

REGULAR MEETING
DECEMBER 7, 2015

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2015 DEC -3 P 12:40

1. Minutes, City Council Meeting, November 16, 2015.
2. JOINT TAX CLASSIFICATION PUBLIC HEARING with Board of Assessors to establish the percentages of tax levy for each property classification for FY2016.
3. Communication from the Mayor re: Tax Classification Hearing/Tax Levy Offset Transfer Request.
4. Communication from the Mayor re: Building Department transfer request in the amount of \$6,000.00 which moves funds from Other Interest to Instate Travel for compensation of personal vehicle usage for building permits and inspections.
5. Communication from the Mayor re: Board of Health transfer request in the amount of \$2,000.00 which moves funds from Contract Services to Office Supplies/Expenses to continue reimbursing sanitarians for mileage related to inspections.
6. Communication from the Mayor re: Council on Aging Grant from the Commonwealth of MA, Executive Office of Elder Affairs in the amount of \$50,000.00 which will be utilized to purchase items for the Senior Center patio, including furnishings and equipment.
7. Communication from the Mayor re: Board of Health Grant from the US Food and Drug Administration in the amount of \$2,500.00 which will be utilized to provide "Person in Charge" training by experienced, certified food instructor to staff from food establishments located in Marlborough.
8. Communication from the Mayor re: Appointment of Judith Kane to the Council on Aging who will replace Rita Connors.
9. Communication from the Mayor re: Walker Building Feasibility Study.
10. Communication from the Mayor re: Act on Alzheimer's Initiative.
11. Minutes, School Committee, October 13 & 27 & November 10, 2015.
12. Minutes, Planning Board, November 2, 2015.
13. Minutes, Traffic Commission, October 27, 2015.
14. Minutes, Board of Assessors, September 2, 2015.
15. Minutes, Conservation Commission, November 5, 2015.
16. CLAIMS:
 - a. Sheryl Taylor, 151 Stow Rd., pothole or other road defect
 - b. John Gorman, 65 Brigham Ave.; pothole or other road defect
 - c. Martha Cohen, 15 Garvey Rd., Framingham, pothole or other road defect
 - d. Christine Monfalcone, 126 Maple St., other property damage

REPORTS OF COMMITTEES:

17. That the City of Marlborough designate a specific parking space in front of the Police Station that will be reserved for Marlborough residents to use so they can safely complete online sales and transactions. The parking space will be encouraged to be used during daylight hours for everyone's safety and monitoring purposes. The Marlborough Police Department will keep the area under video surveillance. ...Submitted by Councilor Elder

UNFINISHED BUSINESS:

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.



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

NOVEMBER 16, 2015

Regular meeting of the City Council held on Monday, NOVEMBER 16, 2015 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Oram, Ossing, Robey, Elder, Tunnera, Irish and Landers. Absent: Delano. Meeting adjourned at 8:30 PM.

ORDERED: That the Minutes of the City Council meeting NOVEMBER 2, 2015, **FILE;** adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Gift Acceptance in the amount of \$5,000.00 for the Police Department from Digital Federal Credit Union which will be used to supplement various programs and units within the department; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Federal Emergency Management Grant Acceptance in the amount of \$262,763.08 to reimburse the city for 75% of the snow removal costs related to the 48-hour storm which occurred from January 26, 2015 to January 28, 2015; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Gift Acceptance in the amount of \$5,000.00 for the Fire Department from Digital Federal Credit Union which will be used to invest in some needed information technology upgrades for the department; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Council on Aging Grant from Executive Office of Elder Affairs in the amount of \$59,880.92 which will be effectively utilized for items such as senior transportation, programming activities, and administrative support; adopted.

ORDERED:

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

**AN ACT EXEMPTING CERTAIN POSITIONS
IN THE MARLBOROUGH SCHOOL DEPARTMENT
FROM THE PROVISIONS OF CIVIL SERVICE**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, all positions in the School Department of the City of Marlborough, classified in the Munclass Manual within the General Administrative, Clerical, and Office Services Group, identified as Occupational Group 0300; within the Manual Labor Group, identified as Occupational Group 3500; within the Food Preparation and Service Group, identified as Occupational Group 7400; and within the Equipment, Facilities and Services Group, identified as Occupational Group 1600, shall be exempt from the provisions of chapter 31 of the General Laws.

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

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

APPROVED; adopted.

ORDERED: That the Communication from Assistant City Solicitor, Cynthia Panagore Griffin, re: Decision on the Sign Ordinance Special Permit for Ayoub Engineering, Inc. on behalf of Nouria Energy/Shell Station, 413 Lakeside Avenue, in proper legal, Order No. 15-1006262A, **MOVE TO ITEM 14;** adopted.

ORDERED: That the Application for Site Plan Review from Attorney Bergeron on behalf of Bolton Granger Realty Trust, George Voyiatzis Trustee, for the Atrium Place project at 21-29 South Bolton Street, refer to **URBAN AFFAIRS COMMITTEE;** adopted.

ORDERED: That the Communication from the Department of Public Utilities, re: Notice of Filing and Public Hearing on the Petition of NSTAR Gas d/b/a Eversource Energy for approval of its 3-year energy efficiency plan, **FILE;** adopted.

ORDERED: That the Communication from the Department of Public Utilities, re: Notice of Filing and Public Hearing on the Petition of Massachusetts and Nantucket Electric d/b/a National Grid for approval of its 3-year energy efficiency plan., **FILE;** adopted.

ORDERED: That the Minutes, Planning Board, October 5, & October 19, 2015, **FILE;** adopted.

ORDERED: That the Minutes, Cultural Council, November 2, 2015, **FILE**; adopted.

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

- a. Brian Hogan, 40A Frost Road; Derry, NH, pothole or other road defect
- b. Brendaline Willis, 40 Donna Lee Lane; Ashland, MA, pothole or other road defect

Reports of Committees:

THERE WERE NO REPORTS OF COMMITTEE.

Suspension of the Rules requested - granted

ORDERED: That the Communication from the Planning Board regarding acceptance of Lacombe Street Extension as a Public Way, **FILE**; adopted.

Suspension of the Rules requested - granted

ORDERED:

That the Communication from the Planning Board regarding acceptance of DiCenzo as a Public Way, **FILE**; adopted.

ORDERED:

DECISION ON A SPECIAL PERMIT

IN CITY COUNCIL

Special Permit
Nouria Energy/Shell Station
Order No. 15-1006262B

DECISION ON A SIGN ORDINANCE SPECIAL PERMIT
CITY COUNCIL ORDER NO. 15-1006262

The City Council of the City of Marlborough hereby **GRANTS** the application for a Sign Ordinance Special Permit to Nouria Energy (the "Applicant") for the property located at 413 Lakeside Avenue, Marlborough, Massachusetts, as provided in this Decision and subject to the following Procedural Findings and Findings of Facts and Conditions.

FINDINGS OF FACT AND RULING

1. The Applicant is the owner of the property located at 413 Lakeside Ave., Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 79, Parcel 10A (the "Site").
2. The Applicant seeks a Sign Ordinance Special Permit pursuant to Section 526-13 of the Code of the City of Marlborough, entitled Electronic Message Center Signs and Digital Display Signs (the "EMC and Digital Display Sign Ordinance"), to operate a free-standing sign to include a light emitting diode price sign (the "Sign") at the Site (the "Application").
3. The Sign is 6' wide by 16'-5 1/4" high overall, with a double -faced red light emitting diode price sign which has a display area of approximately 11.2 (5'-2' wide x 2'-2" high) square feet located below an internally-illuminated sign, on an approximately 22'-6" high free-standing pylon sign. The Sign installer is Station Glo of New England Inc. of 4 Noe Pl., Beacon Falls, CT 06403.
4. In connection with the Application, the Applicant has submitted schematic design plans of the Site and signage which plans show the Sign and the location of the Sign on the Site.
5. The Marlborough City Council held a public hearing on the Application on Monday, August 24, 2015.
6. The Applicant, through its representatives, presented testimony at the public hearing detailing the Sign. No individual in attendance at the public hearing spoke in opposition to the Sign.

BASED ON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING FINDINGS AND TAKES THE FOLLOWING ACTIONS

- A. The Applicant has complied with all rules and regulations promulgated by the Marlborough City Council as they pertain to an application for a special permit under the EMC and Digital Display Sign Ordinance.
- B. The City Council finds that the Sign complies with the standards set forth in Section 526-13 B. of the EMC and Digital Display Sign Ordinance.
- C. The City Council finds, pursuant to Section 526-13 B. (16) of the EMC and Digital Display Sign Ordinance, that: all other signage on the Site is in compliance with zoning requirements; the Sign does not create unnecessary visual clutter or constitute signage overload for the lot or surrounding neighborhood or street; the Sign does not substantially block visibility of signs on abutting lots; the Sign does not substantially block solar access of, or the view from, windows of residential dwellings on abutting lots; the proposed illumination is appropriate to the Site and is appropriately located with respect to the character of the surrounding neighborhood; the scale and/or location of the Sign is appropriate; and the dimensions of the Sign comply with the area limitations of the EMC and Digital Display Sign Ordinance.

- D. The City Council, pursuant to its authority under the EMC and Digital Display Sign Ordinance, hereby GRANTS the Applicant a special permit for the Sign, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and /or assigns:
1. The Sign shall be operated in accordance with the EMC and Digital Display Sign Ordinance of the City of Marlborough. The Sign shall conform to the Sign Ordinance of the City of Marlborough without a request, or need, for a variance.
 2. All plans and other documentation provided by the Applicant as part of the Application, and as amended during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, including the plan entitled "Nouria Energy Corporation, Marlborough, MA, 413 Lakeside Avenue, Sheet: Signage Plan SG-1a, prepared by Ayoub Engineering, Engineers & Architects, 414 Benefit Street, Pawtucket, Rhode Island 02861, Revision Date: 10/02/2015," are herein incorporated into and become a part of this Special Permit, and become conditions and requirements of the same, unless otherwise altered by the City Council.

Yea: 8 - Nay: 0 – Absent: 1

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

Absent: Delano

ORDERED:

**Acceptance Of Layout Of LaCombe Street As A Public Way
AND
Eminent Domain Order of Taking**

WHEREAS, at a meeting of the City Council of the City of Marlborough held this 16th day of November 2015 it is ordered that the City Council, having determined and adjudicated that the common convenience and necessity require that LaCombe Street, Marlborough, MA, the westerly portion of its length being owned by the City of Marlborough (not including the cul-de-sac terminus) and the easterly portion of its length being a privately owned (including the entirety of the cul-de-sac terminus) all of which is laid out in the location hereinafter described and shown on Exhibit "A" hereto, having complied with all the requirements of law relating thereto, become a public way in the entirety of its length and width from Valley Street up to and including the cul-de-sac terminus, title for which cul-de-sac and title to the drainage easement and flow easements shown on Exhibit "A" having been granted to the City of Marlborough in a Quitclaim Deed from LaCombe Business Center, LLC, with a business address at 58 LaCombe Street, Marlborough MA, said deed to be recorded herewith at the Middlesex South County Registry of Deeds, did on the 16th day of November, 2015 lay out such way under provision of law and it was voted following the report of said layout, to accept such way as laid out, effective upon recording of the taking by eminent domain herein; and at the same time;

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience, public welfare, and necessity require that the fee interest in the private portion of the length of LaCombe Street, being the easterly portion of said way as shown on Exhibit "A" hereto, the layout of said way having been accepted by the City Council as described herein, be taken for the purposes of a public way and for each and every municipal purposes including without limitation the repair, construction, maintenance, replacement, operation, alteration, removal, and improvement of public utilities and appurtenant structures, paving, curbs, sidewalks, fixtures, and appurtenant structures, and equipment located in, on, under, and through said way;

WHEREAS, the City Council of the City of Marlborough has determined that the public welfare, safety, and common convenience require that legal interests in certain portions of land located on LaCombe Street as more particularly described herein be taken for said municipal purposes, and for other municipal purposes, and that the taking by Eminent Domain is reasonable and necessary to carry out the aforementioned purposes; and,

WHEREAS, in order to promote the public welfare, safety, common convenience, and necessity, it is necessary to take by Eminent Domain the fee interests in the land for the purposes described herein; and,

WHEREAS, all preliminary requirements of Massachusetts General Laws Chapter 79 having been complied with;

NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Marlborough, acting in accordance with the power and authority conferred by the City Charter, Division 1, Section 30, Massachusetts General Laws, Chapter 79 and every power and authority thereto enabling, and in the exercise of the power and authority conferred by said laws, does hereby take by Eminent Domain the fee simple interest in the following described land, including all trees and other vegetation thereon.

DESCRIPTION OF LAND TAKEN

1. Street address: 48 Valley Street, Marlborough, MA 01752

Being a 2,566 S.F. portion of the property located at 48 Valley Street, Marlborough, MA, said property also known and numbered as Map 82, Parcel 50 on the Assessors' Map of the City of Marlborough, which 2,566 S.F. portion consists of 660 S.F. of vegetated area on LaCombe Street and 1,906 S.F. of paved area of LaCombe Street as shown on Exhibit "A" hereto, being a plan entitled "Plan Of Acceptance Of LaCombe Street; Marlborough, Massachusetts (Middlesex County); Engineering and Design Consultants, Inc., 32 Turnpike Road, Route 9, Southborough, MA 01772; Scale 1"=40'; March 25, 2014," said plan to be recorded herewith.

OWNER: Elizabeth D.S. Costa
 48 Valley Street
 Marlborough, MA

2. Street Address: LaCombe Street, Marlborough, MA 01752**(being a separate parcel of 7 Brook Street)**

Being a 1,150 S.F. portion of the property located on LaCombe Street, said property also known and numbered as Map 82, Parcel 48 on the Assessors' Map of the City of Marlborough, which 1,150 S.F. portion consists of 255 S.F. vegetated area on LaCombe Street and 895 S.F. of paved area of LaCombe Street as shown on Exhibit "A" hereto, being a plan entitled "Plan Of Acceptance Of LaCombe Street; Marlborough, Massachusetts (Middlesex County); Engineering and Design Consultants, Inc., 32 Turnpike Road, Route 9, Southborough, MA 01772; Scale 1"=40'; March 25, 2014," said plan to be recorded herewith.

OWNER: Foggy Style LLC
6 Angelica Drive
Southborough, MA 01772

3. Street Address: 11 Brook Street, Marlborough, MA 01752

Being a 1,149 S.F. portion of the property located at 11 Brook Street, Marlborough, MA, said property also known and numbered as Map 82, Parcel 47 on the Assessors' Map of the City of Marlborough, which 1,149 S.F. portion consists of 250 S.F. of vegetated area on LaCombe Street and 899 S.F. of paved area of LaCombe Street as shown on Exhibit "A" hereto, being a plan entitled "Plan Of Acceptance Of LaCombe Street; Marlborough, Massachusetts (Middlesex County); Engineering and Design Consultants, Inc., 32 Turnpike Road, Route 9, Southborough, MA 01772; Scale 1"=40'; March 25, 2014," said plan to be recorded herewith.

OWNERS: Hersson Villatoro & Sandra Villatoro
11 Brook Street
Marlborough, MA 01752

4. Street Address: LaCombe Street, Marlborough, MA 01752

Being a 2,304 S.F. portion of the property located on LaCombe Street, said property also known and numbered as Map 82, Parcel 45 on the Assessors' Map of the City of Marlborough, which 2,304 S.F. portion consists of 515 S.F. of vegetated area on LaCombe Street and 1,789 S.F. of paved area of LaCombe Street as shown Exhibit "A" hereto, being a plan entitled "Plan Of Acceptance Of LaCombe Street; Marlborough, Massachusetts (Middlesex County); Engineering and Design Consultants, Inc., 32 Turnpike Road, Route 9, Southborough, MA 01772; Scale 1"=40'; March 25, 2014," said plan to be recorded herewith.

OWNER: Barbara Lizotte, Trustee, Lizotte Trust, its heirs, assigns
or beneficiaries
46 Westlook Lane
Westport, MA 02790

5. Street Address: 23 Brook Street, Marlborough, MA 01752

Being a 1,426 S.F. portion of the property located at 23 Brook Street, Marlborough, MA, said property also known and numbered as Map 82, Parcel 56 on the Assessors' Map of the City of Marlborough, which 1,426 S.F. portion consists of 370 S.F. of vegetated area on LaCombe Street and 1,056 S.F. of paved area of LaCombe Street as shown on Exhibit "A" hereto, being a plan entitled "Plan Of Acceptance Of LaCombe Street; Marlborough, Massachusetts (Middlesex County); Engineering and Design Consultants, Inc., 32 Turnpike Road, Route 9, Southborough, MA 01772; Scale 1"=40'; March 25, 2014," said plan to be recorded herewith.

OWNERS: Francis Cannavino & Celia R. Cannavino
9 Dunster Avenue
Wayland, MA 01778

6. Street Address: 27 Brook Street, Marlborough, MA 01752

Being a 897 S.F. portion of 27 Brook Street, Marlborough, MA, said property also known and numbered as Map 82, Parcel 44A on the Assessors' Map of the City of Marlborough, which 897 S.F. portion consists of 230 S.F. of vegetated area on LaCombe Street and 667 S.F. of paved area of LaCombe Street as shown on Exhibit "A" hereto, being a plan entitled "Plan Of Acceptance Of LaCombe Street; Marlborough, Massachusetts (Middlesex County); Engineering and Design Consultants, Inc., 32 Turnpike Road, Route 9, Southborough, MA 01772; Scale 1"=40'; March 25, 2014," said plan to be recorded herewith.

OWNERS: Silas Evangelista & Dinalva Evangelista
27 Brook Street
Marlborough, MA 01752

7. Street Address: 31 Brook Street, Marlborough, MA 01752

Being a 1,127 S.F. portion of the property at 31 Brook Street, Marlborough, MA, said property also known and numbered as Map 82, Parcel 44 on the Assessors' Map of the City of Marlborough, which 1,127 S.F. portion consists of 305 S.F. of vegetated area on LaCombe Street and 822 S.F. of paved area of LaCombe Street as shown on Exhibit "A" hereto, being a plan entitled "Plan Of Acceptance Of LaCombe Street; Marlborough, Massachusetts (Middlesex County); Engineering and Design Consultants, Inc., 32 Turnpike Road, Route 9, Southborough, MA 01772; Scale 1"=40'; March 25, 2014," said plan to be recorded herewith.

OWNERS: Philip L. Bancroft & Raeanne T. Bancroft
31 Brook Street
Marlborough, MA 01752

8. Street Address: 35 Brook Street, Marlborough, MA 01752

Being a 3,617 S.F. portion of the property at 35 Brook Street, Marlborough, MA, said property also known and numbered as Map 82, Parcel 43 on the Assessors' Map of the City of Marlborough, which 3,617 S.F. portion consists of 1,040 S.F. vegetated area on LaCombe Street and 2,577 S.F. of paved area of LaCombe Street as shown on Exhibit "A", being a plan entitled "Plan Of Acceptance Of LaCombe Street; Marlborough, Massachusetts (Middlesex County) Engineering and Design Consultants, Inc., 32 Turnpike Road, Route 9, Southborough, MA 01772; Scale 1"=40'; March 25, 2014," said plan to be recorded herewith.

OWNER: Walter Demoorjian, Trustee, Demoorjian Family Trust
35 Brook Street
Marlborough, MA 01752

AWARDS

The City Council hereby makes the following awards for damages for the owner or owners of record:

<u>OWNERS</u>	<u>MARLBOROUGH ASSESSORS' MAP/PARCEL</u>	<u>AREA COMPONENTS (TOTAL AREA)</u>	<u>AWARD</u>
Elizabete D.S. Costa 48 Valley Street Marlborough, MA	82/50	660 S.F. vegetated area 1,906 S.F. paved area (2,566 S.F.)	\$3,960
Foggy Style LLC 6 Angelica Drive Southborough, MA 01772	82/48	255 S.F. vegetated area 895 S.F. paved area (1,150 S.F.)	\$1,275
Hersson Villatoro & Sandra Villatoro 11 Brook Street Marlborough, MA 01752	82/47	250 S.F. vegetated area 899 S.F. paved area (1,149 S.F.)	\$0
Barbara Lizotte, Trustee, Lizotte Trust (its heirs, assigns or beneficiaries) 46 Westlook Lane Westport, MA 02790	82/45	515 S.F. vegetated area 1,789 S.F. paved area (2,304 S.F.)	\$386
Francis Cannavino & Celia R. Cannavino 9 Dunster Avenue Wayland, MA 01778	82/56	370 S.F. vegetated area 1,056 S.F. paved area (1,426 S.F.)	\$1,850
Silas Evangelista & Dinalva Evangelista 27 Brook Street Marlborough, MA 01752	82/44A	230 S.F. vegetated area 667 S.F. paved area (897 S.F.)	\$0

<u>OWNERS</u>	<u>MARLBOROUGH ASSESSORS' MAP/PARCEL</u>	<u>AREA COMPONENTS (TOTAL AREA)</u>	<u>AWARD</u>
Philip L. Bancroft & Raeanne T. Bancroft 31 Brook Street Marlborough, MA 01752	82/44	305 S.F. vegetated area 822 S.F. paved area (1,127 S.F.)	\$0
Walter Demoorjian, Trustee, Demoorjian Family Trust 35 Brook Street Marlborough, MA 01752	82/43	1,040 S.F. vegetated area 2,577 S.F. paved area (3,617 S.F.)	\$0

Yea: 8 - Nay: 0 – Absent: 1

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

Absent: Delano

APPROVED; adopted.

ORDERED:

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

AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET
MANAGEMENT AND MAINTENANCE TO CONVEY PERMANENT
EASEMENTS IN LAND ORIGINALLY ACQUIRED FOR WATER
QUALITY PROTECTION FOR THE SUDBURY RESERVOIR IN THE
CITY OF MARLBOROUGH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The commissioner of capital asset management and maintenance, in consultation with the metropolitan district commission, may, notwithstanding sections 32 to 38, inclusive, of chapter 7C of the General Laws, convey by deed to the city of Marlborough a permanent easement in a certain parcel of land containing approximately 1,006.13 square feet, located in the city of Marlborough and shown as Proposed Easement 1 on a plan of land entitled "Easement Plan of Land in Marlborough, Massachusetts" prepared by Thomas DiPersio Jr. & Associates, Inc., dated September 4, 2015, to be recorded with the Middlesex County South Registry of Deeds, for the purposes of the construction, maintenance, and repair or replacement of pedestrian improvements and a municipal water line, subject to such terms and conditions as the commissioner may prescribe. The parcels described in this section and sections 2 and 3 inclusive are currently used for conservation purposes.

SECTION 2. The commissioner of capital asset management and maintenance, in consultation with the metropolitan district commission, may, notwithstanding sections 32 to 38, inclusive, of chapter 7C of the General Laws, convey by deed to the city of Marlborough a permanent easement in a certain parcel of land containing approximately 6,611.26 square feet, located in the city of Marlborough and shown as Proposed Easement 2 on a plan of land entitled "Easement Plan of Land in Marlborough, Massachusetts" prepared by Thomas DiPersio Jr. & Associates, Inc., dated September 4, 2015, to be recorded with the Middlesex County South Registry of Deeds, for the purposes of construction, maintenance, and repair or replacement of pedestrian improvements and a municipal water line, subject to such terms and conditions as the commissioner may prescribe.

SECTION 3. The commissioner of capital asset management and maintenance, in consultation with the metropolitan district commission, may, notwithstanding sections 32 to 38, inclusive, of chapter 7C of the General Laws, convey by deed to the city of Marlborough a permanent easement in a certain parcel of land containing approximately 2,634 square feet, located in the city of Marlborough and shown as Parcel No. E-9 on a plan of land entitled "Right-of-Way Plans Farm Road in the city of Marlborough, Middlesex County" prepared by Vanasse Hangen Brustlin, Inc., dated October 14, 2014, recorded with the Middlesex County South Registry of Deeds as sheet 7 of Plan 458 of 2015, for the purpose of construction, maintenance, and repair or replacement of drainage improvements, subject to such terms and conditions as the commissioner may prescribe.

SECTION 4. The transfers pursuant to section 1, 2 and 3 inclusive, shall be made only if the city of Marlborough acting by and through its city council and mayor, shall convey to the commonwealth for use by the metropolitan district commission or place under conservation restriction a certain parcel of land located in said city and within the watershed of the Sudbury Reservoir. Said parcel shall contain an area greater than or equal to the total area of that land conveyed to the city under sections 1, 2 and 3 subject to such terms and conditions as the city through its mayor and city council may prescribe.

SECTION 5. The city of Marlborough shall be responsible for any costs for appraisals, surveys and other expenses relating to the transfer of the property, or for any costs and liabilities of any nature and kind for its development, maintenance or operation. In the event any or all of said parcels of land cease to be used at any time for the purposes contained herein, said parcel of land shall be subject to the provisions of chapter 7C of the General Laws, and any further disposition shall require the approval of the general court.

SECTION 6. The commissioner of capital asset management and maintenance shall 30 days before the execution of any agreement authorized by this act, or any subsequent amendment thereof, submit the agreement or amendment and a report thereon to the inspector general for his review and comment. Said inspector general shall issue his review and comment within 15 days of receipt of any agreement or amendment. Said commissioner shall submit the agreement and any subsequent amendments thereof, the reports, and the comments of said inspector general, if any, to the house and senate committees on ways and means and the chairman on the joint committee on state administration at least 15 days prior to execution.

APPROVED; adopted.

The Order was Approved by a HAND VOTE of 8-0. In favor were: Councilors Elder, Tunnera, Irish, Clancy, Landers, Ossing, Oram & Robey. Councilor Delano was absent.

ORDERED:

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that DICENZO BOULEVARD be accepted as a public way

beginning at station 1+36.01 (being the westerly intersection with BOSTON POST ROAD – EAST at station 66+30.07 – 1928 Alteration of the State Layout) and ending at station 46+76.78 (being the easterly intersection with BOSTON POST ROAD – EAST at station 45+12.99 – 1928 Alteration of the State Layout)

and that its appurtenant easements be accepted as municipal easements, all as shown on plans thereof and as hereinafter described:

DESCRIPTION

Plan entitled, “Acceptance Plan of Diczno Boulevard and Easements” (7 sheets), Stamped: January 6, 2015; Scale: 1" = 150'; Owner: Indian Development Corp., 290 Eliot Street, Ashland, MA 01721; To Be Deeded To: City of Marlborough, 140 Main Street, Marlborough, MA 01752; prepared by: Guerriere & Halnon, Inc., 333 West Street, Milford, MA 01757, which plan is to be recorded herewith.

Title to the roadway known as DICENZO BOULEVARD, and title to all the municipal easements, including 10-Foot Wide Pedestrian Easement, Walking Path Easement, Sewer Easement 1, 30-Foot Wide Utility Easement 1, Access Easement 1, 30 Foot Wide Utility & Access Easement 1, Flowage Easement 1, Flowage & Access Easement 2, Flowage Easement 3, and Drain Easements 1 through 5, have been granted to the City of Marlborough in a quitclaim deed from Indian Development Corp., Richard E. Terrill, Controller, recorded herewith.

IT IS THEREFORE ORDERED THAT:

DICENZO BOULEVARD be accepted as a public way, and its appurtenant easements be accepted as municipal easements, in the City of Marlborough.

APPROVED; adopted.

ORDERED: That the Petition of NGrid to place new solely owned pole 59-80 to be set approximately 40' north of existing pole 59 to serve new UG services for traffic camera to be installed between 495 North & 495 South, **APPROVED**; adopted.

Councilor Elder requested to be recorded in opposition.

ORDERED: That the Petition from Verizon New England Inc. to place two 4" conduits on the northeasterly side of Ames St. beginning at Pole T.20½, located on the northeasterly side of Ames St., then running in a northwesterly direction a distance of approximately 495' to handhole #1, located on the northeasterly side of Ames St., & then continuing in a northwesterly direction a distance of approximately 535' to a point on the northeasterly side of Ames St., **APPROVED**; adopted.

Councilor Elder requested to be recorded in opposition.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:30 PM.

Public Hearing – 2016 Tax Levy

**LEGAL NOTICE
CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

Notice is given that the City Council of the City of Marlborough will hold a **Joint Tax Classification Public Hearing** with the Board of Assessors on **Monday, December 7, 2015** at 8:00 p.m. in Council Chambers, 2nd Floor, City Hall, 140 Main Street, Marlborough, MA to determine the percentage of the local tax levy to be borne by each class of property for Fiscal Year 2016. Massachusetts General Laws Chapter 40, Section 56 sets forth the procedures and responsibilities under the law.

Per Order of: City Council President, Edward J. Clancy



City of Marlborough
Office of the Mayor

Arthur G. Vigeant
MAYOR

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Michelle Milano
EXECUTIVE AIDE

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

2015 DEC -3
Patricia Bernard
EXECUTIVE SECRETARY

December 3, 2015

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

Re: Tax Classification Hearing / Tax Levy Offset Transfer Request

Honorable President Clancy and Councilors:

Enclosed for your information is my recommendation and corresponding draft motion for the FY2016 Tax Classification Hearing.

Our Board of Assessors has once again provided you with an informative packet that provides the basis for this recommendation. Below are a few highlights.

- **CIP Shift Factor: 1.37**
- **Residential Shift Factor: .818056**
- **Residential Property Valuation: 67.04%**
- **Commercial, Industrial, Personal Valuation: 32.96%**

In addition, to reduce the FY2016 tax levy, I am submitting for your approval the following transfer requests totaling \$2,044,620.46.

- 1) Transfer in the amount of \$45,675.00 from 27000-33020 (Sale of Graves) to offset the FY16 Tax Levy.
- 2) Transfer in the amount of \$600,000.00 from 61000-31200 (Aquifer Protection) to offset the FY16 Tax Levy.
- 3) Transfer in the amount of \$1,398,945.46 from 10000-32200 (Overlay Reserve) to offset the FY16 Tax Levy.

If approved, this will result in a 0.6 percent increase for the average single family homeowner in the City of Marlborough. Thanks to the strong Marlborough economy and significant private investment in the City, we have been able to keep Marlborough tax bills affordable.

The Board of Assessors and Comptroller Brian Doheny will be on hand to answer any questions you may have. Thank you in advance for your consideration.

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

Enclosures

Motion to Approve

I move to approve the residential factor of .818056 which results in a CIP shift factor of 1.37 and produces based upon the fiscal year 2016 tax levy a residential tax rate of \$15.34 and a commercial tax rate of \$25.69.



City of Marlborough

Office of the Assessors
140 Main Street
Marlborough, Massachusetts 01752
TDD (508) 460-3610
Phone: (508) 460-3779

Voted by the Board of Assessors this 30th day of November, 2015
a release of overlay funds for the Fiscal Years as follows:

2008	461,435.12
2010	270,000.00
2011	270,000.00
2012	397,510.34
Total	1,398,945.46

Anthony Costa *Dan Magillo* *Wendell Schuman*

CITY OF MARLBOROUGH
 BUDGET TRANSFERS –

	DEPT:	Mayor's Office				FISCAL YEAR:	2016		
		FROM ACCOUNT:				TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$45,675.00</u>	<u>\$45,675.00</u>	<u>27000</u>	<u>33020</u>	<u>Sale of Graves</u>	<u>\$645,675.00</u>	<u>To reduce FY16 Tax Levy</u>		<u>\$0.00</u>	
<u>\$1,172,600.67</u>	<u>\$600,000.00</u>	<u>61000</u>	<u>31200</u>	<u>Aquifer Protection</u>					
	Reason:	<u>Other funds used to reduce FY16 Tax Levy</u>							
	\$645,675.00	Total			\$645,675.00	Total			

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:		Mayor's Office				FISCAL YEAR:		2016	
Available Balance		FROM ACCOUNT:				TO ACCOUNT:		Available Balance	
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Amount	
<u>\$1,398,945.46</u>	<u>10000</u>	<u>32200</u>	<u>Overlay Reserve</u>	<u>\$1,398,945.46</u>	<u>To reduce FY16 Tax Levy</u>			<u>\$0.00</u>	
	Reason: <u>Overlay surplus used to reduce FY16 Tax Levy</u>								
	<u>\$1,398,945.46</u>	Total		<u>\$1,398,945.46</u>	Total				



Fiscal Year 2016

Tax Classification Hearing

December 7, 2015

Marlborough Board of Assessors

Anthony C. Arruda, Jr. – Chairman

Ellen Silverstein – Member

David Manzello – Member

Harald M. Scheid – Chief Assessor

Introduction

Each year, prior to the mailing of 3rd quarter tax billings, the City Council holds a public hearing to determine the percentage of the city's property tax levy to be borne by each major property class. This responsibility and procedure are described in Chapter 40, Section 56 of the Massachusetts General Laws.

Steps in Setting Tax Rates

Pre-classification Hearing Steps

- Step 1: Determination of the property tax levy (Budget Process)
- Step 2: Determine assessed valuations (Assessors)
- Step 3: Tabulate assessed valuations by class (Assessors)

Classification Hearing Steps

- Step 4: Classification hearing presentation (Assessors & Council)
- Step 5: Determine tax shift options (City Council)
- Step 6: Vote a tax shift factor (City Council)

Post Classification Hearing Steps

- Step 7: Sign the LA-5 Classification Form (City Council)
- Step 8: Send annual recap to DOR for tax rate approval (Assessors)
- Step 9: Obtain DOR approval of tax rates (DOR)

Terminology

The following are definitions of the terms frequently used in the discussion of tax rates.

Levy: The tax levy (or levy) is the amount of property taxes to be raised. The total amount of the approved budget less revenues from other sources like motor vehicle excise, municipal fees, and state aid is the amount to be raised from property taxation. In Marlborough, the levy to be raised is reported to the Assessors by the City Comptroller. The fiscal year 2016 levy is \$91,331,454.

Levy Ceiling: The levy ceiling is 2.5 percent of the full value of the City. Based on the Marlborough aggregate valuation of \$4,870,542,929, the City cannot levy taxes in excess of \$121,763,573.

New Growth Revenue: Property taxes derived from newly taxable properties like new construction, additions, renovations, subdivisions, and personal property.

Levy Limit: Also referred to as the "maximum allowable levy," the levy limit is calculated by adding 2.5 percent of the previous year's levy limit plus new growth revenue, and Proposition 2 ½ voted overrides and debt exclusions. The Fiscal Year 2016 Levy Limit is \$119,963,736.

Excess Levy Capacity: Excess levy capacity is the difference between the levy and the levy limit.

The Fiscal Year 2016 Levy Limit and Amount to be Raised

The following is a calculation of Marlborough's levy limit for fiscal year 2016.

Fiscal year 2015 levy limit	\$113,153,270
Levy increase allowed under Prop. 2 ½	2,828,832
New growth revenue	3,981,634
Proposition 2 ½ overrides	-0-
Fiscal year 2016 levy limit	119,963,736
Levy ceiling (effective levy limit)	121,763,573
Levy to be raised	\$91,331,454
Excess levy capacity	\$28,632,282

Valuations by Class before Tax Shift

<u>Major Property Class</u>	<u>Valuation</u>	<u>Percent</u>	<u>Res vs CIP%</u>
Residential	3,265,004,235	67.0358	67.0358
Commercial	934,731,139	19.1915	
Industrial	429,626,915	8.8209	32.9642
Personal Property	241,180,640	4.9518	
TOTAL	4,870,542,929	100.0000	

Mayor's Recommendation

After considering the valuations of the Marlborough's residential and commercial property, and after examining the current fiscal strength of the City the Mayor recommends the adoption of a Commercial/Industrial/Personal Property (CIP) shift factor of 1.37 resulting in residential tax rate of \$15.34 and a CIP rate of \$25.69.

Tax Rates

Based on the above shift factor, the Board of Assessors has calculated the following tax rates needed to raise the tax levy:

<u>Property Class</u>	<u>FY2016</u>	<u>FY2015</u>
Residential	15.34	15.76
Commercial	25.69	27.43
Industrial	25.69	27.43
Personal Property	25.69	27.43

Note that these rates are estimates only and may change upon Department of Revenue review. Were Marlborough not to shift taxes, the uniform tax rate for all properties would be \$18.75 per \$1,000 valuation.

Tax Impacts

Though tax rates are proposed to decrease, valuation increases brought about by Marlborough's recently completed revaluation will result in tax increases for most property owners.

Single family home valuations have been increased an average of 3 percent in response to an improved real estate market. The average single family home, however, will realize only a 0.6 percent increase in tax. Other residential property classes including condominiums and multi-family residences will realize similar valuation increases.

Examples of Typical Residential Tax Changes

<u>Residential Class</u>	<u>FY16 Value</u>	<u>Avg. Tax</u>	<u>FY15 Value</u>	<u>Avg. Tax</u>	<u>Change</u>
Single Family Homes	314,200	4,820	304,000	4,791	\$29
Condominiums	172,000	2,638	150,300	2,369	\$269
2 Family Homes	232,200	3,562	212,100	3,343	\$219
3 Family Homes	264,500	4,057	215,100	3,390	\$667

<u>Style</u>	<u>FY 16</u>	<u>FY15</u>	<u>Change</u>
Ranch	\$3,436	\$3,294	+4.31%
Split	\$4,587	\$4,123	+11.25%
Cape	\$4,411	\$4,326	+1.97%
Colonial (Old)	\$4,217	\$4,168	+1.16%
Colonial (New)	\$7,457	\$7,450	+0.01%

Commercial and industrial valuation changes vary by property type. Generally, smaller retail properties will realize valuation increases of about 5-6 percent while the city's larger office and industrial properties will see valuation increases in the 12-15 percent range. Tax increases for CIP class properties as a whole will increase an average of 3-5 percent.

<u>Style</u>	<u>FY 16</u>	<u>FY15</u>	<u>Change</u>
Strip Mall - West	\$18,253	\$17,906	+1.93%
Office Building-West	\$29,407	\$26,289	+11.86%
Strip Mall- East	\$42,201	\$41,609	+1.42%
Office Building - East	\$14,916	\$13,339	+11.82%

Recommendations

The Board of Assessors recommends that the City Council adopt a Fiscal Year 2016 residential shift factor of 0.818056 with a corresponding CIP shift of 1.37, producing a residential tax rate of \$15.34 and CIP tax rate of \$25.69. Final tax rates are subject to Department of Revenue approval.

Voting a Tax Shift Factor

The Marlborough City Council votes in accordance with M.G.L., Ch. 40, Sec. 56, as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2016 tax rates and set the Residential Factor at 0.818056 with a corresponding CIP shift of 1.37, pending approval of the City's annual tax recap by the Massachusetts Department of Revenue.

Marlborough LA-4

PROPERTY TYPE	ACCT/ PARCEL COUNT	CLASS 1 Residential Assessed Value	CLASS 2 Open Space Assessed Value	CLASS 3 Commercial Assessed Value	CLASS 4 Industrial Assessed Value	CLASS 5 Personal Property Assessed Value
101	7,016	2,204,702,300				
102	2,402	413,158,488				
MISC 103,109	38	22,022,300				
104	795	184,613,781				
108	165	43,636,200				
111-125	157	350,008,652				
130-32,106	869	17,086,100				
200-231	0		0			
300-393	563			912,465,520		
400-452	278				427,615,040	
CH 61 LAND	1		0	622		
CH 61A LAND	17		0	130,486		
CH 61B LAND	7		0	810,600		
612-043	102	29,778,454	0	21,323,901	2,011,675	
801	355					52,567,680
802	543					97,450,270
803	0					0
804,880-2	3					51,156,720
805	8					35,821,600
806	1					884,200
808	4					3,320,170
TOTALS	13,322	3,265,004,235	0	934,731,139	428,626,815	241,180,640
REAL AND PERSONAL PROPERTY TOTAL VALUE						4,870,542,929
EXEMPT VALUE						524,083,680

LA-5

MARLBOROUGH 2016

Jurisdiction

Fiscal Year

LA4 VALUES

Residential	3,265,004,929
Open Space	0
Commercial	934,731,139
Industrial	429,626,915
Pers Prop	241,180,640
Total	4,870,542,929

FFCV PERCENTS

Res %	67.0358
OS %	0.0000
Com %	19.1915
Ind %	8.8204
P P %	4.9518
Total %	100.0000

MRF	75.4130
175% Shift	0.0000
Chapter 3	0.0000
Historic Low %	4110.74
Prior Res %	54.0219
Lowest RF	75.4130

INPUT OPTIONS

Estimated Levy

Resid Factor Selected	0.818056
CIP Shift	1.37000
Single TR	18.778

OPEN SPACE DISCOUNT	
Selected O S Discount %	0.0000
O S Factor	0.000000

SHIFT PERCENTS

Res %	54.8390
OS %	0.0000
Com %	26.2924
Ind %	12.0846
P P %	6.7840
Total %	100.0000

Res TR	15.92
OS TR	0
Com TR	25.69
Ind TR	25.69
PP TR	25.69

RESIDENTIAL EXEMPTION

Total Res Value
 Avg Res Value

/ Total Res Parcel Count
 X Selected Res Exemption %
 No. Eligible Res Parcels

= Avg Res Value
 = Residential Exemption
 = Tot Res Value minus Exempt

SMALL COMMERCIAL EXEMPTION

No. Eligible Com Parcels
 Selected Com Exem%
 Total C & I Value minus Exemption

X Total Value of Eligible Pcls

= Total Value to be Exempt

Marlborough LA-13 New Growth

TAX BASE LEVY GROWTH FY 2016 - LA13
Retain documentation for 5 years in case of DOR audit

PROPERTY CLASS	(A)	No.	(B)	No.	(C)	No.	(D)	(E)
	FY 2015 VALUE BY CLASS (Committed/LA4)		FY 2015 REVISED & OMITTED VALUES		ABATEMENT VALUES		OTHER ADJUSTMENT VALUES	FY 2015 ADJ VALUE BASE
RESIDENTIAL								
SINGLE FAMILY (101)	2,127,060,300	0	0	8	528,000	22	1,681,500	2,128,213,800
CONDOMINIUM (102)	352,877,368	0	0	0	0	0	0	352,877,368
TWO & THREE FAMILY (104 & 105)	203,891,061	0	0	1	26,700	5	350,300	204,185,061
MULTI- FAMILY (111-125)	283,073,296	0	0	1	1,400	1	2,176,000	285,247,896
VACANT LAND (130-132 & 106)	22,475,316	0	0	3	66,800	29	-5,088,300	17,331,216
ALL OTHERS (103, 109, 012-015)	50,312,245	0	0	0	0	1	-184,500	50,127,745
TOTAL RESIDENTIAL	3,039,558,526	0	0	13	610,900	58	-1,065,000	3,037,863,526
OPENSACE	0	0	0	0	0	0	0	0
OPEN SPACE - CHAPTER 61, 61A, 61B	0	0	0	0	0	0	0	0
TOTAL OPEN SPACE	0	0	0	0	0	0	0	0
COMMERCIAL	857,707,055	0	0	11	11,012,900	1	-444,900	846,249,255
COMMERCIAL - CHAPTER 61, 61A, 61B	892,469	0	0	0	0	0	0	892,469
TOTAL COMMERCIAL	858,599,524	0	0	11	11,012,900	1	-444,900	847,141,724
INDUSTRIAL	383,146,061	0	0	0	0	2	-3,373,800	379,772,261
PERSONAL PROPERTY	244,725,690							
TOTAL REAL & PERSONAL	4,526,130,761							

TAX BASE LEVY GROWTH FY 2016 - LA13
Retain documentation for 5 years in case of DOR audit

PROPERTY CLASS	REVAL %	(F) + or - REVAL ADJUSTMENT VALUES	(G) TOTAL ADJUSTED VALUE BASE	(H) FY 2016 PROPOSED VALUES	(I) NEW GROWTH VALUATION	(J) PRIOR YEAR TAX RATE	(K) TAX LEVY GROWTH
RESIDENTIAL							
SINGLE FAMILY (101)	0.02648	59,306,173	2,184,518,973	2,204,702,300	20,183,327		
CONDOMINIUM (102)	0.14843	52,376,011	405,263,379	413,158,488	7,905,089		
TWO & THREE FAMILY (104 & 105)	0.10548	21,536,738	225,722,399	228,249,961	2,527,562		
MULTI- FAMILY (111-125)	0.08275	23,613,140	308,661,036	350,008,662	41,147,616		
VACANT LAND (130-132 & 106)	-0.08156	-1,066,616	18,284,300	17,086,100	821,600		
ALL OTHERS (103, 109, 012-015)	0.03069	1,548,270	61,676,016	61,796,754	122,739		
TOTAL RESIDENTIAL	0.05076	154,312,416	3,182,296,102	3,265,004,236	72,708,133	16.76	1,145,680
OPENSACE	0.00000	0	0	0	0		
OPEN SPACE - CHAPTER 61, 61A, 61B	0.00000	0	0	0	0		
TOTAL OPEN SPACE	0.00000	0	0	0	0	0.00	0
COMMERCIAL	0.06448	54,568,619	900,817,674	933,789,421	32,971,547		
COMMERCIAL - CHAPTER 61, 61A, 61B	0.05518	49,249	941,718	941,718	0		
TOTAL COMMERCIAL	0.05983	54,617,868	901,759,392	934,731,139	32,971,547	27.43	904,410
INDUSTRIAL	0.08391	31,868,370	411,840,680	429,826,916	17,986,256	27.43	493,363
PERSONAL PROPERTY				241,180,640	62,423,660	27.43	1,437,961
TOTAL REAL & PERSONAL				4,870,542,929	176,089,686		3,981,634

Levy Limit Calculation

I. TO CALCULATE THE FY 2015 LEVY LIMIT

A. FY 2014 Levy Limit	109,200,278
A1. ADD Amended FY 2014 Growth	0
B. ADD (IA + IA1) * 2.5%	2,730,007
C. ADD FY 2015 New Growth	2,472,705
C1. ADD FY 2015 New Growth Adjustment	0
D. ADD FY 2015 Override	0
E. FY 2015 Subtotal	114,402,990
F. FY 2015 Levy Ceiling	113,153,270

I. \$113,153,270
FY 2015 Levy Limit

II. TO CALCULATE THE FY 2016 LEVY LIMIT

A. FY 2015 Levy Limit from I.	113,153,270
A1. ADD Amended FY 2015 Growth	0
B. ADD (IIA + IIA1) * 2.5%	2,828,832
C. ADD FY 2016 New Growth	3,981,834
C1. ADD FY 2016 New Growth Adjustment	0
D. ADD FY 2016 Override	0
E. FY 2016 Subtotal	119,963,736
F. FY 2016 Levy Ceiling	121,763,573

II. \$119,963,736
FY 2016 Levy Limit

III. TO CALCULATE THE FY 2016 MAXIMUM ALLOWABLE LEVY

A. FY 2016 Levy Limit from II.	119,963,736
B. FY 2016 Debt Exclusion(s)	0
C. FY 2016 Capital Expenditure Exclusion(s)	0
D. FY 2016 Stabilization Fund Override	0
E. FY 2016 Other Adjustment	0
F. FY 2016 Water / Sewer	0
G. FY 2016 Maximum Allowable Levy	\$119,963,736

NOTE : The information is preliminary and is subject to change.



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2015 DEC -3
Arthur G. Vigeant
Nicholas Milano
EXECUTIVE AIDE

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

Patricia Bernard
EXECUTIVE SECRETARY

December 3, 2015

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

Re: Transfer Request – Building Department

Honorable President Clancy and Councilors:

I am submitting for your review and approval a transfer request to the Building Department's Instate Travel account in amount of \$6,000.00. Per your approval, these funds will be transferred from the Comptroller Department's Other Interest account.

Please find enclosed a letter from Comptroller Brian Doheny, a letter from Building Commissioner Robert Camacho, and the transfer request form.

As you are well aware, we are experiencing strong economic growth throughout Marlborough. This has resulted in increased applications for building permits and inspections. Due to the high volume of inspections and since there are only three City vehicles assigned to the Building Department, personal vehicles have been used to conduct inspections.

Over the past few weeks, my office has been working to identify vehicles that are not used regularly by other Departments. I am pleased that the Information Technology Department and Board of Health will be working together to share a vehicle and, whenever possible, the Building Department utilizes City vehicles.

Due to our work on reducing the amount of personal vehicle use, I anticipate fewer reimbursements for mileage for the rest of the fiscal year.

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

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



City of Marlborough
Office of the Comptroller

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

December 2, 2015

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

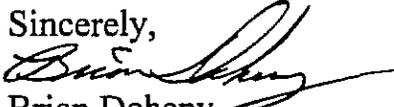
RE: TRANSFER REQUEST

Dear Mayor Vigeant,

Enclosed herewith is a transfer request for the Building Department for Instate Travel. This request is being funded by an account within the Comptrollers Department's Other Interest account. At this time I anticipate an excess in this account which would cover the \$6,000.00 requested.

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

Sincerely,


Brian Doheny
Comptroller

CITY OF MARLBOROUGH
BUDGET TRANSFERS –

DEPT: Building Department

FISCAL YEAR: 2016

FROM ACCOUNT:

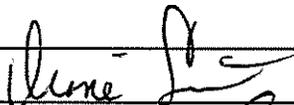
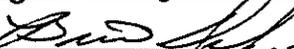
TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$40,000.00</u>	<u>\$6,000.00</u>	<u>17520006</u>	<u>59253</u>	<u>Other Interest</u>	<u>\$6,000.00</u>	<u>12410006</u>	<u>57100</u>	<u>Instate Travel</u>	<u>\$629.72</u>
	Reason:	<u>Funds available.</u>				Reason: <u>High volume of inspections. City vehicle not available for all inspectors</u>			
	Reason:					Reason:			
	Reason:					Reason:			
	Reason:					Reason:			
	\$6,000.00	Total			\$6,000.00	Total			

Department Head signature:

Auditor signature:

Comptroller signature:




City of Marlborough
BUILDING DEPARTMENT

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3776 Facsimile (508) 460-3736
building_dept@marlborough-ma.gov

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

GERARD NOEL
BUILDING INSPECTOR

PATRICK DAHLGREN
BUILDING INSPECTOR

RICHARD DESIMONE
PLUMBING & GAS INSPECTOR

JOHN CAIN
WIRING INSPECTOR

MEMO

December 2, 2015

To: Mayor Vigeant

Re: Request for additional funds - Mileage

The Instate Travel Account #12410006-57100 is in need of additional funds to reimburse Inspectors who are using their private vehicles to perform required inspections.

The account started with an appropriation of \$2700.00 for FY16. The balance in the account as of December 2nd is \$ 629.72. This account needs an influx of funds as soon as possible. I am looking for approximately \$6,000.00 to fund the account for the remainder of the fiscal year.

Sincerely

Robert F. Camacho - C.B.O.
Building Commissioner
Marlborough MA 01752
508-460-3776
Rcamacho@marlborough-ma.gov

Cc: File

Diane Smith

Bryan Doheny



City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
RECEIVED FOR
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Nicholas Stuchko
EXECUTIVE AIDE
2015 DEC -3 A 11:02
Patricia Bernard
EXECUTIVE SECRETARY

December 3, 2015

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

Re: Transfer Request – Board of Health

Honorable President Clancy and Councilors:

I am submitting for your review and approval a transfer request to the Board of Health's Office Supplies/Expenses from their Contract Services account in the amount of \$2,000.00.

Please find enclosed a letter from Director of Public Health, Cathleen Liberty, and the transfer request form.

As the attached letter from Director Liberty indicates this transfer is to ensure the Board of Health budget has sufficient funds to continue reimbursing the sanitarians for mileage related to inspections.

Assistant Sanitarians John Garside and Rike Sterrett perform inspections of food establishments on a daily basis to ensure they are in compliance with all regulations.

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

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



CITY OF MARLBOROUGH

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

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

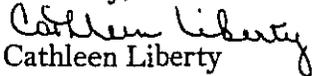
December 2, 2015

Dear Mr. Mayor,

I am requesting a transfer from contract services to office supplies and expenses accounts in the amount of \$2000.00. The reason for the request is that there is a substantial increase to the health department's staff mileage due to the increase in food establishment inspections and re-inspections.

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

Sincerely,


Cathleen Liberty

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Health and Licensing

FISCAL YEAR: 2016

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$7,301.10</u>	<u>\$2,000.00</u>	<u>15120004</u>	<u>53140</u>	<u>Contract Services</u>	<u>\$2,000.00</u>	<u>15120005</u>	<u>54220</u>	<u>Office Supplies/Expense</u>	<u>\$2,032.51</u>
	Reason:	<u>Funds available.</u>				Reason: <u>Additional funds needed for mileage reimbursements</u>			
	Reason:					Reason:			
	Reason:					Reason:			
	Reason:					Reason:			
	\$2,000.00	Total			\$2,000.00	Total			

Department Head signature:

Colleen DeSantis

Auditor signature:

Vine

Comptroller signature:

Brian



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
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Patricia Bernard
EXECUTIVE AIDE
2015 DEC -3 A 11:02
EXECUTIVE SECRETARY

December 3, 2015

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

Re: Grant Acceptance – Council on Aging

Honorable President Clancy and Councilors:

I am pleased to inform you that the Marlborough Council on Aging (COA) has been awarded a grant in the amount of \$50,000.00 by the Commonwealth of Massachusetts. This grant is the result of a legislative earmark that was included in the Commonwealth's FY2016 budget.

This grant was made possible by the hard work of Representative Danielle Gregoire who requested that \$50,000 be appropriated for the Marlborough Senior Center. I would also like to thank Representative Carmine Gentile and Senator Jamie Eldridge for their support of this appropriation. We benefit from having a legislative delegation that is constantly thinking of Marlborough and working together on the City's behalf.

As the enclosed documentation indicates, Council on Aging Executive Director Trish Pope intends to utilize the funds to purchase items for the Senior Center patio, including furnishings and equipment.

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

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures

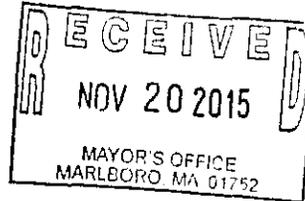


City of Marlborough
Council on Aging and Senior Center

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

Patricia A. Pope
EXECUTIVE DIRECTOR

November 17, 2015



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

Dear Mayor Vigeant:

I am submitting to you an Earmark Grant in the amount of \$50,000.00 that was part of the FY16 State Budget. I ask that you forward this grant to the City Council for their action.

I would like to take this opportunity to thank Representative Danielle Gregiore for her efforts in securing this grant. I would also like to thank Representative Gentile and Senator Eldridge for supporting the budget which included this money.

We look forward to utilizing this grant to continue to enhance the quality of life of our senior population here in Marlborough. I am available should you or the Council have any questions.

Sincerely,

Patricia A. Pope
Executive Director

CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: Council on Aging DATE: November 17, 2015

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Patricia Pope

NAME OF GRANT: Earmark Grant

GRANTOR: EOEA

GRANT AMOUNT: \$50,000.00

GRANT PERIOD: FY '16

SCOPE OF GRANT/
ITEMS FUNDED Items to be used for the Senior Center.
Patio, patio furnishings and equipment

IS A POSITION BEING
CREATED: No.

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

ARE MATCHING CITY
FUNDS REQUIRED? No

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

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

ANY OTHER EXPOSURE TO CITY?
No

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

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

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

CONTRACTOR LEGAL NAME: City of Marlborough (and d/b/a): Legal Address: (W-9, W-4,T&C): 40 New St, Marlborough, MA. 01752 Contract Manager: Patricia Pope E-Mail: ppope@marlborough--ma.gov Phone: 1-508-485-6492 Fax: Contractor Vendor Code: VC6000192112 Vendor Code Address ID (e.g. "AD001"): AD001. (Note: The Address ID must be set up for EFT payments.)	COMMONWEALTH DEPARTMENT NAME: Executive Office of Elder Affairs MMARS Department Code: ELD Business Mailing Address: Room 517, 1 Ashburton Place, Boston, MA. 02108 Billing Address (if different): Contract Manager: Neil Petrocelli E-Mail: neil.petrocelli@state.ma.us Phone: 617-222-7427 Fax: 617-727-9368 MMARS Doc ID(s): CT ELD FY16COAEARMARKMARLBO RFR/Procurement or Other ID Number: Legislative Exempt
<p style="text-align: center;"><input checked="" type="checkbox"/> 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 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 <u>Employment Status Form</u> , scope, budget) <input checked="" type="checkbox"/> Legislative/Legal or Other: (Attach authorizing language/justification, scope and budget)	<p style="text-align: center;"><input type="checkbox"/> CONTRACT AMENDMENT</p> Enter Current Contract End Date <u>Prior</u> to Amendment: ____ 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 type="checkbox"/> Commonwealth Terms and Conditions <input checked="" type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services	
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> Rate Contract (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> Maximum Obligation Contract Enter Total Maximum Obligation for total duration of this Contract (or <i>new</i> Total if Contract is being amended). \$ <u>50,000</u>	
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ___% PPD; Payment issued within 15 days ___% PPD; Payment issued within 20 days ___% PPD; Payment issued within 30 days ___% PPD. If PPD percentages are left blank, identify reason: <input checked="" type="checkbox"/> agree to standard 45 day cycle <input type="checkbox"/> statutory/legal or Ready Payments (G.L. c. 29, § 23A); ___ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See <u>Prompt Pay Discounts Policy</u> .)	
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) \$50,000 shall be expended for a senior center in the City of Marlborough. The municipality will complete a final fiscal report accounting for how these funds were applied.	
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 type="checkbox"/> 2. may be incurred as of a date LATER than the Effective Date below and no obligations have been incurred prior to the Effective Date . <input checked="" type="checkbox"/> 3. were incurred as of July 1, 2015 , 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>June 30, 2016</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.	
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the " Effective Date " of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached <u>Contractor Certifications</u> (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable <u>Commonwealth Terms and Conditions</u> , this Standard Contract Form including the <u>Instructions and Contractor Certifications</u> , the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in <u>801 CMR 21.07</u> , incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.	
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: <u>Arthur G. Vigeant</u> Date: <u>02/11/15</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: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Peter J. Tieman</u> Print Title: <u>Director of Administration and Finance</u>

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



INSTRUCTIONS AND CONTRACTOR CERTIFICATIONS

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

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

Contractor Legal Address: Enter the Legal Address of the Contractor as it appears on the Contractor's W-9 or W-4 Form (Contract Employees only) and the applicable Commonwealth Terms and Conditions, which must match the legal address on the 1099 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 Doc Ids.

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

NEW CONTRACTS (left side of Form):

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

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

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

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

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

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

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

Legislative/Legal or Other. 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. 93J 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, U10, U75, U98 object codes in the Expenditure Classification Handbook or other Contracts as approved by CTR or OSD. Pursuant to Section 11, Indemnification of the Commonwealth Terms and Conditions, the term "other damages" shall include, but shall not be limited to, the reasonable costs the Commonwealth incurs to repair, return, replace or seek cover (purchase of comparable substitute commodities and services) under a Contract. "Other damages" shall not include damages to the Commonwealth as a result of third party claims, provided, however, that the foregoing in no way limits the Commonwealth's right of recovery for personal injury or property damages or patent and copyright infringement under Section 11 nor the Commonwealth's ability to join the contractor as a third party defendant. Further, the term

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
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
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Patricia Bernard
EXECUTIVE AIDE
2015 DEC - 3 A 11: 02
EXECUTIVE SECRETARY

December 3, 2015

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

Re: Grant Acceptance – Board of Health

Honorable President Clancy and Councilors:

I am pleased to inform you that the Marlborough Board of Health has been awarded a grant in the amount of \$2,500.00 by the United States Food and Drug Administration (the "FDA"). Please find enclosed a letter from Cathleen Liberty, the Marlborough Director of Public Health, regarding the grant, a copy of the notice of grant award form, as well as the grant award letter from the FDA.

The Retail Standards Grant Program encourages regulatory agencies to improve and build upon existing programs to ensure the safe production of food.

As the attached letter from Ms. Liberty indicates, the funds from this grant will be utilized to provide "Person in Charge" training by an experienced, certified food instructor to staff from food establishments located in Marlborough. The training will improve retail practices and control measures to prevent foodborne illnesses. By providing training to staff, we can help prevent foodborne illnesses and future failed inspections.

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

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



CITY OF MARLBOROUGH

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

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

December 1, 2015

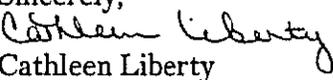
Dear Mr. Mayor,

I am pleased to announce that the Health Department has received a \$2,500.00 grant from the FDA Retail Standards Grant Program. The Retail Standards encourage regulatory agencies to improve and build upon existing programs that are intended to reinforce proper sanitation and focus on the factors that cause and contribute to foodborne illness.

The grant money will be used to provide Person in Charge training by an experienced certified food instructor to existing and new food establishment staff to encourage taking an active role in managerial duties in relation to performing good retail practices and control measures for foodborne illness risk factors.

In closing, the notice of grant award has been completed and signed for the FDA Retail Program Standards grant. I am requesting that this be submitted to City Council for approval to expend the funds received for the purpose of the grant.

Sincerely,


Cathleen Liberty

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Health Department DATE: 12/1/2015

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Cathleen Liberty

NAME OF GRANT: FDA & AFDO Retail Program Standards

GRANTOR: FDA & AFDO Retail Program Standards

GRANT AMOUNT: \$2,500.00

GRANT PERIOD: _____

SCOPE OF GRANT/
ITEMS FUNDED Provide food establishments
Person in Charge training
Instructor
graphic art, educational resources

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: 12/18/2015

**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.**

VOLUNTARY NATIONAL RETAIL FOOD
REGULATORY PROGRAM STANDARDS
(RETAIL STANDARDS) GRANT PROGRAM



November 20, 2015

Grant Number: G-SP-1509-02501

Project Title: Person in Charge Training

Award Value: \$2,500.00

Project Period: November 30, 2015 to September 30, 2016

Cathleen Liberty
Health Director
Marlborough Health Department
140 Main Street
Marlborough, Massachusetts 01752

Dear Cathleen Liberty:

We have approved your application for Person in Charge Training as part of the Retail Standards Grant Program, funded by the United States Food and Drug Administration (FDA). Approval is based on review of the application submitted by you on behalf of Marlborough Health Department to the Association of Food and Drug Officials (AFDO).

As part of your application your agency has made an assurance that it will comply with all applicable Federal statutes and regulations in effect during the grant period, including applicable parts of 45 CFR Parts 74 and 92. Acceptance of this award and/or any funds provided by the Retail Standards Grant Program acknowledges agreement with all of the terms and conditions in this award letter.

Your award is based on the above-title project application, submitted to and approved by AFDO, and is subject to the following terms and conditions:

- **The grantee must complete the full scope of work and all tasks outlined in the approved grant application by September 30, 2016 unless a written exception is granted by the AFDO Programmatic Point of Contact for this grant award.**
- **Any changes to the scope, tasks, deliverables, or expenses of this project must be approved in advance and in writing by the AFDO Programmatic Point of Contact prior to work being modified or completed.**
- The grantee must abide by the grant guidance for the program, available as a PDF file on the Retail Standards Grant Program portal at <http://afdo.org/retailstandards> . This portal is also the site where you can find additional information/updates regarding this grant program, and where you can log in for project status and submission of required reports.
- Per United States Department of Health and Human Services Grants Policy, expenses for food or beverage are generally not allowed unless it is part of a per diem allowance provided in conjunction with allowable travel.
- A Final Project Report must be submitted through the online grants portal no more than 45 days after September 30, 2016. As part of the final report, the grantee must provide a full accounting of all expenditures made with funds from this grant award, accompanied by the documentation specified in the reporting section of the grant guidance.
- As a reminder, recipients of funding through this program are required to assure that project activities achieve greater conformance with the FDA Voluntary National Retail Food Retail Program Standards, available at: http://afdo.org/fda_vnrfrps.

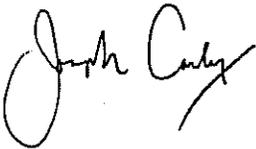
The amount of \$2,500.00 represents the full amount of funds to which you are entitled. Grant awards are made with the understanding that Retail Standards Grant Program staff may require clarification of information within your application, as necessary, during the application, project, or reporting periods. These inquiries may be necessary to allow us to appropriately carry out our administrative responsibilities.

Please note, the Catalog of Federal Domestic Assistance (CFDA) number for this United States Food and Drug Administration grant, awarded to the Association of Food and Drug Officials (AFDO) on 9/11/2013, is 93.103. Your grant is considered a subaward under this AFDO grant.

If you have questions about this award, please contact your AFDO Programmatic Point of Contact. Additionally, the Retail Food Safety Specialist from your FDA Region is an integral part of your jurisdiction's successful completion of Retail Standards activities, and is available to assist with your funded project. Contact information for both individuals is listed below.

We appreciate your ongoing commitment to achieving greater conformance with the Voluntary National Retail Food Regulatory Program Standards.

Sincerely,



Joe Corby
Executive Director
Association of Food and Drug Officials
2550 Kingston Road
Suite 311
York, PA 17402

AFDO Programmatic Point of Contact:

Michael Turner
retailstandards@afdo.org
(850) 583-4593

Follow the link below to obtain contact information for the FDA Regional Food Specialist assigned to assist your jurisdiction:

<http://afdo.org/retailstandards/fdaregionalcontacts>

cc: Daniel Lukash (daniel.lukash@fda.hhs.gov)
Catherine Hosman (catherine.hosman@fda.hhs.gov)



City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Michelle Milano
EXECUTIVE AIDE
2015 DEC - 3 A 11: 02
Patricia Bernard
EXECUTIVE SECRETARY

December 3, 2015

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

Re: Appointment of Judith Kane to the Council on Aging

Honorable President Clancy and Councilors:

I am pleased to submit for your approval the appointment of Judith Kane to the Council on Aging.

Mrs. Kane is an active volunteer and participant at the Senior Center and many other organizations within the City. She is a retired elementary school teacher who would bring a valuable perspective, great experience, and many skills to the Council on Aging.

I have attached a letter from Executive Director Trish Pope regarding Mrs. Kane as well as Mrs. Kane's resume and application to serve on the Council on Aging.

Rita Connors who had served on the Council on Aging since 2007 passed away in November. We sincerely appreciated her volunteerism and dedication to the Marlborough community.

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

Sincerely,

Arthur G. Vigeant
Mayor

Enclosures



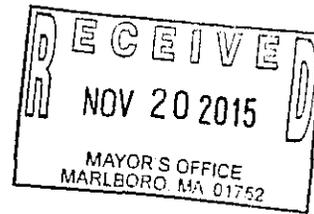
City of Marlborough
Council on Aging and Senior Center

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

Patricia A. Pope
EXECUTIVE DIRECTOR

November 17, 2015

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



Dear Mayor Vigeant:

I am writing to you to suggest that Judith Kane be considered to fill the vacancy on the Council of Aging Board.

I have discussed this service opportunity with Mrs. Kane, who is not only an active volunteer and participant here at the Senior Center but other organizations within the City. She offers a multitude of talents that would be beneficial to the Council on Aging Board. I am attaching Mrs. Kane's resume for your review.

Thank you for your consideration of this request. Mrs. Kane and I are available to discuss this appointment with you at your convenience.

Sincerely,

Patricia A. Pope
Executive Director

Enclosure

Judith M. Kane
41 Kane Drive
Marlborough, MA01752

Education: Framingham State College

Bachelor of Science in Education, June 1972

Cambridge College

Master of Education, July 1994

Experience: City of Marlborough Public Schools

Teacher 9/72 – 6/2001

Since my retirement I have spent these years enjoying and supporting my family and friends. I am a member of the Friends of the Marlborough Public Library - working at the book sales and as a member of the Book Club.

I have worked on several political campaigns.

As a member of the Marlborough Seniors I have participated in Yoga and Zumba classes, attended programs, enjoyed trips, and parties. I also volunteer as a receptionist.

Along with Mike Lawton and Jennifer Claro I helped develop the cable show NEXT STEPS and serve as co-host. This monthly show highlights the activities and accomplishments of our Seniors. It also serves as a resource and reminder of what is happening in Marlborough that is available to our senior population.

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

Name: Judith M. Kane Email: [REDACTED]

Address: 41 Kane Drive

Home Phone: [REDACTED] Cell Phone [REDACTED]

How did/do you hear about the COA: It is listed in the "on the go" news-letter

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

If yes, in what capacity: I have volunteered as a receptionist and helped develop the local cable show Next Steps and serve as co-host.

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

This is an exciting time for the Center - a great opportunity for new and expanded programs - renewing and making friends.

What interests, activities or hobbies do you enjoy? family + friends, politics (behind the scenes) exercising, reading and traveling

Education/training, hobbies or other skills: I am a retired elementary school teacher.

What other organizations do you belong to? Friends of the library - their book club, Red Hats, Mass. Retired Teachers.

Are you willing to attend a training/information session for board members? Yes

Are you willing to undergo a CORI background check? Yes

What are your current interests in the COA? I would be an open-minded member.

Any addition information or comments? I believe this would be an interesting opportunity.

Sponsor: Patricia O'Pape

Date: November 17, 2015



City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
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Arthur G. Vigeant
MAYOR
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Michelle Milano
EXECUTIVE AIDE
2015 DEC -3 A 11:03
Patricia Bernard
EXECUTIVE SECRETARY

December 3, 2015

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

Re: Walker Building Feasibility Study

Honorable President Clancy and Councilors:

Please find enclosed a letter from Tim Cummings, the Executive Director of the Marlborough Economic Development Corporation, regarding the Walker Building.

The Marlborough Economic Development Corporation's Executive Committee requested guidance from the City Council regarding redeveloping the Walker Building. The Walker Building is a beautiful, and iconic structure on Main Street, but half of its 60,000 square feet of space is vacant. Any future use of the Walker Building would be predicated upon its exterior not being altered.

In order to best identify the "highest and best use" for the Walker Building, the MEDC has researched an estimate for the cost of a feasibility study and would like input from the City Council before moving forward.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure



December 2, 2015

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

RE: Placing an Order with City Council to Discuss Walker Building Feasibility

Dear Mr. Mayor:

The Marlborough Economic Development's Executive Committee asked that I submit a letter to you requesting guidance from the Marlborough City Council relative to the Walker Building.

At a recent executive committee meeting the topic of redeveloping the Walker Building for the purpose of stimulating economic activity in the downtown village was discussed. The Walker Building is an iconic building totaling 60,000 square feet of which more than half remains vacant. It is an underperforming asset that has been very well maintained despite not having a clear purpose.

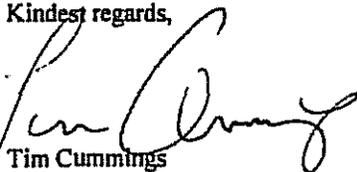
There are very limited opportunities in the downtown village area where such a large footprint exists that can act as an economic engine. Over the course of the summer my office obtained a few quotes ranging from \$75,000 - \$100,000 for a feasibility study to be conducted by an architecture firm predicated off of trying to develop an understanding of what the "highest and best use" may be for the asset. This technical review would provide the city with the information necessary to decide how best to maximize the asset's value as there will be many issues to be dealt with should this analysis occur.

My office wanted to have a discussion with the City Council and take direction as to whether there is an appetite to redevelop the Walker Building for another purpose. Should such an appetite exist my office would either need to seek a separate appropriation by the City or be instructed to include it in our operational budget for FY'17.

In closing, I want to be clear that this feasibility study of the building would be predicated on the current site as it is and there would be no intention of substantially altering the exterior of the building.

Thank you for your kind attention to this matter and should you have any questions please do not hesitate to contact me at your earliest convenience.

Kindest regards,



Tim Cummings
Executive Director



City of Marlborough
Office of the Mayor

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Nicholas Milano
EXECUTIVE AIDE
2015 DEC -3 A 11:03
Patricia Bernard
EXECUTIVE SECRETARY

December 3, 2015

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

Re: Act on Alzheimer's

Honorable President Clancy and Councilors:

I am pleased to inform you about a grassroots initiative to make Marlborough a dementia friendly community by raising awareness of Alzheimer's disease and related dementias through an Act on Alzheimer's program. I have attached a letter from Christine Alessandro, the Executive Director of BayPath Senior Services which also discusses this program.

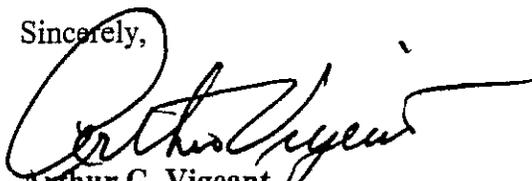
Thanks to a grant from the MetroWest Health Foundation for BayPath Senior Services, Council on Aging Executive Director Trish Pope and representatives from BayPath Elder Services, Hudson, and Northborough traveled to Minnesota to learn about the renowned work that Minnesota has been doing to care for individuals with Alzheimer's and related dementias.

This grant will also provide funding for BayPath to perform other initiatives, including an Action Team of community members, to identify Marlborough's needs and help support those with Alzheimer's and related dementias. Since Alzheimer's affects one in 9 individuals over the age of 65 and one in three over the age of 85, Act on Alzheimer's will benefit the elderly population in Marlborough.

At this time, there is no need for action by the Council, but I ask that this be referred to the Operations and Oversight Committee to give Executive Director Pope the opportunity to speak in greater detail about the program.

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

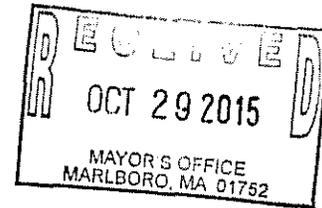
Sincerely,


Arthur G. Vigeant
Mayor

Enclosure



BayPath Elder Services, Inc.
33 Boston Post Road West
Marlborough, MA 01752-1853
508-573-7200 • Fax 508-573-7222 • TTY 508-573-7282



October 26, 2015

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

Mayor Vigeant,

Thank you for your support of older adults in the City of Marlborough. It is evident, through both your words and actions, that seniors are a priority for your office. This cohort is among the fastest growing in the United States, and will need your continued support.

The rapidly expanding population of individuals over the age of 60 also means that there will be an increase in individuals with Alzheimer's Disease and related dementias. These individuals, and their caregivers, endeavor to remain in their homes and engaged in their communities. However, the stigma of dementia often means that folks are isolated in their homes, without the support of their communities.

ACT on Alzheimer's is an initiative that we are bringing to the communities of Marlborough, Hudson and Northborough. This grassroots initiative creates dementia friendly communities, raising awareness of the disease and reducing stigma, educating emergency responders, faith communities, businesses and other entities, as well as offering caregivers support, resources and information.

Area Agency on Aging
Serving the Communities of

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

~Page 2 ~

Statistically, one in 9 individuals over the age of 65 has Alzheimer's Disease, while 1 in 3 people over the age of 85 has the disease. The 2010 census indicated that there are 4,837 individuals 65 and over in the city of Marlborough, and this number will be significantly higher in the 2020 census. We have come to realize that there will be many people with Alzheimer's Disease and related dementias in Marlborough in the next 10 to 15 years.

Trish Pope, Director of the Marlborough Council on Aging and former City Council member, fully supports the Act on Alzheimer's initiative being implemented in Marlborough. We will form an Action Team of community members who will survey the community to determine what the needs of the community are to prepare to become dementia friendly. The Team will then develop an action plan to meet these needs. All community members will be encouraged to join our initiative.

We hope that you will also support this endeavor. Our goal is to have the city of Marlborough be a warm, welcoming and engaging community for individuals with Alzheimer's Disease and other forms of dementia.

Yours truly,

A handwritten signature in black ink that reads "Christine Alessandro". The signature is written in a cursive style with a large initial "C".

Christine Alessandro
Executive Director

Cc: Ed Clancy, City Council President



Marlborough Public Schools

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

School Committee

2015 NOV 17 11:34 AM
17 Washington Street, Marlborough, MA 01752

Phone (508) 460-3509

• Fax (508) 460-3586

Call to Order

October 13, 2015

1. Chairman Vigeant called the Regular Meeting of the Marlborough School Committee to order at 7:50 pm at the District Education Center, 17 Washington St., Marlborough, MA. Members present included Mr. Geary, Mrs. Hennessy, Mrs. Ryan, Mrs. Bodin-Hettinger, Mrs. Matthews & Mr. Walter.

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

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

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

3. Presentation:

A. Health and Wellness Presentation

Mr. William Bertoni K-12 Physical Education and Health/Wellness Coordinator presented an update to the Committee regarding the changes in the curriculum. This addresses changes specifically to the Wellness 9 and Wellness 10 portions of the curriculum. There was much discussion by the committee members as to the modifications that took place that affected the 9th and 10th graders directly this year. Apparently, due to lack of certifications, some students (mostly the current 10th grade) will not be receiving the prior 10th grade curriculum. There is hope that somehow this will be integrated into their 11th or 12th grade Wellness experience. Additionally, it was noted, that expectations of attendance/make-up classes seemed unrealistic. Mr. Bertoni was going to look into this further.

****An electronic version of the presentation is available by request****

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

5. **Communications:** None

6. Superintendents Report:

Mr. Langlois gave his report covering a range of topics including: ALICE (Alert-Lockdown-Inform-Confront-Evacuate), Two Way Communication, Marlborough High School Alternative School, Superintendent Annual Performance Goals, MASC/MASS Joint Conference & MA DESE Educator Summit.

• Secondary Education

Mr. Langlois introduced Ms. Maureen Greulich to give an update on the status of Secondary Education. Topics included: State Treasurer's Financial Education Grant, Teachers21 Curriculum Coordinators/Department Head Course, Voter Registration Drive, MCAS Data Analysis & October 13 Professional Development Highlights 6-12.

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School Committee

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- **Primary & Elementary Education**

Mr. Langlois introduced Ms. Mary Murphy to give an update on the status of Primary and Elementary Education. Topics included: Title I Update, Curriculum Review and Revision Committee formulated, Professional Development Offerings & Kindergarten grant received.

7. Acceptance of Minutes:

A. Minutes of September 29, 2015 Regular School Committee Meeting

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to accept the minutes of the September 29, 2015 Regular School Committee Meeting as presented. Motion passed 6-0-1.

8. Public Participation: None

9. Action Items/Reports:

A. MASC Delegate Election

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to nominate Mrs. Matthews as the delegate to the conference representing the Marlborough School Committee. Motion passed 6-0-1.

B. MASC Resolutions

Mrs. Matthews read each resolution into the record looking for direction from the Committee as a whole.

RESOLUTION 1 - REGARDING HIGH SCHOOL STARTING TIMES

(Submitted by the Newton School Committee)

RATIONALE: The American Academy of Pediatrics has issued a policy statement indicating that lack of sleep is a public health issue that significantly affects adolescents. While adolescents need 8.5 to 9.5 hours of sleep, most high school students get 7 hours or less. Chronic sleep loss can cause issues such as depressed feelings, suicidal thoughts risk-taking behavior, difficulty problem solving, poor judgment and lack of motivation.

The American Academy of Pediatrics strongly supports the efforts of school districts to optimize sleep in students and urges high schools and middle schools to aim for start times that allow students the opportunity to achieve optimal levels of sleep (8.5-9.5 hours) and to improve physical (e.g., reduced obesity risk) and mental (e.g. lower rates of depression) health, safety (e.g., drowsy driving crashes), academic performance and quality of life.

Proposed legislation S.254 (sponsored by Senators Cynthia S. Creem, William N. Brownsberger, Carolyn C. Dykema, James B. Eldridge) calls for a nine member commission that includes MASC and MASS to conduct a comprehensive study, including (i) a review of the scientific findings relative to sleep needs of adolescents, relative to the effect which middle school and secondary school start times have on the health and academic performance of students; (ii) determining the number of districts in the Commonwealth which have implemented later school day starting times for middle school and secondary schools and examining the academic performance of students; and (iii) identify resources and opportunities to assist districts in implementing later school day start times for middle school and secondary schools.

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Policy Statement, American Academy of Pediatrics, School Start Times for Adolescents, Adolescent Sleep Working Group, Committee on Adolescence, and Council on School Health

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

RESOLUTION 2 - POVERTY AND CHILDREN

(Submitted by the Framingham School Committee)

RATIONALE: This resolution would help ensure that our underserved population of school children will be provided with the supports and services necessary for lasting success in the classroom and in their future. Knowing that, by eliminating the ravages of poverty, these strategies have been proven to increase positive student outcomes, this resolution will level the playing field by helping to ensure equity and to close the achievement gap for this vulnerable cohort of children.

Motion made by Mrs. Bodin-Hettinger, courtesy second by Chairman Vigeant to support this resolution. Motion DID NOT pass 0-6-1.

RESOLUTION 3 - TYING TEST SCORES TO CHAPTER 70 FUNDING

(Submitted by the Framingham School Committee)

RATIONALE: If a school accepts Massachusetts Chapter 70 funding for a student in a given academic year, that school should be responsible for the MCAS and/or PARCC results from that student in that academic year. This action will give the clearest assessment of a school's strengths and weaknesses and will remove any incentive for counseling students out of a school or district just prior to testing in order to avoid responsibility for a projected or expected result.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to support this resolution. Motion passed 6-0-1.

RESOLUTION 4 - SUPPORT FOR AN EQUITABLE AND SUSTAINABLE PLACEMENT PROGRAM FOR STUDENTS COVERED UNDER THE MCKINNEY - VENTO HOMELESS EDUCATION ASSISTANCE ACT

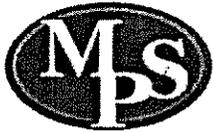
(Submitted by the Framingham School Committee)

RATIONALE: At any given moment a child and/or family will be placed in a town or city that is foreign to them. Without a complete history, and in many cases without knowledge of the student's social-emotional or behavioral needs, the receiving district must make a decision for placement based on what is best for the student. Placement may be chosen outside the receiving district.

Current governing law does not require attendance in the "home-district" or district of parent's choice. Students and their families often have to move two to three times a year. Statistics show those inconsistencies in, and experience of, multiple school placements, have a negative impact on the success rate of students. There are no provisions in the governing law that placement should take into account the proximity to the family or student's established support system.

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Studies done by multiple credible agencies have consistently correlated data that provide evidence supporting the inequities between the educational status and success rates of homeless and McKinney-Vento students as compared to that of their housed peers. Evidence supports the facts that these students have to overcome barriers that include hunger, abuse, depression, learning disabilities, and tendencies for risky behaviors. Often these students are placed in districts that are underfunded and understaffed, and, because they have not been budgeted for leaving them to improvise a way to meet the students at their level and provide a fair and equitable level of education relative to that of their housed peers.

If the M.G.L. states that education is to be provided to all child it needs to be equitable no matter the housing situation of the student. The placement of, and funding for, these students must account for all social-emotional and behavioral circumstances, timing of the placement, available support system for the student, and the ability of the receiving district to accommodate the student's needs.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to support this resolution. Motion passed 6-0-1.

RESOLUTION 5 - TAX REFORM BALLOT QUESTION

(Submitted by the MASC Board of Directors)

THEREFORE BE IT RESOLVED that the MASC explore ways to promote social and economic equity through a ballot initiative whose purpose may include a state constitutional amendment, tax reform, protection of the state's neediest residents of all ages, and seeks additional revenue only from tax reform affecting the state's wealthiest residents. Further, that the goal of such a ballot referendum would be to secure a stronger financial base to underwrite needed improvements in the infrastructure of the Commonwealth as well as the educational, social and economic well-being of its residents.

Motion made by Mr. Walter, seconded by Chairman Vigeant to NOT support this resolution. Motion passed 6-0-1.

RESOLUTION 6 - MEMBERSHIP OF A SCHOOL COMMITTEE MEMBER ON THE BOARD OF ELEMENTARY AND SECONDARY EDUCATION

(Submitted by the MASC Board of Directors)

THEREFORE BE IT RESOLVED that MASC submit to the General Court proposed legislation that MGL Chapter 15, Section 1E be revised (see italics) as follows:

Section 1E. There shall be in the department a board of elementary and secondary education, in this chapter called the board, which shall consist of the chairman of the student advisory council established under this section, the secretary of education, in this chapter called the secretary, or her designee, and 9 members appointed by the governor. The 9 members appointed by the governor shall consist of 1 representative of a labor organization selected by the governor from a list of 3 nominees provided by the Massachusetts State Labor Council, AFL-CIO; 1 representative of business or industry selected by the governor with a demonstrated commitment to education; 1 representative of parents of school children selected by the governor from a list of

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3 nominees provided by the Massachusetts Parent Teachers Association; 1 representative from a school committee from a list of three nominees provided by the Massachusetts Association of School Committees and 5 additional members.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to support this resolution. Motion passed 6-0-1.

RESOLUTION 7 - RELATIVE TO THE TEACHING STRATEGIES GOLD ASSESSMENTS FOR KINDERGARTEN STUDENTS

(Submitted by the Arlington School Committee)

THEREFORE BE IT RESOLVED that MASC urge the Department of Early Education and Care and the Department of Elementary and Secondary Education to end the mandate that districts implement TS GOLD or any other externally developed kindergarten assessment.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to support this resolution. Motion passed 6-0-1.

C. Ratification of Memorandum of Understanding with MEA regarding Changes to Educator Evaluation Process

Mrs. Matthews presented to the Committee the Memorandum of Understanding with the MEA regarding the changes to the evaluation process.

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

D. ELL Assistant Supervisor Position

Mr. Langlois presented the new job description to the Committee.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the job description only as presented. Motion passed 6-0-1.

E. FY16 Superintendent Annual Performance Goals

Mr. Langlois presented his SMART Goals to the Committee.

Motion made by Mrs. Matthews, seconded by Mrs. Bodin-Hettinger to accept the SMART Goals as presented by Mr. Langlois and then place them on file. Motion passed 6-0-1.

F. Acceptance of Donations and Gifts

Lifetouch National School Studios has donated \$1,954.48 to the Jaworek School Student activity fund.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to accept the donation of \$1,954.48 from Lifetouch National School Studios made to the Jaworek School Student activity fund. Motion passed 6-0-1.

Lifetouch National School Studios has donated \$979.04 to the Richer School Student activity fund.

Motion made by Mr. Walter, seconded by Chairman Vigeant to accept the donation of \$979.04 from Lifetouch National School Studios made to the Richer School Student activity fund. Motion passed 6-0-1.

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MA DESE has awarded to the District the Special Education Program Improvement Grant in the amount of \$37,018.00.

Motion made by Mr. Walter, seconded by Chairman Vigeant to accept the MA DESE award of the Special Education Program Improvement Grant in the amount of \$37,018.00. Motion passed 6-0-1.

MA DESE has awarded to the District the Academic Support Services Grant in the amount of \$10,600.00.

Motion made by Mr. Walter, seconded by Chairman Vigeant to accept the MA DESE award of the Academic Support Services Grant in the amount of \$140,600.00. Motion passed 6-0-1.

Massachusetts State Treasury Department Office of Economic Empowerment has awarded to the District the Financial Education Grant for Massachusetts High Schools.

Motion made by Mr. Walter, seconded by Chairman Vigeant to accept the Massachusetts State Treasury award of the Financial Education Grant for Massachusetts High Schools. Motion passed 6-0-1.

10. Reports of School Committee Sub-Committees:

Mr. Langlois noted that the Laws regarding physical restraint are changing effective January 1, 2016. There will be training October 28, 2015. Mrs. Hennessy noted that the Policy Sub Committee needs to meet on this matter.

11. Members Forum: None

12. Adjournment: Motion made by Mrs. Matthews, seconded by Chairman Vigeant to reenter into Executive Session at 9:35 pm to continue discussion regarding a grievance issue. The committee will adjourn direct from Executive Session. Roll Call Vote:

Mr. Geary	Yes
Mrs. Hennessy	Yes
Mrs. Ryan	Yes
Mrs. Bodin-Hettinger	Yes
Chairman Vigeant	Yes
Mrs. Matthews	Yes
Mr. Walter	Yes

Motion Passed unanimously.

Respectfully submitted,

Heidi Matthews
Marlborough School Committee

HM/mai

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Marlborough Public Schools

CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

17 Washington Street, Marlborough, MA 01752

School Committee

2015 NOV 17 A 11: 34

Phone (508) 460-3509

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October 27, 2015

1. Chairman Vigeant called the Regular Meeting of the Marlborough School Committee to order at 7:50 pm at the District Education Center, 17 Washington St., Marlborough, MA. Members present included Mr. Geary, Mrs. Ryan, Mrs. Bodin-Hettinger & Mrs. Matthews.

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

Mrs. Hennessy and Mr. Walter were absent.

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

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

3. **Presentation:** None

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

5. **Communications:** None

6. **Superintendents Report:**

Mr. Langlois gave his report covering a range of topics including: MASS Cue Conference Feedback, Superintendent Annual Performance Goals Updated, MSBA Senior Study Site Visit, Read Across America Week, Richer Turns 50 Celebration & Presentation on Elementary Building Capacity.

A Power Point presentation was given regarding the current enrollment as well as projections specifically in the elementary grades.

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

After discussion amongst the Committee Members it was noted, that in the opinion of the Superintendent, there will be adequate space for the next school year...it will be quite tight, but manageable. The MSBA Senior Site Visit was completed on 10/22/2015, and now we are in the waiting period. After a decision is made about moving onto the next step in the process, it will take approximately 4 months and then an Architect needs to be chosen. The construction or modification of a school building will be a multiyear process. Mrs. Ryan has volunteered to be the facilitator of a committee to study the space issues in years 2-5 in this timetable. Committee members will include representatives from the City Council, the School Committee, and Public Facilities for a total of 5-7 people. The committee will be tasked with presenting the best options minimizing any additional financial burden to the City taking into account the financial capabilities of the community, looking at everything from modular classrooms to renting nontraditional classroom space from an existing landlord.

• **Executive Director of Finance & Operations Report**

Mr. Bergeron gave his report covering a range of topics including: an update on cafeteria accounts, online payments for food service & transfers requested.

7. **Acceptance of Minutes:**

A. **Minutes of October 13, 2015 Regular School Committee Meeting**

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to table the minutes of the October 13, 2015 Regular School Committee Meeting. Motion passed 4-0-1.

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8. Public Participation: None

9. Action Items/Reports:

A. MHS Ski Team Co-Op Opportunity

Superintendent Langlois presented the request of Athletic Director Jeff Rudzinsky to the Committee. The High School has been approached by Shrewsbury High School with the opportunity to join on their Alpine Ski Team as a Co-Op, due to the declining numbers from Shrewsbury High and interest from MHS families.

Motion made by Mrs. Matthews seconded by Chairman Vigeant to approve the Co-Op opportunity from Shrewsbury High School. Motion passed 4-0-1.

B. FY16 Operating Budget Transfers

Mr. Bergeron presented the requested transfers to the Committee.

Motion made by Mrs. Matthews, seconded by Chairman Vigeant to approve the transfers as presented. Motion passed 4-0-1.

C. Rental Fees

Mr. Bergeron presented to the Committee information that since 1998, private instrumental lessons have been offered to students of the District by independent highly qualified instructors. Mr. Bergeron is looking for formal permission to allow the rental fees for the music rooms to be waived.

After discussion revolving around the Anti-Aid Amendment, it was requested to seek a legal opinion from the Attorney General's Office regarding this request.

Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to table this request until a legal opinion is received from the Attorney General's Office. Motion passed 4-0-1.

10. Reports of School Committee Sub-Committees:

Mrs. Matthews reported that the Negotiations Sub-Committee has reached a tentative agreement with the Office Support Clerical Group. The negotiations sub-committee is hoping to have a MOU to present soon.

11. Members Forum:

Mrs. Matthews wanted to remind the Public as well as Committee members that Tuesday November 3, 2015 is Election Day. Please get out and exercise your right to vote.

12. Adjournment: Motion made by Mrs. Bodin-Hettinger, seconded by Chairman Vigeant to adjourn at 8:24 pm. Motion Passed unanimously.

Respectfully submitted,

Heidi Matthews
Marlborough School Committee

HM/mai

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www.mps-edu.org

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Marlborough Public Schools

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

School Committee

17 Washington Street, Marlborough, MA 01501
Phone (508) 460-3509
• Fax (508) 460-3586

2015 DEC 03 10:15

Call to Order

November 10, 2015

1. Vice-Chair Michelle Bodin-Hettinger called the Regular Meeting of the Marlborough School Committee to order at 7:40 pm at the District Education Center, 17 Washington St., Marlborough, MA. Members present included Mrs. Hennessy, Mrs. Ryan & Mrs. Matthews.

Also present were Superintendent Langlois, MEA Representative Rupal Patel, Student Representative Kimberly Baker & Clerk Melissa Peltier.

Mr. Geary, Mr. Walter and Chairman Vigeant were absent.

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

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

3. Presentation:

A. MHS Student Advisory Committee

Mr. Jeffrey Slocumb, representative of the Senior Class, updated the Committee on STEM classes.

Ms. Samantha Merrill, representative of the Junior Class, updated the Committee on the fall sports wrap up.

Ms. Heidi DiPersio, representative of the Sophomore Class, updated the Committee on Spirit Week.

Mr. Timothy Goliger, representative of the Freshman Class, updated the Committee on the Senior Reality Fair.

Ms. Kimberly Baker, Student Representative to the School Committee, updated the Committee on the newly created Principal Advisory Committee.

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

5. **Communications:** None

6. Superintendents Report:

Mr. Langlois gave his report covering a range of topics including: Quinsigamond Community College MOU, Wuhan Hongsham 2+1 Agreement, MASC/MASS Joint Conference, ESE Annual Fall Convening, Richer 50th Celebration, Physical Restraint Training, and Assabet Collaborative Annual Report.

• Secondary Education

Mr. Langlois introduced Ms. Maureen Greulich to give an update on the status of Secondary Education. Topics included: Pathways to Prosperity Network Institute, Nov. 3 PD Survey Results, Professional Development Advisory Committee, Analyzing Teaching for Student Results Course, STEM Summit 2015 and New Teacher Class.

• Primary & Elementary Education

Mr. Langlois introduced Ms. Mary Murphy to give an update on the status of Primary and Elementary Education. Topics included: Title I Update, FastBridge Math Progress Monitoring, NISL and Professional Development.

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7. Acceptance of Minutes:

A. Minutes of October 13, 2015 Regular School Committee Meeting

Motion made by Mrs. Matthews, seconded by Vice Chair Bodin-Hettinger to approve the minutes of the October 13, 2015 regular School Committee Meeting. Motion passed 4-0-0.

B. Minutes of October 27, 2015 Regular School Committee Meeting

Motion made by Mrs. Matthews, seconded by Vice Chair Bodin-Hettinger to approve the minutes of the October 27, 2015 regular School Committee Meeting. Motion passed 4-0-0.

8. Public Participation: None

9. Action Items/Reports:

A. Assabet Valley Collaborative Quarterly Report

Superintendent Langlois presented the Quarterly Report from the Assabet Valley Collaborative School.

Motion made by Mrs. Matthews, seconded by Vice Chair Bodin-Hettinger to accept the report and place it on file.

Motion passed 4-0.

B. Policy #8.300 Physical Restraint

Motion made by Mrs. Hennessy, seconded by Vice Chair Bodin-Hettinger to suspend the rules and act on this policy this evening. Motion passed 4-0.

Motion made by Mrs. Hennessy, seconded by Vice Chair Bodin-Hettinger to approve Policy #8.300 Physical Restraint. Motion passed 4-0.

C. FY '16 Operating Budget Transfers

Mr. Bergeron presented to the Committee the requested transfers.

Motion made by Mrs. Matthews, seconded by Vice Chair Bodin-Hettinger to approve the transfers as presented.

Motion passed 4-0.

10. Reports of School Committee Sub-Committees:

Mrs. Matthews reported that the Negotiations Sub-Committee is still working with the Para-Educators group.

Mrs. Hennessy noted that the Policy Sub-Committee will be scheduling a meeting soon.

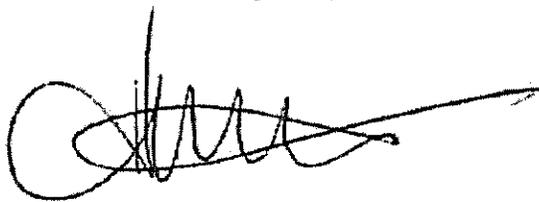
11. Members Forum:

Mrs. Hennessy noted that the Richer Turns 50 event was very nice. It was great to see some of the old administrators back in the building. The Community Reader Day was great and very rewarding.

At the MASC Conference there were several great workshops offered on a variety of subjects.

12. Adjournment: Motion made by Mrs. Matthews, seconded by Vice Chair Bodin-Hettinger to adjourn at 9:25pm. Motion Passed unanimously.

Respectfully submitted,

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

Heidi Matthews
Marlborough School Committee

2015 NOV 17 P 12: 23

**MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

Call to Order

November 2, 2015

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

Brian DuPont & Edward Coveney were absent.

Also in attendance were Board Secretary Melissa Peltier & City Engineer Evan Pilachowski.

1. Meeting Minutes:

A. Regular Meeting October 5, 2015

On a motion made by Mr. Fay, seconded by Ms. Hughes it was voted to accept and place on file the minutes of the October 5, 2015 Regular Meeting. Motion carried.

B. Regular Meeting October 19, 2015

On a motion made by Mr. Fay, seconded by Ms. Hughes it was voted to accept and place on file the minutes of the October 19, 2015 Regular Meeting. Motion carried with Mr. McCarthy abstaining.

2. Chair's Business:

A. Discussion/Update regarding Planning Board Application Form

Chairperson Fenby updated the Board regarding the proposed application form. Mr. DuPont will have an updated form available for review at the next regularly scheduled meeting.

B. Referred from City Council Acceptance of DiCenzo Blvd as a Public Way

Ms. Hughes read the referral into the record.

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

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to refer the request to the City Engineer. Motion carried.

C. Referred from City Council Acceptance of LaCombe St as a Public Way

Ms. Hughes read the referral into the record.

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

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to refer the request to the City Engineer. Motion carried.

D. Water's Edge Subdivision "Open Space Parcels" & Mauro Farms Easements

Ms. Hughes read the email communication from Conservation Officer Priscilla Ryder into the

record.

Solicitor Rider reminded the Board that the Water's Edge Subdivision is an Open Space Subdivision with 3 parcels of dedicated Open Space totaling 10+ acres of land.

According to the 1997 Special Permit granted from the Planning Board item 16 of said Special Permit states:

"16. Title to the Open Space Parcel must be clear and a site assessment for hazardous waste pursuant to the provisions of Massachusetts General Laws Chapter 21E shall be performed prior to transferring Open Space ownership from the Applicant. The Applicant shall be responsible for paying for said 21E assessment."

The question to be asked is would the Board entertain any suggestion that would relax the requirements put forth in item 16 as stated above? If the Board were to entertain relaxing the requirements a new public hearing would have to be held to inform the public of the changes.

After discussion among Members present it was deduced that there is no support currently among the Board to relax or remove item 16.

Solicitor Rider offered to investigate possible funding sources to have the 21E Assessment and the Title work completed to expedite this matter.

The Board has started discussing the merits of pulling the security bond associated with this subdivision due to failures of the developer to complete items in a timely manner.

On a motion made by Ms. Hughes, seconded by Mr. McCarthy it was voted to refer the matter of the 21E Assessment and Title work to Solicitor Rider as well as refer the matter to the Engineering Department to compute a cost associated with completing any outstanding issues within the subdivision. Motion carried.

Regarding the Mauro Farms Landscape Easements:

Solicitor Rider has been in touch with Attorney Cattazaro, however there has been no agreement reached regarding this issue. It is still very much unresolved and remains a work in progress.

3. Approval Not Required: None

4. Public Hearings: 7:15pm None

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report:

City Engineer Pilachowski noted that he has been in touch with Mr. Freeman regarding the final close out documentation for the Berlin Farms subdivision. Mr. Freeman claims he has forwarded all documents from his Attorney to the City and now he is waiting for the City Council to act. This item may be held over until the next legislative session due to timing.

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

7. Definitive Subdivision Submission: None

8. Signs:

A. Olive Garden/MASS DOT Off Premise Signage

There was no one in attendance to discuss this request with the Board.

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to inform the proponent in writing that if they care to proceed with this request formally a representative must appear to discuss the item in detail. Motion carried.

9. Unfinished Business:

A. Blackhorse Farms Update

Mr. Fay requested that a letter be sent to the developer in January noting the subdivision is set to expire in April 2016 requesting the developer to please plan the time remaining accordingly.

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

B. Mauro Farms Update

City Engineer Pilachowski noted that the punch list for this development has been in the developer's possession for 2 weeks now.

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

10. Informal Discussions: None

11. Correspondence: None

12. Public Notices of other Cities and Towns:

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

B. Town of Hudson, Zoning Board of Appeals, Public Hearing(s)

November 12, 2015 (2)

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

Adjournment: On a motion made by Mr. McCarthy, seconded by Ms. Hughes it was voted to adjourn at 7:50pm. Motion carried.

Respectfully submitted,

Colleen Hughes
Clerk

/mai

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2015 NOV 25 A 10:44

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

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held on Tuesday, October 27, 2015 at 10:00 a.m. in the Mayor's Conference Room, City Hall. Members present: Chairman - Police Chief Mark Leonard, DPW Commissioner John Ghiloni, Fire Chief Kevin Breen and City Clerk Lisa Thomas. Also present: Assistant City Engineer Tim Collins, Assistant City Clerk Steve Kerrigan, City Councilor Katie Robey, Tim Cummings of MEDC, Marlborough Economic Development Corporation and Pam Wilderman, Code Enforcement Officer. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Tuesday, September 22, 2015.

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

2 – New Business

Chief Leonard requested a suspension of rules to move New Business Agenda Item f up on the agenda. – All in favor.

2f) Traffic concerns, New St. at Granger Blvd.

Councilor Oram sent an e-mail to Chief Leonard expressing his concerns on this intersection. He called it an "accident waiting to happen, not only on Election Day but any daily use of the senior center." Lisa Thomas also said there were some slight issues on traffic at the Primary Election and she wants to make sure that everything is all set for the upcoming General Election. Tim Collins passed out a GIS Diagram of the Ward Park Neighborhood on which he also noted traffic signal locations, the Senior Center and traffic flow on Orchard Street. Steve Kerrigan was also in attendance as he was at this polling location all day at the Primary. It was noted that the polls were open from 7:00am to 8:00pm and that between 4:00pm and 6:00pm the exit out of the area was

made one way. The City Clerk's office is requesting that this be made one way all day for the General Election.

Sgt. Ney was there on a detail and had noted some problems at New Street with traffic getting and out. Steve Kerrigan noted that cones were put out on Granger to merge traffic into the left lane away from New Street to make it easier to turn in and out. They were looking for a temporary order from Chief Leonard stating right turn only out of New Street onto Granger.

Mr. Kerrigan also said that there were a few issues with where the sign holders were standing. They need to stay 150 feet away from the polling location. He said that he went outside every hour or so and asked them to stand back a little further. Chief Leonard suggested marking the area with cones or something, without blocking the sidewalk, to delineate where they were to stand for safety and sight view purposes. Tim Collins mentioned that the sidewalk needs to have 3 feet available for handicapped access. Tim Collins said that he would mark out the area for sight distance. Mr. Kerrigan said that he could also contact the candidates and have them talk to their sign holders.

Chief Leonard noted that the issues with New Street and Granger Blvd. are a "bigger discussion" as the same issues will come up with any event being held at this location. He will prepare a "temporary order" for Election Day stating right turn only from New St. onto Granger and also speak with the detail officer about monitoring the sign holders.

Lisa Thomas also noted that the parking lot in front of the Senior Center will be used exclusively for voters. All election workers will be parked elsewhere and be driven to the location by the Constables.

MOTION was made, seconded, duly VOTED to REFER to Engineering for the proper "temporary signage" and cones required for merging traffic on Granger and right turn only from Newton to Granger. REFER also to Chief Leonard to prepare the "temporary order" to this effect.

Chief Leonard requested a suspension of rules to include an item not on the Agenda. This was an issue that came up at the last Site Plan Meeting. – All in favor.

New Item – Significant expansion at Fish Restaurant location and downtown parking issues.

Tim Cummings of the MEDC was in attendance to explain this issue in more detail. He said that Fish Restaurant will need 23 additional parking spaces. They currently have 18 or 19. The project is called "29 South Bolton Street" and will include 40 units of housing on top of the existing building.

This led to a discussion of parking issues and the possibility of permitting the parking decks or setting up a stabilization account for "payment in lieu of parking". A fee (he mentioned \$10,000 as an example) would be paid to the City for utilization of the parking garage. This would be set up by the City Council and the City would decide how to handle the management of it. The higher floors could have a yearly permit plan where residents would pay a yearly fee of say \$350, for a parking permit and overnight parking

would be allowed. Mr. Cummings said that they have a similar plan in Salem and Fitchburg.

Chief Leonard noted that the Traffic Commission has regulated the parking decks but that they are actually owned by the CDA. He was questioning if we actually have this authority. The Traffic Commission has set up overnight parking restrictions there. Mr. Cummings noted that all of this needs to be “flushed out”. He said that a “Care and Custody Change” was actually executed 6 to 8 weeks ago. He also noted that the \$10.00 fee for parking infractions would need to increase in order to better manage parking issues.

Mr. Cummings also noted that the City actually falls relatively short of maximizing demand for parking. He said that there are 900 parking spaces available within a ½ mile of downtown and only 30 to 40% of the spaces are being utilized. The recommended best practice is 80%. He has met with the CDA on how to better manage parking in the lots and outlined some recommendations to them. Some of the downtown parking restrictions could be “relaxed” to help development. The City needs to better utilize the parking we have rather than make new parking available.

Lisa Thomas noted that during the winter, there are a higher percentage of people parking in the garages as residents park here for snow removal. She noted that more city workers are parked at the Fish lot during the winter because there is not as much space available in the garage. Mr. Cummings said that the overnight permit would specify that cars needed to be out by 7:00 or 8:00am. All agreed that we have issues every year with parking during the winter parking ban. When a major storm is predicted the parking decks do fill up. There is also a commercial vehicle exclusion but people do leave their trucks there overnight. The City also only employs one Parking Enforcement Officer who works about 18 hours per week.

Mr. Cummings mentioned another “best practice” of alternate side street parking during the winter months rather than a straight ban between certain dates. Chief Leonard said that he agrees that we need a “serious discussion” about permitting the parking decks. Mr. Cummings was asked about the timeframe for this project. He said that it is 3 to 6 months out. They hope to get started for the next construction season. He also noted that consideration has to be given to seniors who use the garage. Chief Leonard said that how we handle this deck will ultimately determine how we handle the other deck.

Mr. Cummings has prepared a draft parking management plan that “he would love to share” that is based on “best practices”. We really need to start thinking about parking and “hammering out the issues”. He wanted to bring it up now and “get in on the radar”.

MOTION was made, seconded, duly VOTED to keep this item on the Table for the next Agenda.

Chief Leonard requested a suspension of rules to move New Business Agenda Item e up on the agenda items to be discussed and also to include two additional items. - All in favor.

- 1) *Parking on River Street by car dealership impeding traffic.*

2) Mill Street Central--**2e) Request for parking restriction exemption at 71 Maplewood Ave.**

Pam Wilderman forwarded a request from a resident at this address. The resident said in her e-mail that she and her partially disabled husband take care of his 92 year old father. In the past, they have parked their second vehicle in their neighbor's driveway during the winter when the parking ban is in effect. The neighbors have sold their home and they no longer have that parking option. They are requesting that they be allowed to park in front of their home or on the sidewalk during the winter.

Tim Collins passed out a photo of the address and a GIS map. He noted that there is a serious drop from the front of the property to the back of the property with a steep grade on the driveway. Chief Leonard said that he did not realize they were looking to park on the sidewalk. Tim Collins mentioned that the sidewalk plow does not go down this street. Chief Leonard said that the real concern is over snow removal. Even the streets that are exempt from the parking ban, require residents to move their cars for snow removal. On a warm winter day it is not a real issue but when there is a real snow event all cars need to be removed from the street.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to add 71 Maplewood Ave. to the list of addresses that are exempt from the winter parking ban. All cars would still need to be removed from the street during a snow emergency. Pam Wilderman will than forward this information along to the residents of 71 Maplewood Ave.

Additional item from Pam Wilderman - Parking on River Street by car dealership impeding traffic.

Pam Wilderman passed out three photos of the area that were taken on 10/27/15 at 8:00am. The used car lot at this location is using a "good portion of Maple Street to River Street" to park cars. It is a residential area and she is asking the Traffic Commission to take look into this.

Chief Leonard advised that he would have the Police Department look into this. They can run some of the plates to see if they are registered vehicles. He advised formally putting this issue on the agenda for the next meeting and looking into the possibility of parking restriction here.

MOTION was made, seconded, duly VOTED to include this item on the formal agenda for the next meeting.

Additional item from Pam Wilderman - Parking of junk vehicles at the end of Mill Street Central impeding traffic.

Pam Wilderman passed out three photos of this area that were taken on 10/27/15. Tim Collins said that he has almost the same issue at Broder's at the other end. Ms. Wilderman said that last week she went there and the entire lot was full of cars (behind Giombetti Electric) and they were also using the street for parking. She said that it looked like a junkyard and it makes it impossible for other business trucks to get around

the area. Ms. Wilderman says that there are several entrances to the lot and she would like to see the South Street entrance onto 401 Maple closed off.

Chief Leonard said that the Traffic Commission could look into parking restrictions here. He asked Tim Collins to take a look at the dimensions and advise at the next meeting. Tim Collins advised that they have enough frontage for 2 opening but not 4. It was discussed that the number of openings is more of a zoning issue than a Traffic Commission issue and that Pam Wildman already has them cleaning up the lot.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to provide recommendations for parking restrictions at the next meeting.

2a) Communication from Councilor Elder, Re: Beach St. speeding concerns.

Councilor Elder said in his e-mail to Chief Leonard that Beach Street "is becoming a real drag strip" with all the new development in the area. He was asking about the possibility of speed bumps here. The group discussed the fact that changes have been made to Beach Street. The road was narrowed years ago and changed from a two way street to a one way street. It is zoned as 25mph and slows to 20mph at South Street. There are also stop signs in place. Chief Leonard said that sometimes speed perception is actually more than the reality, however, he would have his officers focus on enforcement.

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

2b) Speeding Concerns, vicinity of 628 Elm St.

The resident of this address advises that there are four children under the age of five living here and says "the street is really dangerous as there is no pedestrian buffer zone between our drive way or front lawn and Elm Street." He is requesting stop signs in both directions on Elm in front of this address. Chief Leonard said that he would put this item on the agenda, however, he also explained that this area would not meet the warrants required for a stop sign as required in the Manual on Uniform Traffic Control Devices (MUTCD).

Tim Collins also agreed that this area would not meet the warrants for a stop sign, however, he did note that the intersection is "geometrically odd". All agreed that this was more of an enforcement issue for the police department.

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

2c) Speeding concerns, Chestnut St.

The resident of 53 Chestnut Street came into City Hall to express concerns about the intersection of Chestnut St. and Howland Street. He said that cars continuously go through the four-way stop sign and it is extremely dangerous. He was asking if it was possible to have speed bumps here.

Tim Collins passed out a GIS map of the area. Chief Leonard noted that the recent accident here was a different scenario as it involved issues with alcohol. It was discussed that this is a narrow, residential street with no special speed regulations. The speed limit is 30mph. Again, it was noted that sometimes the perception of speed is greater than the reality. The speed bump issue continues to come up but as the Chief said, "It boils down to an enforcement issue." Chief Leonard said that he would get this area on the list for directed patrols.

Tim Collins said this intersection actually does not meet the warrants for a four-way stop sign. He noted that this is part of the problem with putting stop signs where they are not warranted. People tend to roll right through them.

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

2d) Traffic blocking intersection on East Main St. at Hosmer St.

The Mayor's office forwarded a request from a constituent regarding the issue. He stated in his e-mail, "I am constantly being held up exiting Rt. 20 at the Hosmer Street lights due to vehicles racing to beat the traffic lights blocking the intersection." He was looking for signs indicating – Do Not Block Intersection.

Tim Collins advised that this is a State Highway and is not in the layout of the City of Marlborough. The lights can be changed but MA Highway would have to be involved. Chief Leonard asked Tim Collins to forward this issue on to the MADOT.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to forward the issue to the appropriate parties.

Chief Leonard requested a suspension of rules to include an additional agenda item which came up on SeeClickFix (forwarded by Evan Pilachowski).

Broad Street Parking Restriction Request

A request came in to eliminate parking from Fay Ct. to Rte. 20 (West Main Street) on one side of Broad Street. Requestor stated it is "tight to maneuver with all the vehicles there".

It was noted that the condos have over 100 parking spaces required by code. If there is no room to park some of these cars are probably parking on the street. The issue was discussed, however, all agreed that the width of the road is significant. There is no problem getting cars can get through when vehicles are parked on both sides. The Traffic Commission couldn't tell from the post on SeeClickFix what the real issue was.

3-Old Business

3i) West Hill Road Traffic Counts

Tim Collins advised that Engineering has the traffic counts back, however, in the process of reviewing them they found a couple of problems. One is that someone driving an

F150 can trigger the counter as a commercial vehicle. Also, vehicles passing at the same time in both directions can be counted as a six wheeled vehicle. They want to tweak the counters and do it over again. The counts were also submitted at one hour intervals and they actually needed half hour intervals. Engineering will do the counts again and report their findings at the next meeting.

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

3b) High School parking regulations

Recently a bus was stuck on the bus loop out in front of the school due to cars parked on both sides of the loop. It was discussed that it is a common occurrence to find cars parked on both sides around 5:00 or 6:00pm when there are numerous games going on. All agreed that the loop gets very congested and that it would be difficult to get an ambulance through in an emergency situation. The same situation would occur with a fire truck.

Tim Collins passed out a diagram which includes all of the signs that should be there and the proposed wording for the regulations. He marked the no parking areas in pink on the diagram and restricted parking in yellow. He also included the three crosswalks and the proposed wording for the regulations as well.

The loop is marked as one way for drop off as is the admin. parking area. He included the proposed wording for regulations for everything marked on the diagram. It was initially signed this way back in 2007, however, many of the signs are missing and corresponding regulations were missing.

Chief Leonard advised that he would prepare the formal regulations for a vote at the next meeting. Once the area is properly signed and regulated it will become an enforcement issue. Councilor Robey asked how this would be communicated to the School Committee. Chief Leonard said that does make sense to do as no one is aware that this is being done. He advised that he can let the High School Principal and the School Committee know. Lisa Thomas also advised that all of this information will be communicated on the Traffic Commission website and that it will be advertised in the local paper.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to prepare the appropriate regulations, as per Tim Collins' diagram and proposed wording, for a vote at the next meeting.

3h) Traffic pattern, parking deck behind City Hall.

The existing conflict is that traffic entering the lower level does not necessarily see the traffic coming down the ramp. Tim Collins passed out a diagram of the lower level of the parking deck which included the proposed signage for One Way and Do Not Enter and the wording for the proposed regulations. He is proposing that when cars enters from Court Street they are instructed to go right and circle around the lower level. He advised that this is the best direction for traffic flow.

Chief Leonard advised that he would like to hold onto this issue for the next meeting as the Traffic Commission first needs to clarify who has authority to regulate the parking garages.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to determine who has authority over the garages before any changes can be made.

3a) Municipal off street parking regulation.

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

3c) Stop signs on Bigelow St.

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

3d) Traffic Commission rules and regulations update.

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

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

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

3g) No parking regulation, Williams St.

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

3f) Communication from Janet Vigeant Re: Brigham St. traffic concerns

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

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 11:25 am.

Respectfully submitted,

Karen L. Lambert
Records Clerk
Marlborough Police Department

List of documents and other exhibits used at the meeting:

-Meeting Agenda for Tuesday, October 27, 2015. (Including City of Marlborough Meeting Posting.

-E-mail from Councilor Elder to Chief Leonard, dated 9/22/15, re: Speed bumps on Beach Street.

-E-mail from Giorgis Isaac to Chief Leonard, dated 9/8/15, re: Request for stop sign at 628 Elm St. and Millham St.

-E-mail (forwarded by Marcia Josephson of the DPW) to Chief Leonard, dated 9/29/15, re: 53 Chestnut St., Arman Aghaminzm Howland & Chestnut.

-E-mail (forward by Trish Bernard to Chief Leonard) from David Wolf, dated 9/29/15 re: Intersection of East Main St. and Hosmer St.

-E-mail from Pam Wilderman to Chief Leonard, dated 10/5/15, re: Parking variance for 71 Maplewood Ave.

-E-mail from Lisa Thomas to Chief Leonard, dated 10/7/15, re: Traffic Flow on New St. & Granger Blvd.

-E-mail from Trish Pope to Chief Leonard, dated 10/8/15, re: New Street Traffic Concern.

-Draft of Traffic Commission Minutes from 9/22/15.

Additional Handouts:

-E-mail from Evan Pilachowski to Chief Leonard, dated 9/19/15, re: Broad Street Parking Restriction Request.

-GIS Map of 71 Maplewood Ave. along with photo of 70 Maplewood Ave.

-GIS Map of Vicinity of 628 Elm Street.

-GIS Map of Chestnut St. & Howland St.

-E-mail from Pam Wilderman to Chief Leonard, dated 10/23/15, re: Traffic Commission Agenda Items.

-GIS Map of Ward Park Neighborhood.

-Diagram of High School Parking Lot including proposed/&/ or missing signage and wording for regulations.

-Diagram of parking deck with proposed signage and wording for regulations.

-GIS map of 401 Maple Street with corresponding photos from various angles and/or locations.

CITY OF MARLBOROUGH

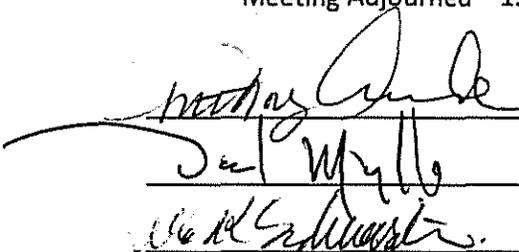
BOARD OF ASSESSORS

MEETING MINUTES: September 2, 2015

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2015 NOV 30 P 2: 15

1. CALL TO ORDER: 1:00 pm
MEMBERS PRESENT: Anthony Arruda, David Manzello, Ellen Silverstein
Also in attendance: Harald Scheid , Regional Assessor and Paula Murphy, Head Clerk
2. MOTION TO ACCEPT: minutes of the April 29,2015 meeting : Mr. Arruda, second Mr. Manzello
Vote: 3-0
3. APPROVE AND SIGN: SCRIPT FY2015 abatements, Excise Abatements 4/25/15 thru August 28, 2015
4. DISCUSSION AND VOTE: Senior Exemption Application
Motion to Deny: Mr. Arruda, second Mr. Manzello
Vote: 3-0
5. DISCUSSION AND VOTE: Property Tax Deferral
Motion to Grant: Mr. Arruda, second Mr. Manzello
Vote: 3-0
6. DISCUSSION AND VOTE: MCI Metro Access Transmission Services of Mass Fy2004 thru Fy2015
ATB appeals settlement
Motion to Approve: Mr. Arruda, second Mr. Manzello
Vote: 3-0
7. Mr. Scheid discussed the need to increase property values 10-15% to meet DOR certification standards, will present Board with certification documents at next meeting
8. MOTION TO CONCLUDE – Mr. Arruda , second Mr. Manzello
Meeting Adjourned – 1:20



Anthony Arruda
David Manzello
Harald Scheid

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

**Minutes
November 5, 2015 (Thursday)**

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2015 NOV 24 P 3:39

**Marlborough City Hall – 3rd Floor, Memorial Hall
7:00 PM**

Present: Edward Clancy, Chairman; John Skarin; Dennis Demers; Karin Paquin, Larry Roy; Dave Williams.
Also present was Priscilla Ryder Conservation Officer

Absent: Allan White

Minutes: Approval of Minutes –The minutes of October 1, 2015 were reviewed and unanimously approved as written.

Public Hearings:

Request for Determination of Applicability

212 Glen St. – Installation of above ground pool

Lisa McNally Shahbazi is the new owner and requested permission to install an above ground pool 27' round and 52' high. Her property lies within the Water Supply Protection District and requires a 50' wetland buffer zone. The pool is to be installed on the existing lawn and will be more than 50' away from the wetland. The Commission had a brief discussion about the filter system and pool location and determined that the pool would have no effect on the wetland. The Commission voted 6-0 unanimously to issue a negative determination of applicability with no conditions.

Certificate of Compliance

- DEP 212-677 Jefferson at Wheeler Hill – Full- Ms. Ryder noted that she did an inspection of the site and has asked the applicant to clean some additional catch basins that were missed. She has also asked for assistance locating the bird boxes that were installed to improve habitat which the applicant has agreed to do next week. The Commission voted unanimously to issue a full certificate of compliance for this project and asked Ms. Ryder to hold it until the above items have been satisfactorily met.
- DEP 212-32 Fitchburg St. (1975) – never started – Full – a title search by First Colony Development revealed that this order was never issued a Certificate of Compliance, however an affidavit is recorded indicating that this work was never started. The owners have asked for a certificate to close the file. The Commission voted 6-0 unanimously to issue a Full Certificate noting it was never started.
- DEP 212-982 100 Crowley Dr. – Full- First Colony Development has completed all the work related to this project and has requested a Certificate of Compliance. Ms. Ryder noted she has inspected the site and confirmed with engineering that a final As-Built Plan has been submitted and accepted. There are ongoing conditions for storm water maintenance as well. The Commission voted unanimously 6-0 to issue a full certificate of compliance.

- DEP 212-614 587 Bolton St. – The current owners have requested a Certificate of Compliance for the parking lot addition that was done many years ago. Ms. Ryder confirmed that one catch basin had been cleaned and a second one was to have been cleaned today. She will confirm tomorrow. She noted that one of the ongoing conditions requires this ongoing maintenance. The Commission voted unanimously 6-0 to issue a full certificate of compliance with ongoing conditions, but to hold it until confirmation of the catch basin has been cleaned.

Discussion/Correspondence/Other Business:

- 329 Maple St. – violation notice- The owner Mr. Donnarumma and his lawyer Attorney Bergeron have conflicts tonight and the next meeting Nov. 19th. They have requested to be heard on this violation at the December 3rd meeting. They are interested in discussing what can be done with the brook.
- DEP 212-1016- Request to stop Storm Water Pollution Prevention Plan Status Report – Mauro Farms. The applicant has almost completed this subdivision. There are a few items remaining to be done, including detention basin fencing. However, the site is stable now. The Commission agreed that no further inspections by the environmental consultant is needed going forward. Ms. Ryder will let the applicant know.
- Letter from ADDA Farms, dated Oct. 10, 2015, RE: 2015 haying season. The Commission reviewed the letter from ADDA Farms who mows the Felton Conservation Land and voted to accept and place on file.
- Mass Wildlife Habitat Restoration Grant – Ms. Ryder and Ms. Paquin noted that there is a grant opportunity available that is new for habitat restoration on conservation lands. Ms. Paquin has attended a few workshops on the topic and suggested that the Desert Natural Area may be a good place to request funding for pitch pine scrub oak forest RESTORATION. The grant opportunity is for \$10,000-\$50,000. They will look into it and report back at the Nov. 19th meeting.

Meetings – Next Conservation meetings – November 19, and December 3, 2015 (Thursdays)

Adjournment

There being no further business the meeting was adjourned at 7:45 PM

Respectfully submitted,


Priscilla Ryder

Conservation Officer