

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 FEB -6 P 5:40

1. Minutes of the City Council Meeting, January 27, 2014.
2. PUBLIC HEARING On the Application for Special Permit from Attorney Gadbois on behalf of DBK Realty, LLC, to construct a facility at 1000 Nickerson Rd. to store and use toxic chemicals in the manufacture of small specialty parts for the medical instrument, airline and defense industries, Order No. 13/14-1005555B.
3. Communication from the Mayor re: Transfer requests in the amount of \$63,559.06 which moves funds from Fringe to Sick Leave Buy Back to fund costs associated with the retirements of members of the Police and Public Works Departments.
4. Communication from the Mayor re: Transfer request in the amount of \$12,000.00 which moves funds from Fringe to Actuarial Study to fund an actuarial study regarding our OPEB (Other Post-Employment Benefits) obligations.
5. Communication from the Mayor re: Transfer request in the amount of \$10,000.00 which moves funds from Fringe to Conference & Training to fund participation in the Supervisory and Leadership Development Program through the Collins Center for Public Management.
6. Communication from the Mayor re: Transfer request in the amount of \$1,710.00 which moves funds from P/T Nurse to Medical Supplies to fund higher than anticipated demand for flu vaccinations.
7. Communication from the Mayor re: Conservation Grant in the amount of \$2,000.00 from The Butler Family Foundation to assist with ongoing maintenance of the Felton Conservation Land and other conservation related maintenance.
8. Communication from the Mayor re: Deficit Spending for Snow and Ice Account
9. Communication from the Mayor re: Reappointments to the Disabilities Commission of Debra McManus for a term of two years, John Usinas for a term of three years, Richard Towle for a term of two years and Pat Winske for a term of three years.
10. Communication from the Mayor re: Retirement of DPW Commissioner Ronald LaFreniere.
11. Communication from the Mayor re: Appointment of John Ghiloni as DPW Commissioner for term of five years effective the day after his appointment.
12. Communication from the Mayor re: Proposed Amendment to Chapter 67, of the Code of the City of Marlborough relative to the Board of Assessors and position of Principal Assessor.
13. Communication from the Mayor re: Proposed Amendments to Chapter 67 and Chapter 510, of the Code of the City of Marlborough relative to the Comptroller-Treasurer responsibilities and the responsibilities of the Water Registrar.
14. Communication from Council President Pope re: Reappointment of Lisa Thomas as City Clerk for a three year term to expire on February 28, 2017.
15. From City Councilor Matthew Elder – Proposed Zoning Amendment, Medical Offices and Clinics allowed by right in the Business Zone, in proper legal form from City Solicitor Rider. Motion in order to refer to Urban Affairs, Planning Board, advertise and set a date for a Public Hearing.
16. Communication from City Solicitor Donald Rider re: Proposed Zoning Amendment, Dental Clinics containing the revisions recommended by the Committee, Order No. 13/14-1005578B.

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.

17. Communication from City Solicitor Donald Rider re: Application for Special Permit by Atty. Bergeron on behalf of Sandra & Anthony Antico Real Estate LLC and Sky High Studios, Inc. to open commercial recreation establishment at the property, specifically an exercise and fitness facility, at 289 Elm Street, in proper legal form, Order No. 13/14-1005582D.
18. Communication from Tree Warden Christopher White re: Vegetation Management Plan 2014-2018.
19. Communication from Bohler Engineering on behalf of VNG Co. re: request to extend Time Limitations on Application for Special Permit, 413 Lakeside Ave. to propose construction of a new compressed natural gas (CNG) facility with one new dispenser including minor site modifications and piping to February 28, 2014 until 5:00 PM, Order No. 13-1005581B.
20. Minutes, Board of Assessors, September 25, 2013 & January 23, 2014.
21. Minutes, Marlborough High School Council, January 8, 2014.
22. Minutes, Planning Board, January 13, 2014.
23. CLAIMS:
 - A. Yvonne Burton, 73 Minehan Lane, residential mailbox claim 2(a)
 - B. Krista Duane, 562 Hemenway Street, pothole or other road defect
 - C. Lorrain Galvin, 217 Miles Standish Drive, residential mailbox claim 2(a)

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

24. **Order No. 13-1005613 – Transfer \$94,414.90 from the Fringe Account to the Fire Department.** The Finance Committee reviewed the Mayor's letter dated November 27, 2013 requesting two transfers from the Fringe account totaling \$94,414.90 to fund vacation buy back (\$48,704.98) and the retirement of a Firefighter (\$45,709.92) in the Fire Department. **The Finance Committee voted 5 – 0 to approve the two transfers.**
25. **Order No. 14-1005642 – Transfer \$100,000.00 from the Firefighter Salary Account to the Fire Department Overtime Account.** The Finance Committee reviewed the Mayor's letter dated January 9, 2014 requesting the transfer of \$100,000.00 from the Firefighter salary account to the Overtime account to cover injuries, unanticipated retirements and illnesses in the Fire Department. **The Finance Committee voted 5 – 0 to approve the transfers.**
26. **Order No. 14-1005641 – Transfer \$168,090.00 and \$4,000.00 from Various Police Department Line Items to Cover Overtime and Training.** The Finance Committee reviewed the Mayor's letter dated January 9, 2014 requesting two transfers:
Transfer \$168,090.00 from various Police Department line items to cover overtime due to retirements and injured officers.
Transfer \$4,000.00 from Court Overtime to training and Dues and Subscriptions for newly promoted officers.
The Finance Committee voted 5 – 0 to approve the two transfers.

27. **Order No. 14-1005643 – Transfer \$10,000.00 from the Custodian Account to the Custodian Overtime Account.** The Finance Committee reviewed the Mayor’s letter dated January 9, 2014 requesting the transfer of \$10,000.00 from the Custodian salary account to the Overtime account to cover weather related emergencies and building HVAC issues that required the call in of personnel. **The Finance Committee voted 5 – 0 to approve the transfers.**
28. **Order #13-1005614 A&B – Wiring Inspector Amendments to the General Code:** The Finance Committee reviewed the Mayor’s letter dated November 26, 2013 requesting a change to the General Code for the compensation of the Wiring Inspector and establishing an Assistant Wiring Inspector. Additionally, the letter requests a change to the salary ordinance for the Wiring Inspector, Assistant Wiring Inspector and Assistant Plumbing Inspector. The Finance Committee voted 4 – 0 (Councilor Irish abstained) to approve the following:
- **Order 13-1005614A** - Amending the General Code changing the compensation of the Wiring Inspector from per inspection to salary and establishing the position of an Assistant Wiring Inspector in the City Code compensated on a per inspection basis at the same rate of the Assistant Plumbing/Gas Inspector.
 - **Order 13-1005614B** - Revised salary ordinance for the positions of Wiring Inspector, Assistant Wiring Inspector, and Assistant Plumbing Inspector.

The Finance Committee agreed to support suspending the rules at the January 27, 2014 City Council meeting to report out the advertisement of the salary ordinance.

29. **Order No. 13-1005625 – Transfer \$17,500.00 from two Building Department Stabilization Accounts to fund Inspection Services.** The Finance Committee reviewed the Mayor’s letter dated December 12, 2013 requesting the transfer of \$17,500.00 from the two Building Department Stabilization Accounts to fund the Assistant Building Inspector salary adjustment, the part time Wiring Inspector salary, and fund the Assistant Plumbing Inspector at the new rate. The Finance Committee voted 4 – 0 (Councilor Irish abstained) to approve the transfers.

From Urban Affairs Committee

30. **Order No. 13-1005582** – Application for Special Permit by Atty. Bergeron on behalf of Sandra & Anthony Antico Real Estate LLC and Sky High Studios, Inc. to open commercial recreation establishment at the property, specifically an exercise and fitness facility, at 289 Elm Street.
PUBLIC HEARING: JANUARY 13, 2014

The committee met with the applicants to review the Findings and Facts and Conditions and incorporate the suggestions of the committee, department heads and City Solicitor. The main changes were to set the final hours of operation, ban alcohol from the premises, and to require the Applicant/Landlord to submit as-built Site plans by May 31, 2014. The committee clarified the attachments to be incorporated into the final document.

Motion by Councilor Clancy to approve, as amended, carried 5-0.

Motion by Councilor Clancy for a suspension of the rules to refer to the City Solicitor to put the document in proper legal form for the next City Council meeting on February 10, 2014 carried 5-0.

31. **Order No. 13-1005578** – Proposed Zoning Amendment submitted by Councilor Clancy to amend the Medical and Dental Clinic Use by making them separate uses and by adding two new definitions – Medical Clinic and Dental Clinic and, further, to allow dental clinics as of right in the Business (B) district.

REFER TO URBAN AFFAIRS AND PLANNING BOARD

PUBLIC HEARING: JANUARY 13, 2014

Councilor Clancy walked the committee through his reasoning for requesting the change, and the committee incorporated two suggested changes from the Planning Board which were to limit the number of dentists on site to three (3), and strike the wording regarding persons not being capable of self-preservation (under anesthesia).

The City Solicitor agreed to incorporate the changes agreed upon by the committee into a clean document for placement on the January 27, 2014 regular meeting agenda.

A motion to approve as amended carried 5-0.



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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Marlborough, MA 01752
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JANUARY 27, 2014

Regular meeting of the City Council held on Monday, January 27, 2014 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy, and Landers. Meeting adjourned at 8:40 PM.

ORDERED: That the minutes of the City Council meeting JANUARY 13, 2014, **FILE**; adopted.

ORDERED: That an executive session be scheduled during the City Council meeting scheduled for January 27, 2014. The executive session would be for the purpose of discussing strategy with respect to litigation, as an open meeting may have a detrimental effect on the litigating position of the City of Marlborough, **DENIED AND DISCUSSION WILL TAKE PLACE IN PUBLIC FORUM.**

Suspension of the Rules requested – granted to allow the Mayor and City Solicitor to speak.

ORDERED: That there being no objection thereto set **Monday, February 24, 2014** as a date for a **PUBLIC HEARING** On the Application for Special Permit from Bohler Engineering on behalf of VNG Co. to propose construction of a new compressed natural gas (CNG) facility with one new dispenser including minor site modifications and product piping at 413 Lakeside Avenue, refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the DPW transfer requests for various amounts to fund line items associated with interim/temporary promotions due to absences and vacancies, police overtime for details associated with water and sewer maintenance and repair, and overtime incurred from water main breaks, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT: Department of Public Works		FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$4,800.00	\$1,200	14001103	51440	Educational Incentive	\$1,200	14001103	51240	Temporary Part Time Help	\$2,345	
	Reason:	Surplus in account				Bring back last summer's college student during winter & spring breaks to conclude project				
\$4,800.00	\$1,500	14001103	51440	Educational Incentive	\$1,500	14001103	51310	Overtime - Regular	\$192	
	Reason:	Surplus in account				Overtime associated with the spring/summer construction season				
\$422,363.00	\$600	14001303	50740	Equipment Operators (Sts.)	\$600	14001303	51470	Interim Foreman	\$3,066	
	Reason:	Surplus due to worker's comp. injury				Higher than anticipated system repairs/storm event cost				
\$404,901.00	\$2,000	14001503	50740	Equipment Operators (F/P/C)	\$2,000	14001506	54630	Tree Planting	\$2,417	
	Reason:	Surplus due to worker's comp. injury				Various locations throughout city				
\$152,098.00	\$5,000	60085001	50850	Sewer Tr. Plant Oper.	\$5,000	61090006	54620	Maintenance-Trenches	\$15	
	Reason:	Surplus due to worker's comp. injury				Additional funding needed for trench repairs due to water/sewer breaks				
	\$10,300	Total			\$10,300	Total				

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:		FROM ACCOUNT:					FISCAL YEAR:			TO ACCOUNT:	
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance		
\$326,961.00	\$3,000	61090001	50740	Equipment Operator	\$3,000	61090003	51380	Overtime Water/Sewer	\$0		
	Reason:	Surplus due to recent retirement				Funding needed for police overtime					
\$326,961.00	\$3,000	61090001	50740	Equipment Operator	\$3,000	60080003	51380	Overtime Water/Sewer	\$1,376		
	Reason:	Surplus due to retirement				Funding needed for police overtime					

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Executive Office of Public Safety and Security grant awarded to the Police Department in the amount of \$60,680.36 for the FY2014 State 911 Department Training and EMD/Regulatory Compliance Grant Program; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Massachusetts Cultural Council grant awarded to the Marlborough Cultural Council in the amount of \$8,585.00 to fund worthy arts, humanities, music and youth based initiatives throughout our community; adopted.

ORDERED: That the Reappointment of Police Chief Leonard as Keeper of the Lockup for one year, **APPROVED**; adopted.

ORDERED: That the Reappointment of Linda Clark to the Board of Registrars for a three year term to begin on April 1, 2014, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Appointment of Thomas Abel to the Library Board of Trustees for a three year term to expire on February 6, 2017 who replaces Jean Peters whose term is due to expire on February 3, 2014 & Reappointments of Ray Hale for two years to expire on February 6, 2016; Raymond Johnson for three years to expire on February 6, 2017; Susan Laufer for three years to expire on February 6, 2017; Robyn Ripley for two years to expire on February 1, 2016, and Janice Merk for one year to expire on February 2, 2016, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Retirement of Fire Chief James Fortin, **FILE**; adopted.

ORDERED: That the Communication from City Solicitor Donald Rider re: Proposed Zoning Amendment, Dental Clinics containing the revisions recommended by the Committee, Order No. 13/14-1005578B, **MOVED TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Communication from the Planning Board re: Favorable Recommendation of Proposed Zoning Amendment. Section 650-17 entitled "Table of Uses" is hereby amended by regulating the business uses entitled "Medical and Dental Clinic", Order No. 13/14-1005578B, **MOVED TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Communication from Public Services Committee Chairman Landers – re-filing of Application for Renewal of Junk Dealer License, Jean Rabelo, Post Road Used Auto Parts of Marlborough, Inc., 785 Boston Post Road, for referral to Public Services Committee, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from Tim Cummings, MEDC-Urban Land Institute (ULI TAP) Technical Assistance Program Final Report: Coordinating Action in Downtown Marlborough, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, FEBRUARY 24, 2014**, as date for a **PUBLIC HEARING** on the Petition of NGRID and Verizon to relocate existing PC6 Laviolette Street 35' south towards the entrance to Lake Williams Condos. This will be used as a primary riser pole to feed a padmounted transformer. This is required to provide service to new building, refer to **PUBLIC SERVICES**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, FEBRUARY 24, 2014**, as date for a **PUBLIC HEARING** on the Petition of NGRID and Verizon to relocate the following poles on West Hill Road: P12 (4' North), P15 (4' North), P18 (5' North), P27 (8' South), P28 (6' South), P31 (5' South), P30 (3.5' South) and installation of new Guy Stub Pole 12-84, refer to **PUBLIC SERVICES**; adopted.

ORDERED: That the Minutes, Board of Health, January 8, February 12, March 13, April 9, May 21, June 11, August 13, September 10, December 10, 2013, **FILE**; adopted.

ORDERED: That the Minutes, Council on Aging, November 26, 2013, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, May 20, and September 20, 2012, **FILE**; adopted.

ORDERED: That the Minutes, License Board, January 23, February 27, March 27, April 24, May 22, June 26, July 31, August 28, October 2, October 23, November 20, and December 18, 2013, **FILE**; adopted.

ORDERED: That Minutes, Planning Board, December 16, 2013, **FILE**; adopted.

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

- A. Kori Berardino, 53 East Dudley St., residential mailbox claim 2(a)
- B. Frank Maglio, Jr., 272 Vega Rd., residential mailbox claim 2(a)

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

Present: Chairman Ossing; Finance Committee members Councilors Robey, Oram, Elder and Irish. Councilor Landers was also in attendance. The meeting convened at 7:00 PM.

Order No. 13-1005613 – Transfer \$94,414.90 from the Fringe Account to the Fire Department. The Finance Committee reviewed the Mayor's letter dated November 27, 2013 requesting two transfers from the Fringe account totaling \$94,414.90 to fund vacation buy back (\$48,704.98) and the retirement of a Firefighter (\$45,709.92) in the Fire Department. **The Finance Committee voted 5 – 0 to approve the two transfers.**

Order No. 14-1005642 – Transfer \$100,000.00 from the Firefighter Salary Account to the Fire Department Overtime Account. The Finance Committee reviewed the Mayor's letter dated January 9, 2014 requesting the transfer of \$100,000.00 from the Firefighter salary account to the Overtime account to cover injuries, unanticipated retirements and illnesses in the Fire Department. **The Finance Committee voted 5 – 0 to approve the transfers.**

Order No. 14-1005641 – Transfer \$168,090.00 and \$4,000.00 from Various Police Department Line Items to Cover Overtime and Training. The Finance Committee reviewed the Mayor's letter dated January 9, 2014 requesting two transfers:

- Transfer \$168,090.00 from various Police Department line items to cover overtime due to retirements and injured officers.
- Transfer \$4,000.00 from Court Overtime to training and Dues and Subscriptions for newly promoted officers.

The Finance Committee voted 5 – 0 to approve the two transfers.

Order No. 14-1005643 – Transfer \$10,000.00 from the Custodian Account to the Custodian Overtime Account. The Finance Committee reviewed the Mayor’s letter dated January 9, 2014 requesting the transfer of \$10,000.00 from the Custodian salary account to the Overtime account to cover weather related emergencies and building HVAC issues that required the call in of personnel. **The Finance Committee voted 5 – 0 to approve the transfers.**

Order No. 13-1005614 A&B – Wiring Inspector Amendments to the General Code. The Finance Committee reviewed the Mayor’s letter dated November 26, 2013 requesting a change to the General Code for the compensation of the Wiring Inspector and establishing an Assistant Wiring Inspector. Additionally, the letter requests a change to the salary ordinance for the Wiring Inspector, Assistant Wiring Inspector and Assistant Plumbing Inspector. The Finance Committee voted 4 – 0 (Councilor Irish abstained) to approve the following:

- **Order 13-1005614A** - Amending the General Code changing the compensation of the Wiring Inspector from per inspection to salary and establishing the position of an Assistant Wiring Inspector in the City Code compensated on a per inspection basis at the same rate of the Assistant Plumbing/Gas Inspector.
- **Order 13-1005614B** - Revised salary ordinance for the positions of Wiring Inspector, Assistant Wiring Inspector, and Assistant Plumbing Inspector.

The Finance Committee agreed to support suspending the rules at the January 27, 2014 City Council meeting to report out the advertisement of the salary ordinance.

Order No. 13-1005625 – Transfer \$17,500.00 from two Building Department Stabilization Accounts to fund Inspection Services. The Finance Committee reviewed the Mayor’s letter dated December 12, 2013 requesting the transfer of \$17,500.00 from the two Building Department Stabilization Accounts to fund the Assistant Building Inspector salary adjustment, the part time Wiring Inspector salary, and fund the Assistant Plumbing Inspector at the new rate. The Finance Committee voted 4 – 0 (Councilor Irish abstained) to approve the transfers.

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

Committee members Delano, Clancy, Landers, Tunnera, Page along with Councilors Robey and President Pope were in attendance.

The Urban Affairs Committee met to review two orders. The first was:

Order No. 13-1005582

Application for Special Permit by Atty. Bergeron on behalf of Sandra & Anthony Antico Real Estate LLC and Sky High Studios, Inc. to open commercial recreation establishment at the property, specifically an exercise and fitness facility, at 289 Elm Street.

PUBLIC HEARING: JANUARY 13, 2014

The committee met with the applicants to review the Findings and Facts and Conditions and incorporate the suggestions of the committee, department heads and City Solicitor. The main changes were to set the final hours of operation, ban alcohol from the premises, and to require the Applicant/Landlord to submit as-built Site plans by May 31, 2014. The committee clarified the attachments to be incorporated into the final document.

Motion by Councilor Clancy to approve, as amended, carried 5-0.

Motion by Councilor Clancy for a suspension of the rules to refer to the City Solicitor to put the document in proper legal form for the next City Council meeting on February 10, 2014 carried 5-0.

The committee next reviewed:

Order No. 13-1005578

Proposed Zoning Amendment submitted by Councilor Clancy to amend the Medical and Dental Clinic Use by making them separate uses and by adding two new definitions – Medical Clinic and Dental Clinic and, further, to allow dental clinics as of right in the Business (B) district.

REFER TO URBAN AFFAIRS AND PLANNING BOARD

PUBLIC HEARING: JANUARY 13, 2014

Councilor Clancy walked the committee through his reasoning for requesting the change, and the committee incorporated two suggested changes from the Planning Board which were to limit the number of dentists on site to three (3), and strike the wording regarding persons not being capable of self-preservation (under anesthesia).

The City Solicitor agreed to incorporate the changes agreed upon by the committee into a clean document for placement on the January 27, 2014 regular meeting agenda.

A motion to approve as amended carried 5-0.

Suspension of the Rules requested – granted

ORDERED: That the MMEA Contract Transfer request to fund the recently ratified collective bargaining contract between the City of Marlborough and the Marlborough Municipal Employees Association (MMEA) for FY 2013, 2014, and 2015, **APPROVED**; adopted.

Councilor Irish abstained

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
Available Balance	DEPT:		FROM ACCOUNT:			FISCAL YEAR:			Available Balance
	Amount	Org Code	Object	Account Description:	Amount	TO ACCOUNT:	Org Code	Object	
\$460,696	\$133,345	11990006	57820	Reserve for Salaries	\$5,285	11330002	50062	Finance Assistant	\$64,418
	Reason:					Contractual Increase			
					\$2,185	11350002	50062	Finance Assistant	\$30,390
	Reason:					Contractual Increase			
					\$2,090	11350002	50550	Head Clerk	\$27,716
	Reason:					Contractual Increase			
					\$925	11350002	50770	Senior Clerk	\$10,555
	Reason:					Contractual Increase			
					\$2,925	11410002	50550	Head Clerk	\$23,328
	Reason:					Contractual Increase			
					\$2,480	11410002	50770	Senior Clerk	\$27,771
	Reason:					Contractual Increase			
					\$4,965	11440002	50770	Senior Clerk	\$45,883
	Reason:					Contractual Increase			
					\$2,285	11550001	50210	Senior System Analyst	\$33,039
	Reason:					Contractual Increase			
					\$2,570	11550001	50213	Network Engineer	\$42,983
	Reason:					Contractual Increase			

		\$2,540	11610002	50770	Senior Clerk	\$21,372
Reason:					Contractual Increase	
		\$2,120	11620002	50141	Clerk	\$8,184
Reason:					Contractual Increase	
		\$1,940	11620002	50520	Principal Clerk	\$23,728
Reason:					Contractual Increase	
		\$8,055	11920001	50292	Bldg Maint. Craftsman	\$102,814
Reason:					Contractual Increase	
		\$2,130	11920001	50385	Electrician	\$28,826
Reason:					Contractual Increase	
		\$1,975	11920002	50520	Principal Clerk	\$12,316
Reason:					Contractual Increase	
		\$5,145	11920003	50560	Custodian	\$89,656
Reason:					Contractual Increase	
		\$1,940	12100002	50520	Principal Clerk	\$24,271
Reason:					Contractual Increase	
		\$1,845	12100002	50770	Senior Clerk	\$21,107
Reason:					Contractual Increase	
		\$2,030	12100003	50540	Chief Dispatcher	\$27,009
Reason:					Contractual Increase	
		\$15,200	12100003	51213	Public Safety Dispatcher	\$204,842
Reason:					Contractual Increase	
		\$2,110	12100003	51214	Public Safety Admin Asst	\$29,323
Reason:					Contractual Increase	
		\$2,150	12200002	51214	Public Safety Admin Asst	\$29,362
Reason:					Contractual Increase	
		\$5,235	12410001	50260	Asst Bldg Inspector	\$61,519
Reason:					Contractual Increase	
		\$2,285	12410001	50370	Plumbing Inspector	\$33,038
Reason:					Contractual Increase	
		\$7,160	12410002	50770	Senior Clerk	\$74,943
Reason:					Contractual Increase	
		\$1,975	14001002	50520	Principal Clerk	\$24,631
Reason:					Contractual Increase	
		\$2,090	14001002	50550	Head Clerk	\$27,716
Reason:					Contractual Increase	
		\$1,845	14001002	50770	Senior Clerk	\$21,108
Reason:					Contractual Increase	
		\$1,975	11090002	50520	Principal Clerk	\$24,631
Reason:					Contractual Increase	

			\$2,110	14920001	50166	Recreation Program Mgr.	\$28,324
Reason:				Contractual Increase			
			\$1,845	14920002	50770	Senior Clerk	\$21,107
Reason:				Contractual Increase			
			\$2,020	15120001	50611	Assistant Sanitarian	\$25,857
Reason:				Contractual Increase			
			\$1,845	15120002	50770	Senior Clerk	\$21,107
Reason:				Contractual Increase			
			\$1,905	15410001	50312	Outreach Worker	\$23,485
Reason:				Contractual Increase			
			\$2,805	16100001	50470	Children's Librarian	\$24,451
Reason:				Contractual Increase			
			\$1,975	16100001	50471	Young Adult Librarian	\$24,665
Reason:				Contractual Increase			
			\$1,975	16100001	50480	Cataloguer	\$24,631
Reason:				Contractual Increase			
			\$2,090	16100001	50656	Head of Circulation	\$27,715
Reason:				Contractual Increase			
			\$1,975	16100002	50520	Principal Clerk	\$24,631
Reason:				Contractual Increase			
			\$3,680	16100003	50490	Library Staff	\$42,214
Reason:				Contractual Increase			
			\$1,630	16100003	50860	Clerk	\$15,335
Reason:				Contractual Increase			
			\$10,045	16100003	51261	Library Staff Assistant	\$89,813
Reason:				Contractual Increase			

Suspension of the Rules requested – granted

ORDERED: That the IT/Building Department transfer request in the amount of \$27,000.00 which moves funds from Undesignated to Computer Software due to an increase in the size of building permits and said funds budgeted for use of GeoTMS software, **APPROVED**; adopted.

FROM:

Acct. # 10000-35900 \$27,000.00
Undesignated Funds

TO:

Acct. # 11550004-52541 \$27,000.00
Maint/Computer Software.

Councilor Irish abstained

Suspension of the Rules requested – granted

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 473, ENTITLED "POLES, WIRES AND CONDUITS," AND CHAPTER 7, ENTITLED "ADMINISTRATION," AS FOLLOWS:

- A. Chapter 473 is hereby amended by deleting section 473-1 in its entirety and replacing it with the following:

§ 473-1. Appointment of Inspector of Wires

The Mayor shall appoint an Inspector of Wires for a term of three years. The position of Inspector of Wires shall be a salaried position.

- B. Chapter 7 is hereby amended by deleting section 7-80 in its entirety and replacing it with the following:

§ 7-80. Assistant Plumbing Inspector & Assistant Wiring Inspector.

There shall be an Assistant Plumbing Inspector and an Assistant Wiring Inspector, who shall perform the duties of the Plumbing Inspector and the Wiring Inspector, respectively, as needed under the direction of the Building Inspector. The positions of Assistant Plumbing Inspector and Assistant Wiring Inspector shall be compensated in accordance with the salary ordinance on a per inspection basis.

ADVERTISED; adopted.

Councilor Irish abstained

Suspension of the Rules requested – granted

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 125, ENTITLED “PERSONNEL,” AS FOLLOWS:

POSITION	EFFECTIVE DATE	MINIMUM	MAXIMUM
Wiring Inspector* (* part-time salary based on a 19 hour work week)	1/2/14	630.80	630.80
Assistant Wiring Inspector & Assistant Plumbing Inspector	1/2/14	\$25.00 / per inspection	

ADVERTISED; adopted.

Councilor Irish abstained

Suspension of the Rules requested – granted

ORDERED: That the Legal Department transfer request in the amount of \$75,000.00 from Undesignated to Legal Services to fund anticipated legal expenses for the remainder of the fiscal year, **APPROVED;** adopted.

FROM:

Acct. # 10000-35900 \$75,000.00
 Undesignated Funds

TO:

Acct. # 11510004-53110 \$75,000.00
 Legal Services

Suspension of the Rules requested – granted

ORDERED: That the Application for Special Permit from Attorney Bergeron on behalf of Sandra & Anthony Antico Real Estate LLC and Sky Studios, Inc. to open commercial recreation establishment at the property, specifically an exercise and fitness facility at 289 Elm Street, refer to **CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM FOR THE FEBRUARY 10, 2014 CITY COUNCIL MEETING**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:40 PM.



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 7, 2013

ORDERED:

That there being no objection thereto set the **THIRD REGULARLY SCHEDULED MEETING IN 2014** as date for a **PUBLIC HEARING** On the Application for Special Permit from Attorney Gadbois on behalf of DBK Realty, LLC, to construct a facility at 1000 Nickerson Rd. to store and use toxic chemicals in the manufacture of small specialty parts for the medical instrument, airline and defense industries.

ADOPTED

ORDER NO. 13-1005555B



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

Arthur G. Vigeant
RECEIVED MAYOR
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Michael C. Berry
EXECUTIVE AIDE
2014 FEB -6 P 2:58
Patricia Bernard
EXECUTIVE SECRETARY

February 6, 2014

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

RE: Transfer Request – Employee Retirements

Honorable President Pope and Councilors:

Enclosed for your approval are three separate transfer requests to fund the sick leave buy back for retired employees of the Police and Public Works Departments.

- 1) Transfer in the amount of \$18,740.88 from 11990006-51500 (Fringes) to 61090003-51920 (Sick Leave Buy Back). WATER DIVISION
- 2) Transfer in the amount of \$18,741.00 from 11990006-51500 (Fringes) to 14001303-51920 (Sick Leave Buy Back). STREETS DIVISION
- 3) Transfer in the amount of \$26,077.18 from 11990006-51500 (Fringes) to 12100003-51920 (Sick Leave Buy Back). POLICE

Should you have any questions, please do not hesitate to let me know.

Sincerely,

Arthur G. Vigeant
Mayor

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: DPW - Water

FISCAL YEAR: 2014

Available
Balance

FROM ACCOUNT:

TO ACCOUNT:

Available
Balance

Amount

Org Code

Object

Account Description:

Amount

Org Code

Object

Account Description:

\$463,313.00

\$18,740.88

11990006

51500

Fringes

\$18,740.88

61090003

51920

Sick Leave Buy Back

\$1,472.32

Reason:

Sick Leave Buy Back

Retirement

Reason:

Reason:

Reason:

Reason:

\$18,740.88

Total

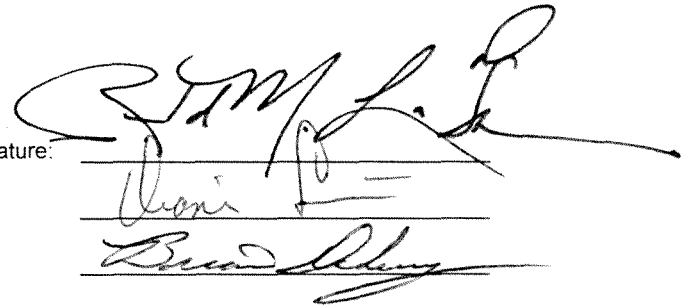
\$18,740.88

Total

Department Head signature:

Auditor signature:

Comptroller signature:



CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: DPW - Streets Division

FISCAL YEAR: 2014

FROM ACCOUNT:

TO ACCOUNT:

Available
Balance

Available
Balance

Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$463,313.00</u>	<u>11990006</u>	<u>5150</u>	<u>Fringes</u>	<u>\$18,741.00</u>	<u>14001303</u>	<u>51920</u>	<u>Sick Leave Buy Back</u>	<u>\$2,183.89</u>
	Reason:	<u>Sick Leave Buy Back</u>			Reason:	<u>Retirement</u>		
	Reason:	_____				_____		
	Reason:	_____				_____		
	Reason:	_____				_____		
	Reason:	_____				_____		
	Reason:	_____				_____		
<u>\$18,741.00</u>	Total			<u>\$18,741.00</u>	Total			

Department Head signature: _____

Auditor signature: _____

Comptroller signature: _____


The image shows three handwritten signatures in black ink. The first signature is for the Department Head, the second is for the Auditor, and the third is for the Comptroller. Each signature is written over a horizontal line.

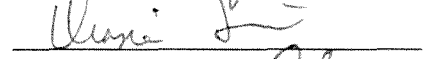
CITY OF MARLBOROUGH
BUDGET TRANSFERS --


DEPT: Police

FISCAL YEAR: 2014

Available Balance	FROM ACCOUNT:				TO ACCOUNT:				Available Balance
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	
<u>\$463,313.00</u>	<u>\$26,077.18</u>	<u>11990006</u>	<u>51500</u>	<u>Fringes</u>	<u>\$26,077.18</u>	<u>12100003</u>	<u>51920</u>	<u>Sick Leave Buy Back</u>	<u>\$15,130.53</u>
	Reason:	<u>Sick Leave Buy Back</u>				<u>Retirement</u>			
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
	Reason:	<hr/>				<hr/>			
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
	Reason:	<hr/>				<hr/>			
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
	Reason:	<hr/>				<hr/>			
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
	Reason:	<hr/>				<hr/>			
	\$26,077.18	Total			\$26,077.18	Total			

Department Head signature: 

Auditor signature: 

Comptroller signature: 



City of Marlborough
Office of the Mayor

Arthur G. Vigeant
MAYOR

RECEIVED
CITY CLERK *Michael C. Berry*
CITY OF MARLBOROUGH EXECUTIVE AIDE

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

2014 FEB - 6 *Patricia Bernard*
EXECUTIVE SECRETARY

February 6, 2014

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

RE: Transfer Request – OPEB Study

Honorable President Pope and Councilors:

Enclosed for your approval is the following transfer request:


- 1) Transfer in the amount of \$12,000.00 from 11990006-51500 (Fringes) to 11990006-53052 (Actuarial Study).

This request will fund an actuarial study regarding our OPEB (Other Post-Employment Benefits) obligations that is necessary for completion of our audited financial statements per GASB (Governmental Accounting Standards Board) 45, which is required every two years.

For your information I have enclosed a summary of what this report entails.

Should you have any questions, please do not hesitate to let me know.

Sincerely,


Arthur G. Vigeant
Mayor

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Comptroller

FISCAL YEAR: 2014

Available Balance	FROM ACCOUNT:				Amount	TO ACCOUNT:				Available Balance
	Amount	Org Code	Object	Account Description:		Org Code	Object	Account Description:		
<u>\$463,313.00</u>	<u>\$12,000.00</u>	<u>11990006</u>	<u>51500</u>	<u>Fringes</u>	<u>\$12,000.00</u>	<u>11990006</u>	<u>53052</u>	<u>Actuarial Study</u>	<u>\$3,000.00</u>	
	Reason:	<u>Surplus in account</u>				<u>Update OPEB report for GASB 45</u>				
<hr/>		<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	
	Reason:	<hr/>				<hr/>				
<hr/>		<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	
	Reason:	<hr/>				<hr/>				
<hr/>		<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	
	Reason:	<hr/>				<hr/>				
<hr/>		<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	
	Reason:	<hr/>				<hr/>				
	<u>\$12,000.00</u>	<u>Total</u>			<u>\$12,000.00</u>	<u>Total</u>				

Department Head signature: _____

Auditor signature: _____

Comptroller signature: _____

Technical Issues

SUMMARY OF STATEMENT NO. 45

SUMMARIES / STATUS

SUMMARY OF STATEMENT NO. 45

ACCOUNTING AND FINANCIAL REPORTING BY EMPLOYERS FOR POSTEMPLOYMENT BENEFITS OTHER THAN PENSIONS

(ISSUED 6/04)

In addition to pensions, many state and local governmental employers provide *other postemployment benefits* (OPEB) as part of the total compensation offered to attract and retain the services of qualified employees. OPEB includes *postemployment health care*, as well as other forms of postemployment benefits (for example, life insurance) when provided separately from a pension plan. This Statement establishes standards for the measurement, recognition, and display of OPEB expense/expenditures and related liabilities (assets), note disclosures, and, if applicable, required supplementary information (RSI) in the financial reports of state and local governmental employers.

The approach followed in this Statement generally is consistent with the approach adopted in Statement No. 27, *Accounting for Pensions by State and Local Governmental Employers*, with modifications to reflect differences between pension benefits and OPEB. Statement No. 43, *Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans*, addresses financial statement and disclosure requirements for reporting by administrators or trustees of OPEB plan assets or by employers or sponsors that include OPEB plan assets as trust or agency funds in their financial reports.

How This Statement Improves Financial Reporting

Postemployment benefits (OPEB as well as pensions) are part of an exchange of salaries and benefits for employee services rendered. Of the total benefits offered by employers to attract and retain qualified employees, some benefits, including salaries and active-employee healthcare, are taken while the employees are in active service, whereas other benefits, including postemployment healthcare and other OPEB, are taken after the employees' services have ended. Nevertheless, both types of benefits constitute compensation for employee services.

From an accrual accounting perspective, the cost of OPEB, like the cost of pension benefits, generally should be associated with the periods in which the exchange occurs, rather than with the periods (often many years later) when benefits are paid or provided. However, in current practice, most OPEB plans are financed on a pay-as-you-go basis, and financial statements generally do not report the financial effects of OPEB until the promised benefits are paid. As a result, current financial reporting generally fails to:

- Recognize the *cost* of benefits in periods when the related services are received by the employer
- Provide information about the *actuarial accrued liabilities* for promised benefits associated with past services and whether and to what extent those benefits have been funded
- Provide information useful in assessing potential demands on the employer's future cash flows.

This Statement improves the relevance and usefulness of financial reporting by (a) requiring systematic, accrual-basis measurement and recognition of OPEB cost (expense) over a period that approximates employees' years of service and (b) providing information about actuarial accrued liabilities associated with OPEB and whether and to what extent progress is being made in funding the plan.

Summary of Standards

Measurement (the Parameters)

Employers that participate in *single-employer or agent multiple-employer defined benefit* OPEB plans (sole and agent employers) are required to measure and disclose an amount for annual OPEB cost on the accrual basis of accounting. Annual OPEB cost is equal to the employer's annual required contribution to the plan (ARC), with certain adjustments if the employer has a net OPEB obligation for past under- or overcontributions.

The ARC is defined as the employer's required contributions for the year, calculated in accordance with certain parameters, and includes (a) the normal cost for the year and (b) a component for amortization of the total unfunded actuarial accrued liabilities (or funding excess) of the plan over a period not to exceed thirty years. The parameters include requirements for the frequency and timing of actuarial valuations as well as for the actuarial methods and assumptions that are acceptable for financial reporting. If the methods and assumptions used in determining a plan's funding requirements meet the parameters, the same methods and assumptions are required for financial reporting by both a plan and its participating employer(s). However, if a plan's method of financing does not meet the parameters (for example, the plan is financed on a pay-as-you-go basis), the parameters nevertheless apply for financial reporting purposes.

For financial reporting purposes, an actuarial valuation is required at least biennially for OPEB plans with a total membership (including employees in active service, terminated employees who have accumulated benefits but are not yet receiving them, and retired employees and beneficiaries currently receiving benefits) of 200 or more, or at least triennially for plans with a total membership of fewer than 200. The projection of benefits should include all benefits covered by the current *substantive plan* (the plan as understood by the employer and plan members) at the time of each valuation and should take into consideration the pattern of sharing of benefit costs between the employer and plan members to that point, as well as certain legal or contractual caps on benefits to be provided. The parameters require that the selection of actuarial assumptions, including the *healthcare cost trend rate* for postemployment healthcare plans, be guided by applicable actuarial standards.

Alternative Measurement Method

A sole employer in a plan with fewer than one hundred total plan members (including employees in active service, terminated employees who have accumulated benefits but are not yet receiving them, and retirees and beneficiaries currently receiving benefits) has the option to apply a simplified *alternative measurement method* instead of obtaining actuarial valuations. The option also is available to an agent employer with fewer than one hundred plan members, in circumstances in which the employer's use of the alternative measurement method would not conflict with a requirement that the *agent multiple-employer plan* obtain an actuarial valuation for plan reporting purposes. Those circumstances are:

- The plan issues a financial report prepared in conformity with the requirements of Statement 43 but is not required to obtain an actuarial valuation because (a) the plan has fewer than one hundred total plan members (all employers) and is eligible to use the alternative measurement method, or (b) the plan is not administered as a qualifying trust, or equivalent arrangement, for which Statement 43 requires the presentation of actuarial information.
- The plan does not issue a financial report prepared in conformity with the requirements of Statement 43.

This alternative method includes the same broad measurement steps as an actuarial valuation (projecting future cash outlays for benefits, discounting projected benefits to present value, and allocating the present value of benefits to periods using an actuarial cost method). However, it permits simplification of certain assumptions to make the method potentially usable by nonspecialists.

Net OPEB Obligation—Measurement

An employer's net OPEB obligation is defined as the cumulative difference between annual OPEB cost and the employer's contributions to a plan, including the OPEB liability or asset at transition, if any. (Because retroactive application of the measurement requirements of this Statement is not required, for most employers the OPEB liability at the beginning of the transition year will be zero.) An employer with a net OPEB obligation is required to measure annual OPEB cost equal to (a) the ARC, (b) one year's interest on the net OPEB obligation, and (c) an adjustment to the ARC to offset the effect of actuarial amortization of past under- or overcontributions.

Financial Statement Recognition and Disclosure

Sole and agent employers should recognize OPEB expense in an amount equal to annual OPEB cost in government-wide financial statements and in the financial statements of proprietary funds and fiduciary funds from which OPEB contributions are made. OPEB expenditures should be recognized on a modified accrual basis in governmental fund financial statements. Net OPEB obligations, if any, including amounts associated with under- or overcontributions from governmental funds, should be displayed as liabilities (or assets) in government-wide financial statements. Similarly, net OPEB obligations associated with proprietary or fiduciary funds from which contributions are made should be displayed as liabilities (or assets) in the financial statements of those funds.

Employers are required to disclose descriptive information about each defined benefit OPEB plan in which they participate, including the funding policy followed. In addition, sole and agent employers are required to disclose information about contributions made in comparison to annual OPEB cost, changes in the net OPEB obligation, the funded status of each plan as of the most recent actuarial valuation date, and the nature of the actuarial valuation process and significant methods and assumptions used. Sole and agent employers also are required to present as *RSI* a schedule of funding progress for the most recent valuation and the two preceding valuations, accompanied by notes regarding factors that significantly affect the identification of trends in the amounts reported.

Cost-Sharing Employers

Employers participating in *cost-sharing multiple-employer* plans that are administered as trusts, or equivalent arrangements, in which (a) employer contributions to the plan are irrevocable, (b) plan assets are dedicated to providing benefits to retirees and their beneficiaries in accordance with the terms of the plan, and (c) plan assets are legally protected from creditors of the employers or plan administrator, should report as cost-sharing employers. Employers participating in multiple-employer plans that do not meet those criteria instead are required to apply the requirements of this Statement that are applicable to agent employers.

Cost-sharing employers are required to recognize OPEB expense/expenditures for their *contractually required contributions* to the plan on the accrual or modified accrual basis, as applicable. Required disclosures include identification of the way that the contractually required contribution rate is determined (for example, by statute or contract or on an actuarially determined basis). Employers participating in a cost-sharing plan are required to present as *RSI* schedules of funding progress and employer contributions for the plan as a whole if a plan financial report, prepared in accordance with Statement 43, is not issued and made publicly available and the plan is not included in the financial report of a public employee retirement system or another entity.

Other Guidance

Employers that participate in *defined contribution* OPEB plans are required to recognize OPEB expense/expenditures for their required contributions to the plan and a liability for unpaid required contributions on the accrual or modified accrual basis, as applicable.

This Statement also includes guidance for employers that finance OPEB as insured benefits (as defined by this Statement) and for special funding situations.

Effective Dates and Transition

This Statement generally provides for prospective implementation—that is, that employers set the beginning net OPEB obligation at zero as of the beginning of the initial year. Implementation is required in three phases based on a government's total annual revenues in the first fiscal year ending after June 15, 1999. The definitions and cutoff points for that purpose are the same as those in Statement No. 34, *Basic Financial Statements—and Management's Discussion and Analysis—for State and Local Governments*. This Statement is effective for periods beginning after December 15, 2006, for *phase 1 governments* (those with total annual revenues of \$100 million or more); after December 15, 2007, for *phase 2 governments* (those with total annual revenues of \$10 million or more but less than \$100 million); and after December 15, 2008, for *phase 3 governments* (those with total annual revenues of less than \$10 million). Earlier implementation is encouraged.

Unless otherwise specified, pronouncements of the GASB apply to financial reports of all state and local governmental entities, including general purpose governments; public benefit corporations and authorities; public employee retirement systems; and public utilities, hospitals and other healthcare providers, and colleges and universities. Paragraphs 4 and 6 discuss the applicability of this Statement.



City of Marlborough

Arthur G. Vigeant
MAYOR

Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Michael C. Berry
EXECUTIVE AIDE

140 Main Street

Marlborough, Massachusetts 01752

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

2014 FEB - 6 P
Patricia Bernard
EXECUTIVE SECRETARY

February 6, 2014

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

RE: Transfer Request – Personnel Management Training

Honorable President Pope and Councilors:

Enclosed for your approval is a transfer request that will fund the city's participation in the Supervisory and Leadership Development Program through the Collins Center for Public Management at the University of Massachusetts – Boston.

- 1) Transfer in the amount of \$10,000.00 from 11990006-51500 (Fringes) to 11520006-57380 (Conference & Training).

This program brings together our supervisors and managers to develop and refine knowledge, skills and abilities needed for effective supervision. The program consists of six sessions totaling nearly twenty hours of training. Approximately 20 – 25 department heads and senior managers from across the city will participate in this program, the first time the city has undertaken such training on this large a scale.

Some of our managers have already gone through this program and found it to be a very worthwhile experience. The professional development of key personnel will continue to be a priority of mine.

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

Sincerely,

Arthur G. Vigeant
Mayor

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Personnel FISCAL YEAR: 2014

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$463,313.00	\$10,000.00	11990006	51500	<u>Fringes</u>	\$10,000.00	11520006	57380	<u>Conference & Training</u>	\$13,754.31
	Reason:	<u>Surplus in account</u>				<u>Personnel Management training</u>			
	Reason:	_____				_____			
	Reason:	_____				_____			
	Reason:	_____				_____			
	Reason:	_____				_____			
	Reason:	_____				_____			
\$10,000.00	Total				\$10,000.00	Total			

Department Head signature: *David Brunkey*
 Auditor signature: *Woni*
 Comptroller signature: *Ben Selby*



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

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 FEB -6 P 2:51

February 6, 2014

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

RE: Transfer Request – Board of Health

Honorable President Pope and Councilors:

Enclosed for your approval is the transfer request:

- 1) Transfer in the amount of \$1,710.00 from 15120001-50391 (P/T Nurse) to 15120005-55050 (Medical Supplies).

This request is necessary to cover higher than anticipated demand for flu vaccinations this year compounded by the fact that the state is supplying a smaller amount of free vaccinations to communities this year. Funds are available due to the retirement of the part-time Public Health Nurse. Mr. Landry has been instructed that future requests for exhausted line items will be required to receive full approval prior to their expenditures.

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

Sincerely,

Arthur G. Vigeant
Mayor

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Board of Health

FISCAL YEAR: 2014

FROM ACCOUNT:

TO ACCOUNT:

Available
Balance

Amount

Org Code Object

Account Description:

Amount

Org Code Object

Account Description:

Available
Balance

\$12,608.15

\$1,710.00

15120001 50391

Part Time Nurse

\$1,710.00

15120005 55050

Medical Supplies

\$152.93

Reason: Surplus due to retirement

Heavy activity this year for flu vaccines

Reason: _____

Reason: _____

Reason: _____

Reason: _____

\$1,710.00

Total

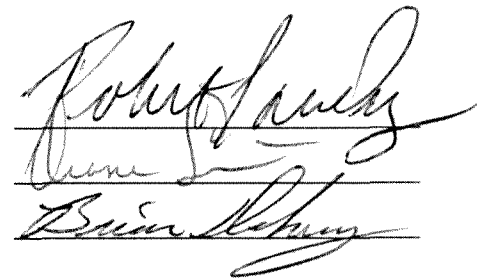
\$1,710.00

Total

Department Head signature:

Auditor signature:

Comptroller signature:





City of Marlborough
Office of the Mayor

RECEIVED *Arthur G. Vigeant*
CITY CLERK'S OFFICE MAYOR
CITY OF MARLBOROUGH
2014 FEB -6 P 2:58
Michael C. Berry
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

February 6, 2014

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

Re: Conservation Grant Acceptance

Honorable President Pope and Councilors:

I am submitting for your acceptance a grant in the amount of \$2,000.00 from The Butler Family Foundation to assist with the ongoing maintenance of the Felton Conservation Land fields and other conservation related maintenance.

Enclosed is the relevant backup information as well as correspondence from Conservation Officer Priscilla Ryder.

Please do not hesitate to contact me with any additional questions.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough
Conservation Commission

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

January 24, 2014

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

RE: Acceptance of Gift of \$2,000 to Conservation Maintenance Fund
Felton Conservation Land

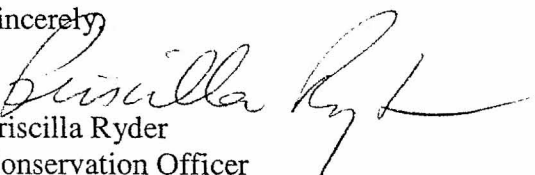
Dear Mayor Vigeant,

The City of Marlborough through the Conservation Commission has been given a gift of \$2,000 from The Butler Family Foundation to help with the maintenance of the Felton Conservation Land fields, on Elm St. The letter from the Butler Family Foundation is attached. We are grateful for this support from this family.

As required by MGL Ch. 44 Section 53A the acceptance and expenditure of these gifts require your approval as well as the approval of City Council. We request that these funds be accepted and placed in the Conservation Maintenance Fund account #845- 00005-54000 to be used for conservation land maintenance projects.

If you have any questions on the above, please let me know.

Sincerely,


Priscilla Ryder
Conservation Officer

Cc: Con. Com.
Linda Butler
Diane Smith

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Conservation DATE: 1/24/2014

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Priscilla Ryder

NAME OF GRANT: Gift

GRANTOR: The Butler Family Foundation

GRANT AMOUNT: \$2,000

GRANT PERIOD: N/A

SCOPE OF GRANT/
ITEMS FUNDED Funds to be used to maintain Felton Conservation Land on Elm
St.

IS A POSITION BEING
CREATED: no

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? N/A

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?

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: April 2014

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



City of Marlborough
Conservation Commission

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

January 24, 2014

Linda Butler
80 Dudley St.
Marlborough, MA 01752

RE: Thank you for your gift

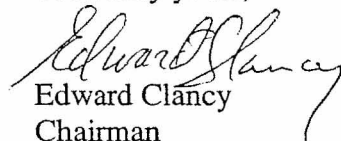
Dear Ms. Butler:

On behalf of the Marlborough Conservation Commission I wanted to send our sincere THANK YOU for your gift of \$2,000 from The Butler Family Foundation to be used towards the maintenance of our Felton Conservation land property. We also wanted to acknowledge your endless hours of dedicated volunteer service in keeping the trails open and keeping us informed about issues at the property. Without your dedication and commitment to this wonderful field property and the funds you have provided to the City through the Commission over the years, the fields would be growing in, the bittersweet would have engulfed all the trees on Elm St. and the property would not be in as wonderful a shape as it is. Instead we have a wonderful property with open fields, and views of the stonewalls that were once covered.

We are indebted to your hard work on and gifts to this land. The fields look lovely and you are to be thanked. We look forward to continuing to work with you in restoring the fields back to their original size.

Thank you again for your generous gift and your time and energy.

Gratefully yours,


Edward Clancy
Chairman

Cc: Con. Com

RECEIVED JAN 2 2013

Butler Family Foundation

P.O. 7008

Ithaca, NY 14851

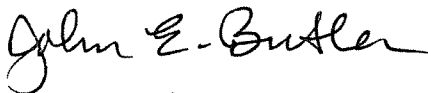
December 10, 2013

Dear Grant Recipient :

Please find enclosed check from the Butler Family Foundation in support of your organization.

Thank you very much.

Sincerely,



John E. Butler, Trustee

Please designate check to Land Conservation Commission.

*Call Linda Butler (h) 774-245-1242
with questions. (cell) 508-481-3342*

Thank you -



City of Marlborough

Office of the Mayor

140 Main Street 2014 FEB -6 P 2:58

Marlborough, Massachusetts 01752

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

www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

February 6, 2014

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

Re: Deficit Spending for Snow and Ice Account

Honorable President Pope and Councilors:

Pursuant to Order No. 13-1005441A, I have attached for your approval a proposed order authorizing the city to incur additional liability and make expenditures for FY14 in excess of the approved appropriation for the purposes of snow and ice removal.

This is done annually in many municipalities as allowed by M.G.L. Chapter 44, section 31D.

Please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant
Mayor

ORDERED:

That pursuant to Chapter 44, section 31D of the General Laws of the Commonwealth of Massachusetts, which authorizes the City to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal, the City Council of the City of Marlborough, upon the recommendation of the Mayor, approves expenditures in excess of available appropriation up to \$1,250,000 for snow and ice removal for fiscal year 2014.

ADOPTED
In City Council
Order No. 14 -

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

FISCAL YEAR 2014 SNOW AND ICE SUMMARY

ACCOUNT	FY 14 APPROPRIATION W/TRANSFERS	YEAR TO DATE EXPENDED	YEAR TO DATE OUTSTANDING ENCUMBERANCES	BALANCE
Overtime Snow and Ice (14001203-51390)	\$312,500.00	\$237,486.00	\$0.00	\$75,014.00
Snow Removal 14001206-52960	\$687,500.00	\$517,997.00	\$8,323.00	\$161,180.00
Snow and Ice Operating Expenses (14001206-57040)	\$250,000.00	\$353,158.00	\$32,673.00	-\$135,831.00
TOTAL	\$1,250,000.00	\$1,108,641.00	\$40,996.00	\$100,363.00

AUTHORIZATIONS

TOTAL FY 14 SNOW AND ICE APPROPRIATION	FY 14 SNOW AND ICE DEFICIT AUTHORIZATION	RECOMMENDED ADDITIONAL DEFICIT AUTHORIZATION
\$500,000.00	Initial: 17-June-13 \$750,000.00	\$500,000.00



City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
RECEIVED MAYOR
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Michael C. Berry
2014 FEB -6 2:58
EXECUTIVE AIDE
Patricia Bernard
EXECUTIVE SECRETARY

February 6, 2014

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

Re: Disabilities Commission Appointments

Honorable President Pope and Councilors:

Enclosed for your approval are the following reappointments to the Commission on Disabilities:

- Debra McManus for a term of two years;
- John Usinas for a term of three years;
- Richard Towle for a term of two years;
- Pat Winske for a term of three years;

In addition, Ward 2 Councilor Robert Page has agreed to succeed Ward 4 Councilor Rob Tunnera as the designated elected official on the Commission.

These appointments leave two remaining openings on the committee. I encourage you to contact my office if you know of any citizens that may be interested in serving

Thank you for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough
Office of the Mayor

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

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CITY OF MARLBOROUGH
2014 FEB -6 P 2:57

Arthur G. Vigeant
MAYOR
Michael C. Berry
EXECUTIVE AIDE
Patricia Bernard
EXECUTIVE SECRETARY

February 6, 2014

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

RE: Retirement of DPW Commissioner Ronald LaFreniere

Honorable President Pope and Councilors:

Enclosed is the resignation letter of Ronald LaFreniere, Commissioner of Public Works.

On March 10, 2014 Commissioner LaFreniere will conclude a near 40 year career with the City of Marlborough that began on July 8, 1974. He worked his way up the ladder the old fashioned way - to City Engineer and, eventually, Commissioner of Public Works. Ron possesses a genuine love for his hometown of Marlborough and a strong dedication to his profession that has earned him the respect and admiration of many in the community.

Mr. LaFreniere has informed me he will assist in any capacity he can as we move forward.

Sincerely,

Arthur G. Vigeant
Mayor



CITY OF MARLBOROUGH
Department of Public Works
Office of the Commissioner
135 Neil Street
Marlborough, Massachusetts 01752
(508) 624-6910 Ext. 7200
Facsimile (508) 624-7699 TDD (508) 460-3610

January 22, 2014

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

Dear Mayor Vigeant

Please accept this letter as notification to you that I intend to resign from my position as commissioner of public works for the city of Marlborough, effective Monday, March 10, 2014.

Sincerely,

Ronald M. LaFreniere, P.E.
Commissioner of Public Works

Cc: City Council
Personnel
Thomas P. Temple
Michele Mochnoc-Higgins
Thomas E. Cullen



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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 FEB -6 P 2:53
Arthur G. Vigeant MAYOR
Michael C. Berry EXECUTIVE AIDE
Patricia Bernard EXECUTIVE SECRETARY

February 6, 2014

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

RE: Appointment of New DPW Commissioner

Honorable President Pope and Councilors:

I am pleased to inform you that I have appointed Mr. John Ghiloni to the position of Commissioner of Public Works for a term of five years.

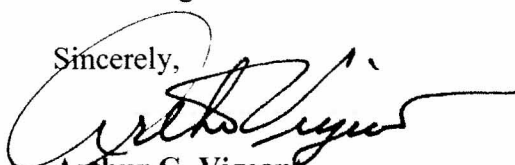
Mr. Ghiloni has been employed by the City of Marlborough since January 1991 and has served as our Director of Public Facilities since December 1993. In this capacity, Mr. Ghiloni has been an exemplary manager capable of handling a diverse scope of projects, including two school projects, without sacrificing his attention to detail or responsiveness. In short, he is my "go-to guy."

Many of his existing responsibilities mirror some of the ones he will soon be undertaking. As Public Facilities Director he is responsible for overseeing the construction and ongoing maintenance of all of our municipal and school buildings, handles city wide capital projects, and manages a staff of nearly 50 laborers, craftsmen, and office employees. I have full confidence that his ability to listen, provide thoughtful advice when necessary, and the ability to delegate fairly and effectively will characterize John's tenure and enhance the ability of those around him.

Given that his first task will be filling the position of City Engineer to lead the city's Engineering Division, John's vast experience as a manager will allow him to identify a top quality candidate who will be successful in this critical position.

I am also closely examining the possibility of placing the Public Facilities Department as a division within the Department of Public Works. This structure is commonplace in many communities and has the potential to streamline the city's organization and provide a measure of cost savings.

Sincerely,


Arthur G. Vigeant
Mayor

John L. Ghiloni

30 Briarcliff Lane
Holliston, MA 01746

EDUCATION

Bachelor of Science in Accountancy

Bentley College, Waltham , MA

May 1981

Course Highlights: Financial Accounting, Cost Accounting, Taxation, Economics, Financial Management, Statistics

WORK EXPERIENCE

Director of Public Facilities

City of Marlborough, Marlborough, MA

December 1993 – current

- Prepare and manage an annual operating budget of \$7,000,000
- Prepare and manage an annual capital budget of \$5,000,000
- Supervise 48 permanent employees (custodians, tradesmen, office staff) and outside contractors
- Prepare Five Year Capital Plan for Marlborough Public Schools and the City of Marlborough
- Coordinate and upgrade security systems
- Procurement of utilities, materials, supplies, and outside contractors
- Preparation/filing of Massachusetts School Building Authority , EPA, Green Communities, e-rate, grant applications, rebates, permits, and various local, state and federal forms
- Implement local, state and federal regulations
- Plan, implement and supervise construction projects

Economic Development Director

City of Marlborough, Marlborough, MA

January 1991 –December 1993

Owner/Broker

Briarcliff Realtors, Holliston, MA

April 1986 – January 1991

BOARDS and COMMISSIONS

- Design Select Committee, Chairperson
- Cable Advisory Board
- Capital Planning Committee
- Marlborough Energy and Environmental Task Force
- Marlborough Emergency Management Agency

- Jaworek School Building Committee, Co-Chairperson
- Whitcomb Middle School Building Committee
- Senior Center Building Committee, Chairperson

COMMUNITY and VOLUNTEER WORK

- Home for the Holidays Committee
- Heritage Celebration Committee
- Marlborough Hospital Building Committee
- Cottage Children's Day Care Board of Directors
- Millennium Committee
- 350th Anniversary Committee
- 9/11 Committee

ASSOCIATIONS

- Massachusetts Association of Procurement Officials
- Massachusetts Facilities Administrative Association

City of Marlborough, MA
Thursday, February 6, 2014

Chapter 7. ADMINISTRATION

Article IV. Department of Public Works

§ 7-30. Appointment of Commissioner of Public Works.

There shall be a Commissioner of Public Works, who shall be appointed by the Mayor, subject to confirmation of the City Council, for a term of five years. Such Commissioner shall take office on the day following his appointment.

§ 7-31. Powers and duties of Commissioner.

- A. The Commissioner of Public Works shall be the supervisory and administrative head of the Department of Public Works. The Commissioner is hereby vested with the authority, duty and power to regulate and coordinate all functions reasonably related to the duties and responsibilities of the Department of Public Works as herein transferred to the Department and as the City Council may from time to time by ordinance provide, any other provision of law to the contrary notwithstanding.
- B. The Commissioner of Public Works shall have all the authority of the former Board of Cemetery Commissioners and shall be responsible for and have the authority conveyed by §§ 19-3, 19-4, 19-9, 19-10 and 19-11 of Article II, and § 19-13 of Article III of Chapter 19 of the Code. The City shall create a renamed, uncodified division to be called the Forestry, Parks and Cemetery Division.

[Added 6-29-1998 by Ord. No. 98-7503B]



City of Marlborough

Office of the Mayor

Arthur G. Vigeant
MAYOR

RECEIVED
CITY CLERK'S *Michael C. Berry*
CITY OF MARLBOROUGH
EXECUTIVE AIDE

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

2014 FEB -6
Patricia Bernard
EXECUTIVE SECRETARY

February 6, 2014

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

Re: Proposed Ordinance Relative to the Board of Assessors

Honorable President Pope and Councilors:

Enclosed for your consideration and approval are proposed orders which would amend the City Code relative to the Board of Assessors and the position of Principal Assessor.

Over the past two years we have worked collaboratively to think outside the box on how we can better manage the operations of the Assessors' Office, and I am very pleased with the results gained from this innovative approach.

As I look to make appointments to the Board of Assessors in the coming months, I believe that now is the time to ensure that the City Code is reflective of current practices.

As currently written, Section 67-27 of the City Code states that the Chairman of the Board of Assessors is a "... full-time employee of the City and shall carry on his duties as head of the Tax Assessing Department or Program in a manner of practice corresponding to heads of other departments in the City."

In summary, the proposed amendments will accomplish the following:

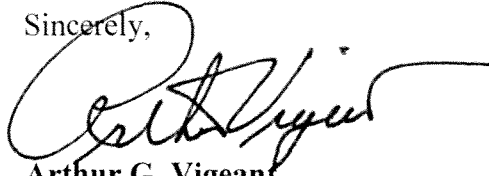
- Eliminate the practice of a full-time City employee serving as Chairman of the Board of Assessors while simultaneously managing the Assessors' Office;
- Formally establish in the City Code the position of Principal Assessor who will serve as a member of the Board of Assessors, but never in the role of Chairman;
- Ensure that stipends are not available to employees of the Assessors' Office who also serve on the Board of Assessors.

These changes will not impact current operations or the services agreement with Regional Resources Group. In fact, should the City wish in the future to employ a Principal Assessor as a permanent employee, these changes will allow for a seamless transition.

I believe these reforms reflect a strong step towards more transparent governance and operations. Once accepted, I intend to submit to you permanent appointments to the Board of Assessors.

I am happy to answer any questions you may have, and I look forward to your input.

Sincerely,

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

Arthur G. Vigeant
Mayor

ORDERED:

Be it ordained by the City Council of the City of Marlborough, acting upon a recommendation of the Mayor, that Article VI, Board of Tax Assessors, of the Code of the City of Marlborough (hereinafter, the "City Code"), as amended, be further amended as follows:

- I. By striking paragraphs A. and B. in their entirety from § 67-27, and inserting in place thereof the following:
 - A. There shall be a Board of Tax Assessors comprised of three members who shall be appointed by the Mayor, subject to confirmation by the City Council, for a term of three years and until his/her successor is qualified.
 - B. No member of the Board of Tax Assessors shall receive compensation if he/she is an employee of the City of Marlborough or an employee of a vendor or company which provides contracted services to the Assessors' Office.
 - C. The members of the Board of Tax Assessors shall annually choose as Chairman one of their number who is not an employee of the Assessors' Office and not an employee of a vendor or company which provides contracted services to the Assessors' Office.
- II. By striking in its entirety § 67-28, and inserting in place thereof the following new § 67-28:

§ 67-28 Principal Assessor; powers and duties.

 - A. There shall be a Principal Assessor, appointed by the Mayor and subject to confirmation by the City Council, who shall serve a term of three years and until his/her successor is qualified. The Principal Assessor shall not be subject to an additional appointment by the Mayor to the Board of Tax Assessors.
 - B. The Principal Assessor shall serve as a member of the Board of Tax Assessors and shall oversee the day to day operations of the Assessors' Office. The Principal Assessor shall also be responsible for the administrative, technical and supervisory work related to the valuation and revaluation of all residential, industrial and commercial real estate and personal property, including triennial recertification in conformance with regulations of the Department of Revenue, and for the preparation of estimates of city-wide valuations for use in budget appropriations.
 - C. The Principal Assessor shall obtain evidence of all assets and income as required to be reported pursuant to all exemption and deferral programs, including certified or notarized statements, income tax returns or other verification satisfactory to the Principal Assessor.
 - D. Additional responsibilities of the Principal Assessor include managing the defense of the City in cases before the Appellate Tax Board or other governing bodies, and in conjunction with the Board of Tax Assessors, processing tax exemptions and abatements.

E. The Principal Assessor shall be qualified in accordance with the regulations of the Department of Revenue, and shall at the time of appointment be designated a Massachusetts Accredited Assessor (MAA), or shall obtain said designation within one year of appointment. The Principal Assessor shall also be designated a Certified General Real Estate Appraiser by the Commonwealth of Massachusetts at the time of appointment, or shall obtain said designation within one year of appointment.

III. By striking from § 67-32, as amended, the word "Chairman" as it appears therein and inserting in place thereof the words "Principal Assessor," by striking the word "He" as it appears therein and inserting in place thereof the words "He/She," and by striking the words "Tax Assessing Department" and "Assessor's Office" as they appear therein and inserting in place thereof the words "Assessors' Office."

ADOPTED
In City Council
Order No. 14-

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
RECEIVED MAYOR
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Michael C. Berry
EXECUTIVE AIDE
2014 FEB -6 P 2:58
Patricia Bernard
EXECUTIVE SECRETARY

February 6, 2014

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

Re: Proposed Ordinance Relative to the Comptroller-Treasurer

Honorable President Pope and Councilors:

Enclosed for your consideration and approval are orders pertaining to the positions of Comptroller-Treasurer and Commissioner of Public Works.

The first ordinance makes minor modifications to the responsibilities of Comptroller-Treasurer including designating him as the Chief Financial Officer of the City, head of the Municipal Finance Department, which shall consist of both the Collector's and Assessors' Offices, and providing him with formal administrative oversight the offices under him.

These changes are, in essence, the financial reorganization I discussed during my first term. They will streamline the financial departments of the city and formally establish the Comptroller-Treasurer's authority to oversee the offices of Collector and Assessor's as it relates to the management of personnel and the administration of the day to day operations.

The second ordinance deals with the responsibilities of "Water Registrar" and eliminates this as a responsibility of the Comptroller-Treasurer and formally places it under the responsibilities of the Commissioner of Public Works, in keeping with current practices.

As always, please do not hesitate to let me know if you have any questions.

Sincerely,

Arthur G. Vigeant
Mayor

ORDERED:

Be it ordained by the City Council of the City of Marlborough, acting upon a recommendation of the Mayor, that § 67-10 of Article VI of the Code of the City of Marlborough (hereinafter, the "City Code"), as amended, be further amended as follows:

1. To paragraph A. of § 67-10, by deleting from the first sentence " , except for the initial term as set forth below." and by inserting a period after the word "years".
2. To paragraph A. of § 67-10, by inserting in the third sentence after the word "Marlborough" the words "and will be the Chief Financial Officer of the City."
3. To paragraph A of § 67-10, by deleting the last sentence of said paragraph.
4. To paragraph B. of § 67-10, by deleting the second sentence in its entirety and inserting in place thereof the following sentence: "He/She shall oversee and have administrative oversight of the Municipal Finance Department which shall include the offices of Collector and Assessors'."
5. By deleting in its entirety paragraph D. of § 67-10.

ADOPTED
In City Council
Order No 14-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

ORDERED:

Be it ordained by the City Council of the City of Marlborough, acting upon a recommendation of the Mayor, that § 7-31 of Article IV of the Code of the City of Marlborough (hereinafter, the "City Code"), as amended, be further amended as follows:

By inserting, after paragraph B., a new paragraph C.: "The Commissioner of Public Works shall assume the duties and responsibilities of the Water Registrar, City of Marlborough. Said Commissioner of Public Works shall comply with and be responsible for the duties of the Water Registrar as contained in §§ 510-14 and 608-8 of the City Code, and file reports as required by § 67-9 of the City Code."

ADOPTED
In City Council
Order No 14-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough
Office of the City Council

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

Patricia A. Pope
PRESIDENT
RECEIVED
CITY CLERK'S OFFICE
OF MARLBOROUGH
Edmund J. Clancy
VICE-PRESIDENT
2014 FEB -6 P 2:50
Karen A. Boule
CITY COUNCIL ASSISTANT

February 6, 2014

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

Reference: Reappointment of Lisa Thomas as City Clerk

Dear Councilors,

I herewith submit for your approval the reappointment of Lisa Thomas as City Clerk for a three year term expiring on February 28, 2017.

As many of you know, Lisa was hired to improve operations in the Office of the City Clerk. She has changed the way we file our most important records for quick access and recovery. The electronic conversion of the City Clerk's files has made records quickly and easily retrievable by city employees. Her efforts to place City Council agendas, minutes, various applications and election materials on the City's website for public access have been a tremendous gift to the public we serve. Not so long ago, a records search would have required a personal visit to City Hall where today information is just a click away. For that, we should all be proud of the efforts made by Lisa and her staff to continually look for ways to make information electronically available to all of us – elected officials, municipal employees and members of the public.

I hereby request referral to the Personnel Committee where councilors will have the opportunity to discuss many of these achievements and her plans for the future.

Sincerely,

Patricia A. Pope
City Council President

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

I. Section 650-17, entitled "Table of Uses," is hereby amended:

- i. by amending the business use entitled "Medical clinic" so as now to be entitled "Medical office/clinic"; and
- ii. by regulating that business use, as amended, so as to allow medical offices and/or clinics as of right in the Business (B) district, as follows:

Medical office/clinic	RR	A1	A2	A3	RB	RC	RCR	B	CA	LI	I
	SP	SP	SP	SP	SP	Y	Y	Y	N	N	N

II. Section 650-5, entitled "Definitions; word usage," is hereby amended:

- i. by amending the heading entitled "MEDICAL CLINIC" so as now to be entitled "MEDICAL OFFICE/CLINIC"; and
- ii. by deleting the definition of "MEDICAL CLINIC" and inserting in place thereof a definition for "MEDICAL OFFICE/CLINIC," as follows:

MEDICAL OFFICE/CLINIC – Buildings or portions thereof used by or for licensed physicians and other licensed healthcare practitioners, at which not more than three (3) physicians at one time are practicing daily at the office or clinic with the necessary support staff and occupying a total of no more than 5,000 square feet of space which is designed, intended or used for providing, on a less than 24-hour basis, medical services, including but not limited to urgent care for the treatment of injuries or illness, laboratory testing and x-rays, and occupational health services for employers and employees; but, however, not including elective surgical care, dental clinics, narcotic detoxification and/or maintenance facilities, and medical marijuana treatment centers.

ADOPTED
In City Council
Order No. 14-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough
Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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

LEGAL@MARLBOROUGH-MA.GOV

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 FEB -6 A 9:39

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

February 5, 2014

Patricia Pope
President
Marlborough City Council

RE: Order No. 13/14-1005578B
Proposed Zoning Amendment
Dental Clinics

Dear President Pope and Members:

Following up on my January 22, 2014 letter to the Council, I enclose the most recently revised version of the proposed zoning amendment containing the revisions recommended by the Building Inspector and Councilor Clancy, the sponsor of the proposal. The slight revisions do not rise to the level where either a new public hearing, or a referral to the Planning Board, would be required.

Thank you for your attention to this matter.

Very truly yours,

Donald V. Rider, Jr.
City Solicitor

Enclosure
cc: Michael Mendoza, Building Inspector

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- I. Section 650-17, entitled "Table of Uses," is hereby amended by regulating the business use entitled "Medical and dental clinic" so as to delete in its entirety "Medical and dental clinics" and to insert in its place the following two separate sections which will allow dental clinics as of right in the Business (B) district, as follows:

Medical clinics	RR	A1	A2	A3	RB	RC	RCR	B	CA	LI	I
	SP	SP	SP	SP	SP	Y	Y	N	N	N	N
Dental clinics	RR	A1	A2	A3	RB	RC	RCR	B	CA	LI	I
	SP	SP	SP	SP	SP	Y	Y	Y	N	N	N

- II. A. Section 650-5, entitled "Definitions; word usage," is hereby amended by inserting after the definition for "CUSTOMARY HOME OCCUPATION" the following definition:

DENTAL CLINIC – Buildings or portions thereof used by licensed dentists to provide dental care services on less than a 24-hour basis, and at which are employed not more than three (3) dentists practicing daily at the clinic with the necessary support staff.

B. Section 650-5, entitled "Definitions; word usage," is hereby amended by deleting from the heading "MEDICAL AND DENTAL CLINIC" the words "AND DENTAL" and by deleting from the definition of "MEDICAL AND DENTAL CLINIC" the comma which precedes the word "dental" and by deleting the word "dental" as follows:

MEDICAL CLINIC – An institution licensed under MGL c. 111, § 51 for the purpose of providing medical, surgical or mental health services on an outpatient basis.

ADOPTED
In City Council
Order No 13/14-1005578C
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



**City of Marlborough
Legal Department**

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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

LEGAL@MARLBOROUGH-MA.GOV

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DONALD V. RIDER, JR.
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2014 FEB - 6 PM 1:23
CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

February 6, 2014

Patricia Pope
President
Marlborough City Council

RE: Order No. 13/14-1005582D
Application for Special Permit
Sandra & Anthony Antico Real Estate LLC and Sky High Studios, Inc.
289 Elm Street, Marlborough

Dear President Pope and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by Sandra & Anthony Antico Real Estate LLC and Sky High Studios, Inc., seeking permission to utilize Suite 114 at 289 Elm Street as a commercial indoor recreation establishment for pole fitness and aerial aerobic instruction and functions related thereto.

Note that I anticipate receiving Attachment 1 from the applicant's attorney prior to Monday evening's meeting, and that I will forward it when received by my office.

I have enclosed a copy of the proposed decision. I certify that the decision is in proper legal form.

Very truly yours,

Donald V. Rider, Jr.
City Solicitor

Enclosure
cc: Arthur Bergeron, Esquire

_____, 2014

**NOTICE OF DECISION
GRANT OF SPECIAL PERMIT**

In City Council
Order No. 13/14-1005582E

Application of:
Sandra and Anthony Antico Real Estate LLC
72 Jefferson Street
Marlborough, MA 01752

And

Sky High Studios, Inc.
289 Elm Street Unit 114

Locus:
289 Elm Street, Unit 114
Map 68, Parcels 20B and 19

DECISION

The City Council of the City of Marlborough voted to **GRANT** a Special Permit to Sandra and Anthony Antico Real Estate LLC (hereinafter "Applicant Landlord") and Sky High Studios, Inc. (hereinafter "Applicant Tenant"), for a commercial recreation establishment at 289 Elm Street, Suite 117, based on the Findings of Fact and Conditions attached hereto.

Decision filed: _____

The Decision of the City Council was filed in the Office of the City Clerk of the City of Marlborough on the _____ day of _____, 2014.

APPEALS

Appeals, if any, shall be made pursuant to Massachusetts General Laws, Chapter 40A, §17, and shall be filed within twenty (20) days after the date of the filing of this Notice of Decision in the Office of the City Clerk of the City of Marlborough, MA.

ATTEST:

City Clerk

**DECISION ON A SPECIAL PERMIT
CITY COUNCIL ORDER NO.**

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to Sandra and Anthony Antico Real Estate LLC (the "Applicant Landlord") and Sky High Studios, Inc. (hereinafter "Applicant Tenant"), as provided in this Decision and subject to the following Findings of Fact and Conditions:

FINDINGS OF FACT

1. The Applicant Landlord is a duly organized and existing Massachusetts Limited Liability Company with its principal place of business located at 72 Jefferson Street, Marlborough, MA 01752. Applicant Tenant is a duly organized Massachusetts corporation with a principal place of business at 289 Elm Street, Suite 114, Marlborough, MA 01752.

2. The Applicant Landlord is the title owner of the property located at 289 Elm Street, which is shown on a plan attached to this decision as Attachment #1 (the "Site"). Applicant Landlord and Applicant Tenant have executed or will execute a Lease regarding Suite 114 at the Site, and Suite 114's use pursuant to the terms of this special permit.

3. The Applicants seeks permission to utilize Suite 114 as a commercial recreation establishment.

4. The Applicant Landlord and Applicant Tenant, on October 18, 2013, filed with the City Clerk of the City of Marlborough, an Application for a Special Permit under the provisions of §650-17 and pursuant to the procedures specified in §650-59 of the Marlborough Zoning Ordinance (the "Application").

5. The Site contains an existing commercial building as shown on the site plan submitted with the Application (the "Site Plan"), an 8 ½ " x 11" version of which is attached hereto as Attachment #2. No modifications are proposed to the exterior of the building, no structural modifications are proposed to the interior of the building, and no parking areas will be created or modified.

6. The Applicants seek a special permit allowing the establishment of commercial recreation establishment that will provide for fitness training using both pole fitness and aerial aerobics techniques.

7. The Site Plan was certified by the Building Commissioner, acting on behalf of the City Planner, as having complied with Rule 5, items A through J, of the Rules and Regulations promulgated by the City Council for the issuance of a special permit.

8. Pursuant to the Rules and Regulations of the City Council and the provisions of M.G.L. c. 40A, the City Council established a date for public hearing for the Application and the City Clerk caused to be advertised said date in the MetroWest Daily News and sent written notice of said hearing to those abutters entitled to notice under law.

9. The Marlborough City Council pursuant to M.G.L. c. 40A held a public hearing on January 13, 2014, concerning the Application. The hearing was opened and closed at that meeting.

10. The Applicants' attorney presented evidence at the public hearing detailing the proposed use and its limited impact upon City services, the neighborhood and traffic.

11. At the public hearing, Lauren Forest, President of Sky High Studios, Inc., who will also be managing the operation of the business, described the proposed business as being one that would provide a unique combination of exercise instruction, combining two forms of adult (age 15 and older) exercise and fitness training that have become increasingly popular: pole fitness and aerial aerobics. She testified that neither of these forms of fitness training is currently available in this geographical area. She provided illustrations of the equipment to be used in such training. All of the equipment, she said, is currently available for viewing at the proposed permit location. She indicated at the public hearing that her hours of operation were proposed to be:

- Monday-Thursday: 10:00 AM – 9:00 PM
- Friday-Sunday: (regular) 10:00 AM – 4:00 PM
- Friday-Sunday (special events) 5:00 PM – 10:00 PM

She indicated that, given the location of Suite 114, the operation of the business would not in any way disrupt area residences. She estimated that the total number of people at the site at any one time would be 20, and that the peak parking demand would be for 20 parking spaces. She said that she also intends to allow the use of the facility for private functions. She showed building plans indicating where Suite 114 is located in the building, and showing that it is located far away from any residence in the area.

12. A number of Marlborough residents spoke in favor of the proposal. A petition supporting the proposal was also presented by Applicant Tenant. The petition, which includes over 100 signatures, is in the files of the Urban Affairs Committee. No one spoke in opposition to the proposal.

13. Following the close of the public hearing, the Urban Affairs Committee conducted meetings regarding the proposal on January 21, 2014. At that time, the members of the Committee developed proposed permit conditions that are reflected below. There was a vote of the Committee recommending approval of the proposal with those conditions. The vote was 5/0 in favor/against.

REASONS FOR APPROVAL OF APPLICATION FOR SPECIAL PERMIT

A. The City Council finds that the Applicants have complied with all Rules and Regulations promulgated by the Marlborough City Council for an application as they pertain to the Special Permit.

B. The use of Suite 114 for a commercial recreation establishment to provide instruction in pole fitness and aerial aerobics is an appropriate use of Suite 114 and is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough, subject to appropriate terms and conditions provided for herein. The use sought and its impacts and characteristics are not in conflict with the public health, safety, convenience and welfare, provided the safeguards and limitations imposed herein are met.

C. The City Council, pursuant to its authority under M.G.L. c. 40A, § 9 and Chapter 650 of the Marlborough City Code, **GRANTS** the Applicant Landlord and the Applicant Tenant, their successors and assigns, a Special Permit to operate a commercial recreation establishment as per plans filed with the City Council and the City Clerk, **SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Signage: Any signage installed or erected on the Site shall meet the requirements of the Sign Ordinance of the City of Marlborough, without variance.
2. Compliance with Local, State and Federal Laws: The Applicant Landlord and the Applicant Tenant agree to comply with all rules, regulations and ordinances of the City of Marlborough, Commonwealth of Massachusetts and the Federal Government as they may apply to the construction, maintenance, equipping and operation of the facility.
3. Hours of Operation: The hours of operation of the facility shall not be earlier than 8:30 AM or later than 9 PM on Mondays through Fridays, and between 10 AM and 4 PM on Saturdays, Sundays and holidays. For special events held on Fridays, Saturdays and Sundays, the facility shall not operate later than 10 PM.
4. Limits of Use: The proposed use of Suite 114 is to provide a place for pole fitness and aerial aerobic instruction and functions related thereto. No other kinds of recreation or public amusement shall be allowed on Suite 114 except those deemed by the Building Inspector to be ancillary to this use.
5. Certificate of Occupancy Required: No use of Suite 114 will be made pursuant to this special permit unless and until a Certificate of Occupancy has been obtained from the Building Commissioner regarding the use of Suite 114.
6. No Expansion of Use Area: Only the area of Suite 114, containing approximately 2,000 sq. ft, which has been specified in a sketch in the files of the Urban Affairs Committee, a copy of which is attached hereto as Attachment 3, will be used for the proposed use. To the extent that a substantial increase in the area used for this use is desired, the Building Inspector shall determine whether such increase constitutes a substantial change of the permitted use, and if so, no such expansion shall be permitted unless and until this special permit has been modified by the City Council.
7. No Alcohol. No alcohol shall be served or consumed at or in Suite 114.
8. As-Built Plans. The build-out of Suite 114 shall be completed, and the Applicant Landlord shall submit to the Building Inspector the as-built plans for Suite 114, on or before May 30, 2014. In the event this deadline is not complied with, the Applicant Landlord shall

submit to the City Council, on or before June 12, 2014, a written report explaining the non-compliance.

9. Recordation: In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant Landlord shall, at its expense, record this Special Permit with the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having being filed. Prior to the Building Inspector's issuance of a building permit for Suite 114, the Applicant Landlord shall provide a copy of the recorded Special Permit to the City Clerk, the City Solicitor, and the Building Inspector.

APPROVE

Yea: ___ Nay: ___

Yea:

ADOPTED _____

In City Council

Order No. 13/14-1005582E

Adopted: _____

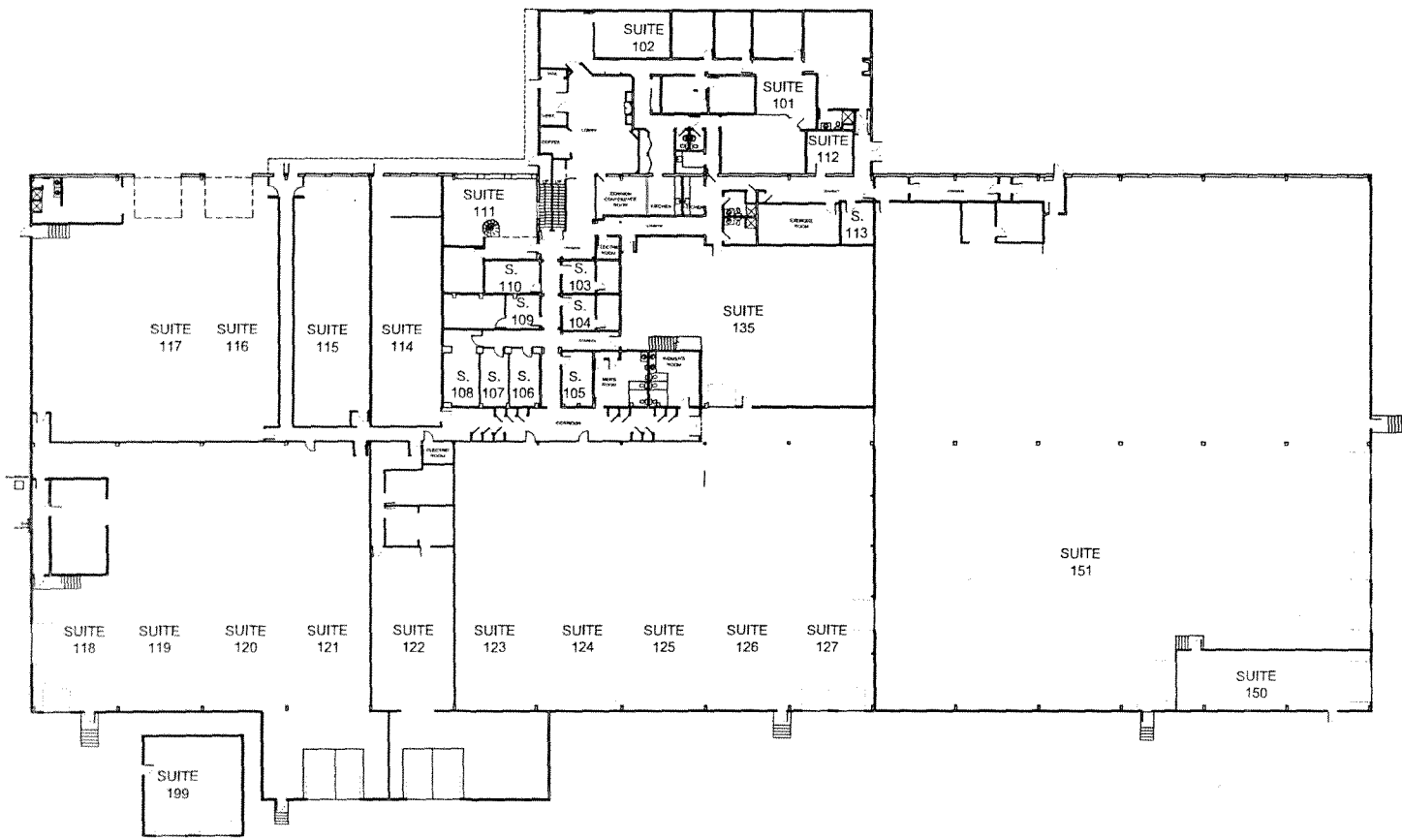
Patricia A. Pope

City Council President

A TRUE COPY

ATTEST:

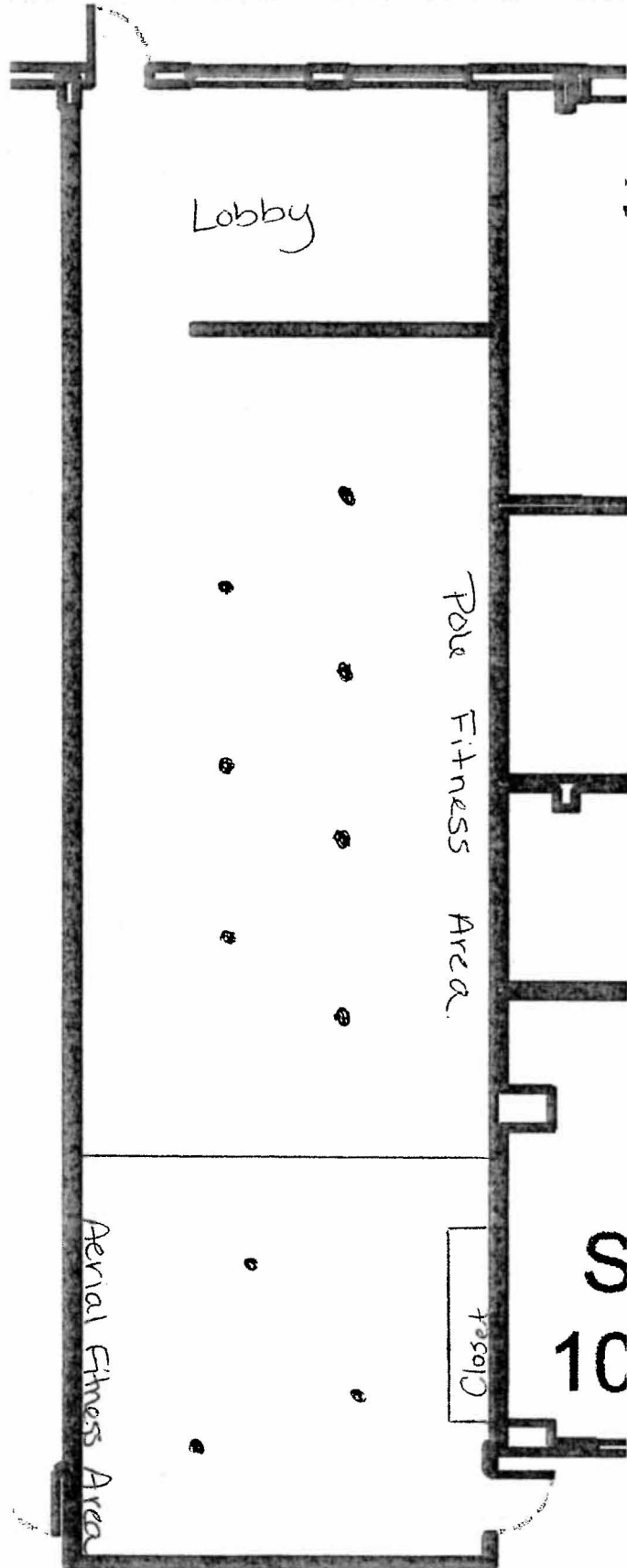
City Clerk



ANTICO BUSINESS CENTER
289 ELM STREET
MARLBOROUGH, MA

1 FIRST FLOOR PLAN
NO SCALE

Attachment 3





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CITY OF MARLBOROUGH

JAN JUN 30 10 40 01

CITY OF MARLBOROUGH
Department of Public Works
Forestry, Parks, & Cemetery Division
135 Neil Street
Marlborough, Massachusetts 01752
(508) 624-6910
Facsimile (508) 624-7699 TDD (508) 460-3610

January 30, 2014

Lisa Thomas
City Clerk

Re: Vegetation management plan 2014-2018

Lisa,
Enclosed you will find the City of Marlborough's Vegetation Management Plan for Rights-of-Way. As part of the review process the document must be available for public review in the City/Town Clerks office for a period of 45 days. If you have any questions or comments you can contact me at, (508)624-6910 ext. 7601 or e-mail cwhite@marlborough-ma.gov

Sincerely yours,

Christopher white
General Foremen Forestry, Parks, & Cemetery
City of Marlborough



**CITY OF MARLBOROUGH
DEPARTMENT OF PUBLIC WORKS**

**VEGETATION MANAGEMENT PLAN
FOR
CALENDER YEARS 2014 THROUGH 2018**

November 2013
Modified November 19, 2013

Prepared by:

City of Marlborough

Department of Public Works

Christopher White, General Foreman - Forestry, Parks, and Cemeteries Division

135 Neil Street

Marlborough, MA 01752

Conservation Office

Priscilla Ryder, Conservation Officer

140 Main St.

Marlborough, MA 01752

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MUNICIPAL ROADWAY VEGETATION MANAGEMENT PLAN

1.0 GENERAL STATEMENT OF GOALS AND OBJECTIVES

This roadway vegetation management plan (VMP) is intended to establish the criteria whereby the City of Marlborough which controls vegetation along roads and highways are in compliance with the right-of-way management regulations (333 CMR 11.00) as promulgated by the Massachusetts Department of Agricultural Resources. This Vegetation Management Plan (VMP) establishes criteria for the City of Marlborough to control vegetation along municipal Rights-of-Way (ROW) in compliance with the ROW Management Regulations (333 CMR 11.00) as promulgated by the Massachusetts Department of Agricultural Resources.

The primary objective of this VMP is to provide the public with safe and unobstructed ROWs while utilizing an Integrated Pest Management (IPM) program and minimizing reliance upon herbicides. Vegetation maintenance is necessary along public ROWs to control unwanted vegetation that may pose a public nuisance, result in safety hazards or cause damage to structures and infrastructure. The goal of the program is to control undesirable vegetation while maximizing environmental protection and minimizing herbicide use. The plan's success will be based upon periodic monitoring and inspection which is expected to result in:

Protection of the public and environment;

- Control of target vegetation;
- Reduction in volume of chemical application;
- Reduction in frequency of chemical application; and
- Protection of sensitive areas.

This VMP will serve as a technical guidance for individuals involved in ROW vegetation management and as an accessible source of information for residents and public officials.

2.0 IDENTIFICATION OF TARGET VEGETATION

Target vegetation will be limited to species that pose a safety hazard, compromise infrastructure, are a public nuisance, or are invasive and may have detrimental effects on natural resources.

2.1 *Public Nuisance Vegetation*

This category includes vegetation that could cause problems to the general public, employees or contractors and generally include poisonous and noxious plant species. Nuisance vegetation poses a risk to safety and health often due to dermal contact with plants that are poisonous, heavily-thorned or densely colonized. Target vegetation in this category is primarily Poison Ivy and other nuisance vegetation within 10 feet of the edge of pavement or trail

2.2 *Nuisance Grasses*

In most instances grass is a desirable plant species. Along the shoulders of roads, grass growth will be encouraged and maintained through mechanical mowing. However in some instances, grasses may grow in areas where control is necessary through the limited use of herbicides. These areas include cracks in asphalt and along guard rails. In these instances, grass will become target vegetation if the stem density and height impedes movement or hampers visibility.

2.3 *Invasive Vegetation*

Invasive species can colonize a space and virtually eliminate the biodiversity of an area. This can result in changes in wildlife due to habitat change, impede natural hydrologic function and cause an overall change in the natural functions of an area. Managing invasive species via mechanical means can be ineffective and/or detrimental depending on the species, making the colonization stronger. In these situations, the use of an herbicide may be necessary. Working in conjunction with the Conservation Commission and/or private groups, there may be opportunities to remove invasive vegetation and encourage the growth of native species. Vegetation listed on the MA Department of Agricultural Resources, *Massachusetts Prohibited Plant List*, is included in this category.

2.4 *Hazard Vegetation*

Hazard Vegetation poses a risk to public safety and represents vegetation that impedes movement along public ways and paths. Hazard vegetation may obscure sightlines, obscure signs, obscure vehicle movements, create windfall hazards, block storm drains and cause winter shading (causing ice/reduced melting). Hazard vegetation may include but is not limited to, trees, tree limbs, and shrubs

Most plants that interfere with traffic and visibility shall be controlled by mowing and/or hand cutting. However, due to topography, rate of growth, or physical characteristics, certain plant species are best controlled with herbicides.

3.0 **Vegetation Management Methods & Actions to Minimize Herbicides**

Vegetation management methods will include both non-chemical techniques and chemical application where necessary, and an IPM Program to minimize herbicide use. Vegetation management may involve the following methods:

- Physical Control – street-sweeping, sealing cracks, repaving.
- Mechanical Methods – hand-cutting, mowing, selective trimming.
- Chemical Control –foliar herbicide treatments and cut stump surface treatment.

The methods listed above will be chosen based on a variety of factors. The method chosen to treat a particular problem will be based on achieving a long term, low maintenance and stable herbaceous community of vegetation.

3.1 **Physical Control**

Physical control methods will rely primarily on sustainable landscape methods and pavement maintenance.

Pavement Maintenance

Pavement maintenance will consist of sealing cracks and general ROW repairs including repaving and installing new sidewalks. The City completes routine street-sweeping yearly, and in certain areas after heavy precipitation and after construction, as needed.

Sustainable Landscapes

Sustainable landscape techniques include alternative methods for new development and reconstruction that minimize roadside maintenance and promote active planting of competing vegetation. This may include:

- Encouraging the use of seeding and planting specifications that require less maintenance;

-
- Planting of native trees, shrubs, wildflowers and grasses to compete and replace undesirable species;
 - Allowing private abutters to maintain ROWs, where applicable; and
 - Encouraging the use of Low Impact Development (LID) techniques including residential rain gardens.

3.2 **Mechanical Control**

Mechanical control methods may include hand cutting, mowing, and/or selective trimming.

Hand Cutting

Hand cutting consists of the mechanical cutting of target species using chain and brush saws. Target species are cut as close to the ground as practical with stump heights usually not exceeding three inches. Hand cutting is used in order to protect environmentally sensitive sites or on target vegetation greater than four feet tall where herbicide use is prohibited by regulation or on non-sprouting conifer species greater than six feet in height. Hand cutting is used on those restricted sites where terrain, site size or sensitivity renders mowing impossible or impractical. Hand cutting may be used at any time of the year.

Mowing

Mowing consists of the mechanical cutting of target vegetation using machines. Depending upon the resources available, mechanical cutting may be performed using a push mower, a large rider mower, brush hog, edger's, and "weed whackers". Selection of specific equipment is based on terrain, target vegetation size and equipment availability. Mowing shall be used in most areas where terrain and target stem size permit efficient use of the equipment and especially in areas where herbicide use is prohibited by regulation. Mowing shall be the principle vegetation control measure on the shoulders of roads.

Selective Trimming

Selective trimming consists of the mechanical pruning of the tops of encroaching limbs of tall trees that may hamper roadway access. Trimming will be accomplished using aerial lifts via trucks or tractors, or if terrain or obstructions prevent equipment access by climbing crews.

3.3 Chemical Control

Chemical control methods involve foliar treatment and cut stump surface treatments.

Foliar Treatments

Foliar treatments involve the selective application of an herbicide diluted in water, to the foliage and stems of the target vegetation. Two types of equipment for foliar treatments are used: Low volume and high volume. Both treatments use low pressure, below 60 psi at the nozzle, for application.

Low volume foliar treatments can be made using ready to use products, squirt bottles or backpack application equipment. The herbicide solution is applied to lightly wet the target plant. This technique has few limitations with the exception being reduced effectiveness on tall, high density target vegetation.

High volume foliar treatments use vehicle mounted application equipment that delivers the herbicide solution through hand held nozzles attached to a hose. The herbicide solution is sprayed to thoroughly wet the target vegetation using a water based herbicide mixture from a pressurized system on the application vehicle. This technique is used along roadways that have good access where obstructions, terrain or site sensitivity does not exclude the equipment. It should be noted that the need for high volume foliar treatments is extremely limited under this VMP.

Foliar treatments will only be used on hardwood target species below twelve feet in height, conifers below six feet in height, grasses and herbaceous weeds.

Low pressure foliar applications will take place when plants are in full leaf and actively growing, and in accordance with the manufacturer's recommendations. Generally speaking this means that applications may begin approximately June first and terminate around September 15th.

Cut Stump Treatment

Cut stump treatments consist of mechanical cutting of target species using chain saws, followed by herbicide treatment applied with a squirt bottle, a hand pump sprayer, or painted on the freshly cut surface of the stump. The cutting procedure is identical to that outlined in the Hand Cutting section of this VMP. Cut stump application can be effective during the dormant period, however, may not be effective during times of sap flow (i.e., maples and birches during the months of February through early April), as flowing sap will limit the herbicide from being absorbed into the stump down to the roots. Certain types of herbicide formulations are limited to freshly cut stumps to be effective.

Monitoring – All roadsides will be surveyed prior to any scheduled treatment program. Monitoring will be conducted by foot and/or by vehicle. Monitoring of areas may result from requests from the public. All monitoring records will be maintained by the City.

Maintenance – All roads will be cleaned using a street sweeper. Cracking asphalt and sidewalks and other ROW defects will be repaired. The use of groundcover will be used, where appropriate, to assist in the prevention of vegetation growth. The use of groundcover can sometimes help outcompete and/or crowd out poison ivy and some invasive species.

Record Keeping – A log of areas surveyed will be maintained by the City for future planning and reference. Areas maintained either through physical repair, mechanical or chemical control will be recorded.

Control Tactics – The decision to use one or a combination of vegetation control techniques will depend on the site-specific situation. The control tactics selected will control target vegetation in the most environmentally and efficient manner.

3.4 *Summary of Control Strategies*

<u>TARGET</u>	<u>TECHNIQUES</u>	<u>COMMENTS</u>
Poison Ivy	low volume foliar	Must be growing within 10 feet of the roadway. Spot treatment will be made using the low volume method, in most cases, except no spray zones around sensitive areas.
Grasses	mowing / street sweeping	In most cases
	low volume foliar	Spot treatment of grass growing along guard rails or in cracks where mowing or cutting is not practical
Low growth	mowing	In most cases; option for sensitive areas.
	low volume foliar	Terrain prevents mowing or hand - cutting; rapid resprouting species
	hand cutting	Terrain prevents mowing and re-sprouting is not a concern; option for sensitive areas.
Tall growth	selective trimming	In cases where the visibility or interference does not warrant removal of entire vegetation;

	option for sensitive areas.
hand cutting	Terrain prevents mowing; mowing not effective due to stump size; species greater than 12 feet in height that will not resprout; option for sensitive areas.
low & high volume foliar	Used on hardwoods less than 12 feet in height and on conifers less than 6 feet in height.
cut stump	For species greater than 12 feet in height that are capable of resprouting

4.0 JUSTIFICATION OF HERBICIDE APPLICATIONS PROPOSED

This plan focuses on the minimization of herbicide use within ROWs. Vegetation management along public ways is necessary to control unwanted vegetation that pose a public nuisance, obstructs views and creates a traffic or pedestrian hazard. By following the proposed vegetation management methods and IPM approach discussed in this plan, physical and mechanical treatment controls most of the plants that interfere with traffic, visibility and safety. Chemical controls are necessary in management situations where topography, access, growth rate, species specific factors, worker safety, or environmental/social concerns limit the potential for control by physical or mechanical methods.

Chemical controls are often the preferred method or only method of control for plants which pose a health hazard for the technician in the field, either directly or as a function of location. Poison Ivy, for example, is extremely hazardous to handle, biologically resistant to mechanical removal and can pose a serious threat. Individuals attempting to control curbside plants and weeds by pulling them or trimming them can put a technician in danger from traffic and is generally not effective for long-term control.

In many situations, poisonous plant species such as Poison Ivy cannot be effectively controlled by mowing. Due to the low growing nature of Poison Ivy, and the fact that it grows along stolons and reproduces both by fine and fibrous rhizomes as well as by berry, it is nearly impossible to control through cultivation, hand pulling or mowing at the height generally used in roadside mowing operations. Moreover, the climbing characteristics of this plant over stone walls, tree trunks and guardrails make mechanical control out of the question for safety and economic reasons. In some locations, the use of herbicides may help develop herbaceous communities that out-compete Poison Ivy and otherwise promote natural control of these plants.

Mowing will control most grasses. Herbicide applications, however, are used where mechanical control is not feasible due to location, stem density and/or height. Although

grass is more often a desirable vegetative cover along public ways, in areas where it is a target, it is difficult and sometimes dangerous to remove by mechanical treatment methods. These areas include, but are not limited to, cracks in asphalt, along guardrails, paved traffic islands, sidewalks and curbs. In these instances, grass can be identified as target vegetation.

Woody vegetation (low and high growth species) growing along the ROW that interfere with pedestrian or vehicle safety is controlled by a variety of techniques. Pruning or ground cutting using hand tools or chain saws primarily controls large woody vegetation. Depending upon the species of plant removed and its proximity to other vegetation, these stumps may be treated with an herbicide to prevent re-sprouting, although they often can be removed mechanically.

Small woody plants that are growing along the road shoulder in an accessible location will usually be mowed along with the roadside grass. Woody plants that are growing over obstacles that would impede the mower, or have a vine like growth habit and are not practical to hand cut or chip, or that grow very rapidly, can be controlled through the use of the foliar application of herbicides.

Finally, invasive species elimination is sometimes warranted to promote the growth of a more diverse mix of vegetative species, reduce sedimentation and improve natural drainage and wildlife habitat. Invasive species are rarely controlled with ground cutting techniques and generally need to be eliminated via herbicide application to restore an area.

5.0 CONTROL STRATEGIES PROPOSED FOR SENSITIVE AREAS

5.1 Methods, References and Source for Identifying Sensitive Areas

Sensitive areas are defined within 333 CMR 11.00 as areas within ROWs in which public health and environmental concerns warrant special protection to further minimize risks of unreasonable adverse effects of herbicides. These include: public groundwater sources, Class A public surface water sources, associated surface water bodies, tributaries, Class B drinking water intakes, private wells, state listed species habitat, wetlands, waters over wetlands, riverfront areas, certified vernal pools, inhabited areas, and agricultural areas. The Marlborough Conservation Commission will be consulted to assist in identifying sensitive areas. For the purposes of identification, sensitive areas can be separated into two categories: areas that are readily identifiable in the field, and areas that are not readily identifiable in the field.

Sensitive areas that are not readily identifiable in the field include public groundwater supplies, private water supplies and public surface water supplies. Additional sources available to identify these areas include:

- 1) Massachusetts Department of Environmental Protection (DEP) Watershed Maps (1:25,000); delineates the perimeter of public watersheds and the location of public wells;
- 2) Massachusetts DEP Wetland Conservancy Maps (scale usually 1:1,000):

- 3) Municipal maps and records, Board of Health, Conservation Commissions, and water suppliers;
- 4) Regional Planning Agencies maps and records;
- 5) U.S. Fish and Wildlife Service National Wetlands Inventory Maps, available from the University of Massachusetts, Cartographic Information Research Services, Amherst;
- 6) Massachusetts Division of Fisheries and Wildlife Natural Heritage Resources Maps

The following is a description of how the sensitive areas will be identified for required protection.

- 1) Consult the appropriate reference materials and resources to determine the precise location of these areas
- 2) Place the boundaries of these sensitive areas on U.S. Geological Survey (USGS) topographical maps.
- 3) Prior to commencement of herbicide application operations, the treatment crew will be provided the marked-up topographical map with which to flag boundaries of these sensitive areas.
- 4) The treatment crew will deploy a cutting crew or point person in advance of the main herbicide application operation to locate and flag these boundaries or the boundaries of the appropriate buffer zone.

Sensitive areas readily identifiable in the field include surface waters, inhabited areas, and agricultural areas. The method utilized to identify these sensitive areas will be as follows:

- 1) Consult USGS topographical maps to locate any of these sensitive areas that may be already being identified on these maps.
- 2) Prior to commencement of herbicide application operations, the treatment crew will be provided the marked topographic map.
- 3) The treatment crew will visually survey the area to be treated for any sensitive areas.

5.2 Sensitive Area Restrictions (333 CMR 11.04)

Sensitive Area	No Spray Area	Limited Use Area
Wetlands and Water Over Wetlands	Within 10 feet (unless provisions of 333 CMR 11.04(4)(c) are followed)	10 – 100 feet; 12 months must elapse between applications; Selective low pressure, using foliar techniques or basal or cut-stump applications

Sensitive Area	No Spray Area	Limited Use Area
Certified Vernal Pool	Within 10 feet	10 feet to the outer boundary of any Certified Vernal Pool Habitat; 12 months must elapse between applications; Selective low pressure, using foliar techniques or basal or cut-stump applications
Public Ground Water Supply	Within 400 feet (Zone I)	Zone II or IWPA (Primary Recharge Area); 24 months must elapse between applications; Selective low pressure, using foliar techniques or basal or cut-stump applications
Public Surface Water Supply	Within 100 feet of any Class A public surface water source	100 feet to the outer boundary of the Zone A; 24 months must elapse between applications; Selective low pressure, using foliar techniques or basal or cut-stump applications
	Within 10 feet of any tributary or associated surface water body located outside of the Zone A	10 feet to the outer boundary of the Zone A; 24 months must elapse between applications; Selective low pressure, using foliar techniques or basal or cut-stump applications
	Within 100 feet of any tributary or associated surface water body located within the Zone A of a Class A public surface water source	
	Within a lateral distance of 100 feet for 400 feet upstream of any Class B Drinking Water Intake	Within a lateral distance of between 100 -200 feet for 400 feet upstream of intake; 24 months must elapse between applications; Selective low pressure, using foliar techniques or basal or cut-stump applications
Private Water Supply	Within 50 feet	50 – 100 feet; 24 months must elapse between applications; Selective low pressure, using foliar techniques or basal or cut-stump applications
Surface Waters	Within 10 feet from mean annual high-water line	10 feet from the mean annual high water line and the outer boundary of the Riverfront Area; 12 months must elapse between applications; Selective low pressure, using foliar techniques or basal or cut-stump applications
Agricultural and Inhabited Areas	N/A	0 – 100 feet 12 months must elapse between application; Selective low pressure, using foliar techniques or basal or cut-stump applications.
State-listed Species Habitat	No application within habitat area except in accordance with a Yearly Operational Plan approved in writing by the Division of Fisheries and Wildlife	

6.0 OPERATIONAL GUIDELINES FOR APPLICATORS RELATIVE TO HERBICIDE USE

As required by regulations, application to roadside ROW requires a valid Category 40 pesticide certification from the Department of Agricultural Resources. The applicator(s) will be a City employee and/or certified contractor working under the supervision of the City of Marlborough Project Manager. All applicators and their supervisors will have a copy of the VMP and Yearly Operational Plan (YOP) with them at all times for reference during the herbicide application. In addition to the applicable rules and regulations, applicators will adhere to the following operational guidelines. Only herbicides listed on the current ROW Sensitive Area Materials List will be used

Weather- Herbicide application will be restricted during certain adverse weather conditions, such as rain, wind or deep snow. Herbicide applications will not be made during periods of moderate to heavy rainfall. Foliar applications are effective in light mist situations; however, any measurable rainfall that creates leaf runoff will wash the herbicide off target. If foliar applications are interrupted by unexpected rainfall, the treatment will not resume until the rain ends and active leaf runoff has ceased. Cut stump treatments will not be made during measurable precipitation. Cut stump treatments will cease during measurable precipitation and will not resume until precipitation has ceased.

Excessive wind can create drift during foliar applications. Significant herbicide drift can cause damage to desirable vegetation on or off the roadside. Cut stump treatments are much less effected by wind because they are applied in such a close proximity to the ground.

To minimize off-target drift, the applicator will comply with the following restrictions:

- a. During periods of wind, which are enough to bend the tops of the main stems of tree species on the roadside, the applicator will periodically observe the application of the foliar treatment to insure that there is no significant movement of the herbicide. If the applicator can see the herbicide moving off target, the application will immediately stop until the wind has subsided enough to permit further applications.
- b. All herbicide solutions to be used for foliar application will contain low drift agents. Low-drift agents will be added to the foliar herbicide solution as per the low-drift agent label. In moderate wind conditions, as per label recommendations, more low-drift may be added at the discretion of the applicator, to control drift.
- c. Foliar treatment will not be made to target vegetation that exceeds approximately twelve feet.

Equipment Calibration- Foliar application equipment will be calibrated at the beginning of the season, prior to touch-up application treatment, and in accordance with manufacturer's recommendations. Foliar application equipment will be calibrated to maintain pressures not exceeding sixty pounds per square inch at the nozzle. Applicator nozzles will be adjusted to apply a course spray pattern. Throttles will be kept to the minimum setting required to transport the herbicide solution to the tops of each target and penetrate the foliage to the main stem of each target.

Cut stump treatment squirt bottle applicators will be adjusted to deliver the herbicide solution in a thin stream to the target zone.

Private Properties- Trees located on private property will not be treated unless there is approval given by the landowner in writing. Applications shall also be in accordance with city ordinances and by-laws.

Sensitive Area Restrictions- In defined sensitive areas; there exist a no-spray buffer zone where herbicide use is prohibited and a zone where herbicide use is allowed under certain conditions. In areas around sensitive areas where herbicide use is allowed, only the minimum labeled rate of application for control of target species can be applied.

7.0 IDENTIFICATION AND QUALIFICATIONS OF INDIVIDUALS DEVELOPING AND SUBMITTING A PLAN

This plan has been developed and submitted by the following individuals:

Christopher White;

- General Foreman, Forestry, Parks, and Cemetery Division and has been employed by the City of Marlborough for twenty three years.
- Taken both sections of Green School and received certificates Turf 2000, Landscape Operations 1998, Certificate in Horticulture 1982.
- Associates in Science/Business Administration, Mass Bay C.C.
- City of Marlborough's Tree Warden and prior to this promotion worked directly with predecessor who managed the ROW program.
- Several training courses through the Department of Agricultural Resources and holds a license/certification in categories 36 Shade Trees/Ornamentals and 40 Rights-of Way.
- Worked with the Marlborough's public facility's director to develop and implement the outdoor IPM Plan for the city's schools.

Priscilla Ryder;

- City of Marlborough Conservation Commission Agent,
- Bachelor of Science/ Environmental Conservation, UNH
- Master of Science in Environmental Policy, Tufts University
- Past administrator of the city's Vegetation Management Plan

8.0 MUNICIPAL ROADWAY VEGETATION MANAGEMENT PLAN

This Municipal Roadway Vegetation Management Plan, approved by the Department of Agricultural Resources pursuant to the Rights of Way Management Regulations (333CMR 11.00), has been adopted by the following municipality and agency. As the representative of the municipality and agency, the undersigned hereby acknowledges that the conditions of the Roadway Vegetation Management Plan will be effective for five 5 years unless sooner modified or revoked by the Department.

MUNICIPALITY: Marlborough, MA

AGENCY: Department of Public Works

ADDRESS: 135 Neil Street
Marlborough, MA. 01752

PHONE: (508)-624-6910 ext. 7601

NAME: Christopher White,
General Foremen, Forestry, Parks and Cemeteries Division
Department of Public Works

Email: cwhite@marlborough-ma.gov

SIGNATURE: _____

DATE: November 19, 2013

A municipality will be considered to have an approved Vegetation Management Plan when a completed copy of this cover page is submitted to the Department of Agricultural Resources.

The Conservation Commission, Board of Health and chief elected official in the community must receive a copy of this page and the entire Roadway Vegetation Management Plan.

9.0 A DESCRIPTION OF INTEGRATED PEST MANAGEMENT PROGRAMS OR OTHER TECHNIQUES/PROGRAMS TO MINIMIZE THE AMOUNT AND FREQUENCY OF HERBICIDE APPLICATION

Integrated Pest Management (IPM) as it applies to roadside maintenance involves utilizing a variety of techniques to control unwanted vegetation in the most ecologically based manner. Implementation of IPM will result in a reduced reliance on chemical pesticides (herbicides) by encouraging the vegetation management technique which will result in establishment and stabilization of beneficial vegetation. The resulting cultural control will reduce the need for vegetation management in the future. Vegetation management activities will place the non-chemical techniques as the methods of choice in light of the goal of controlling the undesirable vegetation and establishing a stable, beneficial vegetation community. If and when used, herbicides will be minimized through timing of applications to maximize control, and avoiding fixed application schedules while protecting non-target organisms and environmentally sensitive sites. The specific components the roadside IPM program includes:

Monitoring: All roadsides will be surveyed prior to any scheduled treatment program. Monitoring will be made by foot or by vehicle. Monitoring of areas may be the result of requests from the public.

Record Keeping: In addition to the record keeping requirements of the Pesticide Board regulations, a log of areas surveyed will be kept for future planning and reference. Areas maintained either through mechanical or chemical control will be recorded.

Control Tactics – The decision to use one of the vegetation control techniques will depend on evaluating the specific situation. The goal of the control tactic will be to establish an easily maintainable, stable plant population that will not interfere with vehicles or pedestrians. Emphasis will be given to the control tactic that will address the vegetation control in the long term.

- A. Selection of Alternative Vegetation
 - 1. Manipulation of native species
 - 2. Replanting of desirable species

- B. Physical Controls
 - 1. Selective pruning
 - 2. Ground cutting
 - 3. Mowing

- C. Chemical Controls
 - 1. Back pack sprayers (low volume foliar)
 - 2. Cut stem treatments

-
3. Low pressure foliar treatments with power equipment (high volume foliar)

10.0 DESCRIPTION OF ALTERNATIVE LAND USE PROVISION OR AGREEMENTS THAT MAY BE ESTABLISHED WITH INDIVIDUALS, STATE, FEDERAL OR MUNICIPAL AGENCIES THAT WOULD MINIMIZE THE NEED FOR HERBICIDE, INCLUDING THE RATIONALE FOR ACCEPTING OR DENYING ANY REASONABLE REQUEST MADE BY AN INDIVIDUAL

Every effort will be made for alternative land use options. However, there are specific criteria to be met for adoption of alternative land use options. First, the alternative land use option must control the undesirable vegetation in a similar manner, ecologically and efficaciously as allowed in the VMP. For example, a common practice of abutters to roadways is to mow and maintain road shoulders. In this instance, the monitoring program would reveal that the area does not warrant vegetation control. A written agreement with landowners for alternative vegetation control methods will be obtained. This agreement would clearly specify that the Department of Public Works, Forestry, Parks and Cemetery Division will not treat vegetation in these areas and outline the landowner's responsibilities for vegetation control.

11.0 REMEDIATION PLAN TO ADDRESS SPILLS AND RELATED ACCIDENTS

All mixing and loading of herbicides will be conducted at the facility where the herbicides are stored, either at a secure City facility if the application is completed by a City employee or offsite if the application is being completed by an outside contractor. Only the amount of herbicide necessary to carry out the vegetation control, based on monitoring results, will be mixed to ensure that there will be no waste and to minimize potential problems. The vehicles carrying out the spray operations will be equipped with a bag of absorbent, activated charcoal, leak-proof containers, a broom and a shovel, in case of minor spills. A clipboard log of the herbicides on the vehicle will be kept on the vehicle. Herbicide labels and fact sheets will be carried on-site by the applicator. As soon as any spill is observed, immediate action will be taken to contain the spill and protect the spill area. The cause of the spill must be identified and secured. Spill containment will be accomplished by covering the spill with absorptive clay or other absorptive material or, for large spills, building clay or soil dikes to impede spill progress. Until completely remediated, the spill area will be protected by the placement of barriers and by the delineation of the spill area by crew members. If a fire is involved, care will be taken to avoid breathing fumes from any burning chemicals.

Minor spills will be remedied by soaking up the spill with adsorption clay or other adsorptive material and placing it in leak proof containers, removed from the site, and disposed of properly. Dry herbicides, such as granular, will be swept up or shoveled up directly in leak proof containers for proper disposal. All contaminated soil will be placed in leak proof containers, removed from the site, and disposed of properly. Activated charcoal will be incorporated into the soil at the spill location per label instructions. Any minor spill will be reported to the Massachusetts Department of Agricultural Resources, Division of Crop & Pest Services.

Major spills will be handled in a similar manner as minor spills, except in cases where the spill cannot be contained and/or removed by the crew. In this case, the MassDEP Incident Response Unit and the Massachusetts Department of Agricultural Resources, Division of Crop & Pest Services must be contacted.

Emergency first responders (including, but not limited to, fire and police) should be immediately notified of a major spill and/or any size incident deemed a possible risk to public health, safety and the environment

MassDEP will be contacted when there is a spill of a regulated quantity, regardless of major or minor spill status and in accordance with 310 CMR 40.0000 Massachusetts Contingency Plan.

In the event of a spill, information on safety precautions and clean up procedures may be gathered from the following sources:

Herbicide label

Herbicide MSDS sheet

Herbicide Manufacturer

DOW 800-992-5994

Dupont 800-441-3637

Monsanto 314-697-4000

NuFarm 877-325-1840

Massachusetts Pesticide Bureau Main # 617-626-1720

Michael McClean 617-626-1781

Massachusetts Department of Environmental Protection

Emergency Response 888-304-1133

Department of Public Health

Environmental Toxicology Program 617-624-5757

Massachusetts Poison Control Center

24-Hour Hotline 800-222-1222

City of Marlborough Public Works Department 508-624-9610

City of Marlborough Board of health 508-460-3751

City of Marlborough Fire Department 508-485-2323 or 911

City of Marlborough Police Department 508-485-1212 or 911

Chem-Trec 800-424-9300

National Pesticide Information Center 800-858-7378

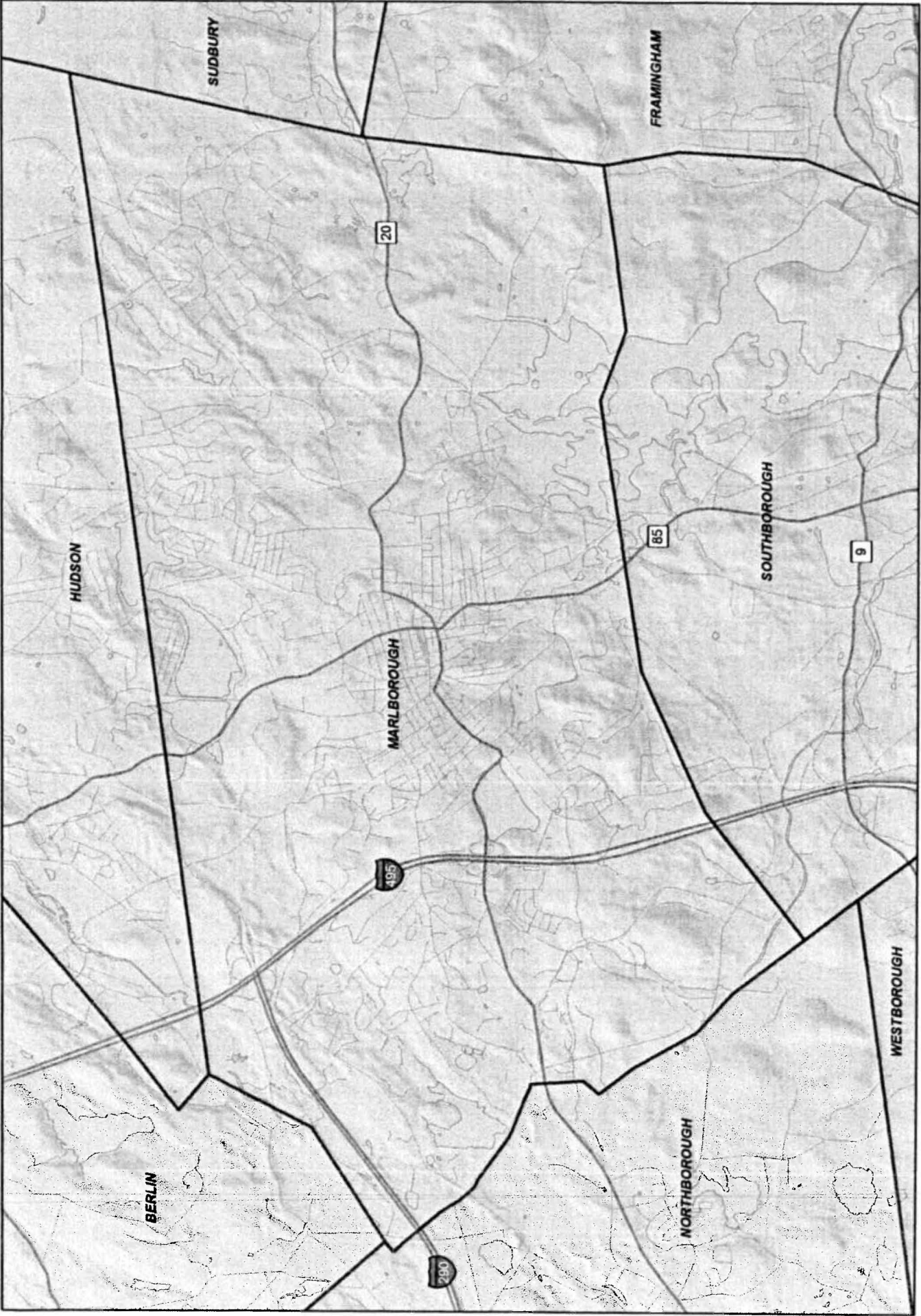
National Animal Poison Control Center 888-426-4435

Monitoring Plan

On an annual basis, the City will evaluate the success of the vegetation management program. The goal of this monitoring plan is to evaluate the relative success of vegetation control efforts. Following treatment, after an appropriate period of time, treatment areas will be revisited. The survivorship or regrowth of nuisance vegetation will be recorded and evaluated periodically to determine whether the program is meeting its goals. Any changes will be reflected in the next year's YOP, as applicable.

APPENDIX A

LOCUS MAP



Marlborough, MA



APPENDIX B

DETERMINATION OF APPLICABILITY VARIOUS STREETS – ROADSIDE VEGETATION MANAGEMENT



City of Marlborough Conservation Commission

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

December 11, 2013

Chris White
City of Marlborough
Dept. of Public Works
135 Neil St.
Marlborough, MA 01752

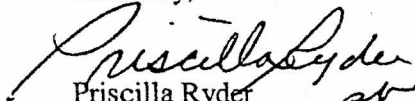
RE: **Positive** Determination of Applicability
Confirmation of the wetland resource areas along various streets

Dear Chris

The Marlborough Conservation Commission voted at its December 5, 2013 meeting to issue the enclosed **Positive** Determination of Applicability. This document confirms that the wetland areas shown on the plan and in the narrative are correct with three additions as noted here in.

If you have any question on the above, please give me a call at 508-460-3768.

Sincerely,


Priscilla Ryder
Conservation Officer

cc: DEP

PR/sb

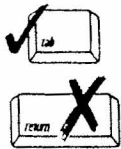


WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. General Information

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



From:

Marlborough
Conservation Commission

To: Applicant

City of Marlborough Dept. of Public Works
Name
135 Neil St.
Mailing Address
Marlborough MA 01752
City/Town State Zip Code

Property Owner (if different from applicant):

Name

Mailing Address

City/Town State Zip Code

1. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

Appendix (Narrative for No-spray zone designation marked on Yearly Operational Plan Map-2013) _____ Date
Wetland Areas – No Spray Zone Map November 2013 _____ Date
Title _____ Date

2. Date Request Filed:

December 2, 2013

B. Determination

Pursuant to the authority of M.G.L. c. 131, § 40, the Conservation Commission considered your Request for Determination of Applicability, with its supporting documentation, and made the following Determination.

Project Description (if applicable):

Request confirmation of the wetland resource areas along various streets within the City of Marlborough as described and shown on the map submitted and described in the narrative.

Project Location:

Various Streets
Street Address

Marlborough
City/Town

Assessors Map/Plat Number

Parcel/Lot Number



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Determination (cont.)

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

Positive Determination

Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) or Order of Resource Area Delineation (issued following submittal of Simplified Review ANRAD) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection).

1. The area described on the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.
- 2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.

*with additions of Reservoirs St. and Boltn St. where they cross
Ft. Meadaw Reservoir, and the stream crossing at Hemenway St.
Extension. These are to be added to the plan and narrative.*

- 2b. The boundaries of resource areas listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.

3. The work described on referenced plan(s) and document(s) is within an area subject to protection under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.
4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to protection under the Act. Therefore, said work requires the filing of a Notice of Intent or ANRAD Simplified Review (if work is limited to the Buffer Zone).
5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by:

Name of Municipality

Pursuant to the following municipal wetland ordinance or bylaw:

Name

Ordinance or Bylaw Citation



WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Determination (cont.)

6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but not subject to the Massachusetts Wetlands Protection Act:
-
-

7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)c. for more information about the scope of alternatives requirements):

- Alternatives limited to the lot on which the project is located.
- Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
- Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
- Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

Negative Determination

Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission. Requirements for requests for Superseding Determinations are listed at the end of this document.

1. The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.
2. The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.
3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).
-
-

4. The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Determination (cont.)

City of Marlborough Dept. of Public Works – roadside vegetation mgt.

5. The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:

Exempt Activity (site applicable statutory/regulatory provisions)

6. The area and/or work described in the Request is not subject to review and approval by:

Name of Municipality

Pursuant to a municipal wetlands ordinance or bylaw.

Name

Ordinance or Bylaw Citation

C. Authorization

This Determination is issued to the applicant and delivered as follows:

by hand delivery on

by certified mail, return receipt requested on

Inter-office 12-11-2013
Date

Date

This Determination is valid for **three years** from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

This Determination must be signed by a majority of the Conservation Commission. A copy must be sent to the appropriate DEP Regional Office (see <http://www.mass.gov/dep/about/region.findyour.htm>) and the property owner (if different from the applicant).

Signatures:

✓ Edward Clancy

Edward Clancy

John Skarin

John Skarin

David Williams

David Williams

Dennis Demers

Lawrence Roy

Lawrence Roy

Michele Higgins

Allan White

12-5-2013
Date

Date



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

D. Appeals

The applicant, owner, any person aggrieved by this Determination, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate Department of Environmental Protection Regional Office (see <http://www.mass.gov/dep/about/region.findyour.htm>) to issue a Superseding Determination of Applicability. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form (see Request for Departmental Action Fee Transmittal Form) as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant if he/she is not the appellant. The request shall state clearly and concisely the objections to the Determination which is being appealed. To the extent that the Determination is based on a municipal ordinance or bylaw and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.

APPENDIX C

LETTER FROM BOARD OF HEALTH



Board of Health

Frank D. Walker Building
255 Main Street, Room 101
Marlborough, MA 01752
(508) 460-3751 ~ Fax (508) 460-3625
Robert Landry M.Ed., R.S.

January 8, 2014

Christopher White, General Foreman-Forestry, Parks and Cemetery Division
135 Neil Street
Marlborough, MA. 01752

Re: Letter of Approval/Receipt from Board of Health

Dear Mr. White,

Please be advised the Board of Health is in receipt of the Vegetation Management Plan for Calendar Years 2014 through 2018.

The Board of Health will maintain this document in our files.

Sincerely,

Robert Landry
Sanitarian/Administrator

CC:
Mayor's Office
Conservation Office
BOH File

APPENDIX D

LETTER FROM CHIEF EXECUTIVE OFFICER (MAYOR)



City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

January 28, 2014

Mr. Michael W. McLean,
Rights-of Way Coordinator
Supervisory Pesticide Inspector
Department of Agricultural Resources
Vegetation Management Review Board
251 Causeway Street, Suite 500
Boston, MA 02114-2151

RE: Vegetation Management Plan, Five Year Vegetation Management Plan (2014-2018)

Dear Mr. McLean,

This correspondence serves to inform you that a copy of the City of Marlborough's Vegetation Management Plan has been received by the Mayor's Office, reviewed and approved. It is the intent of the City to implement the methods of vegetation control as outlined in said Plan and my understanding is that it will remain in effect for a period of five years.

Sincerely,

Arthur G. Vigeant
Mayor

**AGREEMENT TO EXTEND
TIME LIMITATIONS**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Date: January 24, 2014

2014 JAN 28 P 3:25

Order No. # 13-1005581B

Application for Special Permit by Bohler Engineering, Southborough, MA on behalf of VNG CO., 150 Monument Road, Suite 500, Bala Cynwyd, PA 19004 to construct new compressed natural gas (CNG) facilities with one (1) new CNG dispenser including minor site modifications and product piping to the existing Shell gasoline station located at 413 Lakeside Avenue, Map 79, Lots 6B and 10A.

-Referred to Urban Affairs Committee

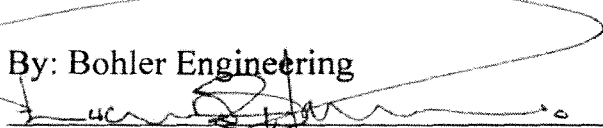
Public Hearing Date: February 24, 2014

The decision of the special permit granting authority shall be made within ninety days following the date of such public hearing. The required time limits for a public hearing and said action may be extended by written agreement between the petitioner and the special permit granting authority. A copy of such agreement shall be filed in the office of the City Clerk. Pursuant to Mass. General Laws, c.40A, s.9, as amended, the required time limits for action by the Marlborough City Council, as it is the special permit granting authority in the above referenced matter, are hereby extended, by agreement, as follows:

As previously extended, the time limit for action by the Marlborough City Council in which to hold the Public Hearing is hereby affirmed, by agreement, until 5:00 PM on February 28, 2014.

Final action on the proposed Special Permit shall occur by May 27, 2014 or by the 90th day from the date when the Public Hearing scheduled to open on February 24, 2014 closes, whichever is later.

By: Bohler Engineering


Acting on behalf of, and at the direction of, Petitioner

By: City Council President

Patricia A. Pope, acting on behalf of, and at the direction of, the
Special Permit granting authority: Marlborough City Council

CITY OF MARLBOROUGH

BOARD OF ASSESSORS

MEETING MINUTES: September 25, 2013

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 JAN 27 P 1:43

1. CALL TO ORDER: 2:03 pm

MEMBERS PRESENT: Harald Scheid, Bradford Dunn, Anthony Arruda

Also in attendance: Paula Murphy, Head Clerk

2. Motion to accept the minutes of the March 26, 2013 meeting by Bradford Dunn, second by Harald Scheid

Vote: 3-0

3. Motor Vehicle Abatements, Senior Tax Work-off Program Abatements, and Real Estate Tax Abatements were signed by Board of Assessors.

4. DISCUSSION AND VOTE:

- 80 Broadmeadow St, owner Milin Associates – withdrawal of 2012 & 2013 appeals
- 400 Donald J Lynch Blvd, owner BGI Holdings III LLC is appealing two properties. The board made agreement to abate parcel 26-29 by \$994,300 as settlement .

Motion to accept-Mr. Arruda

Seconded-Mr. Scheid

Vote 3-0

- Partners Healthcare submitted request for 2014 exempt status, however building does not yet exist and request was submitted on wrong form (must be State Tax Form 3ABC) and during wrong time frame.

Motion to deny-Mr. Dunn

Seconded- Mr. Scheid

Vote 3-0

5. Mr. Dunn informed Board of the progress of the new filing system in the Assessors' office. Eight new filing cabinets have been installed. File folders with identification for each of approximately 13,000 parcels have been created. Property record cards have been printed for each and filed in appropriate folder. The new filing system will make it possible to file correspondence and information pertinent to each property.

6. DISCUSSION AND VOTE:

- 3 Senior Exemption Applications: did not meet income and/or asset limits.

Motion to deny-Mr. Dunn

Seconded- Mr. Scheid

Vote-3-0

- application for 41A Tax Deferral for property in deferral since 2007 was reviewed. Applicant had previously failed to list mortgage with St Mary's Credit Union on previous applications. St Mary's Credit Union has agreed to the deferral and signed a new Tax Deferral and Recovery Agreement to be recorded.

Motion to approve-Mr. Scheid

Seconded- Mr. Dunn

Vote 3-0

7. DISCUSSION AND VOTE:

- Raytheon filed appeals in Marlborough and Sudbury for 2012 and 2013. After an income analysis, the Marlborough Assessors agreed to settle each year's appeals with a value of \$33,500,000.

Motion to approve-Mr. Scheid

Seconded-Mr. Arruda

Vote 3-0

- BRE/HV Properties LLC dba Extended Stay at 19 Northboro Rd East filed appeals for 2012 and 2013. A detailed discussion of average daily rate, occupancy and rev. par resulted in an agreement to settle with a value of \$4,400,000 for 2012 and \$4,500,000 for 2013.

Motion to approve-Mr. Scheid

Seconded- Mr. Arruda

Vote-3-0

8. Mr. Scheid presented detailed ratio studies. Appropriate adjustments for 2014 values will be made.

9. Motion to conclude-Mr. Scheid

Seconded-Mr. Arruda

Meeting Adjourned-3:32 PM

The image shows three handwritten signatures in cursive script, stacked vertically. Each signature is written over a horizontal line. The top signature is the most legible, appearing to read 'James M. Scheid'. The middle signature is less legible but appears to read 'Anthony J. Arruda'. The bottom signature is also less legible but appears to read 'R. C. L.'. The signatures are written in black ink on a white background.

RECEIVED
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CITY OF MARLBOROUGH

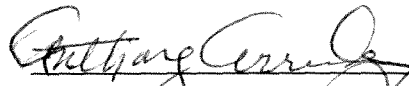

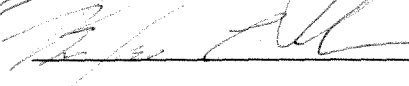
CITY OF MARLBOROUGH

2014 JAN 31 A 10:29

BOARD OF ASSESSORS

MEETING MINUTES: January 23, 2014

1. CALL TO ORDER: 3:30 pm
MEMBERS PRESENT: Anthony Arruda, Harald Scheid, Bradford Dunn
Also in attendance: Paula Murphy, Head Clerk
2. Motion to Accept minutes of the September 25, 2013 meeting : Mr. Scheid, second Mr. Arruda
Vote: 3-0
3. Motor Vehicle and Real Estate Abatements were signed by Board. Classified Land Tax Lien signed by Board to be recorded for 421 Bolton St to reflect current owners names.
4. DISCUSSION: 61A applications for two properties to be further reviewed
5. DISCUSSION AND VOTE: Senior Clause Exemption application-assets exceed limit, motion to deny Mr. Arruda, second Mr. Scheid
Vote: 3-0
6. DISCUSSION AND VOTE: real estate abatement applications
Madden Ct, Grant St, 37 Cameron Dr
Motion to grant: Mr. Arruda, second Mr. Scheid
Vote: 3-0
41 Whispering Brook Rd, 209 Blanchette Dr, 406 Lincoln St #310, 257 Cedar Hill St, 259 Cedar Hill St
Motion to Deny: Mr. Arruda, second Mr. Scheid
Vote: 3-0
257 West Hill Rd
Motion to grant exempt status: Mr. Arruda, second Mr. Scheid
Vote: 3-0
300-350 Value Way, 377 Simarano Dr, 39 Newton St
Motion to Table for further review: Mr. Arruda, second Mr. Scheid
Vote: 3-0
7. MOTION TO CONCLUDE - Mr. Arruda, second Mr. Scheid
Meeting Adjourned – 5:00

 1-30-14
 1-30-14
 1/30/14

Marlborough High School: School Council
Meeting Notes: January 8, 2014

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Present: Lauren Beishline, Rachel Dass, Sue Gordon, John Grace, Craig Hardimon, Ann Kinslow, Heather Kohn, Marlene Manell, Darren McLaughlin, Cathy Mogavero, Rita Smith, Lauren Bieshline

Absent: Lauren Fay, David Friess, Deb McCarthy, George Whapheim, Lynda Layer, Martin Levins, Gail Yosca

1. School Improvement Plan- draft

Goal 1: Change to 8 period day
Departmental collaboration
Content supervisors – leadership

Goal 2: 1:1 technology
Discussed the pros & cons of ebooks

Learning Target- well written goals
Level three school has DESAC

DECE- Common Assessments
Norming Grading-Collaboration

Goal 3: Professional Development
Differentiated Instruction

Goal 4: Support for at Risk Students

A. Implement Grade Point- credit recovery on line

Benefits are that there are several levels of engagement fir students

Includes pretesting and mastery of gaps

Will help decrease the number of students who fail

Cost up front for student, but when student is successful, they get their money back

Right now this is only for at risk, in two years may be open to other students.

Budgetary Needs:

New Positions as follows

- SPED directors
- Physical Education Teacher due to increase in PE students 230
“sports waivers” will not be available any longer.
- GradPoint Instructor & tutorial Services
- Attendance Administrator
- Library Para Educator

Technology Request

- Text books – Mandarin Chinese
ELA

2. Handbook Format- (2 handouts)

New Handbook outline – Sue Gordon

Handbook outline – Craig Hardimon

Changed order to be more welcoming

Begins with overview for every student leads to if you have a particular activity or interest, then ends with the rules and consequences

Final draft needs to be presented to School Committee in February

3. Other

Reviewed lockdown procedures

Medical lockdown

Changes to Parent Portal so that all permission slips will be sign as part of the log in completion.

Call to Order 2014 JAN 28 A 9:47

January 13, 2014

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

Also in attendance were Board Secretary Melissa Irish and City Engineer Thomas Cullen.

Officer Selection:

Mr. DuPont acting as President Pro tem opened the nominations for Chairperson.

Ms. Hughes nominated Dr. Barbara Fenby as Chairperson, seconded by Mr. Hodge. Nominations were closed and Dr. Fenby was elected by unanimous vote.

Chairperson Fenby opened nominations for Clerk.

Mr. Fay nominated Ms. Hughes as Clerk, seconded by Mr. Hodge. Nominations were closed and Ms. Hughes was elected by unanimous vote.

1. Meeting Minutes:

A. Regular Meeting December 16, 2013

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to approve the minutes of the December 16, 2013 meeting as amended. Motion carried.

2. Chair's Business:

A. Country Club Estates Amendment and Assignment of Agreement

Ms. Hughes read the communication from Attorney Falk into the record. The communication requested this agenda item be held over for the next regularly scheduled meeting.

On a motion made by Mr. Fay, seconded by Mr. McCarthy it was voted to accept the communication and place it on file as well as carryover this agenda item to the next regularly scheduled meeting. Motion carried.

B. Country Club Estates Performance Bond, acceptance of new, release of original

On a motion made by Mr. Fay, seconded by Mr. McCarthy it was voted to carryover this agenda item to the next regularly scheduled meeting. Motion carried.

3. Approval Not Required: None

4. Public Hearings:

A. Walker Brook Estates Definitive Plan of Land 7:15pm (March 2, 2014)

The Public Hearing was opened at 7:15pm Ms. Hughes read the notice into the record. The hearing was taken in the traditional 4 stages:

Presentation

Those speaking in favor

Those speaking in opposition

Questions for the Board Members

Presentation:

Mr. Bruce Saluk of Saulk and Associates along with Mr. Edward and Brian Melanson presented the project to the Board.

The project consists of a 3.5 acre parcel of land located within the A2 zoning district. The project proposes a six (6) lot single family subdivision with 2 associated roads to be known as Allis Rd and Bemis Rd. Allis Rd will be the entry road at approximately 172' and Bemis will be cross road terminating in a cul de sac at each end the left end of the road approximately 160' and the right end approximately 180'. Walker Brook is situated at the rear of the property. The proposed subdivision will be serviced by City water and sewer as well as natural gas service. All utility lines will be placed underground ie: electricity and telephone etc. The proposed drainage system is extensive with the runoff processing through 5 separate treatment devices before being discharged from the site.

The proponent is requesting six (6) waivers

- A waiver is requested for open space (Article IV, Section A676-15).
- Sidewalk width (Article V, Section A676-26) and cross section in Appendix F requires a 6' sidewalk width request id for a 5' width
- Elimination of sidewalks on Bemis Rd. A waiver to Article V, Section A676-26 is requested to allow the sidewalk to end at the Allis and Bemis Road curve roundings on both ends of the sidewalk
- A waiver is requested to allow a reduction of the right of way width required in Article V, Section 676-12© from 50' to 40'.
- A waiver is requested to allow a reduction of the paved road width required in Article V, Section A676-24 (B)(2)(a) from 26' to 24'.
- A waiver is requested to allow an increase in the maximum road shoulder finished grade slop required in Article V, Section A676-20 and Appendix "F". A waiver would allow a 3 horizontal to 1 vertical slope adjacent to the proposed retaining wall shown near the lot corner of lots 5 & 6.

Mr. Cullen questioned if the proponent has meet with the Fire Chief regarding the proposed turning radiuses within Bemis Rd. Mr. Saluk noted that he will contact the Fire Chief.

Mr. Cullen also questioned if the retaining wall as indicated is within the layout or outside the layout. Mr. Saluk noted it was outside the layout.

Those speaking in Favor or Questions from the public:

Mr. Christopher Heinz, 108 Framingham Rd, Mr. Heinz had a question regarding the possibility of standing water in relation to placement of the catch basins. Mr. Heinz also noted that he is generally in favor of the proposal.

Mr. Saluk responded that there should be no standing water.

Those speaking in Opposition:

Ms. Mary Anne Hopkins, 151 Framingham Rd, Ms. Hopkins questioned who would be benefitting from the 24' pavement width? She also noted that she walks on a regular basis and a 6' sidewalk is necessary in her opinion.

Questions from Board Members:

Mr. Fay questioned with this being a definitive submission why there is mention of an open space waiver?

Mr. Cullen offered some clarification to that point.

Mr. Fay also questioned if all rights are in place to make the proper sewer connections.

Mr. Saulk indicated that they did.

The Public Hearing was closed at 7:41pm.

On a motion made by Ms. Hughes, seconded by Mr. Hodge the plan was referred to the Engineering Department. Motion passed.

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report

City Engineer Cullen reported that in regards to the Shaugnessey Estates subdivision the majority of outstanding items have been resolved. There is open dialog with the owners of certain parcels that easements must be obtained from. The Engineering department is working with the Legal Office in this regard.

Mr. Cullen stated that he has received some information from Attorney Austin and he is aware the Attorney Austin is in communication with Solicitor Rider. More information will follow as it is available.

Regarding the Berlin Farms Subdivision Mr. Freeman has not been in contact with the Engineering Department regarding the outstanding issues.

B. Mauro Farms; Capital Group Request for lot releases; Lots 26, 27, 28, 29

Mr. Fay reminded the Board of his previously disclosed conflict ad that his appointing authority has authorized him to act.

Ms. Hughes read into the record the communication from the Code Enforcement Officer regarding this site, as well as the Certificate of Good Standing from the Tax Collector.

On a motion made by Mr. Hodge, seconded by Mr. McCarthy the information was accepted and placed on file. Motion passed.

It was noted by the Code Enforcement Officer and reiterated by the Board to the developer that the hours of operation commence at 7:00am and not prior to. Please pass on this information on to the field employees as a reminder.

On a motion made by Mr. Hodge, seconded by Mr. McCarthy it was voted to approve the lot releases for lots 26,27,28,29 in the Mauro Farms Subdivision. Motion passed.

C. Mauro Farms; Bond Reduction Request

Mr. Fay reminded the Board of his previously disclosed conflict ad that his appointing authority has authorized him to act.

Ms. Hughes read the recommendation from the City Engineer into the record.

On a motion made by Mr. Hodge, seconded by Mr. McCarthy the information was accepted and placed on file. Motion passed.

On a motion made by Mr. Hodge, seconded by Mr. McCarthy it was voted to reduce the existing bond from the current amount of \$750,000.00 to the new amount of \$406,000.00. Motion passed.

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

7. Definitive Subdivision Submission: None

8. Signs:

A. First Church Congregational

Mr. George Pellerin was in attendance with his approved “banner” permit in hand.

On a motion made by Mr. McCarthy, seconded by Mr. DuPont it was voted to approve the requested sign variance by allowing the existing sign to be raised by 24” (2 feet) and an additional panel installed below for the Herob Presbyterian church. This will enlarge the overall sign by 24” Height X 48” in width, a total of 8 square feet additional. Motion carried.

9. Unfinished Business:

A. Berlin Farms

This item was covered in the Engineers Report

It was noted to keep this item for reporting purposes on the next Planning Board agenda as well.

10. Informal Discussions:

The board is requesting to have Commissioner Mendoza at the next meeting (January 27) for a discussion regarding the proliferation of collection bins within the City. A request will be forwarded to the Building Department.

Secondary discussion with Commissioner Mendoza will be regarding “banners” and the definition thereof. Chairperson Fenby will have an informal discussion and report back to the Board the results of that discussion

11. Correspondence:

A. dcr downstream Number 30, Fall 2013

B. Framingham Sign By Law Seminar 1/7/14

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

12. Public Notices of other Cities and Towns:

- A. Town of Berlin, Board of Appeals, Public Hearing 1/8/14**
- B. Town of Sudbury, Zoning Board of Appeals, Public Hearing 1/6/14**
- C. Town of Sudbury, Board of Appeals, Notice of Decision**
- D. Town of Sudbury, Board of Appeals, Notice of Decision**
- E. Town of Hudson, Zoning Board of Appeals, Notice of Decision**
- F. Town of Hudson, Zoning Board of Appeals, Notice of Decision**
- G. Town of Framingham, Planning Board, Public Hearing 1/13/14**
- H. Town of Framingham, Planning Board, Public Hearing 1/23/13**
- I. Town of Framingham, Planning Board, Notice of Decision**

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

On a motion made by Ms. Hughes, seconded by Mr. McCarthy the next regularly scheduled meeting of the Planning Board is set for January 27, 2014. Motion carried

13. Executive session for the purpose of discussing litigation strategy involving a proposed subdivision off Sudbury Street.

On a motion made by Mr. Hodge, seconded by Mr. Fay it was voted to enter into Executive Session for the purpose of discussing litigation strategy involving a proposed subdivision off Sudbury Street. The Board will adjourn direct from Executive Session and will not be returning to Open Session. Roll Call Vote:

Mr. Fay	Yes
Ms. Hughes	Yes
Chairperson Fenby	Yes
Mr. Hodge	Yes
Mr. McCarthy	Yes
Mr. DuPont	Yes

The Board entered into Executive Session at 8:03pm.

Adjournment: On a motion made by Mr. Hodge, seconded by Mr. Fay it was voted to adjourn at 9:01pm.

Respectfully submitted,

Colleen Hughes

/mai