

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2016 APR 21 P 14:06

1. Minutes, City Council Meeting, April 4, 2016.
2. PUBLIC HEARING On the Petition from NGrid and Verizon New England, Inc. to install new intermediate pole P4-150 between existing P4-1 and P4-2 St. Martin Dr. A capacitor bank will be installed P4-150 to provide voltage support for customers located on St. Martin Dr, Order No. 16-1006500.
3. CONTINUED PUBLIC HEARING On the Application for Amended Special Permit, Q Café d/b/a Firefly's, 350 East Main St., to expand outdoor patio/deck area; add small bar; add serving cooking kitchen; add acoustic music; add televisions; add games; add fire pit; and add outdoor heating. The capacity is to remain the same, Order No. 16-1006482A, X02-9505, 99-7884B.
  - 3A. Certification from Councilor-at-Large Mark Oram, as required under Chapter 79 of the Acts of 2006, re: Special Permit, Q Café d/b/a Firefly's, 350 East Main St.
  - 3B. Certification from Councilor David Docuette, as required under Chapter 79 of the Acts of 2006, re: Special Permit, Q Café d/b/a Firefly's, 350 East Main St.
4. PUBLIC HEARING On the Application for LED Sign Permit, Discount Gas, 50 Main St, Order No. 16-1006517.
5. PUBLIC HEARING On the Application for Special Permit, Quad Rink Limited Partnership, New England Sports Management Corp., to amend existing special permits, to add Rinks 7 & 8 and Restaurants, 121 Donald Lynch Blvd., X11-1002790B, 10-1002448B, 04-100359B and 94-5460B, Order No. 16-1006516.
  - 5A. Letters of Support from: Massachusetts Interscholastic Athletic Association, Inc., Residence Inn, Holiday Inn, Best Western Royal Plaza, Hilton Garden Inn, Hampton Inn, Olive Garden Restaurant & Holiday Inn Express.
6. Certification from Councilor-at-Large Mark Oram as required under Chapter 79 of the Acts of 2006, Marlborough Savings Bank, re: LED Sign Permit, 71 Boston Post Rd. East, Order No. 16-1006483A.
7. Certification from Councilor David Docuette as required under Chapter 79 of the Acts of 2006, Marlborough Savings Bank, re: LED Sign Permit, 71 Boston Post Rd. East, Order No. 16-1006483A.
8. Communication from the Mayor re: Downtown Economic Development transfer requests in the amount \$650,000.00 each which moves funds from Undesignated to Capital Outlay-Downtown and Stabilization-Downtown for downtown economic development.
9. Communication from the Mayor re: transfer request in the amount of \$43,500.00 which moves funds from Undesignated to Stabilization-Open Space to shift revenues from Wireless Antenna receipts from FY15.
10. Communication from the Mayor re: Miscellaneous Salary Item transfer requests in the amount of \$20,714.00 which moves funds from City Collector to various salary line items as indicated on the attached spreadsheet to balance salary accounts for the remainder of this fiscal year.
11. Communication from the Mayor re: Recreation Department transfer request in the amount of \$10,480.00 which moves funds from Events Coordinator to Director and Sick Leave Buy Back accounts due to a retirement in the Recreation Department.
12. Communication from the Mayor re: Rescinding Various Bonds totaling more than \$13,000,000.00 as they are no longer available to be bonded for the associated projects and will further strengthen the City's position financially.

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.

13. Communication from the Mayor re: Legislative Earmark Grant in the amount of \$250,000.00 awarded to DPW in which the funds will be used for various park projects.
14. Communication from the Mayor re: The City's Apportionment of FY17, Chapter 90 Funds in the amount of \$1,119,210.00 in which the funds will be used for road infrastructure projects.
15. Application for LED Sign, GE Healthcare, 200 Forest St. to mount a white LED illuminated channel letter wall sign on their building.
16. Application for Renewal of Junk Dealer's License, TVI, Inc. d/b/a Savers, 222A East Main St.
17. Application for Renewal of Junk Dealer's License, EcoATM, Inc., 601 Donald Lynch Blvd.
18. Minutes, Board of Assessor's, March 2 & 30, 2016.
19. Minutes, Library Board of Trustees, March 1, 2016.
20. Minutes, Planning Board, March 21, 2016.
21. Minutes, Zoning Board of Appeals, March 8 & April 5 & 7, 2016.
22. Minutes, Council on Aging, March 8, 2016.
23. Minutes, Marlborough Community Development Authority (MCDA), October 29, 2015 & February 4, 2016.
24. CLAIMS:
  - a. M. Ernest Glickman, 136 Taylor Rd., residential mailbox claim 2(a).
  - b. Mark Fung-A-Fat, 204 Raymond Rd., residential mailbox claim 2(a).
  - c. Maureen McCook, 44 Elm St., Shrewsbury, pothole or other road defect.

#### REPORTS OF COMMITTEES:

#### UNFINISHED BUSINESS:

##### From Finance Committee

25. **Order No. 16-1006496 – Transfer \$1,000,000.00 from Undesignated Account to Richer Elementary Feasibility Study.** The Finance Committee reviewed the Mayor's letter dated March 17, 2016 requesting the transfer of \$1,000,000.00 from the Undesignated account to fund the Richer School feasibility study. The Mayor also submitted an order to reflect the Council approval of the transfer to support the feasibility study. **The Finance Committee voted 4 – 0 (Councilor Oram was not present but wanted the record to reflect he was in favor of the order and transfer) to approve the order and the transfer.**

##### From Operations and Oversight Committee

26. **Order No. 15/16-1006380 - Communication from Mayor Vigeant, together with letter from MEDC Executive Director Cummings, regarding Walker Building Use Feasibility Study, with cost ranging from \$75,000.00 to \$100,000.00.** The Operations and Oversight Committee met with Tim Cummings, Executive Director of Marlborough Economic Development Corporation, and Mayor Arthur Vigeant for a discussion of funding a feasibility study for the future use of the Walker Building. Mr. Cummings explained about exploring the Walker Building's highest and best use for the benefit of the downtown. Councilors provided input with their ideas for the space and several Councilors wished to participate in a walkthrough of the building as it currently stands. The committee decided that no future use should be eliminated until they received the results of the feasibility study. **Motion made by Councilor Robey, seconded by Councilor Landers, to request the Mayor send a transfer request to the City Council in the amount of \$75,000 to fund the feasibility study. The motion carried 3-0.**

From City Council

27. **Order No. 16-1006466-2A – Salary Ordinance for the Assistant Building Inspector:** This was a joint meeting with Legislative and Legal. The Finance Committee reviewed the Mayors letter dated February 18, 2016 for a salary ordinance for the new Assistant Building Commissioner position. **The Finance Committee voted 5 - 0 to approve the salary ordinance and advertise the ordinance. LEGAL AD WAS ORDERED ADVERTISED UNDER SUSPENSION OF THE RULES AT THE MARCH 21, 2016 CITY COUNCIL MEETING. LEGAL AD WAS PUBLISHED ON SATURDAY, MARCH 26, 2016, THEREFORE CAN NOT BE FURTHER ADDRESSED UNTIL THE APRIL 25, 2016 CITY COUNCIL MEETING TO COMPLY WITH THE TEN DAY PERIOD.**
28. **Order No. 16-1006467A – Salary Ordinance for Poll Workers.** The Finance Committee reviewed the Council President's letter dated February 16, 2016 requesting the stipend for poll workers be adjusted as follows:
- Increase Warden stipends from \$125.00 per election day to \$250.00
  - Increase Clerks stipends from \$90.00 per election day to \$200.00.
- The Finance Committee voted 5 - 0 to approve the changes to the poll workers salary ordinance and advertise the ordinance.**
- LEGAL AD WAS ORDERED ADVERTISED UNDER SUSPENSION OF THE RULES AT THE APRIL 4, 2016 CITY COUNCIL MEETING. LEGAL AD WAS PUBLISHED ON SATURDAY, APRIL 9, 2016, AND CAN NOT BE FURTHER ADDRESSED UNTIL THE APRIL 25, CITY COUNCIL MEETING TO COMPLY WITH THE TEN DAY PERIOD.**
29. **Order No. 16-1006466-1A - Communication from Mayor regarding Assistant Building Commissioner position.** The Mayor's letter dated February 18, 2016 was read into the record. He is asking for a reorganization of the Building Dept. to be comprised of 3 full time inspectors – Building Commissioner, Assistant Building Commissioner and Local Inspector. Also the Job Description for Assistant Building Commissioner was discussed. **Councilor Delano moved to recommend approval of Order No. 16-1006466, Amending Code of City of Marlborough, Chapter 7, Article XIV Building Department by deleting section 7-76 in its entirety and replacing with new language with one change to add in language from the job description to the code change. Proposed language is "The Assistant Building Commissioner shall be certified as a Building Commissioner or a Local Inspector, and shall meet the requirements and qualifications established by the..." Amended language would read, "At the time of appointment, the Assistant Building Commissioner shall be certified as a Building Commissioner or shall be certified and working as a Local Inspector for at least two years prior to appointment and become a certified Building Commissioner within 18 months of appointment, the requirements and qualifications of said certifications being governed by the..." as well as to refer to Legal to be put in proper legal form and to ask for Suspension of Rules to Advertise the Code Change. In addition, he moved approval of the Job Description with one change to add in "excellent" in front of "customer service skills" in paragraph entitled Related Qualifications. The motion was seconded and carried 3-0. LEGAL AD WAS ORDERED ADVERTISED UNDER SUSPENSION OF THE RULES AT THE MARCH 21, 2016 CITY COUNCIL MEETING. LEGAL AD WAS PUBLISHED ON SATURDAY, MARCH 26, 2016, THEREFORE CAN NOT BE FURTHER ADDRESSED UNTIL THE APRIL 25, 2016 CITY COUNCIL MEETING TO COMPLY WITH THE TEN DAY PERIOD.**



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

**APRIL 4, 2016**

Regular meeting of the City Council held on Monday, APRIL 4, 2016 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Juaire, Ossing, Robey, Delano, Elder, Tunnera, Irish and Landers. Absent: Oram & Doucette. Meeting adjourned at 9:20 PM.

**ORDERED:** That the Minutes of the City Council meeting MARCH 21, 2016, **FILE;** adopted.

**ORDERED:** That the **PUBLIC HEARING** On the Petition of MA Electric Company and Verizon New England, Inc. to relocate P5, P6-50, P7, P8, P10, P10-80, P11, P11-50 along E. Main St. between Main St. and Francis St. The City of Marlborough requests pole relocations to accommodate road improvement project, Order No. 16-1006485, all were heard who wish to be heard, hearing recessed at 8:04 PM.

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

**Absent: Doucette & Oram.**

**ORDERED:** That the **PUBLIC HEARING** On the Application for LED Sign Permit, Marlborough Savings Bank, 71 Boston Post Rd. East to erect an electronic message board below the existing Marlborough Savings Bank sign, Order No. 16-1006483, all were heard who wish to be heard, hearing recessed at 8:08 PM.

**Councilors Present: Elder, Tunnera, Irish, Clancy, Landers, Juaire, Ossing, & Robey.**

**Absent: Doucette & Oram.**

**Councilor Delano recused.**

**Councilor Elder disclosed that he has two accounts with Marlborough Savings Bank by which there is no conflict or financial interest.**

**ORDERED:** That the PUBLIC HEARING On the Application for Amended Special Permit, Q Café d/b/a Firefly's, 350 East Main St., to expand outdoor patio/deck area; add small bar; add serving cooking kitchen; add acoustic music; add televisions; add games; add fire pit; and add outdoor heating. The capacity is to remain the same, Order No. 16-1006482, X02-9505, all were heard who wish to be heard, hearing recessed at 8:40 PM, **CONTINUED UNTIL APRIL 25, 2016.**

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

**ORDERED:** That the Appointment of Eileen Bristol to the position of Collector upon confirmation by the City Council, refer to **PERSONNEL COMMITTEE**; adopted.

**ORDERED:** That the Fire Department transfer request in the amount of \$33,351.29 which moves funds from Reserve for Salaries to Sick Leave Buy Back to fund the balance of sick leave buy back pertinent to a retiring employee, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT:		Various			FISCAL YEAR:		2016		
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$2,092,330.17	\$215,891.00	13900006	53280	Assabet Regional Voc School	\$12,000.00	12410001	50970	Asst Wiring Inspector	\$1,575.00
	Reason:	Assessment lowered due to Local Aid increase				To cover upcoming inspections due to large projects			
\$105,697.00	\$99,697.00	11940006	51770	Retirement	\$5,000.00	12410001	50960	Asst Plumbing Inspector	\$480.00
	Reason:	Funds available due to one 7/1/2015 payment				To cover upcoming inspections due to large projects			
\$43,683.00	\$43,683.00	13100003	51770	Retirement	\$275,000.00	60080004	53110	Legal Services - Sewer	\$1,000.00
	Reason:	Funds available due to one 7/1/2015 payment				To cover various legal services thru year end			
\$417,530.00	\$82,729.00	60075206	59050	Interest Expense - Sewer	\$150,000.00	11920006	52120	Electricity	\$541,099.00
	Reason:	Funds available				To restore cut funds needed for remaining FY16			
	\$442,000.00	Total			\$442,000.00	Total			

**ORDERED:** Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** Family Fun Festivals Grant from Ezra M. Cutting Trust, Bank of America, in the amount of \$6,000.00 awarded to the City to support the performances that are part of the Family Fun Festivals; adopted.

- ORDERED: That the updated Agreement with the Town of Sudbury to continue operating the Marlborough-Sudbury Veterans District, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.
- ORDERED: That Appointment of Police Chief Mark Leonard as the Keeper of the Lockup, **APPROVED**; adopted.
- ORDERED: That the Planning Board's recommendation to City Council that it **NOT** exercise its Right of First Refusal – 421 Bolton St., Order No. 16-1006479, X16-1006441, X15-1006223, refer to **URBAN AFFAIRS COMMITTEE**; adopted.
- ORDERED: That there being no objection thereto set **MONDAY, APRIL 25, 2016** as **DATE FOR PUBLIC HEARING** on the Application for Special Permit, Quad Rink Limited Partnership, New England Sports Management Corp., to amend existing special permits, to add Rinks 7 & 8 and Restaurants, 121 Donald Lynch Blvd., X11-1002790B, 10-1002448B, 04-100359B and 94-5460B, refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE**; adopted.
- ORDERED: That there being no objection thereto set **MONDAY, APRIL 25, 2016** as **DATE FOR PUBLIC HEARING** Application for LED Sign Permit, Discount Gas, 50 Main St, refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE**; adopted.
- ORDERED: That the Application for Renewal of Junk Dealer's License, Tony Bitar, Hannoush Jewelers, 601 Donald Lynch Blvd., refer to **PUBLIC SERVICES COMMITTEE**; adopted.
- ORDERED: That the Application for Renewal of Junk Dealer's License, Best Buy Stores, LP #1966, 601 Donald Lynch Blvd., refer to **PUBLIC SERVICES COMMITTEE**; adopted.
- ORDERED: That the Application for Renewal of Junk Dealer's License, Best Buy Stores, LP #820, 769 Donald Lynch Blvd., refer to **PUBLIC SERVICES COMMITTEE**; adopted.
- ORDERED: That the Application for Renewal of Junk Dealer's License, Roman Kimyagarov, Arthur & Sons Shoe Repair, 107 Main St., refer to **PUBLIC SERVICES COMMITTEE**; adopted.
- ORDERED: That the Communication from Sudbury Companies of Militia and Minute to place a temporary sign on City property at the corner of US Rt. 20 and Hager St. at the Wayside Inn turn from Saturday, September 17, 2016 to Sunday, September 25, 2016, **APPROVED**; adopted.
- ORDERED: That the Communication from the Commonwealth of MA, Department of Public Utilities, Corrected Notice of Filing, Public Hearing, and Procedural Conference, **FILE**; adopted.
- ORDERED: That the Minutes, Planning Board, March 7, 2016, **FILE**; adopted.
- ORDERED: That the Minutes, School Committee, March 8, 2016, **FILE**; adopted.
- ORDERED: That the Minutes, Council on Aging, February 9, 2016, **FILE**; adopted.
- ORDERED: That the Minutes, Conservation Commission, March 3, 2016, **FILE**; adopted.

ORDERED: That the Minutes, License Board, February 24 & March 18, 2016, **FILE**; adopted.

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

- a. Donna Quelle, 30 Highland St., other property damage.

#### Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Marlboro City Council Finance Committee  
Monday March 28, 2016  
In Council Chambers**

Present: Chairman Ossing; Finance Committee members Councilors Robey, Irish and Doucette (Councilor Oram was absent.) Councilors Clancy, Landers, Delano, and Tunnera were also in attendance. The meeting convened at 7:03 PM.

1. **Order No. 16-1006496 – Transfer \$1,000,000.00 from Undesignated Account to Richer Elementary Feasibility Study.** The Finance Committee reviewed the Mayor's letter dated March 17, 2016 requesting the transfer of \$1,000,000.00 from the Undesignated account to fund the Richer School feasibility study. The Mayor also submitted an order to reflect the Council approval of the transfer to support the feasibility study. The Finance Committee voted 4 – 0 (Councilor Oram was not present but wanted the record to reflect he was in favor of the order and transfer) to approve the order and the transfer.

The Finance Committee adjourned at 7:40 PM

**Councilor Robey orally report that she would like a Suspension of the Rules to address Order No. 16-100681, X15-010063436, X15-1006343A, Communication from the Planning Board regarding Water's Edge subdivision correspondence from Legal Department.**

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

Meeting Name: City Council Urban Affairs Committee

Date: March 28, 2016

Time: 5:15 PM

Location: City Council Chambers, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 5:15 PM

Adjourned: 6:50 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Elder, Juaira, Tunnera and Landers; and Councilors Clancy, Doucette, and Robey

Also Present: Sandra Austin (Attorney); Mark Oelrich (CSM Marlborough Hotel); Erik Merliss (Arnco Sign Company)

## Reports of Committees cont'd:

**Order No.16-1006442 - Communication from Marc Cohen on behalf of Arnco Sign Co., Inc., regarding Sign Application for Hilton Garden Hotel at 170 Forest Street.** The Urban Affairs Committee met with Attorney Sandra Austin and representatives from CSM Marlborough Hotel and Arnco Sign Company for a discussion of the three signs requested for the Hilton Garden Inn located at 170 Forest Street. They reviewed the dimensions and locations of the signs on the building and were in agreement the requested signs were within reason for the overall design and size of the hotel. **Motion made by Councilor Juairé, seconded by the Chair, to approve the signs as requested. The motion carried 5-0.**

**Motion made and seconded to request a suspension of the rules at the next regular City Council meeting to request a vote to approve this application. The motion carried 5-0.**

**Motion made and seconded to adjourn. The motion carried 5-0. Meeting adjourned at 6:50 PM.**

Councilor Elder reported the following out of the Operations and Oversight Committee:

Meeting Name: City Council Operations & Oversight Committee

Date: March 22, 2016

Time: 5:30 PM

Location: City Council Chambers, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 5:30 PM

Adjourned: 6:38 PM

Present: Chairman Elder; Operations & Oversight Committee Members Councilors Robey and Landers; Councilors Clancy, Delano and Juairé

Also Present: Tim Cummings, Executive Director, Marlborough Economic Development Corporation (MEDC); Mayor Arthur Vigeant.

**Order No. 15-1006380 - Communication from Mayor Vigeant, together with letter from MEDC Executive Director Cummings, regarding Walker Building Use Feasibility Study, with cost ranging from \$75,000.00 to \$100,000.00.** The Operations and Oversight Committee met with Tim Cummings, Executive Director of Marlborough Economic Development Corporation, and Mayor Arthur Vigeant for a discussion of funding a feasibility study for the future use of the Walker Building. Mr. Cummings explained about exploring the Walker Building's highest and best use for the benefit of the downtown. Councilors provided input with their ideas for the space and several Councilors wished to participate in a walkthrough of the building as it currently stands. The committee decided that no future use should be eliminated until they received the results of the feasibility study. **Motion made by Councilor Robey, seconded by Councilor Landers, to request the Mayor send a transfer request to the City Council in the amount of \$75,000 to fund the feasibility study. The motion carried 3-0.**

**Motion made by Councilor Robey seconded by Chair, to adjourn. The motion carried 3-0. The meeting adjourned at 6:38 PM.**

**Suspension of the Rules requested-granted**

ORDERED: That the Communication from the Planning Board re: Waters Edge Subdivision Correspondence from Legal Department, **FILE**; adopted.

**Suspension of the Rules requested-granted**

ORDERED: That pursuant to the jurisdiction of the City Council of Marlborough concerning signage at 170 Forest Street under Order No. 14-100572B, being the Site Plan Permit by which the City Council approved, subject to conditions, the site plan for Hilton Garden Inn Marlborough Hills, the City Council hereby approves the three (3) sign applications for Signs A, B, and C, dated January 6, 2016, of Arnco Sign Co., Inc. of 1133 South Broad Street, Wallingford, CT (hereinafter, the "Applicant"), as follows:

- Permit SP-2016-0001. Sign A as shown on drawings of the "Proposed East Elevation," Hilton Garden Inn, 170 Forest Street, Marlborough, MA 01752, dated June 25, 2016, revised October 9, 2015; and as shown on drawings of the "LED Illum. Channel Letters" for the east elevation, Hilton Garden Inn, 170 Forest Street, Marlborough, MA 01752, dated June 25, 2015;
- Permit SP-2016-0002. Sign B as shown on drawings of the "S/F Illum. Floret," Hilton Garden Inn, 170 Forest Street, Marlborough, MA 01752, dated October 9, 2015; and
- Permit SP-2016-0003. Sign C as shown on drawings of the "Proposed West Elevation," Hilton Garden Inn, 170 Forest Street, Marlborough, MA 01752, dated October 15, 2015; and as shown on drawings of the "LED Illum. Channel Letters" for the west elevation, Hilton Garden Inn, 170 Forest Street, Marlborough, MA 01752, dated October 15, 2015.

All plans and other documentation provided by the Applicant as part of the three (3) applications are herein incorporated into and become a part of this approval, and become conditions and requirements of the same, unless otherwise altered by the City Council.

**APPROVED**; adopted.

**Suspension of the Rules requested-granted**

ORDERED: At a regular meeting of the Marlborough City Council held on Monday, April 4, 2016 at 8:00 PM in the City Council Chambers, City Hall, the following proposed amendment to the Code of the City of Marlborough, "COMPENSATION SCHEDULE", having been read was ORDERED ADVERTISED as follows:

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

**ADVERTISED AS INDICATED ABOVE AND TABLE UNTIL THE APRIL 25, 2016 MEETING AS THE TEN DAY PERIOD AFTER ADVERTISEMENT WILL BE MET FOLLOWING THE ADVERTISEMENT DATE OF APRIL 9, 2016; adopted.**

ORDERED: That the Various Mid-Year Transfer requests as noted in the attached communication and on the assorted spreadsheets, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS -										
DEPT:	Police					FY:	2016			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$1,378,994	\$40,000.00	12100001	50420	Police Officers	\$40,000.00	12100003	51310	Regular Overtime	\$11,034	
	Reason:	Surplus due to vacancies and long term injuries				Deficit due to vacancies and injuries				
\$16,243	\$6,000.00	12100003	51120	Crossing Guards	\$6,000.00	12100003	51195	Detention Attendant	\$924	
	Reason:	Surplus due to vacancy				Higher than anticipated use of police matrons				
\$18,922	\$8,000.00	12100003	51920	Sick Leave Buy Back	\$8,000.00	12100003	51319	Cell Watch Overtime	\$0	
	Reason:	Fewer officers buying back annual sick time				Large number of at risk detainees				
\$18,922	\$5,000.00	12100003	51920	Sick Leave Buy Back	\$5,000.00	12100006	52560	Vehicle Repair	\$9,282	
	Reason:	Fewer officers buying back annual sick time				Higher than expected repairs to a few cruisers				
\$98,160	\$4,000.00	12100003	51490	Holiday	\$4,000.00	12100006	51975	Initial Equipment Issue	\$2,889	
	Reason:	Fewer officers working on some holidays				New dispatcher and new police officer				
	\$63,000.00	Total			\$63,000.00	Total				

CITY OF MARLBOROUGH									
BUDGET TRANSFERS -									
DEPT:	Police						FY:	2016	
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$96,160	\$2,000.00	12100003	51490	Holiday	\$2,000.00	12100006	55882	Prisoner Meals	\$1,631
	\$2,000.00	Total			\$2,000.00	Total			

CITY OF MARLBOROUGH									
BUDGET TRANSFERS -									
DEPT:	FIRE					FISCAL YEAR:	2016		
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$1,586,135.62	\$16,380.63	12200001	50450	FIREFIGHTER	\$16,380.63	12200003	51300	OVERTIME	\$70,697.20
	Reason:	Transfer is available due to 111F payments							
\$126,424.91	\$6,156.42	12200001	50800	FIRE CAPTAIN	\$6,156.42	12200003	51300	OVERTIME	\$70,697.20
	Reason:	Transfer is available due to 111F payments							
\$222,943.37	\$780.24	12200001	50810	FIRE LIEUTENANT	\$780.24	12200003	51300	OVERTIME	\$70,697.20
	Reason:	Transfer is available due to 111F payments							
\$1,586,135.62	\$100,000.00	12200001	50450	FIREFIGHTER	\$100,000.00	12200003	51300	OVERTIME	\$70,697.20
	Reason:	Transfer is available due to Retirements and vacant positions							
\$123,317.29	Total				\$123,317.29	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS -								
DEPT: Department of Public Works				FISCAL YEAR: 2016				
FROM ACCOUNT:				TO ACCOUNT:				
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$89,555	14001503	50740	Equipment Operators	\$10,000	14001308	55400	Sidewalk Maintenance	\$0
Reason: Money available due to vacancy				Anticipated cost to cover remaining FY 16				
				\$10,000	14001308	55440	Drain Maintenance	\$8,740
				Anticipated cost to cover remaining FY 16				
				\$8,255	14001501	50690	Foreman	\$112,142
				Anticipated cost to cover remaining FY 16				
				\$22,000	14001503	51240	Temporary Part-Time	\$10,325
				Anticipated cost to cover remaining FY 16				
				\$20,000	14001503	51310	Overtime-Regular	\$800
				Anticipated cost to cover remaining FY 16				
				\$300	14001503	51990	Meal Allowances	\$0
				Anticipated cost to cover remaining FY 16				
				\$15,000	14001504	53140	Contract Services	\$2,399
				Anticipated cost to cover remaining FY 16				
				\$3,000	14001504	53810	Insect & Pest Control	\$0
				Anticipated cost to cover remaining FY 16				
				\$1,000	14001508	52500	Rep/Maint Equipment	\$225
				Anticipated cost to cover remaining FY 16				
\$89,555	Total			\$89,555	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS -										
DEPT:		Department of Public Works				FISCAL YEAR:		2016		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$343,541	\$14,860	14001303	50740	Equipment Operators	\$860	14001303	50790	Dispatch	\$19,950	
	Reason:	Money available due to vacancy				Anticipated cost to cover remaining FY 16				
					\$8,000	14001303	51240	Temporary Part-time	\$0	
						Anticipated cost to cover remaining FY 16				
					\$8,000	14001303	51310	Overtime-Regular	\$2,594	
						Anticipated cost to cover remaining FY 16				
\$137,297	\$60,000	14001406	54830	Fuel & Luricants	\$60,000	14001406	54810	Rep/Maint. Supplies	\$37,769	
	Reason:	Money available due to drop in fuel prices				Anticipated cost to cover remaining FY 16				
\$405,150	\$41,700	14001503	50740	Equipment Operators	\$1,700	14001303	51990	Meal Allowances	\$0	
	Reason:	Money available due to vacancy				Anticipated cost to cover remaining FY 16				
					\$10,000	14001304	53108	Catch Basin Cleaning	\$0	
						Anticipated cost to cover remaining FY 16				
					\$20,000	14001304	53140	Contract Services	\$16,243	
						Anticipated cost to cover remaining FY 16				
					\$10,000	14001305	55310	Highway Constr. Materials	\$20,492	
						Anticipated cost to cover remaining FY 16				
	\$116,560	Total			\$116,560	Total				

CITY OF MARLBOROUGH										
BUDGET TRANSFERS -										
DEPT:		Department of Public Works				FISCAL YEAR:		2016		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$405,149	\$7,000	14001503	50740	Equipment Operators	\$7,000	14001506	54640	Park Maintenance	\$32,470	
		Reason: Money available due to vacancy				Anticipated cost to cover remaining FY 16				
\$924	\$924	60081003	51920	Sick Leave Buy Back	\$924	60081003	51470	Interim Foreman	\$179	
		Reason: Money available				Anticipated cost to cover remaining FY 16				
\$132,817	\$30,000	61090001	50690	Foreman	\$8,000	61090003	51240	Temporary Part-Time	\$3,610	
		Reason: Money available due to vacancy				Anticipated cost to cover remaining FY 16				
					\$8,000	61090003	51470	Interim Foreman	\$0	
						Anticipated cost to cover remaining FY 16				
					\$16,000	61090006	55750	Water Service Const	\$1,841	
						Anticipated cost to cover remaining FY 16				
\$296,508	\$20,000	61090001	50740	Equipment Operators	\$20,000	61090006	55710	Water Maintenance	\$4,974	
		Reason: Money available due to vacancy				Anticipated cost to cover remaining FY 16				
\$2,382	\$2,382	61090003	51920	Sick Leave Buy Back	\$2,382	61090006	55710	Water Maintenance	\$4,974	
		Reason: Money available due to vacancy				Anticipated cost to cover remaining FY 16				
\$5,520	\$1,000	60085005	55014	Lab/Testing Supplies	\$1,000	60085003	51470	Interim Foreman	\$198	
		Reason: Money available				Anticipated cost to cover remaining FY 16				
	\$61,306	Total			\$61,306	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS -										
DEPT:		Department of Public Works				FISCAL YEAR:		2016		
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$48,179	\$1,691	14001101	50700	Grade 2 Engineering	\$1,691	14001103	51240	Temporary Part-time	\$4,075	
	Reason:	Unpaid leave				Anticipated cost to cover remaining FY 16				
\$4,400	\$4,400	14001103	51440	Educational Incentive	\$954	14001103	51240	Temporary Part-time	\$4,075	
	Reason:	Tuition benefit is unused				Anticipated cost to cover remaining FY 16				
					\$3,446	14001104	53180	Prof & Tech Service	\$15,513	
								Anticipated cost to cover remaining FY 16		
\$19,092	\$19,092	61090007	58770	Equipment/Tool Replacement	\$19,092	61090006	52320	Water-MWRA	\$1,000	
	Reason:	Milham WTP under construction				Anticipated cost to cover remaining FY 16				
\$187,603	\$187,603	61090006	55700	Water Treatment Plant	\$187,603	61090006	52320	Water-MWRA	\$1,000	
	Reason:	Milham WTP under construction				Anticipated cost to cover remaining FY 16				

CITY OF MARLBOROUGH BUDGET TRANSFERS -										
DEPT:		Legal				FISCAL YEAR:		2016		
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$23,175.14	\$5,000.00	11510006	57600	Claims & Judgements	\$2,500.00	11510005	54220	Office Supplies/Expense	\$1,509.25	
	Reason:	Expenses running lower than anticipated				To cover anticipated costs through year end				
					\$2,500.00	11510006	53880	Registry of Deeds	\$50.00	
								To cover anticipated costs through year end		
	\$5,000.00	Total			\$5,000.00	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
	DEPT:	Various					FISCAL YEAR:	2016		
		FROM ACCOUNT:					TO ACCOUNT:			
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available	
Balance									Balance	
\$2,092,330.17	\$215,891.00	13900008	53280	Assabet Regional Voc School	\$12,000.00	12410001	50970	Asst Wiring Inspector	\$1,575.00	
	Reason:	Assessment lowered due to Local Aid increase					To cover upcoming inspections due to large projects			
\$105,697.00	\$99,697.00	11940008	51770	Retirement	\$5,000.00	12410001	50960	Asst Plumbing Inspector	\$480.00	
	Reason:	Funds available due to one 7/1/2015 payment					To cover upcoming inspections due to large projects			
\$43,683.00	\$43,683.00	13100003	51770	Retirement	\$275,000.00	60080004	53110	Legal Services - Sewer	\$1,000.00	
	Reason:	Funds available due to one 7/1/2015 payment					To cover various legal services thru year end			
\$417,530.00	\$82,729.00	60075206	59050	Interest Expense - Sewer	\$150,000.00	11920006	52120	Electricity	\$541,099.00	
	Reason:	Funds available					To restore cut funds needed for remaining FY16			
	\$442,000.00	Total			\$442,000.00	Total				

**ORDERED:** At a regular meeting of the Marlborough City Council held on Monday, March 21, 2016 at 8:00 PM in the City Council Chambers, City Hall, the following proposed amendment to the Code of the City of Marlborough, be further amended by amending Chapter 125 entitled "PERSONNEL" Section 6, entitled "COMPENSATION SCHEDULE", having been read was **ORDERED ADVERTISED** as follows:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, ACTING UPON A RECOMMENDATION OF THE MAYOR, THAT THE CODE OF THE CITY OF MARLBOROUGH (HEREINAFTER, THE "CITY CODE"), AS AMENDED, BE FURTHER AMENDED BY AMENDING IN CHAPTER 125, ENTITLED "PERSONNEL," SECTION 6, ENTITLED "COMPENSATION SCHEDULE," AS FOLLOWS:

Position	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7 / Max
	Start	6 months of service	1 year of service	2 yrs. of service	3 yrs. of service	4 yrs. of service	5 yrs. of service
Assistant Building Commissioner	\$70,000.00	\$71,400.00	\$72,828.00	\$74,284.56	\$75,770.25	\$77,285.66	\$78,831.37

**TABLED UNTIL THE APRIL 25, 2016 CITY COUNCIL MEETING AS THE LEGAL AD WAS ADVERTISED ON SATURDAY, MARCH 26, 2016, THEREFORE CAN NOT BE FURTHER ADDRESSED UNTIL THE APRIL 25, 2016 CITY COUNCIL MEETING TO COMPLY WITH THE TEN DAY PERIOD;** adopted.

**ORDERED:** Be it ordained by the City Council of the City of Marlborough that the minimum exemption value of \$5,000 for personal property subject to taxation set forth in Order No. 05-100784A, dated April 11, 2005, by which Order the City accepted the provisions of M.G.L. chapter 59, § 5, clause 54th, be and is hereby modified under authority of said statute to a minimum exemption value of \$10,000 or less, **APPROVED;** adopted.

**ORDERED:** That the City Council of the City of Marlborough, pursuant to the provisions and conditions of Mass. Gen. Laws c. 40, § 8C, does hereby accept from Howe's Landing Developers, LLC, a Massachusetts limited liability company, a deed of the land in Marlborough, Middlesex County, Massachusetts shown as "OPEN SPACE LOT 2.84 Ac." and as "PARCEL A" on Sheet D2 of 2 in a plan entitled " 'Howe's Landing' a Definitive Subdivision Plan in Marlborough, Massachusetts, Date: August 11, 2014, Prepared for: Chris Christopher, Sage Investors Inc., Prepared by: Thomas DiPersio, Jr. & Associates Inc.," which plan was last revised on November 26, 2014 and is recorded with the Middlesex South District Registry of Deeds as Plan No. 50 of 2015 (the "Plan") and to which reference may be had for a more particular description of said Lot and Parcel. Said Open Space Lot contains 2.84 acres, more or less, according to said Plan. Said Parcel A contains 0.0048 acres, more or less.

In accordance with Condition 10.a of the "Certificate of Vote Definitive Subdivision Plan Howe's Landing Hudson Street" of the City of Marlborough Planning Board dated December 1, 2014 and recorded with said Registry in Book 64831, Page 355, said Open Space Lot is conveyed subject to the restriction that it shall remain as permanently protected open space. The Open Space Lot is conveyed to the City of Marlborough under the provisions of Mass. Gen. Laws c. 40, § 8C and is to be managed and controlled by the Marlborough Conservation Commission for the purposes of the promotion and development of natural resources, watershed protection, passive recreation, and conservation.

In accordance with Condition 10.c of the "Certificate of Vote Definitive Subdivision Plan Howe's Landing Hudson Street" of the City of Marlborough Planning Board dated December 1, 2014 and recorded with said Registry in Book 64831, Page 355, said Parcel A is conveyed subject to the restrictions 1) that the Grantor shall retain and grant to a homeowners association the right to access Parcel A in order for the home owners association, and not the City, to maintain and repair the force main, including the force main manhole located on Parcel A, which services Lots 7, 8, 9 and 10 on the westerly side of the proposed subdivision road; and 2) that the homeowners association, and not the City, shall maintain and repair the force main, including the force main manhole located on Lot 4, which services Lots 1, 2 and 3 on the easterly side of the proposed subdivision road.

Acceptance of this open space is subject to all terms and conditions of a special permit granted on or about June 16, 2014 by the Marlborough Planning Board and recorded at said Registry in Book 64065, Page 240, and a subdivision approval approved on or about December 1, 2014 by the Marlborough Planning Board and recorded at said Registry in Book 64831, Page 355, each of which is incorporated herein by reference, **APPROVED;** adopted.

**Yea - Delano, Elder, Tunnera, Irish, Clancy, Landers, Juairé, Ossing, & Robey.**  
**Absent: Doucette & Oram.**

ORDERED: That the City Council of the City of Marlborough (GRANTEE), pursuant to the provisions and conditions of Mass. Gen. Laws c. 40, § 8C, does hereby accept from A.A. Farooq Ansari, Trustee of Waters Edge Realty Trust (GRANTOR), the open space in the City of Marlborough known as Open Space Parcel "A," Open Space Parcel "B," and Open Space Parcel "C," as shown on sheet 3 of a 3-page plan entitled "Plan of Acceptance of Easements, Open Space, Worster Drive, Beauregard Circle, Gaucher Circle and Perolman Drive, in Marlborough, MA," prepared by Thomas Land Surveyors and Engineering Consultants, Inc., 265 Washington Street, Hudson, MA 01749, prepared for Ansari Builders, 6 Edgewood Road, Westborough, MA., dated May 16, 2006 (on sheet 3), with latest revision date of February 2, 2012, Scale 1" = 80' (on sheet 3), as more fully described on the said plan which is to be recorded.

Said open space is to be managed and controlled by the Marlborough Conservation Commission for the purposes of the promotion and development of natural resources, watershed protection, passive recreation, and conservation of open space. The open space parcels of land are intended to remain in their natural state, in perpetuity, except as the Marlborough Conservation Commission may deem appropriate as to trail development for non-motorized vehicles.

Acceptance of this open space is subject to all terms and conditions of a Special Permit granted on or about May 5, 1997 by the Planning Board of the City of Marlborough and a covenant approved on February 9, 1998 by the Planning Board of the City of Marlborough, both of which are attached hereto and incorporated herein by reference, **APPROVED**; adopted.

**Yea - Delano, Elder, Tunnera, Irish, Clancy, Landers, Juairé, Ossing, & Robey.**  
**Absent: Doucette & Oram.**

ORDERED: That the City Council work with Building Commissioner, Code Enforcement Officer and City Solicitor on the drafting of an ordinance to ensure that prompt remedial action is taken after a devastating event. Such ordinance would provide tools for the Code Officer and other municipal officials to work with insurance companies and/or other professionals to expedite insurance and legal matters associated with such losses.

**Refer to MAYOR VIGEANT TO WORK WITH THE BUILDING DEPT., CODE ENFORCEMENT OFFICER AND LEGAL TO CREATE LANGUAGE A NEW ARTICLE III OF CHAPTER 485 AND SUBMIT THAT LANGUAGE IN AN ORDER TO CITY COUNCIL**; adopted.

ORDERED: At a regular meeting of the Marlborough City Council held on Monday, March 21, 2016 at 8:00 PM in the City Council Chambers, City Hall, the following proposed amendment to the Code of the City of Marlborough, be further amended by amending Chapter 7 entitled "**BUILDING DEPARTMENT**", of Article XIV, having been read was **ORDERED ADVERTISED** as follows:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 7, ENTITLED "BUILDING DEPARTMENT," OF ARTICLE XIV, AS FOLLOWS:

A. Chapter 7 is hereby amended by deleting section 7-76 in its entirety and replacing it with the following:

§ 7-76 Assistant Building Commissioner; Appointment of Local Inspectors.

A. The Mayor may employ an Assistant Building Commissioner who shall assist in the performance of the duties of the Building Commissioner. At the time of appointment, the Assistant Building Commissioner shall be certified as a Building Commissioner or shall be certified and working as a Local Inspector for at least two years prior to appointment and become a certified Building Commissioner within 18 months of appointment, the requirements and qualifications of said certifications being governed by the Massachusetts Board of Building Regulations and Standards as provided by Section 3 of Chapter 143 of the Massachusetts General Laws.

B. The Mayor shall employ local inspectors, as necessary, to support the mission and duties of the Building Department. Local inspectors shall be under the direction of the Building Commissioner and the Assistant Building Commissioner. Local inspectors shall meet the requirements and qualifications of the Massachusetts Board of Building Regulations and Standards as provided by Section 3 of Chapter 143 of the Massachusetts General Laws.

**TABLED UNTIL THE APRIL 25, 2016 CITY COUNCIL MEETING AS THE LEGAL AD WAS ADVERTISED ON SATURDAY, MARCH 26, 2016, THEREFORE CAN NOT BE BEEN FURTHER ADDRESSED UNTIL THE APRIL 25, 2016 CITY COUNCIL MEETING TO COMPLY WITH THE TEN DAY PERIOD;** adopted.

**ORDERED:** That the Petition from National Grid and Verizon New England, Inc. to relocate existing P12 and install new guy P12-84, and relocating P15, P18, P27, P28, P30 & P31 to accommodate road widening project on West Hill Rd., Order No. 16-1006427, X14-1005672A, **APPROVED WITH FOLLOWING CONDITIONS:** adopted.

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

**Councilor Irish abstained.**

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, ACTING UPON A RECOMMENDATION OF THE MAYOR, THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- A. Section 6 is hereby retitled "Salary Schedule"
- B. This salary schedule shall take effect July 1, 2016.
- C. Any new hires to the positions listed below who are appointed to their position will begin at Step 1.
- D. The Mayor shall have the authority and discretion to waive any two steps of the salary schedule for all positions, subject to available appropriation.
- E. The positions of City Solicitor, Executive Aide to the Mayor, Executive Secretary to the Mayor, and Secretary/Research Assistant to the City Council, as at-will employees, shall be compensated reasonably in any amount up to but not to exceed their Step 7 Maximum.
- F. As allowed under Massachusetts General Law Chapter 41, Section 108O, the positions of Police Chief and Fire Chief are eligible to receive employment contracts provided that their total compensation, including but not limited to salary, stipends and educational incentives does not exceed their Step 7 Maximum.

Position	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7 / Max
	<i>Start</i>	<i>6 months of service</i>	<i>1 year of service</i>	<i>2 yrs. of service</i>	<i>3 yrs. of service</i>	<i>4 yrs. of service</i>	<i>5 yrs. of service</i>
Comptroller - Treasurer	\$109,014	\$111,194	\$113,418	\$115,686	\$118,000	\$120,360	\$122,767
Police Chief	-	-	-	-	-	-	\$166,464
Human Resources Director	\$87,765	\$89,521	\$91,311	\$93,137	\$95,000	\$96,900	\$98,838
City Auditor	\$89,613	\$91,405	\$93,234	\$95,098	\$97,000	\$98,940	\$100,919
City Solicitor	-	-	-	-	-	-	\$117,565
City Clerk	\$81,298	\$82,924	\$84,583	\$86,274	\$88,000	\$89,760	\$91,555
Executive Aide to the Mayor and Secretary/Research Assistant to the City Council	-	-	-	-	-	-	\$68,666

Executive Secretary to the Mayor	-	-	-	-	-	-	\$53,009
Assistant City Solicitor	\$82,125	\$83,767	\$85,443	\$87,152	\$88,895	\$90,673	\$92,486
Chief Procurement Officer	\$76,679	\$78,213	\$79,777	\$81,372	\$83,000	\$84,660	\$86,353
Library Director	\$91,461	\$93,290	\$95,156	\$97,059	\$99,000	\$100,980	\$103,000
Paralegal	\$40,335	\$41,142	\$41,965	\$42,804	\$43,660	\$44,533	\$45,424
Assistant Recreation Director	\$57,279	\$58,424	\$59,593	\$60,785	\$62,000	\$63,240	\$64,505
Senior Clerk (nonunion)	\$40,335	\$41,142	\$41,965	\$42,804	\$43,660	\$44,533	\$45,424

G. Any changes to the salary of the Mayor and City Council shall not take effect until January 1, 2018.

Position	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7 / Max
	<i>Start</i>	<i>6 months of service</i>	<i>1 year of service</i>	<i>2 yrs. of service</i>	<i>3 yrs. of service</i>	<i>4 yrs. of service</i>	<i>5 yrs. of service</i>
Mayor							\$100,000
City Council							\$10,000

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

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:20 PM.



# IN CITY COUNCIL

Marlborough, Mass., MARCH 21, 2016

**ORDERED:**

That there being no objection thereto set **MONDAY, APRIL 25, 2016** as **DATE FOR PUBLIC HEARING** On the Petition from NGrid and Verizon New England, Inc. to install new intermediate pole P4-150 between existing P4-1 and P4-2 St. Martin Dr. A capacitor bank will be installed P4-150 to provide voltage support for customers located on St. Martin Dr, be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

**ADOPTED**

**ORDER NO. 16-1006500**



# IN CITY COUNCIL

Marlborough, Mass.,

APRIL 4, 2016

PAGE 1

## ORDERED:

That the PUBLIC HEARING On the Application for Amended Special Permit, Q Café d/b/a Firefly's, 350 East Main St., to expand outdoor patio/deck area; add small bar; add serving cooking kitchen; add acoustic music; add televisions; add games; add fire pit; and add outdoor heating. The capacity is to remain the same, Order No. 16-1006482, X02-9505, all were heard who wish to be heard, hearing recessed at 8:40 p.m., be and is herewith **CONTINUED UNTIL APRIL 25, 2016.**

**Councilors Present: Delano, Elder, Tunnera, Irish, Clancy, Landers, Juairé, Ossing, & Robey.**

**Absent: Doucette & Oram.**

## PUBLIC SPEAKING IN FAVOR

Christopher Flood, a Marlborough attorney, represented Q Café and Steve Uliss, owner of Firefly's in Marlborough. In 2002, a special permit was granted to create a deck onto the restaurant and they requested an amendment to that special permit to enlarge the deck area. They planned to increase the size of the deck but keep the same capacity of guests as stipulated in the 2002 special permit. They planned to have an outdoor bar, outdoor kitchen, as well as seats and couches spread out in a larger area which included fire pits.

President Clancy announced due to the inclement weather that day, he would allow testimony from those present and then continue the Public Hearing until the April 25, 2016 City Council meeting to allow for members of the public to attend and speak if they were unable to do so that evening.

Steve Uliss, chef and owner of Firefly's, explained he has been at that location for over fifteen years and businesses and residents are looking to enhance their dining experience not just during the weekend but after work as well. They planned to take the existing seventy-five seat patio and keeping the same occupancy but increasing its size to make the environment someplace to enjoy coming to on a more frequent basis.

Plans included an outdoor bar and kitchen to see the food being prepared and the small bar would service the patio. There would be outdoor fire pits, covered couches and seating, games such as corn-hole to create an environment of fun.



# IN CITY COUNCIL

APRIL 4, 2016

Marlborough, Mass., \_\_\_\_\_ PAGE 2

## ORDERED:

He addressed several issues that could be of concern to the neighbors.

- Regarding noise, currently fencing encloses the entire patio and they planned to keep the six foot, five inch fence around the perimeter of the patio except for the area in the front where they would like a four foot fence facing Route 20. He planned acoustic music consisting of guitar or vocals that would be no louder than the current background music.
- Lighting would be as it is now with downward facing lighting with no additional external signage or additional lights added to the area.
- Televisions would be facing in towards the center of patio and the sound from them would be at the same level as music played for background music. They do not play televisions and music at the same time, it would be one or the other.
- The 75 occupancy limit of the patio would remain the same, so there would not be a significant increase in traffic. Over the past two years, he has included a valet service and overflow parking lot to handle weekend volume.
- Security of the patio would remain the same, patrons must be seated by a host as in other areas of the restaurant, as it is not self-seating. The restaurant currently contained twenty-one security cameras throughout the facility and planned to add additional cameras to the patio area for surveillance and security purposes.

David Winske, 271 Farm Road, Marlborough, thought it was a great plan for people to enjoy going there and spending time in Marlborough.

Jim Winske, 175 Boston Post Road East, Marlborough, thought it was a great thing at that end of town as there are no restaurants that are lasting. He supported the business and it would benefit that area of Marlborough.

Randi Isaacson, owner of Post Road Art Center at 1 Boston Post Road East, sent a letter as read by the City Clerk in support of the plan of expansion as it would revitalize the area and benefit everyone.

There is no one else speaking in favor. That part of the Public Hearing is closed to testimony at this meeting and continued until April 25, 2016.



# IN CITY COUNCIL

Marlborough, Mass.,

APRIL 4, 2016

PAGE 3

ORDERED:

## QUESTIONS FROM THE PUBLIC

Derek Thompson, 25 Hosmer Street, Marlborough, asked what time and day music would be played. Mr. Uliss explained live music would occur on Friday and Saturday evenings ending no later than the 11:30 PM closing time of the patio.

Joan Follett and her husband Gary Follett are partial owners of a condominium at 35 Hosmer Street along with their daughter who currently resides there. Mrs. Follett asked if there have been any impact studies on how it will affect the residential neighborhoods that abut Firefly's. Mr. Uliss responded the occupancy amount is not increasing and will remain the same as the past fifteen-plus years.

Mrs. Follett was concerned that although the occupancy was not being increased the seating is in an outdoor setting with the noise factor from the people who are partaking of both the food and beverages increasing along with the addition of televisions, acoustic music, fire pit and games. It does abut a residential area which concerned her and they support the business but wanted to speak up for all those residents who were unable to attend. She wondered about the decibel impact a fence would have precluding some of the noise but there should be some consideration for residents who abut their property. Mr. Uliss was trying to enhance the facility and will not exceed the required decibel levels as indicated by city code.

Mr. Uliss explained the televisions and background music will be at the same levels as the past fifteen years. He understood their concerns regarding the acoustic acts but believed the fencing, trees and shrubbery should be sufficient to dampen the noise. Mr. Follett asked if the guitar would be amplified. Mr. Uliss responded the instruments would not be amplified, all acoustic with the microphone being routed through the public address system. Mr. Uliss mentioned a resident had asked him about drums and he explained he was not looking to have drums although possibly something like a bongo may be allowed.

The Follett's were concerned people in an outside environment would have a tendency to be louder with the variety of activities offered and it would be hard to control their noise level. Attorney Flood stated they were not increasing the capacity of the patio. Mrs. Follett asked what considerations have been given to the neighbors that abut the property. Mr. Uliss indicated they do not have complaints from the neighbors and pride themselves on being a good neighbor. They are not looking to create an environment detrimental to the enjoyment of the residents living next door to them.



# IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ APRIL 4, 2016  
PAGE 4

## ORDERED:

There are no further questions from the public. That part of the Public Hearing is closed to testimony at this meeting and continued until April 25, 2016.

## PUBLIC SPEAKING IN OPPOSITION

Derek Thompson, 25 Hosmer Street, believed the addition could devalue the 150-200 condominium units adjacent to the restaurant.

Jessica DaSilva, 336 East Main Street, Apartment 13, a neighbor and customer to the restaurant agreed with the previous people who spoke before her with concerns about the noise, volume of people, and devaluation of their property. She noted on weekends when parking her car, she can hear the music from the restaurant.

There is no one else speaking in opposition. That part of the Public Hearing is closed to testimony at this meeting and continued until April 25, 2016.

## QUESTIONS FROM THE CITY COUNCIL

✓ Councilor Juairé asked about the hours of operation for the patio. Mr. Uliss explained they are open for dinner daily except on weekends and their hours of operations are as follows:

- Monday – Tuesday: 4:30 PM – 9:00 PM
- Wednesday – Thursday: 4:30 PM – 11:00 PM
- Friday: 4:30 PM – 11:30 PM
- Saturday: 11:30 AM – 12:30/1:00 AM (Patio 11:30 PM)
- Sunday: 11:30 AM – 9:00 PM

Councilor Juairé asked about the change in fencing height from six feet, five inches to four feet and its impact on noise even though it is only one section. Mr. Uliss explained the only change would be to the front fencing and shrubbery and arborvitae would be planted where needed.

Councilor Juairé asked if a noise study had been done. Mr. Uliss explained the television volume would be set at a background level setting and the acoustic music would be on Fridays and Saturdays from 8:00 PM – 11:00 PM at most so no more than six hours in a weekend during the entire week.



## IN CITY COUNCIL

Marlborough, Mass., APRIL 4, 2016  
PAGE 5

### ORDERED:

Councilor Juaire asked had they any calls in the past to the police or code enforcement and Mr. Uliss responded in the negative.

✓ Councilor Elder asked during the week and weekend what percentage of the patio is full on a typical spring/summer/fall day and what is the difference between a weekday and weekend. Mr. Uliss responded during the summer as long as it is not too hot, the patio is full all the time. It is slower on Monday, Tuesday and Wednesday dinner as people tend to go home after dinner.

Mr. Uliss is trying to enhance the dining experience to attract more people that want to come after work during the week to come and have dinner and a drink. He planned an extensive new menu, a more gastro-pub or upscale feel. It will be more of an adult environment than kid friendly.

Councilor Elder confirmed with Mr. Uliss the closing time of the patio would be everyone off the patio, no lingering past the closing time.

✓ Councilor Robey confirmed with President Clancy the Public Hearing would be continued until their next meeting on April 25, 2016 and additional testimony would be allowed at that time.

✓ Councilor Irish asked about their method for controlling the capacity of the deck area. Mr. Uliss explained no one is seated on the patio unless they have gone through the host station and they constantly monitor the capacity as the upper limit is seventy-five patrons.

Councilor Irish asked about their planned method of heating the fire pit and Mr. Uliss confirmed it would be natural gas.

✓ Councilor Tunnera explained he had a restaurant in his ward with noise complaints and he and the Code Enforcement Officer sat outside with a meter to record sound levels and whether they were above acceptable limits. If there are complaints with this location, it could be done there as well.

✓ Councilor Landers met with abutters on March 21, 2016 and invited Attorney Flood and Mr. Uliss to their meeting. The abutters had many of the same concerns raised that evening and he felt they left satisfied from their meeting and will let them know about the continued public hearing.



## IN CITY COUNCIL

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Marlborough, Mass., ~~APRIL 4, 2016~~

PAGE 6

ORDERED:

President Clancy allowed Dave Gaffney of 211 Middle Road, Southborough, to provide additional testimony. Mr. Gaffney was the landscape construction designer for this application and with regards to the concerns about sound traveling, the restaurant is ten feet deep in the hill with the houses behind and to the side of the restaurant. The sound cannot get out because at ten feet deep, the sound goes into the hill. The other area of concern was the four foot fence section which faces the highway.

✓ Councilor Delano explained this application is in the Urban Affairs Committee and they can include a permit condition regarding sound levels for the site to be in compliance with all rules and regulations within the city codes. The applicant will be concurrently working with Board of Health and License Board as well as working on a draft decision and receiving input from Police and Fire Chiefs.

✓ Councilor Elder reminded any resident unable to attend that evening's meeting due to weather could contact the City Council office with their questions or concerns that could be brought up at the continued Public Hearing on April 25, 2016.

There are no further questions from members of City Council. That part of the Public Hearing is closed to testimony at this meeting and Continued until April 25, 2016. This is currently in the Urban Affairs Committee.

ADOPTED

ORDER NO. 16-1006482A  
X02-9505  
X99-7884B

**Certification Required Under Chapter 79 of the Acts of 2006**  
**Re: Application for Amended Special Permit**  
**Mark A. Oram, City Councilor-at-Large**

Dear Honorable President Edward J. Clancy and  
Members of the Marlborough City Council:

Please enter the following statement into the record of the Continued Public Hearing scheduled on April 25, 2016 on application for Amended Special Permit submitted by Attorney Christopher Flood, for Q Café d/b/a Firefly's 350 Main Street, Marlborough, MA 01752.

I was unable to attend the April 4, 2016 public hearing on the application for a Modification to a Special Permit. Please be advised that I wish to be able to take advantage of the procedure set forth in MGL c. 39, § 23D, previously approved by Order of the Marlborough City Council, which would authorize me to vote on the special permit application at a later City Council meeting, so long as I have certified in writing prior to such vote that I examined all evidence received at the April 4, 2016 public hearing. I intend to watch the videotape of the public hearing in the very near future, and in any event prior to any vote on the special permit application.

Therefore, I would respectfully request that the closure of tonight's public hearing be conditioned on my having submitted to the City Council, in the very near future, the written certification that I have examined all evidence received at the April 4, 2016 public hearing. Thank you for your consideration.

*Mark A. Oram*

Mark A. Oram  
City Councilor-at-Large

**Certification Required Under Chapter 79 of the Acts of 2006**  
**Re: Application for Amended Special Permit**  
**David Doucette, Ward 2 City Councilor**

Dear Honorable President Edward J. Clancy and  
Members of the Marlborough City Council:

Please enter the following statement into the record of the Continued Public Hearing scheduled on April 25, 2016 on application for Amended Special Permit submitted by Attorney Christopher Flood, for O Café d/b/a Firefly's 350 Main Street, Marlborough, MA 01752.

I was unable to attend the April 4, 2016 public hearing on the application for a Modification to a Special Permit. Please be advised that I wish to be able to take advantage of the procedure set forth in MGL c. 39, § 23D, previously approved by Order of the Marlborough City Council, which would authorize me to vote on the special permit application at a later City Council meeting, so long as I have certified in writing prior to such vote that I examined all evidence received at the April 4, 2016 public hearing. I intend to watch the videotape of the public hearing in the very near future, and in any event prior to any vote on the special permit application.

Therefore, I would respectfully request that the closure of tonight's public hearing be conditioned on my having submitted to the City Council, in the very near future, the written certification that I have examined all evidence received at the April 4, 2016 public hearing. Thank you for your consideration.

*David Doucette*

David Doucette  
Ward Two City Councilor



# IN CITY COUNCIL

Marlborough, Mass., APRIL 4, 2016

**ORDERED:**

That there being no objection thereto set **MONDAY, APRIL 25, 2016** as **DATE FOR PUBLIC HEARING** Application for LED Sign Permit, Discount Gas, 50 Main St, be and is herewith refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE.**

**Ninety days after public hearing is 07/24/16 which falls on a Sunday, therefore 07/25/16 would be considered the 90<sup>th</sup> day.**

**ADOPTED**

**ORDER NO. 16-1006517**



## IN CITY COUNCIL

Marlborough, Mass., APRIL 4, 2016

### ORDERED:

That there being no objection thereto set **MONDAY, APRIL 25, 2016** as **DATE FOR PUBLIC HEARING** on the Application for Special Permit, Quad Rink Limited Partnership, New England Sports Management Corp., to amend existing special permits, to add Rinks 7 & 8 and Restaurants, 121 Donald Lynch Blvd., X11-1002790B, 10-1002448B, 04-100359B and 94-5460B, be and is herewith refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE.**

**Ninety days after public hearing is 07/24/16 which falls on a Sunday, therefore 07/25/16 would be considered the 90<sup>th</sup> day.**

ADOPTED

ORDER NO. 16-1006516



# MASSACHUSETTS INTERSCHOLASTIC ATHLETIC ASSOCIATION, INC.

33 FORGE PARKWAY • FRANKLIN, MASSACHUSETTS 02038 • TEL: (508) 541-7997  
FAX: (508) 541-9888 • E-MAIL: [miaa@miaa.net](mailto:miaa@miaa.net) • <http://www.miaa.net>

## Board of Directors

**Mr. David King, President**  
Athletic Director  
Athol High School

**Ms. Marilyn Slattery, Vice President**  
Assistant Principal  
Malden High School

**Mr. James Antonelli**  
Principal  
Westford Academy

**Ms. Donna Brickley**  
Athletic Director  
Notre Dame Academy (Hingham)

**Mr. Jeff Caron**  
Athletic Director  
Dartmouth High School

**Mr. Raymond Cosenza**  
Athletic Director  
Fitchburg High School

**Dr. Keith Crowley**  
Principal  
St. John's Preparatory School (Danvers)

**Ms. Roberta Doering**  
School Committee Member  
Agawam Public Schools

**Mr. Charles Flahive**  
School Committee Member  
Blue Hills Regional Tech.

**Mr. Jeff Granatino**  
Superintendent  
Marshfield Public Schools

**Mr. Barry Haley**  
Athletic Director  
Concord-Carlisle High School

**Mr. Thomas Holdgate**  
Athletic Director  
Duxbury High School

**Mr. Roland Joyal**  
Principal  
Chicopee High School

**Mr. Michael Lahiff**  
Athletic Director  
Watertown High School

**Mr. Kevin Maines**  
Principal  
Douglas High School

**Mr. Brian McCann**  
Principal  
Joseph Case High School (Swansea)

**Mr. Wesley Paul**  
Principal  
Oliver Ames High School (North Easton)

**Mr. Michael Rubin**  
NFHS Board Member  
Consultant

**Mr. Gordon Smith**  
Superintendent  
East Longmeadow Public Schools

**Ms. Lindsey von Holtz**  
Athletic Director  
Mt. Greylock RHS (Williamstown)

**Ms. Marianne Young**  
Principal  
Monument Mtn. RHS (Great Barrington)

April 14, 2016

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

Dear City Council Members,

I am writing on behalf of the Massachusetts Interscholastic Athletic Association (MIAA) to support the New England Sports Center's request to expand their facility. The value of NESCC to high school hockey for regular season play, practice and tournament competition has been significant and the demand for more ice time has expanded.

During the past three years, we have seen an increase in hockey programs and players across the state. This is particularly evident with girl's ice hockey. We are also proud that Massachusetts currently has more high school hockey players than any other state in the country. The NESCC facility has been relied upon to help manage this increase in ice time needs for many of our member schools.

It has been a pleasure dealing with the management of NESCC as well as the city's police, fire and merchants.

Many thanks for your consideration.

Regards,

Bill Gaine  
MIAA, Executive Director

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBORO  
2016 APR 19 P 2:41

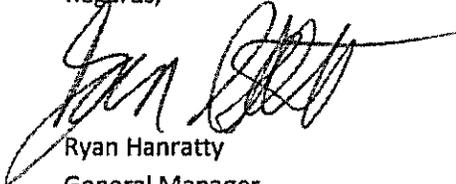
April 19, 2016

Attn: Edward Clancy  
City Council President  
New England Sports Center Expansion Support

Council President Clancy & Members;

The New England Sports Center has become over the years a viable & crucial destination generator for weekend travel to the City of Marlborough. With the events it has been able to host it has brought value to the market for a good portion of all businesses, not just the hotel industry, which in return generates tax dollars to the city. With the expected addition of 2 more sheets of ice it will create a venue that will be able to accommodate a new market of events that can be tapped into with the ability to host up to an additional 50 teams during any given time. We support & encourage the City Council to approve this project in the best interest of our City and all local businesses that will benefit for this. Thank you for your time and consideration on this matter.

Regards,



Ryan Hanratty  
General Manager  
Residence Inn by Marriott Boston Marlborough  
[rhanratty@truennorthhotels.com](mailto:rhanratty@truennorthhotels.com)  
(508) 481-1500 x600

Holiday Inn & Suites MARLBOROUGH  
265 Lakeside Avenue  
Marlborough, MA 01752  
t:508-481-3000



April 20, 2016

RE: In support of the expansion of the New England Sports Center

Dear Council President Mr. Edward Clancy:

As the General Manager of the Holiday Inn & Suites Marlborough, I am 100% in support of the expansion of the New England Sports Center.

The New England Sports Center is and always will be the lifeline of the Marlborough weekend business market. Recently, the council has discussed adding more hotels to the market which has brought concern to many of us catering to midmarket and sports guests however balancing this decision with the sports center expansion appears to be perfectly timed to ease tensions and concerns in the market.

Wes Tuttle and his team at NESC have always been positive community members and the events hosted at the center have benefited everyone in the community. We know it is important that we continue to support each so we welcome the expansion and hope the approval process is seamless for the council as it means financial success for all service sectors in Marlborough.

Sincerely,

A handwritten signature in black ink that reads 'Jahayra Santiago'.

Jahayra Santiago, C.H.A.  
General Manager

April 19, 2016

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

Dear City Council,

It is with great pride and enthusiasm that we express our support for 2 additional rinks at New England Sports Center. The Best Western Royal Plaza Hotel and Trade Center has been selected as one of the hotels of choice for those attending and participating in the many prestigious events and tournaments hosted by New England Sports Center over the past 15 plus years.

We all enjoy our relationship with New England Sports Center and look forward to continuing our relationship with this world class facility. New England Sports Center generates thousands of dollars in revenue not only for the hotels in Marlborough but also the city of Marlborough.

On behalf of the entire staff and management of the Best Western Royal Plaza we express our continued support for the approval by the Marlborough City Council to move forward with the 2 additional rinks at New England Sports Center.

Sincerely,

Richard Skinner  
General Manager  
Best Western Royal Plaza Hotel and Trade Center



April 19, 2016

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

Re: Expansion of the New England Sports Center Marlborough

Dear Councilman Clancy,

I am writing today to share our support of the proposed expansion and addition of two new rinks to the New England Sports Center in Marlborough.

The Hilton Garden Inn Boston / Marlborough's General Manager and Director of Sales agree that this expansion would provide this facility the opportunities to host larger events and ultimately bring in new hotel and retail revenue to the city. This will also allow bidding opportunities to host national events such as the Women's Nationals, ISI Worlds and the ACHA Men's Nationals.

Sincerely,

Donna Libby  
Director of Sales  
Hilton Garden Inn Boston / Marlborough  
170 Forest Street  
Marlborough, MA 01752



277 Boston Post Road West Marlborough, MA 01752

T: 508.787.9888 E: [hloiselle@buffalolodging.com](mailto:hloiselle@buffalolodging.com)

April 18, 2016

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

Dear Mr. Clancy:

I would like to share some insight with regard to my working relationship with Mr. Wes Tuttle and the New England Sports Center. I have been the Director of Sales at the Hampton Inn/Marlborough for nine years. During my first month's while working in Marlborough, I had the pleasure of meeting Wes Tuttle, touring the New England Sports Center, and getting a better understanding of the huge impact the New England Sports Center has on the City of Marlborough..... and its restaurants, shopping malls, attractions and hotels.

Not only do we all have the good fortune of booking literally hundreds of rooms annually as a direct result of the NE Sports Center , we have had numerous opportunities to bid on (and win the bids) with many state, regional and national conventions such as the International Skating Institute, the National Tier I and II Women's Championships, the American Division 2 College Championships, and more!

I have seen tremendous growth over the past years as we continue to reach out to solicit revenue-generating events . And may I add....we have become a major contender in competing with other 2<sup>nd</sup> Tier Cities such as Worcester and Springfield, with tremendous success!

I am asking your approval and support of the request for two new ice-rinks at the New England Sports Center. It is of utmost importance that all understand the impact the New England Sports Center has on the entire City.

Thank you for your consideration.

Helene Loiselle, Director of Sales  
HAMPTON INN/MARLBOROUGH, MA



Edward Clancy  
City Council President  
City Hall  
140 Main Street  
Marlboro, MA 01752

Dear City Council,

I am the General Manager of the Olive Garden Italian Restaurant and I am writing in support of the expansion of the New England Sports Center. The Olive Garden Italian Restaurant is very close to this facility and we appreciate the number of new (and repeat) guests this center brings us. We are able to accommodate the teams and we have also provided many meals to go.

We have also expanded our catering business with some of the Canadian Teams. More groups would bring more people through our doors for a genuine Italian dining experience, as well as expand our opportunity to cater team meals.

I am so proud to be part of a community that supports youth athletics. In fact Marlboro is one of the best youth sports destinations in the country. Expanding the NESC could make us the best destination for youth sports.

Sincerely,

A handwritten signature in black ink that reads "Dawn Bellerose". The signature is fluid and cursive, with a large initial "D" and "B".

Dawn Bellerose  
General Manager  
Olive Garden Italian Restaurant  
728 Donald Lynch Blvd  
Marlboro, MA 01752



Holiday Inn Express & Suites  
121 Coolidge Street  
Hudson, MA 01749  
t: 978.562.1001  
f: 978.562.6007  
1.800.HOLIDAY  
hiexpress.com



BOSTON - MARLBORO

Dear Mr. Edward Clancy,

My name is Nathan Newcombe and I am the Sales Manager at the Holiday Inn Express in Hudson, Massachusetts. I write to you today asking that you look in favor of the New England Sports Center's plan to add two additional sheets of ice to their facility. I hope the below will clearly detail my support for the expansion project as well as leave little doubt of why this expansion project is beneficial to the City of Marlborough.

As I write this letter of support I am in the unique position from having multiple perspectives on the New England Sports Center as I have both worked with the facility as well as grown up playing at the facility. Firstly, as a former player who played games at the facility from the age of 8 when I first started playing complete hockey to the age of 18 when I finished my hockey career I can say that the facility had a very positive impact on my life growing up. For me and many other kids the New England Sports Center served as a positive place for me to spend time and effort into becoming a better player but also allowing me to grow into an adult. The coaching and structure I was able to receive undoubtedly played a key role in making me the person I am today. I strongly believe having more rinks will allow the New England Sports Center to have that same impact on the lives of significantly more young boys and girls.

I sit here today now grown up from the days of playing at the New England Sports Center and I now work closely with the facility and I can say that the impact on the community goes far further than allowing young people to grow. With the various tournaments and events the New England Sports Center is responsible from bringing countless number of people into the area that would otherwise not make the trip to Marlborough. These people come to play hockey or figure skate but end up staying in the area hotels, eating at the area restaurants, and shopping and spending money at the local attractions. I can speak first hand to the positive impact of these visitors on the success of my property. With the addition of two more rinks the New England Sports Center will be able to host larger tournament and increase the number of visitors who come into the area and the impact of this would be incredibly favorable to the local economy. These two additional rinks would allow, in my opinion, the local businesses to further grow and succeed.

Once again I cannot stress enough how strongly I believe in the New England Sports Center and how strongly I believe the addition of two new rinks would benefit the community. If you have any further questions I encourage you to reach out to me via phone at 978-562-1001 or via email at [nnewcombe@expressmarlboro.com](mailto:nnewcombe@expressmarlboro.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'Nathan Newcombe'.

**Certification Required Under Chapter 79 of the Acts of 2006**  
**Re: Application for Special Permit**  
**Mark A. Oram, City Councilor-at-Large**

Dear Honorable President Edward J. Clancy and  
Members of the Marlborough City Council:

Please enter the following statement into the record of the Re-Opened Public Hearing scheduled on April 25, 2016 on application for LED Sign Special Permit submitted by Marlborough Savings Bank, 71 Boston Post Road East to erect an electronic message board below the existing Marlborough Savings Bank sign.

I was unable to attend the April 4, 2016 public hearing on the application for a Special Permit. Please be advised that I wish to be able to take advantage of the procedure set forth in MGL c. 39, § 23D, previously approved by Order of the Marlborough City Council, which would authorize me to vote on the special permit application at a later City Council meeting, so long as I have certified in writing prior to such vote that I examined all evidence received at the April 4, 2016 public hearing. I intend to watch the videotape of the public hearing in the very near future, and in any event prior to any vote on the special permit application.

Therefore, I would respectfully request that the closure of tonight's re-opened public hearing be conditioned on my having submitted to the City Council, in the very near future, the written certification that I have examined all evidence received at the April 4, 2016 public hearing. Thank you for your consideration.

*Mark A. Oram*

Mark A. Oram  
City Councilor-at-Large

**Certification Required Under Chapter 79 of the Acts of 2006**  
**Re: Application for Special Permit**  
**David Doucette, Ward 2 City Councilor**

Dear Honorable President Edward J. Clancy and  
Members of the Marlborough City Council:

Please enter the following statement into the record of the Re-Opened Public Hearing scheduled on April 25, 2016 on application for LED Sign Special Permit submitted by Marlborough Savings Bank, 71 Boston Post Road East to erect an electronic message board below the existing Marlborough Savings Bank sign.

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*David Doucette*

David Doucette  
Ward Two City Councilor



RECEIVED  
CLERK'S OFFICE  
MARLBOROUGH

APR 21 A 11:19

*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](http://www.marlborough-ma.gov)

*Arthur G. Vigeant*  
MAYOR

*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patrieta Bernard*  
EXECUTIVE SECRETARY

April 21, 2016

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

**Re: Transfer Request – Downtown Economic Development**

Honorable President Clancy and Councilors:

Please find enclosed for your review and approval a transfer request in the amount of \$650,000 to move mitigation funds for the Avalon Bay and Lake Williams projects into a new fund to be used for downtown economic development.

As the City Council was the body that required these payments, I will defer to your preference on the type of account these funds are transferred into. I have drafted two transfer sheets, one that creates a Capital Outlay Account and one that creates a Stabilization Account for Downtown Marlborough.

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

Sincerely,

Arthur G. Vigeant  
Mayor

Enclosures

CITY OF MARLBOROUGH  
BUDGET TRANSFERS –

DEPT: Mayor

FISCAL YEAR: 2016

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$4,896,252.00</u>	<u>\$650,000.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$650,000.00</u>	<u>19300006</u>	<u>57806</u>	<u>Capital Outlay-Downtown</u>	<u>\$0.00</u>
	Reason:	_____				Mitigation funds received to date from Avalon Bay and Crabtree Lake Williams to be used for downtown economic development.			
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
	Reason:	_____				_____			
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
	Reason:	_____				_____			
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
	Reason:	_____				_____			
	<b>\$650,000.00</b>	<b>Total</b>			<b>\$650,000.00</b>	<b>Total</b>			

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

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

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

*[Handwritten Signature]*  
\_\_\_\_\_  
*[Handwritten Signature]*  
\_\_\_\_\_

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: Mayor

FISCAL YEAR: 2016

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$4,896,252.00</u>	<u>\$650,000.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$650,000.00</u>	<u>83600</u>	<u>32700</u>	<u>Stabilization-Downtown</u>	<u>\$0.00</u>
	Reason:	_____				Mitigation funds received to date from Avalon Bay and Crabtree Lake Williams to be used for downtown economic development.			
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
	Reason:	_____				_____			
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
	Reason:	_____				_____			
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
	Reason:	_____				_____			
	<b>\$650,000.00</b>	<b>Total</b>			<b>\$650,000.00</b>	<b>Total</b>			

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

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

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

*[Handwritten Signature]*  
*[Handwritten Signature]*



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2016 APR 21 A 11:17

# 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](http://www.marlborough-ma.gov)

*Arthur G. Vigeant*  
MAYOR

*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

April 21, 2016

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

**Re: Transfer Request – Antenna Receipts**

Honorable President Clancy and Councilors:

Please find enclosed for your review and approval a transfer request in the amount of \$43,500.00 to move revenues from wireless antenna receipts from Fiscal Year 2015 into the Open Space Stabilization Account.

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

Sincerely,

Arthur G. Vigeant  
Mayor

Enclosures





*City of Marlborough*  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2016 APR 21 AM 10:18  
*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](http://www.marlborough-ma.gov)

*Arthur G. Vigeant*  
MAYOR

*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

April 21, 2016

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

**Re: Transfer Request – Miscellaneous Salary Lines**

Honorable President Clancy and Councilors:

Please find enclosed for your review and approval a transfer request in the amount of \$20,714.00 to fund miscellaneous salary lines and balance these accounts for the remainder of the fiscal year.

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

Sincerely,

Arthur G. Vigeant  
Mayor

Enclosure

CITY OF MARLBOROUGH  
BUDGET TRANSFERS -

DEPT: Various

FISCAL YEAR: 2016

FROM ACCOUNT:

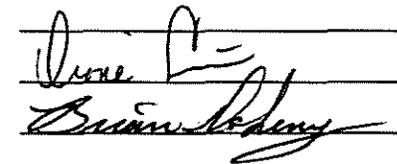
TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$30,104.45</u>	<u>\$20,714.00</u>	11440001	50042	City Collector	<u>\$2,079.00</u>	11110003	50070	City Councilors	<u>\$33,072.20</u>
	Reason:	<u>Position vacant for a period of time.</u>				<u>To fund various salary accounts thru year-end</u>			
					<u>\$4,100.00</u>	11920001	50690	Foreman-Public Fac	<u>\$9,021.86</u>
					<u>\$1,035.00</u>	12100003	50540	Chief Dispatcher	<u>\$9,239.78</u>
					<u>\$980.00</u>	12200001	50130	Fire Chief	<u>\$26,482.85</u>
					<u>\$1,805.00</u>	12410001	50090	Bldg Commissioner	<u>\$15,607.37</u>
					<u>\$3,450.00</u>	12410001	50260	Local Inspector	<u>\$18,406.13</u>
					<u>\$340.00</u>	12410001	50370	Plumbing Inspector	<u>\$12,432.76</u>
					<u>\$500.00</u>	12410001	50380	Electrical Inspector	<u>\$6,073.09</u>
					<u>\$1,500.00</u>	15120001	50390	Nurse	<u>\$10,139.07</u>
					<u>\$1,425.00</u>	15120001	50605	Dir of Public Health	<u>\$14,219.14</u>
					<u>\$1,500.00</u>	15120001	50611	Asst Sanitarian	<u>\$17,353.44</u>
					<u>\$2,000.00</u>	12100003	51120	Crossing Guards	<u>\$3,841.07</u>
	<u>\$20,714.00</u>	Total			<u>\$20,714.00</u>	Total			

Department Head signature:

Auditor signature:

Comptroller signature:





RECEIVED  
CITY CLERK'S OFFICE  
MARLBOROUGH  
APR 21 A 11:10

*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](http://www.marlborough-ma.gov)

*Arthur G. Vigeant*  
MAYOR

*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patrieta Bernard*  
EXECUTIVE SECRETARY

April 21, 2016

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

**Re: Transfer Request – Recreation Department**

Honorable President Clancy and Councilors:

Please find attached for your review and approval a transfer in the amount of \$10,480.00 for the Recreation Department.

David Grasso recently retired from his position as the Recreation Director. I would like to thank Dave for his years of service and dedication to the Marlborough community.

I am also pleased to inform you that the Recreation Commission recently voted to promote Chuck Thebado to Recreation Director, effective April 4, 2016. Mr. Thebado will do a great job as Recreation Director and I look forward to continue working with him.

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

Sincerely,

**Arthur G. Vigeant**  
Mayor

Enclosure





RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH, MASSACHUSETTS  
2016 APR 21 A.M. 11:19

*City of Marlborough*  
*Office of the Mayor*

140 Main Street  
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*Arthur G. Vigeant*  
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*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

April 21, 2016

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

**Re: Rescinding of Various Bonds**

Honorable President Clancy and Councilors:

Please find enclosed for your review and approval an order to rescind various bonds totaling more than \$13 million.

As the letter from Comptroller/Treasurer Brian Doheny indicates, rescinding these bonds will strengthen the City's position financially by lowering the amount of debt authorized and outstanding. Additionally, the amounts remaining on these bonds are no longer available to be bonded for the associated projects.

The draft order was reviewed by Bond Counsel and by the Legal Department.

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

Sincerely,

**Arthur G. Vigeant**  
Mayor

Enclosures



*City of Marlborough*  
*Office of the Comptroller*

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

April 20, 2016

Dear Mayor Vigeant:

I respectfully request that the City rescind the attached list of bonds totaling more than \$13 million. I am requesting this because the amounts remaining are no longer available to be bonded for those particular projects. The rescinding of the bonds will also strengthen the City's position financially by lowering the amount of debt authorized and outstanding. If you have any additional questions please let me know.

Respectfully,

Brian Doheny  
Comptroller / Treasurer

ORDERED:

That the City Council of the City of Marlborough hereby rescinds previously authorized but unissued amounts of the following described loan orders, which are henceforth of no further force or effect:

the \$110,000 balance of the \$110,000 authorized to be borrowed to pay costs of park reconstruction, duly adopted by order of this Council and approved by the Mayor on October 4, 2010;

the \$464 balance of the \$810,464 authorized to be borrowed to pay costs of fire department equipment, duly adopted by order of this Council and approved by the Mayor on July 1, 2008;

the \$494 balance of the \$3,923,613 authorized to be borrowed to pay costs of street construction, duly adopted by order of this Council and approved by the Mayor on July 1, 2008;

the \$12,509,021 balance of the \$33,700,000 authorized to be borrowed to pay costs of waste water treatment plant upgrades, duly adopted by order of this Council and approved by the Mayor on June 11, 2008;

the \$172,400 balance of the \$200,000 authorized to be borrowed to pay costs of water meters, duly adopted by order of this Council and approved by the Mayor on September 26, 2006;

the \$57,000 balance of the \$507,000 authorized to be borrowed to pay costs of water mains, duly adopted by order of this Council and approved by the Mayor on September 19, 2006;

the \$220,600 balance of the \$220,600 authorized to be borrowed to pay costs of water department equipment, duly adopted by order of this Council and approved by the Mayor on September 19, 2006;

the \$700 balance of the \$983,700 authorized to be borrowed to pay costs of water construction, duly adopted by order of this Council and approved by the Mayor on January 16, 1997;

the \$400 balance of the \$2,500,000 authorized to be borrowed to pay costs of sewer construction, duly adopted by order of this Council and approved by the Mayor on July 24, 1997;

the \$6,500 balance of the \$172,000 authorized to be borrowed to pay costs of drainage construction, duly adopted by order of this Council and approved by the Mayor on September 14, 1995;

the \$17,900 balance of the \$1,492,000 authorized to be borrowed to pay costs of sewer construction, duly adopted by order of this Council and approved by the Mayor on October 3, 1995;

the \$912 balance of the \$455,912 authorized to be borrowed to pay costs of departmental equipment, duly adopted by order of this Council and approved by the Mayor on November 30, 2000;

the \$75,000 balance of the \$3,500,000 authorized to be borrowed to pay costs of water improvements, duly adopted by order of this Council and approved by the Mayor on September 1, 1992;

the \$139,962 balance of the \$2,000,000 authorized to be borrowed to pay costs of watershed land acquisition, duly adopted by order of this Council and approved by the Mayor on May 27, 1993;

the \$27,000 balance of the \$417,000 authorized to be borrowed to pay costs of public facility improvements, duly adopted by order of this Council and approved by the Mayor on October 31, 1994;

the \$35 balance of the \$147,035 authorized to be borrowed to pay costs of the Florence Street drains, duly adopted by order of this Council and approved by the Mayor on June 14, 2005;

the \$500 balance of the \$200,000 authorized to be borrowed to pay costs of cemetery plot development, duly adopted by order of this Council and approved by the Mayor on August 26, 1999; and

the \$500 balance of the \$42,500 authorized to be borrowed to pay costs of parks and cemetery equipment, duly adopted by order of this Council and approved by the Mayor on January 14, 1999.

ADOPTED  
In City Council  
Order No. 16-  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST:



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2016 APR 21 A 11:11

*City of Marlborough*  
*Office of the Mayor*

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EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

April 21, 2016

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

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

Honorable President Clancy and Councilors:

I have enclosed for your approval a grant for the Department of Public Works in the form of a legislative earmark that was filed by Senator Jamie Eldridge. On behalf of the City of Marlborough, Senator Eldridge filed this budget amendment that appropriated \$250,000 in state funds to the City of Marlborough to be spent on parks and playgrounds.

I would like to thank Senator Eldridge for his advocacy and our entire legislative delegation for their work on behalf of Marlborough residents.

Commissioner Ghiloni will use these funds on the various parks projects DPW is performing this summer.

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

Sincerely,

Arthur G. Vigeant  
Mayor

Enclosures

**CITY OF MARLBOROUGH  
NOTICE OF GRANT AWARD**

DEPARTMENT: Department of Public Works DATE: 4/13/2016

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: John Ghiloni

NAME OF GRANT: Legislative Earmark

GRANTOR: Commonwealth of Massachusetts

GRANT AMOUNT: \$250,000.00

GRANT PERIOD: FY2016

SCOPE OF GRANT/  
ITEMS FUNDED park and playground projects in the City of Marlborough  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

ARE MATCHING CITY  
FUNDS REQUIRED? No

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

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

ANY OTHER EXPOSURE TO CITY?  
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: \_\_\_\_\_  
No

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

# COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



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

<b>CONTRACTOR LEGAL NAME:</b> City of Marlborough (and d/b/a):		<b>COMMONWEALTH DEPARTMENT NAME:</b> Department of Conservation and Recreation <b>MMARS Department Code:</b> DCR	
<b>Legal Address:</b> (W-9, W-4,T&C): 140 Main Street, Marlborough, MA 01752		<b>Business Mailing Address:</b> 251 Causeway Street Suite 600 Boston MA 02114	
<b>Contract Manager:</b> John Ghiloni, Commissioner of Public Works		<b>Billing Address (if different):</b>	
<b>E-Mail:</b> jghiloni@marlborough-ma.gov		<b>Contract Manager:</b> Claire D'Angelo	
<b>Phone:</b> 508-624-6910 x33101	<b>Fax:</b>	<b>E-Mail:</b> claire.dangelo@state.ma.us	
<b>Contractor Vendor Code:</b> VC6000192111		<b>Phone:</b> 617-626-1457	<b>Fax:</b> 617-626-1449
<b>Vendor Code Address ID</b> (e.g. "AD001"): AD001_		<b>MMARS Doc ID(s):</b>	
(Note: The Address id Must be set up for EFT payments.)		<b>RFR/Procurement or Other ID Number:</b>	
<b>___ NEW CONTRACT</b>		<b>___ CONTRACT AMENDMENT</b>	
<b>PROCUREMENT OR EXCEPTION TYPE:</b> (Check one option only) <input type="checkbox"/> <u>Statewide Contract</u> (OSD or an OSD-designated Department) <input type="checkbox"/> <u>Collective Purchase</u> (Attach OSD approval, scope, budget) <input type="checkbox"/> <u>Department Procurement</u> (Includes State or Federal grants <u>815 CMR 2.00</u> ) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> <u>Emergency Contract</u> (Attach justification for emergency, scope, budget) <input type="checkbox"/> <u>Contract Employee</u> (Attach Employment Status Form, scope, budget) <input checked="" type="checkbox"/> <u>Legislative/Legal Exemption or Other:</u> (Attach authorizing language/justification, scope and budget)		Enter Current Contract End Date <u>Prior</u> to Amendment: _____, 20____ Enter Amendment Amount: \$ _____. (or "no change") <b>AMENDMENT TYPE:</b> (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> <u>Amendment to Scope or Budget</u> (Attach updated scope and budget) <input type="checkbox"/> <u>Interim Contract</u> (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> <u>Contract Employee</u> (Attach any updates to scope or budget) <input type="checkbox"/> <u>Legislative/Legal Exemption or Other:</u> (Attach authorizing language/justification and updated scope and budget)	
The following <b>COMMONWEALTH TERMS AND CONDITIONS (T&amp;C)</b> has been executed, filed with CTR and is incorporated by reference into this Contract. <input checked="" type="checkbox"/> <u>Commonwealth Terms and Conditions</u> <input type="checkbox"/> <u>Commonwealth Terms and Conditions For Human and Social Services</u>			
<b>COMPENSATION:</b> (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"/> <u>Rate Contract</u> (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> <u>Maximum Obligation Contract</u> Enter Total Maximum Obligation for total duration of this Contract (or new Total if Contract is being amended). \$ <u>250,000.00</u>			
<b>PROMPT PAYMENT DISCOUNTS (PPD):</b> Commonwealth payments are issued through <u>EFT</u> 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 exemption: ___ statutory/legal or Ready Payments ( <u>G.L. c. 29, § 23A</u> ); ___ federal grant/trust; ___ initial payment (subsequent payments must be scheduled to support payee cash flow needs and standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)			
<b>BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT:</b> (Enter the Contract title, purpose and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation.) Not less than \$250,000 shall be expended for park and playground projects in the city of Marlborough			
<b>ANTICIPATED START DATE:</b> (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input checked="" type="checkbox"/> 1. may be incurred as of the <u>Effective Date</u> (latest signature date below subject to any required approvals) and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . <input type="checkbox"/> 2. may be incurred as of _____, 20____, a date <u>LATER</u> than the <u>Effective Date</u> below and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . <input type="checkbox"/> 3. were incurred as of _____, 20____, a date <u>PRIOR</u> to the <u>Effective Date</u> below, and the parties agree that payments for any obligations incurred prior to the <u>Effective Date</u> are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.			
<b>CONTRACT END DATE:</b> Contract performance shall terminate as of <u>June 30</u> , 20 <u>16</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.			
<b>CERTIFICATIONS:</b> Notwithstanding verbal or other representations by the parties, the " <u>Effective Date</u> " 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 <u>801 CMR 21.07</u> , incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.			
<b>AUTHORIZING SIGNATORY FOR THE CONTRACTOR:</b>		<b>AUTHORIZING SIGNATORY FOR THE COMMONWEALTH:</b>	
X:  Date: <u>4/12/16</u> (Signature and Date Must Be Handwritten At Time of Signature)		X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature)	
Print Name: <u>Arthur G. Vigeant</u>		Print Name: _____	
Print Title: <u>Mayor</u>		Print Title: _____	

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



**INSTRUCTIONS AND CONTRACTOR CERTIFICATIONS**

The following instructions and terms are incorporated by reference and apply to this Standard Contract Form. Text that appears underlined indicates a "hyperlink" to an Internet or bookmarked site and are unofficial versions of these documents and Departments and Contractors should consult with their legal counsel to ensure compliance with all legal requirements. Using the Web Toolbar will make navigation between the form and the hyperlinks easier. Please note that not all applicable laws have been cited.

**CONTRACTOR LEGAL NAME (AND D/B/A):** Enter the Full Legal Name of the Contractor's business as it appears on the Contractor's W-9 or W-4 Form (Contract Employees only) and the applicable Commonwealth Terms and Conditions if Contractor also has a "doing business as" (d/b/a) name, BOTH the legal name and the "d/b/a" name must appear in this section.

**Contractor Legal Address:** Enter the Legal Address of the Contractor as it appears on the Contractor's W-9 or W-4 Form (Contract Employees only) and the applicable Commonwealth Terms and Conditions, which must match the legal address on the 10991 table in MMARS (or the Legal Address in HR/CMS for Contract Employee).

**Contractor Payment Remittance Address:** Enter the address other than the Legal Address for payments which must match the remittance address on the W-9 submitted by the Contractor. All Contractor payments are made via EFT in accordance with the Bill Paving Policy.

**Contractor Contract Manager:** Enter the authorized Contract Manager who will be responsible for managing the Contract. The Contract Manager should be an Authorized Signatory or, at a minimum, a person designated by the Contractor to represent the Contractor, receive legal notices and negotiate ongoing Contract issues. The Contract Manager is considered "Key Personnel" and may not be changed without the prior written approval of the Department. If the Contract is posted on Comm-PASS, the Contract Manager must be listed on the Vendor Section tab.

**Contractor E-Mail Address/Phone/Fax:** Enter the electronic mail (e-mail) address, phone and fax number of the Contractor Contract Manager. This information must be kept current by the Contractor to ensure that the Department can contact the Contractor and provide any required legal notices. Legal notice received by the Contract Manager (with confirmation of actual receipt) through the listed address, fax number(s) or electronic mail address will meet any written legal notice requirements.

**Contractor Vendor Code:** The Department must enter the MMARS Vendor Code assigned by the Commonwealth. If a Vendor Code has not yet been assigned, leave this space blank and the Department will complete this section when a Vendor Code has been assigned. The Department is responsible under the Vendor File and W-9s Policy for verifying with authorized signatories of the Contractor, as part of contract execution, that the legal name, address and Federal Tax Identification Number (TIN) in the Contract documents match the state accounting system.

**Vendor Code Address ID:** (e.g., "AD001") The Department must enter the MMARS Vendor Code Address ID identifying the payment remittance address for Contract payments, which MUST be set up for EFT payments PRIOR to the first payment under the Contract in accordance with the Bill Paving and Vendor File and W-9 policies.

**COMMONWEALTH DEPARTMENT NAME:** Enter the full Department name with the authority to obligate funds encumbered for the Contract.

**Commonwealth MMARS Alpha Department Code:** Enter the three (3) letter MMARS Code, assigned to this Commonwealth Department in the state accounting system.

**Department Business Mailing Address:** Enter the address where all formal correspondence to the Department must be sent. Unless otherwise specified in the Contract, legal notice sent or received by the Department's Contract Manager (with confirmation of actual receipt) through the listed address, fax number(s) or electronic mail address for the Contract Manager will meet any requirements for legal notice.

**Department Billing Address:** Enter the Billing Address or email address if invoices must be sent to a different location. Billing or confirmation of delivery of performance issues should be resolved through the listed Contract Managers.

**Department Contract Manager:** Identify the authorized Contract Manager who will be responsible for managing the Contract, who should be an authorized signatory or an employee designated by the Department to represent the Department to receive legal notices and negotiate ongoing Contract issues.

**Department E-Mail Address/Phone/Fax:** Enter the electronic mail (e-mail) address, phone and fax number of the Department Contract Manager. Unless otherwise specified in the Contract, legal notice sent or received by the Contract Manager (with confirmation of actual receipt) through the listed address, fax number(s) or electronic mail address will meet any requirements for written notice under the Contract.

**MMARS Document ID(s):** Enter the MMARS 2D character encumbrance transaction number associated with this Contract which must remain the same for the life of the Contract. If multiple numbers exist for this Contract, identify all Doc Ids.

**RFR/Procurement or Other ID Number or Name:** Enter the Request for Response (RFR) or other Procurement Reference number, Contract ID Number or other

reference/tracking number for this Contract or Amendment and will be entered into the Board Award Field in the MMARS encumbrance transaction for this Contract.

**NEW CONTRACTS (left side of Form):**

Complete this section ONLY if this Contract is brand new. (Complete the CONTRACT AMENDMENT section for any material changes to an existing or an expired Contract, and for exercising options to renew or annual contracts under a multi-year procurement or grant program.)

**PROCUREMENT OR EXCEPTION TYPE:** Check the appropriate type of procurement or exception for this Contract. Only one option can be selected. See State Finance Law and General Requirements, Acquisition Policy and Fixed Assets, the Commodities and Services Policy and the Procurement Information Center (Department Contract Guidance) for details.

**Statewide Contract (OSD or an OSD-designated Department).** Check this option for a Statewide Contract under OSD, or by an OSD-designated Department.

**Collective Purchase approved by OSD.** Check this option for Contracts approved by OSD for collective purchases through federal, state, local government or other entities.

**Department Contract Procurement.** Check this option for a Department procurement including state grants and federal sub-grants under 815 CMR 2.00 and State Grants and Federal Subgrants Policy, Departmental Master Agreements (MA). If multi-Department user Contract, identify multi-Department use is allowable in Brief Description.

**Emergency Contract.** Check this option when the Department has determined that an unforeseen crisis or incident has arisen which requires or mandates immediate purchases to avoid substantial harm to the functioning of government or the provision of necessary or mandated services or whenever the health, welfare or safety of clients or other persons or serious damage to property is threatened.

**Contract Employee.** Check this option when the Department requires the performance of an Individual Contractor, and when the planned Contract performance with an Individual has been classified using the Employment Status Form (prior to the Contractor's selection) as work of a Contract Employee and not that of an Independent Contractor.

**Legislative/Legal or Other Exemption.** Check this option when legislation, an existing legal obligation, prohibition or other circumstance exempts or prohibits a Contract from being competitively procured, or identify any other procurement exception not already listed. Legislative "earmarks" exempt the Contract solely from procurement requirements, and all other Contract and state finance laws and policies apply. Supporting documentation must be attached to explain and justify the exemption.

**CONTRACT AMENDMENT (Right Side of Form)**

Complete this section for any Contract being renewed, amended or to continue a lapsed Contract. All Contracts with available options to renew must be amended referencing the original procurement and Contract doc Ids, since all continuing contracts must be maintained in the same Contract file (even if the underlying appropriation changes each fiscal year.) "See Amendments, Suspensions, and Termination Policy."

**Enter Current Contract End Date:** Enter the termination date of the Current Contract being amended, even if this date has already passed. (Note: Current Start Date is not requested since this date does not change and is already recorded in MMARS.)

**Enter Amendment Amount:** Enter the amount of the Amendment increase or decrease to a Maximum Obligation Contract. Enter "no change" for Rate Contracts or if no change.

**AMENDMENT TYPE:** Identify the type of Amendment being done. Documentation supporting the updates to performance and budget must be attached. Amendment to **Scope or Budget.** Check this option when renewing a Contract or executing any Amendment ("material change" in Contract terms) even if the Contract has lapsed. The parties may negotiate a change in any element of Contract performance or cost identified in the RFR or the Contractor's response which results in lower costs, or a more cost-effective or better value performance than was presented in the original selected response, provided the negotiation results in a better value within the scope of the RFR than what was proposed by the Contractor in the original selected response. Any "material" change in the Contract terms must be memorialized in a formal Amendment even if a corresponding MMARS transaction is not needed to support the change. 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.

**Interim Contracts.** Check this option for an Interim Contract to prevent a lapse of Contract performance whenever an existing Contract is being re-procured but the new procurement has not been completed, to bridge the gap during implementation between an expiring and a new procurement, or to contract with an Interim Contractor when a current Contractor is unable to complete full performance under a Contract.

**Contract Employee.** Check this option when the Department requires a renewal or other amendment to the performance of a Contract Employee.

**Legislative/Legal or Other Exemption.** Check this option when legislation, an existing legal obligation, prohibition or other circumstance exempts or prohibits a Contract from

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



being competitively procured, or identify any other procurement exception not already listed. Legislative "earmarks" exempt the Contract solely from procurement requirements, and all other Contract and state finance laws and policies apply. Attach supporting documentation to explain and justify the exemption and whether Contractor selection has been publicly posted.

**COMMONWEALTH TERMS AND CONDITIONS**

Identify which Commonwealth Terms and Conditions the Contractor has executed and is incorporated by reference into this Contract. This Form is signed only once and recorded on the Vendor Customer File (VCUST). See Vendor File and W-9s Policy.

**COMPENSATION**

Identify if the Contract is a Rate Contract (with no stated Maximum Obligation) or a Maximum Obligation Contract (with a stated Maximum Obligation) and identify the Maximum Obligation. If the Contract is being amended, enter the new Maximum Obligation based upon the increase or decreasing Amendment. The Total Maximum Obligation must reflect the total funding for the dates of service under the contract, including the Amendment amount if the Contract is being amended. The Maximum Obligation must match the MMARS encumbrance. Funding and allotments must be verified as available and encumbered prior to incurring obligations.

**PAYMENTS AND PROMPT PAY DISCOUNTS**

Payments are processed within a 45 day payment cycle through EFT in accordance with the Commonwealth Bill Paying Policy for investment and cash flow purposes. Departments may NOT negotiate accelerated payments and Payees are NOT entitled to accelerated payments UNLESS a prompt payment discount (PPD) is provided to support the Commonwealth's loss of investment earnings for this earlier payment, or unless a payment is legally mandated to be made in less than 45 days (e.g., construction contracts, Ready Payments under G.L. c. 29, s. 23A). See Prompt Pay Discounts Policy. PPD are identified as a percentage discount which will automatically deducted when an accelerated payment is made. Reduced contract rates may not be negotiated to replace a PPD. If PPD fields are left blank please identify the exemption: (1) statutory/legal/Ready Payments (2) federal grant/trust or (3) initial state grant or entitlement payments for start up costs. Financial hardship is not a sufficient justification to accelerate cash flow for all payments under a Contract. Initial grant or contract payments may be accelerated for the first invoice or initial grant installment, but subsequent periodic installments or invoice payments should be scheduled to support the Payee cash flow needs and the standard 45 day EFT payment cycle in accordance with the Bill Paying Policy. Any accelerated payment that does not provide for a PPD must have a legal justification in Contract file for audit purposes explaining why accelerated payments were allowable without a PPD.

**BRIEF DESCRIPTION OF CONTRACT PERFORMANCE**

Enter a brief description of the Contract performance, project name and/or other identifying information for the Contract to specifically identify the Contract performance, match the Contract with attachments, and determine if the appropriate expenditure code (as listed in the Expenditure Classification Handbook) has been selected. Enter "Multi-User Departmental procurement" if other Departments can access procurement. For Amendments, identify the purpose and what items are being amended. Merely stating "see attached" or referencing attachments without a narrative description of performance is insufficient. The Department may include any additional information in this section to identify unique or important information related to this Contract, program or the Contractor. If multi-Department user Contract, identify multi-Department use is allowable

**ANTICIPATED START DATE**

The Department and Contractor must certify WHEN obligations under this Contract or Contract Amendment may be incurred, either as of the Effective Date (latest signature date and of any required approvals) a LATER date, or if the performance has already been incurred PRIOR to the Effective Date by selecting the appropriate option. In the event obligations have been incurred by the Contractor prior to the Effective Date, the Contract must include detailed supporting documentation of performance made prior to the Effective date (including during a lapse between a Contract expiration and Contract Amendment) or the terms and process for eligible reimbursements after performance has been made by the Contractor (e.g., grant program). Proof of eligible reimbursement program must be attached. For Settlements, the parties agree to resolve payment for performance made outside the scope of the Contract (prior to Effective date or after termination date) which releases the Commonwealth from further obligations for the identified performance. This Amendment option is used in lieu of the Settlement and Release Form. Settlement payments are included under the same encumbrance and object codes as the Contract. Performance dates are subject to G.L. c.4, § 9.

**CONTRACT END DATE**

The Department must enter the date that Contract performance will terminate. If the Contract is being amended and the Contract End Date is not changing, this date must be re-entered again here. A Contract must be signed for at least the initial duration but not longer than the period of procurement listed in the RFR, or other solicitation

document (if applicable). No new performance is allowable beyond the end date without an amendment, but the Department may allow a Contractor to complete minimal close out performance obligations if substantial performance has been made prior to the termination date of the Contract and prior to the end of the fiscal year in which payments are appropriated, provided that any close out performance is subject to appropriation and funding limits under state finance law, and CTR may adjust encumbrances and payments in the state accounting system to enable final close out payments. Performance dates are subject to G.L. c.4, § 9.

**CERTIFICATIONS AND EXECUTION**

See Department Head Signature Authorization Policy and the Contractor Authorized Signatory Listing for policies on Contractor and Department signatures.

**Authorizing Signature for Contractor/Date:** The Authorized Contractor Signatory must (in their own handwriting and in ink) sign AND enter the date the Contract is signed. See section above under "Anticipated Contract Start Date". Acceptance of payment by the Contractor shall waive any right of the Contractor to claim the Contract/Amendment is not valid and the Contractor may not void the Contract. Rubber stamps, typed or other images are not acceptable. Proof of Contractor signature authorization on a Contractor Authorized Signatory Listing may be required by the Department if not already on file.

**Contractor Name /Title:** The Contractor Authorized Signatory's name and title must appear legibly as it appears on the Contractor Authorized Signatory Listing.

**Authorizing Signature For Commonwealth/Date:** The Authorized Department Signatory must (in their own handwriting and in ink) sign AND enter the date the Contract is signed. See section above under "Anticipated Start Date". Rubber stamps, typed or other images are not accepted. The Authorized Signatory must be an employee within the Department legally responsible for the Contract. See Department Head Signature Authorization. The Department must have the legislative funding appropriated for all the costs of this Contract or funding allocated under an approved Interdepartmental Service Agreement (ISA). A Department may not contract for performance to be delivered to or by another state department without specific legislative authorization (unless this Contract is a Statewide Contract). For Contracts requiring Secretariat signoff, evidence of Secretariat signoff must be included in the Contract file.

**Department Name /Title:** Enter the Authorized Signatory's name and title legibly.

**CONTRACTOR CERTIFICATIONS AND LEGAL REFERENCES**

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, subject to any required approvals. The Contractor makes all certifications required under this Contract under the pains and penalties of perjury, and 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:

**Commonwealth and Contractor Ownership Rights.** The Contractor certifies and agrees that the Commonwealth is entitled to ownership and possession of all "deliverables" which purchased or developed with Contract funds. A Department may not relinquish Commonwealth rights to deliverables nor may Contractors sell products developed with Commonwealth resources without just compensation. The Contract should detail all Commonwealth deliverables and ownership rights and any Contractor proprietary rights.

**Qualifications.** The Contractor certifies it is qualified and shall at all times remain qualified to perform this Contract; that performance shall be timely and meet or exceed industry standards for the performance required, including obtaining requisite licenses, registrations, permits, resources for performance, and sufficient professional, liability; and other appropriate insurance to cover the performance. If the Contractor is a business, the Contractor certifies that it is listed under the Secretary of State's website as licensed to do business in Massachusetts, as required by law.

**Business Ethics and Fraud, Waste and Abuse Prevention.** The Contractor certifies that performance under this Contract, in addition to meeting the terms of the Contract, will be made using ethical business standards and good stewardship of taxpayer and other public funding and resources to prevent fraud, waste and abuse.

**Collusion.** The Contractor certifies that this Contract has been offered in good faith and without collusion, fraud or unfair trade practices with any other person, that any actions to avoid or frustrate fair and open competition are prohibited by law, and shall be grounds for rejection or disqualification of a Response or termination of this Contract.

**Public Records and Access** The Contractor shall provide full access to records related to performance and compliance to the Department and officials listed under Executive Order 195 and G.L. c. 11, s. 12 seven (7) years beginning on the first day after the final payment under this Contract or such longer period necessary for the resolution of any litigation, claim, negotiation, audit or other inquiry involving this Contract. Access to view Contractor records related to any breach or allegation of fraud, waste and/or abuse may not be denied and Contractor can not claim confidentiality or trade secret protections solely for viewing but not retaining documents. Routine Contract performance compliance reports or documents related to any alleged breach or allegation of non-compliance, fraud, waste,

# COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



abuse or collusion may be provided electronically and shall be provided at Contractor's own expense. Reasonable costs for copies of non-routine Contract related records shall not exceed the rates for public records under 950 C.M.R. 32.00.

**Debarment.** The Contractor certifies that neither it nor any of its subcontractors are currently debarred or suspended by the federal or state government under any law or regulation including, Executive Order 147; G.L. c. 29, s. 29F; G.L. c. 30, § 39R; G.L. c. 149, § 27C; G.L. c. 149, § 44C; G.L. c. 149, § 148B and G.L. c. 152, s. 25C.

**Applicable Laws.** The Contractor shall comply with all applicable state laws and regulations including but not limited to the applicable Massachusetts General Laws; the Official Code of Massachusetts Regulations; Code of Massachusetts Regulations (unofficial); 801 CMR 21.00 (Procurement of Commodity and Service Procurements, including Human and Social Services); 815 CMR 2.00 (Grants and Subsidies); 808 CMR 1.00 (Compliance, Reporting and Auditing for Human And Social Services); AICPA Standards; confidentiality of Department records under G.L. c. 66A; and the Massachusetts Constitution Article XVIII if applicable.

**Invoices.** The Contractor must submit invoices in accordance with the terms of the Contract and the Commonwealth Bill Paying Policy. Contractors must be able to reconcile and properly attribute concurrent payments from multiple Departments. Final invoices in any fiscal year must be submitted no later than August 15<sup>th</sup> for performance made and received (goods delivered, services completed) prior to June 30<sup>th</sup>, in order to make payment for that performance prior to the close of the fiscal year to prevent reversion of appropriated funds. Failure to submit timely invoices by August 15<sup>th</sup> or other date listed in the Contract shall authorize the Department to issue an estimated payment based upon the Department's determination of performance delivered and accepted. The Contractor's acceptance of this estimated payment releases the Commonwealth from further claims for these invoices. If budgetary funds revert due to the Contractor's failure to submit timely final invoices, or for disputing an estimated payment, the Department may deduct a penalty up to 10% from any final payment in the next fiscal year for failure to submit timely invoices.

**Payments Subject To Appropriation.** Pursuant to G.L. c. 29 § 26, § 27 and § 29, Departments are required to expend funds only for the purposes set forth by the Legislature and within the funding limits established through appropriation, allotment and subsidiary, including mandated allotment reductions triggered by G.L. c. 29, § 9C. A Department cannot authorize or accept performance in excess of an existing appropriation and allotment, or sufficient non-appropriated available funds. Any oral or written representations, commitments, or assurances made by the Department or any other Commonwealth representative are not binding. The Commonwealth has no legal obligation to compensate a Contractor for performance that is not requested and is intentionally delivered by a Contractor outside the scope of a Contract. Contractors should verify funding prior to beginning performance.

**Intercept.** Contractors may be registered as Customers in the Vendor file if the Contractor owes a Commonwealth debt. Unresolved and undisputed debts, and overpayments of Contract payments that are not reimbursed timely shall be subject to intercept pursuant to G.L. c. 7A, s. 3 and 815 CMR 9.00. Contract overpayments will be subject to immediate intercept or payment offset. The Contractor may not penalize any state Department or assess late fees, cancel a Contract or other services if amounts are intercepted or offset due to recoupment of an overpayment, outstanding taxes, child support, other overdue debts or Contract overpayments.

**Tax Law Compliance.** The Contractor certifies under the pains and penalties of perjury tax compliance with Federal tax laws; State tax laws including but not limited to G.L. c. 62C; G.L. c. 62C, s. 49A; compliance with all state tax laws, reporting of employees and contractors, withholding and remitting of tax withholdings and child support and is in good standing with respect to all state taxes and returns due; reporting of employees and contractors under G.L. c. 62E, withholding and remitting child support including G.L. c. 119A, s. 12; TIR 05-11; New Independent Contractor Provisions and applicable TIRs.

**Bankruptcy, Judgments, Potential Structural Changes, Pending Legal Matters and Conflicts.** The Contractor certifies it has not been in bankruptcy and/or receivership within the last three calendar years, and the Contractor certifies that it will immediately notify the Department in writing at least 45 days prior to filing for bankruptcy and/or receivership, any potential structural change in its organization, or if there is any risk to the solvency of the Contractor that may impact the Contractor's ability to timely fulfill the terms of this Contract or Amendment. The Contractor certifies that at any time during the period of the Contract the Contractor is required to affirmatively disclose in writing to the Department Contract Manager the details of any judgment, criminal conviction, investigation or litigation pending against the Contractor or any of its officers, directors, employees, agents, or subcontractors, including any potential conflicts of interest of which the Contractor has knowledge, or learns of during the Contract term. Law firms or Attorneys providing legal services are required to identify any potential conflict with representation of any Department client in accordance with Massachusetts Board of Bar Overseers (BBO) rules.

**Federal Anti-Lobbying and Other Federal Requirements.** If receiving federal funds, the Contractor certifies compliance with federal anti-lobbying requirements including 31 USC 1352; other federal requirements; Executive Order 11246; Air Pollution Act; Federal Water Pollution Control Act and Federal Employment Laws.

**Protection of Personal Data and Information.** The Contractor certifies that all steps will be taken to ensure the security and confidentiality of all Commonwealth data for which the Contractor becomes a holder, either as part of performance or inadvertently during performance, with special attention to restricting access, use and disbursement of personal data and information under G.L. c. 93H and c. 66A and Executive Order 504. The Contractor is required to comply with G.L. c. 93I for the proper disposal of all paper and electronic media, backups or systems containing personal data and information, provided further that the Contractor is required to ensure that any personal data or information transmitted electronically or through a portable device be properly encrypted using (at a minimum) Information Technology Division (ITD) Protection of Sensitive Information, provided further that any Contractor having access to credit card or banking information of Commonwealth customers certifies that the Contractor is PCI compliant in accordance with the Payment Card Industry Council Standards and shall provide confirmation compliance during the Contract, provide further that the Contractor shall immediately notify the Department in the event of any security breach including the unauthorized access, disbursement, use or disposal of personal data or information, and in the event of a security breach, the Contractor shall cooperate fully with the Commonwealth and provide access to any information necessary for the Commonwealth to respond to the security breach and shall be fully responsible for any damages associated with the Contractor's breach including but not limited to G.L. c. 214, s. 3B.

**Corporate and Business Filings and Reports.** The Contractor certifies compliance with any certification, filing, reporting and service of process requirements of the Secretary of the Commonwealth, the Office of the Attorney General or other Departments as related to its conduct of business in the Commonwealth; and with its Incorporating state (or foreign entity).

**Employer Requirements.** Contractors that are employers certify compliance with applicable state and federal employment laws or regulations, including but not limited to G.L. c. 5, s. 1 (Prevailing Wages for Printing and Distribution of Public Documents); G.L. c. 7, s. 22 (Prevailing Wages for Contracts for Meat Products and Clothing and Apparel); minimum wages and prevailing wage programs and payments; unemployment insurance and contributions; workers' compensation and insurance, child labor laws, AGO fair labor practices; G.L. c. 149 (Labor and Industries); G.L. c. 150A (Labor Relations); G.L. c. 151 and 455 CMR 2.00 (Minimum Fair Wages); G.L. c. 151A (Employment and Training); G.L. c. 151B (Unlawful Discrimination); G.L. c. 151E (Business Discrimination); G.L. c. 152 (Workers' Compensation); G.L. c. 153 (Liability for Injuries); 29 USC c. 8 (Federal Fair Labor Standards); 29 USC c. 28 and the Federal Family and Medical Leave Act.

**Federal And State Laws And Regulations Prohibiting Discrimination** including but not limited to the Federal Equal Employment Opportunity (EEO) Laws the Americans with Disabilities Act; 42 U.S.C. Sec. 12,101, et seq., the Rehabilitation Act, 29 USC c. 16 s. 794; 29 USC c. 16, s. 701; 29 USC c. 14, 623; the 42 USC c. 45; (Federal Fair Housing Act); G.L. c. 151B (Unlawful Discrimination); G.L. c. 151E (Business Discrimination); the Public Accommodations Law G.L. c. 272, s. 92A; G.L. c. 272, s. 98 and 98A, Massachusetts Constitution Article CXIV and G.L. c. 93, s. 103; 47 USC c. 5, sc. II, Part II, s. 255 (Telecommunication Act); Chapter 149, Section 105D, G.L. c. 151C, G.L. c. 272, Section 92A, Section 98 and Section 98A, and G.L. c. 111, Section 199A, and Massachusetts Disability-Based Non-Discrimination Standards For Executive Branch Entities, and related Standards and Guidance, authorized under Massachusetts Executive Order or any disability-based protection arising from state or federal law or precedent. See also MCAD and MCAD links and Resources.

**Small Business Purchasing Program (SBPP).** A Contractor may be eligible to participate in the SBPP, created pursuant to Executive Order 523, if qualified through the SBPP SmartBid subscription process at: www.comm-pass.com and with acceptance of the terms of the SBPP participation agreement.

**Limitation of Liability for Information Technology Contracts (and other Contracts as Authorized).** The Information Technology Mandatory Specifications and the IT Acquisition Accessibility Contract Language are incorporated by reference into Information Technology Contracts. The following language will apply to Information Technology contracts in the U01, U02, U03, U04, U05, U06, U07, U08, U09, U10, U75, U98 object codes in the Expenditure Classification Handbook or other Contracts as approved by CTR or OSD. Pursuant to Section 11. Indemnification of the Commonwealth Terms and Conditions, the term "other damages" shall include, but shall not be limited to, the reasonable costs the Commonwealth incurs to repair, return, replace or seek cover (purchase of comparable substitute commodities and services) under a Contract. "Other damages" shall not include damages to the Commonwealth as a result of third party claims, provided, however, that the foregoing in no way limits the Commonwealth's right of recovery for personal injury or property damages or patent and copyright infringement under Section 11 nor the Commonwealth's ability to join the contractor as a third party defendant. Further, the term "other damages" shall not include, and in no event shall the contractor be liable for, damages for the Commonwealth's use of contractor provided products or services, loss of Commonwealth records, or data (or other intangible property), loss of use of equipment, lost revenue, lost savings or lost profits of the Commonwealth. In no event shall "other damages" exceed the greater of \$100,000, or two times the value of the product or service (as defined in the Contract scope of work) that is the subject of the claim. Section 11 sets

## COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



forth the contractor's entire liability under a Contract. Nothing in this section shall limit the Commonwealth's ability to negotiate higher limitations of liability in a particular Contract, provided that any such limitation must specifically reference Section 11 of the Commonwealth Terms and Conditions. In the event the limitation of liability conflicts with accounting standards which mandate that there can be no cap of damages, the limitation shall be considered waived for that audit engagement. These terms may be applied to other Contracts only with prior written confirmation from the Operational Services Division or the Office of the Comptroller. The terms in this Clarification may not be modified.

**Northern Ireland Certification.** Pursuant to G.L. c. 7 s. 22C for state agencies, state authorities, the House of Representatives or the state Senate, by signing this Contract the Contractor certifies that it does not employ ten or more employees in an office or other facility in Northern Ireland and if the Contractor employs ten or more employees in an office or other facility located in Northern Ireland the Contractor certifies that it does not discriminate in employment, compensation, or the terms, conditions and privileges of employment on account of religious or political belief; and it promotes religious tolerance within the work place, and the eradication of any manifestations of religious and other illegal discrimination; and the Contractor is not engaged in the manufacture, distribution or sale of firearms, munitions, including rubber or plastic bullets, tear gas, armored vehicles or military aircraft for use or deployment in any activity in Northern Ireland.

**Pandemic, Disaster or Emergency Performance.** In the event of a serious emergency, pandemic or disaster outside the control of the Department, the Department may negotiate emergency performance from the Contractor to address the immediate needs of the Commonwealth even if not contemplated under the original Contract or procurement. Payments are subject to appropriation and other payment terms.

**Consultant Contractor Certifications** (For Consultant Contracts "HH" and "NN" and "U05" object codes subject to G.L. Chapter 29, s. 29A). Contractors must make required disclosures as part of the RFR Response or using the Consultant Contractor Mandatory Submission Form.

**Attorneys.** Attorneys or firms providing legal services or representing Commonwealth Departments may be subject to G.L. c. 30, s. 65, and if providing litigation services must be approved by the Office of the Attorney General to appear on behalf of a Department, and shall have a continuing obligation to notify the Commonwealth of any conflicts of interest arising under the Contract.

**Subcontractor Performance.** The Contractor certifies full responsibility for Contract performance, including subcontractors, and that comparable Contract terms will be included in subcontracts, and that the Department will not be required to directly or indirectly manage subcontractors or have any payment obligations to subcontractors.

#### EXECUTIVE ORDERS

For covered Executive state Departments, the Contractor certifies compliance with applicable Executive Orders (see also Massachusetts Executive Orders), including but not limited to the specific orders listed below. A breach during period of a Contract may be considered a material breach and subject Contractor to appropriate monetary or Contract sanctions.

**Executive Order 481. Prohibiting the Use of Undocumented Workers on State Contracts.** For all state agencies in the Executive Branch, including all executive offices, boards, commissions, agencies, Departments, divisions, councils, bureaus, and offices, now existing and hereafter established, by signing this Contract the Contractor certifies under the pains and penalties of perjury that they shall not knowingly use undocumented workers in connection with the performance of this Contract; that, pursuant to federal requirements, shall verify the immigration status of workers assigned to a Contract without engaging in unlawful discrimination; and shall not knowingly or recklessly alter, falsify, or accept altered or falsified documents from any such worker

**Executive Order 130. Anti-Boycott.** The Contractor warrants, represents and agrees that during the time this Contract is in effect, neither it nor any affiliated company, as hereafter defined, participates in or cooperates with an International boycott (See IRC § 999(b)(3)-(4), and IRS Audit Guidelines Boycotts) or engages in conduct declared to be unlawful by G.L. c. 151E, s. 2. A breach in the warranty, representation, and agreement contained in this paragraph, without limiting such other rights as it may have, the Commonwealth shall be entitled to rescind this Contract. As used herein, an affiliated company shall be any business entity of which at least 51% of the ownership interests are directly or indirectly owned by the Contractor or by a person or persons or business entity or entities directly or indirectly owning at least 51% of the ownership interests of the Contractor, or which directly or indirectly owns at least 51% of the ownership interests of the Contractor.

**Executive Order 346. Hiring of State Employees By State Contractors** Contractor certifies compliance with both the conflict of interest law G.L. c. 268A specifically s. 5 (f) and this order, and includes limitations regarding the hiring of state employees by private companies contracting with the Commonwealth. A privatization contract shall be deemed to include a specific prohibition against the hiring at any time during the term of Contract, and for any position in the Contractor's company, any state management employee who is, was, or will be involved in the preparation of the RFP, the negotiations leading to the awarding of the Contract, the decision to award the Contract, and/or the supervision or oversight of performance under the Contract.

**Executive Order 444. Disclosure of Family Relationships With Other State Employees.** Each person applying for employment (including Contract work) within the Executive Branch under the Governor must disclose in writing the names of all immediate family related to immediate family by marriage who serve as employees or elected officials of the Commonwealth. All disclosures made by applicants hired by the Executive Branch under the Governor shall be made available for public inspection to the extent permissible by law by the official with whom such disclosure has been filed.

**Executive Order 504. Regarding the Security and Confidentiality of Personal Information.** For all Contracts involving the Contractor's access to personal information, as defined in G.L. c. 93H, and personal data, as defined in G.L. c. 66A, owned or controlled by Executive Department agencies, or access to agency systems containing such information or data (herein collectively "personal information"), Contractor certifies under the pains and penalties of perjury that the Contractor (1) has read Commonwealth of Massachusetts Executive Order 504 and agrees to protect any and all personal information; and (2) has reviewed all of the Commonwealth Information Technology Division's Security Policies. Notwithstanding any contractual provision to the contrary, in connection with the Contractor's performance under this Contract, for all state agencies in the Executive Department, including all executive offices, boards, commissions, agencies, departments, divisions, councils, bureaus, and offices, now existing and hereafter established, the Contractor shall: (1) obtain a copy, review, and comply with the contracting agency's Information Security Program (ISP) and any pertinent security guidelines, standards, and policies; (2) comply with all of the Commonwealth of Massachusetts Information Technology Division's "Security Policies" (3) communicate and enforce the contracting agency's ISP and such Security Policies against all employees (whether such employees are direct or contracted) and subcontractors; (4) implement and maintain any other reasonable appropriate security procedures and practices necessary to protect personal information to which the Contractor is given access by the contracting agency from the unauthorized access, destruction, use, modification, disclosure or loss; (5) be responsible for the full or partial breach of any of these terms by its employees (whether such employees are direct or contracted) or subcontractors during or after the term of this Contract, and any breach of these terms may be regarded as a material breach of this Contract; (6) in the event of any unauthorized access, destruction, use, modification, disclosure or loss of the personal information (collectively referred to as the "unauthorized use"); (a) immediately notify the contracting agency if the Contractor becomes aware of the unauthorized use; (b) provide full cooperation and access to information necessary for the contracting agency to determine the scope of the unauthorized use; and (c) provide full cooperation and access to information necessary for the contracting agency and the Contractor to fulfill any notification requirements. Breach of these terms may be regarded as a material breach of this Contract, such that the Commonwealth may exercise any and all contractual rights and remedies, including without limitation indemnification under Section 11 of the Commonwealth's Terms and Conditions, withholding of payments, Contract suspension, or termination. In addition, the Contractor may be subject to applicable statutory or regulatory penalties, including and without limitation, those imposed pursuant to G.L. c. 93H and under G.L. c. 214, § 3B for violations under M.G.L. c. 66A. **Executive Orders 523, 524 and 526.** Executive Order 526 (Order Regarding Non-Discrimination, Diversity, Equal Opportunity and Affirmative Action which supersedes Executive Order 478). **Executive Order 524** (Establishing the Massachusetts Supplier Diversity Program which supersedes Executive Order 390). **Executive Order 523** (Establishing the Massachusetts Small Business Purchasing Program.) All programs, activities, and services provided, performed, licensed, chartered, funded, regulated, or contracted for by the state shall be conducted without unlawful discrimination based on race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status (including Vietnam-era veterans), or background. The Contractor and any subcontractors may not engage in discriminatory employment practices; and the Contractor certifies compliance with applicable federal and state laws, rules, and regulations governing fair labor and employment practices; and the Contractor commits to purchase supplies and services from certified minority or women-owned businesses, small businesses, or businesses owned by socially or economically disadvantaged persons or persons with disabilities. These provisions shall be enforced through the contracting agency, OSD, and/or the Massachusetts Commission Against Discrimination. Any breach shall be regarded as a material breach of the contract that may subject the contractor to appropriate sanctions.



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2016 APR 21 AM 11:19

*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](http://www.marlborough-ma.gov)

*Arthur G. Vigeant*  
MAYOR

*Nicholas J. Milano*  
EXECUTIVE AIDE

*Patrieta Bernard*  
EXECUTIVE SECRETARY

April 21, 2016

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

**Re: Chapter 90 Funds**

Honorable President Clancy and Councilors:

Please find attached a letter from Governor Baker and Lieutenant Governor Polito regarding the City's apportionment of Fiscal Year 2017 Chapter 90 funds. No City Council action is necessary.

The City's apportionment of Chapter 90 funds for Fiscal Year 2017 is \$1,119,210. The bond authorization bill to fund this year's appropriation for Chapter 90 was approved by the Legislature this month and signed by Governor Baker on April 14, 2016. As always, I appreciate the Governor's efforts on behalf of Marlborough – his office has been accessible and supportive of Marlborough since he took office. I also want to thank our legislative delegation for their approval of funding for the Chapter 90 program.

Commissioner Ghiloni and the Public Works Department will put these funds to good use on road infrastructure projects across the City.

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

Sincerely,

Arthur G. Vigeant  
Mayor

Enclosure

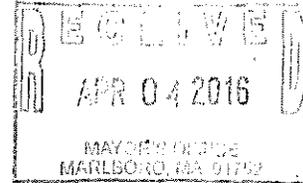


Charles D. Baker, Governor  
Karyn E. Polito, Lieutenant Governor  
Stephanie Pollack, MassDOT Secretary & CEO

**massDOT**  
Massachusetts Department of Transportation

March 30, 2016

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



Dear Mayor Vigeant:

We are pleased to inform you that the Chapter 90 local transportation aid funding for Fiscal Year 2017 will total \$200 million statewide.

This letter certifies that, pending final passage of the bond authorization, the Fiscal Year 2017 Chapter 90 apportionment for City of Marlborough is **\$1,119,210**. This apportionment will automatically be incorporated into your existing 10-Year Chapter 90 contract, which will be available on the MassDOT website <http://www.massdot.state.ma.us/chapter90>.

We recognize that the Chapter 90 program is an integral part of maintaining and enhancing your community's infrastructure and is an essential component of our joint partnership. We look forward to working with you in the coming years to continue the success of this program.

Please feel free to contact MassDOT Capital Budget Director Matthew Bamonte at (857) 368-9151 with any questions you may have regarding the Chapter 90 program.

Sincerely,

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2016 APR 20 AM 11:30

April 19, 2016

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

Dear Sir:

GE Healthcare, located at 200 Forest Street, has applied for a sign permit to mount a white LED-illuminated channel letter wall sign on their building. Sign proofs are attached for review. The Building Department has determined that the proposed sign requires City Council's site plan approval to proceed.

The proposed sign is illuminated with white LED modules inside the letter which will illuminate as a steady white light through the face of the GE monogram and the GE Healthcare letters at night.

Please contact me with any questions. I look forward to the City Council's approval.

Sincerely,

Jeffrey H. Newman  
President



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

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

2016 MAR 31 P 3:23

**Lisa M. Thomas  
City Clerk**

MARLBOROUGH, MA

DATE: 3/24/14

**To the City Council:**

Owner Name: TVE, INC dba Savers

Mailing Residential Address: 11400 SE 6<sup>th</sup> Street, Suite 220, Bellevue WA 98004

Telephone Number: 425-462-1515

Business Name: SAVERS

Business Address: 222A East Main Street, Marlborough

Business Telephone Number: 508-485-5191

Email Address: jkennedy@savers.com

Owner Signature: By: [Signature]

The above-signed TVE, INC respectfully requests that he/she be

granted a Junk Dealer/Second Hand Dealer License, with the waivers and modifications set forth in Exhibits attached hereto.

**In City Council**



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CITY OF MARLBOROUGH

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

2016 APR 11 P 2:29

**Lisa M. Thomas  
City Clerk**

MARLBOROUGH, MA

DATE: 3/28/16

**To the City Council:**

Owner Name: ecoATM, Inc.

Residential Address: 10121 Barnes Canyon Rd., San Diego, CA 92121

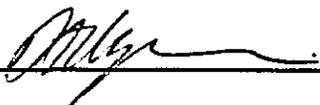
Telephone Number: 858-766-7244

Business Name: ecoATM, Inc.

Business Address: 601 Donald Lynch Blvd., Marlborough, MA 01752

Business Telephone Number: 858-766-7244

Email Address: hunter.bjorkman@outerwall.com

Owner Signature: 

The above-signed David Maquera respectfully requests that he be

granted a Junk Dealer/Second Hand Dealer License.

---

**In City Council**

CITY OF MARLBOROUGH

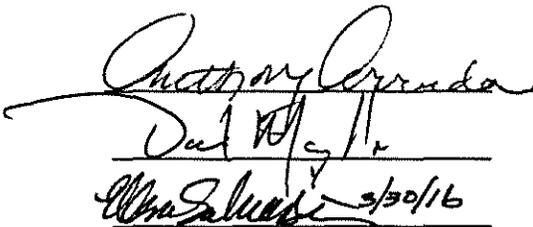
BOARD OF ASSESSORS

MEETING MINUTES: March 2, 2016

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2016 MAR 31 P 4: 04

1. CALL TO ORDER: 10:00 am  
MEMBERS PRESENT: Anthony Arruda, David Manzello, Ellen Silverstein  
Also in attendance: Harald Scheid , Regional Assessor and Paula Murphy, Head Clerk
2. MOTION TO ACCEPT: minutes of the February 17, 2016 meeting : Mr. Arruda, second Ms. Silverstein  
Vote: 3-0
3. DISCUSSION AND VOTE: Real Estate Abatement Applications: 72 Dudley St, 18 Lambert Cir  
114 Newton St, 33 Peltier St, 110 Pleasant St #102, 566 Pleasant St, 132 Woodland Dr and  
132 Winter St  
Motion to Grant: Mr. Arruda, second Ms. Silverstein  
Vote: 3-0
4. DISCUSSION AND VOTE: Real Estate Abatement Applications: 41 Ahern Rd, 2-10 Boston Post Rd  
East, 201 Boston Post Rd East, 624 Boston Post Rd East, 336 East Main St #10, 33 Montanari Dr  
Nickerson (88-29A), 100, 200, 300, 400, 500, 600, 700 Nickerson Rd, 155 Pleasant St  
114 Prospect St, 5 Mt Royal Ave and 41 Whispering Brook Way  
Motion to Deny: Mr. Arruda, second Ms. Silverstein  
Vote: 3-0
5. DISCUSSION AND VOTE: Personal Property Abatement Applications: Comprehensive EAP Inc  
Elizabeth Grady, Edgetech Instruments, Generac, Lexent, Magees Stables, Neon Optica Inc  
Mama Rosas Pizza, Santa Cruz Deli, Spok Inc and Watch Station  
Motion to Grant: Mr. Arruda, second Ms. Silverstein  
Vote: 3-0
6. DISCUSSION AND VOTE: Personal Property Abatement Applications: Verizon New England,  
Verizon New England, Verizon Online LLC and Sidera Networks LLC  
Motion to Deny: Mr. Arruda, second Ms. Silverstein  
Vote: 3-0
7. MOTION TO CONCLUDE – Mr. Arruda , second Ms. Silverstein  
Meeting Adjourned – 11:55 am

  
Anthony Arruda  
David Manzello  
Harald Scheid 3/30/16

CITY OF MARLBOROUGH

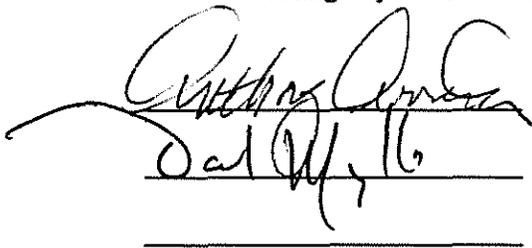
BOARD OF ASSESSORS

MEETING MINUTES: March 30, 2016

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CITY OF MARLBOROUGH

2016 APR 13 P 1:02

1. CALL TO ORDER: 9:57 am  
MEMBERS PRESENT: Anthony Arruda, David Manzello, Ellen Silverstein  
Also in attendance: Harald Scheid, Regional Assessor and Paula Murphy, Head Clerk
2. MOTION TO ACCEPT: minutes of the March 2, 2016 meeting : Mr. Arruda, second Ms. Silverstein  
Vote: 3-0
3. DISCUSSION AND VOTE: Clause Exemption: 35 Hillcrest Rd  
Motion to Deny: Mr. Arruda, second Ms. Silverstein  
Vote: 3-0
4. DISCUSSION AND VOTE: Real Estate Abatement Applications: Boston Post Rd East (61-19), 1024 Concord Rd, 315 Diconzo Blvd, 49 Fairmount St, 165 Forest St, 54 Gleasan St Ext, 24 Grant Ct, Hager St (62-8), 47 Hager St, 45 Lakeside Ave #1, 475 Lincoln St, 34 Magnolia Ln, Mechanic St (42-57), 40 Mechanic St, 497 Northboro Rd West, 85 Stow Rd, 548 Stow Rd, 136 Sudbury St, 290 West Hill St  
Motion to Grant: Mr. Arruda, second Ms. Silverstein  
Vote: 3-0
5. DISCUSSION AND VOTE: Real Estate Abatement Applications: 24 Arcadia Cir, 254 Bigelow St, 65 Boston Post Rd West, 849 Boston Post Rd East #4D, 849 Boston Post Rd East #7H, 43 Bowstring Way, 820 Concord Rd, 325 Donald J Lynch Blvd, 222 East Main St, 230-266 East Main St, 240 East Main St, 192 Evelina Dr, 199-201 Forest, Gay St (69-257), 37 Gibbs Pl, 54 Goodale St, Mill St (93-15A), 21 Mohican Path, 477 Northboro Rd #7, 474 Pleasant St, 220 Reservoir St, 413-417 South St, 120 Westminster Dr, 43 Winthrop St  
Motion to Deny: Mr. Arruda, second Ms. Silverstein  
Vote: 3-0
6. Mr. Scheid informed the Board that Periodic Inspections will begin in the next couple of weeks preceded by a letter to the property owners that are included in this year's inspections.
7. MOTION TO CONCLUDE – Mr. Arruda , second Ms. Silverstein  
Meeting Adjourned – 12:10 pm



Anthony Arruda  
04/13/16

**Marlborough Public Library Board of Trustees**  
Meeting Minutes

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CITY OF MARLBOROUGH

March 1, 2016  
Bigelow Auditorium, Marlborough Public Library

2016 APR -6 A 11:04

Meeting called to order by Rustin Kyle at 7:05pm

Board Members Present: Tom Abel, Nena Bloomquist, William Brewin, Ray Hale, Raymond Johnson, Rustin Kyle, Janice Merk, and Robyn Ripley

Also Present: Margaret Cardello, Library Director; Jason Homer, Assistant Director; and Karen Bento, Marlborough High School teacher interested in joining the Board of Trustees

Absent: None

Proceedings:

1. **Minutes:** A motion to approve the meeting minutes from the February 2<sup>nd</sup> meeting was passed (Bloomquist/Merk).
2. **Trust Fund Reports:** A motion was passed to approve the Trust Fund Reports for February (Brewin/Bloomquist).
3. **Assistant Director's Report:** (see attached for more details)
  - Lori Galvin, former Children's Room Librarian recently passed away and over \$200 in donations have been made in her name for the Children's Room.

-- A motion to adjourn to hold a brief meeting of the Marlborough Public Library Foundation was passed (Johnson/Bloomquist). All approved and the meeting was adjourned at 7:15

--- The Trustee Meeting was re-adjourned at 7:25.

**4. Committee Reports:**

- Foundation:
  - The Foundation has voted in three new members. Any Trustees who no longer wish to remain on the Foundation can send a letter of resignation to Nena Bloomquist.

- Friends: (see attached for more details)
- A motion was passed to accept and place on file notification from the Friends that they will be applying to be the recipient of proceeds from an upcoming Eastern Poker Tournament as a fundraiser (Hale/Johnson).
- Ray Johnson is working with the Friends to develop a method of rotating the Old Homestead paintings on display and in storage. They would prefer to have the paintings stored instead of loaned out.

## 5. Old Business:

- Building Committee
  - Bill Brewin sent a notice to Margaret on February 17 that he would not be able to serve on the Building Committee and Tom Abel was selected to take his place.
  - A motion passed to accept the Mayor's recommended list of committee members with Tom Abel replacing Bill Brewin and Robyn Ripley remaining on as Tom's alternate (Bloomquist/Kyle). The list is as follows:
    - ..1. Margaret Cardello (non- voting)
    - ..2. Tom Abel (Robyn Ripley, alternate)
    - ..3. Samantha Khosla
    - ..4. Andy White
    - ..5. Cynthia Panagore-Griffin
    - ..6. Councilor John Irish
    - ..7. Dennis Cavanaugh
    - ..8. Vinny Farese
  - The main priority of hiring a project manager has already been accomplished as the city has an experienced architect and project manager who we are encouraged to use. His name is Denis Ingham and Margaret will forward his resume.
- Patron with substantial overdue items
  - There has still been no communication from the patron.
- Video equipment
  - John Ghiloni confirmed that he could use the cameras that the library cannot install.
- Trustee Vacancy
  - There has been no recommendation from the Mayor's Office but Karen Bento may be interested in filling the vacant seat.

## 6. New Business:

- Plymouth Plantation Renewal Fee

- The renewal fee is \$550. The pass has been used by patrons 28 times in the last year. A motion was passed to renew the museum pass to Plymouth Plantation for another year (Brewin/Kyle).
- WiFi Hotspots
  - Margaret and Jason met with a Verizon representative on the government program for WiFi services. As a government entity the library is eligible to pay only \$39.99/month per device with no commitment or contract needed with Verizon. This allows patrons to check-out a device and receive internet service within a certain distance from the device. It also allows the library to access the internet and provide services at remote locations such as fairs, parks, etc. Each device has a key-code which can be changed at our discretion so they remain secure. Margaret and Jason will develop a policy for checking them out, late-fees, replacement costs, etc. They propose starting with 5 devices and keeping one for library use off-site.

7. **Adjournment:** A motion to adjourn passed at 8:25pm (Abel/Ripley).

Minutes submitted by Secretary, Robyn Ripley.

**MARLBOROUGH PLANNING BOARD  
MARLBOROUGH, MA 01752**

2016 APR -6 P 3:18

**Call to Order**

**March 21, 2016**

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

**1. Meeting Minutes:**

**A. Regular Meeting March 7, 2016**

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to accept and place on file the minutes of the March 7, 2016 Regular Meeting as presented. Motion carried.

**2. Chair's Business: None**

**3. Approval Not Required: None**

**4. Public Hearings: 7:19pm**

**A. Open Space Subdivision Goodale Farms**

The Public Hearing was opened at 7:19pm Ms. Hughes read the notice into the record. The hearing was taken in the traditional 4 stages:

Presentation

Those speaking in favor

Those speaking in opposition

Questions from Board Members

**Presentation:**

Attorney Sandra Austin with Mr. Paul Ricciardi, Mr. Alex Ricciardi (Property Owners) and Mr. Thomas DiPersio Jr. (Project Engineer) presented the request for the Special Permit to the Board. The project site consists of 11.75 acres of land that was part of an approved subdivision back in 1988. That subdivision has since lapsed.

The plans presented this evening differ slightly from the plans presented in October 2015 due to feedback/comments from the City Engineer and Conservation Officer. A neighborhood meeting took place in December of 2015 and the neighborhood was not averse to the Open Space Plan taking into account the wildlife corridor that exists on the property.

Mr. DiPersio noted that there are 2 areas of existing frontage for the existing parcel, one area is steep and rugged and one area is more conducive to development.

Should the developer choose they could propose a conventional subdivision consisting of 6 lots on a new 735' long roadway and 1 ANR lot on Goodale St or the Open Space plan shows a shorter roadway length with all 7 lots accessed from the new roadway, leaving an approximately 5-acre parcel of dedicated open space.

**Speaking in Favor:** None

**Speaking in Opposition:** None

**Questions from the Board:**

Ms. Hughes asked where the nearest open space parcel was to the proposed parcel? Would the parcels be able to connect at any point?

Mr. DiPersio noted that the nearest parcel is a way down Goodale Street no connection would be available.

Chairperson Fenby inquired as to the value of the proposed parcel to the City?

Attorney Austin noted that the parcel will create a natural buffer to the Golf Course located in Hudson as well as it will retain the wildlife corridor including the brook.

Conservation Commission Chairperson Edward Clancy noted that the Conservation Commission will be taking up this proposal at their meeting Thursday evening (March 24, 2016) and will be forwarding their recommendation directly to the Attorney.

Mr. Fay suggested that the Engineer consider reducing the size of two lots and adding that area to the adjacent open space.

Mr. DiPersio noted that those 2 lots were quite steep.

Mr. DuPont questioned if retaining walls were going to be utilized in the project?

Mr. DiPersio noted that the intention was to stay away from excessive slopes requiring the use of retaining walls.

The Public Hearing was closed to testimony verbal or written at 7:39pm.

The plan is with the Engineering Department for review.

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

**A. Engineers Report**

City Engineer Pilachowski noted that all he has to report will be reported out under separate agenda items.

**B. Recommendation from Engineering re: City Council Order 16-1006476**

Ms. Hughes read the correspondence from City Engineer Pilachowski into the record.

City Engineer Pilachowski noted that there has been communication with Attorney Falk regarding the need for an ANR Plan to be created. The Engineering Department has reviewed the proposed changes and is willing to recommend endorsement of the plan once it is submitted.

On a motion made by Mr. Fay, seconded by Mr. DuPont this item is tabled until the next regularly scheduled meeting (April 4, 2016). Motion carried.

**C. Recommendation from Engineering re: Macomber Lane Proposed Modification**

Ms. Hughes read the correspondence from City Engineer Pilachowski into the record.

After much widely ranging discussion from the intention of reconstruction of the existing accepted City way narrowing it from 50' to 26'. The layout of Macomber Lane will remain as a 50-foot-wide layout. Within the layout, the pavement width will change from 38 feet to 26 feet. Moving it into a Lane designation to the possible need for a new Public Hearing and creation of an 81W plan, the Board took the following action.

The proposed modification was referred back to the Engineering Department for additional information especially regarding the ability to produce the required documentation (engineering) in house as opposed to having to use an outside firm. The Board will await further information from the Engineering Department.

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

**7. Definitive Subdivision Submission: None**

**8. Signs:**

**A. Discount Gas, 50 Main Street, Internal Illumination**

Ms. Hughes read the denial letter from Code Enforcement Officer Wilderman into the record. In attendance to discuss the variance request were Ms. Grace Kanoon and Mr. Vrej Askanian.

Mr. Fay questioned several aspects about the site and signage, including but not limited to: Hours of operation, additional site signage and who the installing company is/was. After receiving answers to the questions the Board took the following action.

On a motion made by Mr. Fay seconded by Ms. Hughes it was voted to approve the requested variance for the sign as presented with the exception of any L.E.D. usage and with the conditions that the sign be turned off when the service station is not open for business and that all other extraneous signage is removed from the site. Motion carried.

The Board then directed the applicant to the City Council to appeal for the use of the L.E.D. portion of the sign.

**9. Unfinished Business:**

**A. Blackhorse Farms Update (April 29, 2016)**

City Engineer Pilachowski reported out to the Board that the developer has 2 lots built, 3 lots requested for permitting and 4 lots currently in front of the Conservation Commission for review. The developer is moving forward aggressively in an attempt to finish the subdivision in the time allotted.

**B. Mauro Farms (April 12, 2016) Update/Request for Extension**

Mr. Fay noted his conflict for the record.

Ms. Hughes read the correspondence from City Engineer Pilachowski into the record.

On a motion made by Mr. Fay, seconded by Ms. Hughes the correspondence was accepted and placed on file. Motion carried.

Mr. Daniel Ruiz was in attendance to discuss any issues with the Board.

On a motion made by Mr. Fay, seconded by Mr. McCarthy it was voted to allow for the extension of time to finish the subdivision until May 10, 2016. Motion carried.

**C. Decision from Public Hearing Zone Change (June 5, 2016)**

It is the request of the Board to have Attorney Bergeron appear at the next regularly scheduled meeting to discuss in technical detail the proposed changes to the City Zoning Ordinance as alluded to in the presentation from the March 7, 2016 Public Hearing. This discussion is to be centered around the proposed changes (wording) and not the potential project the changes would allow.

**D. Discussion Unresolved Detention Basin Issue (Bresslough)**

This will be on the next regularly scheduled agenda (April 4, 2016) for discussion and reporting out from the Code Enforcement Officer regarding the status of the boat being stored within the confines of the detention basin.

**E. Discussion Unresolved East Main Street Issue (McCarthy)**

Mr. Fay noted that he had spoken with Mr. McCarthy at some length and it was determined by both that Mr. McCarthy will be meeting with Attorney Greg Mitrakis to discuss any options he may have. This matter is now closed in regards to action required from the Planning Board.

**10. Informal Discussions:** None

**11. Correspondence:** None

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

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

**B. Town of Southborough Planning Board, Notice of Public Hearing**

On a motion made by Ms. Hughes, seconded by Mr. DuPont it was voted to accept notices A-B and place them on file. Motion carried.

**Adjournment:** On a motion made by Mr. DuPont, seconded by Mr. McCarthy it was voted to adjourn at 8:38pm. Motion carried.

Respectfully submitted,

Colleen Hughes  
Clerk

/mai

**City of Marlborough**  
**Zoning Board of Appeals**  
**Minutes**  
**March 8, 2016**

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2016 APR 13 P 3:38

**Members Present:** Paul Giunta – Chairman, Theodore Scott, Ralph Loftin and Thomas Golden

The hearing was opened with the reading of the legal notice.

Board Member, Mr. Scott, wanted a clarification for the record regarding the Code Enforcement Officer's letter to Collette Golgata-Sychantha dated January 7, 2016 and submitted to this Board. The letter states "...you definitely have a "hardship" as defined under the zoning laws.". Let the record show that this board understands that it is our duty to officially determine if there is a hardship in accordance with MA General Laws Chapter 40A.

**Petition:** Chapter 650-48(C)(5) requires that off street parking shall not exceed 24' wide between the front lot line and front yard building setback, which is 30' in this case for Zoning District A3. The width of the applicant's parking area is not dimensioned, but is at least 70'.

**Topography:** The lot slopes from the road upward to the back lot line.

**History:** The house was destroyed by fire on November 5, 2013, and demolished on April 2014. A building permit was issued on July 30, 2015. There is an existing retaining wall at the front of the lot in which the applicant proposes to rebuild with terracing walls. There is a 90 ft. wide opening at the front of the lot which has been and currently used for parking vehicles.

**Present** this evening were:

- Pamela Wilderman – Code Enforcement Officer – clarified on certain issues of the petition.
- Collette Sychantha – the applicant
- Lee Thomson – 37 Lakeshore Dr. - spoke on behalf of the applicant.

The Board feels the application has merit:

- The parking area was a non-conforming condition. The rebuilding of the proposed house after the fire is what is triggering the variance; not anything the applicant purposefully did. Therefore, granting a variance would not nullify or detract from the intent or the purpose of the Zoning Ordinance.
- There is a hardship that is caused by the topography of the lot. Trying to construct a typical 24' wide driveway would be extremely costly due to the steep upward slope of the lot and the fact that driveways have to meet current ordinances governing slope.

- There are other properties in the neighborhood that have non-conforming parking areas. Therefore, a variance would not necessarily diminish the public welfare. However, more detail is needed to verify the size and location of the off street parking area.

**Hardship:**

- The applicant stated her hardship is that her house was destroyed by fire. The topography of the lot is on a slope and because of the slope, it would be difficult and costly to design a driveway to conform to the city's current zoning code.

The proposed new house was moved forward in order to better conform to the rear yard setback.

The applicant stated the parking area will accommodate 5 + cars. The applicant has 2 sons with their significant others and her brother who will be living in the new proposed house.

**Speaking in favor of the petition:**

- Lee Thomson - 37 Lakeshore Dr. Marlborough, MA 01752
- Mr. Macinnis - 16 Wakefield Rd., Marlborough, MA 01752
- Ms. O'Connell - 43 Lakeshore Dr., Marlborough, MA 01752

There was no one speaking in opposition to the petition.

The applicant presented for Board's file the following:

- Many photos of the lot in question.
- A narrative of the history of the lot.
- A plan entitled "Plot Plan - 38 Lakeshore Dr. Marlborough, MA - Prepared by Bruce Saluk & Associates, Inc. Prepared for: Mills Construction Corp, Inc. Dated November 15, 2014 Scale: 1" - 20'.
- A letter dated Jan. 7, 2016 from Pamela Wilderman-Code Enforcement Officer to Collette Golgata-Sychantha.

Before a determination can be made, additional information, as required in the Application for variance needs to be submitted.

A certified plot plan needs to be updated to show:

1. Location of proposed construction such as the new foundation and retaining wall or walls,
2. All measurements and offsets of the proposed foundation, parking area, proposed retaining wall or walls and edge of pavement,
3. The dimensions of parking spaces in the parking area, so that it can be determined how many spaces are proposed and that these spaces do not encroach on the public way,

4. Letter from the Building Commissioner's office approving the parking plan.

After much discussion, the Board continued the public hearing to April 5<sup>th</sup>, in order for the applicant to submit the items mentioned above. The hearing is continued to April 5<sup>th</sup> (Tuesday) at 7:00 PM.

The meeting was adjourned.

Respectfully submitted,

  
Paul Guinta  
Chairman

**City of Marlborough  
Zoning Board of Appeals  
Minutes  
April 5, 2016**

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CITY OF MARLBOROUGH  
2016 APR 13 P 3:38

**Members Present: Ralph Loftin - Acting Chairman, Theodore Scott and Thomas Golden**

The hearing continued with the following present:

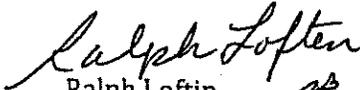
- Collettee Sychantha - applicant
- Lee Thomson - 37 Lakeshore Dr. - assisting the applicant

Due to the lack of a quorum this evening, (Members present: Theodore Scott, Thomas Golden and Ralph Loftin) the hearing was continued to April 7<sup>th</sup>, 2016 at 7:00 PM.

With the consent of the applicant and on a motion by Theodore Scott and seconded by Thomas Golden, the Board voted 3-0 to continue to April 7<sup>th</sup>, 2016 at 7:00 PM.

The meeting was adjourned.

Respectfully submitted,

  
Ralph Loftin *RL*  
Acting Chairman

**City of Marlborough**  
**Zoning Board of Appeals**  
**Minutes**  
**April 7, 2016**

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CITY OF MARLBOROUGH  
2016 APR 12 P 3:41

**Members Present:** Paul Giunta – Chairman, Theodore Scott, Ralph Loftin and Thomas Golden

**Petition:** Chapter 650-48(C)(5) requires that off street parking shall not exceed 24' wide between the front lot line and front yard building setback, which is 30' in this case for Zoning District A3. The width of the applicant's parking area is not dimensioned, but is at least 70'.

This is a continuation meeting from March 8, 2016 and April 5, 2016.

**Present** this evening were:

- Collette Sychantha – the applicant
- Lee Thomson – 37 Lakeshore Dr. - assisting the applicant.

There was no one present speaking in favor or in opposition to the petition.

A plan entitled "Plot Plan – 38 Lakeshore Dr. Marlborough, MA - Prepared by Bruce Saluk & Associates, Inc. Prepared for: Mills Construction Corp, Inc. Dated - December 15, 2014 Scale: 1" = 20' and revised April 1, 2016, to show the additional information requested by the board, was submitted.

An e-mail dated April 5, 2016 from Pamela Wilderman-Code Enforcement Officer to the ZBA stating that the Building Commissioner is in agreement with the proposed parking area as shown on the plan was read into the record.

There was discussion regarding the grading of the front yard at a 2:1 slope and the potential impacts regarding runoff leaving the site. The applicant discussed other alternatives such as a retaining wall or terracing. The board agreed it would be prudent to have the City Engineer review this matter. The board stated it would like a revised drawing submitted for the record if there were any proposed grading changes, but a letter from the City Engineer's office can act as their approval.

With regards to the additional information requested by the Board, at the March 8, 2016 meeting, that the certified plot plan be updated, the Board finds the following:

1. The location of proposed construction such as the new foundation and retaining wall now shown on the plot plan are acceptable.
2. All measurements and offsets of the foundation, parking area, retaining wall and edge of pavement now shown on the plot plan are acceptable.

3. The dimensions of parking spaces in the parking area, so that it can be determined how many spaces are proposed and that these spaces do not encroach on the public way, now shown on the plot plan are acceptable.
4. An e-mail dated April 5, 2016 from Pamela Wilderman-Code Enforcement Officer to the ZBA stating that the Building Commissioner is in agreement with the proposed parking area as shown on the plan was submitted and is acceptable.

The public hearing was closed.

Respectfully submitted,



Paul Guinta  
Chairman

2016 APR 13 P 2:48

**CITY OF MARLBOROUGH MEETING MINUTES**

**Meeting:** Council on Aging Board of Directors Meeting

**Date:** Tuesday, March 8, 2016

**Time:** 8:30 AM

**Location:** Senior Center, 40 New Street, Conference Room

**ATTENDANCE:** *Leslie Biggar, Sheila Brecken, Richard Collins, Jim Confrey, Brenda Costa, Marie Elwood, Pat Gallier, Judith Kane, Jeanne McGeough, Trish Pope*

**ABSENT:** *Richard Cygan*

- I. CALL TO ORDER at 8:31 a.m.
- II. APPROVAL OF February 9, 2016 MINUTES
- III. DIRECTOR'S UPDATE – Trish Pope, Director

Jim shared the comments from a Marlborough Senior who was very appreciative of Trish's efforts towards resolving a problem she had, resulting from a medical issue.

Trish discussed events surrounding the upcoming senior center anniversary.

A small Mass. Department of Transportation grant has been received for GPS equipment.

The exercise class sign up went very well, with the process being much more organized. Four additional classes were made available for seniors.

There is a Senior Prom being planned for June, with a DJ that will be provided free of charge.

Trish has submitted the request for the Cummings grant, which is for \$100,000.00 over three years. The grant request includes funding for lifelong learners and transportation. Trish also plans on using some of the funds for more programming at the senior center and for an outside awning for sun protection. The grant award notifications should be out at the end of May this year. The Cummings grant awards allows for reallocation of funds received, if needed.

**IV. BOARD UPDATES**

**A. BAYPATH ELDER SERVICES UPDATE – Jim Confrey**

Items from the BayPath February board meeting were discussed and the Board Highlights are attached.

**B. MY SENIOR CENTER SYSTEM UPDATE – Trish Pope**

No update at this time.

**C. TRANSPORTATION REPORT – Jeanne McGeough**

There were 95 trips in February: 32 Shopping; 56 Senior Center; 7 Other. The average over the past six months has been 65-70 rides per month.

As of March 1<sup>st</sup>, Employment Options will no longer be providing rides, so the senior center van will be providing for all senior center rides.

**V. NEW/OLD BUSINESS**

**A. DISCUSS SENIOR CENTER ISSUES AND HAPPENINGS**

Trish discussed the Microsoft Surface devices found in a closet. The city IT department is trying to determine if the devices are usable.

**B. DISCUSS MAYOR'S SENIOR OF THE YEAR EVENT**

The board form a senior of the year award committee: Judy Kane, Brenda Costa, Richard Collins. Pat Gallier will serve as an alternate member if needed.

**VI. MEETING ADJOURNED AT 9:30 a.m.**

The next board meeting is Tuesday, April 12, 2016 at 8:30a.m. in the conference room at the Senior Center, 40 New Street, Marlborough, MA.

Respectfully Submitted,

Brenda Costa, Secretary

## **BayPath Board Highlights February 2016**

### **BayPath Annual Breakfast Meeting**

BayPath's Annual breakfast meeting will be held on **Wednesday, October 26, 2016**. This is a change from the usual day of Friday. It will still be held at The Courtyard by Marriot at 8 a.m. There will not be a board meeting on that day.

### **Mass Home Care Lobby Day**

Christine Alessandro and several staff members went to the State house and met with legislators on Feb 29, 2016. This was a great opportunity to educate them about our programs and the need for more funding. Mass Home Care also held a rally at the bottom of the Grand Staircase, with many dignitaries in attendance.

### **ASAP Reviews**

The Executive Office of Elder Affairs (EOEA) has begun to conduct reviews of the ASAPs. This review is based on the standards and regulations of the procurement, and will look at home care, Information and Referral and the Clinical Assessment and Eligibility departments. Elder Affairs is conducting one review per month, and they have started with WestMass Elder Care in February.

### **Consumer Programs**

The home care program has 1,229 consumers; SCO, 898 consumers; ICO, 57 consumers; PCA, 377 consumers; AFC, 23 consumers. We are pleased to see the AFC program growing so soon after implementation.

### **National Association of Area Agencies on Aging (n4a)**

Christine Alessandro was pleased to announce that the Caregiver Program at BayPath has been selected to present at the annual n4a conference. Our workshop will detail our work in implementing the Caregiving Metrowest website as well as our work with dementia friendly communities. The conference will be held in July 2016.

### **Meeting with Council on Aging/Senior Center Directors**

At the suggestion of a board member, Ms. Alessandro will be hosting a get-together of COA/Senior Center Directors. There are several new directors, and it will be a great opportunity to meet the BayPath staff as well as put names to faces. Ms. Alessandro will be sending out the invitations when the date and time are finalized.

**BayPath Board Highlights  
February 2016**

**Community Statistics January, 2016**

<b>Meal days</b>	<b>19</b>
Ashland	423
Dover	18
Framingham	3,383
Holliston	279
Hopkinton	185
Hudson	933
Marlborough	1,528
Natick	1,101
Northborough	377
Sherborn	46
Southborough	320
Sudbury	361
Wayland	474
Westborough	377
<b>Total</b>	<b>9,805</b>

**Program Analysis – January 2016**

Town	ECOP	Choices	Town	ECOP	Choices
Ashland	14	4	Natick	32	23
Dover	2	1	Northborough	9	3
Framingham	69	48	Sherborn	0	1
Holliston	7	6	Southborough	9	0
Hopkinton	11	0	Sudbury	6	4
Hudson	30	18	Wayland	11	5
Marlborough	30	17	Westborough	5	2

The **Enhanced Community Options Program (ECOP)** provides a higher level of service in the community to elders who are ineligible for Mass Health Standard and meet the requirements for nursing facility services. Individuals must be assessed by a BayPath RN and meet the eligibility criteria in order to qualify for this program.

The **Choices Program** is designed to provide intensive services to enrollees in the Frail Elder Waiver (FEW) who are at imminent risk of nursing home placement. Consumers must be eligible for Mass Health Standard. Individuals must be assessed by a BayPath RN and meet the eligibility criteria in order to qualify for this program.

**MCDA Board Minutes**

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Minutes of Marlborough Community Development Authority  
Regular Meeting – Thursday, February 4<sup>th</sup>, 2016  
Meeting Opened: 8:45 a.m. - Meeting Closed: 09:38:a.m.

2016 APR 15 P 1:28

**Attendance of Regular February 4<sup>th</sup> 2016 MCDA Board Meeting**

- 1. Mayor/Chair Arthur G. Vigeant
- 2. Paul Sliney (Tenant Representative)
- 3. Stefanie Ferrecchia (Real Estate Rep.) (Absent)
- 4. Renee Perdicaro
- 5. Dennis Cavanaugh
- 6. David Morticelli (Finance Rep.)
- 7. Douglas M. Bushman, Director
- 8. Diane Smith, (City Auditor) – Non Voting Member
- 9. Brian Doheny, (City Comptroller/Tres.) – Non Voting Member

Also in attendance: (1) Jennifer Ericson, and Jennifer Raite from the Metropolitan Area Planning Council (2) MCDA Staff Massey Casper and Chad Carter (3) BlueWave Capital representatives Sandra Brown and Mark Syliva (4) Jack Hunter Town of Hudson

**Summary of Motions**

**A.** Motion to Approve Minutes of the December 17<sup>th</sup>, 2015 MCDA Meeting - Approved

**B. Housing**

- Motion to Approve Payables for Housing - Approved
- Motion to Approve FY 2016 December Financials - Approved
- Motion to Approve Amd. 10 DHCD CIP - Approved
- Motion to Close Out FISH 170046 (Comm. Boiler) - Approved
- Motion to Close Out FISH 170052 (Wall) - Approved

**C. CDA**

- Motion to Approve Payables for CDA - Approved
- Motion to Approve CDBG Authorization-2016 - Approved

## MCDA Board Minutes

Minutes of Marlborough Community Development Authority  
Regular Meeting – Thursday, October 29<sup>th</sup>, 2015  
Meeting Posted on September 20<sup>th</sup> 2015  
Meeting Opened: 8:45 a.m. - Meeting Closed: 10:22 p.m.

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CITY OF MARLBOROUGH  
2015 APR 15 P 1:28

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### Attendance of Regular October 29<sup>th</sup>, 2015 MCDA Board Meeting

1. Mayor/Chair Arthur G. Vigeant
2. Paul Sliney (Tenant Representative)
3. Stefanie Ferrecchia (Real Estate Rep.)
4. Renee Peridcaro
5. Dennis Cavanaugh
6. David Morticielli (Finance Rep.)
7. Douglas M. Bushman, Director
8. Diane Smith, (City Auditor) – Non Voting Member
9. Brian Doheny, (City Comptroller/Tres.) – Non Voting Member

### Summary of Motions

- A. Motion to Approve Minutes of 9/24/2015 MCDA Meeting – **Approved Unanimously**
- B. **Housing**

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1. Motion to Approve Payables for Housing – **Approved Unanimously with the abstention of Paul Sliney. Mr. Sliney abstained from voting on the Payables due a check made out to him concerning a bill for the Bolton Street Rededication event.**
  2. Motion to Approve FY 2016 July & August Financials - **Approved Unanimously**
  3. Motion to Approve Credit Card Policy – **Tabled per review by Brian Doheny & Diane Smith for further clarification**
  4. Motion to Approve Amd. #9 CIP Plan for Railing Projects - **Approved Unanimously**

### **C CDA**

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5. Motion to Approve Payables for CDA - **Approved Unanimously**