

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2015 SEP 10 P 1:35

1. Minutes, City Council Meeting, August 24, 2015.
2. Communication from the Mayor re: Building Department transfer request in the amount of \$8,000.00 which moves funds from Temporary Local Inspector to Assistant Wiring Inspector to fund assistant inspectors for electrical inspections.
3. Communication from the Mayor re: Grant Acceptance in the amount of \$49,219.72 from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, FY2016 State 911 Department Training Grant and EMD/Regulatory Compliance Grant Program for the Police Department to offset personnel costs associated with the dispatching center and overtime costs relevant to mandated Emergency Dispatching Protocols.
4. Communication from the Mayor re: Two Grant Acceptances in the amounts of \$4,000.00 and \$5,000.00 respectively from Baypath Elder Services for the Council on Aging to offer a new transportation program utilizing the bus recently acquired through the Massachusetts Department of Transportation and to fund the Portuguese and Latino Outreach programs, including ESL classes, enrichment opportunities, as well as exercise and wellness programs.
5. Communication from the Mayor re: Establishment of a Council on Aging Revolving Fund.
6. Communication from the Mayor re: Supreme Judicial Court Decision on Residency Restrictions for Sex Offenders.
7. Communication from the Mayor re: Marlborough and Northborough Intermunicipal Agreement related to shared use of Marlborough's Westerly Wastewater Treatment Facility.
8. Communication from City Solicitor Rider re: Review of language for various conditions concerning Marlborough Hills Open Space Trail System, Order No. 15-1006295.
9. Communication from City Solicitor Rider re: Comprehensive Permit for Brookview Village (aka Talia), Public Walking Trail Easement, X14-1005759.
10. Petition from Verizon New England Inc. to place two 4" conduits on the northeasterly side of Ames St. beginning at Pole T.20½, located on the northeasterly side of Ames St., then running in a northwesterly direction a distance of approximately 495' to handhole #1, located on the northeasterly side of Ames St., & then continuing in a northwesterly direction a distance of approximately 535' to a point on the northeasterly side of Ames St.
11. Minutes, School Committee, June 23 & August 25, 2015.
12. Minutes, Conservation Commission, July 16, 2015.
13. Minutes, Board of Assessors, April 29, 2015.
14. Minutes, Library Trustees, June 23, 2015.
15. Minutes, Traffic Commission, June 23, 2015.
16. Minutes, License Board, January 13, February 25, March 13, March 25, April 29, May 27, June 24, July 22, and August 20, 2015.
17. CLAIMS:
 - a. Arleen & Jeffrey Stoller, 98 Linda Circle, other property damage.
 - b. Michael Cappadona, 15 Greenwood St., other property damage.
 - c. Gary Morse, 89 Plymouth St., other property damage.

REPORTS OF COMMITTEES:

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.

UNFINISHED BUSINESS:

From Public Services Committee

18. **Order No. 15-1006284 - Application for Livery License, Jose Heredia, d/b/a Alex Transportation, 110 Boston Post Road East.** Police Chief Leonard approved the CORI report for Jose Heredia and had no objection to his application for a livery license. Jose Heredia required a livery license for a Business Certificate to operate as a livery driver. He owned a 2015 Toyota Highlander that will be garaged at 110 Boston Post Road East in Marlborough and planned to primarily transport passengers to and from Logan Airport. **Motion made by Councilor Clancy, seconded by Chair, to approve the livery license for Jose Heredia. The motion carried 3-0.**

19. **Order No. 15-1006263A - Petition of National Grid to install 3" conduit and install new #2 AL cable throughout Miles Standish residential development along the route of the existing cable due to numerous cable failures.** Jack Saraiva and Pat Scanlon appeared on behalf of National Grid and explained the project. Currently, the cable is sitting directly in soil and those conditions accelerate deterioration. By installing conduit along the sidewalks and running cable through the conduit they hope to alleviate the outages that plague the area. The project will take approximately three years for completion of the project in its stages.

Chairman Landers read through the List of Standard Petition Conditions:

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.

In addition to the standard conditions, the following conditions apply:

1. After all utilities are marked in the field, minor modifications to this plan may be necessary. Any infrastructure to be located within the paved portion of the road, or where it conflicts with City infrastructure, is subject to final approval by DPW.
2. It is National Grid's responsibility to ensure that all necessary private easements are in place prior to construction and that all private property be repaired properly when construction is complete.
3. There are a number of ground mounted transformers proposed as part of this project. Most of these transformers are located at property lines in an effort to minimize aesthetic impacts to homes. Several transformers are proposed closer to homes or in front of homes. National Grid should provide an explanation of why these transformers are required to be located at these locations and provide visual screening as possible.

Motion made by Councilor Clancy, seconded by Councilor Irish, to approve the petition of National Grid to install 3" conduit and install new #2 AL cable throughout Miles Standish residential development along the route of the existing cable. The motion carried 3-0.

From Urban Affairs Committee

20. **Order No. 15-1006283 - Application for Site Plan Permit from Attorney Gadbois on behalf of Mammoth Development Company, LLC, to purchase property at 70 Simarano Drive to construct and use the site as a day care center.** The Urban Affairs Committee met with Attorney Sandra Austin and representatives of Mammoth Development Company for a discussion of a proposed day care center at 70 Simarano Drive. The proponents provided an overview of the project and the site plan which showed the building and its location on the site, as well as parking and access to the site from Simarano Drive. The committee reviewed the Site Plan Approval Final Conditions with minor changes made for clarity. **Motion made by Councilor Clancy, seconded by Chair, to approve as amended. The motion carried 4-0.**

From Personnel Committee

21. **Order No. 15-1006280 - The Appointment of David Morticelli to the Community Development Authority for a term of two years to expire from date of City Council approval.** Recommendation of the Personnel Committee is to approve the appointment of David Morticelli to the Community Development Authority (CDA). **Motion made by Councilor Elder, seconded by Councilor Irish to approve the appointment. The motion carried 3-0.**
22. **Order No. 15-1006279 - The Reappointment of Brian Doheny as Comptroller/Treasurer for a term of three years.** Recommendation of the Personnel Committee is to approve the reappointment of Brian Doheny as Comptroller/Treasurer. **Motion made by Councilor Elder, seconded by Chair to approve the reappointment. The motion carried 3-0.**



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

AUGUST 24, 2015

Regular meeting of the City Council held on Monday, AUGUST 24, 2015 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish and Landers. Meeting adjourned at 9:09 PM.

ORDERED: That the Minutes of the City Council meeting JULY 27, 2015, **FILE**; adopted.
Councilor Oram abstained.

ORDERED: That the **PUBLIC HEARING** On the Application for Sign Ordinance Permit from Alan Micale, Ayoub Engineering, Inc., on behalf of Nouria/Shell Station, 413 Lakeside Ave., Order No. 15-1006262, all were heard who wish to be heard, hearing recessed at 8:06 PM.

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

ORDERED: That the **PUBLIC HEARING** On the Application for Special Permit from Attorney Gadbois on behalf of Charter Foods North, LLC, to operate a Taco Bell restaurant with a drive-thru facility at 773 Boston Post Rd. East, Order No. 15-1006282A, all were heard who wish to be heard, hearing recessed at 8:31 PM.

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

ORDERED: That the Communication from the Mayor regarding submission of applications to the Massachusetts Permit Regulatory Office to designate several Marlborough properties as 43D Priority Development Sites to now include the following sites:

17 East Main Street

15 East Main Street

15 Sawin Street

Refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Summer Youth Jobs Grant in the amount of \$1,350.00 from Attorney Healey's Summer Youth Jobs Program; adopted.

ORDERED: That the LFB's TIF, constructing a pharmaceutical upstream commercial clarification facility consisting of the following 3 documents, attached hereto, **APPROVED**; adopted.

1. City Council Resolution
2. The Economic Development Incentive Program (EDIP) Local Incentive Only Application
3. The TIF Agreement

ORDERED: That the Communication from Anthony Andronico, LSP re: Notice of Release Notification Form and Permanent Solution Statement for 1 D'Angelo Dr., refer to **CONSERVATION OFFICER**; adopted.

ORDERED: That the Communication from Brian Lawlor, PE on behalf of Atlantic-Marlborough Realty, LLC re: submission of plans for an open space trail system within the Marlborough Hills mixed-use development, refer to **OPEN SPACE COMMITTEE**; adopted.

ORDERED: That the Minutes, Conservation Commission, June 18, 2015, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, July 13, 2015, **FILE**; adopted.

ORDERED: That the Minutes, Fort Meadow Commission, September 18, 2014 & May 21, 2015, **FILE**; adopted.

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

- a. Christine Coody, 195 East Main St., Apt 84, other property damage.
- b. Maureen King, 11 Ellis Ave., other property damage
- c. Mikeoll Echeverria, 26 Centre St., Roxbury, pothole or other road defect.
- d. Waseem Naqvi, 54 Butler Circle, residential mailbox claim 2(a)
- e. Paul Butcher, 143 Chestnut St., other property damage

Reports of Committees:

Councilor Landers reported the following out of the Public Services Committee:

Meeting Name: City Council Public Services Committee

Date: August 18, 2015

Time: 6:45 PM

Location: City Council Chambers, 2nd Floor, City Hall, 140 Main Street

Convened: 6:58 PM

Adjourned: 7:59 PM

Present: Chairman Landers; Public Services Committee Members Councilors Clancy and Irish; and Councilor Robey

Reports of Committees cont'd:

Order No. 15-1006284: Application for Livery License, Jose Heredia, d/b/a Alex Transportation, 110 Boston Post Road East. Police Chief Leonard approved the CORI report for Jose Heredia and had no objection to his application for a livery license. Jose Heredia required a livery license for a Business Certificate to operate as a livery driver. He owned a 2015 Toyota Highlander that will be garaged at 110 Boston Post Road East in Marlborough and planned to primarily transport passengers to and from Logan Airport. **Motion made by Councilor Clancy, seconded by Chair, to approve the livery license for Jose Heredia. The motion carried 3-0.**

Order No. 15-1006264A: Petition of Eversource Energy to install 1200' of 6" IP plastic gas main as a system improvement on Ames Street from Nickerson Road running Northwesterly to Reilly Way. JoAnne O'Leary, Community Relations Representative for Eversource Energy, explained the project's time frame would be approximately three weeks for Eversource or its contractors to tie into the eight-inch existing gas main on Glen Street. They plan utilization of police details with at least one open lane during construction. The staging area will be done through their contractor in accordance with standards issued by the City of Marlborough Department of Public Works.

Chairman Landers read through the List of Standard Petition Conditions:

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.

In addition to the standard conditions, the following condition applies:

1. The plans that are provided for review appear to be approximately to scale, but do not show easements or other underground infrastructure. Any infrastructure to be located within the paved portion of the road is subject to final approval by DPW after being marked in the field.

Reports of Committees cont'd:

Motion made by Councilor Clancy, seconded by Councilor Irish, to approve the petition of Eversource Energy to install 1200' of 6" IP plastic gas main as a system improvement on Ames Street. The motion carried 3-0.

Motion made by Councilor Clancy, seconded by Councilor Irish, to request a suspension of the rules at the next regular City Council meeting for approval of the petition. The motion carried 3-0.

Order No. 15-1006237A: Petition of Eversource to install 160' of 2" IP plastic gas main as a system improvement to 7 Corey Road. Chairman Landers confirmed with JoAnne O'Leary, Community Relations Representative for Eversource Energy, the resident at 7 Corey Road hoped to complete the work by winter. Ms. O'Leary stated the project is approximately 3-5 days in duration as the work along the road itself will be about 1.5 days and the remaining work is done off the roadway.

List of Standard Petition Conditions:

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.
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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.

Motion made by Councilor Clancy, seconded by Chair, to approve the petition of Eversource to install a gas main as a system improvement to 7 Corey Road. The motion carried 3-0.

Motion made by Councilor Irish, seconded by Councilor Clancy, to request a suspension of the rules at the next regular City Council meeting for approval of the petition. The motion carried 3-0.

Reports of Committees cont'd:

Order No. 15-1006263A: Petition of National Grid to install 3" conduit and install new #2 AL cable throughout Miles Standish residential development along the route of the existing cable due to numerous cable failures. Jack Saraiva and Pat Scanlon appeared on behalf of National Grid and explained the project. Currently, the cable is sitting directly in soil and those conditions accelerate deterioration. By installing conduit along the sidewalks and running cable through the conduit they hope to alleviate the outages that plague the area. The project will take approximately three years for completion of the project in its stages.

Chairman Landers read through the List of Standard Petition Conditions:

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).
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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.

In addition to the standard conditions, the following conditions apply:

1. After all utilities are marked in the field, minor modifications to this plan may be necessary. Any infrastructure to be located within the paved portion of the road, or where it conflicts with City infrastructure, is subject to final approval by DPW.
2. It is National Grid's responsibility to ensure that all necessary private easements are in place prior to construction and that all private property be repaired properly when construction is complete.
3. There are a number of ground mounted transformers proposed as part of this project. Most of these transformers are located at property lines in an effort to minimize aesthetic impacts to homes. Several transformers are proposed closer to homes or in front of homes. National Grid should provide an explanation of why these transformers are required to be located at these locations and provide visual screening as possible.

Reports of Committees cont'd:

Motion made by Councilor Clancy, seconded by Councilor Irish, to approve the petition of National Grid to install 3" conduit and install new #2 AL cable throughout Miles Standish residential development along the route of the existing cable. The motion carried 3-0.

Motion made by Councilor Clancy, seconded by Chair, to adjourn. The motion carried 3-0. The meeting adjourned at 7:59 PM.

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

Meeting Name: City Council Urban Affairs Committee

Date: August 18, 2015

Time: 5:00 PM

Location: City Council Chambers, 2nd Floor, City Hall, 140 Main Street

Convened: 5:00 PM

Adjourned: 5:54 PM

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

Absent: Councilor Page

Also Present: Sandra Austin, Attorney; Michael Coffman and Jonathan Coffman, Mammoth Development Company, LLC; Michael Malynowski, Allen & Major Associates, Inc.; and Priscilla Ryder, Conservation Officer, City of Marlborough

Order No. 15-1006283: Application for Site Plan Permit from Attorney Gadbois on behalf of Mammoth Development Company, LLC, to purchase property at 70 Simarano Drive to construct and use the site as a day care center. The Urban Affairs Committee met with Attorney Sandra Austin and representatives of Mammoth Development Company for a discussion of a proposed day care center at 70 Simarano Drive. The proponents provided an overview of the project and the site plan which showed the building and its location on the site, as well as parking and access to the site from Simarano Drive. The committee reviewed the Site Plan Approval Final Conditions with minor changes made for clarity. **Motion made by Councilor Clancy, seconded by Chair, to approve as amended. The motion carried 4-0.**

Motion made by Councilor Clancy, seconded by Chair, to adjourn. The motion carried 4-0. The meeting adjourned at 5:54 PM.

Councilor Tunnera reported the following out of the Personnel Committee:

Meeting Name: City Council Personnel Committee

Date: August 18, 2015

Time: 6:30 PM

Location: City Council Chamber, 2nd Floor, City Hall, 140 Main Street

Convened: 6:32 PM

Adjourned: 6:53 PM

Present: Chairman Tunnera; Personnel Committee Members Councilors Elder and Irish; Councilors Clancy, Delano, Landers and Robey

Reports of Committees cont'd:

Order No. 15-1006280: The Appointment of David Morticelli to the Community Development Authority for a term of two years to expire from date of City Council approval. Recommendation of the Personnel Committee is to approve the appointment of David Morticelli to the Community Development Authority (CDA). **Motion made by Councilor Elder, seconded by Councilor Irish to approve the appointment. The motion carried 3-0.**

Order No. 15-1006279: The Reappointment of Brian Doheny as Comptroller/Treasurer for a term of three years. Recommendation of the Personnel Committee is to approve the reappointment of Brian Doheny as Comptroller/Treasurer. **Motion made by Councilor Elder, seconded by Chair to approve the reappointment. The motion carried 3-0.**

Motion made by Councilor Elder, seconded by Chair, to adjourn. The motion carried 3-0. The meeting adjourned at 6:53 PM.

Suspension of the Rules requested-granted

ORDERED: That the Petition of Eversource Energy to install 1200' of 6" IP plastic gas main as a system improvement on Ames St. from Nickerson Rd. running Northwesterly to Reilly Way, **APPROVED WITH THE FOLLOWING STANDARD 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.

AND FOLLOWING CONDITION:

In addition to the standard conditions, the following condition applies:

1. The plans that are provided for review appear to be approximately to scale, but do not show easements or other underground infrastructure. Any infrastructure to be located within the paved portion of the road is subject to final approval by DPW after being marked in the field.

Suspension of the Rules requested-granted

ORDERED: That the Petition of Eversource to install 160' of 2" IP plastic gas main as a system improvement to 7 Corey Road, **APPROVED WITH THE FOLLOWING STANDARD 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.
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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.

Suspension of the Rules requested-granted to allow the following Communication to be read into record and to allow the Mayor to speak.

ORDERED: That the Communication from the Mayor re: Hudson Street Landfill, **REFER TO THE MAYOR TO REPORT BACK TO CITY COUNCIL WHEN FIRST PHASE OF PROJECT IS COMPLETED**; adopted.
Councilor Elder recused.

ORDERED: That pursuant to Section 14 of Chapter 40 of the General Laws of Massachusetts, the City does hereby accept title, by gift of deed of conveyance from Anne P. Mercer to a certain parcel of vacant land, located at 704 Robin Hill Street, also known and numbered as Map 39, Parcel 30 on the Assessors' Map of the City of Marlborough, said parcel containing .663 acres or 28,883 square feet, more or less, said deed to be recorded at the Middlesex County South Registry of Deeds, **APPROVED**; adopted.

ORDERED: That the City Council of the City of Marlborough, by two-thirds vote pursuant to Mass. Gen. Laws c. 40, § 15A, hereby transfers to the Conservation Commission of the City of Marlborough for conservation purposes, including increasing open space, preserving vistas, providing wildlife habitat, and enabling future passive and active recreational opportunities, the care, custody, management, and control of to a certain parcel of vacant land, located at 704 Robin Hill Street, also known and numbered as Map 39, Parcel 30 on the Assessors' Map of the City of Marlborough, said parcel containing .663 acres or 28,883 square feet, more or less, pursuant to Mass. Gen. Laws c. 40, § 8C, **APPROVED**; adopted.

Yea: 10 – Nay: 0

Yea: Ossing, Oram, Robey, Delano, Page Elder, Tunnera, Irish, Clancy, & Landers

ORDERED: That the Reappointment of Ron Saloman to the Board of Registrars for a term to expire three years from date of City Council approval, **APPROVED**; adopted.

ORDERED: That the Reappointments of Kim Beauchemin, James David Elmore and Sandra Pirie-St. Amour to the Arts Lottery Council for terms to expire three years from effective date of August 24, 2015, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:09 PM.



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2015 SEP 10 A 11:42

City of Marlborough

Office of the Mayor

140 Main Street

Marlborough, Massachusetts 01752

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www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Nicholas Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

September 10, 2015

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

Re: Transfer Request for the Inspectional Services Department

Honorable President Clancy and Councilors:

Attached for your approval is a transfer request for \$8,000 to be transferred within the Inspectional Services Department.

As you are well aware, the Inspectional Services Department has been experiencing high demand for permits. This is clear indication that Marlborough's economy is booming. From large scale corporate investments from companies like GE Healthcare to home improvement projects, Inspectional Services has been busy with a significant number of permit requests.

Due to the high demand, the Assistant Wiring Inspector line item in the FY 2016 budget has been used extensively over the past two months. At \$25 per inspection, the electrical inspectors the City uses are close to exhausting the \$8,000 budgeted. Building Commissioner Bob Camacho is requesting a transfer of \$8,000 from the account for the Local Inspector to the account for the Assistant Wiring Inspectors.

This transfer will enable him to continue utilizing assistant inspectors for electrical inspections. The funds are available from the Local Inspector account because the position was filled in late August, meaning the entire budgeted amount will not be necessary.

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

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough
BUILDING DEPARTMENT

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

ROBERT F. CAMACHO - C.B.O.
BUILDING COMMISSIONER

GERARD NOEL
BUILDING INSPECTOR

RICHARD DESIMONE
PLUMBING & GAS INSPECTOR

JOHN CAIN
WIRING INSPECTOR

September 8, 2015

Mayor Vigeant

Subject Transfer of funds:

Because of an excessive number of electrical inspections for the beginning of this fiscal year we have utilized over 60% of the budget allotted for line item 50970 *Assistant Electrical Inspector*.

I expect this trend to continue and respectfully request a transfer of \$8,000.00 to cover this line item.

Sincerely

Robert F. Camacho - C.B.O.

Building Commissioner

Cc: File

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

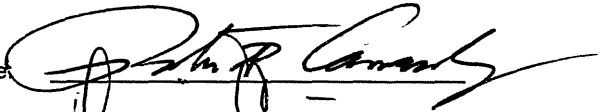
DEPT: Building Department

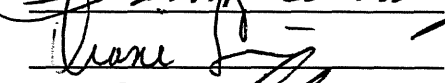
FISCAL YEAR: 2016


FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$54,727.87</u>	<u>\$8,000.00</u>	<u>12410004</u>	<u>50265</u>	<u>Temporary Local Inspector</u>	<u>\$8,000.00</u>	<u>12410001</u>	<u>50970</u>	<u>Asst Wiring Inspector</u>	<u>\$2,450.00</u>
				Reason: <u>Position recently filled. Funds available.</u>				<u>High volume of inspections due to various projects</u>	
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
				Reason: _____				_____	
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
				Reason: _____				_____	
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
				Reason: _____				_____	
	<u>\$8,000.00</u>	<u>Total</u>			<u>\$8,000.00</u>	<u>Total</u>			

Department Head signature: 

Auditor signature: 

Comptroller signature: 



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2015 SEP 10 A 11:45

140 Main Street

Marlborough, Massachusetts 01752

Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Nicholas Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

September 10, 2015

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

Re: Grant Acceptance – Marlborough Police Department

Honorable President Clancy and Councilors:

Attached for your acceptance is a grant in the amount of \$49,219.72 from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, FY2016 State 911 Department Training Grant and EMD/Regulatory Compliance Grant Program for the Marlborough Police Department. This grant will be utilized to offset personnel costs associated with the dispatching center as well as overtime costs associated with meeting mandated Emergency Dispatching Protocols.

Also enclosed for your convenience is a cover letter from Police Chief Mark Leonard and additional relevant information.

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

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough POLICE DEPARTMENT

508-485-1212 • FAX 508-624-6949
355 BOLTON STREET • MARLBOROUGH, MA • 01752

MARK F. LEONARD
Chief of Police

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

August 17, 2015

Dear Mayor Vigeant:

The Marlborough Police Department has been awarded a grant in the amount of \$49,219.72 from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, FY2016 State 911 Department Training Grant and EMD/ Regulatory Compliance Grant Program. The grant is a reimbursement grant, which will be used to offset personnel costs in the Public Safety Dispatching center for training overtime and overtime costs associated with meeting the State mandated Emergency Dispatching Protocols.

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

Sincerely,

Mark F. Leonard
Chief of Police

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Police Department DATE: August 13, 2015

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Chief Mark F. Leonard

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

GRANTOR: Commonwealth of Massachusetts

GRANT AMOUNT: \$49,219.72

GRANT PERIOD: Present to June 30, 2016

SCOPE OF GRANT/
ITEMS FUNDED To assist the Department in meeting mandates
for certification of public safety dispatchers

IS A POSITION BEING
CREATED: No

CAN FRINGE BENEFITS BE PAID FROM GRANT?

IF YES: No

ARE MATCHING CITY
FUNDS REQUIRED?

None

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

IF MATCHING IS
MONETARY PLEASE
GIVE ACCOUNT None

ANY OTHER EXPOSURE TO CITY? No

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

DEPARTMENT HEAD MUST 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 G

Mark Leonard

From: 911DeptGrants (EPS) <911deptgrants@state.ma.us>
Sent: Wednesday, August 12, 2015 3:29 PM
To: Mark Leonard
Cc: Paul Valianti
Subject: Contract & Award Letter
Attachments: S35C-415081213380.pdf

Attached you will find a scanned copy of your award letter and contract for your **FY2016 Training Grant and EMD/Regulatory Compliance Grant**.

Please be sure to make a copy of the award letter and contract for your grant file, one will not be mailed to you.

Your effective contract start date is: August 12, 2015

- **There shall be no reimbursement for costs incurred prior to the Effective Date of the Contract.**
- **All goods and services SHALL be received on or before June 30, 2016 to be eligible for reimbursement.**
- **Reimbursement requests should be submitted to the Department within thirty (30) days of the date on which the cost is incurred.** Reimbursement requests must include expenditure and activity reports as well as supporting documentation, including but not limited to, copies of receipts, proof of payment and/or payroll records. All requests for reimbursement **shall be submitted by September 30, 2016.**

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

Cindy Reynolds | Grants Specialist |

State 911 Department
1380 Bay Street – Bldg. C
Taunton, MA 02780
DIRECT: | 508.821.7299
FAX: | 508.828.2585

E-Mail | 911DeptGrants@state.ma.us

Forms | Applications | EMD Resources | Approved Trainings | www.mass.gov/E911



The Commonwealth of Massachusetts
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
STATE 911 DEPARTMENT
1380 Bay Street, Building C ~ Taunton, MA 02780-1088
Tel: 508-828-2911 ~ TTY: 508-828-4572 ~ Fax: 508-828-2585
www.mass.gov/e911



DEVAL L. PATRICK
Governor

ANDREA J. CABRAL
Secretary of Public Safety
and Security

FRANK POZNIAK
Executive Director

August 12, 2015

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

Dear Chief Leonard,

The Commonwealth of Massachusetts, State 911 Department would like to thank you for participating in the **FY 2016 State 911 Department Training Grant and EMD / Regulatory Compliance Grant** program.

For your files, attached please find a copy of the executed contract. Please note your contract start date is **August 12, 2015** and will run through June 30, 2016. Please keep in mind that there shall be no reimbursement for costs incurred prior to the effective date of the contract and all goods and services **MUST** be received on or before June 30, 2016.

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

If, in the future, you would like to make any changes to the authorized signatory, the contract manager, and/or the budget worksheet, please e-mail those proposed changes to 911DeptGrants@state.ma.us. Grantees are strongly encouraged to submit final, year-end budget modification requests on or before April 30, 2016.

Sincerely,

Frank P. Pozniak
Executive Director

cc: FY 2016 Training Grant and EMD / Regulatory Compliance Grant File

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

CONTRACTOR LEGAL NAME: <u>City of Marlborough</u> (and d/b/a): <u>City of Marlborough Police Department</u>	COMMONWEALTH DEPARTMENT NAME: <u>State 911 Department</u> MMARS Department Code: <u>EPS</u>
Legal Address: (W-9, W-4,T&C): <u>355 Bolton Street</u>	Business Mailing Address: <u>1380 Bay Street, Building C, Taunton, MA 02780</u>
Contract Manager: <u>Chief of Police Mark F. Leonard</u>	Billing Address (if different):
E-Mail: <u>mleonard@marlborough-ma.gov</u>	Contract Manager: <u>Cindy Reynolds</u>
Phone: <u>508-624-6970</u> Fax: <u>508-624-6938</u>	E-Mail: <u>911DeptGrants@state.ma.us</u>
Contractor Vendor Code: <u>VC6000192111</u>	Phone: <u>508-821-7299</u> Fax: <u>508-828-2585</u>
Vendor Code Address ID (e.g. "AD001"): <u>AD001</u> (Note: The Address ID must be set up for EFT payments.)	MMARS Doc ID(s): <u>CT EPS GRNT</u>
<p style="text-align: center;"><input checked="" type="checkbox"/> NEW CONTRACT</p> PROCUREMENT OR EXCEPTION TYPE: (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 checked="" type="checkbox"/> <u>Department Procurement</u> (includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> <u>Emergency Contract</u> (Attach justification for emergency, scope, budget) <input type="checkbox"/> <u>Contract Employee</u> (Attach <u>Employment Status Form</u> , scope, budget) <input type="checkbox"/> <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification, scope and budget)	<p style="text-align: center;"><input type="checkbox"/> CONTRACT AMENDMENT</p> Enter Current Contract End Date <u>Prior</u> to Amendment: _____, 20 ____. Enter Amendment Amount: \$ _____ (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> <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 or Other:</u> (Attach authorizing language/justification and updated scope and budget)
The following COMMONWEALTH TERMS AND CONDITIONS (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract. <input checked="" type="checkbox"/> <u>Commonwealth Terms and Conditions</u> <input type="checkbox"/> <u>Commonwealth Terms and Conditions For Human and Social Services</u>	
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> <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 <i>new</i> Total if Contract is being amended). \$ <u>49,219.72</u>	
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ___% PPD; Payment issued within 15 days ___% PPD; Payment issued within 20 days ___% PPD; Payment issued within 30 days ___% PPD. If PPD percentages are left blank, identify reason: <input checked="" type="checkbox"/> <u>agree to standard 45 day cycle</u> ___ statutory/legal or Ready Payments (G.L. c. 29, § 23A); ___ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See <u>Prompt Pay Discounts Policy</u> .)	
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) <u>Contract is for the reimbursement of funds under the State 911 Department FY2016 Training and EMD/Regulatory Compliance Grant as authorized and awarded in compliance with grant guidelines and grantee's approved application.</u>	
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations. <input checked="" type="checkbox"/> 1. may be incurred as of the <u>Effective Date</u> (latest signature date below) and <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.	
CONTRACT END DATE: Contract performance shall terminate as of <u>June 30, 2016</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.	
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the " <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.	
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Arthur Vigeant</u>	AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Frank Pozniak</u>



City of Marlborough

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

2015 SEP 10 A 11:45 140 Main Street

Marlborough, Massachusetts 01752

Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Nicholas Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

September 10, 2015

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

Re: Council on Aging Grant Acceptance

Honorable President Clancy and Councilors:

Attached for your acceptance are two grant awards from BayPath Elder Services that total \$9,000.

As the letter from Council on Aging Executive Director Patricia Pope notes, the two grants will allow the Council on Aging to offer a new transportation program utilizing the bus recently acquired through the Massachusetts Department of Transportation. It will also fund the successful Portuguese and Latino Outreach programs, including ESL classes, enrichment opportunities, as well as exercise and wellness programs.

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

Sincerely,

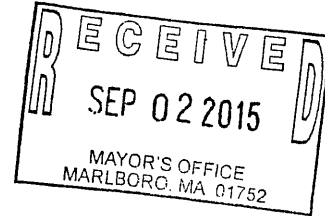
Arthur G. Vigeant
Mayor



City of Marlborough
Council on Aging and Senior Center

40 New Street
Marlborough, MA 01752
Tele (508) 485-6492 Fax (508) 460-3726

September 1, 2015



Dear Mayor Vigeant;

I am submitting 2 grant awards from BayPath Elder Services, Inc., totaling \$9000.00, for your approval.

These grants will allow our COA to offer a new transportation program using the new Mini-Bus recently acquired through MassDOT and the continuation of the very successful Portuguese and Latio Outreach program which includes ESL classes, enrichment opportunities as well as exercise and wellness programs.

Sincerely,



Patricia A. Pope

Executive Director



BayPath Elder Services, Inc.

33 Boston Post Road West

Marlborough, MA 01752-1853

508-573-7200 • Fax 508-573-7222 • TTY 508-573-7282

July 28, 2015

Patricia Pope, Director
Marlborough Council on Aging
40 New Street
Marlborough, MA 01752

Dear Trish,

The BayPath Board of Directors met on July 22, 2015 and voted on the funding of the Title III programs for the Federal Fiscal Years 2016 and 2017. The Marlborough COA was awarded grant funding under Title III B for the amount of \$4,000 for the Marlborough Senior Center Transportation Program.

The grant period of the award is from October 1, 2015 through September 30, 2016. Because of the uncertainty of what the actual funding will be from the Executive Office of Elder Affairs, this award is tentative and subject to change.

Your notification of Grant Award documentation, along with other pertinent information regarding the grant, will be sent to you in September.

If you have any questions regarding the above, please call me at (508) 573-7346.

Sincerely,

Fran Bakstran
Assistant Director, Area Agency on Aging

Cc: Christine Alessandro, Executive Director
Monica Alley, Director of Community Programs and Healthy Aging

Area Agency on Aging
Serving the Communities of

Ashland - Dover - Framingham - Holliston - Hopkinton - Hudson - Marlborough
Natick - Northborough - Sherborn - Southborough - Sudbury - Wayland - Westborough

CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: Council on Aging DATE: September 1, 2015

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Patricia Pope

NAME OF GRANT: Marlborough Senior Center Transportation Program

GRANTOR: BayPath Elder Services, Inc.

GRANT AMOUNT: \$4000.00

GRANT PERIOD: October 1, 2015 - September 30, 2016

SCOPE OF GRANT/
ITEMS FUNDED Provide a Dispatcher/Driver for our new transportation program.

IS A POSITION BEING
CREATED: Yes, this is stipend position with no benefits

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? not necessary

ARE MATCHING CITY
FUNDS REQUIRED? No

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:
Inkind match, office supplies, telephone use, admin oversight

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS TO
BE USED:
No

ANY OTHER EXPOSURE TO CITY?
No

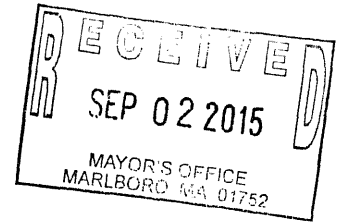
IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: prior to October 1, 2015

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



BayPath Elder Services, Inc.

33 Boston Post Road West
Marlborough, MA 01752-1853
508-573-7200 • Fax 508-573-7222 • TTY 508-573-7282



July 28, 2015

Patricia Pope, Director
Marlborough Council on Aging
40 New Street
Marlborough, MA 01752

Dear Trish,

The BayPath Board of Directors met on July 22, 2015 and voted on the funding of the Title III programs for the Federal Fiscal Years 2016 and 2017. The Marlborough COA was awarded grant funding under Title III B for the amount of \$5,000 for the Multicultural Outreach Program.

The grant period of the award is from October 1, 2015 through September 30, 2016. Because of the uncertainty of what the actual funding will be from the Executive Office of Elder Affairs, this award is tentative and subject to change.

Your notification of Grant Award documentation, along with other pertinent information regarding the grant, will be sent to you in September.

If you have any questions regarding the above, please call me at (508) 573-7346.

Sincerely,

Fran Bakstran
Assistant Director, Area Agency on Aging

Cc: Christine Alessandro, Executive Director
Monica Alley, Director of Community Programs and Healthy Aging

Area Agency on Aging
Serving the Communities of

Ashland - Dover - Framingham - Holliston - Hopkinton - Hudson - Marlborough
Natick - Northborough - Sherborn - Southborough - Sudbury - Wayland - Westborough

CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: Council on Aging DATE: September 1, 2015

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Patricia Pope

NAME OF GRANT: Multicultural Outreach Program

GRANTOR: BayPath Elder Services, Inc

GRANT AMOUNT: \$5000.00

GRANT PERIOD: October 1, 2015 - September 30, 2016

SCOPE OF GRANT/
ITEMS FUNDED Provide American History Classes, Citizenship Classes and
Art program

IS A POSITION BEING
CREATED: Yes..stipend for class teachers

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:
Inkind match use of space, copier and admin oversight

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS TO
BE USED:
No

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: prior to October 1, 2015

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



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2015 SEP 10 A 11:45

City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Nicholas Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

September 10, 2015

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

Re: Council on Aging Revolving Fund

Honorable President Clancy and Councilors:

Please see the attached letter from Patricia Pope, the Executive Director of the Council on Aging, requesting the establishment of a revolving fund for the Council on Aging.

As you are aware, revolving funds contain more controls and safeguards than those imposed on regular accounts, including annual reauthorization, statutory caps, and limits on annual expenditures.

To be effective in fiscal year 2016, state law generally requires approval before the new fiscal year begins; however, a new revolving fund can be established if it is using funds from a new revenue source. In this case, the revolving fund will be established with donations to the Council on Aging that are currently collected by the Friends of Marlborough Seniors and then transferred to the Council on Aging, when needed.

Creating this fund to collect donations will reduce the paperwork and multistep process the Council on Aging must currently follow to access these funds.

I have attached a proposed order for your consideration. As always, if you have any questions or concerns about this issue, please feel free to contact me or Trish Pope.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

ORDERED:

Council on Aging Revolving Fund

That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2016, authorize a revolving fund to be utilized by the Council on Aging. It is further ordered that:

(a) receipts credited to the fund shall be limited to donations to the Council on Aging/Senior Center; and

(b) expenditures from said fund shall be limited to Council on Aging/Senior Center programming; and

(c) the Executive Director of the Council on Aging shall be the only officer authorized to approve expenditures from the same; and

(d) no more than forty thousand dollars (\$40,000.00) shall be expended during Fiscal Year 2016, unless otherwise authorized by the City Council and Mayor; and

(e) the Executive Director of the Council on Aging shall prepare a year-end report identifying funds received, funds expended, description of expenditures, and year-end balance; and

(f) the provisions of this order shall not be changed unless approved by the Mayor and City Council.

ADOPTED
In City Council
Order No. 15-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough
Council on Aging and Senior Center

40 New Street
Marlborough, MA 01752
Tele (508) 485-6492 Fax (508) 460-3726

August 20, 2015

Dear Mayor Vigeant,

I would like to request that the Council on Aging be allowed to set up a revolving account for programs. As required through most of our grants we ask for voluntary donations at the end of each program. This money is then used to offset the cost of some of the programs. Currently the monies have been handed over to the Friends of Senior Center group, deposited in their account and when funds are needed we request it from the Friends group. When conferring with my colleagues in other Senior Centers they informed me that they have set up revolving accounts in their respective communities to streamline this process and add a level of transparency. It is my hope that we can adopt this practice as well.

Thank you for your consideration of this request.

Respectfully,

Trish Pope

Executive Director

Council on Aging and Senior Center



City of Marlborough

Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Nicholas Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

September 10, 2015

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

Re: Supreme Judicial Court Decision on Residency Restrictions for Sex Offenders

Honorable President Clancy and Councilors:

On August 28, 2015, the Massachusetts Supreme Judicial Court (the "SJC") found local residency restrictions for Level 1 and 2 sex offenders to be unconstitutional. Marlborough is one of the many communities with similar ordinances that are now unenforceable under law.

The SJC based its decision on the Home Rule Amendment to the Massachusetts Constitution which does not allow cities or towns to enact ordinances that are inconsistent with the constitution or state laws or ordinances that are expressly prohibited by the constitution or state laws. The SJC determined that residency restriction ordinances are inconsistent with the state legislation to protect the public from sex offenders and that the state legislation "intended to preclude local regulation of sex offender residency options."

I disagree with the SJC's decision and I believe that the residency restriction ordinance that Marlborough passed is consistent with the intent of the state legislation on sex offenders: Marlborough's ordinance and the state legislation complement each other and provide additional protections to the public from dangerous sex offenders.

One way to correct this problem would be for the legislature to amend its sex offender laws to allow cities and towns to enact ordinances that have residency restrictions. As a result, I will be sending the attached letter to House Speaker Robert A. Deleo, Senate President Stanley C. Rosenberg, and our Legislative Delegation requesting that they pass legislation to expressly permit cities and towns to enact residency restrictions on sex offenders.

I am writing to ask you to join me in signing the attached letter; my office will provide you with a copy to sign and we will forward it to the Legislature.

Sincerely,

Arthur G. Vigeant
Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2015 SEP 10 A 11:44



City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Nicholas Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

September 10, 2015

The Honorable Robert A. Deleo
Speaker of the House
State House, Room 356
Boston, MA 02133

The Honorable Stanley C. Rosenberg
Senate President
State House, Room 332
Boston, MA 02133

Re: Supreme Judicial Court Decision on Residency Restrictions for Sex Offenders

Speaker Deleo and Senate President Rosenberg:

As one of the many communities with a local ordinance that establishes certain restrictions on where Level 2 and 3 sex offenders may live, I am writing to request that the Legislature adopt legislation that will permit cities and towns to establish residency restrictions on sex offenders.

I do not agree with the Supreme Judicial Court's interpretation that the Legislature intended to preclude local regulation of where sex offenders may live within a city or town. My interpretation is that the Legislature intended to defer to cities and towns on whether they would draft their own residency restrictions.

However, since the SJC has arrived at a different conclusion, we are asking that you and the Legislature take corrective actions by amending Chapter 74 of the Acts of 1999 to expressly allow cities and towns to enact residency restrictions.

Marlborough's ordinance protects the public by prohibiting dangerous sex offenders from residing near schools and parks. In addition to the many tools that the state law provides, like registration, residency restrictions ensure that the public is aware who may live in their neighborhoods.

Thank you for your attention to this matter and please do not hesitate to contact us if you have any questions.

Sincerely,

Arthur G. Vigeant
Mayor

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SJC-11822

JOHN DOE¹ & others² vs. CITY OF LYNN.

Essex. April 9, 2015. - August 28, 2015.

Present: Gants, C.J., Spina, Cordy, Botsford, Duffly, Lenk, & Hines, JJ.

Sex Offender. Municipal Corporations, By-laws and ordinances, Home rule. Constitutional Law, Home Rule Amendment.

Civil action commenced in the Superior Court Department on April 12, 2012.

The case was heard by Timothy Q. Feeley, J., on a motion for partial summary judgment, and entry of final judgment was ordered by him.

The Supreme Judicial Court granted an application for direct appellate review.

John A. Kiernan (Robert E. Koosa with him) for the defendant.

John Reinstein (Benjamin H. Keehn, Committee for Public Counsel Services, & Jessie J. Rossman with him) for the plaintiffs.

¹ A pseudonym.

² Charles Coe and Paul Poe, also pseudonyms. The named plaintiffs are registered sex offenders suing on behalf of themselves and other persons similarly situated.

Amy M. Belger, Andrew S. Crouch, & Jennifer J. Cox, for Jacob Wetterling Resource Center & others, amici curiae, submitted a brief.

HINES, J. In this appeal, we determine whether an ordinance imposing restrictions on the right of sex offenders to reside in the city of Lynn (city) is prohibited by the Home Rule Amendment, art. 89, § 6, of the Amendments to the Massachusetts Constitution, and the Home Rule Procedures Act, G. L. c. 43B, § 13. The plaintiffs, who represent a certified class of sex offenders subject to the ordinance, challenged the constitutionality of the ordinance on various grounds.³ A judge in the Superior Court invalidated the ordinance under the Home Rule Amendment. The city appealed and we granted the plaintiffs' application for direct appellate review. We affirm the Superior Court judgment based on our conclusion that the ordinance is inconsistent with the comprehensive statutory scheme governing the oversight of convicted sex offenders, and

³ The complaint alleged the following claims under the United States and Massachusetts Constitutions: (1) violation of the Home Rule Amendment (Massachusetts Constitution); (2) violation of the clauses prohibiting ex post facto laws; (3) violation of the right to substantive due process; (4) violation of the right to familial association; (5) violation of the right to be protected from cruel and unusual punishment under the Eighth and Fourteenth Amendments to the United States Constitution and cruel or unusual punishment under art. 26 of the Massachusetts Declaration of Rights; and (6) violation of the right to travel.

therefore, it fails to pass muster under the Home Rule Amendment and the Home Rule Procedures Act.⁴

Background. We summarize the undisputed facts as drawn from the summary judgment record.

1. The ordinance. The city adopted an "Ordinance Pertaining to Sex Offender Residency Restrictions in the [city]" (ordinance) on January 12, 2011. The stated purpose of the ordinance is to "reduce the potential risk of harm to children of the community by impacting the ability of registered sex offenders to be in contact with unsuspecting children in locations that are primarily designed for use by, or are primarily used by children." Observing that "[r]egistered sex offenders continue to reside in close proximity to public and private schools, parks and playgrounds," and that "registered sex offenders will continue to move to buildings, apartments, domiciles or residences in close proximity to schools, parks and playgrounds," the city council enacted the ordinance to "add location restrictions to such offenders where the [S]tate law is silent." The ordinance imposes broad restrictions, with only narrow exceptions, on the ability of level two and level three

⁴ We acknowledge the amicus brief filed by Jacob Wetterling Resource Center, Association for the Treatment of Sexual Abusers, Massachusetts Association for the Treatment of Sexual Abusers, Inc., Reform Sex Offender Laws, Inc., and Florida Action Committee.

registered sex offenders to reside in the city.⁵ The ordinance establishes the area within 1,000 feet of a school or park as a residential exclusion zone for level two and level three sex offenders, and includes in its description of "school" all public, private, and church schools, and any other business permitted as a school. The ordinance also applies to all temporary and permanent residences except a "residence at a hospital or other healthcare or medical facility for less than fourteen consecutive days or fourteen (14) days in the aggregate during any calendar year." The geographical and temporal reach of the ordinance effectively prohibits all level two and level three sex offenders from establishing residence, or even spending the night in a shelter, in ninety-five per cent of the

⁵ The "Ordinance Pertaining to Sex Offender Residency Restrictions in the City of Lynn" (ordinance) also creates "Child Safety Zones," wherein level two and level three sex offenders are prohibited from entering a school, park, or recreational facility except in certain circumstances and from "loiter[ing]" within 1,000 feet of such facilities. The parties, however, focused their arguments on the residency provision of the ordinance. The plaintiffs' motion for partial summary judgment sought invalidation of the entire ordinance. The city of Lynn (city) did not present any argument, and the court entered a judgment declaring that the "Residency Ordinance" violates the Home Rule Amendment. Thus, we know of no compelling reason to uphold any provision of the ordinance in light of the comprehensive State law discussed herein. Accordingly, we affirm the grant of partial summary judgment in favor of the plaintiffs, which invalidated the entire ordinance.

residential properties in Lynn.⁶ The ordinance would affect, at least in some degree, all 212 registered level two and level three sex offenders residing in the city, as of April 22, 2014. A sex offender required by the ordinance to move from his or her residence could encounter similar restrictions in attempting to relocate to nearby cities and towns. At least forty municipalities have adopted sex offender residency restrictions.⁷ The expansive coverage of the ordinance is mitigated by narrow exceptions to the residency restrictions applicable to those who (1) have established, prior to the effective date of the ordinance, a permanent residence within a restricted area by purchasing real property or by being the lessee of an unexpired lease or rental agreement; (2) are a "minor"; (3) are "residing

⁶ We note here the undisputed record evidence that of the 19,320 real estate parcels zoned as residential, 18,421 are located within 1,000 feet of a school or park.

⁷ According to an affidavit dated February 20, 2014, submitted as part of the summary judgment record and not disputed by the city, the following list of forty municipalities have enacted residency restrictions on certain sex offenders: Ashland; Ayer; Barre; Barnstable; Braintree; Charlemont; Charlton; Chelsea; Colrain; Dedham; Dudley; Fall River; Fitchburg; Framingham; Hanover; Hanson; Hopkinton; Hubbardston; Leominster; Lynn; Marlborough; Mendon; Natick; Norwood; Oxford; Pembroke; Revere; Rockland; Shirley; Somerset; Southborough; Spencer; Springfield; Swansea; Townsend; Waltham; Warren; Webster; West Boylston; and Weymouth. The plaintiffs note that the Attorney General's office has continued to approve similar regulations, citing a letter from the Attorney General to North Reading, sent under G. L. c. 40, § 32, which approved North Reading's residency restriction bylaw on January 20, 2015.

with a person related by blood or marriage within the first degree of kindred"; or (4) have been residing at a permanent residence before the school or park creating the applicable restricted area was established.

Failure to comply with the ordinance results in a penalty of \$300 for each day that a sex offender subject to the ordinance remains in a restricted area thirty days after receiving a notice to move from the city, or if such sex offender moves within the city into a restricted area. Additionally, if there is a "subsequent offense," the sex offender's "landlord, parole officer and/or probation officer, and the . . . Sex Offender Registry Board" (board) shall be notified that the offender has violated a municipal ordinance.

2. Procedural history. The plaintiffs, who represent a certified class of "all registered [1]level [two] and [1]level [three] sex offenders who are now or who may in the future be prohibited from living at various places in the [city] by the city's ordinance pertaining to sex offender residency restrictions," commenced this action after receiving the notices to move, as authorized under the ordinance. The city sent letters notifying each that he lives within a restricted area under the ordinance and that he has thirty days from the date of the letter "to relocate to another address which is in compliance with the [o]rdinance" or be subject to a fine of \$300

for each day of residing in a restricted area.⁸ The plaintiffs filed a motion for partial summary judgment on the counts in the complaint asserting that the ordinance (1) violates the Home Rule Amendment; (2) is an ex post facto law under the Federal and State Constitutions; and (3) violates the plaintiffs' right to travel under the Massachusetts Constitution.⁹ The city defended the ordinance by arguing, with regard to the Home Rule Amendment, that the residency restriction is not inconsistent with State law, and that the shared purpose -- the protection of children from sexual predators -- supports and supplements the law governing the oversight of sex offenders.

In a thorough and well-reasoned memorandum of decision, the judge granted partial summary judgment to the plaintiffs and invalidated the ordinance under the Home Rule Amendment, concluding that that "the totality of the circumstances support

⁸ The letters state that the city is "unaware of any statutory exceptions" that may apply.

⁹ During the course of litigation, the parties argued repeatedly over the scope of discovery. The judge limited the subjects allowed in discovery and impounded identification of the plaintiffs' names. The judge also denied the city's motions to compel the criminal records and Sex Offender Registry Board (board) classification recommendation files for the members of the plaintiff class. Although the city argues that there are numerous material disputes of fact deriving from the limited discovery, the information that was sought is not relevant to the issue of whether the ordinance violates the Home Rule provisions. See art. 89, § 6, of the Amendments to the Massachusetts Constitution; G. L. c. 43B, § 13.

an express legislative intent to forbid local activity in the area of the civil regulation and management of the post-incarceration lives of convicted sex offenders." In particular, the judge determined that the ordinance is inconsistent with G. L. c. 6, §§ 178C-178Q, the Sex Offender Registry Law (registry law); and G. L. c. 123A, the law providing for the "Care, Treatment and Rehabilitation of Sexually Dangerous Persons" (SDP law). In light of this disposition, however, the judge declined to review the remaining constitutional claims.

Discussion. The city argues on appeal that the ordinance was adopted as a valid exercise of its police power, that there is no evidence of legislative intent to occupy the field governing the management of postincarceration sex offenders, and the ordinance does not conflict with State law. The plaintiffs counter that the judge correctly determined that the ordinance is unconstitutional and urges this court to affirm the judge on the broader constitutional grounds asserted in their motion for partial summary judgment. We decline to reach the broader constitutional grounds but we agree that the judge properly invalidated the ordinance as unconstitutional under the Home Rule Amendment.

A local regulation is unconstitutional under the Home Rule Amendment if it is "inconsistent" with the constitution or laws of the Commonwealth. Connors v. Boston, 430 Mass. 31, 35

(1999). This principle is derived from the language of the Home Rule Amendment that provides:

"Any city or town may, by the adoption, amendment, or repeal of local ordinances or by-laws, exercise any power or function which the general court has power to confer upon it, which is not inconsistent with the constitution or laws enacted by the general court in conformity with powers reserved to the general court by section eight, and which is not denied, either expressly or by clear implication, to the city or town by its charter, whether or not it has adopted a charter pursuant to section three."

Art. 89, § 6, of the Amendments to the Massachusetts Constitution. "[T]he touchstone of the analysis [of whether a local ordinance is inconsistent with State law] is whether the State Legislature intended to preempt the city's authority to act." Connors, supra, citing Bloom v. Worcester, 363 Mass. 136, 155 (1973). Review of a local ordinance is focused on the Legislature's preemption prerogative because, as the title suggests, the Home Rule Amendment was enacted to restore to municipalities the "right of self-government in local matters."

Art. 89, § 1, of the Amendments to the Massachusetts Constitution. The genesis of the Home Rule Amendment as a means to expand municipal legislative authority¹⁰ thus informs the

¹⁰ The Home Rule Amendment was approved by a convention of the House and Senate in 1963 and 1965, and adopted by the voters in 1966. Massachusetts Legislative Research Council Report Relative to Revising the Municipal Home Rule Amendment, 1971 Senate Doc. No. 1455, at 58-59. It annulled art. 2 of the Amendments to the Massachusetts Constitution, id. at 58, which had established municipalities as "hierarchical subordinates to

analytical directive that in reviewing a local ordinance, the "question is not whether the Legislature intended to grant authority to municipalities to act . . . , but rather whether the Legislature intended to deny [a municipality] the right to legislate on the subject [in question]." Wendell v. Attorney Gen., 394 Mass. 518, 524 (1985). "Municipalities enjoy 'considerable latitude' in this regard," and a local regulation will not be invalidated unless the court finds a "sharp conflict" between the local and State provisions. Easthampton Sav. Bank v. Springfield, 470 Mass. 284, 289 (2014), quoting Bloom, 363 Mass. at 154. A sharp "conflict 'appears when either the legislative intent to preclude local action is clear, or, absent plain expression of such intent, the purpose of the legislation cannot be achieved in the face of the local by-law.'" Easthampton Sav. Bank, supra, quoting Grace v. Brookline, 379 Mass. 43, 54 (1979). Where, as here, the

the state Legislature that could only enact local legislation after receiving an affirmative grant of power" from the Legislature. See Jerison, Home Rule in Massachusetts, 67 Mass. L. Rev. 51, 51 (1982). Article 89, § 1, of the Amendments to the Massachusetts Constitution declared: "It is the intention of this article to reaffirm the customary and traditional liberties of the people with respect to the conduct of their local government, and to grant and confirm to the people of every city and town the right of self-government in local matters, subject to the provisions of this article and to such standards and requirements as the general court may establish by law in accordance with the provisions of this article."

Legislature is silent on the issue of local regulation, we also may infer an intent to forbid local regulation if "legislation on a subject is so comprehensive that an inference would be justified that the Legislature intended to preempt the field." Easthampton Sav. Bank, supra, quoting Wendell, 394 Mass. at 524. The burden is on the challenger to establish that the local enactment is "inconsistent" with the Constitution or State law. Springfield Preservation Trust, Inc. v. Springfield Library & Museums Ass'n, Inc., 447 Mass. 408, 418 (2006), citing Grace, supra at 49-50.

We turn now to the application of these principles to the ordinance. Based on our de novo review of the judge's decision, Twomey v. Middleborough, 468 Mass. 260, 267 (2014), citing Ritter v. Massachusetts Cas. Ins. Co., 439 Mass. 214, 215 (2003), we conclude that the ordinance is inconsistent with the comprehensive scheme of legislation intended to protect the public from convicted sex offenders and, thereby, manifests the "sharp conflict" that renders it unconstitutional under the Home Rule Amendment. Although the registry law and the other laws governing sex offenders do not expressly prohibit local regulation, we infer from the comprehensive nature of the statutory scheme for oversight of sex offenders and the negative effect that the ordinance may have on the monitoring and

tracking of sex offenders, that the Legislature intended to preclude local regulation of sex offender residency options.

To provide context for our conclusion that the Legislature intended to preclude further regulation of sex offender residence options, we first recapitulate the depth and breadth of the legislation mandating oversight of sex offenders. In 1999, the Legislature enacted a comprehensive package of laws which effected a major overhaul of the statutory scheme governing the identification, treatment and postrelease management of convicted sex offenders. St. 1999, c. 74. That package of laws, described as "An Act improving the sex offender registry and establishing civil commitment and community parole supervision for life for sex offenders," includes the registry law, G. L. c. 6, §§ 178C-178Q. St. 1999, c. 74, as amended by St. 2003, c. 26, § 12. The stated purpose of the act is to "assist local law enforcement agencies' efforts to protect their communities by requiring sex offenders to register and to authorize the release of necessary and relevant information about certain sex offenders to the public as provided in this act." St. 1999, c. 74, § 1. It accomplishes that purpose through three primary mechanisms: (1) compelling sex offenders to register and maintain current personal information with the board and local police, and distributing such information in accordance with the registry law, G. L. c. 6, §§ 178C-178Q,

inserted by St. 1999, C. 74, § 2, as amended by St. 2003, c. 26, § 12; (2) civilly confining certain offenders deemed most likely to reoffend, G. L. c. 123A, inserted by St. 1999, c. 74, §§ 3-8; and (3) controlling certain aspects of the postincarceration lives of certain sex offenders, G. L. c. 127, § 133D, inserted by St. 1999, c. 74, § 9 (community parole supervision for life).

The first mechanism in the 1999 registry law, as amended through St. 2013, c. 63, requires that sex offenders update their registration information annually and when they change residences, employment, or schooling; a sex offender who is homeless must also update their registration information every thirty days and wear a global positioning system (GPS) device. G. L. c. 6, §§ 178F, 178F 1/2, 178F 3/4. The law defines who is considered a "sex offender"; creates the board; requires sex offenders to register with the board; requires the board to create a central computerized registry of sex offender information and transmit that data to the Federal Bureau of Investigation and to police departments in the municipalities where the offender intends to live and work; creates a classification system for offenders subject to judicial review; and, after classification, requires sex offenders to maintain current registration information with local police. G. L. c. 6, §§ 178C, 178D, 178E, 178F, 178F 1/2, 178K, 178L, 178M. The law creates criminal penalties for failing to register and provides

a mechanism for terminating the obligation to register. G. L. c. 6, §§ 178F, 178G, 178H, 178K.

The registry law further provides guidelines for determining the offender's classification level, which is based on the risk of reoffense and the public safety interest in making registration information available to the public. See G. L. c. 6, § 178K (2) (a)-(c). In that regard, the classification level assigned to each sex offender depends, in part, on the amount of personal information deemed necessary for public safety and appropriate for public availability.¹¹ Registration information for level one sex offenders is not provided to the public, information for level two and level three offenders is available to the public by request or on the Internet,¹² and information for level three offenders may be disseminated actively to the public. G. L. c. 6, §§ 178D, 178I, 178J.

¹¹ The classification levels are to be determined based on the risk of reoffense, the degree of dangerousness posed to the public, and whether a public safety interest is served by public availability of information about the sex offender. G. L. c. 6, § 178K.

¹² Initially, only registration information for level three sex offenders was publically available on the Internet. St. 2003, c. 140, § 5. Level two sex offenders were added in 2013. St. 2013, c. 38, §§ 7-13. See Moe v. Sex Offender Registry Bd., 467 Mass. 598, 616 (2014) (declaring unconstitutional retroactive application of amendment regarding level two data).

This framework demonstrates the legislative priority attached to monitoring the residence, employment, and schooling locations of sex offenders as a means to protect the public from sex offenders. That monitoring sex offenders is a priority is demonstrated clearly by the Legislature's choice to insert only a narrow residency restriction in the registry law. That restriction only bars level three offenders from residing in rest homes or similar long-term care facilities. G. L. c. 6, § 178K (2) (e). Although we concluded in Doe v. Police Comm'r of Boston, 460 Mass. 342, 343 (2011), that this restriction was unconstitutional without an individualized hearing to determine the risk posed by the petitioner to the vulnerable community sought to be protected, the restriction is instructive of legislative intent. This provision demonstrates that the Legislature considered and addressed potential risks involved with sex offender residency in relation to a vulnerable population. We note that the Legislature limited its restriction to those offenders seeking to reside in an integrated setting with a vulnerable population and did not include those seeking to reside geographically close to a vulnerable population. We infer from the details of the rest home restriction that the Legislature intended to exercise control over any sex offender residency requirements at the State level and that the Legislature may not have considered it

appropriate to create a blanket prohibition on residency. The ordinance, which restricts all level two and level three sex offenders from living in ninety-five per cent of the residential areas of the city, conflicts with the relatively narrow rest home restriction created by the Legislature and is thus inconsistent with State law.

As a final observation on the legislative choice to define the sex offender residency restriction narrowly, we note the grave societal and constitutional implications of the de jure residential segregation of sex offenders. Except for the incarceration of persons under the criminal law and the civil commitment of mentally ill or dangerous persons, the days are long since past when whole communities of persons, such Native Americans and Japanese-Americans may be lawfully banished from our midst.¹³ Also, because of the tension between a sex offender's liberty interest, Doe v. Sex Offender Registry Bd., 460 Mass. 336, 338 (2011), and the imperatives of public safety, the Legislature has demonstrated a concern for careful crafting

¹³ For later-condemned examples of banishing communities of people in the United States, see Choctaw Nation v. Oklahoma, 397 U.S. 620, 622-627, 630-631 (1970) (early 1800s treaties forcing Indian tribes to migrate to new land uninhabited by settlers) and Korematsu v. United States, 323 U.S. 214, 216 (1944) (1940s exile of persons of Japanese ancestry from west coast).

of laws in a field fraught with constitutional peril.¹⁴ See Opinion of the Justices, 423 Mass. 1201, 1202-1203 (1996) (providing guidance from this court in determining constitutionality of community notification provisions of registry law). For this reason as well, the Legislature cannot have intended to permit local regulation of sex offender residency.

Apart from the conflict with the registry law's narrowly defined residency restriction, the ordinance also is inconsistent with the registry law in that it would undermine the effectiveness of the law's classification system. The Legislature set forth guidelines to be used by the board in classifying sex offenders and included consideration of whether the "sex offender is residing in a home situation that provides guidance and supervision." G. L. c. 6, 178K (1) (c). The board

¹⁴ Constitutional peril is demonstrated through several cases challenging the constitutionality of the sex offender statutes. See, e.g., Commonwealth v. Cole, 468 Mass. 294, 296 n.4, 308 (2014) (community parole supervision for life [CPSL] violates separation of powers provision of Massachusetts Constitution); Moe v. Sex Offender Registry Bd., 467 Mass. 598, 599 (2014) (retroactive community notification of level two offenders violates due process provision of Massachusetts Constitution); Doe v. Sex Offender Registry Bd., 459 Mass. 603, 621 (2011) (challenging CPSL statute on ex post facto grounds); Opinion of the Justices, 423 Mass. 1201, 1202-1203 (1996) (advising Senate of implication of double jeopardy provision of Federal Constitution and due process, ex post facto, equal protection, and cruel and unusual punishment provisions of Federal and Massachusetts Constitutions on community notification).

expanded on that factor by requiring consideration of whether an offender's "living and work situation is stable." 803 Code Mass. Regs. § 1.40(12) (2013) (identifying supportive home environment as factor minimizing sex offender's risk to reoffend and degree of dangerousness). By requiring level two and level three sex offenders to move from their residences or face a civil penalty of \$300 per day, the ordinance disrupts the stability of the home situations of sex offenders. As a supervised and stable home situation has been recognized as a factor that minimizes the sex offender's risk of reoffense,¹⁵ this disruption is inconsistent with the Legislature's goal of protecting the public. Insofar as the ordinance is intended to impose residency restrictions on those sex offenders who may pose a risk to public safety that cannot be accommodated by the

¹⁵ See 803 Code Mass. Regs. § 1.40(12) (2013). See generally *In re Taylor*, 60 Cal. 4th 1019, 1040-1041 (2015) (finding residency restrictions unconstitutional where restrictions increased homelessness and "hampered the surveillance and supervision" of offenders subject to restriction); Levenson & Cotter, *The Impact of Sex Offender Residence Restrictions: 1,000 Feet from Danger or One Step from Absurd?*, 49 *Int'l J. Offender Therapy & Comp. Criminology* 168, 169, 175 (2005) (decreased housing options from residency restrictions result in homeless and transience, make monitoring and treatment more difficult, and exacerbate sex offender recidivism); Yung, *Banishment by a Thousand Laws: Residency Restrictions on Sex Offenders*, 85 *Wash. U. L. Rev.* 101, 141-142 (2007) (potential of sex offender ghettos to provide networking opportunities for future offenses and create "environments in which sexual violence is the norm, not the exception").

registry law, the second mechanism in the 1999 package of laws, the SDP law, serves that purpose. St. 1999, c. 74, §§ 3-8, amending G. L. c. 127A. Through the civil commitment procedure under G. L. c. 123A, the Legislature already has provided a method to exclude those sex offenders determined to be most likely to reoffend from the general population, even after their incarceration has been completed. G. L. c. 123A. Before a sex offender is released from incarceration, confinement, or commitment (with a limited exception for an offender imprisoned for six months or less on a parole violation), a determination is made whether that offender is likely to be a sexually dangerous person. G. L. c. 123A, §§ 12-13. If a judge determines, in accordance with certain procedures and evidentiary standards, that an offender has been "convicted of a sexual offense, suffers from a mental abnormality or personality disorder that renders him a menace to the health and safety of others, and is likely to engage in sexual offenses if not confined," the Commonwealth may civilly confine the offender.¹⁶ Commonwealth v. Fay, 467 Mass. 574, 580, cert. denied, 135 S. Ct. 150 (2014), citing G. L. c. 127A, §§ 1, 14. See Fay, *supra*

¹⁶ A committed sex offender may be discharged after a hearing if the trier of fact does not find that the person remains a sexually dangerous person. G. L. c. 123A, § 9. If discharge is granted, notice is given to local police where the offender plans to reside and other applicable parties. Id.

at 585, n.13. Accordingly, the SDP law is the Legislature's chosen method to control sex offenders where it has been determined that maintaining and distributing the offender's registry information is insufficient to protect a community's public safety interest. The SDP law, therefore, further demonstrates the intent of the Legislature to focus on maintaining and distributing sex offender information as a means to protect the public for offenders who are not deemed dangerous enough to confine and the ordinance conflicts with that purpose by intruding on the controls deemed appropriate by the Legislature.

The third mechanism in the 1999 package of laws, the community parole supervision for life (CPSL) law,¹⁷ together with other parole and probation laws, was intended to allow the Commonwealth to control sex offenders' postincarceration lives by requiring certain conditions dependent on the offender's particular situation. See G. L. c. 127, §§ 133A (parole), 133D (CPSL), and 133D 1/2 (parole and CPSL controls); G. L. c. 265, § 47 (probation controls). In addition to discretionary controls that may be assessed, the Legislature mandated that all

¹⁷ In Commonwealth v. Cole, 468 Mass. 294, 305-306 (2014), we held that the CPSL law, G. L. c. 127, § 133D, violated the constitutional mandate of separation of powers.

persons under such controls wear a GPS device and be subject to certain geographic exclusion zones, "in and around the victim's residence, place of employment and school and other areas defined to minimize the [offender's] contact with children, if applicable." G. L. c. 127, § 133D 1/2. G. L. c. 265, § 47. See Commonwealth v. Guzman, 469 Mass. 492, 493 (2014) (GPS monitoring mandatory where defendant sentenced to probationary term for enumerated offense).¹⁸ The targeted approach to controlling sex offenders based on their particular circumstance and the GPS requirements set forth by the Legislature demonstrates the intent to encourage sex offender monitoring with minimum disruption to the stability of a broad population of offenders.

In addition to the three mechanisms contained in the 1999 package of laws, other laws support the legislative goal of protecting communities through monitoring sex offenders and controlling only specific situations most likely to cause harm. First, the various methods used to encourage registration demonstrate that maintaining current sex offender information is

¹⁸ The city argues that parole and probation statutes may not be considered in our analysis because none of the named plaintiffs is subject to the controls contained therein. The statutes, however, are instructive as to the Legislature's intent for controlling sex offenders after incarceration and, therefore, are relevant to our analysis even if they do not affect the named plaintiffs.

a primary goal. In addition to the criminal penalties contained in the registry law, G. L. c. 6, § 178H, the Legislature mandates that transient benefits be withheld, G. L. c. 18, § 38, and motor vehicle licenses and registration be suspended, G. L. c. 90, § 22 (j), if a sex offender has not maintained current registration information. The Legislature also has imposed narrow restrictions to protect certain vulnerable communities from interaction with sex offenders instead of broadly affecting housing options for sex offenders. General Laws c. 6, § 178K (2) (e), inserted by St. 2006, c. 303, § 6, prohibits level three sex offenders from living a rest home or other regulated long-term care facility.¹⁹ In addition to this restriction, the Legislature has limited a sex offender's ability to live with adopted or foster children, G. L. c. 119, § 26A, or to work as a child care provider, G. L. c. 15D, §§ 7, 8, a school bus operator, G. L. c. 90, §§ 8A, 8A 1/2, or an ice cream truck vendor, G. L. c. 265, § 48.

Conclusion. The totality of the 1999 statutory scheme, incorporating as it does a series of interdependent policies and practices specifically designed to protect the public from level

¹⁹ This court deemed this provision to be unconstitutional as applied where there was no individualized determination of the risk of danger to the facility residents intended to be protected by the provision. Doe v. Police Comm'r of Boston, 460 Mass. 342, 351 (2011).

two and level three sex offenders by monitoring and notification to the public, evinces the Legislature's intent to have the first and final word on the subject of residency of sex offenders. In addition, insofar as the ordinance effects a wholesale displacement of sex offenders from their residences, it frustrates the purpose of the registry law and, therefore, is inconsistent and invalid under the home rule provisions.

Wendell, 394 Mass. at 527-528, citing Bloom, 363 Mass. at 156. Accordingly, we affirm the judgment of the Superior Court invalidating the "Residency Ordinance." In light of this disposition, we need not reach the broader constitutional grounds asserted by the plaintiffs and the amici. Commonwealth v. Raposo, 453 Mass. 739, 743 (2009), quoting Commonwealth v. Paasche, 391 Mass. 18, 21 (1984) ("We do not decide constitutional questions unless they must necessarily be reached").

So ordered.



City of Marlborough
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Arthur G. Vigeant
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Patricia Bernard
EXECUTIVE SECRETARY

September 10, 2015

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

Re: Marlborough and Northborough Intermunicipal Agreement

Honorable President Clancy and Councilors:

Please find attached a letter my office sent to the Town of Northborough to request that we enter into negotiations with the Town regarding the shared use of Marlborough's Westerly Wastewater Treatment Facility (the "WWTF"). Although the previous Intermunicipal Agreement between Marlborough and Northborough expired on December 31, 2009, the City has allowed Northborough to continue using the WWTF in the meantime under that Agreement's stipulations.

As you may recall, on November 18, 2009, the Environmental Protection Agency (the "EPA") approved a permit allowing an increase in discharge limits from the WWTF from 2.89 million gallons per day to 4.2; unfortunately, that permit was withdrawn just a few months later. Since then we have been working closely with the EPA and the Department of Environmental Protection (the "DEP") in order to determine if a new permit would increase the allowable discharge levels.

In June, John Ghiloni, Michele Higgins, and Nicholas Milano attended a meeting with representatives from the EPA and from DEP to further discuss the potential WWTF permit. At this meeting, it was made clear that any new permit would not increase discharge levels, and may actually have reduced allowable discharge levels.

While I continue to urge EPA and DEP to consider increasing the discharge levels for WWTF, we must be prepared for the likely outcome that discharge levels will remain the same, or be reduced. As a result, I have sent the attached letter to Northborough to enter into negotiations to reduce and ultimately end their use of the WWTF. The City of Marlborough must have access to the entire amount of allowable discharge of 2.89 million gallons per day in order to ensure continued economic growth.

I have asked John Ghiloni and Attorneys Arthur Bergeron and David McKay from Mirick O'Connell to serve as Marlborough's negotiators.

At this time, no City Council action is necessary, but I wanted to provide you an update. I will continue to keep you updated on the negotiations with Northborough, but please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Arthur G. Vigeant", with a long horizontal flourish extending to the right.

Arthur G. Vigeant
Mayor



City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Nicholas Milano
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

September 10, 2015

Mr. Jeff Amberson, Chairman
Northborough Board of Selectmen
Northborough Town Offices
63 Main Street
Northborough, MA 01532

Re: Negotiation of New Intermunicipal Agreement

Dear Mr. Amberson:

As you know, the Intermunicipal Agreement between the City of Marlborough ("Marlborough") and the Town of Northborough ("Northborough") regarding the treatment of sewage generated in Northborough at Marlborough's Westerly Wastewater Treatment Facility ("WWTF") expired on December 31, 2009. It is time for our two communities to sit down and negotiate a new Agreement.

Several years ago, Marlborough began work on a major upgrade to and modernization of the WWTF, at a total cost of over \$37,000,000.00. Marlborough agreed to undertake this work because of what my predecessors believed was an understanding that the United States Environmental Protection Agency ("EPA") would increase the allowable effluent discharge from the WWTF. In fact, the EPA did increase the permitted discharge, from 2.89 million gallons per day ("mgpd") to 4.2 mgpd, through a permit issued on November 18, 2009.

Regrettably, that permit was withdrawn a few months later, and EPA has never issued a new permit. During the ensuing years Marlborough has made continuing efforts to convince EPA that it should issue the permit increasing the WWTF's discharge capacity to 4.2 mgpd. Most recently Marlborough retained the law firm of Mirick O'Connell to act on its behalf in this regard. Unfortunately, as Marlborough's Public Works Commissioner, John Ghiloni, learned in a meeting at EPA's regional office in Boston at the end of June, EPA has not changed its position and remains unwilling to increase the permitted discharge limit of the WWTF.

Marlborough, like Northborough, has experienced tremendous economic growth; therefore, given the position of the EPA, Marlborough and Northborough need to negotiate a new Intermunicipal Agreement that will allow Marlborough to eventually make use of the entire 2.89 mgpd for which the WWTF is permitted to discharge. To accomplish this, we will need to ask Northborough to phase out its discharge to the WWTF. I am confident that, in a spirit of cooperation, we can work out these and other issues through the negotiation of a new Intermunicipal Agreement.

I would like to begin these negotiations immediately, and hope to conclude them by November 1. I have asked John Ghiloni to act as the City's negotiator, and I have asked Attorneys Arthur Bergeron and David McCay from Mirick O'Connell to act as our counsel in this matter. Please let me know as soon as possible who will be acting as Northborough's principal negotiator.

Sincerely,



Arthur G. Vigeant
Mayor



City of Marlborough
Legal Department

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

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

September 9, 2015

Edward Clancy, President
Marlborough City Council

RE: Marlborough Hills Open Space Trail System
Order No. 15-1006295

Dear President Clancy and Members:

It is my understanding that, at its September 8, 2015 meeting, the Open Space Committee mentioned they would like the Legal Department to review the language of various conditions concerning the Marlborough Hills open space trail system. Accordingly, I offer for the Council's consideration and approval the following language regarding those conditions:

1. Prior to construction of the open space trail system, Atlantic-Marlboro Realty LLC ("the LLC") shall provide written confirmation to the Conservation Officer that an agreement between the LLC and TJX Companies, Inc. ("TJX") has been reached for a portion of the trail to cross the TJX's property.
2. After construction of the open space trail system, and pursuant to Section 3 of the Development Agreement between the LLC and the City of Marlborough dated July 22, 2013, the LLC shall submit to the City Council for its acceptance both an easement plan showing the as-built trail location as well as easement language. This easement language shall include the statement set forth in Section 3 of the Agreement: "It is the intention of the parties that, to the fullest extent permitted by law, these easements [sic] constitute an 'interest in land' under M.G.L. Chapter 21 Section 17C and the parties hereto shall be afforded all the rights, protection and privileges and benefits granted thereunder." The LLC shall submit the easement plan and the easement language on or before December 1, 2015.
3. The LLC shall work with the Conservation Officer to add appropriate signage to the open space trail system where it becomes a part of the City-wide Panther Trail.

Thank you for your attention to this matter.

Very truly yours,

Donald V. Rider, Jr.
City Solicitor

cc: Priscilla Ryder, Conservation Officer

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2015 SEP - 9 P 2:31



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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

SEP 10 A 10:46

City of Marlborough
Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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

LEGAL@MARLBOROUGH-MA.GOV

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

September 10, 2015

Edward Clancy, President
Marlborough City Council

RE: Comprehensive Permit for Brookview Village (aka Talia) –
Public Walking Trail Easement
Order No. X14-1005759

Dear President Clancy and Members:

In April 2014, I submitted to the City Council a roughly 20,000 square foot public walking trail easement tendered to the City by The Gutierrez Company ("Gutierrez") (Order No. 14-1005759). Gutierrez made that tender in light of the Chapter 40B comprehensive permit ("the Permit") that had been issued to Gutierrez by the Zoning Board of Appeals in January 2013. The roughly 20,000 square foot easement, which traverses a portion of Gutierrez's property not subject to the Permit, has remained in committee (L&L) since May 2014 and has not yet been accepted by Council vote. See a drawing of this easement attached as "Exhibit 'A'."

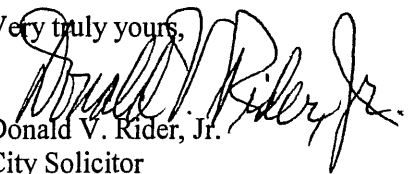
Before you this evening is another public walking trail easement of roughly 12,000 square feet, which is proposed to connect with the 20,000 square foot easement mentioned above. This roughly 12,000 square foot easement likewise traverses a portion of Gutierrez's property not subject to the Permit, and leads directly to the Brookfield Village (aka Talia) property. See attachment marked as "Exhibit 'B'." Gutierrez proposes to grant that easement to the City once the easement (including a footbridge over a stream) has been constructed, which I am told is presently scheduled to be completed shortly.

The purpose of the 2 connected easements is set forth in condition no. 20 of the ZBA's Permit, which requires that Gutierrez design, convey to the City, and record a public walking trail easement, so as to provide passive recreational opportunities as well as access to the existing traffic light across from RK Plaza, and from there to the nearby retail centers along Route 20.

Attached for the Council's consideration is an unsigned version of the roughly 12,000 square foot public walking trail easement. A signed version will be supplied at the pertinent Council committee meeting.

Thank you for your attention to this matter.

Very truly yours,

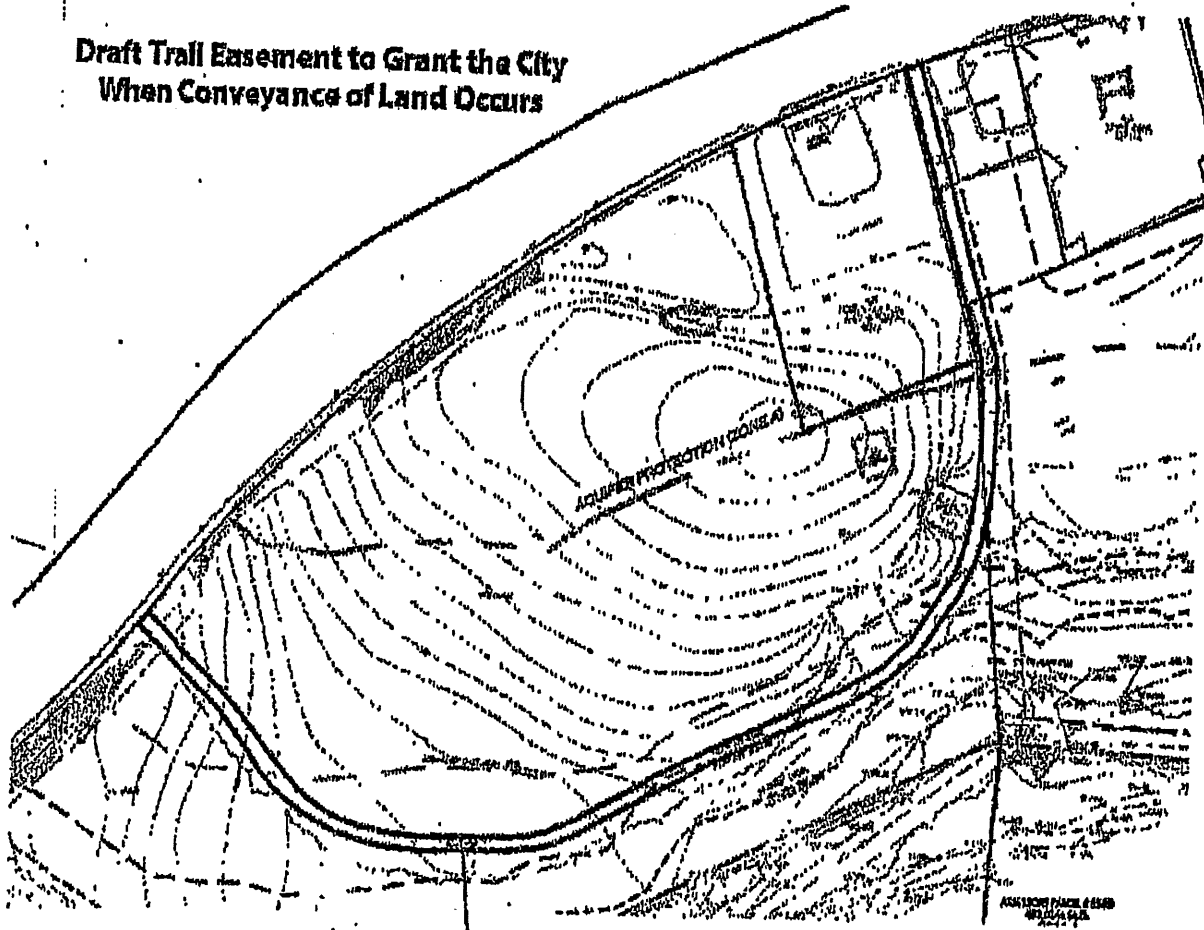

Donald V. Rider, Jr.
City Solicitor

Attachments (3)

cc: Brian R. Falk, Esquire

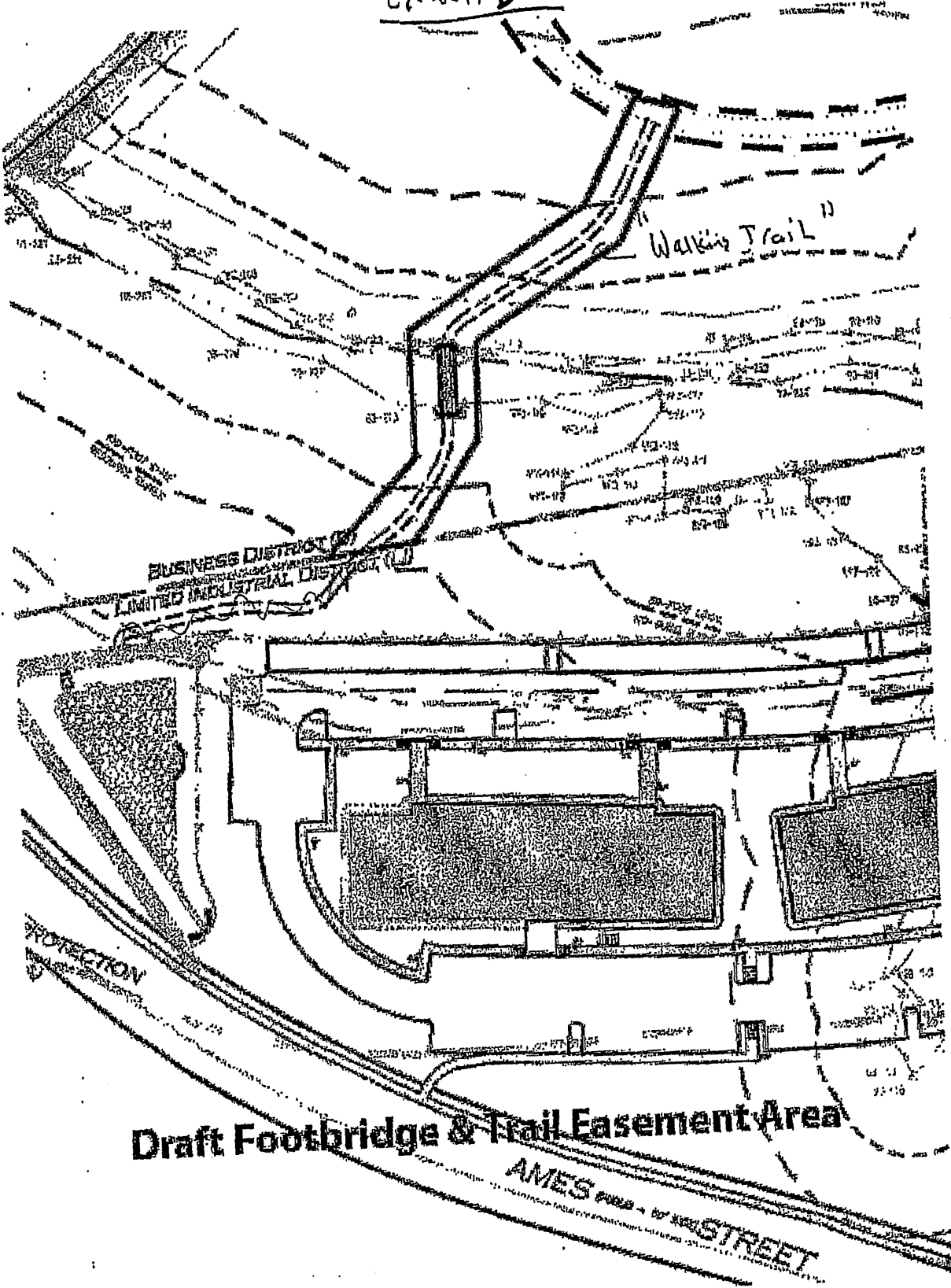
EXHIBIT "A"

**Draft Trail Easement to Grant the City
When Conveyance of Land Occurs**



"Walking Trail"

Exhibit "B"



Draft Footbridge & Trail Easement Area

AMES STREET

BUSINESS DISTRICT
LIMITED INDUSTRIAL DISTRICT

PROTECTION

Walking Trail

PUBLIC WALKING TRAIL EASEMENT

We, Arturo J. Gutierrez, John A. Cataldo, Arthur J. Gutierrez, Jr., and Gloria M. Gutierrez, Trustees of the Marlborough/Northborough Land Realty Trust, u/d/t dated October 12, 2000 and recorded with the Middlesex South Registry District of Deeds in Book 31932, Page 433, as amended most recently by a Certificate of Appointment of Trustee recorded with said Deeds in Book 64574, Page 326, having an address c/o The Gutierrez Company, One Wall Street, Burlington, Massachusetts 01803 (collectively, the "Grantor"), for consideration paid of Ten (\$10.00) Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in conformance with a comprehensive permit (No. 1410-2012) approved by the City of Marlborough Zoning Board of Appeals on January 29, 2013 and recorded with the Middlesex South District Registry of Deeds in Book 61374, Page 404, hereby grant to the City of Marlborough, Massachusetts, having an address of 140 Main Street, Marlborough, Massachusetts 01752 (collectively, the "Grantee"), with QUITCLAIM COVENANTS, the perpetual right and easement to use a certain portion of the Grantor's land located off Boston Post Road, more particularly shown as a portion of Lot 5 on a Plan of Land entitled "Plan of Land in Marlborough, Massachusetts", scale 1"=160', dated September 19, 2000, revised October 5, 2000, by Vanasse Hangen Brustlin, Inc., which plan is recorded with Middlesex South Registry of Deeds as Plan 1157 of 2000 (the "Grantor's Land"), specifically only within such portion of the Grantor's Land described as the "Easement Area", as hereinafter provided.

The easement area (the "Easement Area") consists of an approximate 12,000 square foot strip of land referred to as the "Walking Trail" currently existing on portions of the Grantor's Land, and specifically shown as the area labeled "Walking Trail" on the plan attached hereto as "Exhibit A". The Public Walking Trail Easement granted herein shall connect with an approximate 20,000 square foot strip of land as described in a Public Walking Trail Easement previously granted by the Grantor to the Grantee and recorded with Middlesex South Registry of Deeds in Book 63556, Page 554 (as connected, the "Combined Public Walking Trail Easement").

The purpose of the Combined Public Walking Trail Easement is to provide residents of a residential project being developed under the authority of the above-referenced comprehensive permit, as well as members of the general public, with the passive recreational use of said Walking Trail, including to provide access from the said residential development to Lot 14, shown on said Plan 1157 of 2000, and thence to nearby retail centers.

Upon acceptance of said easement by the Grantee, the Grantee, the residents of the said residential project, and the members of the general public shall have the perpetual right to enter onto the Easement Area granted herein. The developer of the said residential project, Fairfield Marlborough Limited Partnership, and its successors and/or assigns, shall have the obligation to maintain the Easement Area granted herein.

Notwithstanding any language to the contrary contained in this Public Walking Trail Easement, Grantor and Grantee shall all have the benefit and protection of the limitation on liability contained in Massachusetts General Laws Chapter 21, Section 17C to the fullest extent provided therein.

Grantor reserves to itself, and its successors and assigns (i) the right to relocate, at Grantor's sole cost and expense, the Easement Area as may be necessary or desirable for Grantor's use and development of the Grantor's Land (and/or its adjacent land), provided that (a) Grantor notifies Grantee in writing in advance which such notice shall contain a new description and plan, both to be prepared and recorded at Grantor's expense, and Grantee approves the proposed relocation in writing, and further provided that (b) the relocated Easement Area does not significantly lessen the utility of the Easement Area, does not increase the burdens on the use and enjoyment of the Easement Area by the Grantee and members of the general public, and does not frustrate the purpose for which the Easement Area was created but continues to provide the public with passive recreational use to provide access to the nearby retail centers, (ii) the right to use portions of the Easement Area for the purposes of providing access and egress to and from the Grantor's Land, including without limitation, for ways, drives, and parking areas; and (iii) the right to use the Easement Area for any and all purposes that do not interfere with the enjoyment by the Grantee, the residents of the said residential project, and the members of the general public, of the rights granted herein.

The rights and obligations established hereby shall run with Grantor's Land and shall be binding upon and inure to the benefit of Grantor and Grantee, and their respective successors and/or assigns. If Grantor conveys to a third party(ies) any land through which the Public Walking Trail Easement granted herein passes, any and all such conveyances shall be made expressly subject to, and with the benefit of, the continuing easement for the passive recreational use of said Easement. The Public Walking Trail Easement granted herein may not be amended without written consent of the Grantor and the Grantee.

The undersigned Gloria M. Gutierrez and Arthur J. Gutierrez, Jr., as Trustees of Marlborough/Northborough Land Realty Trust, hereby certify that said Trust remains in full force and effect and has not been altered, amended, rescinded, revoked or terminated in whole or in part; that Arturo J. Gutierrez, Arthur J. Gutierrez, Jr., John A. Cataldo, and Gloria M. Gutierrez are the current Trustees of said Trust; and that they have been authorized and directed by all of the beneficiaries of the Trust to execute and deliver the Public Walking Trail Easement granted herein and to execute and deliver such other documentation as said Trustees, in their sole discretion, deem reasonably necessary in order to effectuate the terms and provisions of this Public Walking Trail Easement.

For Grantor's title reference, see Deed recorded with said Registry in Book 31932, Page 445.

WITNESS our hands and seals as of this _____ day of _____, 2015.

By: _____
Gloria M. Gutierrez,
as Trustee on behalf of herself and
her co-Trustees, but not individually

By: _____
Arthur J. Gutierrez, Jr., as Trustee
on behalf of himself and his
co-Trustees, but not individually

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

On this ____ day of _____, 2015, before me, the undersigned notary public, personally appeared Gloria M. Gutierrez and Arthur J. Gutierrez, Jr., as Trustees of Marlborough/Northborough Land Realty Trust on behalf of themselves and their co-Trustees, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document(s), and acknowledged to me that they signed it voluntarily for its stated purpose.

(official seal)

By: _____
Notary Public
My Commission Expires:

CONSENT AND ACKNOWLEDGEMENT

The undersigned, Fairfield Marlborough Limited Partnership, a Delaware limited partnership, being the owner of Lot A as shown on an Approval Not Required plan entitled, "Plan of Land in Marlborough, Massachusetts," dated November 7, 2013, revised December 9, 2013, Scale: 1"=160', prepared by Vanesse Hangen Brustlin, Inc. and recorded with said Deeds as Plan No. 1021 of 2013, does hereby acknowledge and consent to the foregoing terms and provisions of the Public Walking Trail Easement. The undersigned hereby further agrees that the terms and provisions of that certain Walking Trail Easement dated April 30, 2014 and recorded with said Deeds in Book 63556, Page 537 shall remain in full force and effect, including, without limitation, the maintenance provisions therein contained.

FAIRFIELD MARLBOROUGH LIMITED
PARTNERSHIP, a Delaware limited partnership

By: BF VAMF II GP LLC, a Delaware limited liability company, General Partner

By: _____
Name: _____
Title: _____

STATE OF _____

_____ County, ss.

On this _____ day of _____ 2015, before me, the undersigned notary public, personally appeared _____, _____ of BF VAMF II GP LLC, a Delaware limited liability company, general partner of Fairfield Marlborough Limited Partnership, a Delaware limited partnership, proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document(s), and acknowledged to me that he/she signed it voluntarily for its stated purpose.

(official seal)

(type or print name) Notary Public
My commission expires:

EXHIBIT "A"

PLAN SHOWING EASEMENT AREA

Albert E. Bessette
Right of Way Manager

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2015 SEP -9 P 12:11



365 State Street
Springfield, MA 01105

Phone 413 787-0310
Cell 413 441-3612
Fax 413 734-9123
albert.e.Bessette.jr@verizon.com

August 24, 2015

City Council
City Hall
140 Main Street
Marlborough, MA 01752

**RE: Petition for Verizon job # 1AIRGIC
Ames Street**

Dear Honorable City Council:

Enclosed find the following items in support of the above-referenced project:

1. Petition;
2. Petition Plan;
3. Order.

A Public hearing and notice to abutters is required. A Verizon representative will attend the Public hearing. Should any questions or comments arise concerning this matter prior to the hearing, please contact me at (413) 787-0310. Your Assistance is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to be "AEB", written in a cursive style.

Albert E. Bessette, Jr.
Right of Way Manager

Enc

VLLI 201

ORDER FOR CONDUIT LOCATION

By the **City Council** of the **City of Marlborough**, Massachusetts, it is hereby ordered:

That permission be and hereby is granted to **Verizon New England Inc.**, to lay and maintain underground conduits and manholes, with the wires and cables to be placed therein, under the surface of the following public way or ways as requested in petition of said company dated **August 4, 2015**.

AMES STREET: Place two (2) four (4) inch conduits on the Northeasterly side of Ames Street beginning at Pole T.20½, located on the Northeasterly side of Ames Street, and then running in a Northwesterly direction a distance of approximately four hundred ninety-five (495) feet to Handhole #1, located on the Northeasterly side of Ames Street, and then continuing in a northwesterly direction a distance of approximately five hundred thirty-five (535) feet to a point on the northeasterly side of Ames Street.

Reason: Place conduit and one handhole on Ames Street to provide for the distribution of intelligence and telecommunications.

Said locations to be in accordance with plan marked "Verizon Job No. 1A1RG1C, dated 8-4-2015 and attached herewith.

Also that permission be and hereby is granted to **Verizon New England Inc.**, to lay and maintain underground conduits, manholes, laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles, equipment and buildings as it may desire for distributing purposes.

Certification of Order

I hereby certify that the forgoing order was adopted at a meeting of the City Council of the City of Marlborough, Massachusetts, held on the _____ day of _____, 2015.

City Clerk

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2015 AUG 27 A 10: 08

Return to:

Kerri Stepien
Verizon
15 Chestnut Street
Worcester, MA 01609

Certification of Public Hearing

I hereby certify that on _____, 2015 at _____ o'clock ____ .m. at Marlborough, Massachusetts, a public hearing was held on the petition of **Verizon New England Inc.**, for permission to lay and maintain underground conduits, manholes and connections, with wires and cables to be placed therein, described in the Order herewith recorded and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate as determined by the last preceding assessment for taxation, along the ways or parts of ways upon ;which the company is permitted to construct the lines of said company under said order and that thereupon said Order was duly adopted.

City Clerk

I hereby certify that the foregoing is a true copy of a Location Order and Certificate of Public Hearing with notice adopted by the City Council of the City of Marlborough, Massachusetts on the _____ day of _____, 2015 and recorded with the records of Location Orders of said Town in Book _____, Page _____. This certified copy is made under the provisions of Massachusetts General Laws, Chapter 166 and any additions thereto or amendments thereof.

Attest:

City Clerk



MUNICIPALITY MARLBOROUGH

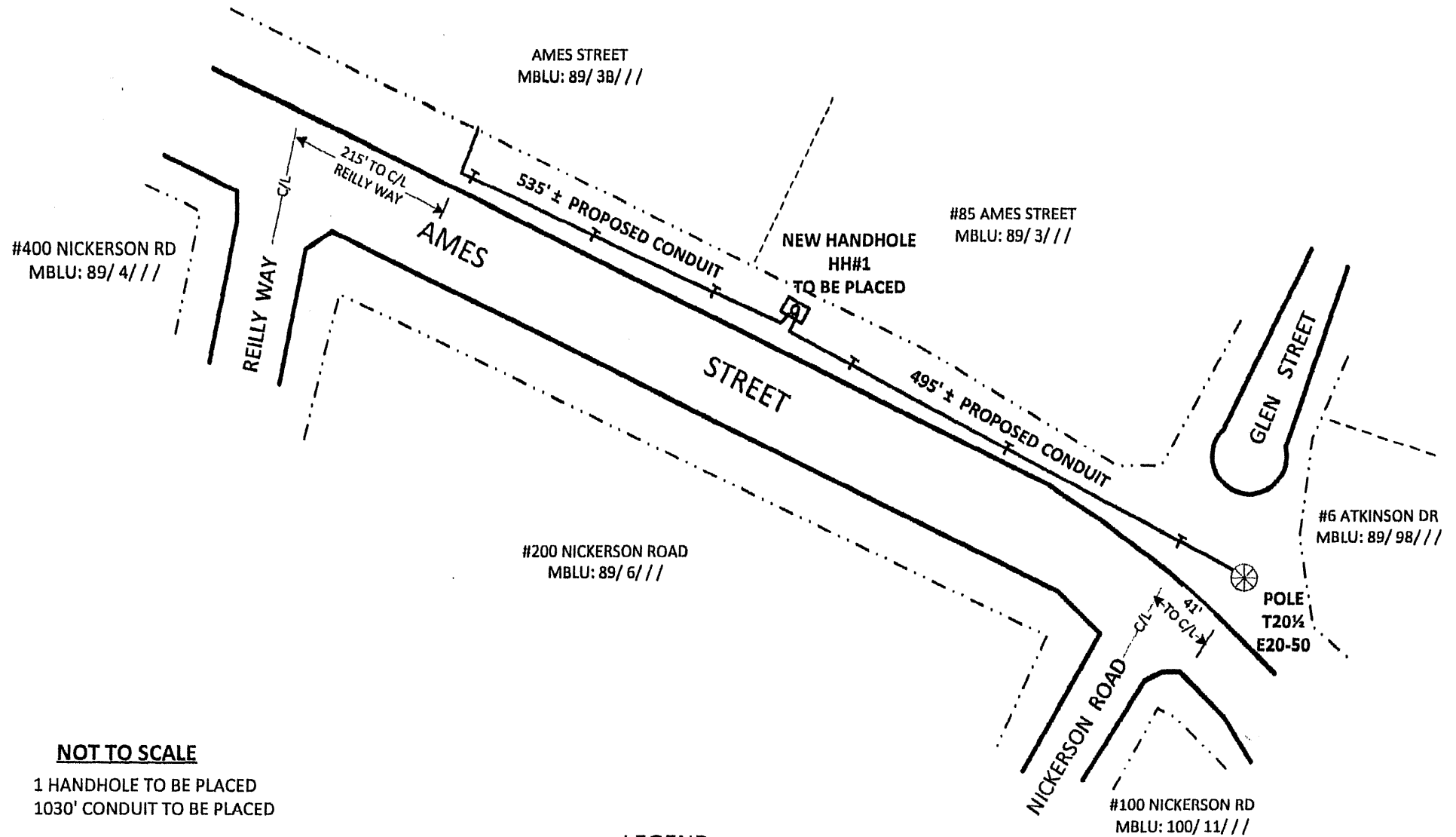
PETITION PLAN

VZ N.E. INC. No. 1A1RG1C

DATE: AUGUST 4, 2015

VERIZON NEW ENGLAND INC.

SHOWING: PROPOSED INSTALLATION ONE HANDHOLE AND 1030' CONDUIT ON AMES STREET



NOT TO SCALE

1 HANDHOLE TO BE PLACED
1030' CONDUIT TO BE PLACED

LEGEND



NEW VERIZON HANDHOLE



JO POLE TO BE INSTALLED
BY MASSACHUSETTS ELECTRIC COMPANY



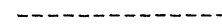
PROPOSED VERIZON CONDUIT



EDGE OF PAVEMENT



EDGE OF ROADWAY



PROPERTY LINE

AMES STREET: Place two (2) four (4) inch conduits on the Northeasterly side of Ames Street beginning at Pole T.20½, located on the Northeasterly side of Ames Street, and then running in a Northwesterly direction a distance of approximately four hundred ninety-five (495) feet to Handhole #1, located on the Northeasterly side of Ames Street, and then continuing in a northwesterly direction a distance of approximately five hundred thirty-five (535) feet to a point on the northeasterly side of Ames Street.

Reason: Place conduit and one handhole on Ames Street to provide for the distribution of intelligence and telecommunications.

2015 AUG 27 A 11: 12 **June 23, 2015**

Call to Order

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

Also present were Superintendent Langlois, Clerk Melissa Irish & MEA Representative Rupal Patel.

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

2. **Pledge of Allegiance:** Was led by Vice Chair Bodin-Hettinger.

3. Presentation:

A. SEPAC Presentation

Ms. Terri Taylor and Ms. Stacy Mantalvanos presented to the Committee a PowerPoint presentation outlining the progress SEPAC has made during the school year.

An Electronic version of the presentation is available

Chairman Vigeant arrived at 7:45pm.

B. STEM Presentation

Ms. Maureen Greulich and Mr. Dan Riley presented to the Committee a PowerPoint presentation outlining the highlights from the current school year and plan for the upcoming school year.

4. Committee Discussion/Directives:

Mrs. Bodin-Hettinger utilized this opportunity to open a discussion regarding the "sports situation" as it is perceived by the Public.

Mr. Langlois revisited the budget process that was undertaken for the upcoming Fiscal Year 2016. Mr. Langlois presented to the Committee a District budget with an increase of 6.25% the Mayor acting in his capacity presented to the City Council a Citywide budget proposal reducing the requested increase to 4.5% for the district, that created a \$1.4 million difference from the requested/proposed District budget.

The 4.5% increase was eventually approved by the City Council.

In the meantime, the governing association for all student sports (MIAA) made the executive decision to do away with all Freshman only teams, thus creating a new designation of Junior Varsity 2 (JV2). This decision was taken out of the Districts hands and was made by MIAA. The District DID NOT CUT all Freshman Sports. There will still be the capacity for anyone interested to play at one level or another in all sports categories given there is proper interest and teams can be fielded effectively.

Mr. Langlois brought both, Mr. Rudzinsky, Athletic Director for the District, and Mr. Bergeron Business Manager for the District, into the conversation.

Mr. Rudzinsky stated that JV2 teams will compete with both Freshman and other JV2 teams. Not all schools and sports will have enough athletes to field JV2 teams.

Mr. Bergeron noted that the athletic budget will be closely monitored.

Motion made by Mrs. Bodin Hettinger, seconded by Chairman Vigeant to move up item 8 Public Participation. Motion passed 6-0-1.

Mr. Peter Keenan, 10 Hutchinson Drive, thanked the Committee for the clarification. There is obviously a robust rumor mill in the City and information needs to be transmitted to the public more effectively to avoid these types of issues. There are many students coming up from the Middle School level who are very excited to become Marlborough Panthers.

Mrs. Hennessy broached the secondary topic of "Sports Waivers" being removed from the High School level in the new Policy as established earlier in the year. Two students, both rising Seniors, have approached the administration for assistance in being granted waivers from the Physical Education requirement for graduation. Both students are multi-sport athletes at the Varsity Level. Neither student is in jeopardy of not meeting the graduation requirement for credits, As well as, neither student has a study hall in their schedule. One student was in attendance and spoke to the matter stating that he intends to utilize his available period for an additional class as required for his intended college major of Sports Management.

There was discussion amongst members about creating "Special Exemptions" giving the principal the ability to allow or disallow exemptions on a case by case basis.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant, to refer this matter back to the Policy Subcommittee. Motion passed 6-0-1.

5. Communications: None.

6. Superintendents Report:

Mr. Langlois gave his report covering a range of topics including: STEM Expo, Personnel Actions, Mr. Ron Sanborn as Principal for the Jaworek Elementary School, Ms. Alyssa Tully as Principal for the Richer Elementary School, Mr. Brian Daniels as Principal of the Whitcomb School, Dr. John Fletcher as Supervisor of Special Education for the Whitcomb School and Mr. Andy Bernabei as Principal of the Early Childhood Center, Superintendents Summative Evaluation and the Whitcomb NEASC Accreditation has been approved for another 10 years.

7. Acceptance of Minutes:

A. Minutes of June 9, 2015 School Committee Meeting

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to accept the minutes of the June 9, 2015 School Committee Meeting as presented. Motion passed 6-0-1.

8. Public Participation: This item was moved up in the agenda.

9. Action Items/Reports:

A. Whitcomb Middle School SY '16 Japanese Exchange Program

Mr. Langlois presented the request from the Middle School to continue on the tradition of an exchange of students with the City's Sister City Akiruno, Japan.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the SY '16 Japanese Exchange Program. Motion passed 6-0-1.

B. Whitcomb Middle School SY '16 Washington DC Trip

Mr. Langlois presented the request from the Middle School to continue the Washington DC trip for SY '16 as outlined in the proposed itinerary.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the SY '16 Washington DC Trip. Motion passed 6-0-1.

C. Superintendent's Evaluation

Mrs. Bodin-Hettinger presented the evaluation summation to the members.

* Individual and Summative Evaluations are available*

D. FY'15 Operating Budget Transfers

Mr. Bergeron presented the requested transfers to the Committee.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approved the requested transfers as presented. Motion passed 6-0-1.

E. Acceptance of Donations and Gifts

Target Thanks a Billion teacher appreciation program has donated to Richer School the amount of \$150.00.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to accept with gratitude the donation of \$150.00 from Target Thanks a Billion teacher appreciation program. Motion passed 6-0-1.

10. Reports of School Committee Sub-Committees:

Mrs. Hennessy reported that the Policy Sub Committee will be meeting July 8 or 9th. The agenda will include Hiring and Temporary Employment and many items in Chapter 6.

Mrs. Matthews reported that the Negotiations Sub Committee will be meeting with the MEA to complete negotiations and will be opening with Office and Para's and continuing with Unit B.

11. Members Forum:

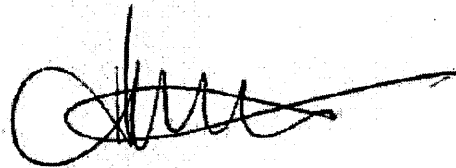
Mrs. Hennessy congratulated the Whitcomb School administration and staff on the 8th grade graduation it was very memorable. Mrs. Hennessy also wanted to remind the Public that voices are needed at budget time when the District as well as the City Council is discussing proposed budgets and changes not AFTER the budget is set.

Mrs. Ryan noted to the Superintendent that the schedule for Open Door Day last year did NOT work that schedule need to be rethought completely.

Mrs. Matthews wanted to thank all of the staff for the year as well as wish retirees well in the future and final a Happy Summer to all.

12. Adjournment: Motion made by Mrs. Matthews, seconded by Chairman Vigeant to adjourn from Public Session and move back into Executive Session at 9:49 pm, The Committee will adjourn directly from Executive Session at its conclusion the motion passed unanimously.

Respectfully submitted,



Heidi Matthews
Marlborough School Committee

HM/mai

**MARLBOROUGH SCHOOL COMMITTEE
MARLBOROUGH, MA 01752**

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2015 SEP -9 A 10:25
August 25, 2015

Call to Order

1. Chairman Vigeant called the Regular Meeting of the Marlborough School Committee to order at 7:35 pm at the District Education Center, 17 Washington St., Marlborough, MA. Members present included: Mr. Geary, Mrs. Hennessy, Mrs. Ryan, Mrs. Bodin-Hettinger, Mrs. Matthews & Mr. Walter.

Also present were Superintendent Langlois, & Clerk Melissa Irish.

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

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

3. **Presentation:** None

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

5. **Communications:** None

6. Superintendents Report:

Mr. Langlois gave his report covering a range of topics including: Preliminary MCAS Results, Student Enrollment, Personnel Actions, Summer School Programs, Administrative Leadership Retreat, Administrative Professional Development, Artist in Residence Project and Marlborough Economic Development Commission.

A. Executive Director of Finance & Operations Report

Mr. Bergeron gave his report covering a range of topics including: Contracts for Aramark, North Reading Transportation and Kidsborough, Online Payment for food service is now active, Fiscal Year 2015 Close Out, Final Building Walks for the Upcoming School Year. Thank you to you custodial staff for the hard work put forth over the summer months.

7. Acceptance of Minutes:

A. Minutes of June 23, 2015 School Committee Meeting

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to accept the minutes of the June 9, 2015 School Committee Meeting as presented. Motion passed 6-0-1.

8. **Public Participation:** None

9. Action Items/Reports:

A. MHS Football preseason overnight at Eagle Hill School

Mr. Langlois presented the request from Mr. Rudzinsky, Athletic Director to continue the past practice of the football team overnight stay and scrimmage at Eagle Hill School.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the Football team overnight stay and scrimmage at Eagle Hill School.. Motion passed 6-0-1.

B. Acceptance of Donations and Gifts

Target Thanks a Billion teacher appreciation program has donated to the Jaworek School the amount of \$75.00.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to accept the donation of \$75.00 from Target Thanks a Billion teacher appreciation program. Motion passed 6-0-1.

Stop & Shop A+ Awards Program has donated to the Jaworek School the amount of \$253.28.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to accept the donation of \$253.28 from Stop & Shop A+ Awards Program. Motion passed 6-0-1.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to suspend the rules and add an agenda item. Item 9C. Motion passed 6-0-1.

C. Memorandum of Understanding (MOU) with Library Media Assistants

Mrs. Matthews reported out that the Negotiations Sub-Committee has reached a tentative agreement with the Library Media Assistant Group and wishes to proceed to ratification.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to accept the Memorandum of Understanding as presented. Motion passed 6-0-1.

10. Reports of School Committee Sub-Committees:

Mrs. Matthews reported the Negotiations Sub-Committee has had a very productive summer of negotiations and have reached a tentative agreement with the MEA who plans on holding a ratification meeting on September 8, 2015.

11. Members Forum:

Mrs. Hennessy requested a status on the Animals in School Policy status. Mr. Langlois responded that he has been in touch with Ms. Liberty of the Board of Health however he does not have her answer in hand yet. There was a verbal discussion only. Chairman Vigeant offered that he has as well had a conversation with Ms. Liberty and her answer to the question regarding animals in the classrooms is "...to just use your common sense." There should be no issues with domesticated animals for example chicks are ok but monkeys are not. Again a common sense approach is all that is required.

Several Committee members noted the curriculum change was unanticipated and the program in question has been in place for many years. The policy in question did not make the change in fact the policy was not intended to change the delivery of the curriculum in place, do not hide behind the policy.

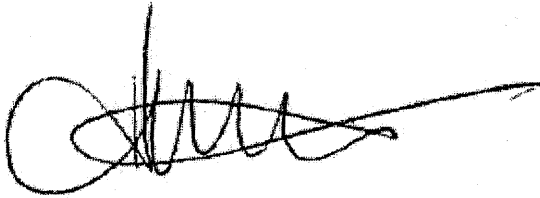
The question is regarding the butterflies and chicks unit of study do they or do they not meet the standards? The Committee will be expecting an answer to that question in the very near future.

Mrs. Hennessy continued on requesting clarification for the Kane School area relative to the construction project involving Farm Rd. Mr. Bergeron noted that he is receiving notices daily from the DPW. Communication will go out as necessary and information is posted on the Kane School website.

Finally Mrs. Hennessy wanted to wish everyone a great start to the new school year, and thanks to all who worked all summer to get everything ready for next week.

12. Adjournment: Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to adjourn at 8:35 pm. Motion Passed unanimously.

Respectfully submitted,

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

Heidi Matthews
Marlborough School Committee

HM/mai

CITY OF MARLBOROUGH
CONSERVATION COMMISSION

Minutes

July 16, 2015 (Thursday)

Marlborough City Hall – 3rd Floor, Memorial Hall

7:00 PM

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CITY OF MARLBOROUGH

2015 AUG 27 P 3:37

Present: Edward Clancy, Chairman, Dennis Demers, David Williams, Karin Paquin, Lawrence Roy, John Skarin, and Allen White. Also present was Conservation Officer, Priscilla Ryder

Absent: None

Approval of Minutes – The minutes of June 18, 2015 were reviewed and the Commission voted unanimously to approve.

Public Hearings:

Request for Determination of Applicability

CSX Transportation Inc. – confirming the wetland resources

The Commission reviewed a request for determination from CSX regarding wetlands in the vicinity of the CSX railroad line on the southern boundary of Marlborough. (No one from CSX was present). Ms. Ryder indicated that she had field checked the yellow and blue markings in the field which indicates the no spray and limited spray zones near the wetlands. Ms. Ryder confirmed that the wetlands in the field and on the plans are accurate. The Commission voted unanimously 7-0 to issue a positive determination approving the wetland boundaries as shown.

Request for Determination of Applicability

0 Crowley Dr. - First Colony Development

John Deli Prescoli was present and explained that he is requesting verification that there are no wetlands on the property. The property in question is a portion of Assessor's Map 15, Parcel 22 which has not yet been formally subdivided. The two wet areas in question were constructed detention basins to control runoff when the property was cleared initially and soil moved. These two basins have been in place for a long time, but were man made and do not border on a stream or other wetland resource area. The Commission agreed that these were man-made structures and although they currently hold water as they were constructed to do, they are not wetlands. Mr. Deli Prescoli explained he may have a buyer for the lot and if so First Colony Development would do the site work for the new owner. He just wanted confirmation that no wetlands exist on the site to help with the sale. The Commission voted 7-0 unanimously to issue a negative determination noting there are no wetlands on this parcel in question which is a subset of map 15 parcel 22 as shown on the plans submitted with the application.

Abbreviated Notice of Resource Area Delineation - **Continuation**

890 Boston Post Rd. - Edu Rosa of Cornerstone Supply, Inc.

Chairman Clancy noted that he and Ms. Ryder had reviewed the maps and the stream stats report after the last meeting and have come to the conclusion that these are accurate. Therefore, based on that review the bordering vegetated wetland delineation is accurate.

No riverfront area exists on the site. The Commission closed the hearing and voted unanimously 7-0 to issue an Order of Resource Area Delineation confirming the delineation as shown on the plan and presented in the Abbreviated Notice of Resource Area Delineation (ANRAD).

Notices of Intent - Continuation

West Hill LLC – Proposes to construct 6 single family homes next to wetlands at:

- 25 Dufresne Dr.
- 43 Dufresne Dr.
- 53 Dufresne Dr.
- 71 Dufresne Dr.
- 81 Dufresne Dr.
- 85 Dufresne Dr.

The applicant had provided by mail a revised wetland delineation plan and supporting documentation. They were not able to attend the meeting, but asked to be notified of when the site visit to review the delineation was to be set.

The Commission reviewed the revised plans and noted that the wetland line per the plan had shrunk a bit and was concerned with the changes. Several of the abutters were present and also looked at the plan revisions and asked questions about the lot lines etc. After some discussion about the lot configuration and items that relate to the Planning Board, the Commission agreed to have a site visit at the site on Thursday July 23, at 5:30 PM. The abutters were invited to come along if they wanted to as well. Ms. Ryder will notify the applicant.

Certificate of Compliance

- DEP 212-614 587 Bolton St. – Piccadilly Pub (a.k.a. Bolton Street Tavern)- Ms. Ryder noted that she has not received a storm water report as required, so the Commission continued this item until the report is received.

Discussion/Correspondence/Other Business:

The Commission voted unanimously to accept and file the following documents and had discussion as noted.

- E-mail from Charlie Galland - RE: Pond-81 McNeil Circle, dated June 5, 2015- The Commission discussed the pond and the cattails that are growing thick along the pond edge. They noted that this was normal pond succession and did not have any recommendations on what to do at this point. Ms. Ryder will convey to Mr. Galland.
- Letter to Mayor Vigeant, RE: Acceptance of Gift of \$1,000 to Conservation Maintenance Fund – Dow Chemical Co. dated June 19, 2015.

Other Business: - None

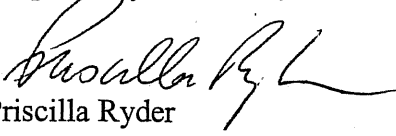
Project updates:

- 147 Cullinane Dr. – DEP 212- 1118 Ms. Ryder noted that the owner would like to extend the deck over the lower retaining wall next to the water at this location. Currently only a set of stairs is permitted in this location. The Commission discussed this option and then determined that a deck extension above the lower wall was too close to the water and would not be acceptable in their opinion. Ms. Ryder will convey.
- 64 Westernview Dr. – DEP 212-1127 Ms. Ryder noted that while doing an inspection at this house she noted that the stairs going to the water were in a slightly different configuration than the originally approved plans and included some additional switchbacks and landing. After some discussion, the Commission determined that the changes were minor and did not need any further review or approval from them.
- Robin Hill Street – and Jericho Hill - The legal dept. has submitted to the City Council two parcels of land for acceptance as city conservation land. Both parcels, one on Robin Hill St. and the other a small triangle on Jericho Hill were both gifted to the city. They are before the city council for acceptance. The Commission had no issues with being the managers of these parcels and agreed to support the acceptance of these parcels by the City Council for conservation purposes.
- Chemical Free Invasive Plant Control Workshop- This workshop is being held on July 29th, Ms. Ryder and Ms. Paquin have both signed up to go. One portion of the workshop talks about the use of goats for invasive plant control.

Meetings – Next Conservation meetings – August 6th and 20th, 2015

Adjournment - There being no further business the meeting was adjourned at 8:00 PM.

Respectfully submitted,


Priscilla Ryder
Conservation Officer

CITY OF MARLBOROUGH

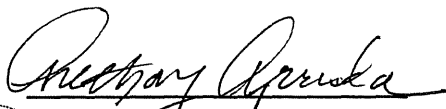
BOARD OF ASSESSORS

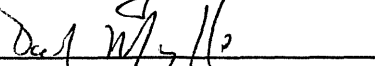
MEETING MINUTES: April 29, 2015

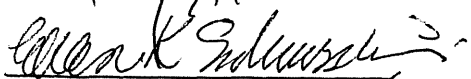
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2015 SEP -2 P 2: 37

1. CALL TO ORDER: 9:05 am
MEMBERS PRESENT: Anthony Arruda, David Manzello
Also in attendance: Harald Scheid , Regional Assessor and Paula Murphy, Head Clerk
2. MOTION TO ACCEPT: minutes of the April 1,2015 meeting : Mr. Arruda, second Mr. Manzello
Vote: 2-0
3. APPROVE AND SIGN: Excise Commitments 2015-02 and 2014-08, Excise Abatements March 16th thru April 24, 2015, Clause Exemption Abatements, Real Estate Tax Deferral Applications
4. DISCUSSION AND VOTE: 3 Clause Exemption Applications
Motion to Deny: Mr. Arruda, second Mr. Manzello
Vote: 2-0
5. DISCUSSION AND VOTE: Business Personal Property Abatement Applications
 - DDI Leasing, GJD Organic Design, Milestone Stables LLC, Mobile Station, Pharma Models LLC, Professional BodyworkMotion to Grant: Mr. Arruda, second Mr. Manzello
Vote: 2-0
6. DISCUSSION AND VOTE: Business Personal Property Abatement Applications
 - Evangelous Auto Sales, Light Tower Fiber LLC, Pharma Models LLC, Sidera Networks LLC Verizon New England, Verizon Online LLCMotion to Deny: Mr. Arruda, second Mr. Manzello
Vote: 2-0
7. DISCUSSION AND VOTE: Real Estate Abatement Application
 - 240 East Main StMotion to Grant: Mr. Arruda, second Mr. Manzello
Vote 2-0
8. DISCUSSION AND VOTE : Real Estate Abatement Applications
 - 201 Boston Post Rd West, 31-35 Main St, 286 West Main StMotion to Deny: Mr. Arruda, second Mr. Manzello
Vote: 2-0
9. Mr. Scheid reported on conversation with Mr. Doheny ,Treasurer regarding releasing 1.5 M from Overlay Account
10. Mr. Manzello reported on Data Quality Study to be started soon
11. MOTION TO CONCLUDE – Mr. Arruda , second M.r Manzello
Meeting Adjourned – 10:00







Marlborough Public Library Board of Trustees

Meeting Minutes

June 23, 2015

Bigelow Auditorium, Marlborough Public Library

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15 SEP - 3 P 2: 18

Meeting called to order by Rustin Kyle, Chair at 7:00pm

Board Members Present: Tom Abel, Nena Bloomquist, William Brewin (via conference call), Raymond Hale, Raymond Johnson, Rustin Kyle, Susan Laufer, Janice Merk, and Robyn Ripley.

Also Present: Margaret Cardello, Library Director; John Irish, City Counselor; and Rosemary Waltos, MBLC Construction Program Liaison

Absent: none

Proceedings:

1. A motion to move Ms. Waltos' presentation to the beginning of the agenda was passed (Kyle/Johnson).
2. Ms. Waltos provided an overview of the Massachusetts Board of Library Commissioners' (MBLC) Construction Program. A summary of key points:
 - The Construction Program has been in existence for about 28 years and received \$150 million from the Patrick administration last August which allows for a new grant round for library construction in 2016.
 - The Construction Program does not pay for: computers, automation equipment, telephones, paving, landscaping, end panels, or furniture.
 - Eligible costs include: construction, steel shelving, some custom work (desks, cases), infrastructure such as wiring, vents, etc.
 - Program used to pay 30-35% of eligible costs but it has recently been increased to 40-45%.
 - Process:
 - An OPM (Owner's Project Manager) needs to be hired to assist with the entire construction process. This may be a city employee but they must have the proper qualifications, sufficient available time, and authority.
 - An architect is hired to review sites for development and make recommendations.
 - Design process starts: engineers to provide structural analysis, hazardous materials catalog (if existing building), geo technician to examine soils. These activities require spending money upfront but when grant is funded, that cost can be reimbursed as an eligible cost.
 - A schematic design is completed with enough detail for the architect to hire a cost estimator (an independent operator) to provide an estimate of building cost, adding foreseeable contingencies.

- Next spring (2016) the MBLC will announce the next building grant round with information sessions in March/April and announcements in May. A letter of intent is then due in Sept/Oct, 2016 and the design process outlined above should be done before that Letter of Intent is sent in.
- The application, itself, is due by the end of January, 2017.
- Two approvals by MBLC are needed from the city:
 - An approval to apply for, receive grant money from, and spend grant money awarded by the MBLC.
 - An approval to go forward with the project – This approval from the city is not the same thing as a promise of funding from the city.
- Review Panels will review 5-7 grant applications at a time.
- Panel recommendations go to the grant executive and then to the MBLC Board (time frame: February-June).
- Board votes on funding projects (July, 2017).
- Those projects that are awarded grants are funded in Fiscal Year 2018.
- The rest are placed on a waiting list and about \$20 million in funds are granted per year, cycling through the waiting list. Note, some on the waiting list remove themselves, so the wait list may not take very long to move through.
- Of note:
 - During the previous grant round 31 libraries applied. Of those, 28 finished the application process and 27 received funding. However, about ½ of those dropped off the waiting list before receiving funding.
 - Green buildings will receive additional money from the grant. If certified by U.S. Green Building Council at the Basic Level, an additional 2% of grant funds are awarded; at the Platinum Level, and additional 3.5%.
 - Libraries must own their land and be able to show a Purchase & Sale or documentation of votes. Land purchase is an eligible expense and is reimbursable, as is demolition, up to \$800,000.
 - Estimating size: measure every public service and staff area, then add 20-25% as a best guess. Architect will confirm all sizes and the architect's size is what is in the design and what MBLC will hold you to.
 - Design flexibility counts for a lot in the grant process. Multi-use space and adaptable rooms allow for future changes (population, technology, etc.).
 - Recommend visiting new libraries for ideas: South Hadley is a good one. Be sure to ask "What would you do if you had to do it over again?"

3. **Minutes:** A motion to approve the minutes from the June 2nd meeting was passed with one typographical correction (Johnson/Hale).

4. **Director's Report:**

- The lift is out of order and in need of a new cable. One was installed today and the batteries are currently being charged. It should be back in order tomorrow, June 24.

5. **Committee Reports:**

- Friends:
 - Ray Johnson unveiled a poster commemorating the 2014-15 Season of cultural programming provided by the Friends.
 - A motion to approve the Friends' Calendar of Events for 2015-16 (*see attached*) was passed, with the exception of programs listed for November 11th, 2015 which is a holiday (Able/Merk).

6. **Old Business:**

- Building Plan:
 - Estimate of sizing (*see attached*).
 - Is there a list of available city properties? Tom Abel recommends going to the Assessor's Office to find a list of available properties.
 - Margaret will email the building program document to the board members for review over the summer.
 - Set up a meeting with the Mayor in August (with Margaret and maybe two trustees) to explain the building grant process and perhaps offer someone to be on the building committee.
- Director's Contract Review:
 - Margaret signed the new contract but wishes to note for the record that she is not happy with the salary at all and the contract merely details how she can be terminated. She hopes her salary can be increased in the future.

7. **New Business:**

- Trustee Minutes: Minutes are currently compiled and filed in the library archives. Other Boards in Marlborough send minutes to the City Council after approval. Starting with this meeting's minutes, once approved by the Board, minutes will be sent electronically to City Council.

8. **Adjournment:** A motion to adjourn passed at 9:18pm (Laufer/Johnson).

Minutes submitted by Secretary, Robyn Ripley.



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2015 SEP -8 P 12:31

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

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held on Tuesday, June 23, 2015 at 10:00 a.m. in the City Council Committee Room, City Hall. Members present: Chairman - Police Chief Mark Leonard, DPW Commissioner John Ghiloni, and City Clerk Lisa Thomas. Also present: City Engineer Evan Pilachowski and Assistant City Engineer Tim Collins. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Tuesday, May 26, 2015.

MOTION was made, seconded, duly VOTED:
TO APPROVE.

2 – New Business

2a) Request for speed limit and other warning signs on Simpson Rd.

This request came from a resident of this neighborhood. There are many children living here and Simpson Park is also on this street. She feels many cars drive at “unreasonably fast speeds”. She has made several calls to the police dept. and was told the police would make their presence known, however, she has not seen anyone.

Tim Collins passed out a GIS map of the neighborhood. He also said that he drove through the area. There are sidewalks on both sides but no crosswalks. There is a sign for the park but it is very small. It is also very low and more to alert pedestrians to the entrance than anything else. It would be better to have a sign to highlight the park.

Chief Leonard advised that this would be a 30mph zone and that typically the Traffic Commission does not install slow/children signs, however, it could be considered near a park entrance. Commissioner Ghiloni asked if there was much activity at this park. Tim

did not think so. Chief Leonard asked Engineering to look into the possibility of a "Slow - Playground" sign. He also advised that he would work on enforcement.

MOTION was made, seconded, duly VOTED to REFER to the POLICE DEPARTMENT for enforcement and to ENGINEERING for possible signage.

2b) Parking concern, Sawin St. @ E. Main St.

A local resident requested assistance with parking problems around the used car dealer lot on the corner. Tim Collins passed out a photo of the area with a diagram. Chief Leonard advised that Pam Wilderman, Code Enforcement Officer, has also been involved. It appears that customers' cars are being parked on the corner. Chief Leonard wasn't sure what kind of signage, if any, was there. The resident was looking for "no parking signs up on that corner and maybe the second telephone pole maybe put up a residence parking sign so no one will park in front of people's drives or houses". Commissioner Ghiloni said that it is a tough area to sign and also that there is no curbing there. The Chief thought it would be best to start with the Police Department on enforcement and to get Code Enforcement involved again.

MOTION was made, seconded, duly VOTED to REFER to the POLICE DEPARTMENT for enforcement and to Pam Wilderman, Code Enforcement Officer.

2c) Speeding and other traffic concerns on Lakeshore Dr.

Resident is concerned with speed and noted that one area of Lakeshore Drive is posted at 30mph while another is posted at 20mph. He asked if it was possible to reduce the speed of the entire road to 20mph. Also, he noted that there is no stop sign at the intersection of Hill Road and Lakeshore Drive and the intersection of Bruce Road and Lakeshore Drive. He said that he has witnessed many near accidents "of drivers rolling through this intersection."

Tim Collins passed out a GIS map of the area with the two different speed zones indicated. He could not find written specifics as to why there are two different speed zones but he assumes the roadway characteristics play a part. He noted that the area that is 30mph is wide open and flat while the area that is 20mph is hilly and winding.

Chief Leonard asked if it was necessary to do a speed study here. The road is really not all that wide and it could be perception, as 30mph may look faster than it really is. He will add this area to the list for radar patrols.

On the second issue, Tim Collins advised that the two intersections at Hill Rd. and Bruce Rd. are T- intersections and meet the MUTCD warrants for a stop sign. Chief Leonard said that it does make sense to him to put stop signs here. He has had this issue brought up before. Evan Pilachowski asked if it makes sense to a crash study here first. The Police Department can do this, however, Chief Leonard doesn't think we will find much.

MOTION was made, seconded, duly VOTED to REFER to the POLICE DEPARTMENT for radar patrols and also to compile an accident history over the past five years.

2d) Timing of traffic signal on Lincoln St. @ Bolton St.

Request came from Evan Pilachowski in response to a concern received through SeeClickFix regarding regular traffic backups for westbound traffic at this intersection along Lincoln St. He noted that the concern "centered on the timing of the traffic signal and the exclusive left turn for eastbound traffic on Lincoln Street".

Tim Collins passed out a chart outlining the traffic signal timing at this intersection. He noted that there are 8 seconds set aside for the exclusive left turn onto Lincoln Street. They had to "steal" the 8 seconds from the westbound traffic on Lincoln Street. Maybe this is too much time. Maybe we need to add time on the Lincoln street approach and reduce the time for the exclusive turn to 6 seconds. Evan Pilachowski does not think those few seconds would really make a difference. It was discussed that most of the traffic on Lincoln Street is straight traffic (to bypass Route 20). Chief Leonard said that he agrees that the westbound traffic does back up during commuting hours but changing the timing by 2-3 seconds will not really make a difference. It would allow just one more car to get through. It just takes one car who can't make the turn to back up the traffic. It was discussed that the commuter knows the issue and can go around a different way. This is the first complaint the Traffic Commission has received. At this point, it is best left the way it is.

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

2e) Request from Councilor Delano, re: Warning signage in the area of Villages East to assist exiting traffic.

Tim Collins passed out two photos of the area showing a sign in both directions (400 feet in advance of the driveway to The Villages) stating "Turning Vehicles Ahead". He said that the State put these signs up a few years ago. Chief Leonard advised that he would take a drive by the area himself and let Councilor Delano know that these signs are in place.

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

2f) Traffic Concern on Williams @ Gleason St.

Resident sent in a specific request relative to this intersection along with her Crash Operator's Report. She stated how dangerous this intersection is during rush hour and how difficult it can be to make a left turn onto Gleason Street. She included pictures showing a car trying to take a left onto Gleason. The car in the left lane may allow you to turn but the car in the right lane doesn't always see you turning and doesn't slow down. This is what happened in her accident. Another photo showed a car completely blocking Gleason Street waiting for the light to change. There is no way for someone to turn onto Gleason Street which then causes a backup out onto route 20. She is requesting a Stop Line at the corner of Williams Street and Gleason Street and a Do Not Block Intersection sign.

Tim Collins passed out an aerial photo of the intersection for reference. Chief Leonard said that he understands what she is saying. When it gets busy two lanes do form here. Tim Collins said that prior to Gleason Street there should be only one lane of traffic, however, people start forming two lanes on their own. Cars are still within the markings because there is enough width here. The Chief said that a sign would be helpful to his

officers if they were trying to enforce something here. Commissioner Ghiloni asked if we have this type of sign anywhere else. Tim Collins advised that we do have this in front of the Fire Station on Pleasant Street, in case the trucks have to exit. Chief Leonard said that he would like the Police Department to monitor the issue for now. If it continues to be a problem he will bring it back to the Traffic Commission.

MOTION was made, seconded, duly VOTED to REFER to the POLICE DEPARTMENT to monitor.

Lisa Thomas asked to discuss a new issue not on the agenda. - New polling locations at the new Senior Center.

Lisa Thomas wanted to bring to the attention of the Traffic Commission that 5 polling locations will be moved to the new Senior Center. She is waiting for a home rule petition to come back signed, hopefully, before the next election. She was concerned about parking on Election Day. She said that polling workers were going to be instructed to park elsewhere, probably Bigelow school. Constables would be asked to give rides to the poll workers to and from the school. Commissioner Ghiloni said there were 164 parking spaces at the Senior Center. Lisa Thomas just wanted to make everyone aware of what was going on ahead of time.

3-Old Business

Update on item no longer on Agenda – Crosswalk on Williams St.

The crosswalk is in place, however, it was never properly regulated. Chief Leonard presented the revised regulation for a vote. Initially the crosswalk was going to be relocated to Robin Drive, however, it was later determined that the existing location was best. Lisa Thomas will check to see if the Robin Drive location was ever advertised. She will also advertise the new regulation. Chief Leonard will send her an electronic copy.

MOTION was made, seconded, duly VOTED to REFER to LISA THOMAS, City Clerk, to advertise the regulation.

3i) Request for HP spot in front of 2 Hill Rd. and sign restricting parking within 20' of Hill Rd. and Lakeshore Dr.

Chief Leonard advised that he has called the requestor for more information but she has not gotten back to him yet.

MOTION was made, seconded, duly VOTED:
To TABLE.

3h) Communication from Ruben Rassi, re: Lakeside Ave. at Lincoln St. /Bond St. intersection concerns.

Tim Collins provided an update that the striping would have to be yellow not white as was originally indicated.

MOTION was made, seconded, duly VOTED to REFER to the DPW for striping.

3f) Request to consider making Francis St. one way.

The Traffic Commission has decided not to pursue a one way on Francis Street. It was further discussed that State approval is only necessary if the one way extends into another community or if it is midblock.

MOTION was made, seconded, duly VOTED to REMOVE this item from the Agenda.

3g) Communication from Maureen Matott, re: Request for yield sign for traffic on East Main St. @ Stevens St.

Tim Collins passed out a photo which included the proposed yield sign for southbound traffic on Stevens Street tuning left onto East Main Street. Chief Leonard said that it makes sense to him. The only real question was where to put it.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING for installation.

3d) Traffic Commission rules and regulations update.

Tim Collins advised that he is still working on this. Lisa Thomas said that she has a lot of items to add for recodification under the City Code. This will be the second time she has recodified in 8 years. She wanted to confirm that it was OK to separate this from the Traffic Commission section since her part was ready to be submitted to General Code.

MOTION was made, seconded, duly VOTED to separate the two sections and let Lisa Thomas update the City Code with General Code. All in Favor.

3c) Stop signs on Bigelow Street.

Evan Pilachowski advised that they have ordered the necessary equipment for the speed signs. He asked if he needed any official approval or if he could just go ahead. Tim Collins said that he thinks the stop signs were regulated but not warranted. If they were regulated, the Traffic Commission would have to repeal them. The residents would also have to be notified prior to any changes being made. Evan Pilachowski also noted that the MUTCD has a placard that can be placed on the side street stop signs indicating that "other directions do not stop". He advised that he ordered two signs, one for each direction. DCU is paying up to \$10,000.

3a) Municipal off street parking regulation.

MOTION was made, seconded, duly VOTED:
To TABLE.

3b) High School parking regulations.

MOTION was made, seconded, duly VOTED:

To TABLE.

3e) Towing vehicles from municipal lots for snow removal.

MOTION was made, seconded, duly VOTED:

To TABLE.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 11:02 am.

Respectfully submitted,

Karen L. Lambert
Records Clerk
Marlborough Police Department

List of documents and other exhibits used at the meeting:

-Meeting Agenda for Tuesday, June 23, 2015. (Including City of Marlborough Meeting Posting).

-Draft of Traffic Commission Minutes from May 26, 2015

-E-mail from Nicole Bisazza to Chief Leonard, dated 5/28/15, re: Slow – Children sign.

-E-mail from KJ Urato to Chief Leonard, dated 6/3/15, re: Corner of Sawin and East Main (used car dealer).

-E-mail from Sean Monaghan to Chief Leonard, dated 6/4/15, re: Traffic Commission in regard to Lakeshore Drive.

E-mail from Evan Pilachowski to Chief Leonard, dated 6/8/15, re: Traffic commission – Lincoln St. at Bolton St.

E-mail from Councilor Delano to Chief Leonard, dated 6/8/15, re: Agenda Item for Traffic Commission – Sign on Rte. 20 requested by residents of Villages East.

-E-mail from Karen Lambert to Chief Leonard, dated 6-10-15, re: Williams and Gleason Street (as requested by Kristin Riddle).

-Regulation to add the crosswalk on Williams Street to Traffic Commission Rules and Regulations under Section 586-60.1: “Crosswalk Locations”.

Additional Handouts

-GIS map of Simpson Road area.

-Map and aerial photo of Sawin Street area.

-Photo indicating “Proposed sign (R10-12), for southbound traffic on Stevens Street turning left onto East Main Street”.

-GIS map of Lakeside Ave. at Williams Street and Gleason St.

-Two photos from different angles of “Boston Post Road East, 400 feet in advance of the driveway to The Villages at Marlborough East.

-Diagram of Traffic Signal Timing at intersection of Bolton St. and Lincoln St.

-GIS map of Lakeshore Drive area with speed limits indicated.



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City of Marlborough License Board

140 Main Street, Lower Level
Marlborough, MA 01752
(508) 460-3751 FAX (508) 460-3625

Minutes of the License Board Special Meeting Held January 13, 2015 at 10:00 am, City Hall, 1st floor, Council Committee Room.

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

Meeting called to order by Walter Bonin, Chairman at 10:05 PM

New Business

1. ONE DAY PERMITS

Masonic Corp. – Catering by Tasty Home Cooking – 4 – ALL Alcohol One Day Permits
Ed Walsh requested 4 ALL alcohol one day permit applications. G. Mitrakas motioned to approve, seconded by W. Bonin. Motion carried 2-0

2. ITEMS CARRIED OVER FROM REGULAR MEETING

Four Hundred and One License

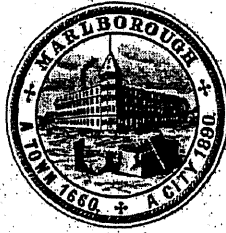
After a lengthy discussion the board indicated that Robert Gillis' pledge is valid against No Boundaries Inc.'s License d/b/a Four Hundred and One. Board agreed that member G. Mitrakas would research the process as to how a pledge is to be enforced because License is owned by No Boundaries Inc. Motion made that G. Mitrakas research enforcement of pledges and report back to board at next meeting. Motion carried 2-0

Motion made to adjourn: 11:15 AM

Respectfully submitted,

Walter Bonin

Walter Bonin, Chairman



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**City of Marlborough
License Board**

140 Main Street, Lower Level
Marlborough, MA 01752
(508) 460-3751 FAX (508) 460-3625

**Minutes of the License Board Regular Meeting Held Wednesday, February 25, 2015
at 7:30 pm, City Hall, 1st floor, Council Committee Room.**

Attending: Walter Bonin (WB); Chairman; Gregory Mitrakas (GM), Member; Tina Nolin, Clerk

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

New Business

1. ONE DAY PERMITS

Masonic Corp. – Catering by Tasty Home Cooking

Ed Walsh requested 4 ALL alcohol one day permit. GM motioned to approve, seconded by WB. Motion carried 2-0

St Matthias Church

St Matthias Church requested an ALL alcohol one day permit.
Motion made by WB to approve. Motion carried 2-0.

2. BAHAMAS AUTO SALES – ON SITE STORAGE ADDITION

Item tabled as no one from Bahama's Auto Sales was present

3. LA TAPATIA RESTAURANT ADDITION TO ENTERTAINMENT LICENSE

La Tapatia Restaurant was present with the request to move to a full entertainment license – adding karaoke, they have a small sound system that they would use in their small back bar area, not in the main dining area.

GM motioned to approve, WB seconded. Motion carried 2-0

4. ESCARGO RESTAURANT – ACTION IN RESPONSE TO FAILURE TO APPLY FOR LIQUOR LICENSE

Confirmed that the Escargo Restaurant did not apply for their liquor license.

5. SILK ROAD – INFORMAL DISCUSSION REQUEST FOR BEER & WINE LICENSE

Owners of Silk Road Bistro restaurant were present to express interest in a beer & wine license. Reported they had taken the pouring training necessary.

After a short discussion, WB instructed them that a license would be available and that they should pick up an application package at the office tomorrow and begin the process to obtain the license.

6. NEW BREWING COMPANY – INFORMAL PROCEDURE DISCUSSION

Item tabled as interested party decided to pursue at a later date and were not present at the meeting.

Old Business

Four Hundred and One License

GM reported back to the board regarding the Four Hundred and One and his findings on the process as to how a pledge is to be enforced. Based on his findings the pledge cannot be enforced by the License Board, but must be enforced by the courts. It was a consensus of the Board that they would continue to work with Atty Gadbois toward a resolution.

Motion made to adjourn: 8:01 PM

Respectfully submitted,

Walter Bonin

Walter Bonin, Chairman



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City of Marlborough License Board

140 Main Street, Lower Level
Marlborough, MA 01752
(508) 460-3751 FAX (508) 460-3625

Minutes of the License Board Special Meeting Held March 13, 2015 at 12:00 am, City Hall, 1st floor, Council Committee Room.

Attending: Walter Bonin (WB) Chairman; Gregory Mitrakas (GM), Member; David Bouvier (DB),
Member, Tina Nolin, Clerk

Meeting called to order by Walter Bonin, Chairman at 12:10 PM

New Business

1. ONE DAY PERMITS

St Matthias Church Parents School Association – 1 – ALL Alcohol One Day Permits for March 21st event. WB motioned to approve, GM seconded. Motion carried 3-0

2. ITEMS CARRIED OVER FROM REGULAR MEETING

Discussion of Inactive Licenses

There are roughly 3 inactive licenses in the city, two Full and one Beer & Wine. Although there was some consensus among the Board that these licenses were not necessarily viable for resale. After further discussion on the status of the licenses GM motioned to find out from the legal department what the logistics, procedures and ramifications for buying back inactive licenses are. DB seconded the motion. Motion carried 3-0; WB said he would put the call into legal.

DB motioned to adjourn, seconded by WB. Motioned carried 3-0. Adjourn at 1:22 pm.

Respectfully submitted,

Walter Bonin

Walter Bonin, Chairman



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City of Marlborough License Board

140 Main Street, Lower Level
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Minutes of the License Board Regular Meeting Held March 25, 2015 at 7:30 am, City Hall, 1st floor, Council Committee Room.

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

Meeting called to order by Walter Bonin, Chairman at 7:35 PM

New Business

1. ONE DAY PERMITS

St. Matthias approved for 1 day permit when they drop off their Insurance Liability form
Olde Marlborough approved for 1 day permit when they drop off their Insurance Liability form
Tasty Home Cookin' approved for four 1 day permits

2. ONLINE DEALERSHIP INTEREST- INFORMATIONAL CHARLES OSEI-TUTU

Applicant was a no show – no action taken

3. TAILGATERS (FANZ) CHANGE OF NAME, OWNERSHIP -DEAN WEEKS

Applicant was a no show – no action taken

Decided Clerk would check records re: previous actions on name or ownership change in file
Request Dean Weeks / Fanz to appear at next meeting or they will be in violation of their license.

4. ABCC CORRESPONDENCE

Accepted and filed

Motion made to adjourn: 8:05 AM

Respectfully submitted,

Walter Bonin

Walter Bonin, Chairman



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City of Marlborough License Board

140 Main Street, Lower Level
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Minutes of the License Board Regular Meeting Held April 29, 2015 at 7:30 am, City Hall, 1st floor, Council Committee Room

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

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

New Business

1. One Day Permits

- ITAM – 4 Permits - GM motioned for approval, DB seconded, Approved 3-0
- Residence Inn – 1 Permit - GM motioned to approve, DB seconded, Approved 3-0
- Strange Brew – 1 Permit - GM motioned to approve, DB seconded, Approved 3-0
- Tasty Home Cookin' 10 Permits - GM motioned to approve, DB seconded, Approved 3-0
- Vin Bin – Outdoor May/October - GM motioned to approve, DB seconded, Approved 3-0

2. Halfway Café - Change of Manager Request/Application - Approved

- GM motioned to approve, DB seconded; approved 3-0

3. Bertucci's Brick Oven Ristorante - Change of Manager Request/Application – Approved

- GM motioned to approve, DB seconded; approved 3-0

4. Silk Road Bistro – Beer & Wine Cordials/Liquors Permit Application – Approved

- Public meeting opened (7:38 pm) held – Opposed: 0, Positive: 0; No questions or comments
- Public Hearing closed (7:40 pm)
- Discussion: this is a license that had been forfeited so it the number of licenses in the city remain the same.
- GM motioned to approve, DB seconded; approved 3-0

5. Capital Liquors and Capital Farms - Change of Hours Application (to 10:00 am Sundays)

- DB motioned to approve, GM seconded; approved 3-0

6. Fanz – For discussion of change of ownership (?) / change of Manager

- Needs to submit name change – changed 2 years ago,
- There has been a change in ownership – 1 partner gone, another coming on – need to file that change as well

7. Reports from Chairman

- a. Sully's First Edition Pub – establishment had only temp occupancy permit until work completed. It had been completed, but not all parties notified. That has now been done and full permit given.
- b. Funky Murphy's not yet open – some thought that they may be looking to serve outside the building, but there is no evidence based on the building construction or available land around building that that is the case. Will continue to monitor and will address if such activity appears when they open.

Motion made to adjourn: 8:23 PM

Respectfully submitted,

Walter Bonin

Walter Bonin, Chairman



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City of Marlborough License Board

140 Main Street, Lower Level
Marlborough, MA 01752
(508) 460-3751 FAX (508) 460-3625

Minutes of the License Board Regular Meeting Held May 27, 2015 at 7:30 am, City Hall, 1st floor, Council Committee Room

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

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

New Business

1. **Marlborough Enterprises Inc. (Wayside Racquet & Swim Club) - Change of Manager Request/Application (Joyce Koenig) - Approved**
 - GM motioned to approve, DB seconded; approved 3-0
2. **One Day Permits**
 - Immaculate Conception School Parent Association – 1 permit - GM motioned for approval, DB seconded, Approved 3-0
 - The Moose Lodge – 5 - Permits - GM motioned for approval, DB seconded, Approved 3-0
 - ITAM – 4 Permits - GM motioned for approval, DB seconded, Approved 3-0
 - Tasty Home Cookin' 5 Permits - GM motioned to approve, DB seconded, Approved 3-0
 - American Cancer Society - 1 - Permits - GM motioned for approval, DB seconded, Approved 3-0
3. **Kindle's Pizzeria** – new establishment interested in a beer and wine license
Not yet opened – July
10 Boston Post Road East – oven fired pizza and other assorted items.
Hours will be 11:30 a.m. – 9:30 p.m. It is sit down establishment
Wants to offer more than soft drinks for people to enjoy and highlight the pizza.
At request of Board Kindle's will appear again at the June meeting with a seating plan to further discuss.
4. **MHQ Class I Auto License**

There was a brief discussion on what MHQ, INC. does and who they are associated with regarding to cars on the lot. Their name change from a Natick Auto Sales or Division of Natick Auto Sales was changed in April and according to the City Solicitor things are in order. Board Chairman, WB reported that MHQ should be operating under Wayside Ford's license and as such has the same authority as the agent and can do what the agent is able to do. There was a representati

from Natick Auto Sales in Framingham at the meeting who argued that MHQ, Inc. as Natick Auto Sales had been operating under a false name for years. He was told the Licensing Board had done its due diligence as required of them to do and that he could contact the City Solicitor's office if he had any further objections or questions.

GM motioned to accept the name change as made, DB seconded. Vote was 3-0 to renew as amended.

5. Reports from Chairman

- a. Silk Road Bistro's License was still in processing as changes/corrections needed to be made to the application.
- b. Transfer of The Cozy license was being handled by David Gadbois and would most likely be before the board next month.

Motion made to adjourn: 8:35 PM by GM, Seconded by DB, vote: 3-0 for adjournment.

Respectfully submitted,

Walter Bonin

Walter Bonin, Chairman

**Copies of public documents related to these minutes are available upon request at the
Licensing Board Office at 140 Main Street, Lower Level, Marlborough, MA 01752**



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**City of Marlborough
License Board**

140 Main Street, Lower Level
Marlborough, MA 01752
(508) 460-3751 FAX (508) 460-3625

**Minutes of the License Board Regular Meeting Held June 24, 2015
at 7:30 am, City Hall, 1st floor, Council Committee Room**

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

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

New Business

1. One Day Permits

- ITAM – 4 permit requests, GM motioned for approval, DB seconded, Approved 3-0
- Moose Lodge 1129 – 8 permit requests, GM motioned for approval, DB seconded, Approved 3-0
- Crave Mead – 1 permit request, GM motioned for approval, DB seconded, Approved 3-0
- Food Truck Festivals of America – 1 permit request, GM motioned for approval, DB seconded, Approved 3-0
- Tasty Home Cookin' – 2 permit requests, GM motioned for approval, DB seconded, Approved 3-0

2. Transfer of License from The Cozy Restaurant to CSM Holdings, LLC (Hilton Garden Hotel) Public Hearing opened at 7:36

David Gadbois representing the applicant requested approval for the Transfer of License from the Cozy to CSM Holdings, LLC (Hilton Garden Hotel), still under construction.

Representation for Mr. Coulombe confirmed that his client was indeed happy with the potential transfer and that while they had hoped to relocate in a similar establishment that proved not possible and feel fortunate to be in the current transaction.

It was noted that the applicant at this time does not possess a certificate in good standing with because they will not be opening for a year yet and are new to the state. When they open they will supply all of the necessary insurance liability forms.

Frank Dorsey, Hilton Garden, manager of record and principal representative in the transaction, introduced himself and gave a synopsis of his past hotel experience and certifications.

Chairman Bonin requested from public any pro/positive comments – none voiced

Chairman Bonin requested from public any objections – none voiced

Chairman Bonin requested from public any questions – none asked

Public Hearing was closed at 7:42 PM

Member Mitrakas commended all parties on the application and pulling it all together and motioned to approve the application. Member Bouvier seconded. Vote: approved 3-0.

3. Michael McGuire, Marlborough Economic Development Corp. – informal discussion re: Welly's change of premise: outside seating

Welly's Restaurant had turned to the EDC to help them increase their business to include outdoor dining and serving alcoholic beverages on Main Street. Mr. McGuire was at the meeting tonight to introduce the idea and give the board an idea of what was being proposed and to see if there was anything beyond that that they should be addressing. Welly's is interested in adding 4 to 5 tables set against their restaurant front with appropriate pedestrian access to the sidewalk to pass, stressing ADA compliance was a priority, as well as in compliance with all ABCC and local board's regulations. The intent is to present the application at next month's (July) meeting. Chairman Bonin – agreed that their application was in keeping with the City's passing of an ordinance to increase outdoor dining. He also mentioned that the ABCC requires that the space be cordoned off in some way, visible from the store and assurance that those served at the outdoor tables are of legal age.

4. G:My Documents Kindle's Pizzeria – new establishment interested in a beer and wine license. Owner: Dave Champeau, location: 10 Boston Post Road East – oven fired pizza and other assorted items.

Planned opening in July, Hours: 11:30 a.m. – 9:30 p.m. Sit down establishment, with Takeout. As a follow-up to his presence before the Board in June, Mr. Champeau presented drawings and pictures of his establishment and seating layout. After some discussion Chairman Bonin invited Mr. Champeau to apply for the beer and wine license. Members Mitrakas and Bouvier agreed. Application is expected for the July meeting.

5. Reports from Chairman

- MHQ Update – A letter was submitted to the Legal office regarding a request for all records including emails, files and applications related to Natick Auto Sales Inc., Natick Ford, MHQ Municipal Vehicles and MHQ Inc. All documents are with Legal at this time and they are compiling the packet to send.

8. Review minutes – Regular meeting, May 27, 2015

GM motioned for approval, DB seconded, Approved to file 3-0

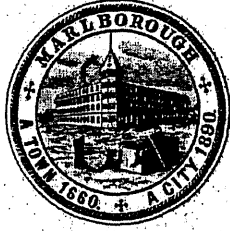
Motion made to adjourn: 8:35 PM by GM, Seconded by DB, vote: 3-0 for adjournment.

Respectfully submitted,

Walter Bonin

Walter Bonin, Chairman

Copies of public documents related to these minutes are available upon request at the Licensing Board Office at 140 Main Street, Lower Level, Marlborough, MA 01752



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City of Marlborough License Board

140 Main Street, Lower Level
Marlborough, MA 01752
(508) 460-3751 FAX (508) 460-3625

Minutes of the License Board Regular Meeting Held July 22, 2015 at 7:30 am, City Hall, 1st floor, Council Committee Room

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

Meeting called to order by Walter Bonin, Chairman at 7:32 PM

New Business

1. One Day Permits

- ITAM – 2 permit requests, GM motioned for approval, DB seconded, Approved 3-0
- Moose Lodge 1129 – 8 permit requests, GM motioned for approval, DB seconded, Approved 3-0
- Tasty Home Cookin' – 6 permit requests, GM motioned for approval, DB seconded, Approved 3-0
- Greek Church – Greek Festival – 1 permit request, GM motioned for approval, DB seconded, Approved 3-0
- Oktoberfest – 1 permit request, GM motioned for approval, DB seconded, Approved 3-0

- Automatic Amusement Licenses – 2 licenses applications for the ITAM, GM motioned for approval, DB seconded, Approved 3-0

2. Beer & Wine License Application – Kindles Brick Oven Pizza – Dave Champeau Owner Public Hearing opened at 7:36

David Champeau presented application for his pizza restaurant quick service eat in restaurant with Beer and Wine being a compliment to the brick oven experience.

Chairman WB requested from public any pro/positive comments – none voiced

Chairman WB requested from public any objections – none voiced

Chairman WB requested from public any questions – none asked

Public Hearing was closed at 7:38 PM

DB motioned for approval, GM seconded, Approved 3-0

3. Welly's Change of Premise Application: outside seating

Public Hearing opened at 7:41

Michael McGuire if the EDC presented Welly's application citing it as a further step to revitalize downtown and add trendy outside seating. All ADA rules and regulations have been addressed and applied and so Mr. McGuire was requesting Board approval of the application. Chairman WB requested from public any pro/positive comments – none voiced

Chairman WB requested from public any objections – none voiced

Chairman WB requested from public any questions – none asked

Public Hearing was closed at 7:44 PM

Chairman WB – agreed that their application was in keeping with the City's passing of an ordinance to increase outdoor dining and evening downtown traffic. GM agreed.

Chairman WB also addressed issue of storage of table and chairs and fence – and said it would need to be indoors. Mr. McGuire said Welly's had the means to do that and would relay that information to them.

Member GM motioned for approval, Member DB seconded, Approved 3-0

Zarape Change of Premise Application: outside seating – established restaurant interested in adding outdoor seating to its location.

Member GM recused himself from the discussion and abstained from voting due to location of restaurant to relatives owning property on the street.

Public Hearing opened at 7:47

Seating area would be in area to the side of the restaurant – owners own the house. Fence, tables and chairs would be temporary and moveable when they need to get to the back of the establishment for trash, etc. 5 tables each seating 4 people close it at 10:00 pm with last call at 9:30. Discussion also re: entrance to "patio" – it will be only from inside the restaurant.

Chairman WB requested from public any pro/positive comments – none voiced

Chairman WB requested from public any objections –

Ms. Weinberg (6 Warren Ave) – runs a group home for disabled adults around the corner and is very concerned with parking as it is already a huge problem and now they are adding even more seating. (Photos were presented showing the parking situation in the neighborhood during evening business hours). Noise is also a big concern – it was stated that even now when people and employees leave and are saying good bye and chatting, etc. it is very loud at 10 o'clock or later at night. Feeling is people sitting outside with alcohol will only make the problem worse.

Another neighbor who is a direct abutter expressed the same concerns noted above – parking, noise – noise is customer talking as they leave.

Member DB asked if there was employee parking available besides on the street. Owner said it is possible that they can rent parking at Kane Storage, like they do in the winter for employees and possibly even for some customer parking.

Chairman WB requested from public any questions – Ms. Weinberg asked about the city ordinance and the time it specified. She was given the area covered by the ordinance and that the time limit was 10:00 pm.

Public Hearing was closed at 8:10 PM

Chairman WB stated that the only way he could support the application was for Zarape to obtain permission for employee parking somewhere off-site and to bring in the information to the Board's office and to make it very clear that no one may park behind the building during open hours. Given the neighborhood concern for noise – Chairman WB suggested a 9:00 pm closing for the outdoor patio and if noise became problematic, as with any establishment, they would need to come before the board and have it addressed. People in attendance were reminded that the area is zoned as business district.

Member DB motioned for approval with the hours of operation being from 12:00 pm to 9:00 pm, with everyone out of the outside seating by 10:00 pm and that off-site employee parking must be found. Chairman WB seconded, Approved 2-0, with 1 abstaining.

Chairman WB made it clear to neighbors that if noise increases and it becomes a nuisance they can come into the board. Likewise, the owner of Zarape's was told, if the hours prove to constricting they may come in apply for an increase.

4. MARCO BREW – change of license restriction request

Tharwat Henen appeared before the board to ask for the current restriction on his license governing how much floor space can be allotted to beer in wine in his store could be lifted. He expressed that people were coming in and looking for more variety – which as things currently stand he did not have space to offer and it was hurting his business as they then went elsewhere to shop, and with Walgreens now close by he is evening struggling with the ancillary products he has to sell in convenience.

Member GM said he agreed things are different now, but he would still like to see it kept to as more convenience plus beer and wine and not a full blown package store.

Chairman WB said he can't agree as there had been a beer and wine store with a few convenience items on that location in the past and therefore they can't very well say no to it now.

Member DB asked how much he wanted to increase the space by. He was told the same space for the most part but a different configuration.

After a call for any more discussion, Member DB motioned to approve the removal of the license restriction that "total retail floor, shelf, cooler display space dedicated to sales of beer/wine shall **not exceed 25% of the total retail space** dedicated for the sale of all products in the convenience store as shown on the attached floor plan on file at the License Board Office."

Chairman WB seconded it, vote approved it 2 in favor – 1 nay. Chairman WB – approved, Member DB, approved, Member GM – nay.

5. **Request for Class II Car Dealership License** – Joseph Lovelle, Specialized Mechanical Cleaning Service. Plan is to buy cars at auction and clean, repair and sell them. There will not be any cars kept here in the city – here will basically be the business office where records are kept.

Chairman WB reminded Mr. Lovelle, that he will need a sign outside of his office showing where the business entrance is so that if he were to get audited the inspectors would know where to go. Member GM motioned to approve, Member DB seconded, approved 3-0.

8. **Review minutes** – Regular meeting, June 24, 2015

Chairman WB motioned approval and place on file, Member GM seconded, Approved to file 3-0

Motion made to adjourn: 8:49 PM by Member GM, Seconded member by DB, vote: 3-0 for adjournment.

Respectfully submitted,



Walter Bonin, Chairman

Copies of public documents related to these minutes are available upon request at the Licensing Board Office at 140 Main Street, Lower Level, Marlborough, MA 01752



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City of Marlborough License Board

140 Main Street, Lower Level
Marlborough, MA 01752
(508) 460-3751 FAX (508) 460-3625

Minutes of the License Board Special Meeting Held August 20, 2015 at 10:00 am, City Hall, 1st floor, Council Committee Room

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

Meeting called to order by Walter Bonin, Chairman at 10:05 AM

New Business

1. One Day Permits

- American Legion Post 132 – 1 permit request, Member GM motioned for approval, Chairman WB seconded, Approved 2-0

Misc. Correspondence and Open Issues

Chairman Bonin asked for a copy of Stephen Evangelous d/b/a EVANGELOUS AUTO SALES license in order to address the question of changing the business to an LLC. Copies of license were made and given to Chairman WB and Member GM. It was determined that Mr. Evangelous would need to bring in paper work showing that he is the sole owner in which case the license when renewed would change from Stephen Evangelous d/b/a EVANGELOUS AUTO SALES to EVANGELOUS AUTO SALES, LLC. If he is not the sole owner he may need to do a transfer. The clerk agreed to relay the information to Mr. Evangelous.

Motion made to adjourn: 8:49 PM by Member GM, Seconded member by DB, vote: 3-0 for adjournment.

Respectfully submitted,

Walter Bonin

Walter Bonin, Chairman

**Copies of public documents related to these minutes are available upon request at the
Licensing Board Office at 140 Main Street, Lower Level, Marlborough, MA 01752**