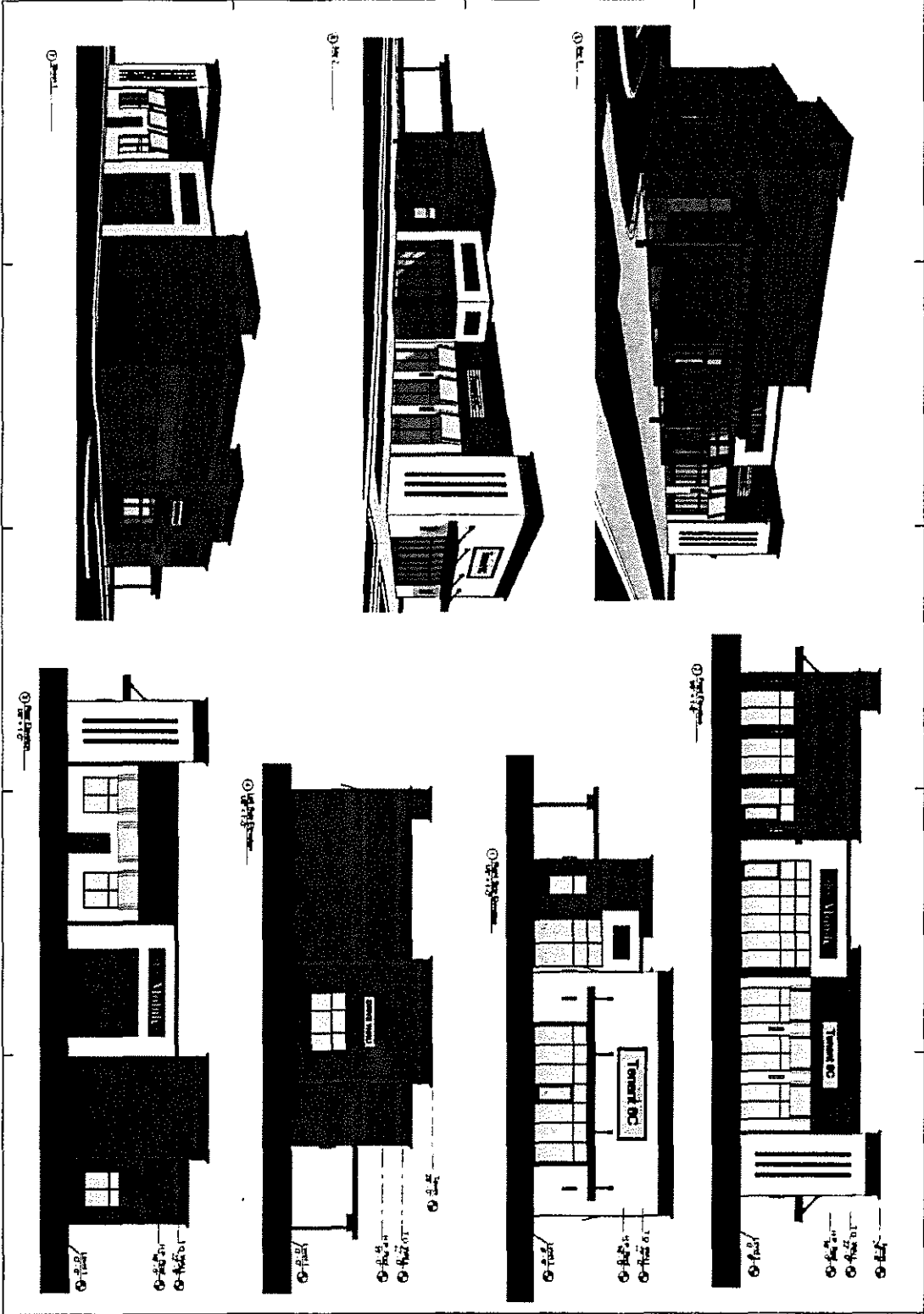


Architecture
April 14, 2016

Fairfield Inn & Suites
Marlborough, MA

02

90 Apex Drive Original

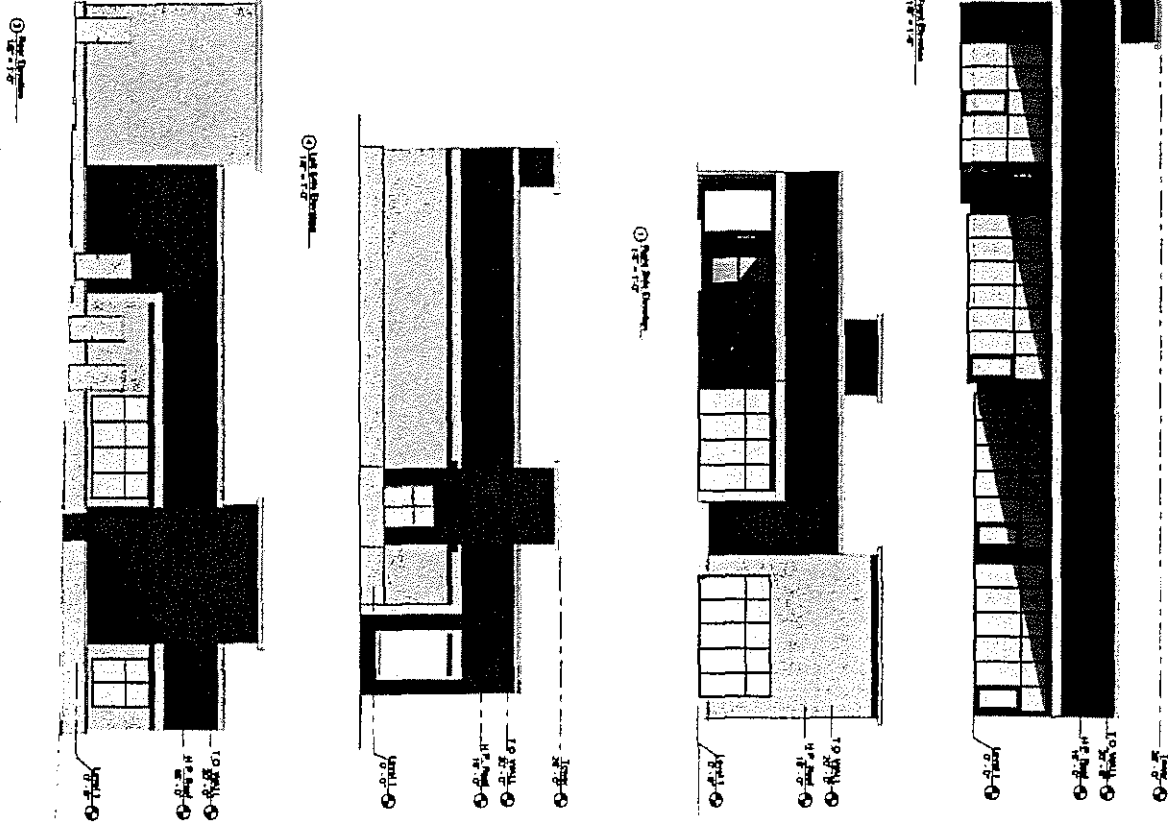
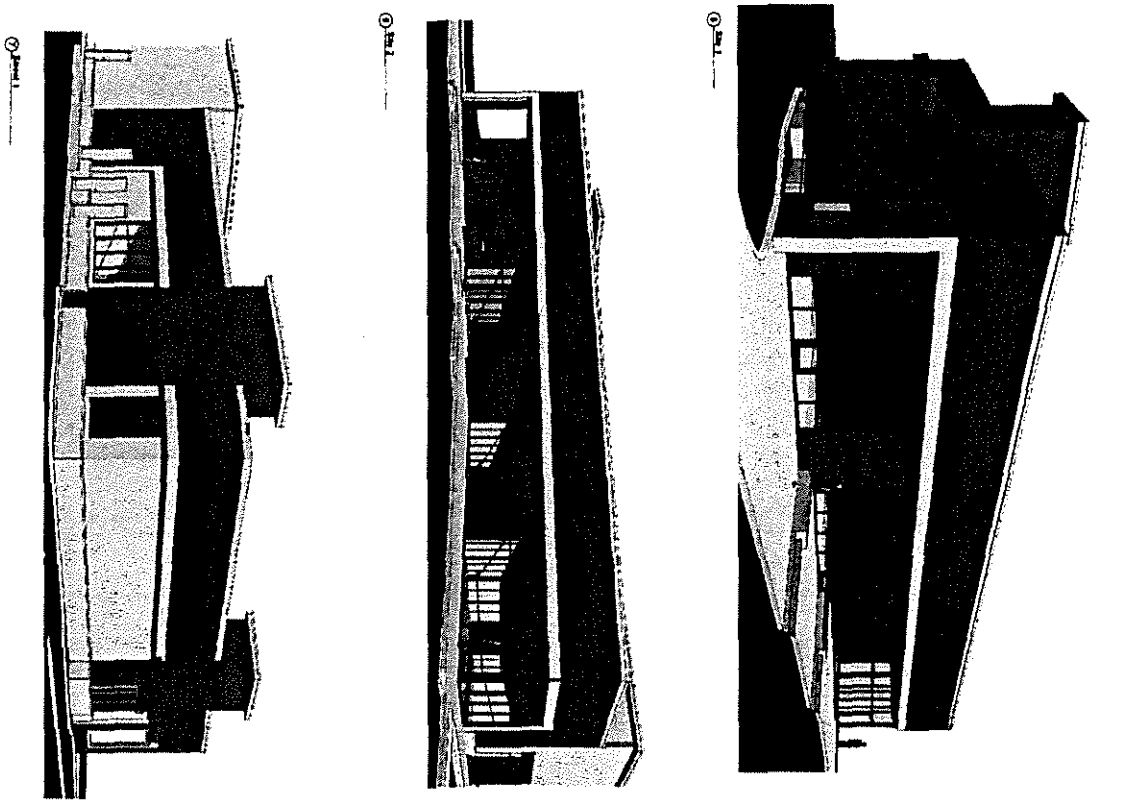


1	Architect	J.D. LaGrasse & Associates, Inc.
	Engineer	
	Interior Designer	
	Structural Engineer	
	Mechanical Engineer	
	Electrical Engineer	
	Plumbing Engineer	
	Sanitary Engineer	
	Fire Protection Engineer	
	Energy Conservation	
	Cost Estimator	
	Quantity Surveyor	
	Contract Administrator	

Schematic Elevations
 APEX CENTER
 Bldg-6

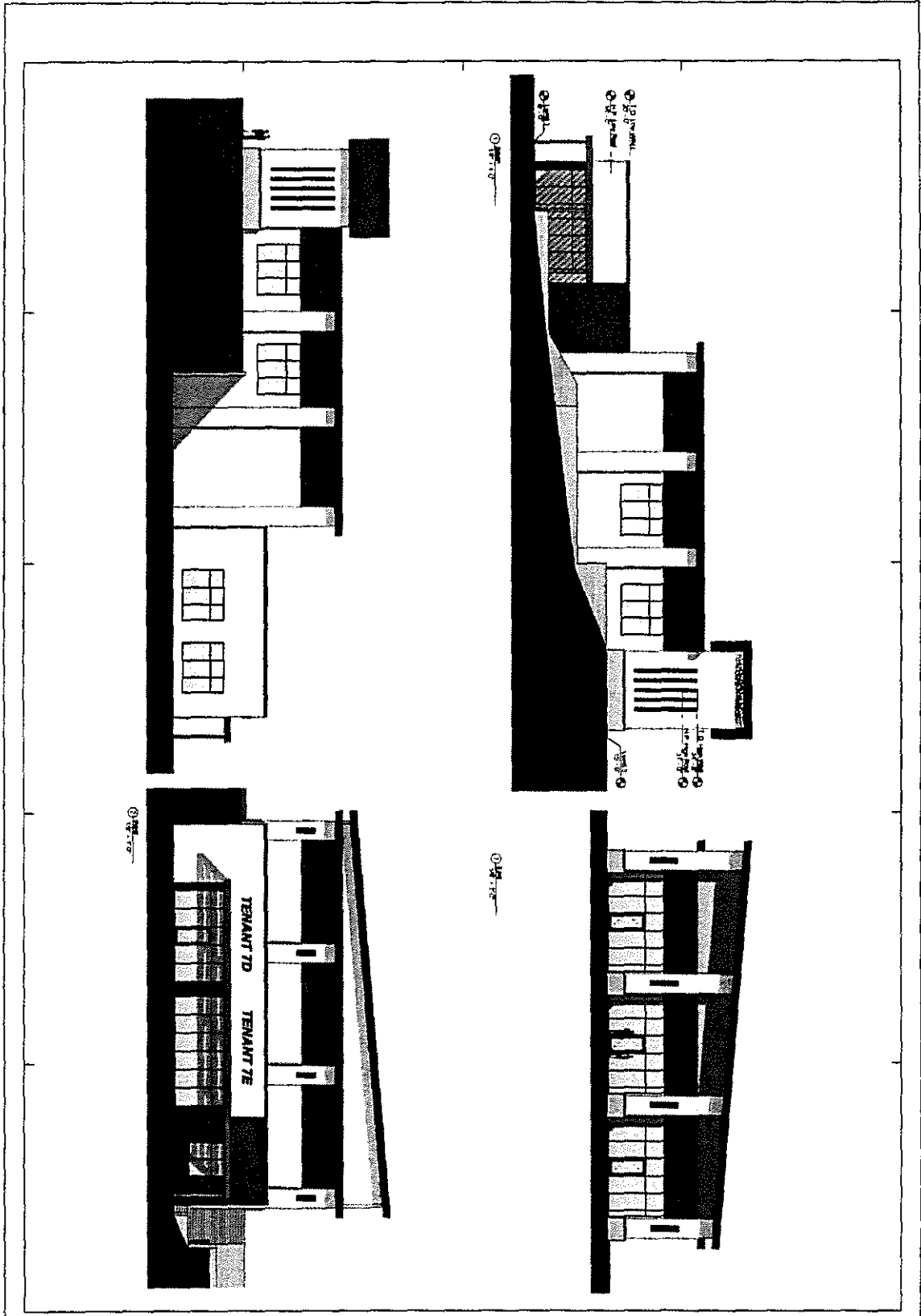
J.D. LaGrasse & Associates, Inc.
 10000...
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90 Apex Drive Current



1	PROJECT NO. 100-1000 DATE 10/15/00 DRAWN BY JDL CHECKED BY JDL SCALE AS SHOWN SHEET NO. 1 OF 1	JD LaGrasse & Associates, Inc. <small>Architect - Engineer - Interior - Land Planning</small> <small>100 Elm Street, Suite 100, Pittsfield, MA 01201</small> <small>(413) 439-1111 / (413) 439-1112</small> <small>www.jdla.com</small>
	APEX CENTER 90 APEX DRIVE <small>90 Apex Drive, Pittsfield, MA 01201</small>	

58 Apex Drive Original



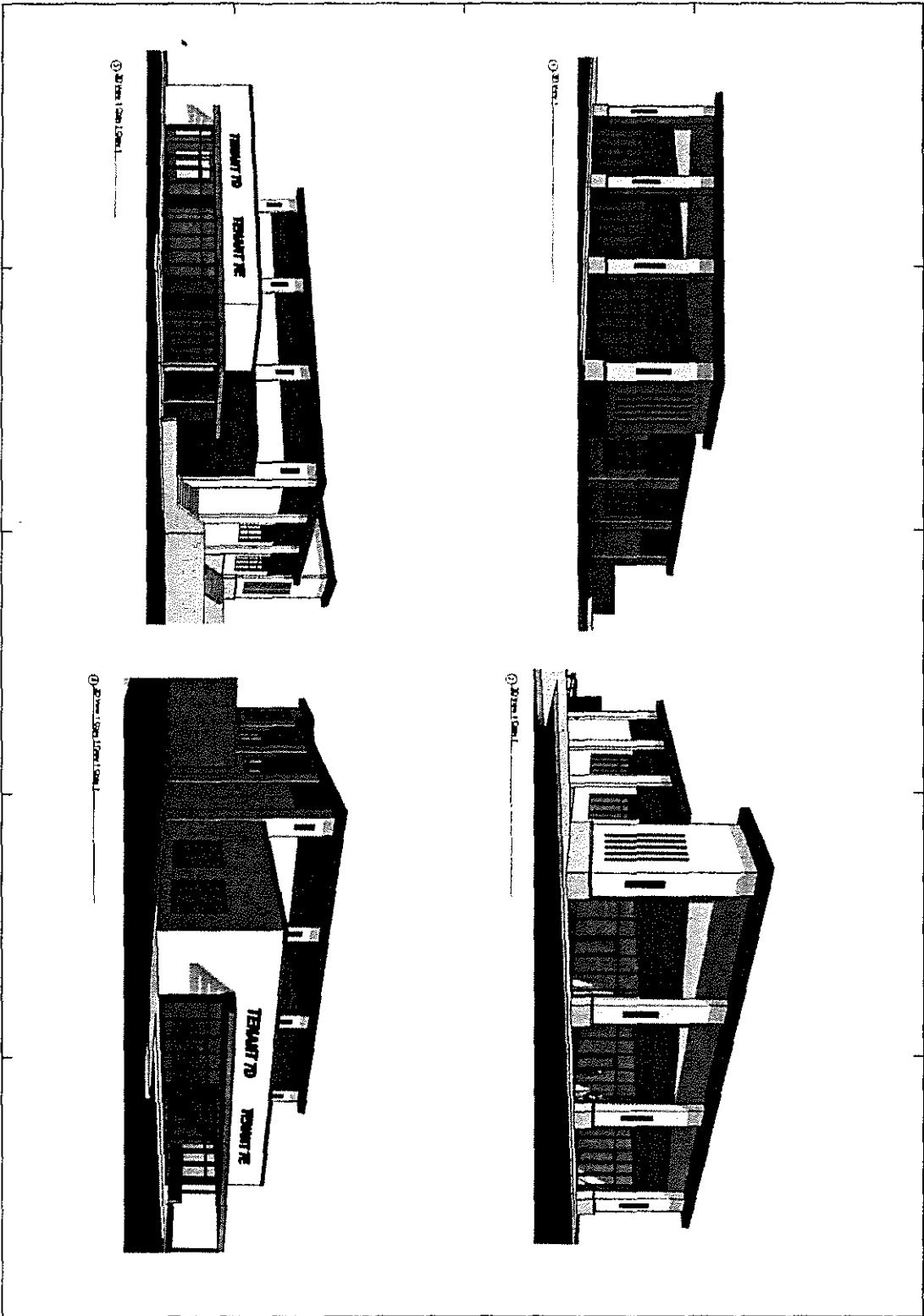
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APEX CENTER
Bldg-7

Schematic Elevations

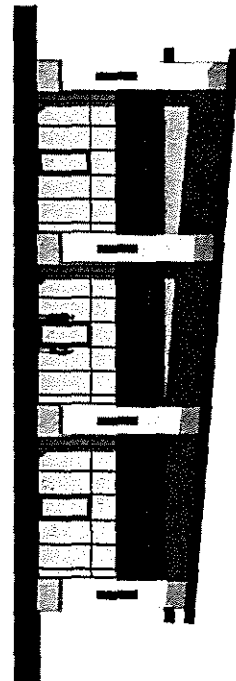
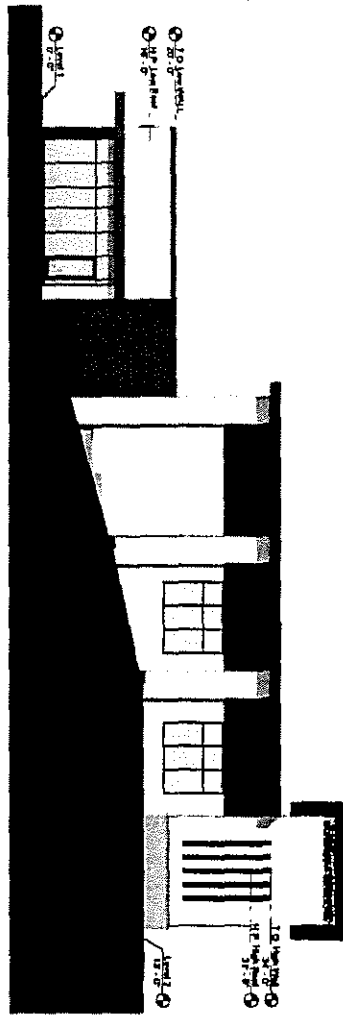
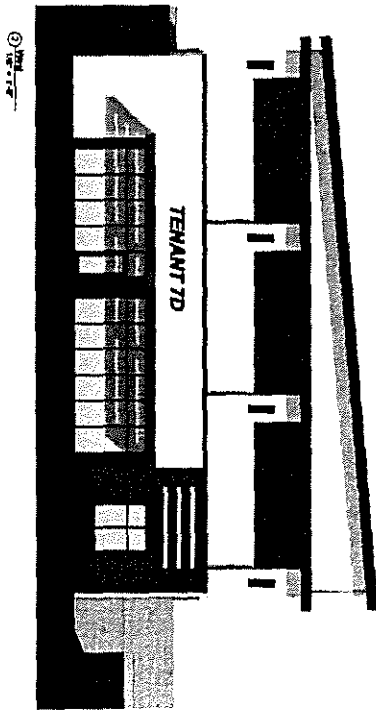
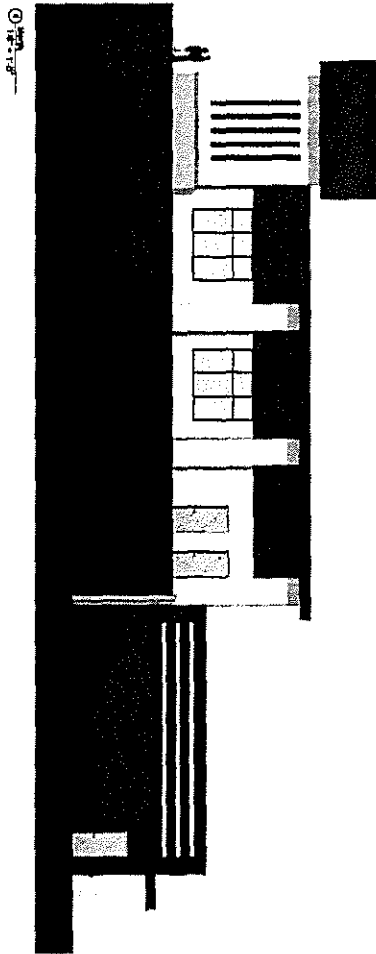
JD LaGrasse
& Associates, Inc.

Architects, Engineers, Planners, and Programmers
1400 North Lincoln Street, Suite 1000
Chicago, Illinois 60610
Tel: (312) 329-1000
Fax: (312) 329-1001
www.jdla.com



2	Project No. _____ Drawing No. _____ Date _____	APEX CENTER Bldg-7	JD LaGrasse & Associates, Inc. 10000 Lakeside Drive, Suite 100 Dallas, Texas 75243 Phone: (214) 343-1111 Fax: (214) 343-1112
	PERSPECTIVES		

58 Apex Drive Current



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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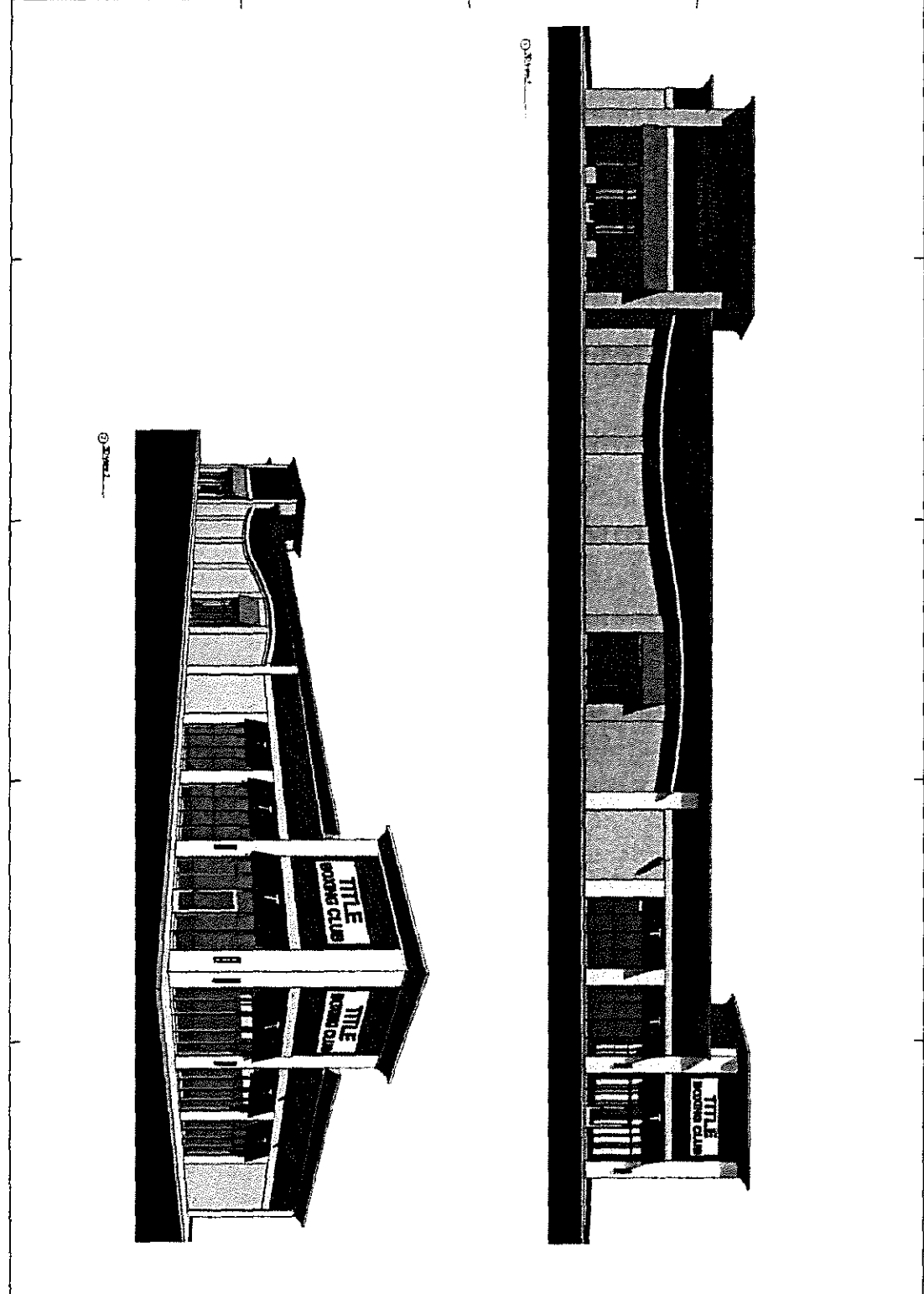
Schematic Elevations
 Project: 1110 - Apex Building, MA 01752
 Date: 01/15/10

APEX CENTER
 Bldg-7
 Project: 1110 - Apex Building, MA 01752

Architect: J.D. LaGrasse & Associates, Inc.
 1110 - Apex Building, MA 01752
 Phone: 978-252-3471
 www.jdla.com

J.D. LaGrasse & Associates, Inc.
 Architects - Engineers - Planners - Land Planners
 1110 - Apex Building, MA 01752
 Phone: 978-252-3471
 www.jdla.com

43 Apex Drive Original



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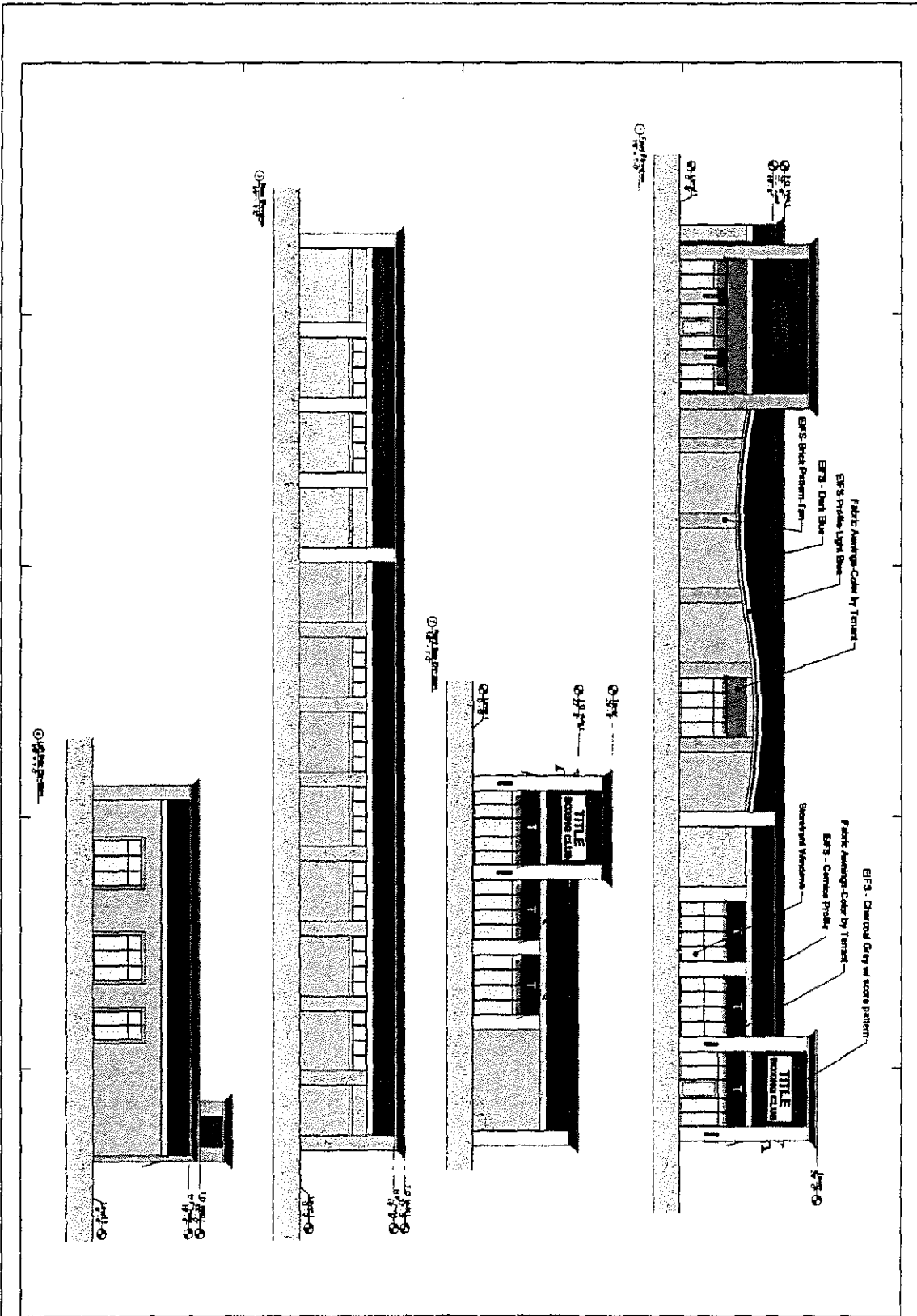
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Prepared by: [Blank]
 Checked by: [Blank]
Perspective Views

APEX CENTER
Bldg-10
Apex, Pkg. 1000, York, VA 23091

JD LaGrasse
& Associates, Inc.

 10000 Lakeside Drive, Suite 100
 Fairfax, VA 22031
 Phone: (703) 261-1111
 Fax: (703) 261-1112



NO.	DATE	DESCRIPTION
1		Issue for Construction
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7		Issue for Construction
8		Issue for Construction
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10		Issue for Construction

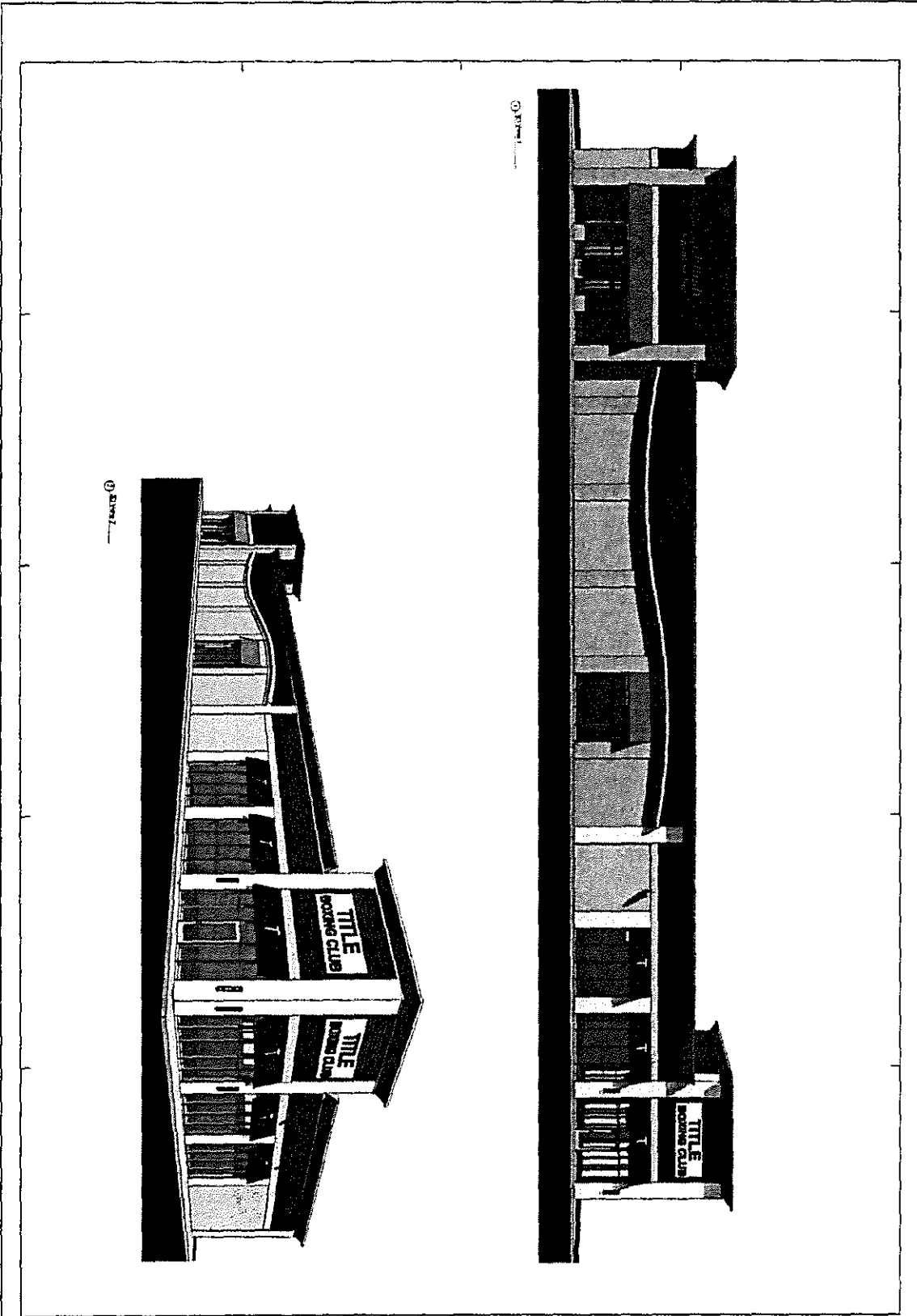
Schematic Elevations

APEX CENTER
Bldg-10

15
 Boston Mill Road West Manchester MA 07170

J.P. LaGrasse & Associates, Inc.
 Architects, Engineers, Landscape Architects
 1000 North 10th Street, Suite 100
 Raleigh, NC 27601
 Tel: 919.876.1000
 Fax: 919.876.1001
 www.jplagrasse.com

43 Apex Drive Current



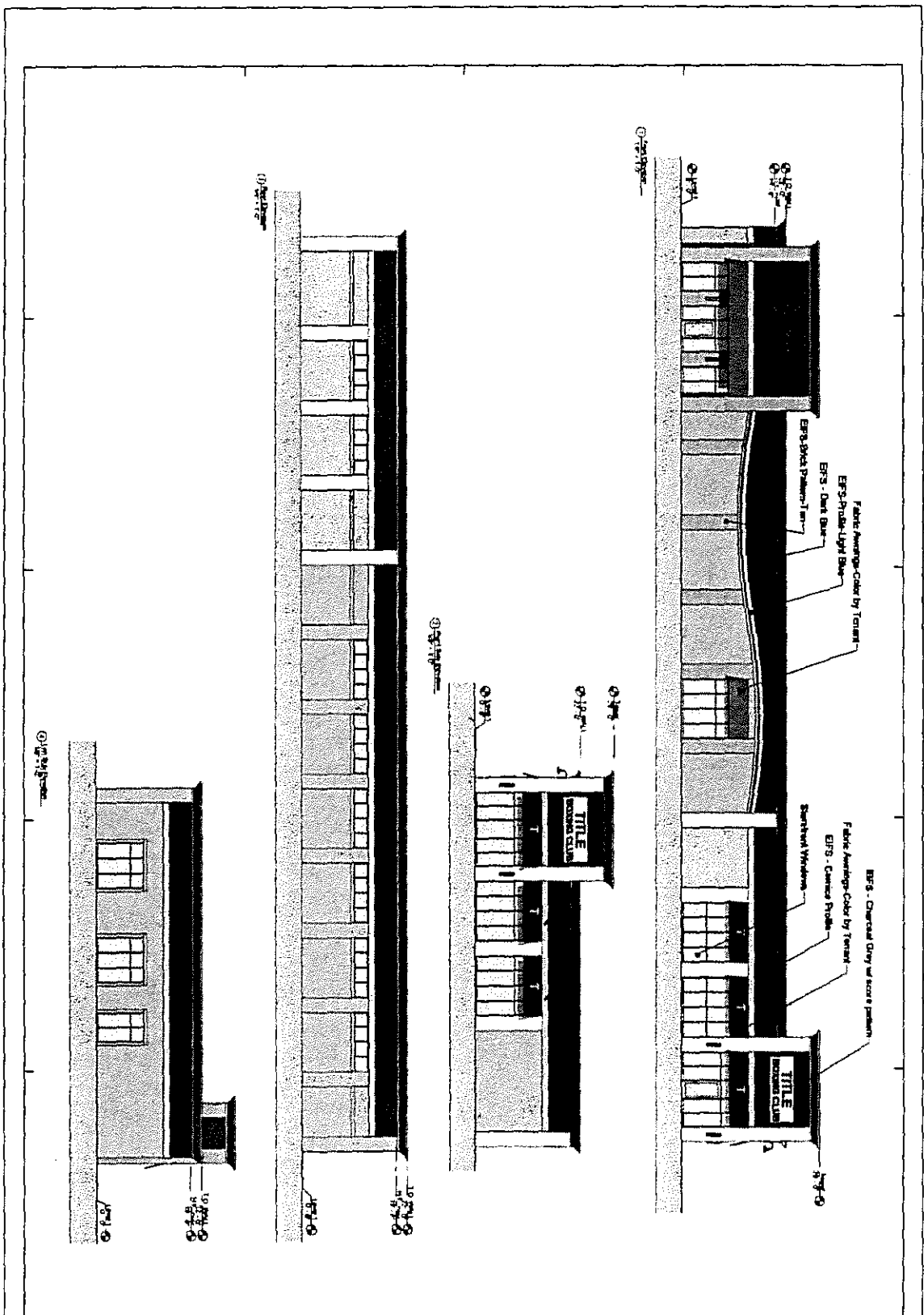
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PROJECT NO. 100-1000
 PROJECT NAME
 SHEET NO. 100-1000
 DATE 10/1/00

Perspective Views
 SCALE: AS SHOWN

APEX CENTER
Bldg-10
 100-1000

JD LaGrasse
& Associates, Inc.
 100-1000
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 100-1000



2	APEX CENTER Bldg-10	JD LaGrasse & Associates, Inc. <small>Architect - Commercial - Industrial - Land Planning 10000 Highway 100, Suite 100, Houston, TX 77036 Phone: (713) 465-1100 Fax: (713) 465-1101 www.jdla.com</small>
	Schematic Elevations	

36 Apex Drive Original

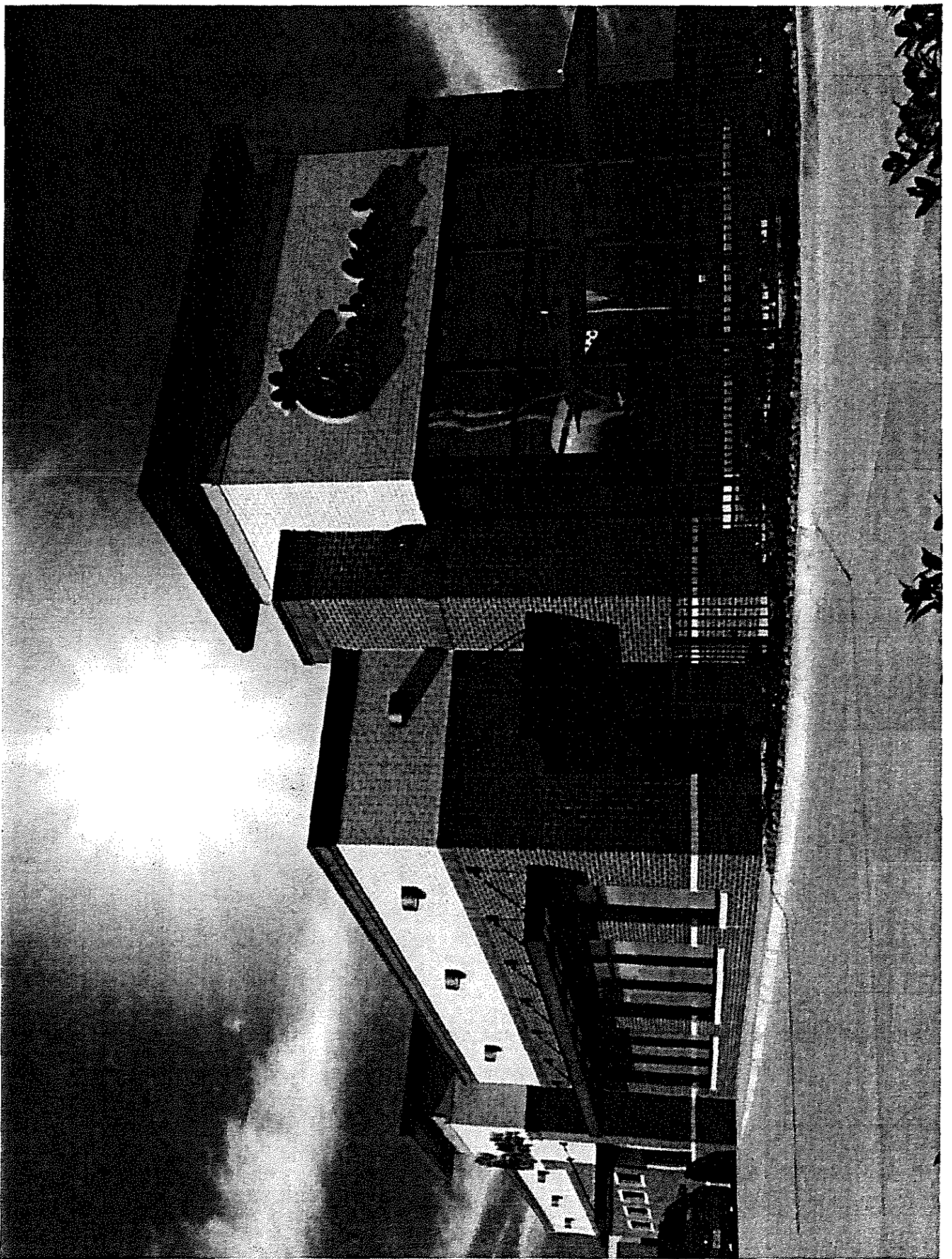
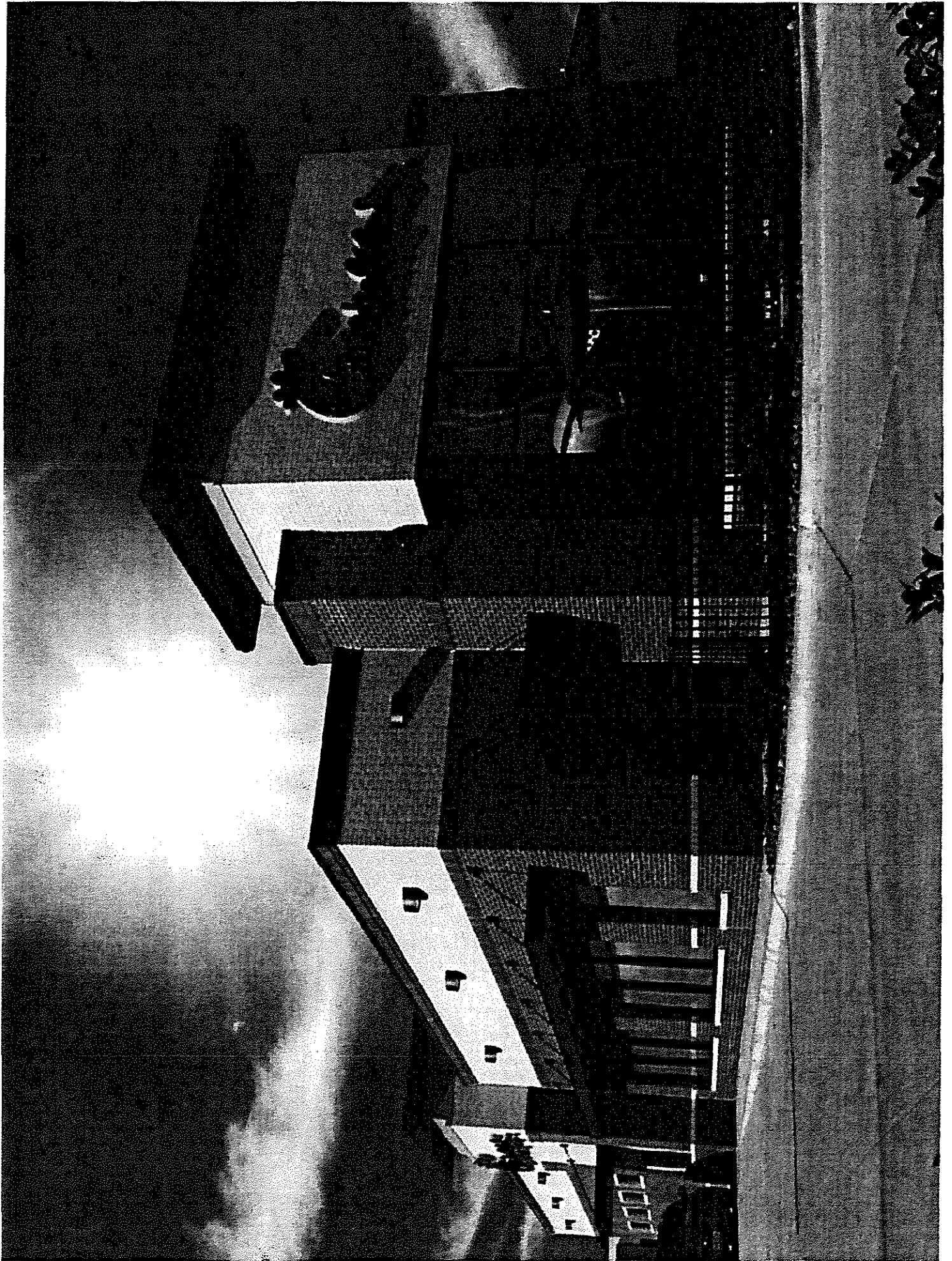


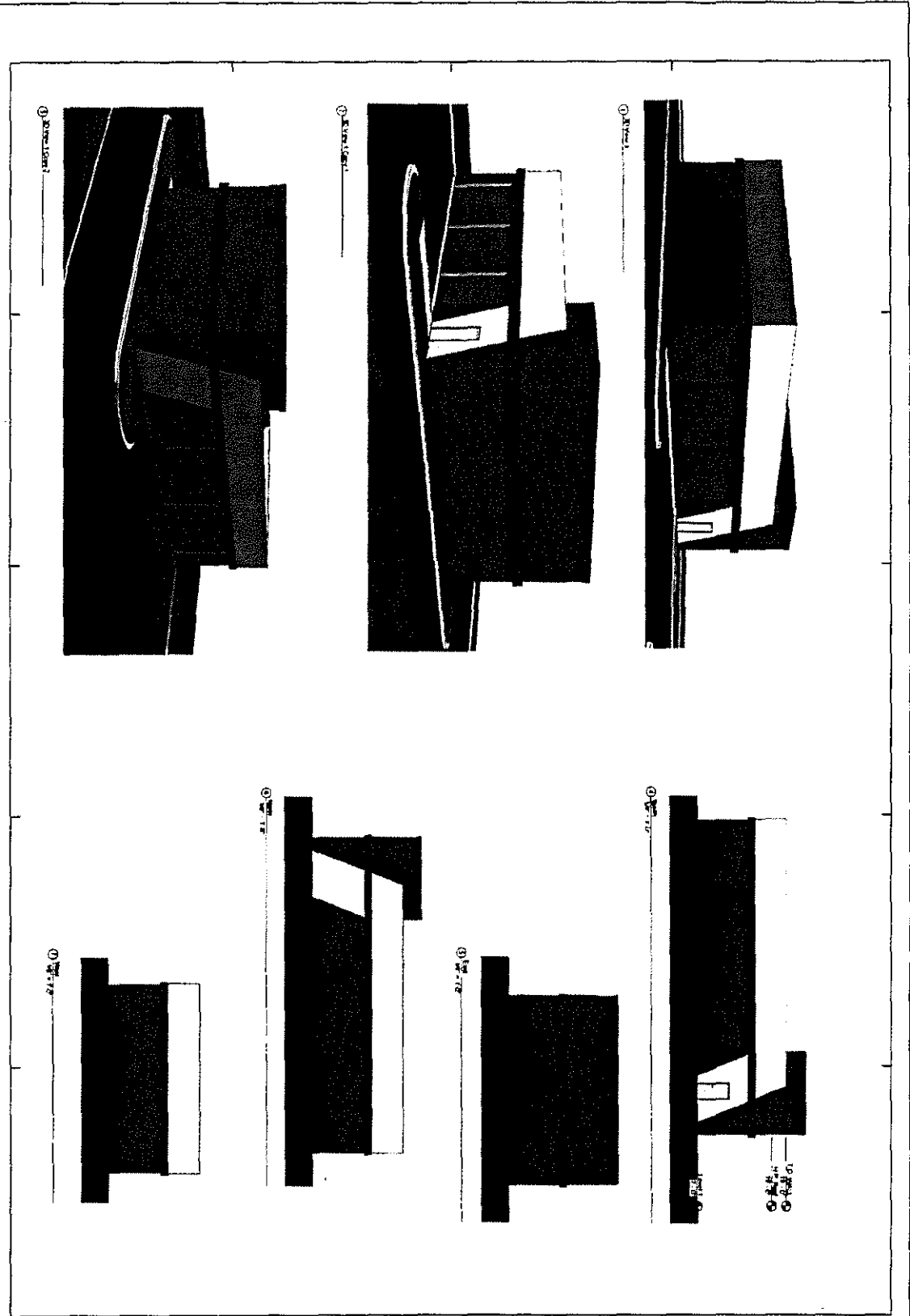
PHOTO COURTESY OF THE ARCHITECTURAL FIRM THAT DESIGNED THE BUILDING. PHOTOGRAPHY BY [unreadable]

36 Apex Drive Current

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22 Apex Drive Current



A101

NO.	DATE	DESCRIPTION
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Prepared for: **Apex Center**
 Project No: **100-100-100-100**
 Date: **10/1/10**

Preliminary Elevations

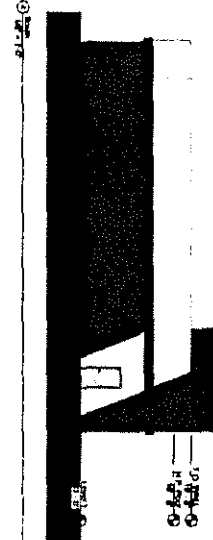
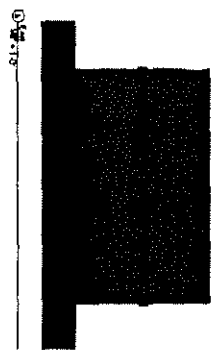
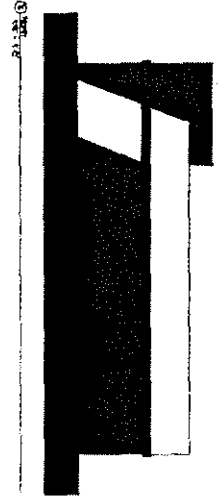
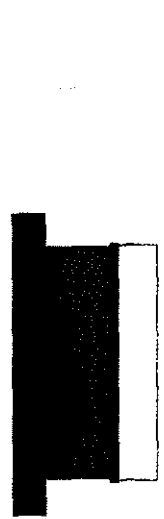
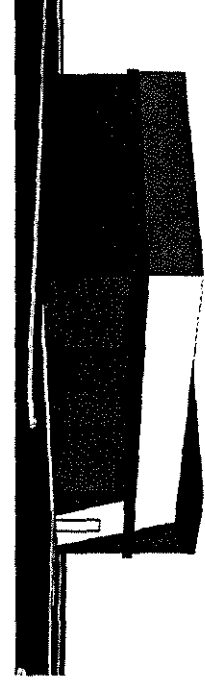
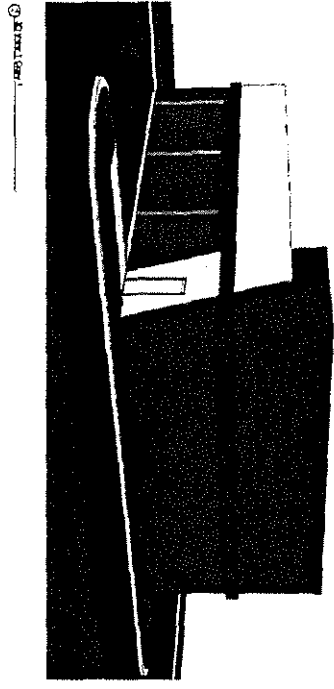
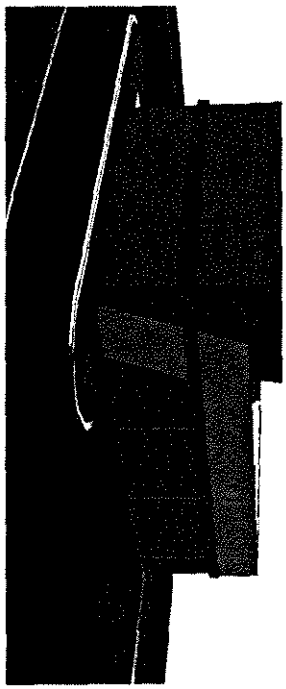
APEX CENTER

Bldg-09

Apex Park Road West 400 North, SA 27682

J.D. LaGrasse
 & Associates, Inc.
 10000 Lakeside, Raleigh, NC 27615
 Tel: 919.486.1111 Fax: 919.486.1111
 www.jdla.grasse.com

22 Apex Drive Original



A101	DATE	1/10/78	
	SCALE	AS SHOWN	
REVISIONS	NO.	DATE	DESCRIPTION
	1	1/10/78	ISSUED FOR PERMIT
PREPARED BY: J.D. LaGrasse CHECKED BY: J.D. LaGrasse DRAWN BY: J.D. LaGrasse IN CHARGE: J.D. LaGrasse			

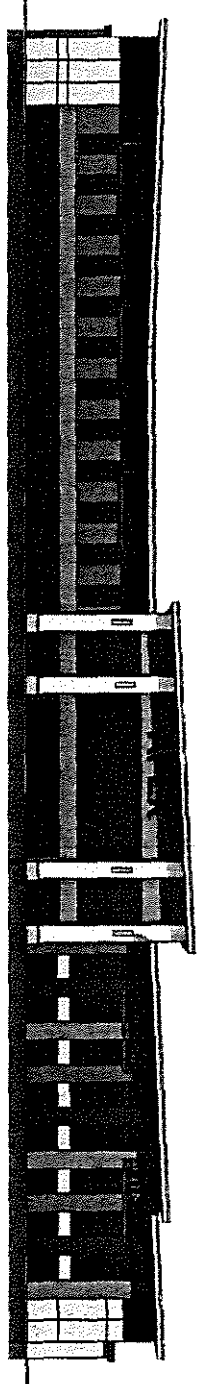
Preliminary Elevations

APEX CENTER
 Bldg-09
 Boston Post Road West Weymouth, MA 01978

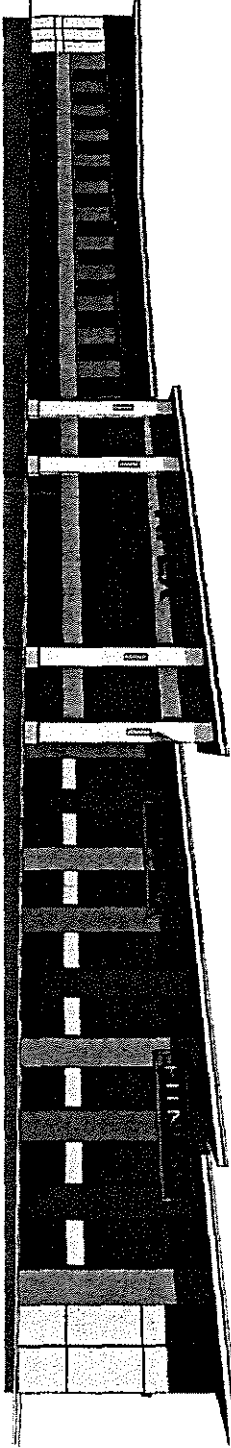
J.D. LaGrasse & Associates, Inc.
 100 State Street, Boston, MA 02109
 Telephone: 617-552-1234
 Telex: 210100 JDLA

21 Apex Drive Original

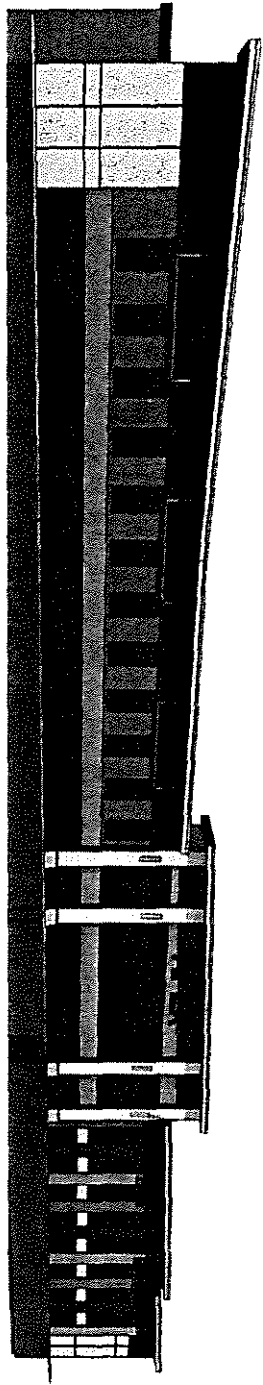
SECTION 1



SECTION 2



SECTION 3



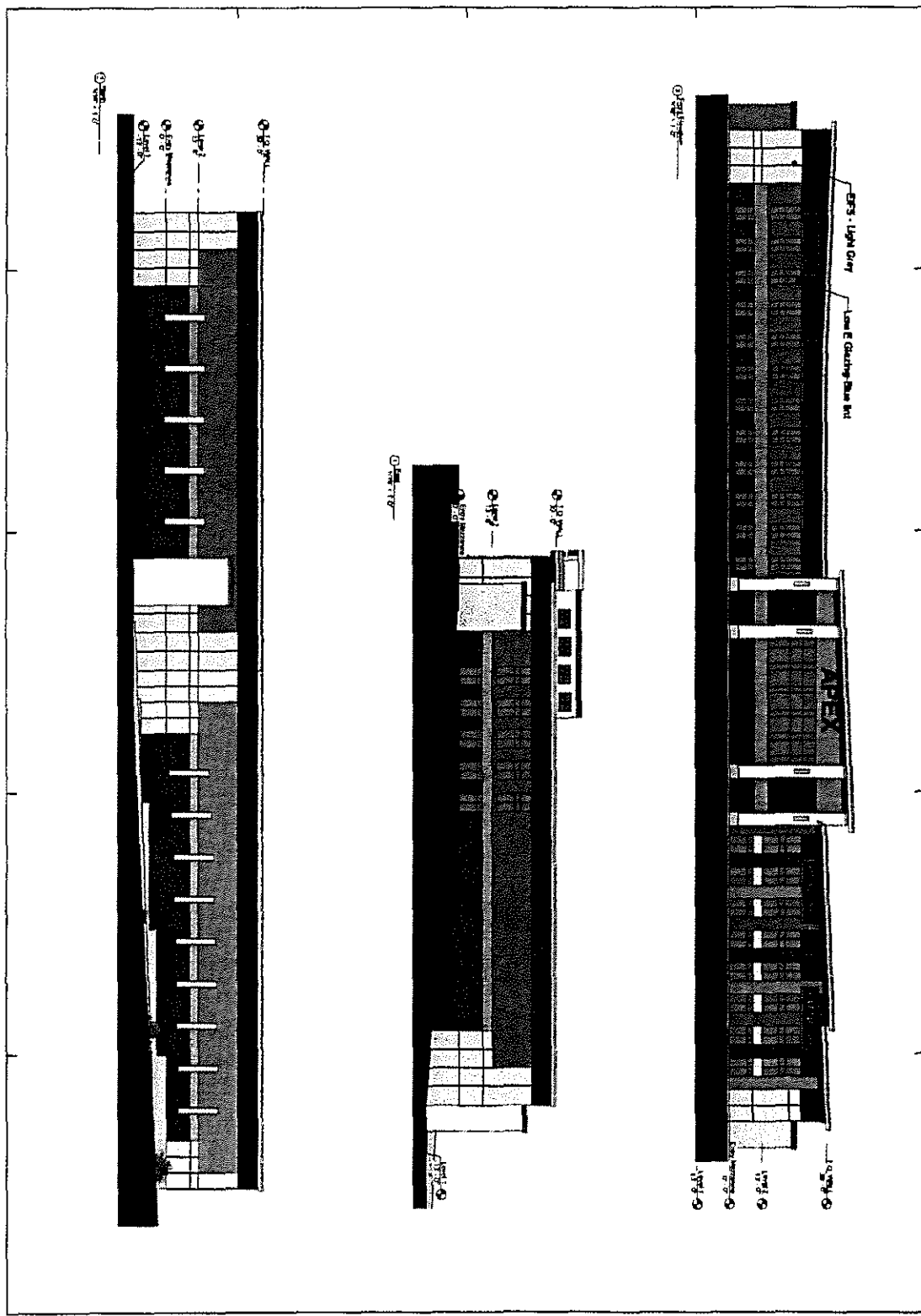
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EXTERIOR VIEWS

APEX CENTER
Bldg 11

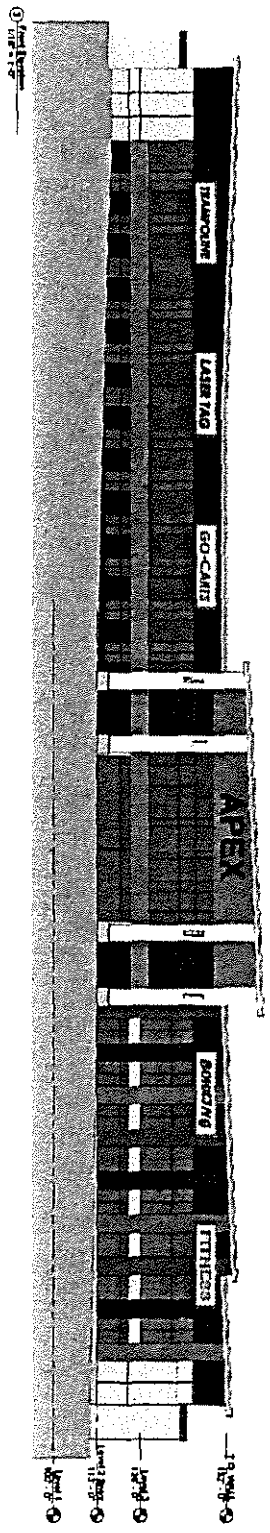
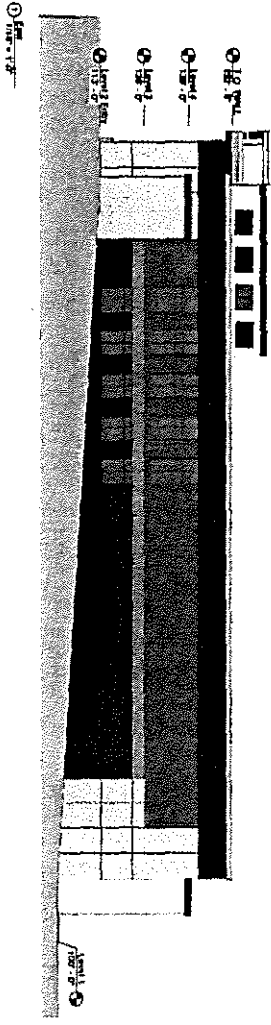
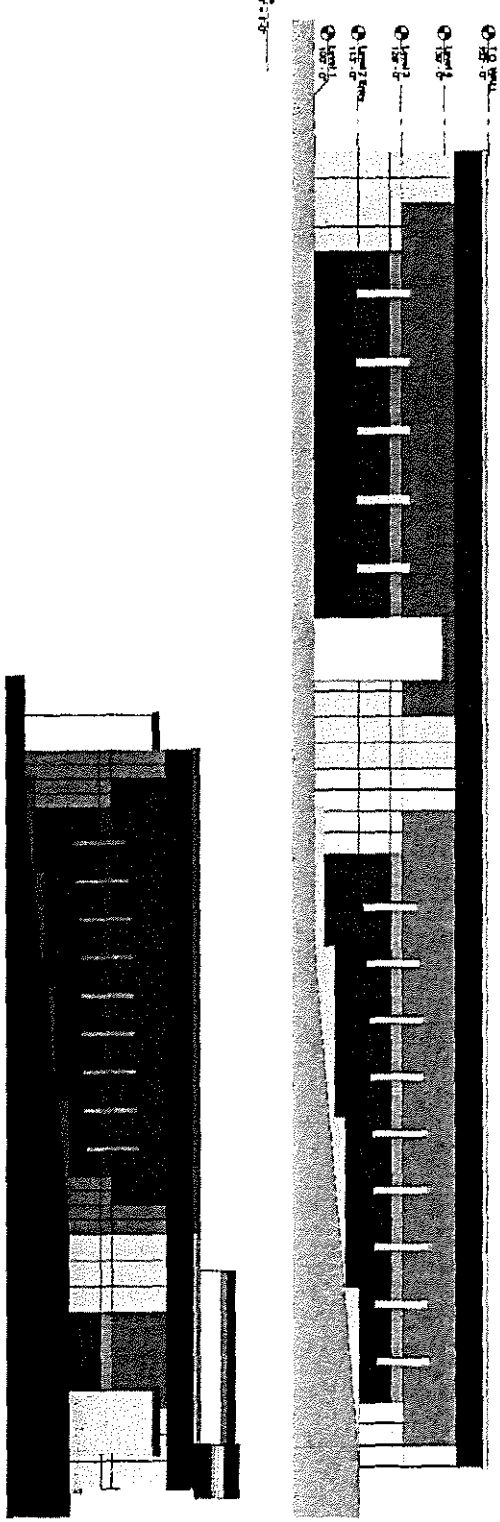
JD LaGrasse
& Associates, Inc.
Architects, Engineers, Interiors, Cost Estimators
1000 Lakeside Building, Suite 1000
Chicago, Illinois 60606
Tel: (312) 467-1000
Fax: (312) 467-1001
www.jdla.com



R2 <small>DATE</small> <small>BY</small> <small>CHKD</small> <small>APPD</small>	REVISIONS <small>NO.</small> <small>DESCRIPTION</small>		PROJECT Apex Center		JD LaGrasse & Associates, Inc. <small>Architect License No. 1000000000</small> <small>1000000000</small> <small>1000000000</small> <small>1000000000</small> <small>1000000000</small>
	EXTERIOR ELEVATIONS		Bldg 11		
	<small>DATE</small> <small>BY</small> <small>CHKD</small> <small>APPD</small>		<small>DATE</small> <small>BY</small> <small>CHKD</small> <small>APPD</small>		
	<small>DATE</small> <small>BY</small> <small>CHKD</small> <small>APPD</small>		<small>DATE</small> <small>BY</small> <small>CHKD</small> <small>APPD</small>		

21 Apex Drive Current

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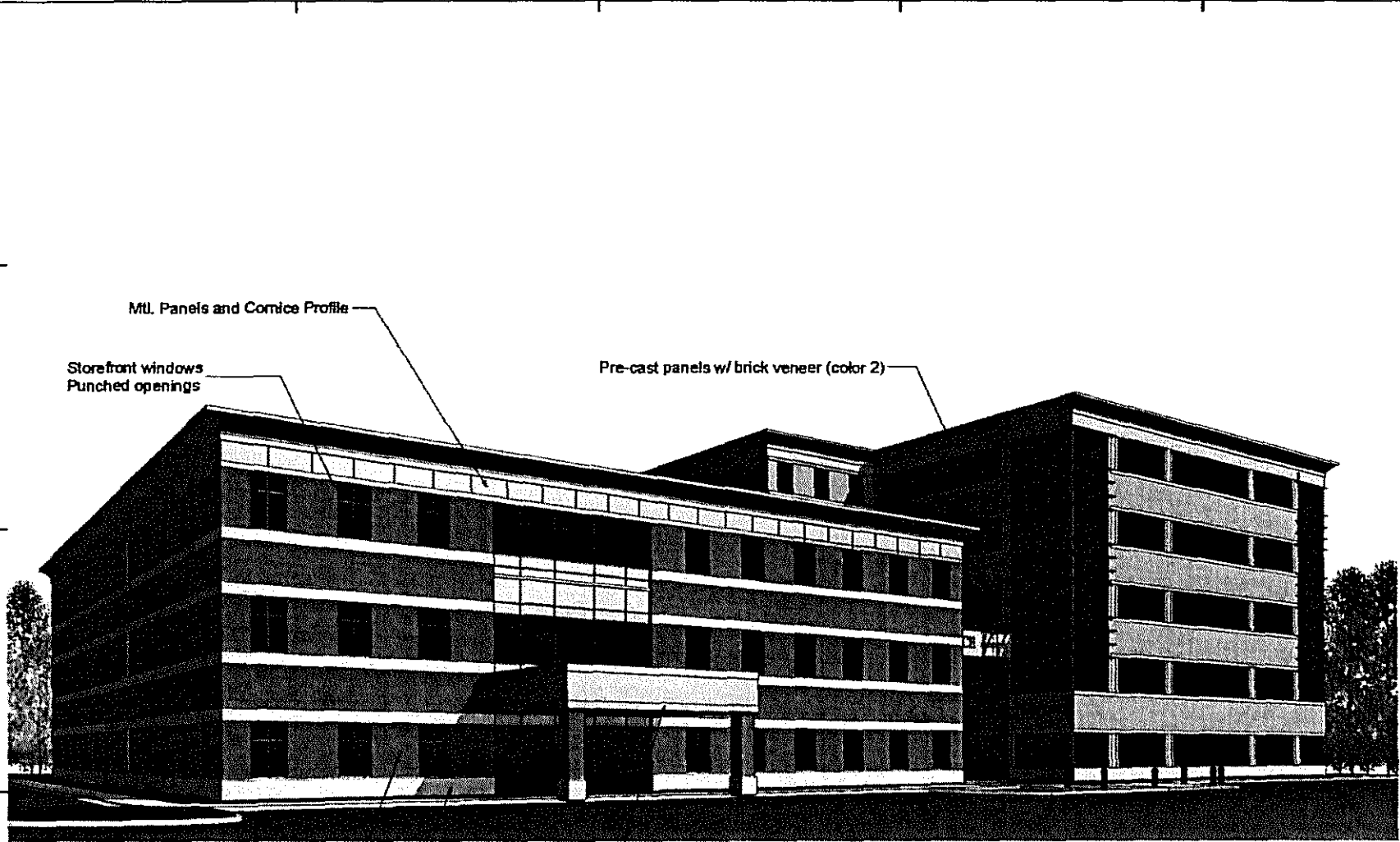
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BUILDING ELEVATIONS
 APEX CENTER
 Bldg 11
 WAREHOUSING

JD LaGrasse
 & Associates, Inc.
 175 South Street, Suite 1000
 Boston, MA 02111
 Tel: 617.552.1234
 Fax: 617.552.1235
 www.jdlaGrasse.com

11 Apex Drive Original



Mtl. Panels and Cornice Profile

Storefront windows
Punched openings

Pre-cast panels w/ brick veneer (color 2)

Pre-cast panels w/ brick veneer (color 1)

Precast Base

Entry canopy w/ mtl. fascia

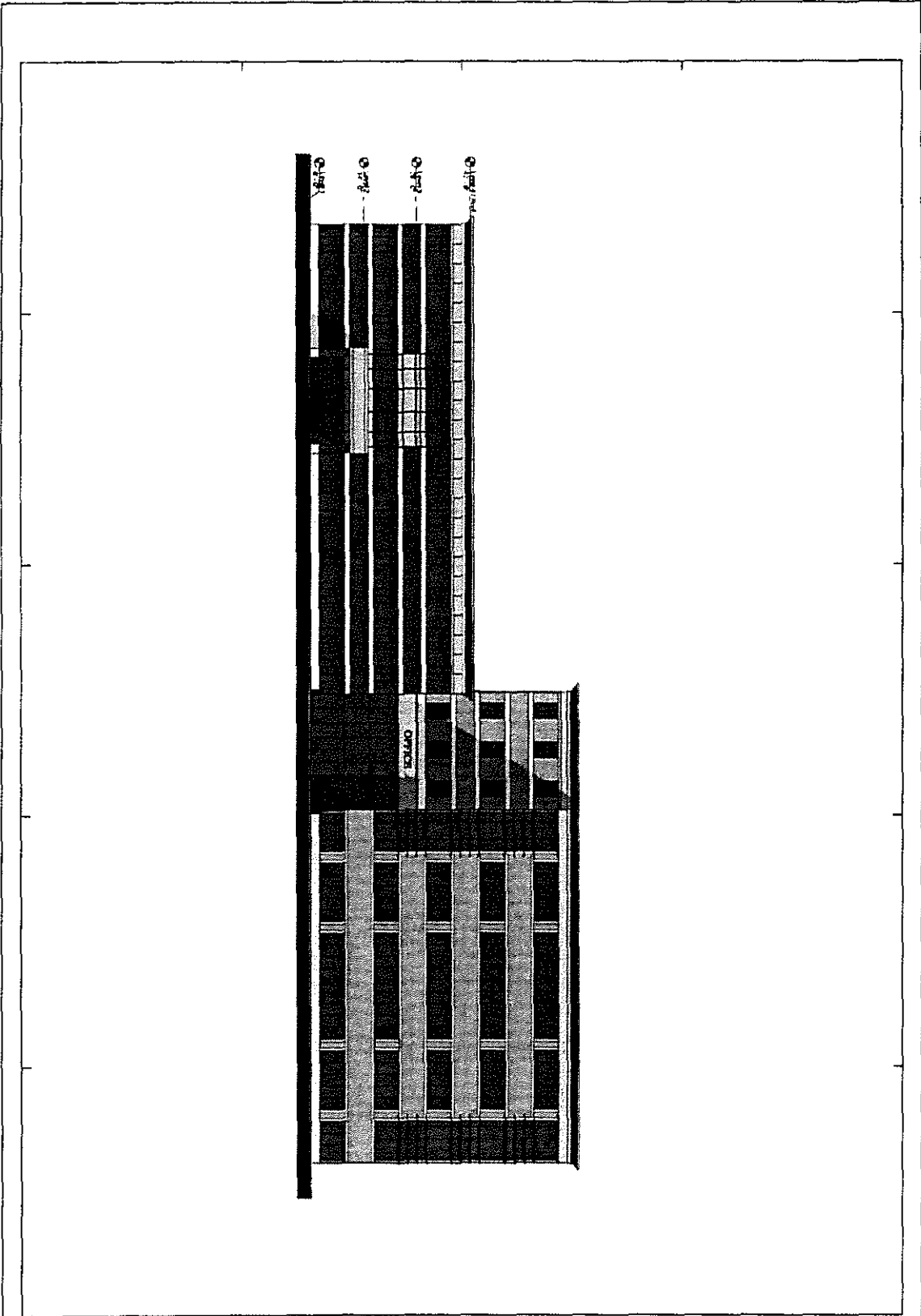
OPTION 2
1 BUILDING-SPLIT ENTRY

J.D. LaGrasso
& ASSOCIATES, INC.
Architects, Engineers, Planners, Interiors
1700 W. 10th Street, Suite 100
Tulsa, Oklahoma 74103
Tel: (918) 438-1111

APEX CENTER
BLDG-12

PERSPECTIVE
VIEW

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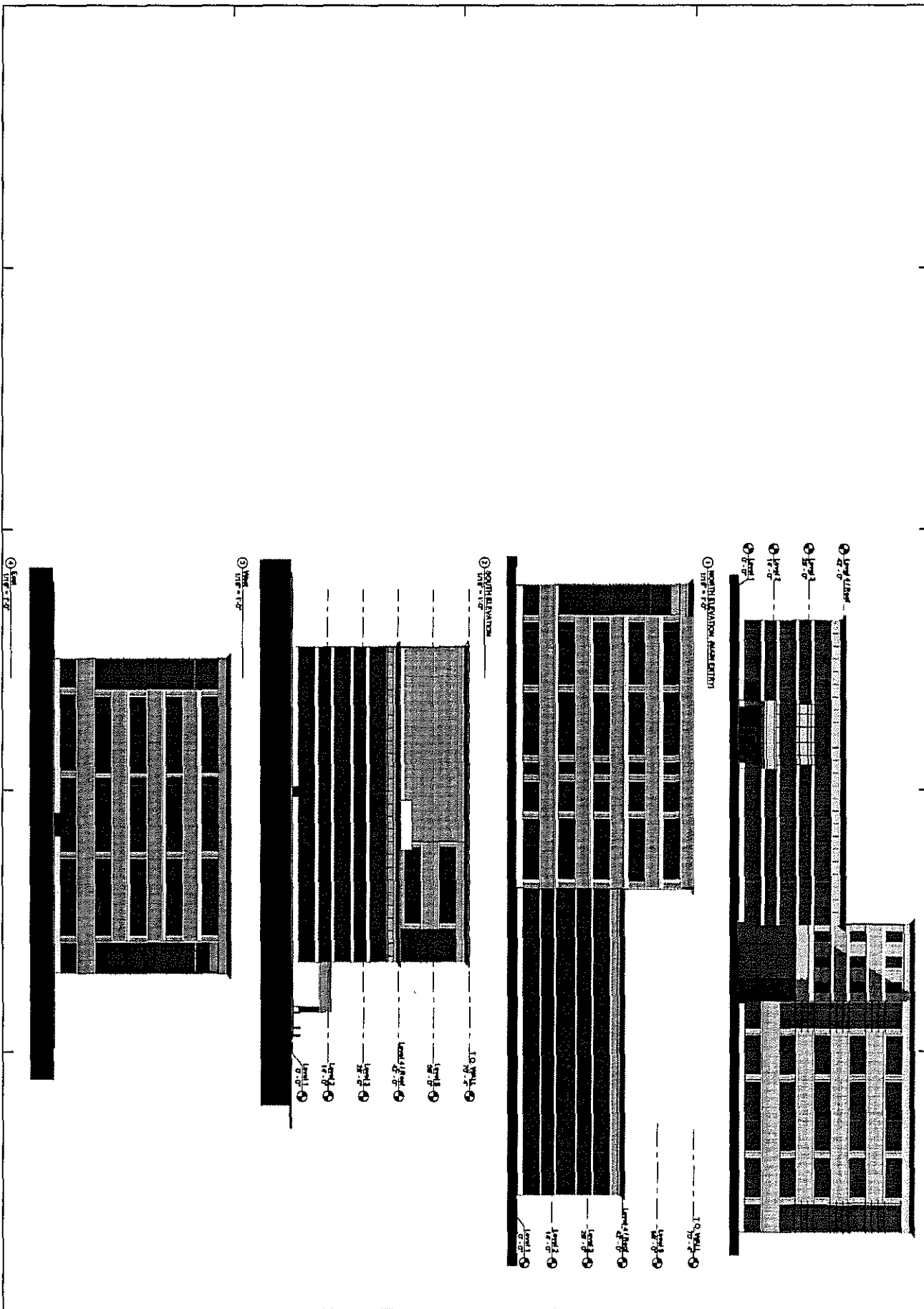
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 PROJECT NO.
 SHEET NO.
BUILDING ELEVATIONS

BLDG-12
 1/1/00

SCALE
 DATE

JD LaGrasse & Associates, Inc.
 ARCHITECTS
 10000 W. 10th Ave., Suite 100
 Denver, CO 80202
 TEL: 303.751.1000
 FAX: 303.751.1001
 WWW: www.jdla.com

11 Apex Drive Current



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Building
 ELEVATIONS

BLDG-12
 140 Newburgh MA



JD LaGrasse
 & Associates, Inc.
 Architecture • Engineering • Surveying • Land Planning
 1000 Main Street, Andover, MA 01810
 T 978-682-3671 F 978-682-3670
 www.jdla-grasse.com Email: JDLA@JLA.COM

Michael & Karen Buckley
104 State Street
Marlborough, MA 01752
508-481-5404
buckley.mike@comcast.net

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2016 OCT 12 P 12:39

October 12, 2016

Dear City Council President Edward Clancy,

We are turning to the City Council, as our elected leaders, to take action to address several pieces of shocking information that has been provided to us regarding the contamination of our properties caused by the Bolton Street Citgo station.

Recently we learned that city records indicate Bolton Street Citgo gas station owner Bob Brown was operating illegally when the spill of an estimated 1,700-2,00 gallons of gasoline was first discovered under our properties in 2012.

Additionally, we also learned recently that our properties have been contaminated for at least twenty years, possibly longer. Even though the state's Department of Environmental Protection knew this back in 2012, we were never told.

It is clear that key pieces of information relating to this environmental disaster have been covered up. Yet here we are four years later, and not one local or state official is investigating this matter nor has the perpetrator been held accountable for the damages he has inflicted upon us. Likewise, no corrective actions have been taken to address the myriad of problems that have become evident since the spill was detected.

And so we are appealing to you as our elected officials to conduct your own investigation and/or bring the necessary parties together both to uncover the truth and to assure all other residents who live near underground tanks in Marlborough will be better protected than we have been. See the attachment that lists the pressing issues that we believe require a through examination.

We understand that our call to you for an investigation is somewhat uncommon but these are no ordinary circumstances and we have faced continual roadblocks and misinformation from the very people who should be helping us. We have nowhere else to turn. We are simply asking that you be as diligent for us as you would be if you lived in one of our contaminated properties.

Finally, we note that the gas station operator has received \$1.5M in state-funded coverage, despite operating illegally and in non-compliance with applicable state rules. Yet, we the innocent victims have received no compensation to cover our losses despite more than \$50M in surplus collected last year alone by the state's petroleum spill program.

We are now trapped on what is essentially worthless property, unable to sell our homes and move. And so we also urge you to appeal as forcefully as you can to both the governor and state legislature to adopt the commonsense reforms needed in order for us to receive justice.

Sincerely,

Michael and Karen Buckley

Patrice Williams

Raymond and Debby Chavez

Norman and Shirley Gaulin

Bolton Street Citgo gasoline spill

Top issues of concern

Why were the victims not informed that gasoline contamination of their properties dates back to 1983-1993? Did the gas station owner, Bob Brown, report a spill in that time frame? If so, why was it not cleaned up? If not, why has he not been penalized?

DEP reports published online have attributed the spill to a leaking super premium pump. According to city records, Bob Brown was operating that pump illegally. Why was he not been penalized for operating illegally? Why was he allowed to resume operation?

Why have the victims never been informed about the true cause (or causes) of the contamination of their properties? What is (are) the real cause(s) of the 1,700-2,000 gallon spill?

At the time the spill was detected, Bob Brown was non-compliant with 21J rules, he was operating at least one pump (and possibly others) illegally, and he may also have been negligent in the release(s) that date back to 1983-1993? Why then was he granted \$1.5M in coverage from the 21J Program?

How is it possible that a non-compliant gas station owner who was operating illegally could receive the benefit of \$1.5M in state funds, while the innocent victims have been unable to claim any financial relief whatsoever?

Why exactly has the state legislature refused to take corrective actions necessary to assure all residents who live near underground tanks are better protected?

2016 SEP 29 P 2:15

MCDA Board Minutes

Minutes of the Marlborough Community Development Authority
Regular Meeting – Thursday August 25, 2016
Meeting Opened: 8:50 a.m. – Meeting Closed: 9:30 a.m.

Attendance of Regular August 25th 2016 MCDA Board Meeting

- | | |
|---|----------------------------------|
| 1. Mayor/Chair Arthur G. Vigeant | 2. Paul Sliney (Tenant Rep) |
| 3. Stefanie Ferencchia (Real Estate Rep) | 4. Renée Perdicaro |
| 5. Dennis Cavanaugh | 6. David Morticelli (Fin. Rep) |
| 7. Douglas M. Bushman, Director | 8. Diane Smith (City Auditor) ** |
| 9. Brian Doheny (City Comptroller/Treasurer) ** | |

**** Represents non-voting members**

A motion was made to approve the Board Meeting Minutes of the June 30, 2016 meeting. *The motion was made carried and approved with no abstentions.*

A motion was made to approve the Housing Payables. *The motion was made, carried and approved with no abstentions.*

The system with Blue Wave Capital LLC has been constructed and is awaiting connection by an outside entity. (This was supposed to be completed by the end of August.)

The HUD Section 8 FY2016 Audit Management letter has been completed and submitted by Doug Bushman. As a part of the audit process the board is asked to complete the "Inquiry of Those Charged with Governance" form. The board discussed the questions at the meeting and answered "No" to all questions on the Inquiry. Mayor Vigeant will sign the Inquiry and Doug Bushman will submit.

A motion was made to approve the Governing Letter. *The motion was made, carried and approved with no abstentions.*

The Department of Housing and Community Development (DHCD) has implemented a new program The ModPHASE (which has phased out the HLAP Grant) and will award grants to elderly (667) public housing developments. There is a good chance that the City of Marlborough will receive a grant as the award is up to \$2M and the partnership the City has with BayPath is beneficial. The application is competitive and it is due by September 23, 2016. An outline of the grant was included in the board packet.

A motion was made to approve the Bolton DHCD ModPHASE Grant. *The motion was made, carried and approved with no abstentions.*

DHCD has approved the work order for the Bolton Street balconies. Doug Bushman requested and received a construction schedule from Fort Hill which was included in the board packet. Doug Bushman had informed DHCD of the Marlborough Community Development Authority's desire to sever the relationship with Fort Hill on current and future projects. DHCD expressed concern that if the relationship is severed it will delay projects. It was agreed by the board that since it is at the end of the design process with the balcony repairs we will stick with that firm.

DHCD has assigned a new firm for the sliding doors and the locks. Fort Hill will only work on the Bolton Street balconies and they are slated to be completed at the end of the calendar year. Fort Hill will "repair" the balconies, they will not be tearing them down.

A motion was made to continue with Fort Hill for the purpose of the Bolton Street Balcony Repairs Only. *The motion was made, carried and approved with no abstentions.*

Funding has been approved for the Bolton Street Sliders. A project meeting will be scheduled and the project will be completed before July 2017.

Funding has been approved for the Liberty Hill Lock Replacement Project. There are two possible designs that are being looked at (1) keyless (2) a new key design. This project will be completed before July 1, 2017.

There will be a project kickoff meeting on September 8, 2016 at 2:00 p.m. at Pleasant Street for the FISH 170060 DHCD-HLAPP project.

A motion was made to approve the CDA Payables Registry. *The motion was made, carried and approved with no abstentions.*

Doug Bushman has been working with Jack Hunter (Director of the Hudson Community Development and Planning) regarding the need for a grant consultant for the Marlborough-Hudson CDBG 2016 Application. They have narrowed the consultant choices down to two and a final decision will be made on the next few weeks.

The MCDA staff continues to work on the CDA file project. All the live files now have an "anniversary date" (date of the mortgage) for a yearly letter to go out to confirm owner of property information and tax information. Five out of the thirty-three files are still currently with Attorney Aldo Cipriano and they have not been discussed in depth. There are three categories which Attorney Cipriano has the files in (1) Dead - the money is not recoverable, (2) there are legal issues which will be corrected (3) the file will stay with Attorney Cipriano for further action. The goal is to have all of the files corrected in the next two months.

A "hot sheet" has been created to keep track of those properties which are up for sale. It was requested that the spreadsheet of files include more detail in the comments section regarding action items and if the action is the staff's or Attorney Cipriano's follow-up.

The meeting was adjourned at 9:30 a.m. and the voting board members moved into Executive Session.



RECEIVED CITY OF MARLBOROUGH MARLBOROUGH Public Schools

School Committee

2016 SEP 30 P 12: 177 Washington Street, Marlborough, MA 01752

Phone (508) 460-3509

• Fax (508) 460-3586

Call to Order

August 30, 2016

1. Chairman Vigeant called the Regular Meeting of the Marlborough School Committee to order at 7:30 pm at the District Education Center, 17 Washington St., Marlborough, MA. Members present included Mr. Geary, Mrs. Hennessy, Mrs. Ryan, Mrs. Bodin-Hettinger, Mrs. Matthews & Mr. Walter.

Also present were MEA Representative Rupal Patel & Clerk Melissa Peltier.

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

2. **Pledge of Allegiance:** Was led by Chairman Vigeant

3. **Action Items/Reports**

- A. **DESE Back to School Update: next generation MCAS and updating our learning standards**

Mrs. Murphy and Dr. Kerble gave an electronic version of the presentation from DESE .

An electronic version of the presentation is available.

4. **Committee Discussion/Directives:** None

5. **Communications:** None

6. **Superintendents Report:**

Mrs. Greulich gave this report covering a range of topics including: New Administrative Staff Introductions, NEASC Two Year Report, Superintendent Annual Performance Goals, District Publication, Collaboration with Marlborough Board of Health, 2015-2016 Summative Evaluation Data & Leadership Retreat.

7. **Acceptance of Minutes**

- A. **Minutes of the August 15, 2016 Special School Committee Meeting**

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the minutes of the Special School Committee Meeting of August 15, 2016 as amended. Motion passed 4-0-3 (Vigeant, Geary, Walter)

8. **Public Participation:** None

9. **Action Items/Reports**

- A. **Personnel Update**

Mr. Bergeron presented the Personnel status update to the Committee.

- B. **FY '17 Superintendents Performance Goals**

Mrs. Greulich presented to the Committee the Goals she has brought forward for the upcoming year.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to accept and place on file the goals as presented. Motion passed 6-0-1.

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www.mps-edu.org

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Marlborough Public Schools

School Committee

17 Washington Street, Marlborough, MA 01752

Phone (508) 460-3509

• Fax (508) 460-3586

C. School Committee Secretary

Mrs. Bodin-Hettinger presented to the Committee a first draft job description for the School Committee Secretary.

Chairman Vigeant has requested that members review the potential job description and get any edits back to Mrs. Bodin-Hettinger for possible approval at the next regularly Scheduled Meeting. (September 13, 2016)

D. Policy Acceptance

Mrs. Hennessy presented the following policies for action:

1. Policy 6.140 Resignation

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve as presented. Motion passed 6-0-1.

2. Policy 7.190 Athletic Transportation Fee

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve as amended. Motion passed 6-0-1.

3. Policy 7.190A Implementation

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to remove this policy. Motion passed 6-0-1.

4. Policy 8.0125 Substance Use Prevention and Abuse Education

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve as presented. Motion passed 6-0-1.

5. Policy 8.013 Administration of Medicines and Abuse Education

Motion made by Mrs. Hennessy, seconded by Chairman Vigeant to approve as amended. Motion passed 6-0-1.

6. Policy 9.500 Public Relations/Communications

Motion made by Mr. Walter, seconded by Mrs. Bodin-Hettinger to abolish this policy in its entirety from the Policy Manual. Motion passed 6-0-1.

E. Acceptance of Donations/Gifts

First Congregational Church has donated 54 filled backpacks to be distributed to students in K-4 in the memory of Katy Mahoney valued in the amount of \$2,400.00.

Motion made by Mr. Walter seconded by Chairman Vigeant to accept the donation of 54 filled backpacks to be donated to students in K-4 in the memory of Katy Mahoney Program with gratitude. Motion carried 6-0-1.

DMT/Acme United Corporation has donated 2,000 pairs of scissors and 1,000 rulers to the District valued in the amount of \$2500.00.

Motion made by Mr. Walter seconded by Chairman Vigeant to accept the donation of 2,000.00 pairs of scissors and 1,000 rulers to the District with gratitude. Motion passed 6-0-1.

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• Fax (508) 460-3586

10. Reports of School Committee Sub-Committees

Mrs. Ryan reported that the School Building Committee had put out the Request for Services for the Feasibility Study and that was slated to close tomorrow. Once the proposals are all received the interviews will be scheduled.

11. Members Forum

Mrs. Hennessy thanked the Administration for the incredible opening day presentation.

Mrs. Matthews requested that the enrollment report that was received be broken down by class size especially in the elementary grades.

Mrs. Bodin-Hettinger questioned if there were committee openings in the City that required School Committee presence aside from the ones already filled?

Mrs. Ryan requested that the announcements on the individual school web pages be updated in a more consistent manner.

12. Adjournment:

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to adjourn at 8:44 pm. Motion Passed unanimously.

Respectfully submitted,

Heidi Matthews
Marlborough School Committee

HM/map



Marlborough Public Schools

2016 SEP 30 P 12:17
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

School Committee

17 Washington Street, Marlborough, MA 01752

Phone (508) 460-3509

• Fax (508) 460-3586

Call to Order

September 13, 2016

1. Chairman Vigeant called the Regular Meeting of the Marlborough School Committee to order at 7:30 pm at the District Education Center, 17 Washington St., Marlborough, MA. Members present included Mr. Geary, Mrs. Hennessy, Mrs. Ryan, Mrs. Bodin-Hettinger, Mrs. Matthews & Mr. Walter.

Also present were MEA Representative Eileen Barry, Student Representative Susan Rambridge & Clerk Melissa Peltier.

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

2. **Pledge of Allegiance:** Was led by Chairman Vigeant.

3. Presentation

A. MHS Students- Dow Chemical Summer Internship Program

Mr. Kevin DosSantos, Ms. Abby Roberge, Ms. Cyra Katoch, Ms. Kylie Craig & Ms. Courtney Matthews presented to the Committee the results of their Summer Internship Program at Dow Chemical.

Also in attendance were Ms. Kelly French, Mr. Dan Riley and Mrs. Laura Purutyan from Partnership for a Skilled Workforce Inc.

****An electronic version of the presentation is available.****

B. Student Activity Accounts Presentation

Mr. Bergeron introduced Principal Caliri to present this topic to the Committee.

4. **Committee Discussion/Directives:** None

5. **Communications:** None

6. Superintendents Report:

Mrs. Greulich gave this report covering a range of topics including: School Committee Representative, Welcome Back to School Visits with the Mayor, Radio Conversion Completion, Chinese Exchange Students, Student Data Dashboards, School and Community Communications Coordinator introduction (Mrs. Reina Rago).

A. Executive Director of Primary and Elementary Education Report

Ms. Murphy gave this report covering a range of topics including: Marlborough Public Schools Mentor Program, New Educator Course, Professional Development and Evaluation Focus Areas.

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Marlborough Public Schools

School Committee

17 Washington Street, Marlborough, MA 01752

Phone (508) 460-3509

• Fax (508) 460-3586

B. Executive Director of Secondary Education Report

Dr. Kerble gave this report covering a range of topics including: Summer Professional Development, New Staff Orientation (NSO) & Merrimack College Partnership.

7. Acceptance of Minutes

A. Minutes of the August 30, 2016 Regular School Committee Meeting

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the minutes of the Regular School Committee Meeting of August 30, 2016. Motion passed 6-0-1.

8. Public Participation: None

9. Action Items/Reports

A. Assabet Valley Collaborative Representative

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to appoint Interim Superintendent Mrs. Greulich as the representative to the Assabet Valley Collaborative School. Motion passed 6-0-1.

B. School Committee Secretary

Mrs. Bodin-Hettinger presented to the Committee the draft job description for the School Committee Secretary. Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to approve the description including the salary range as amended and to get the position posted as soon as possible. Motion passed 6-0-1.

D. Acceptance of Donations/Gifts

SanDisk has donated 1,200 filled backpacks to be distributed to students in the Whitcomb School as well as 12 boxes of 2 pocket folders to be shared with all schools. Valued in the amount of \$36,200.00.

Motion made by Mrs. Matthews seconded by Chairman Vigeant to accept the donation of 1,200 filled backpacks to be donated to students in the Whitcomb School as well as 12 boxes of 2 pocket folders to be shared among all schools with gratitude. Motion carried 6-0-1.

Lifetouch National School Studios has donated \$1,047.67 to the Richer School student activities fund.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to accept the donation of \$1,047.67 to the Richer School student activities fund. Motion passed 6-0-1.

MA DESE has awarded to the District the FY '17 Title I allotment, in the amount of \$883,651.00.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to accept the MA DESE, FY '17 Title I allotment in the amount of \$883,651.00. Motion passed 6-0-1.

10. Reports of School Committee Sub-Committees

Mrs. Matthews reported that the Negotiations Sub Committee has reached a tentative agreement with the Custodial Unit and an MOU should be forthcoming.

Mrs. Matthews also noted that the Negotiations Sub Committee will be opening with the Cafeteria Unit on Wednesday.

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School Committee

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• Fax (508) 460-3586

Mrs. Ryan reported that the School Building Committee has interviews on Thursday for the OPM. There are 4 firms to be interviewed.

11. Members Forum: None

12. Adjournment:

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to adjourn at 8:31 pm. Motion Passed unanimously.

Respectfully submitted,

Heidi Matthews
Marlborough School Committee

HM/map

**MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

2016 OCT -5 P 2:10

Call to Order

September 26, 2016

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

1. Meeting Minutes:

A. Regular Meeting September 12, 2016

On a motion made by Mr. Hodge, seconded by Mr. DuPont it was voted to approve the minutes of the September 12, 2016 Regular Meeting. Motion carried.

2. Chair's Business:

A. Update regarding Planning Board Page – Calendar

Mr. DuPont announced that a meeting will take place with Mr. Gibbs on Wednesday to discuss the wants/needs of the Board in regards to the new Calendar page.

B. Proposed Zoning Amendment 650-34 & 650-41 Marlborough Village District

Mr. DuPont read the notice from the City Council into the record.

Attorney Bergeron was in attendance and confirmed that the City Council will hold their Public Hearing on October 3, 2016.

The Planning Board has set their Public Hearing for October 17, 2016 at 7:15pm.

C. Communication from Edward Coveney

Mr. DuPont read into the record the formal resignation of Mr. Edward Coveney from the Planning Board.

On a motion made by Mr. McCarthy, seconded by Mr. Hodge the resignation was accepted and placed on file and Mr. Coveney was wished well in the future. Motion carried.

3. Approval Not Required: None

4. Public Hearings (7:15):

A. Howe and Valley St (Marlborough Hub) Hancock Associates.

The Public Hearing was opened at 7:15pm Mr. DuPont 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:

Mr. Joseph Peznola and Mr. Jacob Lemieux were in attendance to present the proposed subdivision.

The plan consists of 5 lots, 4 lots are to have duplex style homes and 1 lot will have a single family home. Four waivers from the subdivision rules and regulations were requested. The requests are as follows:

1. A waiver to Subdivision Regulations Design Standards section IV.b.2.(e): "Property lines at street intersections shall have a radius equal to 30 feet (30') at intersections involving a major street and 25 feet (25') at other intersections." As there is no existing property line radius at intersection.
2. A waiver to the Subdivision Regulations Design Standards section IV.b.3.(a): "the minimum width of rights-of-way shall be as follows: secondary streets: fifty feet (50')." As the existing right of way is 40'.
3. A waiver to the Subdivision Regulations Design Standards section IV.b.4.(c): "...the horizontal tangent distance between any two (2) reverse vertical curves shall be a minimum of one hundred feet (100')." As a horizontal tangent distance of 53.4 feet (53.4') is proposed due to existing grades of existing lots on west side.
4. A waiver to the Subdivision Regulations Design Standards section V.d. 1: "unless otherwise specified by the planning board, the sidewalks shall extend the full length of each side of the street..." As a sidewalk is proposed the full length of one side of the street.

Mr. DuPont read the communication from the Conservation Officer Priscilla Ryder into the record. (Agenda Item 5F)

Speaking In Favor or Questions:

Mr. Steve Carragian, Manager of Marlborough Hub noted that he is in favor of the project.

Questions were asked by the following:

- Mr. James Pazzanese, 141 Howe Street
- Mr. Ronald Poirier, 134 Howe Street
- Mr. Russell Ney, 140 Howe Street
- Mr. Steward Herrick, 174 Howe Street

The four gentlemen had the same concerns/questions involving the roadway width, and use of the roadway by the public. The existing driveway and completion of that access point. Deforestation of the area and the perceived loss of privacy. Perceived density, access, egress and drainage issues.

Speaking In Opposition: None

Questions from the Board Members: None

On a motion made by Mr. DuPont, seconded by Mr. Hodge it was voted to refer the plan to the Engineering Department for review. Motion carried.

On a motion made by Mr. DuPont, seconded by Mr. Hodge it was voted to accept and place on file the communication from Conservation Officer Ryder. (Agenda item 5F) Motion carried.

The Public Hearing was closed at 7:41pm

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report

City Engineer DiPersio reported out to the Board that he has no items to report that are not already on the agenda.

B. Walker Brook Estates Bond Reduction Request Decision

Mr. DuPont read the favorable recommendation from the City Engineer into the record.

On a motion made by Mr. Hodge, seconded by Mr. DuPont it was voted to reduce the performance bond to \$102,000.000 in agreement with the City Engineers recommendation. Motion carried.

C. Engineers Review Notes Goodale Estates

City Engineer DiPersio gave a verbal overview of his review notes for the Goodale Estates Subdivision.

Of note was the inclusion of sloped granite curbing instead of the required vertical granite curbing. The Engineer of record for the project was notified of the error.

On a motion made by Mr. Fay, seconded by Mr. Hodge it was voted waive the reading of the correspondence from the City Engineer. Motion carried.

On a motion made by Mr. DuPont, seconded by Mr. Hodge the correspondence was accepted and placed on file. Motion carried.

D. Draft Certificate of Vote Goodale Estates

E. Draft Covenant Goodale Estates

Agenda items 5D and 5E were taken up together.

On a motion made by Mr. Fay, seconded by Mr. DuPont it was voted to refer items 5D and 5E to the Legal Department for review and verification of proper legal form. Motion carried.

These items will be placed on the next regularly scheduled agenda (October 3, 2016)

**F. Comments from Conservation Commission re: Marlborough Hub
(Howe & Valley Streets)**

This item was taken up earlier in the agenda.

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

7. Definitive Subdivision Submission:

A. Jelico Homes 626 Stow Rd (Attorney Rowe) WITHDRAWN

Mr. DuPont read the short communication from Attorney Rowe withdrawing this application. On a motion made by Mr. Fay, seconded by Mr. Hodge it was voted to accept the withdrawal as presented. Motion carried.

8. Signs: None

9. Unfinished Business:

A. Blackhorse Farms (October 4, 2016)

Mr. DuPont read the communication from Attorney Beattie regarding the timeframe for planting of the required trees.

Mr. DuPont read the favorable recommendation regarding the bond reduction from the City Engineer into the record.

On a motion made by Mr. Fay, seconded by Mr. Hodge it was voted to accept both correspondences and place them on file. Motion carried.

On a motion made by Mr. Fay, seconded by Mr. DuPont to reduce the performance bond to \$101,000.000 in agreement with the City Engineers recommendation. Motion carried.

B. Macomber Lane continued discussion.

Mr. DuPont read the communication form City Solicitor Rider into the record.

After much discussion among the Board members and Solicitor Rider, regarding such topics as Duty to Maintain, potential amendment of an accepted subdivision roadway, potential reconfiguration-reconstruction of the existing cul de sac, and brainstorming on other ways to alleviate the parking issues that the owners of 15 Macomber Lane are continually dealing with.

On a motion made by Mr. Fay, seconded by Mr. Hodge the communication from City Solicitor Rider was accepted and placed on file.

C. Proposed Zoning Amendment 65-5.B. 65017, 650-18.A(44) & 650-48.A

Attorney Rider reviewed his communication to the Board answering the questions from the last meeting specifically addressing the question of spot zoning.

After much debate/discussion regarding the merits and or concerns posed by the requested zoning amendment the following action was taken.

In regards to the proposed amendment to the City of Marlborough Zoning Ordinance, proposed by BSL Marlborough Development LLC (“BSL”) on behalf of Richard and Jill Cochrane, owners of the 2 lots identified as Marlborough Assessors Maps 30, Parcels 13 and 14 (together, “421 Bolton Street”).

As the proposed zoning amendment would amend 4 separate sections of the Zoning Ordinance, the Board took each proposal in a separate discussion.

1.) In Section 650-5.B, amending the definition of “Boardinghouse or Lodging House” to read as follows (new text underlined):

BOARDINGHOUSE or LODGING HOUSE

A building or a portion thereof in which rooms or suites of rooms are let for fee as places of human habitation, either permanently or transiently, to four or more persons or which requires a license as required by MGL c. 140, § 22 et seq., as amended. The term "boardinghouse or lodging house" shall exclude convalescent homes, nursing homes, assisted living facilities, shelters, hotels and motels which are licensed as such pursuant to applicable state law.

- The Planning Board has no objection to this proposed amendment.

2.) Adding to the Table of Use Regulations, Section 650-17, a category for “Assisted Living Facilities” under “Residential Uses,” as follows:

	Zoning District Abbreviations											
	RR	A-1	A-2	A-3	RB	RC	RCR	B	CA	LI	I	MV
Residential Use												
Assisted Living Facilities	SP	SP	SP	SP	SP	N	N	N	N	N	N	N

- The Planning Board has no objection to this proposed amendment.

3.) Adding to Section 650-18, Conditions for Use, a new subsection 650-18.A(44), as follows:

(44) Assisted living facilities shall only be located on lots with an area of at least 10 acres and with at least 250 feet of frontage along Route 85.

- The Planning Board does have an objection to the overly restrictive terms (i.e., at least 10 acres, at least 250 feet of frontage, and along Route 85) and suggests that the City Council consider removing these terms from the amendment.

4.) Adding to Section 650-48.A, Off-Street Parking, a new subsection 16, as follows:

(16) Assisted living facility: half a space for each bed.

- The Planning Board has no objection to this proposed amendment.

On a motion made by Mr. Hodge, seconded by Mr. McCarthy, it was voted to forward a generally favorable recommendation to the City Council in regards to City Council Order #16-1006631, as bulleted above. Motion carried 4-1(DuPont).

10. Informal Discussion: None

11. Correspondence:

A. Citizens Planner Training Collaborative Fall Workshops

On a motion made by Mr. Fay seconded by Mr. DuPont it was voted to accept and place on file item A. Motion carried.

12. Public Notices of other Cities and Towns:

A. Town of Framingham, Planning Board Notices (2)

B. City of Marlborough City Council Public Hearing

On a motion made by Mr. Fay seconded by Mr. DuPont it was voted to accept and place on file items A & B. Motion carried.

Adjournment: On a motion made by Mr. McCarthy, seconded by Mr. Hodge it was voted to adjourn at 8:40pm. Motion carried.

Respectfully submitted,

Brian DuPont
Acting Clerk

/mai



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Marlborough School Building Committee

Meeting Minutes – 8.9.2016

Attending School Building Committee (“SBC”) Members:

Brian DuPont	Councilor Katie Robey
Doug Scott	Michael Bergeron
Joseph Trolla	Denise Ryan
Patrick Mauro	Jim Fortin
John Ghiloni	Mayor Arthur Vigeant
Superintendent Maureen Greulich	Nicholas Milano

Also in attendance: Beverly Sleeper, Chief Procurement Officer, City of Marlborough

Meeting called to order at 4:00 pm

Swearing In of School Building Committee (SBC) members

- Assistant City Clerk Steve Kerrigan provided members with copies of Open Meeting Law regulations
- Assistant City Clerk Steve Kerrigan administered the oath of office for serving on City Boards

MSBA Process Overview and Discussion

- SBC member Nicholas Milano gave presentation on MSBA process overview and procedures
- Presentation is attached to these minutes

Joseph Trolla requested that the Committee be provided with aerial photographs of the Richer ES parcel to help the committee visualize the site and parcel.

Review of the Owner’s Project Manager Request for Services

The Committee reviewed and discussed the Request for Services.

Councilor Robey inquired as to whether MSBA was using LEED or MA CHPS. Milano responded that he sent an inquiry into MSBA on that same question.

Councilor Robey requested a corrective edit be made to fix any mentions of the 1LT Charles W. Whitcomb School to its proper name.

Councilor Robey asked about the difference between a contracted firm to provide OPM services and having a City employee provide the services. Milano responded that due to the complexity of a school project, it is recommended that a firm with the expertise provide the services. Milano noted that the City is using an employee to provide the OPM services for the Marlborough Public Library project.

Doug Scott provided background information on how a firm becomes qualified to serve as an OPM. He noted that school projects are a specialty and can be complicated projects, especially renovations. Scott recommended that the Selection Committee pay close attention to the team that will be actually working on the project, not necessarily the team that gives the presentation to the Selection Committee.

Formation of a subcommittee to conduct Owner's Project Manager procurement

The Committee discussed who should serve on the Selection Committee.

Councilor Robey asked whether the whole school building committee would be interviewing the shortlisted firms. After discussion, the committee agreed that the Selection Committee would conduct the interviews and that the Committee would present at the next SBC meeting to explain the selection of the firm.

Councilor Robey asked whether there should be five members on the Selection Committee rather than four. The City's Chief Procurement Officer suggested that the Selection Committee match the City's Designer Selection Board which has five members. After discussion, Denise Ryan volunteered to serve on the Selection Committee to make five members.

Nicholas Milano reviewed the Owner's Project Manager Request for Services

Motion: by Mayor Vigeant to form a Selection Committee of Nicholas Milano, John Ghiloni, Doug Scott, Mike Bergeron, and Denise Ryan to review applications, shortlist, conduct interviews, and rank the applicants.

Seconded by Brian DuPont

Passed unanimously

Motion: by Mayor Vigeant to authorize the Selection Committee to advertise the Request for Services for an owner's project manager.

Seconded by Michael Bergeron

Passed unanimously

Fortin discussed various school configurations that Marlborough Public Schools has had in recent years and urged that any school project the SBC approve have a long term solution to grade configurations.

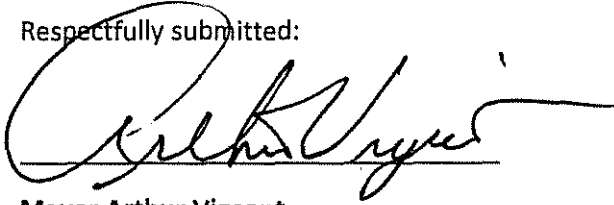
Motion made by Mike Bergeron to adjourn

Seconded by Mayor Vigeant

Passed unanimously

The Marlborough School Building Committee adjourned at 4:45 pm.

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'Arthur Vigean', written over a horizontal line.

Mayor Arthur Vigean

Chair

October 11, 2016

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION
Minutes**

**September 15, 2016 (Thursday)
Marlborough City Hall - 3rd Floor, Memorial Hall
7:00 PM**

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Present: John Skarin- acting Chairman, David Williams, Dennis Demers, Lawrence Roy, and Allan White. Also present was Priscilla Ryder-Conservation Officer.

Absent: Edward Clancy and Karin Paquin

Approval of Minutes – The Commission reviewed the draft minutes of June 2, June 30 and Sept. 1, 2016 and voted unanimously 5-0 to approve as written.

Public Hearings:

Request for Determination of Applicability

25 Balcom Rd.- Patrick Hoban

Mr. Hoban was present and explained that he proposes to have an in-ground pool installed in their back yard which is near wetlands. Erosion controls will be placed at the low point of the yard near towards the wetlands. He explained it will be a salt water pool. The Commission discussed the filter system and then closed the hearing. The Commission voted unanimously 5-0 to issue a negative determination with standard conditions on erosion control and information about the filter system.

Request for Determination of Applicability

890 Boston Post Rd. – Cornerstone Landscape Supplies

Bruce Saluk of Bruce Saluk and Associates was present representing Cornerstone Landscape Supplies. He explained that they have created a storage and sale location for their landscape business with stone and gravel material. The last remaining item is to construct an emergency spillway from the detention basin to the discharge point which is within the wetland buffer zone. It will be a 10' wide rip rap spillway that is 30' long as shown on the plans. The Detention basin has been constructed and the bottom of the basin is nice sand. Unless the basin is frozen the spillway should never see water. Erosion controls will be installed as shown on the plans. After some discussion, the Commission closed the hearing and voted unanimously 5-0 to issue a negative determination of applicability with standard conditions on notification and erosion controls.

Amended Notices of Intent

Slocumb Ln. – Slocumb Realty LLC - #69, 79, 78 and 90

Elizabeth Mainini, P.E. from Guerriere & Halnon was present representing Fafard Real Estate. She presented revised plans showing the toe of the rip rap slope at 50' away from the wetlands as requested at the last meeting. She also explained that the back yards as shown on the revised plans will be 2,500 sq. ft. or 30% larger than the original yards shown which satisfies their need for more useful bigger yards, while still maintaining a distance of

50' from the base of the rip rap slope to the wetland edge. Mr. Williams noted that the treatment plant smell will be an issue, although not a wetland issues, it could be a problem to future owners. Mr. Demers expressed his concern about the rip rap slope, he is not in favor of the slope type even if it's farther away from the wetland. Mr. Skarin expressed that the new grading is much more desirable than the scalloped grading of the original plans, the yards are more functional and the new plan meets the 50' setback discussed at the last meeting. There was some discussion that some type of fence would be required at the top of all the slopes to prevent anything, or any one from falling down the slope. After much discussion about the slope and stabilizing the area, the Commission closed the hearings for each of the 4 lots. The Commission reviewed each lot separately and voted as follows: voted 4 -1 to approve the revised plans.

Notice of Intent – 69 Slocumb Ln. - voted 4 -1 to approve the revised plans with conditions for a fence. In favor: Mr. Skarin, Mr. Williams, Mr. Roy and Mr. White. Opposed: Dennis Demers.

Notice of Intent – 79 Slocumb Ln.- voted 4 -1 to approve the revised plans with condition for a fence. In favor: Mr. Skarin, Mr. Williams, Mr. Roy and Mr. White. Opposed: Dennis Demers.

Notice of Intent – 78 Slocumb Ln.- voted 4 -1 to approve the revised plans with conditions for a fence. In favor: Mr. Skarin, Mr. Williams, Mr. Roy and Mr. White. Opposed: Dennis Demers.

Notice of Intent – 90 Slocumb Ln.- voted 4 -1 to approve the revised plans with condition for a fence. In favor: Mr. Skarin, Mr. Williams, Mr. Roy and Mr. White. Opposed: Dennis Demers.

Ms. Mainini said she'd get individual site plans for each lot based on the approved plans which can then be referenced in each Order of Conditions issued. These will be submitted shortly.

Draft Orders of Conditions:

- **Boston Post Rd. – Apex Center –Walker Realty LLC; Phase 2**

Ms. Ryder noted the hearing was closed at the last meeting, but the Commission had requested confirmation from DEP for any plan changes related to their question on the infiltration systems in Zone A of the water supply district. During the past week, discussions between DEP, APEX Center developers and City Conservation and Engineering staff had a phone conversation and subsequent meetings to discuss the appropriate solution to the Zone A issue. Based on a phone discussion with DEP, Ms. Ryder indicated that DEP is satisfied with the changes made to the site plans showing the infiltration chambers in Zone A as impervious with a poly liner, so no infiltration occurs in Zone A. DEP was satisfied as their main concern was discharges in Zone A. Then the Commission reviewed a draft Order of Conditions. The ongoing maintenance for the infiltration system was discussed, and liner type was discussed as well. After review of the

conditions and some slight changes made, the Commission voted unanimously 5-0 to issue the Order of Conditions as written and amended.

Certificate of Compliance:

- DEP 212-390 - Re-issue Certificate of Compliance- This is an old Order of Conditions for 215 Farrington Lane that was never properly recorded and needs to be reissued, because it is recorded land. The Commission voted unanimously 5-0 to re-issue a Certificate of Compliance for this Order of Conditions.
- DEP 212-809 421 Bolton St. (sewer connection) - This was an Order of Conditions to connect the house on this property to the cross country sewer, work has been completed for some time and now the property is changing hands and the title needs to be cleared. The Commission voted unanimously 5-0 to issue a Certificate of Compliance.

Discussion:

- 329 Maple St. – Violation- Attorney Arthur Bergeron and the owner Benjamin Donnarumma were both present. Ms. Ryder indicated that there were 4 issues as outlined in the last letter to Mr. Donnarumma that need to be addressed. 1) Fence issue – a fence was to be installed along the brook to prevent cars and snow dumping from getting into the brook. Suggestion was 10' off the stream wall. After some discussion, it was agreed that a fence or hedge could be placed at the edge of the pavement in the mulch to create such a barrier - it should be at least 3' high and be at least 6' from the brook; 2) All storage bins are to be located outside the floodplain – Mr. Bergeron and Donnarumma said this will be met; 3). The stockade fence which crosses the brook must be removed, Mr. Donnarumma explained that this provides him with some privacy, he'd be willing just to raise the fence bottom to be above the floodplain. Ms. Ryder will provide them with the floodplain elevation at this location based on the FEMA maps; and 4) Tree replacement – there used to be some pine trees on the lot which have since been removed and the area below them paved. This was a violation as they never got permission to remove the trees. The solution was to add some trees and shrubs along the brook to “recreate” the green space.

After a lengthy discussion, the Commission asked Mr. Donnarumma to provide a plan showing the above items for the next meeting on October 6, 2016. If the plan is satisfactory, the Commission will approve and provide a letter stating same. If there are issues with the plans, the item will be continued to the October 20th agenda at which time Mr. Bergeron and Donnarumma will return to discuss solutions.


Other Business/Correspondence:

- Howe St. and Valley St. – proposed subdivision. - the Commission reviewed a proposed subdivision plan for a property off Howe St and Valley St. The 100' wetland buffer zone originating on the adjacent property formerly Design Pack extends into this project and therefore, the Commission will be requiring the filing of a wetland permit. The Commission was concerned about the drainage on this lot and the retaining wall. Ms. Ryder will send the above comments to the Planning Board for consideration.

Meetings – Next Conservation meetings – Oct. 6, 2016 and 20th, 2016 (Thursdays)

Adjournment - There being no further business, the meeting was adjourned at 8:18 PM.

Respectfully submitted,


Priscilla Ryder
Conservation Officer

Resolution
Citgo Fuel Oil Spill
121 Bolton Street, Marlborough, Massachusetts

WHEREAS, the Citgo fuel oil spill event is over four years old; and,

WHEREAS, the fuel oil spill has impacted the quality of life of Marlborough residents; and,

WHEREAS, the fuel oil spill has impacted the environment of the residents adjacent to the spill and the City of Marlborough; and,

WHEREAS, the fuel oil spill has impacted the assessed value of the land adjacent to the spill. This impacts the residents' ability to sell their property as well as the City of Marlborough's ability to collect property taxes at the full assessed value; and,

WHEREAS, the Massachusetts Legislature has before it the following bills to provide relief to the residents and the City of Marlborough:

- **House Bill 684 - \$10 million in liability in third reading (May 2016)**
- **House Bill 685 – damages to impacted residents paid from 21J – in Ways and Means**
- **House Bill 686 – financial reimbursement to impacted owners of surrounding properties – in Ways and Means**

NOW, THEREFORE BE IT RESOLVED that the Marlborough City Council respectfully calls upon the Massachusetts Legislature to promptly enact House Bills 684, 685 and 686.

AND FURTHER, the Honorable Senator Eldridge, Honorable Representative Gregoire and Honorable Representative Gentile are requested to provide the Marlborough City Council with a monthly report describing steps taken to ensure House Bills 684, 685 and 686 are adopted.