

REGULAR MEETING
JANUARY 26, 2015

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2015 JAN 26 P 3:27

1. Minutes of the City Council Meeting, JANUARY 5, 2015.
2. CONTINUED PUBLIC HEARING On the Application for Special Permit to modify existing Special Permit issued to Digital Federal Credit Union, 853-865 and 905 Donald Lynch Blvd. on June 16, 2003, to remove Condition #7 prohibiting LCD signs on the property, Order No. 14-1006053A, X03-10047B.
3. PUBLIC HEARING On the Application for Sign Ordinance Special Permit; Digital Federal Credit Union, 865 Donald Lynch Blvd, to operate an electronic message center sign at its bank branch located at 865 Donald Lynch Blvd, Order No. 14-1006053, X14-1006011A, X03-10047B.
4. PUBLIC HEARING On the Application for Special Permit from Attorney Bergeron on behalf of NPG Management LLC, to install two drive-through service windows which will be part of the new Dunkin Donuts building located at 525 Maple St., Order No. 15-1006070.
5. Communication from the Mayor re: Request for Executive Session for the purpose of discussing litigation strategy on a sewer contract dispute involving property on St. Martin Dr.
6. Communication from the Mayor re: Legal Department transfer request in the amount of \$1,200,000.00 which moves funds from Undesignated to Claims & Judgments to cover pending litigation against the City.
7. Communication from the Mayor re: Police Department transfer request in the amount of \$50,000.00 which moves funds from Police Officers to Other-Regular for the purposes detailed in the Police Chief's correspondence.
8. Communication from the Mayor re: City Clerk's transfer request in the amount of \$1,600.00 which moves funds from Constables to Office Supply/Expenses and Printing to over costs associated with the annual Street List mailing and to purchase new security paper to print professional certified vital records.
9. Communication from the Mayor re: Fire Department Grant Acceptances as follows:
 - a. \$2,000.00 from Commonwealth of Massachusetts Executive Office of Health & Human Services (EOHHS) Department of Public Health to further train and enhance the department's readiness as a contributing member of the MA Decontamination Unit during public health emergencies.
 - b. \$6,125.00 from Commonwealth of Massachusetts Executive Office of Public Safety and Security to provide student awareness of fire education programs.
 - c. \$3,195.00 from Commonwealth of Massachusetts FY15 Senior Safe to provide senior fire prevention training.
10. Communication from the Mayor re: request to Increase Public Safety Revolving Fund from \$50,000.00 to \$75,000.00 for FY15.
11. Communication from the Mayor re: Hudson St. Landfill Redevelopment.
12. Communication from the Mayor re: Authorization Request for Possible Purchase of a Parcel of Land on New St.
13. Communication from the Mayor re: Reappointment of Mark Gibbs as IT Department Head and Reappointment of Cynthia Panagore-Griffin as Assistant City Solicitor for a term to expire three years from date of approval.
14. Communication from the Mayor re: Appointment of Robert Camacho as Building Commissioner for a term to expire three years from date of appointment.

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.

15. Communication from the Mayor re: Reappointment of Greg Mitrakas and Appointment of David Bouvier to the License Board for terms to expire six years from date of approval. Mr. Bouvier replaces longtime member James Riessle who resigned in December.
16. Communication from the Mayor re: Appointment of Dennis Cavanaugh and Renee Perdicaro to the Community Development Authority for terms to expire three years from date of approval. Mr. Cavanaugh will replace Stephen Leduc who resigned in November and Ms. Perdicaro will replace Lynn Faust whose term has expired.
17. Communication from the Mayor re: Appointment of Pat Gallier to the Council on Aging to fill the balance of the term of Lynn Anderson which is due to expire on May 2, 2017.
18. Communication from President Pope re: Mayor's Delivery of the Annual State of the City Address at the February 9, 2015 City Council meeting.
19. Communication from the Planning Board re: Acceptance of Bouffard Dr. as a Public Way.
20. Communication from NSTAR re: request filed with MA Department of Public Utilities (MDPU) to Increase Gas Distribution Rates.
21. Communication from Central MA Mosquito Control Project District re: Pesticide Exclusion Steps.
22. Minutes, Planning Board, December 15, 2014.
23. Minutes, Zoning Board of Appeals, December 2, 2014.
24. Minutes, Conservation Commission, November 20 & December 4, 2014.
25. Communication from Amica, on behalf of Edith Sussman, 25 Canterbury Way.
26. CLAIMS:
 - a. William Williams, 115 Cochituate Rd., Apt 101, Framingham, MA, pothole or other road defect.
 - b. George VanDeman, 15 Mill St., Blackstone, MA, pothole or other road defect & other property damage and/or personal injury.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

CANCELLED



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

JANUARY 5, 2015

Regular meeting of the City Council held on Monday, JANUARY 5, 2015 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish, and Clancy. Absent: Landers. Meeting adjourned at 8:12 PM.

ORDERED:

ORGANIZATIONAL MEETING

Councilor Pope called the meeting to order at 8:00 PM. The City Council President called for the Election of the City Council President Pro-Tem for the Year 2015. Councilor Delano nominated Councilor Elder as President Pro-Tem. Councilor Clancy seconded the motion for nomination of Councilor Elder as President Pro-Tem. Councilor Elder received ten votes for President Pro-Tem. Yea – Delano, Page, Elder, Tunnera, Irish, Clancy, Ossing, Pope, Oram, & Robey. (Councilor Landers absent) Nay – 0.

Councilor Elder called for the Election of the City Council President of the Marlborough City Council for the Year 2015. Councilor Delano nominated Councilor Pope as President. Councilor Clancy seconded the motion for nomination of Councilor Pope as President. Councilor Pope received ten votes for President. Yea – Delano, Page, Elder, Tunnera, Irish, Clancy, Ossing, Pope, Oram, & Robey. (Councilor Landers absent) Nay – 0.

Councilor Pope called for the Election of the City Council Vice-President of the Marlborough City Council for the Year 2015. Councilor Delano nominated Councilor Clancy as Vice-President. Councilor Oram seconded the motion for nomination of Councilor Clancy as Vice-President. Councilor Clancy received ten votes for Vice-President Yea – Delano, Page, Elder, Tunnera, Irish, Clancy, Ossing, Pope, Oram, & Robey. (Councilor Landers absent) Nay – 0.

Motion made by Councilor Clancy that the City Council accept the Rules from the Year 2014 and carry over to Year 2015, **APPROVED**; adopted.

President Pope recognized Interim Fire Chief Geoffrey R. Herald.

ORDERED: That the minutes of the City Council meeting DECEMBER 15, 2014, **FILE**; adopted.

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

- A. The title of "Sanitarian" shall be replaced with "Director of Public Health."
- B. This salary schedule shall take effect upon passage.

Position	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7/Max
	<i>Start</i>	<i>6 months of service</i>	<i>1 year of service</i>	<i>2 years. of service</i>	<i>3 years. of service</i>	<i>4 years. of service</i>	<i>5 years. of service</i>
Director of Public Health	\$78,142.00	79,704.84	\$81,298.94	\$82,924.91	\$84,583.41	\$86,275.08	\$88,000.00

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Gift Acceptance in the amount of \$1,000.00 from Cummings Property's Employee Directed Giving Program, to the Council on Aging, to purchase two Ping Pong tables and supplies for the new Senior Center, **APPROVED**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JANUARY 26, 2015** as **DATE FOR PUBLIC HEARING** on the Application for Special Permit from Attorney Bergeron on behalf of NPG Management LLC, to install two drive-through service windows which will be part of the new Dunkin Donuts building located at 525 Maple St., refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD AND ADVERTISE**; adopted.

ORDERED: That the Communication from Central MA Mosquito Control Project District re: Proposed FY2016 Preliminary Budget, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, November 17 & December 1, 2014, **FILE**; adopted.

ORDERED: That the Minutes, License Board, October 29, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, November 25, 2014, **FILE**; adopted.

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

- A. Karin Kirby, 44 Minehan Ln., other property damage.

President Pope stated that the Committee assignments will remain the same for the coming year.

Reports of Committees:

THERE WERE NO REPORTS OF COMMITTEES.

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

- I. Section 67-10, entitled "Comptroller-Treasurer; appointment, term and duties" is hereby amended by deleting paragraph A. in its entirety and inserting in place thereof the following:
 - A. The Mayor shall, subject to confirmation of the City Council, appoint a Comptroller-Treasurer for a term of three years to expire the day following his/her approval by the City Council. The Comptroller-Treasurer will be the Chief Financial Officer of the City and shall perform the duties of the Treasurer as set forth in the General Laws of the Commonwealth of Massachusetts, the Code of the City of Marlborough and shall further comply with all other statutes, regulations and ordinances relative to his/her duties as Comptroller-Treasurer.
- II. Paragraph A. of Section 67-11, entitled "Tax Collector; appointment, terms, and duties", is hereby amended as follows:
 - a. In the first sentence of said paragraph, by deleting the word "annually" and inserting in place thereof the words "for a two year term to expire the day following his/her approval by the City Council."; and
 - b. In the second sentence of said paragraph, by deleting the word "He" as it appears and inserting in place thereof the words "The Tax Collector," and by deleting the word "him" and inserting in place thereof the words "him/her," so that said second sentence shall be as follows: "The Tax Collector shall perform all the duties required of him/her as set forth in the General Laws of the commonwealth."

APPROVED; adopted.

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

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, ACTING UPON A RECOMMENDATION OF THE MAYOR, THAT § 586-44 OF ARTICLE VI, ENTITLED "PENALTIES FOR PARKING VIOLATIONS," OF THE CODE OF THE CITY OF MARLBOROUGH (HEREINAFTER, THE "CITY CODE"), AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

By striking from paragraph B. the figure "\$15" and inserting in place thereof the following figure: "\$25".

APPROVED; adopted.

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

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:12 PM.



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 15, 2014

ORDERED:

MOTION made by Councilor Clancy to move Items 11& 12 to Item 4 – Carries

That the **Public Hearing** set for December 15, 2014, On the Application for Special Permit to modify existing Special Permit issued to Digital Federal Credit Union, 853-865 and 905 Donald Lynch Blvd. on June 16, 2003, to remove Condition #7 prohibiting LCD signs on the property, Order No. 14-1006011, X03-10047B, be and is herewith **CONTINUED TO A DATE TO BE SET IN JANUARY 2015.**

Councilor Delano recused from Items 4, 11 & 12.

ADOPTED

ORDER NO. 14-1006011A



IN CITY COUNCIL

Marlborough, Mass., DECEMBER 15, 2014

ORDERED:

That there being no objection thereto set **MONDAY, JANUARY 26, 2015** as **DATE FOR A NEW PUBLIC HEARING AFTER OPENING CURRENT PUBLIC HEARING** on the Application for Sign Ordinance Special Permit; Digital Federal Credit Union, 865 Donald Lynch Blvd, to operate an electronic message center sign at its bank branch located at 865 Donald Lynch Blvd., be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD AND ADVERTISE.**

Councilor Delano recused from Items 4, 11 & 12.

Ninety days after public hearing is 04/26/15 which falls on a Sunday, therefore 04/27/15 would be considered the 90th day.

ADOPTED

**ORDER NO. 14-1006053
X14-1006011
X03-10047B**



IN CITY COUNCIL

Marlborough, Mass., JANUARY 5, 2015

ORDERED:

That there being no objection thereto set **MONDAY, JANUARY 26, 2015** as **DATE FOR PUBLIC HEARING** on the Application for Special Permit from Attorney Bergeron on behalf of NPG Management LLC, to install two drive-through service windows which will be part of the new Dunkin Donuts building located at 525 Maple St., be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD AND ADVERTISE.**

Ninety days after public hearing is 04/26/15 which falls on a Sunday, therefore 04/27/15 would be considered the 90th day.

ADOPTED

ORDER NO. 15-1006070



RECEIVED
CLERK'S OFFICE
OF MARLBOROUGH

JAN 22 A 11:48

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

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

January 22, 2015

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Executive Session

Honorable President Pope and Councilors:

I respectfully request an executive session with the Council for the purpose of discussing litigation strategy on a sewer contract dispute involving a property on St. Martin Drive.

I have enclosed a proposed motion for this request.

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

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure (Motion)

MOTION:

It is moved, in conformance with the provisions of section 21(a)(3) of Chapter 30A of the General Laws of the Commonwealth, that the Marlborough City Council conduct an executive session for the purpose of discussing litigation strategy on a sewer contract dispute involving a property on St. Martin Drive, as an open meeting may have a detrimental effect on the litigating position of the City of Marlborough, and the chair hereby declares that an open meeting may have that effect.

It is further moved and stated that the Marlborough City Council will re-convene in open session after the executive session.



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CITY OF MARLBOROUGH
2015 JAN 22 A 11:49

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Patricia Bernard
EXECUTIVE SECRETARY

January 22, 2015

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Transfer Request – Legal Department Claims & Judgments

Honorable President Pope and Councilors:

Enclosed for your approval is a transfer request in the amount of \$1,200,000.00 as it relates to pending litigation against the city.

I will discuss this matter with you in greater depth during the Council's Executive Session.

Sincerely,

Arthur G. Vigeant
Mayor

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Mayor's

FISCAL YEAR: 2015

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$4,603,241.69</u>	<u>\$1,200,000.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund Balance</u>	<u>\$1,200,000.00</u>	<u>11510006</u>	<u>57600</u>	<u>Claims & Judgments</u>	<u>\$11,422.30</u>
	Reason:	_____				US District Court Judgment 12/15/2014			
_____	Reason:	_____			_____	_____			_____
_____	Reason:	_____			_____	_____			_____
_____	Reason:	_____			_____	_____			_____
_____	Reason:	_____			_____	_____			_____
	\$1,200,000.00	Total			\$1,200,000.00	Total			

Department Head signature:

Auditor signature:

Comptroller signature:

[Handwritten Signature]

[Handwritten Signature]

[Handwritten Signature]



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City of Marlborough
Office of the Mayor

2015 JAN 22 A 11:49 140 Main Street
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January 22, 2015

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Transfer Request – Police Department

Honorable President Pope and Councilors:

Enclosed for your approval is a transfer request in the amount of \$50,000.00 for the Marlborough Police Department's overtime line item. This transfer is being requested due to higher than anticipated absences which are detailed in the enclosed correspondence from Chief Mark Leonard.

Chief Leonard is seeking a suspension of the rules for this request and will be available Monday night to answer any and all questions you may have.

Thank you in advance for your consideration.

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

January 20, 2015

Dear Mayor Vigeant:

Per the attached transfer request form, I am requesting a transfer in the amount of \$50,000 from the Police Officer line item into the Regular Overtime line item. This transfer request is necessary due to an anticipated deficit in the overtime account that has been caused by an unusually high number of officers out on long term injury leave, one officer on maternity leave, and a dispatcher facing a lengthy family medical emergency. The surplus in the police officer account is due to one unfilled vacancy, and injuries.

I would like to add this transfer request to the January 26, 2015 City Council agenda, and I would like to respectfully request a suspension of the rules so this request can be voted on that evening. The suspension request is necessary because I do not expect the current balance in the regular overtime account to be sufficient to last until the upcoming midyear transfer requests going to the City Council in February. I will be available at the January 26th City Council meeting to answer any questions the Councilors may have.

Please let me know if you have any questions.

Sincerely,


Mark F. Leonard
Chief of Police

Cc: D. Smith; B. Doheny



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Office of the Mayor

2015 JAN 22 A 11:49

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January 22, 2015

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Transfer Request – City Clerk's Office

Honorable President Pope and Councilors:

Enclosed for your approval is a transfer request in the amount of \$1,600.00 for the annual street list mailing and the purchase of specialized paper for the printing of vital records. Included in this correspondence is a detailed cover letter from City Clerk Lisa Thomas.

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

Sincerely,

Arthur G. Vigeant
Mayor



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

**Lisa M. Thomas
City Clerk**

January 6, 2015

Mayor Arthur G. Vigeant
President Patricia Pope
140 Main St.
Marlborough, MA 01752

Dear Mayor and Council President:

I respectfully request two Inter-departmental transfer to cover costs associated with the Annual Street List mailing and purchasing new security paper to print certified copies of birth, marriage and death certificates.

The Street List stuffing will now include a return envelope pre-addressed to the City Clerk's office. There will be approximately 18,000 pieces mailed. The approximate cost to the vendor will be 1,350.00. I request a \$1,300.00 transfer from Constables line item, Account #11620003-51460, to the Office Supply Expense line item, Account #11620005-54220. Although I currently have \$952.67 remaining in the Office Supply/Expense Account, I do not want to deplete it, therefore I am requesting a transfer of \$1,300.00.

The new security paper will further professionalize certificates purchased in my office. I request a \$300.00 transfer from Constables line item, Account #11620003-51460, to the Printing line item, Account #11610004-53930. Although I currently have \$319.38 remaining in the Print Account, I do not want to deplete it, therefore I am requesting a transfer of \$300.00.

If at all possible, I would appreciate approval in a timely manner so that we can proceed and schedule accordingly. Thank you.

Sincerely,

Lisa M. Thomas
City Clerk



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2015 JAN 22 A 11:49

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Office of the Mayor

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Patricia Bernard
EXECUTIVE SECRETARY

January 22, 2015

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Grant Acceptances – Fire Department

Honorable President Pope and Councilors:

The Marlborough Fire Department has recently been awarded three grants that I respectfully seek your acceptance of this evening:

1. \$2,000.00 from Commonwealth of Massachusetts Executive Office of Health & Human Services (EOHHS) Department of Public Health. This grant will be utilized to further train and enhance our department's readiness as a contributing member of the Massachusetts Decontamination Unit during public health emergencies.
2. \$6,123.00 for the **Student** Awareness Fire Education (S.A.F.E.) program.
3. \$3,195.00 for the **Senior** Awareness Fire Education (S.A.F.E.) program.

All three grant opportunities do not require any matching funds from the city. The SAFE grants are annually recurring grants and are instrumental in educating our community on various fire safety techniques and protection methods.

Enclosed for your information is the relevant paperwork from Interim Fire Chief Geoff Herald. Thank you in advance for your consideration and please do not hesitate to let me know if you have any questions.

Sincerely,

Arthur G. Vigeant
Mayor



CITY OF MARLBOROUGH

FIRE DEPARTMENT

215 Maple Street, Marlborough, MA 01752
Business (508) 624-6986 Facsimile (508) 460-3795

January 9, 2015

The Honorable Arthur G. Vigeant, Mayor
City of Marlborough
140 Main Street
Marlborough, Ma. 01752

Re: FY15 Mass Decontamination Unit

Dear Mayor Vigeant,

Attached please find documentation in support of the grant in the amount of \$2,000.00 which has been awarded to the Fire Department through the Commonwealth of Massachusetts Executive Office of Health and Human Services Department of Public Health. In accordance with Massachusetts General Laws, Chapter 44 Section 53A, this grant was applied for and accepted by the Fire Department.

The intent of the grant is to facilitate the field deployment, training and operational readiness of the MDU to enhance protection of local hospitals during any public health emergency situations.

I would ask that this information be placed on the next available agenda, and that you recommend and ask the City Council to approve the expenditure of these funds for the purposes of the grant by the Fire Department.

Sincerely,

A handwritten signature in cursive script that reads "Geoff Herald".

Geoff Herald
Fire Chief

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: FIRE DATE: 1/9/2015

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Geoff Herald, Fire Chief

NAME OF GRANT: FY15 MASS DECONTAMINATION UNIT GRANT

GRANTOR: Commonwealth of Massachusetts

GRANT AMOUNT: \$2,000.00

GRANT PERIOD: 12 months

SCOPE OF GRANT/ To ensure effective deployment & implementation of Mass Decontamination Unit
to an area hospital & elsewhere in a community in the event of an emergency

ITEMS FUNDED Maintenance, repair, restocking of equipment & joint exercises with hospital
personnel throughout the year

IS A POSITION BEING
CREATED: No

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

ARE MATCHING CITY
FUNDS REQUIRED? No

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

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

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: 6/30/2015

**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**

PAYMENT VOUCHER INPUT FORM



Commonwealth of Massachusetts
Office of the Comptroller

Department/Organization Name
Office of Preparedness and Emergency Management

Vendor Name and Address
CITY OF MARLBOROUGH
140 MAIN STREET
MARLBOROUGH MA 01752-8812
AD001

Document ID

Trans PV	Dept DPH	R/Org 6207	Number	PV Date	Acctg Prd	Budget FY 2015
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Action (E) (M)	E	Sch Pay Date	Off Liab Act	VENDOR'S CERTIFICATION I certify that the goods were shipped for these vic rendered as set forth below. <i>[Signature]</i> (Please Sign in Ink)
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Ref Doc ID
INTF6207P01W21916404

Document Total \$2,000	Payment Ref Number INTF6207P01W21916404-3	Vendor Code VC6000192111	Emp
----------------------------------	---	------------------------------------	------------

Reference Order	LN	QTY	Description	Unit Price	Amount
			FOR FIRE DEPT - MASS DECONTAMINATION UNIT (MDU) DEPLOYMENT AND TRAINING	\$2,000	\$2,000

Reference Doc ID													
LN	Trans	Dept	R/Org	Number	LN	Dept	Approp	Sub	Org	S/Org	Obj	Prog	TY
01	CT	DPH	6207	W21916	04	DPH	45100404	PP	6207		P01	4843	
Proj/CI/Grc		Actv	RPTG	Fund	BS Acct	Payment Reference Number			Description				
						INTF6207P01W21916404-3			F4510-0404D				
MSA#	Line#	Disc	Dates of Services			Quantity		Line Amount			I/D	P/F	
			07/01/14 to 06/30/15					\$2,000					

TO THE COMPTROLLER OF THE COMMONWEALTH OF MASSACHUSETTS:
I hereby certify under penalties of perjury that all laws of the Commonwealth governing disbursements of public funds and the regulations thereof have been complied with and observed.

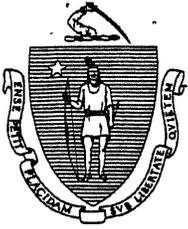
INSTRUCTIONS TO VENDORS
-Fill in shaded area
-Direct inquires to state organization

Prepared By: _____ Title: _____ Date: _____
Entered By: _____ Title: _____ Date: _____

The undersigned authorized signatory approving this document certifies that this document and any attachments are accurate and complete and comply with all applicable general and special laws and regulations.

Page _____ of _____
Phone # _____

Approved By: _____ Title: _____ Date: _____



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Preparedness and Emergency Management
250 Washington Street, Boston, MA 02108-4619

DEVAL L. PATRICK
GOVERNOR

JOHN W. POLANOWICZ
SECRETARY

CHERYL BARTLETT, RN
COMMISSIONER

Tel: 617-624-6088
Fax: 617-624-5587
www.mass.gov/dph

October 17, 2014

Chief James M. Fortin
Marlborough Fire Department
215 Maple Street
Marlborough, MA 01752

Dear Chief Fortin:

This correspondence requests your attention and requires an action, on your part, to allow for your receipt of grant funding for the purpose of deployment and training of the Mass Decontamination Unit(s) assigned to your department.

For this grant funding period, the Massachusetts Department of Public Health (DPH) will be providing funding in support of the Mass Decontamination Unit(s). Your fire department will receive payment of \$2,000 for each Mass Decontamination Unit (MDU) assigned to your department and through your commitment to the completion of five tasks identified in the scope of work of our contractual agreement with your department.

This payment will be supported by the FFY2014 award to DPH from the federally supported Hospital Preparedness Program. This third annual allocation of grant funding is now being made available to you.

In FFY2011, a multi-year contractual agreement was effectuated and our agreement remains in effect through to June 30, 2016. The contractual agreement was awarded and effectuated via Notice of Intent and Waiver of Competitive Procurement # 21916. For your reference a copy of this multi-year contractual agreement is enclosed.

For you to receive this annual allocation of awarded funding for this year, your attention is required to sign and return the enclosed invoice, (Form PV).

The authorized signatory must sign in the grey shaded box at the top of the enclosed form, labeled, "vendor certification." Your action to affix an original-inked signature and to return this originally signed document will allow for a third payment of \$2,000 per MDU assigned to your department, to be made. Please know this allocation of funding must be expended by June 30, 2015.

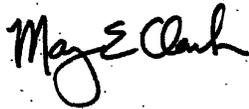
Your prompt completion and return of the signed Form PV, with the required original signature affixed as specified, must be returned on or before, but not later than **October 31, 2014**. Please return the enclosed document, signed, to the attention of: Ms. Kristen Heffernan, Contract Manager, ASPR Hospital Preparedness Program, 250 Washington Street, 1st Floor, Boston, MA 02108.

Upon receipt of this originally signed document, payment will be processed promptly.

If you have any questions or require additional information relative to this allocation of funding, please contact Kristen Heffernan via e-mail: Kristen.Heffernan@state.ma.us or via telephone: (617) 624-5083. Programmatic questions may be directed to Thomas O'Connell, Massachusetts Department of Fire Services via email Thomas.O'Connell@state.ma.us or (978) 567-3158.

Your continued attention and participation in this program is most appreciated.

Sincerely,



Mary E. Clark, JD, MPH
Director, Office of Preparedness and Emergency Management
Massachusetts Department of Public Health

Enclosures (2)

Commonwealth of Massachusetts Standard Contract Form and Instructions, as effectuated
Payment Voucher Form (Form PV) – requiring signature and return

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: City Of Marlborough (and d/b/a):	COMMONWEALTH DEPARTMENT NAME: Department Of Public Health MMARS Department Code: DPH
Legal Address (W-9, W-4, T&C): 140 Main St, Marlborough, MA 01752-3812	Business Mailing Address: 250 Washington St., Boston, MA 02108
Contract Manager: Chief Frederick F. Flynn <i>CHIEF JAMES M. FORI</i>	Mailing Address (if different):
E-Mail: rplummer@marlborough-ma.gov <i>J.FORI@MARLBOROUGH-MA.GOV</i>	Contract Manager: Jane Guilfoyle
Phone: 508-485-2323 Fax: 508-460-3795	E-Mail: Jane.Guilfoyle@state.ma.us
Contractor Vendor Code: VC6000192111	Phone: 617-624-5274 Fax: 617-624-5729
Vendor Code Address ID (e.g. "AD001"): AD001. (Note: The Address ID must be set up for EFT payments.)	MMARS Doc ID(s): INTF6207P01W21916404 RF/Procurement or Other ID Number: W21916
<p style="text-align: center;">X NEW CONTRACT</p> PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department) <input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> Department Procurement (includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget) <input type="checkbox"/> Contract Employee (Attach Employment Status Form, scope, budget) <input type="checkbox"/> Legislative/Legal or Other: (Attach authorizing language/justification, scope and budget)	<p style="text-align: center;">CONTRACT AMENDMENT</p> Enter Current Contract End Date <i>Prior</i> to Amendment: __, 20 __; Enter Amendment Amount: \$ __. (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> Amendment to Scope or Budget (Attach updated scope and budget) <input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> Contract Employee (Attach any updates to scope or budget) <input type="checkbox"/> Legislative/Legal or Other: (Attach authorizing language/justification and updated scope and budget)
The following COMMONWEALTH TERMS AND CONDITIONS (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract. <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services	
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input checked="" type="checkbox"/> Rate Contract (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input type="checkbox"/> Maximum Obligation Contract Enter Total Maximum Obligation for total duration of this Contract (or <i>new</i> Total if Contract is being amended). \$ _____.	
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: ___ agree to standard 45 day cycle ___ statutory/legal or Ready Payments (G.L. c. 29, § 23A); <input checked="" type="checkbox"/> only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)	
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.) Grants To Public Entities Fire Depts with Mass Decontamination Units (MDU)	
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input type="checkbox"/> 1. may be incurred as of the Effective Date (latest signature date below) and no obligations have been incurred prior to the Effective Date. <input checked="" type="checkbox"/> 2. may be incurred as of <u>02/23, 2012</u> , a date LATER than the Effective Date below and no obligations have been incurred prior to the Effective Date. <input type="checkbox"/> 3. were incurred as of __, 20 __, a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date 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>06/30, 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 "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached <u>Contractor Certifications</u> (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable Commonwealth Terms and Conditions, this Standard Contract Form including the <u>Instructions and Contractor Certifications</u> , the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.	
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: <i>[Signature]</i> Date: <u>2/24/12</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Arthur G. Vigeant</u> Print Title: <u>Mayor</u>	AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: <i>[Signature]</i> Date: <u>2-7-12</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Toni Gustus</u> Print Title: <u>Director, Purchase of Service Office</u>



INSTRUCTIONS AND CONTRACTOR CERTIFICATIONS

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

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

Contractor Legal Address: Enter the Legal Address of the Contractor as it appears on the Contractor's W-9 or W-4 Form (Contract Employees only) and the applicable Commonwealth Terms and Conditions, which must match the legal address on the 1099I table in MMARS (or the Legal Address in HR/CMS for Contract Employee).

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

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

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

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

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

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

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

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

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

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

MMARS Document ID(s): Enter the MMARS 20 character encumbrance transaction number associated with this Contract which must remain the same for the life of the Contract. If multiple numbers exist for this Contract, identify all DocIds.

RFR/Procurement or Other ID Number or Name: Enter the Request for Response (RFR) or other Procurement Reference number, Contract ID Number or other reference/tracking number for this Contract or Amendment and will be entered into the Board Award Field in the MMARS encumbrance transaction for this Contract.

NEW CONTRACTS (left side of Form):

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

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

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

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

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

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

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

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

CONTRACT AMENDMENT (Right Side of Form)

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

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

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

AMENDMENT TYPE: Identify the type of Amendment being done. Documentation supporting the updates to performance and budget must be attached. **Amendment to Scope or Budget.** Check this option when renewing a Contract or executing any Amendment ("material change" in Contract terms) even if the Contract has lapsed. The parties may negotiate a change in any element of Contract performance or cost identified in the RFR or the Contractor's response which results in lower costs, or a more cost-effective or better value performance than was presented in the original selected response, provided the negotiation results in a better value within the scope of the RFR than what was proposed by the Contractor in the original selected response. Any "material" change in the Contract terms must be memorialized in a formal Amendment even if a corresponding MMARS transaction is not needed to support the change. Additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.

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

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

Legislative/Legal or Other. Check this option when legislation, an existing legal obligation, prohibition or other circumstance exempts or prohibits a Contract from being competitively procured, or identify any other procurement exception not already listed. Legislative "earmarks" exempt the Contract solely from procurement requirements, and all other Contract and state finance laws and policies apply. Attach supporting documentation to explain and justify the exemption and whether Contractor selection has been publicly

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



posted.

COMMONWEALTH TERMS AND CONDITIONS

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

COMPENSATION

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

PAYMENTS AND PROMPT PAY DISCOUNTS

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

BRIEF DESCRIPTION OF CONTRACT PERFORMANCE

Enter a brief description of the Contract performance, project name and/or other identifying information for the Contract to specifically identify the Contract performance, match the Contract with attachments, determine the appropriate expenditure code (as listed in the Expenditure Classification Handbook) or to identify or clarify important information related to the Contract such as the Fiscal Year(s) of performance (ex. "FY2012" or "FY2012-14"). Identify settlements or other exceptions and attach more detailed justification and supporting documents. Enter "Multi-Department Use" if other Departments can access procurement. For Amendments, identify the purpose and what items are being amended. Merely stating "see attached" or referencing attachments without a narrative description of performance is insufficient.

ANTICIPATED START DATE

The Department and Contractor must certify WHEN obligations under this Contract/Amendment may be incurred. Option 1 is the default option when performance may begin as of the Effective Date (latest signature date and any required approvals). If the parties want a new Contract or renewal to begin as of the upcoming fiscal year then list the fiscal year(s) (ex. "FY2012" or "FY2012-14") in the Brief Description section. Performance starts and encumbrances reflect the default Effective Date (if no FY is listed) or the later FY start date (if a FY is listed). Use Option 2 only when the Contract will be signed well in advance of the start date and identify a specific future start date. Do not use Option 2 for a fiscal year start unless it is certain that the Contract will be signed prior to fiscal year. Option 3 is used in lieu of the Settlement and Release Form when the Contract/Amendment is signed late, and obligations have already been incurred by the Contractor prior to the Effective Date for which the Department has either requested, accepted or deemed legally eligible for reimbursement, and the Contract includes supporting documents justifying the performance or proof of eligibility, and approximate costs. Any obligations incurred outside the scope of the Effective Date under any Option listed, even if the incorrect Option is selected, shall be automatically deemed a settlement included under the terms of the Contract and upon payment to the Contractor will release the Commonwealth from further obligations for the identified performance. All settlement payments require justification and must be under same encumbrance and object codes as the Contract payments. Performance dates are subject to G.L. c.4, § 9.

CONTRACT END DATE

The Department must enter the date that Contract performance will terminate. **If the Contract is being amended and the Contract End Date is not changing, this date must be re-entered again here.** A Contract must be signed for at least the initial duration but not longer than the period of procurement listed in the RFR, or other solicitation document (if applicable). No new performance is allowable beyond the end date without an amendment, but the Department may allow a Contractor to complete minimal close out performance obligations if substantial performance has been made prior to the termination date of the Contract and prior to the end of the fiscal year in which payments are appropriated, provided that any close out performance is subject to appropriation and funding limits under state finance law, and CTR may adjust encumbrances and payments in the state accounting system to enable final close out payments. Performance dates are subject to G.L. c.4, § 9.

CERTIFICATIONS AND EXECUTION

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

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

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

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

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

CONTRACTOR CERTIFICATIONS AND LEGAL REFERENCES

Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified, subject to any required approvals. The Contractor makes all certifications required under this Contract under the pains and penalties of perjury, and agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein:

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

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

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

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

Public Records and Access The Contractor shall provide full access to records related to performance and compliance to the Department and officials listed under Executive Order 195 and G.L. c. 11, s.12 seven (7) years beginning on the first day after the final payment

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



under this Contract or such longer period necessary for the resolution of any litigation, claim, negotiation, audit or other inquiry involving this Contract. Access to view Contractor records related to any breach or allegation of fraud, waste and/or abuse may not be denied and Contractor can not claim confidentiality or trade secret protections solely for viewing but not retaining documents. Routine Contract performance compliance reports or documents related to any alleged breach or allegation of non-compliance, fraud, waste, abuse or collusion may be provided electronically and shall be provided at Contractor's own expense. Reasonable costs for copies of non-routine Contract related records shall not exceed the rates for public records under 950 C.M.R. 32.00.

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

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

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

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

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

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

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

services are required to identify any potential conflict with representation of any Department client in accordance with Massachusetts Board of Bar Overseers (BBO) rules.

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

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

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

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

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

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

Limitation of Liability for Information Technology Contracts (and other Contracts as Authorized). The Information Technology Mandatory Specifications and the IT Acquisition Accessibility Contract Language are incorporated by reference into Information Technology Contracts. The following language will apply to Information Technology contracts in the U01, U02, U03, U04, U05, U06, U07, U08, U09, U40, U75, U98 object codes in the Expenditure Classification Handbook or other Contracts as approved by CTR or OSD. Pursuant to Section 11. Indemnification of the Commonwealth Terms and Conditions, the term "other damages" shall include, but shall not be limited to, the reasonable costs the Commonwealth incurs to repair, return, replace or seek cover (purchase of comparable substitute commodities and services) under a Contract. "Other damages" shall not include damages to the Commonwealth as a result of third party claims, provided, however, that the foregoing in no way limits the Commonwealth's right of recovery for personal injury or property damages or patent and copyright infringement under Section 11 nor the Commonwealth's ability to join the contractor as a third party defendant. Further, the term

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



"other damages" shall not include, and in no event shall the contractor be liable for, damages for the Commonwealth's use of contractor provided products or services, loss of Commonwealth records, or data (or other intangible property), loss of use of equipment, lost revenue, lost savings or lost profits of the Commonwealth. In no event shall "other damages" exceed the greater of \$100,000, or two times the value of the product or service (as defined in the Contract scope of work) that is the subject of the claim. Section 11 sets forth the contractor's entire liability under a Contract. Nothing in this section shall limit the Commonwealth's ability to negotiate higher limitations of liability in a particular Contract, provided that any such limitation must specifically reference Section 11 of the Commonwealth Terms and Conditions. In the event the limitation of liability conflicts with accounting standards which mandate that there can be no cap of damages, the limitation shall be considered waived for that audit engagement. These terms may be applied to other Contracts only with prior written confirmation from the Operational Services Division or the Office of the Comptroller. The terms in this Clarification may not be modified.

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

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

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

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

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

EXECUTIVE ORDERS

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

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

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

Executive Order 346. Hiring of State Employees By State Contractors Contractor certifies compliance with both the conflict of interest law G.L. c. 268A specifically s. 5 (f) and this order, and includes limitations regarding the hiring of state employees by private companies contracting with the Commonwealth. A privatization contract shall be deemed

to include a specific prohibition against the hiring at any time during the term of Contract, and for any position in the Contractor's company, any state management employee who is, was, or will be involved in the preparation of the RFP, the negotiations leading to the awarding of the Contract, the decision to award the Contract, and/or the supervision or oversight of performance under the Contract.

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

Executive Order 504. Regarding the Security and Confidentiality of Personal Information. For all Contracts involving the Contractor's access to personal information, as defined in G.L. c. 93H, and personal data, as defined in G.L. c. 66A, owned or controlled by Executive Department agencies, or access to agency systems containing such information or data (herein collectively "personal information"), Contractor certifies under the pains and penalties of perjury that the Contractor (1) has read Commonwealth of Massachusetts Executive Order 504 and agrees to protect any and all personal information; and (2) has reviewed all of the Commonwealth Information Technology Division's Security Policies. Notwithstanding any contractual provision to the contrary, in connection with the Contractor's performance under this Contract, for all state agencies in the Executive Department, including all executive offices, boards, commissions, agencies, departments, divisions, councils, bureaus, and offices, now existing and hereafter established, the Contractor shall: (1) obtain a copy, review, and comply with the contracting agency's Information Security Program (ISP) and any pertinent security guidelines, standards, and policies; (2) comply with all of the Commonwealth of Massachusetts Information Technology Division's "Security Policies" (3) communicate and enforce the contracting agency's ISP and such Security Policies against all employees (whether such employees are direct or contracted) and subcontractors; (4) implement and maintain any other reasonable appropriate security procedures and practices necessary to protect personal information to which the Contractor is given access by the contracting agency from the unauthorized access, destruction, use, modification, disclosure or loss; (5) be responsible for the full or partial breach of any of these terms by its employees (whether such employees are direct or contracted) or subcontractors during or after the term of this Contract, and any breach of these terms may be regarded as a material breach of this Contract; (6) in the event of any unauthorized access, destruction, use, modification, disclosure or loss of the personal information (collectively referred to as the "unauthorized use"): (a) immediately notify the contracting agency if the Contractor becomes aware of the unauthorized use; (b) provide full cooperation and access to information necessary for the contracting agency to determine the scope of the unauthorized use; and (c) provide full cooperation and access to information necessary for the contracting agency and the Contractor to fulfill any notification requirements. Breach of these terms may be regarded as a material breach of this Contract, such that the Commonwealth may exercise any and all contractual rights and remedies, including without limitation indemnification under Section 11 of the Commonwealth's Terms and Conditions, withholding of payments, Contract suspension, or termination. In addition, the Contractor may be subject to applicable statutory or regulatory penalties, including and without limitation, those imposed pursuant to G.L. c. 93H and under G.L. c. 214, § 3B for violations under M.G.L. c. 66A.

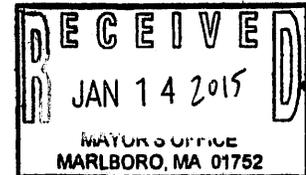
Executive Orders 523, 524 and 526. Executive Order 526 (Order Regarding Non-Discrimination, Diversity, Equal Opportunity and Affirmative Action which supersedes Executive Order 478). Executive Order 524 (Establishing the Massachusetts Supplier Diversity Program which supersedes Executive Order 390). Executive Order 523 (Establishing the Massachusetts Small Business Purchasing Program.) All programs, activities, and services provided, performed, licensed, chartered, funded, regulated, or contracted for by the state shall be conducted without unlawful discrimination based on race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status (including Vietnam-era veterans), or background. The Contractor and any subcontractors may not engage in discriminatory employment practices; and the Contractor certifies compliance with applicable federal and state laws, rules, and regulations governing fair labor and employment practices; and the Contractor commits to purchase supplies and services from certified minority or women-owned businesses, small businesses, or businesses owned by socially or economically disadvantaged persons or persons with disabilities. These provisions shall be enforced through the contracting agency, OSD, and/or the Massachusetts Commission Against Discrimination. Any breach shall be regarded as a material breach of the contract that may subject the contractor to appropriate sanctions.



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

January 14, 2015

The Honorable Arthur G. Vigeant, Mayor
City of Marlborough
140 Main Street
Marlborough, Ma. 01752



RE: FY15 SAFE Grant

Dear Mayor Vigeant,

Attached please find documentation in support of a grant in the amount of \$6,123.00 which has been awarded to the Fire Department through The Commonwealth of Massachusetts Executive Office of Public Safety and Security.

The FY15 SAFE Grant has been approved for funding and granted to the Marlborough Fire Department in order to provide student awareness of fire education programs.

In accordance with Massachusetts General Laws, Chapter 44 Section 53A, this grant was applied for and accepted by the Fire Department but in order for it to be expended for the purposes of the grant, the Mayor must recommend and the City Council must vote to approve the expenditure.

I would ask that this information be placed on the next available council agenda, and that you recommend and ask the City Council to approve the expenditure of these funds for the purposes of the grant by the Fire Department.

Sincerely,

Geoff Herald
Fire Chief

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: FIRE DATE: 1/14/2015

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: GEOFF HERALD, FIRE CHIEF

NAME OF GRANT: FY15 STUDENT AWARENESS OF FIRE EDUCATION (S.A.F.E.)

GRANTOR: COMMONWEALTH OF MASSACHUSETTS

GRANT AMOUNT: \$6,123.00

GRANT PERIOD: 12 MONTHS

SCOPE OF GRANT/
ITEMS FUNDED ANNUAL STUDENT AWARENESS OF FIRE SAFETY PROGRAMS.
EDUCATIONAL MATERIALS FOR VARIOUS FIRE SAFETY PROGRAMS,
LECTURES, SCHOOL VISITS, OPEN HOUSE,
SEASONAL SAFETY AWARENESS PROGRAMS.

IS A POSITION BEING
CREATED: NO

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

ARE MATCHING CITY
FUNDS REQUIRED? NO

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

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

ANY OTHER EXPOSURE TO CITY?
NO

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: GRANT EXPIRATION 12 MONTHS

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



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

January 14, 2015

The Honorable Arthur G. Vigeant, Mayor
City of Marlborough
140 Main Street
Marlborough, Ma. 01752

RE: FY15 Senior SAFE Grant

Dear Mayor Vigeant,

I am pleased to announce that the Marlborough Fire Department has been awarded a grant in the amount of \$3,195.00. The FY15 Senior SAFE Grant has been approved for funding and granted to the Marlborough Fire Department in order to provide senior fire prevention training. Seniors are the most vulnerable of populations at risk of fire related deaths. This program is aimed at educating seniors on fire prevention, general home safety and how to be better prepared in the event of a fire.

The grant has been awarded to the Fire Department through The Commonwealth of Massachusetts Executive Office of Public Safety and Security. In accordance with Massachusetts General Laws, Chapter 44 Section 53A, this grant was applied for and accepted by the Fire Department but in order for it to be expended for the purposes of the grant, the Mayor must recommend and the City Council must vote to approve the expenditure.

I would ask that this information be placed on the next available council agenda, and that you recommend and ask the City Council to approve the expenditure of these funds for the purposes of the grant by the Fire Department.

Sincerely,

Geoff Herald
Fire Chief

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: FIRE DATE: 1/14/2015

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: GEOFF HERALD, FIRE CHIEF

NAME OF GRANT: FY15 SENIOR SAFE

GRANTOR: COMMONWEALTH OF MASSACHUSETTS

GRANT AMOUNT: \$3,195.00

GRANT PERIOD: 12 MONTHS

SCOPE OF GRANT/
ITEMS FUNDED ANNUAL SENIOR AWARENESS OF FIRE SAFETY PROGRAMS.
EDUCATIONAL MATERIALS FOR VARIOUS FIRE SAFETY PROGRAMS,
LECTURES, SEASONAL SAFETY AWARENESS PROGRAMS.

IS A POSITION BEING
CREATED: NO

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

ARE MATCHING CITY
FUNDS REQUIRED? NO

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

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

ANY OTHER EXPOSURE TO CITY?
NO

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: GRANT EXPIRATION 12 MONTHS

**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

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

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

2015 JAN 22 A

January 22, 2015

City Council President Patricia Pope
Marlborough City Council
City Hall, 140 Main Street
Marlborough, MA 01752

RE: Public Safety Revolving Fund

Honorable President Pope and Councilors:

Enclosed for your approval is a request seeking the Council's authorization to increase the Public Safety Revolving Fund for Fiscal Year 2015. As you know, this account is funded through the emergency dispatch fees from the City's contract with Patriot Ambulance, the purpose of which is for public safety training.

Both the Police and Fire Departments have several compulsory trainings and certification renewals that these funds will be utilized for. I have spoken with both Chiefs and both will be available to the Council to discuss these needs with you in greater depth.

Also included in my correspondence is a memo and year to date expenditure report from City Auditor Diane Smith as well as the original Council order that renewed this account for FY15.

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

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

Public Safety Revolving Fund

ORDERED:

That pursuant to the provisions of § 53E1/2 of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation and approval of the Mayor, does authorize an increase in expenditures in the Public Safety Revolving Fund from fifty thousand dollars (\$50,000) to no more than seventy-five thousand dollars (\$75,000) during Fiscal Year 2015.

ADOPTED

In City Council

Order No. 15-

Adopted

Approved by Mayor

Arthur G. Vigeant

Date:

A TRUE COPY

ATTEST:



IN CITY COUNCIL

Marlborough, Mass., _____

JUNE 16, 2014

ORDERED:

Suspension of the Rules requested – granted

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 2015, re-authorize a revolving fund to be utilized by the Mayor. It is further ordered that:

(a) receipts credited to the fund shall be limited to an emergency dispatch fee due the City pursuant to its contract with Patriot Ambulance, unless otherwise directed by the General Laws; and

(b) expenditures from said fund shall be limited to public safety training; and

(c) the Mayor shall be the only officer authorized to approve expenditures from the same; and

~~(d) no more than fifty thousand dollars shall be expended during Fiscal Year 2015, unless otherwise authorized by City Council and Mayor; and~~

(e) the Mayor shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and

(f) no provisions of this order shall be changed unless approved by the Mayor and City Council.

ADOPTED

In City Council

Order No. 14-1005819A

X14-1005862

Approved by Mayor

Arthur G. Vigeant

Date: June 20, 2014

A TRUE COPY

ATTEST:


City Clerk



CITY OF MARLBOROUGH

Office of the City Auditor

140 Main St.

Marlborough, MA 01752

508.460.3774

MEMORANDUM

TO: Mayor Arthur G. Vigeant
FROM: Diane Smith, City Auditor
DATE: January 21, 2015
RE: Public Safety Training Revolving account

When the Public Safety Training Revolving account was re-authorized last June the maximum amount that could be expended during FY15 was \$50,000.00. To date, we have expended approximately \$47,000.00.

The Police and Fire Departments have requested approval of additional training that is above and beyond the \$50,000.00 limit. Currently there is \$31,977.07 available in the revolving fund for additional training and we expect to collect approximately \$28,000.00 more in fees between now and June 30th. I recommend that we amend CO# 14-1005819A and increase the amount to be expended during FY15 to no more than \$75,000.00

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

Cc: Brian Doheny, Comptroller/Treasurer



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

January 21, 2015

MEMORANDUM

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

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

Beginning balance as of July 1, 2014	\$48,217.84
Funds received to date	31,235.00
Expenditures to date-	
Trench Rescue Training	(31,194.81)
Driver Training	(1,681.82)
Safety and Respect at Work	(800.00)
Taser Training	<u>(13,799.14)</u>
	(47,475.77)
Balance as of January 21, 2015	<u>\$31,977.07</u>



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2015 JAN 22 A 11:49

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

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

January 22, 2015

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Hudson Street Landfill Redevelopment

Honorable President Pope and Councilors:

As you know the City of Marlborough was informed last October of its successful pursuit of a "Parklands Acquisition and Renovation for Communities" (PARC) Grant through the Commonwealth of Massachusetts' Executive Office of Energy and Environmental Affairs (EOEEA) in the amount of \$400,000.00 to be utilized towards the redevelopment of the Hudson Street Landfill.

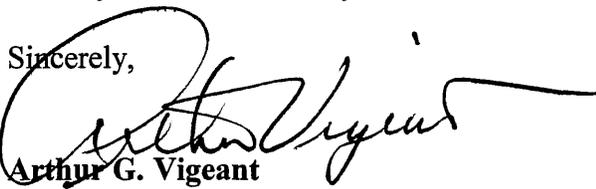
Although the city has been actively engaged in assessing our field needs over the past year, the landfill site never factored in to our plans. Over the past six months the city has been actively involved in discussions with a private party who is interested in making a significant private donation towards this project. With the PARC grant, this investment has the potential to cover as much as 50% of our remaining costs.

Therefore I am enclosing for your approval a bond request in the amount of \$3,095,000.00 along with other relevant documents to fund this project. I am also issuing a firm commitment to you that the city will only move forward with this project if our ongoing discussions on private investment prove successful.

Per the requirements set forth by the PARC grant regulations, the city must front the full amount of the projected costs regardless of any additional gifts or grants we receive. This is similar to how we handled the bond request for the reconstruction of Simarano Drive.

Thank you in advance for your consideration. I look forward to discussing this with you further.

Sincerely,


Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough Conservation Commission

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

*Edward Clancy – Chairman
Dennis Demers
Karin Paquin
Lawrence Roy
John Skarin
Allan White
David Williams
Priscilla Ryder Conservation Officer*

January 22, 2015

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

RE: Votes needed for Hudson Landfill PARC Grant application

Dear Mayor Vigeant;

As part of the Parkland Acquisitions and Renovations for Communities ("PARC") grant requirements for the Hudson St. Landfill Project several votes need to be taken by City Council before the contract and project agreements can be signed and processed. These are as follows:

1. First, a vote is needed to authorize the funding for this project. It is a reimbursement grant so the entire \$3,095,000 must be appropriated up front through bond or other means.
2. Second, a vote is needed to permanently dedicate the land, which contains the portion of the landfill for the park, to recreation purposes under the provisions of M.G.L. c. 45, § 3; and further, to place said property under the care, custody, management and control of the City of Marlborough Recreation Commission.
3. Third, a vote is needed to allow you, as the Mayor, to accept the grant application and the grant award of \$400,000 towards this project.

The language for each of the above votes is attached for your review and submission to the City Council.

If you have any questions or need additional information please give me a call. I can also be available for a City Council meeting should that be necessary.

Sincerely,

Priscilla Ryder
Conservation Officer

E-mail: Dave Grasso; John Ghiloni; Don Rider

ORDERED:

That a portion (Lot 2) containing 11.31 acres of the Hudson Street Landfill property located at Hudson Street and shown on the Marlborough Assessor's Maps as Map 30, Parcel 4, as taken by the City of Marlborough in October 5, 1959 for purposes of a public dump and other municipal purposes, is hereby permanently dedicated to park and recreation purposes under the provisions of M.G.L. c. 45, § 3; and further, that, as so dedicated, said property is hereby placed under the care, custody, management and control of the City of Marlborough Recreation Commission.

In City Council
Order No. 15-
Adopted

Approved by Mayor
Arthur Vigeant
Date:

A TRUE COPY
ATTEST:

ORDERED:

That the sum of \$3,095,000 (three million ninety-five thousand) dollars be and is hereby appropriated for the construction of municipal outdoor recreational facilities.

That to meet said appropriation, the Comptroller-Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$3,095,000.

Pursuant to the provisions of Chapter 44, section 7 (25) of the Massachusetts General Laws, as amended, each issue of such bonds or notes shall be payable in not more than fifteen (15) years from its date of issue, be and is herewith ADOPTED.

ADOPTED

In City Council
Order No. 15-
Adopted

Approved by Mayor
Arthur Vigeant
Date:

A TRUE COPY
ATTEST:

**A RESOLUTION
TO APPLY FOR AND ACCEPT A GRANT FROM
THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS,
FOR THE HUDSON STREET LANDFILL RECREATION FACILITY**

WHEREAS, by vote of the City Council on _____, 2015, the care, custody, management and control of a portion (Lot 2) containing 11.31 acres of the Hudson Street Landfill property located at Hudson Street and shown on the Marlborough Assessor's Maps as Map 30, Parcel 4, as taken by the City of Marlborough in October 5, 1959 for purposes of a public dump and other municipal purposes, has been dedicated to park and recreation purposes under M.G.L. c. 45, § 3, and has been placed under the care, custody, management and control of the Recreation Commission of the City of Marlborough; and

WHEREAS, the Hudson Street landfill is an under-used parcel of land, and the development of this land into a large recreation center is a priority of the city of Marlborough, as evidenced by the most recent Open Space and Recreation Plan; and

WHEREAS, the main focus of a conceptual Master Plan prepared for the Hudson Street landfill's reuse is to build a new multi-purpose recreation center for the City; and

WHEREAS, the Hudson Street landfill's reuse is to be guided by the said Master Plan and will include a softball/baseball field, two multi-use fields, playground area, parking lot for 100+ parking spaces, a concession stand with restroom facilities, a water bubbler, bike racks, exercise center, picnic tables, and landscaping with the addition of 60+ trees and shrubs. In addition, a 0.25 mile walking path loop is to be developed for this project and lights will be added to extend play time on the fields; and

WHEREAS, the Commonwealth of Massachusetts' Executive Office of Energy and Environmental Affairs ("EOEEA") is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Parkland Acquisitions and Renovations for Communities ("PARC") grant program (301 CMR 5.00); and

WHEREAS, the project cost as outlined in the Master Plan totals \$3,095,000 (three million ninety-five thousand), and the City Council has voted on _____, 2015 to authorize the bond funding in the amount of \$3,095,000 (three million ninety-five thousand);

NOW, THEREFORE, be it resolved, as follows:

1. That the Mayor be, and hereby is, authorized to apply for and accept a PARC grant from EOEEA; and
2. That the Mayor be, and hereby is, authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of the PARC grant to be administered by the Recreation Commission of the City of Marlborough; and

3. That this Resolution shall take effect upon its passage.

ADOPTED

In City Council
Order No. 15-
Adopted

Approved by Mayor
Arthur Vigeant
Date:

A TRUE COPY
ATTEST:



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2015 JAN 22 A 11: 41

City of Marlborough

Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
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www.marlborough-ma.gov

Arthur J. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

January 22, 2015

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Authorization Request for Possible Purchase of a Parcel of Land on New Street

Honorable President Pope and Councilors:

A small parcel of land at the entranceway to our new Senior Center is being offered for purchase to the City. With the addition of the new senior center facility on New Street as well as the significant renovations underway at Ward Park, I believe this purchase would be a wise investment.

The parcel in question, located at 11 New Street and identified as Map 69, Parcel 194 on the Assessors Map of the City of Marlborough, provides a unique opportunity to serve the interests of the City as well as the surrounding residential neighborhood. The current use of the property houses a small garage-like structure used by a property management company. The parcel frequently houses a commercial-size garbage collection bin on its premises as well. The accumulation of construction debris and trash has yielded a fair amount of complaints and code violations over the past several years.

Were the City to purchase the property, one option we would have available to us is the possibility of using the structure to house equipment needed for the ongoing landscape maintenance needs of the Senior Center and Ward Park. Other options include using the space for additional public parking, razing the structure and landscaping the parcel or using the building for storage only with some additional parking. My own belief is that municipal storage by the City provides the best strategic option, while also eliminating the disruption and blight to the neighborhood.

The purchase I am proposing is governed, in part, by MGL c. 30B, the Uniform Procurement Act, which ordinarily would require that the City advertise a solicitation for proposals at least once a week for two consecutive weeks in a local newspaper. However, where, as here, the parcel in question has unique qualities or location, this advertising requirement can be waived, as permitted by §16(e)(2) of Chapter 30B. I have enclosed with this letter an order providing for that waiver.

The order would also authorize me to enter into negotiations for the purchase. The order **does not** commit the City Council to a purchase, but it will allow a notice to be placed in the Central Register, a process that will take nearly six weeks.

The parcel is currently owned by the Joseph P. McMahon Revocable Living Trust.

As always, if you have any questions or concerns about this issue, please feel free to contact me anytime.

Sincerely,

A handwritten signature in black ink, appearing to read "Arthur G. Vigeant". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Arthur G. Vigeant
Mayor

Enclosure

ORDERED:

Pursuant to MGL c. 30B, § 16(e)(2), the City Council of the City of Marlborough hereby determines that advertising for the proposed purchase of a certain parcel of land containing 1,750 s.f., more or less, on New Street, Marlborough, MA 01752, will not benefit the City's interest because of the unique qualities and location of the property as hereinafter defined.

The parcel is identified as Map 69, Parcel 194 of the Assessors Map of the City of Marlborough.

The parcel is further identified in a deed recorded in the Middlesex South District Registry of Deeds at Book 59049, Page 525.

The property satisfies the requirements of said MGL c. 30B, § 16(e)(2), because the property: (a) is directly adjacent to the new Marlborough Senior Center; (b) provides a small structure that can house maintenance equipment needed at the adjacent Artemus Ward Park; and (c) is located in a residential neighborhood in which the City wishes to eliminate this parcel's future use as a commercial property.

It is further ordered that the Mayor is authorized to enter into negotiations for the purchase of the property so identified, subject to the availability of sufficient funds or an appropriation as required, and an affirmative two-thirds vote of the City Council prior to a binding agreement of sale.

The price of any purchase that may ensue from this Order shall not exceed Thirty-Five Thousand Dollars (\$35,000.00).

Pursuant to MGL c. 7C, § 38, the persons having a beneficial interest in this parcel, as set forth in said Book 59049, Page 525, are Joseph P. McMahon, Sr. and Cindy A. McStay, Trustees of the Joseph P. McMahon Revocable Living Trust dated November 6, 2003 and any amendments thereto, of 34 Ocean Boulevard, Hampton, NH 03842. The maximum proposed purchase price is \$35,000.00, subject to such conditions as may be negotiated.

ADOPTED
In City Council
Order No. 15-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



84 Monument Ave
Methuen, MA
Street View - Aug 2011

Image captured Aug 2011



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City of Marlborough
Office of the Mayor

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Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

January 22, 2015

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Department Head / Senior Staff Reappointments

Honorable President Pope and Councilors:

I am pleased to submit for your approval the following reappointments, all for a term of three years to expire from the date of their approval.

Director of Information Technology – Mark Gibbs: Mr. Gibbs is an accessible manager who continually looks for new opportunities to utilize new technology to improve the way we work in City Hall and the Marlborough Public Schools. In an often demanding role serving both the city and schools, Mr. Gibbs continues to prove himself to be a reliable administrator.

Assistant City Solicitor – Cynthia Panagore-Griffin: Ms. Panagore-Griffin is a conscientious employee who effectively uses her diverse professional background and experience to serve the city in a variety of capacities. Her work with the Council and with a variety of boards throughout the city speaks for itself.

I am proud of the work and the effort put forth by these employees since taking office in 2012. I have met personally with each employee to discuss their overall performance, their achievements and areas for improvement. I am confident they will continue to serve the city well in their new terms and know they will be more than happy to discuss their track records before the Council.

Thank you in advance for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor



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2015 JAN 22 A 11:44

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January 22, 2015

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Appointment of Building Commissioner

Honorable President Pope and Councilors:

I am pleased to submit for your approval the appointment of Mr. Robert Camacho as Building Commissioner for a three year term to expire from his date of appointment.

Mr. Camacho has been leading our Building Department on an interim basis since early September and has worked seamlessly with department staff since that time amidst a busy environment. He possesses the experience and temperament to handle the demanding nature of this position and is committed to delivering superior customer service to the residents and businesses in our community.

Thank you in advance for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor

Robert F. Camacho-Inspector of Buildings Building Commissioner
camachorf@msn.com
305 Dutton St. Street
Lowell, MA 01854

Credentials, Titles, Education, Training, Professional-Organizations:

Bachelor of Science Degree/Education, University of New Hampshire

Certified as Inspector of Buildings/Building Commissioner- State of Massachusetts, Department of Public Safety

Certified Building Official-(C.B.O.) Certified nationally through ICC (International Code Council)

Local Building Inspector-Certified through ICC (International Code Council) & the State of Massachusetts for both Residential & Commercial Building Inspections.

Past President of the Massachusetts Federation of Building Officials-Professional Organization that represented Building Officials throughout the Commonwealth. As such attended meetings with other organizational presidents the Commissioner, & Secretary of Public Safety, Board of Building Regulations and Standards (BBS) as well as the Fire Chiefs Association. Topics include Building Code development, enforcement and related legislation.

MEMBER of:

- ✓ **Massachusetts Building Commissioner's & Inspectors Association -MBCIA**
- ✓ **Building Officials of Western Massachusetts BOWM**
- ✓ **Board of Directors-Massachusetts Federation of Building Officials-MFBO**
- ✓ **Formerly on the Board of Directors of the New England Building Officials Education Association & The Building Code development Committee-for National Fire Protection Association**

WORK EXPERIENCE/HISTORY:

- 1. June 2010 to present Building Commissioner Town of Boxford**
- 2. North Shore Community College: Conducted Continuing Education Classes for contractors to have their Construction Supervisor's License renewed & classes for contractors to obtain their State issued License**
- 3. Builders Remodelers Association of Greater Boston: Also, conducted classes for contractors to obtain their state issued, contractors license multiple communities**
- 4. February 2010 to June 2010: Town of Middleton Part Time Local Inspector/Alternate three days a week**
- 5. February 2007 to March 2010-City of Lowell Inspector of Buildings/Building Commissioner**
- 6. March 2005 to March 2007-Inspector Town of Middleton Building Commissioner**
- 7. March 2000 to February-2005-City of Lowell- Local Building Inspector**
- 8. January 1998 to 2000-City of Lowell- Housing Program Manager for the City of Lowell**

9. **January 1996 to 1998**-City of Lowell- Housing Rehab Specialist
10. **1975-1990-Contractor** - Lewis Builders, Atkinson N.H. & as Private Licensed contractor
11. **Real Estate Broker**- Administrative Assistant; ERA - Plaistow New Hampshire
12. **1986-87 Consumer Affairs specialist**-State of N.H. Attorney General's Office Worked for the State of New Hampshire's Consumer Protection Bureau on Consumer Complaints and Issues. Focused on housing, contractor and construction complaints
13. **1970-1989 Public School Teacher**
14. **2000 – Present:** Established Educational workshops from Consumers to Building Officials both locally and, on the national level

Accomplishments:

Established Policies and Procedures for Inspectional Services Department, (AKA Department of Building Safety), which includes but not necessarily restricted to the following:

- ✓ Documenting & following through with Building Code and Zoning Enforcement
- ✓ Establishing a line of communication & cooperation between other municipal departments, especially those that, impact public safety
- ✓ Registration and securing of "Vacant & Foreclosed Buildings"
- ✓ Conducting state mandated 110 Periodic Safety Inspection Programs for targeted public buildings, structures alcohol establishments and various public venues
- ✓ Processing, issuing building permits, conducting & coordinating inspections
- ✓ Addressing complaints & violations both criminal & non-criminal
- ✓ Imposing the appropriate fines, penalties, cease & desist orders and following through with non-compliant issues that require complaints filed with the appropriate court

Conducted educated classes for contractors who wish to test for the purpose of acquiring their, "Construction Supervisor's License CSL". North Shore Community College & Builders, Remodeling Association of Greater Boston

As an Instructor, developed a course/syllabus, for state approved educational programs for Licensed Contractors to have their state issued Construction Supervisor's License renewed, North Shore Community College

Locally Established Re-certification educational programs for Building Commissioners and Local Building Inspectors-Run State approved educational programs on the "Home Improvement Contractor Law" for Building Commissioners and Building Inspectors as a requirement to obtain the required contact hours for certification renewal. Adapted the same program as a workshop for *property owners, contractors, those that hold public office & others*

As President of the Massachusetts Federation of Building Officials, I was instrumental in raising the profile, credibility and significance the Building Safety Official plays in addressing Public Safety in the Built Environment on both the local and state level. Coordinated local concerns of Building Officials to the Department of Public Safety & Board of Building regulations and Standards, involved and continue to be involved with the development of state building codes.

Local Educational Workshops: I have a policy of conducting periodic educational workshops for the residents of the community I work in and for the “contractors” conducting business and applying of Building Permits in the Municipality that has employed me to address Public Safety in and around all Buildings and Structures within that community.

Looking at the process for obtaining building permits and the impact zoning may have on a proposed project

State & National Professional Educational Programs/Workshops:

Established a three-hour workshop entitled “Four Phases of Public Safety in the Built Environment-Role of the “Building Safety Official”. This course has been, conducted locally & nationally. Listed in the catalogue of educational workshops of the International Code Council’s (ICC) web site

Nashville Tennessee September 2004: Invited to attend a week long national code conference in Nashville sponsored and invited by **International Code Conference (ICC)** to conduct workshop on the “**Liability verses Accountability” of the Building Official**. Reviewed short and long term tracking programs for building departments and the importance of developing a Policy & Procedure. Building Commissioners, Local Inspectors & Architects from across the country, attended program.

Charlotte North Carolina October 2011: I was Invited back to conduct several three hour workshops on the role of the Building Official in addressing Public Safety in the Built Environment, Building Code Enforcement, administrative requirements and raising the professionalism of the Building Official. This workshop was specifically designed for Code Enforcement Professionals. This was a nation wide conference with International Building Officials and administrators attending as well.

Lake Placid New York-Scheduled in March 2012 to conduct three hour training program for Building Officials in New York State-Hired by ICC

Amherst Mass. New England Building Officials Education Association: Conducted similar workshops at U-Mass Amherst.

HUD: Formerly a **Registered HUD Broker** and Held a New Hampshire Real Estate Brokers License six years. Formerly approved nation wide as a **Compliance Inspector/ Fee Consultant** for HUD’s 203k Rehabilitation Housing Program.

HUD TRAINING -Three day, HUD sponsored workshop on HUD’s Rehabilitation Guidelines on Project Management & Work Write- ups with CDBG and HOME funding for property rehabilitation Construction-Single and Multi-family units. Construction Management & Administrating HUD’s 203K Rehabilitation Program.

Designated as a “**Consumer Affairs Specialist**” by the State of New Hampshire’s’ Consumer Protection Bureau/Department of Justice and trained in “conflict resolution and consumer protection regulations”.

Northeastern University. - Successfully completed numerous courses on: blue print reading & interpretation, Construction Law, Estimating Structural Steel and Concrete projects from blue prints.

LEAD CERTIFICATION PROGRAM-Completed a 40 Hour Certificate Course, for Level I “Lead Paint Supervisor’s Contractor License”

Christmas In April-Non-profit Community renovation organization-Served on the Board of Directors five years

SKILLS:

- **Computer literate**-Proficient in Microsoft Office and in the training others

- **Working knowledge of relevant state and federal laws and regulations.** This includes State Building Codes, zoning, handicapped accessibility requirements, hazardous materials regulations-Lead, Asbestos, etc, Plan reviews for issuing permits, Safety & compliance inspections of public & private buildings-110 Periodic State Mandated Safety Inspections, (formerly 106)

- **Self-starter**-with very strong organizational and problem solving skills. Clear concise writing and communication skills. Provide motivation, technical and procedural support to staff & fellow employees in the daily management of code enforcement especially when addressing public safety.

- Managed a Building Department Staff of up to twelve

- I am comfortable working with diverse populations.

- I believe in establishing a good working relationship with other Municipal Departments!

- My organizational and teaching skills have also provided me with the tools needed in working and serving the general public, fellow employees, department heads and administrators as well as diffusing potentially volatile situations.



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Arthur G. Vigeant
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Patricia Bernard
EXECUTIVE SECRETARY

January 22, 2015

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: License Board Appointments

Honorable President Pope and Councilors:

I am pleased to submit for your approval the reappointment of Mr. Gregory Mitrakas to the License Board for a six year term to expire from the date of approval. Mr. Mitrakas has served on the License Board since 2008 and brings to the Board an extensive legal background, a firm understanding of our licensing regulations and thorough knowledge of our business community.

I am also pleased to appoint Mr. David Bouvier to the License Board for a six year term to expire from the date of approval. Mr. Bouvier is a lifelong city resident and is the Medical Equipment Manager at Bouvier Pharmacy. He is an active and well-respected volunteer in our community and will make a great new addition to the Board. He will replace longtime member James Riessle who submitted his resignation to me in December.

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

Sincerely,

Arthur G. Vigeant
Mayor



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Patricia Bernard
EXECUTIVE SECRETARY

January 22, 2015

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Community Development Authority Appointment

Honorable President Pope and Councilors:

I am pleased to submit for your approval the appointments of Mr. Dennis Cavanaugh and Ms. Renee Perdicaro to the Community Development Authority (CDA) for three year terms to expire from the date of approval.

Mr. Cavanaugh will replace Stephen LeDuc who resigned in November for personal reasons and whose term is due to expire this March. Ms. Perdicaro will replace Lynn Faust whose term has expired.

Mr. Cavanaugh has been a city resident since 1991 and is a retired construction executive. Mr. Cavanaugh became involved in the city over the past couple of years through his service on the Senior Center Advisory Committee. Mr. Cavanaugh was an eager participant on the committee and attended many hearings and presentations about our new senior center over that time.

Ms. Perdicaro is an experienced real estate paralegal and currently works as a Residential Loan Fund Manager focusing on income based loans for individuals with physical limitations or who are living with an individual with physical limitations. She is committed to working with our CDA staff and ensuring a high level of service for our residents and tenants.

Thank you in advance for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor



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January 22, 2015

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Council on Aging Appointment

Honorable President Pope and Councilors:

I am pleased to submit for your approval the appointment of Ms. Pat Gallier to the Council on Aging. Ms. Gallier is being appointed to fill the balance of the term of Lynn Anderson which is due to expire 5/2/2017.

Ms. Gallier worked as the part time Public Health Nurse for the City of Marlborough for nearly four years. In addition, she has volunteered her time on the Medical Reserve Corps. and continues to assist the Health Department on a volunteer basis. She is known to many in our senior community and will make a great new addition to our Council on Aging.

Thank you in advance for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor

CANDIDATE FOR COUNCIL ON AGING (Nominating/Board Development Committee)

Name: Pat Gallier Email: pogalliero@comcast.net

Address: 988 Concord Rd. Marlborough, Ma 01752

Home Phone: 508 481 1513 Cell Phone: 508 2773404

How did/do you hear about the COA? Senior Ctr - Working for the city as a public health nurse

Have you given your time previously as a volunteer? Yes No

If Yes, in what capacity/ies? MRC member; volunteer @ MarlboroTosp 1Xs/WK; Volunteer @ BOH 1-2 Xs/WK; volunteer @ my Church - Hope Chapel; Sterling, Ma.

Why do you want to become a board member/volunteer? What would you like to get out of this experience?

I love the City of Marlborough and am proud to be a resident and I would enjoy giving back to the city through volunteering.

What interests, activities or hobbies do you enjoy? reading; crossword puzzles; gardening; traveling; exercising

Previous/current occupation/s, position: recently retired as part time public health nurse for Marlborough BOH

Education/training, hobbies or other skills: assoc. degree +; registered nurse

Other organizations to which you belong: MAPHN (Public Health Nurse Org); MRC; Hope Chapel, Sterling Mass.

How long do you think you'd like to be involved with the COA? unsure

Are you prepared to attend a training/information session/board meeting? yes

Are you willing to undergo a CORI background check? Yes No

What are your current interests in the COA? I chaperoned a trip recently -; register unit; help as needed

Any additional information: Pat has worked in the COA's Wellness Clinic on Thursday assisted with yearly flu clinic as well as chaperoned on our day trips.

Sponsor: Jennifer Clavo Date: 1-8-15 CORI: okay



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Email citycouncil@marlborough-ma.gov

Patricia A. Pope
PRESIDENT

Edward J. Clancy
VICE-PRESIDENT

Karen A. Boule
CITY COUNCIL ASSISTANT

January 16, 2015

Marlborough City Council
City Hall, 140 Main Street, 2nd Floor
Marlborough, Massachusetts 01752

Dear Honorable Councilors:

I have attached for your information an invitation to Mayor Arthur G. Vigeant to attend the regular meeting of the Marlborough City Council on Monday, February 9, 2015 at 8:00 PM to deliver the annual State of the City address.

Over the years, this important address has been delivered in different venues. I hope you will concur that the Mayor's report should rightly be delivered before the elected, legislative body and properly entered into our rolls for posterity.

Please join me in welcoming the Mayor to Chambers on February 9, 2015.

Sincerely,

Patricia A. Pope
City Council President

PAP/kb

cc: Councilors



City of Marlborough
Office of the City Council

140 Main Street
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Email citycouncil@marlborough-ma.gov

Patricia A. Pope
PRESIDENT

Edward J. Clancy
VICE-PRESIDENT

Karen A. Boule
CITY COUNCIL ASSISTANT

January 16, 2015

The Honorable Arthur G. Vigeant
Mayor of Marlborough
City Hall, 140 Main Street, 4th Floor
Marlborough, Massachusetts 01752

Dear Mayor Vigeant:

It is with distinct pleasure that I cordially invite you to attend the regular meeting of the Marlborough City Council on Monday, February 9, 2015 at 8:00 PM to deliver the annual State of the City address.

We, indeed, have much to be thankful for in the City of Marlborough! The state of the City is good, in large measure due to our local economic development. These positive strides could not occur without the cooperation between our offices.

We look forward to your address in Chambers on February 9, 2015.

Sincerely,

Patricia A. Pope
City Council President

PAP/kb

cc: Councilors

City of Marlborough
Commonwealth of Massachusetts

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PLANNING BOARD

2015 JAN -7 P 3:44

Barbara L. Fenby, Chair
Colleen M. Hughes
Philip J. Hodge
Edward F. Coveney
Clyde L. Johnson
Sean N. Fay
Shawn McCarthy

Melissa Irish - Secretary
Phone: (508) 460-3769
Fax: (508) 460-3736
Email: MIrish@marlborough-ma.gov

January 7, 2015

Marlborough City Council
Ms. Patricia Pope- President
140 Main Street
Marlborough, MA 01752

Re: Acceptance of Bouffard Dr. as a Public Way
City Council Order No. 14-1006010/X13-1005405

President Pope:

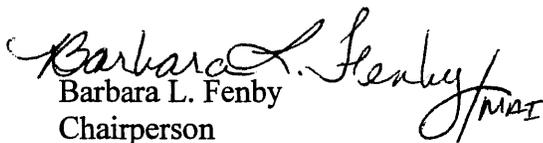
At its regular meeting on January 5, 2015, the Planning Board took the following action:

Street Acceptance:

On a motion by Mr. Fay seconded by Mr. Hodge it was duly voted to:
Recommend to the City Council the acceptance of Bouffard Dr. as an accepted City way.
The motion carried

Should you need any additional information please do not hesitate to contact me.

Sincerely,


Barbara L. Fenby
Chairperson

Cc: City Clerk
File



**Northeast
Utilities**

One NSTAR Way – SW300
Westwood, MA 02090

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

William A. Van Dam
Director, Community Relations

2015 JAN -5 A 9:59



December 30, 2014

Ms. Lisa Thomas
City Clerk
Marlborough City Hall
140 Main Street
Marlborough, MA 01752

Dear Ms. Thomas:

I am writing to inform you that NSTAR Gas Company has filed a request with the Massachusetts Department of Public Utilities (“MDPU”) to increase gas distribution rates. NSTAR Gas is requesting to recover approximately \$46 million of additional revenues to cover investments being made to improve the safety and reliability of gas distribution infrastructure. If approved, the proposed revenue change would represent an increase of approximately 8.6 percent on average across all customers on a total-bill basis.

It is important to note that NSTAR Gas has not increased rates since 1991. By the time the new rates would take effect in 2016 as a result of this rate case, NSTAR Gas customers will be the beneficiaries of a 24-year period without a change in base distribution rates, representing unparalleled rate stability for natural gas customers.

The monthly bill for a typical residential heating customer is estimated to increase \$11.95 per month, and will remain below the current average residential bill for Massachusetts natural gas companies.

Attached is the schedule for the upcoming public hearings scheduled by the MDPU. The public hearings will be followed by a thorough review of the rate request by the MDPU, and new rates would not take effect until January 1, 2016. Please post the attached in Marlborough City Hall through March 31, 2015.

Thank you for your interest in this issue. Please call your Community Relations Specialist JoAnne O’Leary at 508-305-6898 with any questions or if you would like additional information.

Sincerely,

William A. Van Dam

Attachment



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

NOTICE OF FILING AND PUBLIC HEARING

D.P.U. 14-150

December 22, 2014

Petition of NSTAR Gas Company, pursuant to G.L. c. 164, § 94 and 220 C.M.R. § 5.00 et seq., for Approval of a General Increase in Gas Rates and a Revenue Decoupling Mechanism.

On December 17, 2014, NSTAR Gas Company ("NSTAR Gas" or "Company") filed a petition with the Department of Public Utilities ("Department") seeking additional revenues through an increase in rates. The Company's last base distribution rate proceeding was in 2005. Boston Edison Company, Cambridge Electric Light Company, Commonwealth Electric Company, NSTAR Gas Company, D.T.E. 05-85 (2005).

The Department has docketed this matter as D.P.U. 14-150 and has suspended the effective date of the proposed rate increase until November 1, 2015, to investigate the propriety of the Company's request. Pursuant to a settlement approved by the Department in 2012, any new rates approved in the instant proceeding will not take effect until January 1, 2016. See Northeast Utilities/NSTAR Merger, D.P.U. 10-170-B (2012).

In the instant filing, NSTAR Gas seeks to increase rates to generate \$45.9 million in additional revenues, an 8.6 percent increase over current total operating revenues. The requested rate increase is designed to recover: (1) \$33.9 million in additional revenues through base distribution rates (i.e., a 22.5 percent increase in current distribution revenues); and (2) \$12.0 million in additional revenues through reconciling rate recovery mechanisms.

The Company's requested rate increase includes the recovery of merger-related costs and exogenous costs associated with the Department's Order in NSTAR/Northeast Utilities Merger, D.P.U. 10-170 (2012). The requested rate increase also includes an increase in costs associated with the Company's purchase of liquefied natural gas services from an affiliate, Hopkinton LNG Corp.

Further, as part of the filing, NSTAR Gas sets forth proposals associated with the sale of the Company's appliance business and changes to the operation of its Home Heating Protection Plan business. In addition, the Company proposes, pursuant to Investigation into Rate Structures that will Promote Efficient Deployment of Demand Resources, D.P.U. 07-50-A (2008), to implement a rate mechanism to decouple its gas revenues from its sales. Additional information regarding NSTAR Gas' proposals can be found in the Company's filing.

The Company's filing provides that if the petition is approved as requested, the proposed rate increase, which would take effect on January 1, 2016, will have the following effects:

- A residential heating customer using 160 therms of gas per month during the Winter season will experience a monthly bill increase of \$25.90 (a 13.1 percent increase in the customer's bill);
- A residential heating customer using 31 therms of gas per month during the Summer season will experience a monthly bill increase of \$8.38 (a 19.6 percent increase in the customer's bill);
- A residential non-heating customer using 14 therms of gas per month during the year will experience a monthly bill increase of \$1.81 (a 6.9 percent increase in the customer's bill);
- A residential low-income heating customer using 159 therms of gas per month during the Winter season will experience a monthly bill increase of \$7.02 (a 4.4 percent increase in the customer's bill);
- A residential low-income heating customer using 33 therms of gas per month during the Summer season will experience a monthly bill increase of \$0.44 (a 1.2 percent increase in the customer's bill); and
- A residential low-income non-heating customer using 14 therms of gas per month during the year will experience a monthly bill decrease of \$0.26 (a 1.2 percent decrease in the customer's bill).

Bill impacts for commercial and industrial customers will vary depending upon their rate classification and level of usage. For specific impacts, please contact the Company as indicated below.

The Attorney General, through the office of ratepayer advocacy, may intervene, appear and participate in Department proceedings on behalf of any group of consumers in connection with any matter involving rates of an electric company or gas company. On December 19, 2014, the Attorney General submitted a notice of intervention on behalf of the Company's ratepayers in this case. Further, pursuant to G.L. c. 12, § 11E(b), the Attorney General filed a notice of retention of experts and consultants to assist in her investigation of the Company's filing, and has requested Department approval to spend up to \$250,000 in this regard. Pursuant to G.L. c. 12, § 11E(b), the costs incurred by the Attorney General relative to her retention of experts and consultants may be recovered by the Company in rates.

The Department has scheduled the following public hearings to receive comment on the Company's filing:

January 28, 2015

Worcester Technical High School
1 Skyline Drive
Worcester, Massachusetts 01605
Time: 7:00 p.m.

January 29, 2015

Dedham High School
140 Whiting Avenue
Dedham, MA 02026
Time: 7:00 p.m.

February 3, 2015

Keith Middle School
225 Hathaway Boulevard
New Bedford, Massachusetts 02740
Time: 7:00 p.m.

February 4, 2015

Plymouth South High School
490 Long Pong Road
Plymouth, Massachusetts 02360
Time: 7:00 p.m.

February 9, 2015

Department of Public Utilities
One South Station, 5th Floor
Boston, Massachusetts 02110
Time: 7:00 p.m.

A procedural conference in this matter will take place at the Department's office on **January 22, 2015 at 2:00 p.m.**

Persons interested in commenting on the Company's filing may appear at any of the public hearings or may file written comments by the close of business (5:00 p.m.) on **March 31, 2015.**

Any person who desires to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene or to participate in the proceeding no later than the close of business (5:00 p.m.) on January 20, 2015. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 C.M.R. § 1.01(4). To be allowed, a petition under 220 C.M.R. § 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10.

Any person who seeks to intervene in this matter and also desires to comment on the Attorney General's notice of retention of experts and consultants must file such comments no later than the close of business (5:00 p.m.) on January 20, 2015.

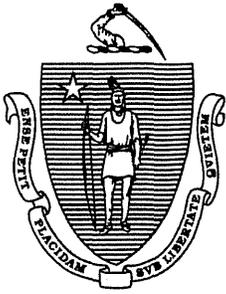
Written comments, petitions for leave to intervene or to participate, and comments on the Attorney General's notice of retention of experts and consultants should be addressed to: Mark D. Marini, Secretary, Department of Public Utilities, One South Station, 5th Floor, Boston, Massachusetts 02110. Receipt by the Department, not mailing, constitutes filing.

In addition to the above filing requirement, one (1) copy of all materials filed with the Department should be sent to Marc J. Tassone, Hearing Officer, Department of Public Utilities, One South Station, 5th Floor, Boston, Massachusetts 02110; one (1) copy of these documents should be sent to the Company's counsel, Cheryl M. Kimball, Keegan Werlin LLP, 265 Franklin Street, Boston, Massachusetts 02110; and one (1) copy of these documents should be sent to Joseph W. Rogers, Assistant Attorney General, Office of Ratepayer Advocacy, One Ashburton Place, Boston, Massachusetts 02108.

Further, in addition to paper filings with the Department, all documents also must be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dpu.efiling@state.ma.us and the Hearing Officer, Marc.Tassone@state.ma.us; or (2) on a CD-ROM. The text of the e-mail or CD-ROM must specify: (1) the docket number of the proceeding (D.P.U. 14-150); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. All documents submitted in electronic format will be posted on the Department's website: <http://www.mass.gov/dpu>.

A copy of the Company's filing and the Attorney General's notice of retention of experts and consultants is available for inspection during regular business hours at the following locations: (1) the Company's offices, One NSTAR Way, Westwood, Massachusetts 02090; (2) the Cambridge Public Library, 449 Broadway, Cambridge, Massachusetts 02138; (3) the Dedham Public Library, 43 Church Street, Dedham, Massachusetts 02026; (4) the New Bedford Free Public Library, 613 Pleasant Street, New Bedford, Massachusetts 02740; (5) the Plymouth Public Library, 132 South Street, Plymouth, Massachusetts 02360; (6) the Worcester Public Library, 3 Salem Street, Worcester, Massachusetts 01608; and (7) the Department's offices, One South Station, 5th Floor, Boston, Massachusetts 02110. These filings also are available on the Department's website, <http://www.mass.gov/dpu>.

Any person desiring further information regarding the Company's petition should contact the Company's counsel, Cheryl M. Kimball, Esq. at (617) 951-1400. Any person desiring further information regarding the Attorney General's notice of retention of experts and consultants should contact Joseph W. Rogers, Assistant Attorney General, at (617) 727-2200. Any person desiring further information regarding this notice should contact Marc J. Tassone, Hearing Officer, Department of Public Utilities, at (617) 305-3500.



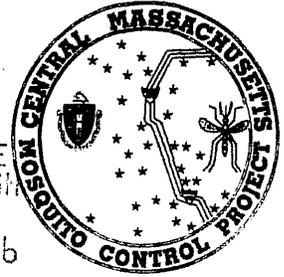
THE COMMONWEALTH OF MASSACHUSETTS
STATE RECLAMATION & MOSQUITO CONTROL BOARD

CENTRAL MASSACHUSETTS MOSQUITO CONTROL PROJECT

111 Otis Street, Northborough, MA 01532 - 2414

Telephone (508) 393-3055 • Fax (508) 393-8492

www.cmmcp.org



2015 JAN 12 A 10:18

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CITY OF MARLBOROUGH

COMMISSION CHAIRMAN
RICHARD DAY

EXECUTIVE DIRECTOR
TIMOTHY D. DESCHAMPS

January 8, 2015

Marlborough City Clerk
Marlborough, MA 01752

Enclosed please find a notice relative to pesticide exclusions which outlines the steps that should be taken by residents wishing to have their properties excluded from pesticide applications.

We ask that you please display this notice in a prominent place, and forward it to local media outlets for inclusion. Please forward to any concerned parties that may have an interest in the mosquito/gypsy moth exclusion.

Members of our staff will be stopping by your office sometime after April 1, 2015 to collect copies of any pesticide exclusions filed with your office per 333CMR 13.03 (1)(b).

We would like to thank you for your assistance in this matter.

Sincerely,

Timothy D. Deschamps
Executive Director

TDD

Enc: (Pesticide Exclusion information)

cc: Marlborough Board of Health

PESTICIDE EXCLUSION INFORMATION – 333CMR: PESTICIDE BOARD

The Exclusion Program was implemented by the Department of Food and Agriculture to allow land owners to exclude their property from public area-wide applications of pesticides (see 333 CMR 13.03 - Exclusions for Application). This reads in part::

Designations for exclusions may be made by supplying the clerk of the municipality in which such lands lie with a certified letter providing the name, address and telephone number (if any), names of all abutters, and defining programs from which exclusion is requested.

Designations may be made prior to March 1 of each year and shall be effective from April 1 of that year to March 31 of the following year.

(333 CMR 13.03, paragraphs 1b & 1c)

Ground Applications: The person requesting exclusion shall mark the boundaries or areas to be excluded at least every 50 feet with orange surveyor's tape or another Department-approved marking device which clearly defines the area of exclusion. These markings shall be made known to the Contracting Entity, who shall be responsible for communicating the details of their marking to those who will carry out the application. (333 CMR 13.03 - paragraph 2b)

This program began in 1983 in response to public concerns about pesticide exposure through public area-wide applications. Generally, the only pesticide application programs affected by this exclusion program are those for the gypsy moth and the mosquito.

Requests for exclusion shall not be honored in those cases which:

1) The Commissioner of Public Health has certified that the application is made to protect the public health.

2) the Commissioner of Environmental Management has certified that the application is necessary to contain an infestation of a recently introduced pest.

3) The Commissioner of Food and Agriculture has certified that an application is necessary to contain an infestation of a pest which is a significant threat to agriculture.

(from 333 CMR 13.03 - paragraphs 3a, 3b & 3c)

The full text of this regulation may be found on the Internet at <http://www.mass.gov/courts/case-legal-res/law-lib/laws-by-source/cmr/300-399cmr/333cmr.html>

Please feel free to contact our office if you have any questions, and please access our website at <http://www.cmmcp.org> for more information on the Central Massachusetts Mosquito Control Project.

For more information on these regulations please contact Lee Corte-Real, Director, at the Massachusetts Pesticide Bureau at (617) 626-1776 or Lee.Corte-Real@state.ma.us.

**MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

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CITY OF MARLBOROUGH

Call to Order

December 15, 2014 A 9:24

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

Also in attendance were Board Secretary Melissa Irish, City Engineer Evan Pilachowski & Assistant City Engineer Timothy Collins.

1. Meeting Minutes:

A. Regular Meeting November 17, 2014

On a motion made by Ms. Hughes, seconded by Mr. McCarthy, it was voted to approve the minutes of the November 17, 2014 regular meeting. Motion carried. Mr. Fay abstained.

B. Regular Meeting December 1, 2014

On a motion made by Mr. Fay, seconded by Mr. McCarthy it was voted to approve the minutes of the December 1, 2014 regular meeting. Motion carried Ms. Hughes, Mr. Hodge & Mr. DuPont abstained.

2. Chair's Business:

A. Acceptance of Bouffard Drive as a Public Way, referred from City Council

In response to the request from Attorney Bergeron, on a motion made by Mr. Fay, seconded by Ms. Hughes this item as well as item 5B were tabled. Motion carried.

B. Setting of First Meeting in 2015

On a motion made by Ms. Hughes, seconded by Mr. DuPont the first meeting of 2015 was set for January 5, 2015. Motion carried.

3. Approval Not Required: None

4. Public Hearings: None

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report:

City Engineer Pilachowski noted that after a tour of current subdivisions under construction it was noted that many of the placed hydrants are missing the flag style markers that make them identifiable for the Fire Department should there be a snowfall event. It is City Engineer Pilachowski's intent to make the installation of the markers part of the requirements for future subdivision approval.

B. Bouffard Drive Decision from Engineering (from item 2A)

In response to the request from Attorney Bergeron, on a motion made by Mr. Fay, seconded by Ms. Hughes this item as well as item 2B was tabled.

C. Correspondence from Attorney Aykanian to Capital Group Properties (Mauro Farms Subdivision)

Mr. Fay noted his conflict for the record.

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

D. Capital Group Properties Request for Bond Reduction (Mauro Farms Subdivision)

On a motion made by Mr. Fay, seconded by Mr. DuPont this item was tabled until the next regularly scheduled meeting (January 5, 2015) to allow for proper investigation and discussion into agreements currently in place regarding this subdivision. Motion carried.

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

7. Definitive Subdivision Submission: None

8. Signs: None

9. Unfinished Business:

A. Blackhorse Farms Update

City Engineer Pilachowski noted this update was part of his earlier report (Item 5A)

It was noted to keep this on the next regularly scheduled meeting agenda for updates.

B. Mauro Farms Update

City Engineer Pilachowski reported that the outstanding drain issue has been completed in this subdivision.

It was noted to keep this on the next regularly scheduled meeting agenda for updates.

C. Proposed changes to Subdivision Rules and Regulations Submitted by City Engineer. (Information from Legal Department)

City Solicitor Don Rider submitted to the Board his responses in a per item fashion.

On a motion made by Mr. Hodge, seconded by Mr. Coveney the responses were accepted and placed on file. Motion carried.

This item is to appear on the next regularly scheduled agenda for discussion/debate. With the intention of moving this forward to the Public Hearing Stage in the near future.

10. Informal Discussions: None

11. Correspondence:

A. Directions Fall Issue 2014

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

12. Public Notices of other Cities and Towns:

A. Town of Hudson, Zoning Board of Appeals Notice of Decision

B. Town of Framingham, Planning Board Public Hearing (s) 12/18/14 (3) Notice of Decision (1)

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

Adjournment: On a motion made by Mr. DuPont, seconded by Mr. McCarthy it was voted to adjourn at 7:20pm. Motion carried.

Respectfully submitted,

Collen Hughes
Clerk

/mai

Zoning Board of Appeals

Minutes

December 2, 2014

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CITY OF MARLBOROUGH

2015 JAN -8 P 2:10

Public Hearing

7:00 PM 12 Gates Ave. – Glauca V. Reis (ZBA Case #1435-2014)

Petition: To install a driveway which will exceed the maximum 30% (724 sq. ft.) Lot Coverage (Chapter 650 §41 – Table of Lot Area, yards and Height Structures) for Zoning District Residence B. Proposed Lot Coverage is 842 sq. ft. with a deviation of 118 sq. ft. Also the proposal violates the 30% driveway grade (Chapter 650 §49B(3). Being Map 57, Parcel 151.

Board Members present were: Paul Giunta-Chairman, Ralph Loftin, Theodore Scott, Thomas Golden, and Robert Levine.

Description of lot: The lot area is 2,414 sq. ft. The lot is located at a dead end street, also known as 12 Gates Ave. The lot slopes from the rear down towards the front. It was mentioned that there is ledge on the lot in question and also on neighboring lots. It was not clear how the existing easement located between 11A Gates Ave. and 11 Gates Ave. functions for the 2 properties. There is a deteriorating stone wall at the front and side of the house. The stone wall with a stockade fence on top is located at the side property line (the applicant stated it marks the side property line).

It appears that the neighboring properties are similar in size. The abutting lots do not sit on a slope. Most of the lots on Gates Ave. have driveways which provide them with off-street parking, especially during the winter parking ban.

The applicant desires to construct an 11 ft. wide x 17 ft. Bituminous driveway with a proposed retaining wall at the head of the proposed driveway. The existing stone wall with the stockade fence will remain and the existing stone wall at the front will be removed.

List of plans and exhibits:

- Proposed Driveway Plot Plan of Land in Marlborough, MA Prepared by Atlas Land Surveying, Stamped by Todd P. Chapin, Land Surveyor. Dated 11/14/2005 Scale: 1" = 20'.
- Proposed Driveway, 12 Gates Ave. Marlborough, MA Dated: 9/30/2014 Scale: 1" = 20'. (notes handwritten on the plan)

Findings:

- In Board's file, there is a past case (ZBA Case #1336-2005) in which 12 Gates Ave received a variance for an 11 ft. x 29 ft. driveway. Variance was granted on Nov. 22, 2005 and has expired.
- Gates Ave. is a dead end street
- The applicant has owned the house for approximately 1 ½ yrs.
- During the winter parking ban, some abutters have their guests or they themselves park at the Hildreth School parking lot.

- The applicant stated she has parked at the Hildreth School parking lot, but the police told her it was not for long term parking during the winter parking ban. Some of the neighbors stated they had no problems with the police in parking at the Hildreth School. But, the applicant stated she parks there during the entire winter parking ban, not just every now and then.
- Snow plowing on Gates Ave. has always been an issue for homeowners. Snow is usually plowed to the dead end street where 12 Gates Ave is located.

Representing the applicant was Mr. Laurent (spelling is wrong) - (brother in law to applicant) 157 Second St. Framingham, MA stated:

- Almost every house in the neighborhood has a driveway. It has become a necessity for the applicant to have a driveway, because they were told by the police, they cannot park at the Hildreth School parking lot for the entire winter parking ban.
- The grade of the proposed driveway was discussed. It appears it does not meet the city's driveway grade code.
- He also mentioned that a variance was granted in the past and has expired. The applicant reduced the proposed driveway from what was approved by the ZBA in 2005. (ZBA Case # 1336-2005)
- There is no curbing or sidewalk in front of 12 Gates Ave.
- He stated the plans presented to the Board are mis-represented. The plans are not a proper representation of the lot in question and the abutting lots.
- Water run off – He stated water currently runs to a city storm drain. If a variance was granted, he could create a berm to direct the water onto the street into the city's system. The Board would like to see a plan for drainage control.
- He is willing to do a perk test.
- He is willing to produce a topo map with grades.
- On a new plan, he will show actual dimensions of house and what actually sits on the lot. Also setback measurements will be provided.
- He feels the existing front steps are pre-existing non-conforming.
- He could not understand how constructing a driveway could be a negative impact to the neighborhood.
- He stated there will not be any blasting on the property. Lowering the driveway grade will require a higher retaining wall.

The Board's concerns:

- The Board did not like the plans presented this evening. It did not show contours, setbacks, easements, etc.
- It was determined by the Board that the applicant also needed a variance for driveway grade.
- The Board was not sure if the proposed driveway will go over the existing easement which is located on 11A Gates Ave.
- The Board was not sure if the proposed driveway will be on city property or if vehicles will have to go over city property to enter the proposed driveway. The Board wanted to see accurate property lines on a plan.
- The Board would like to see how water run-off will be directed if the new driveway as constructed.
- There was some discussion about the existing deck which is canter livered over the proposed driveway.
- Board Member, Ted Scott discussed Chapter 649-B(3) Grades and Chapter 649-B(4) Paving Material.
- A Board Member, Paul Guinta, suggested that the neighbors should ask their city councilor about the possibility of long term winter parking at the Hildreth School's parking lot.

Abutters speaking:

- 10 Gates Ave. – Paul Skoog stated the existing deck was built approximately 5 yrs. ago.
- 10 Gates Ave. – Ms. Kelly Skoog showed some pictures of the lot when it was on the market for sale. She felt that the abutting condo units have a drywell at the rear of the lot and water drains to the center.
- 45A Curtis Ave. – Karen Callahan She is located at the rear. She stated she has concerns about water run-off onto her unit. How the lot in question will be graded and what type of vehicles will be parked at this location.

Abutters speaking in opposition:

- 11 Gates Ave. – Elnad Headberg She stated she owns the right of way on the driveway to 11A Gates Ave. The proposed driveway will go over the existing driveway. The front stone wall will be removed, this is 7 ½ feet from her property. She was concerned about commercial vehicles being parked in the proposed driveway.
- 11A Gates Ave. (condo units) – Julie Crawford - She stated she owns a condo that has a right of way on the drive to the school lot. She assumes the wall was on the petitioner's property line. 11A Gates Ave. has an easement on that drive to the school, alongside her property. The driveway into the condo units is stated in her deed. Her concerns were:

- A safety issue – to exit out of her driveway, it will be difficult to see cars exiting out of the proposed driveway.
- There is an existing retaining wall with a fence on top, which hinders visibility for cars exiting from 11A Gates Ave.
- The city pushes snow to the dead end street. She would like to know where the snow will be removed from the proposed driveway.
- The retaining walls on the side and front are in need of repairs. She stated the retaining wall on the side property line belongs to the applicant (12 Gates Ave.). She owns a condo that has a right of way on the drive to the school lot.
- She also stated that when she parks at the Hildreth School parking lot, it is approximately a 2-3 min. walk to her house. Number 11A has an easement on that drive to the school, alongside her property.

Speaking in favor of the petition:

- Alda Morans – 92 Emer Rd. Marlborough, MA– stating that the proposed driveway will take additional cars off the street.

The Board would like to see on a revised plan:

- How this proposed driveway will be constructed. (the grade, retaining wall(s) if needed and material to be used for the proposed driveway.
- Existing curbing on Gates Ave.
- Contours of the lot. (The Board did not want to see spot grades)
- How the water will run off from the site. Water cannot be directed to neighboring lots or onto city streets or property.
- On the plan, show an accurate description of what is on the lot, and what is proposed for the lot.
- Chairman Paul Giunta suggested having the revised plans show the existing easements in and around the lot in question.
- Show the adjacent abutters property lines in relation to 12 Gates Ave. (10 Gates Ave, 11A Gates Ave and 11 Gates Ave.)
- A letter from the city's engineer about a proposed curb cut.
- A perk test should be performed. When this test is performed, an independent witness should be present.

With no other testimony taken, the hearing was continued to January 6th, 2015 in order for the applicant to provide a revised plan with the items mentioned above.

The Board voted 5-0 to continue the public hearing to January 6th, 2015 at 7:00 PM.

Respectfully submitted,


Paul Giunta - Chairman

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

Minutes

**November 20, 2014 (Thursday)
Marlborough City Hall – 3rd Floor, Memorial Hall
7:00 PM**

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2015 JAN 15 A 11:50

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

Members Absent: Allan White

Minutes: The Commission voted 6-0 to accept the minutes of Oct. 16, 2014 and Nov. 6, 2014 as written.

Public Hearings:

Notice of Intent

75 Lakeshore Dr. - Peter Sharon- Owner

Tom Dipersio PE from Thomas Land Surveyors and Peter Sharon- owner were both present. Mr. Dipersio explained that they want to remove the existing house and replace it with a new house. Work will be done within 35+ feet of Ft. Meadow Reservoir. The existing house which was in terrible shape has already been removed as it was a hazard. Mr. Dipersio showed the new house layout on the plan and explained that the trees on either side of the lot they would like to remove since the root system will likely be impacted when excavating for the foundation etc. The fences will need to be removed and replaced as well. There also exists an old concrete boat ramp which is in disrepair that they would like to remove and replace with a wall and add some new steps. They will not extend any further into the lake. As the land slopes to the water, there should be minimal cuts and fills as the new house will have a walk out basement. The deck will not have steps outside, because they couldn't make them fit. After some discussion, the Commission asked that the wall near the lake be staked out for inspection before it is removed to be sure it is replaced in kind. Mr. Sharon asked if he could cut the trees this winter, but not do work on house and foundation until the spring. This was acceptable to the Commission. The Commission then closed the hearing and voted 6-0 unanimously to issue an Order of Conditions with standard conditions including dewatering standards, requiring stump removal and staking of the retaining wall before removal.

Request for Determination of Applicability

849 Boston Post Rd. – Bldg. #5 – Grounds Management- (John Skarin abstained due to a conflict of interest)

David Skarin was present and represented the Village at Hagar Meadow. He explained that his company does maintenance on these buildings and they are having trouble accessing behind Building #5, because the grassed area is all soft and mossy. They would like to install a stone rip-rap apron around the building corner in this soft area to allow equipment access to the rear of Building #5 for tree cuttings and future building maintenance. The stone rip rap would only be on the lawn area and would not extend farther towards the wetland which is adjacent to the lawn area. The Commission agreed that this would be more protective of the wetland to have this stable surface. They Commission voted 5-0 to issue a Negative Determination of Applicability to allow for the riprap to be added and stabilize this corner.

Notice of Intent

1 D'Angelo Dr. - Ken's Foods, Inc.

Mike Dean from Guerrier and Halnon and Dave Muskopf from Kens Foods were present. Mr. Dean explained that Ken's Foods is expanding again and proposes to construct a three level addition at 1 D'Angelo Dr. and install an underground bio-gas line with associated underground utilities from 150 Cedar Hill St. to 1 D'Angelo Dr. He showed plans depicting the work area and it's relation to the wetland boundary. All work on the addition is proposed in the 100' buffer zone and will have minimal impact. Impervious surface is reduced, so no new drainage systems are necessary. Edge of pavement and work is within the existing disturbed areas, so there should be no more impact on existing conditions. In fact the green space is increased by 500 sq. ft. The water and sewer utilities must be relocated as shown on the plans. The second part of the project is the capturing of the methane from the treatment facility at 150 Cedar Hill St. and piping it to the 1 D'Angelo Dr. building to be converted to electricity. Currently, the methane from the treatment plant is being flared off. This new system will capture the methane, compress it and send it to the generator. 60% of the electricity used in the plant will now be supplied through the methane gas generated at the treatment plant. There is already a conduit under the bridge through which the piping can be threaded. Minimal excavation on either side of the bridge is needed to install the remaining lengths of pipe from the treatment plant to the top of the building to the generator. The Commission reviewed the plans and commended Ken's Foods for capturing and reusing the methane and investing in this "green" project. As there will be no impacts to the wetlands based on the plans, the Commission closed the hearing. They requested that Ms. Ryder draft a set of conditions for review at the next meeting on Dec. 4th.

Notice of Intent (Continuation)

Off Hudson St. - Sage Investors Inc. (Howe's Landing)

Tom Dipersio P.E. from Thomas Land Surveyors and Engineering Inc. and Sandra Austin Esq. were both present. Mr. Dipersio explained that he had revised the plans from the previous meeting to address the storm water items raised by the City Engineer, Evan Pilachowski. The underground infiltration systems have been changed to a small detention basin. He has provided these changes to the city engineer, but still needs to provide the revised report that goes with the design. He reviewed the construction sequencing plan shown on sheet 5 of 6 and outlines the stockpile locations and limits of work. The project before the Commission right now is simply to do the roadway and utility work. No work is proposed on the lots. Several lots will need to come back for a wetland permits before they can be cleared or constructed. They are working on final approval with the city's Planning Board now. After some discussion, the Commission agreed to continue the hearing to allow for information to be provided as noted above. Ms. Ryder was asked to draft a set of conditions for review at the next meeting as well

Notice of Intent (Continuation)

424 South St. - South Street Realty Trust

At the applicants request to give them time to respond to the city engineers comments, this item was continued to the Dec. 4, 2014 meeting.

Notice of Intent (Continuation)

358 Berlin Rd. - Marlborough Brazilian SDA Church

At the applicant's request, this item was continued to the Dec. 4, 2014 meeting.

Notice of Intent (Continuation)

93 Framingham Rd. (Lot 7) - Melanson Development Corp. Inc.

At the applicants request in order to gather additional information, this hearing was continued to Dec. 4, 2014

Notice of Intent (Continuation)

93 Framingham Rd. (Lot 8) - Melanson Development Corp. Inc.

At the applicants request in order to gather additional information this hearing was continued to Dec. 4, 2014

Draft Order of Conditions:

- DEP 212- 1140 93 Framingham Rd. (Lot 9) - The Commission reviewed a draft Order of Conditions for this lot and made some changes to #32. Then the Commission voted unanimously 6-0 to issue the Order of Conditions as written and amended.
- DEP 212- 1141 215 Fitchburg St. - The Commission reviewed a draft Order of Conditions for this lot and added a condition to allow for the removal of invasive species. Then the Commission voted unanimously 6-0 to issue the Order of Conditions as written and amended.

Certificates of Compliance: The following Orders of Conditions are still open although the work has been completed on all these projects related to Donald Lynch Blvd. No as-built-plans had been generated when these projects were built, however, the owners have had surveys done of each of these projects and have submitted a letter from a registered engineer verifying that the work was completed in substantial conformance with the approved plans. These properties are in the process of being sold and the owners would like to clear the titles of each of them. Ms. Ryder indicated she'd reviewed all the files and documents submitted and found that they all meet the requirements and would recommend the Commission to issue Certificates of Compliance for all of them. The commission voted as follows:

- DEP 212-688 Donald Lynch Blvd. – Solomon Pond Park, the Commission voted 6-0 to issue a Certificate of Compliance for this project.
- DEP 212-764 Donald Lynch Blvd. – sidewalk. The Commission voted 6-0 to issue a Certificate of Compliance for this project.
- DEP 212-765 Donald Lynch Blvd. – jogging path. The Commission voted 6-0 to issue a Certificate of Compliance for this project.
- DEP 212-883 400 Donald Lynch Blvd. – repair retaining wall. The Commission voted 6-0 to issue a Certificate of Compliance for this project.

Project Updates/Discussion:

- Easterly Waste Water Treatment Facility – Greg Galbraith – Methuen Construction Co., Inc. Greg Galbraith and Matthew Munzing were both present representing Methuen Construction Co. Inc. They explained that they are near the end of the project. They have come to ask the Commission if they can appeal the violation notice issued to them regarding the October 23, 2014 rain incident. They explained that the water from their site had traveled down the access road, ponded in the roadway and

because of the water buildup at the low point it washed out under the hay bales. It was brought to their attention the first thing when they arrived that morning and they added check dams and stone to control the runoff. The site had received 2” of rain over night, but had held up well during the rain event the day before. They asked the Commission, since they had reacted so well and timely whether they could have the fine and violation rescinded. Mr. Clancy explained that this is the second violation notice they received. The first violation was due to a pipe no one knew about and it made sense not to penalize Methuen Const. for something that was an unknown. In this current case the muddy water leaving the site into the access road was predictable and should have either been diverted into the large detention area or contained and treated before being discharged. After some discussion about the transfer station configuration and current drainage conditions, Mr. Clancy did give Methuen Construction Co. praise for a job well done. The fact that on this very tight site, with all of its complicated processes, they only had two violations in all the time they’ve been working, they should feel proud of a job well done. However, the consensus of the Commission was that muddy water left the site in violation of the Order of Conditions, so the violation notice and fine should stay in play. However, Mr. Clancy suggested that a letter commending Methuen on a good job would be ok to send.

Correspondence/Other Business:

- Felton Conservation Land – Community Garden ideas - Ms. Ryder will share some ideas on a raised bed community garden at the next meeting.

Meetings:

- Next Conservation Commission meetings: December 4th and December 18th, 2014 (Thursdays)

Adjournment:

There being no further business, the meeting was adjourned at 8:30 PM

Respectfully submitted,


Priscilla Ryder
Conservation Officer

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

Minutes

December 4, 2014 (Thursday)

Marlborough City Hall – 3rd Floor, Memorial Hall

7:00 PM

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2015 JAN 15 A 11:50

Members Present: Edward Clancy-Chairman, Lawrence Roy, John Skarin, Dennis Demers. Also present was Priscilla Ryder-Conservation Officer,

Absent: Karin Paquin, Allan White and David Williams

Public Hearings

Request for Determination of Applicability

Section of I-290 and Rte. 85 Connector - MDOT

Bill Clougherty from MDOT District 3 was present. He explained that the project involves the fabrication and installation of overhead and ground mounted guide and traffic signs along a section of I-290 and Rte. 85 Connector. The limits of the work extend from the City of Worcester to the Town of Hudson. Two of the signage support structures are to be installed within the 100 ft. wetland buffer zone and two smaller signs will be in the Riverfront Area of the Assabet River. Each sign location was identified on the plan and discussed. Holes will be dug to install the footings which are larger than what exists today. Holes will be made with a vertical auger machine and disturbance will be limited. All excess materials will be spread away from the resource area and stabilized. After some discussion, the Commission closed the hearing and voted unanimously 4-0 to issue a negative determination with standard conditions for notification of the conservation officer and soil stabilization.

Notice of Intent (Continuation)

Off Hudson St. - Sage Investors Inc. (Howe's Landing) - Dennis Demers abstained from this discussion due to a conflict of interest.

Ms. Ryder indicated that the Commission had received approval for the drainage and layout of the project from the City Engineer, Evan Pilachowski, which was what the Commission was waiting for. The hearing was closed. However with only 3 members to deliberate on this item the Commission needing 4 for a quorum, this item was continued to the next meeting to vote on an Order of Conditions. Ms. Ryder will provide a draft.

Notice of Intent (Continuation)

424 South St. - South Street Realty Trust

At the applicants request in order to pull the remaining information together this item was continued to the December 18th meeting.

Notice of Intent (Continuation)

358 Berlin Rd. - Marlborough Brazilian SDA Church

At the applicants request this item was continued to the January 8th meeting.

Notice of Intent (Continuation)

93 Framingham Rd. (Lot 7) - Melanson Development Corp. Inc.

At the applicants request in order to gather additional information this item was continued to the next meeting on December 18, 2014.

Notice of Intent (Continuation)

93 Framingham Rd. (Lot 8) - Melanson Development Corp. Inc.

At the applicants request in order to gather additional information this item was continued to the next meeting on December 18, 2014.

Draft Order of Conditions:

- DEP 212-1142; 1 D'Angelo Dr. and 150 Cedar Hill St. – Ken's Foods. The Commission reviewed a draft Order of Conditions, made some edits and voted unanimously 4-0 to issue an Order of Conditions as drafted and amended.

Certificate of Compliance:

- DEP 212-1093 19 Boston Post Rd. – Royal Crest Bldg. 21/22 - this was voted on at the last meeting, therefore, no action was taken.

Project Updates/Discussion:

- Dennis Demers asked the Commission to look into the use of straight salt no sand for winter roadways which is the policy of the DPW now. He is concerned that this may have negative impacts to the wetlands and water quality and wanted to know what the science says about this practice, if it is environmentally sound or not. He is also concerned that straight salt will rust out all the drainage structures and put added cost onto the city in the long run in the form of repairs and replacements. The Commission agreed that this should be looked into, Ms. Ryder will make some inquiries to OARS and Div. Fish and Wildlife to see what the science says about this too. She will report back to the Commission and then if needed, the Commission will meet with the DPW to discuss.

Correspondence/Other Business:

- Felton Conservation Land – Community Garden ideas. Ms. Ryder will provide some alternative locations for a community garden at the next meeting.

Meetings:

- Next Conservation Commission meetings: December 18th, 2014 and January 8, 2015 (Thursdays)

Adjournment

There being no further business, the meeting was adjourned at 8:00 PM

Respectfully submitted,


Priscilla Ryder
Conservation Officer



Claims Processing - Amica Scan Center
PO Box 9690
Providence, RI 02940-9690

Toll Free: 1-800-59-AMICA
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January 12, 2015

City of Marlborough Clerk
140 Main St.
Marlborough, MA 01752

File Number: 60002014895
Date of Loss: 01/11/2015
Owner/ Insured: Edith J. Sussman
Street: 25 Canterbury Way
Town: Marlborough
Type of Loss: Freeze

To Whom This May Concern:

Please be advised that we insure the above named individual(s). A claim has been made for Damage to Real Property and as the insurer; we are presently in the process of adjusting the loss.

We are mandated to comply with Massachusetts General Laws, Chapter 139 and as such, if there are any present liens on the above property, please notify us within 10 days of receipt of this letter. If we do not hear from you, we will be under no obligation to pay you any portion of this claim.

Sincerely,

Stephen R. Norsek

Stephen R. Norsek AIC
Claims Department
800-592-6422 x21798
SNORSEK@AMICA.COM

cc: Legal