

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 APR 24 P 12:49

1. Minutes of the City Council Meeting, April 7, 2014.
2. Communication from the Mayor re: Request for Executive Session for the purpose of discussing litigation strategy on a sewer contract dispute involving property on St. Martin Dr.
3. Communication from the Mayor re: Comptroller's Office transfer request in the amount of \$295,000.00 which moves funds from Salary & Benefits Reserve to Medicare Ins.-School, Medicare Ins.-City and Workers Comp. Ins. for the purpose of covering anticipated expenses linked to cost of living or step increases in salary.
4. Communication from the Mayor re: DPW transfer requests in the amounts of \$30,000.00 and \$22,000.00 which moves funds from and to various accounts noted on the attached spreadsheets to fund OT costs for the purpose of flushing valves and hydrants and funding major repairs to a street sweeper.
5. Communication from the Mayor re: Gift Acceptance in the amount of \$30,000.00 from Atlantic Management.
6. Communication from the Mayor re: Emergency Management Grant in the amount of \$1,525.00 to reimburse the City for the purchase of a new radio and antenna for the City's mobilization unit.
7. Communication from the Mayor re: Bond Request-Millham Water Treatment Plant.
8. Communication from the Mayor re: Draft TIF Proposal between City of Marlborough and SanDisk Corporation.
9. Communication from the Mayor re: Inter-Municipal Agreement-Town of Sudbury.
10. Communication from the Mayor re: Hiring of new City Engineer, Evan Pilachowski.
11. Communication from City Solicitor Rider re: Proposed Ordinance to Section 650-17 and Section 650-5 of the Zoning Code pertinent to Medical Offices and Clinics in proper form, Order No. 14-005693B.
12. Communication from the Planning Board re: Recommendation Pertinent to Proposed Ordinance to Section 650-17 and Section 650-5 of the Zoning Code relevant to Medical Offices and Clinics, Order No. 14-005693B, X-13/14-1005578C.
13. Communication from Marlborough Retirement Board re: COLA increase.
14. Communication from Mark Donahue of Fletcher Titlton on behalf of Chick-Fil-A, Inc. re: rescheduling of Public Hearing for Special Permit to May 19, 2014, Order No. 14-1005761.
15. Application for Special Permit from Robert Stauber of Gensler, on behalf of Bank of America, to modify existing bank drive-thru from the existing condition of 1 ATM lane 1 VAT drive-up teller lane and 1 by-pass lane to 2 ATM lanes and 1 by-pass lane, 223 East Main St.
16. Application for Renewal of Junk Dealer's License by Robert Hoglund, CFO TVI, Inc. d/b/a Savers, 222A East Main St.
17. Application for Renewal of Junk Dealer's License, Michael Komapovsky, d/b/a Aarus Art Gallery, 305 Lincoln St.
18. Communication from NStar re: Notice of Filing, Public Hearing, and Procedural Conference.
19. Communication from NStar re: Condensed Financial Return for Year End December 31, 2013.
20. Communication from Massachusetts Water Resources Authority re: Environmental Notification Form-MWDA Wachusett Aqueduct Pumping Station, Marlborough, MA.
21. Minutes, Planning Board, February 24 and March 24, 2014.
22. Minutes, Commission on Disabilities, December 3, 2013.
23. Minutes, Council on Aging, March 11, 2014.
24. Minutes, Conservation Commission, March 20, 2014.

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.

25. Minutes, Board of Assessors, February 20, 2014.
26. CLAIMS:
- A. Luana DiSarra Scavone, 524 Hemenway St., residential mailbox claim 2(b)
 - B. Andrew Tivnan Jr., 274 Wilson St., residential mailbox claim 2(a)
 - C. Alton Bradshaw Jr., 66 Farrington Lane, residential mailbox claim 2(a)
 - D. Briana Currie, 185 Main St. #9, other property damage and/or personal injury
 - E. Haruka Watanabe, 20 Beauregard Circle, other property damage and/or personal injury\
 - F. Joseph Hardiman, 36 Teller St., residential mailbox claim 2(a)
 - G. Bill Poirer, 35 Windmill Dr., other property damage and/or personal injury

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Urban Affairs Committee

27. **Order No.14-1005693A** - Zoning Petition from City Councilor Elder to amend the Table of Uses, Section 650-17 by amending the business use so as to allow medical offices and/or clinics as of right in the Business (B) district and to expand the definition of Medical Office/Clinic.
PUBLIC HEARING: MARCH 10, 2014

The committee met to continue the review of the definition of Medical Office/Clinic after incorporating changes regarding the type of services allowed by including mental health services, restricting internal surgical care, and requiring a Special Permit for a facility that exceeds 5,000 square feet of space in any district where such use is not prohibited.

Motion made by Councilor Clancy, seconded by Chair, to approve as amended, Carries 3-1. Landers opposed.

Motion made by Councilor Clancy to ask for a suspension of the rules at the next City Council meeting to send to the City Solicitor to be placed in proper legal form and to advertise, seconded by the Chair, Carries 3-1.



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

APRIL 7, 2014

Regular meeting of the City Council held on Monday, APRIL 7, 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 9:18 PM.

Council President Pope recognized Boy Scout Troop 41 who were in attendance and are working on their Citizenship and Community Merit Badges.

ORDERED: That the minutes of the City Council meeting MARCH 24, 2014, **FILE**; adopted.

ORDERED: That the Fire Department transfer request in the amount of \$152,246.17 of which \$82,246.17 is necessary for retirements and remaining balance will fund necessary OT associated with absences, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 12200001-50450 \$152,246.17
Firefighter

TO:

Acct. # 12200003-51920 \$82,246.17
Sick Leave Buy Back

Acct. # 12200003-51300 \$70,000.00
Overtime

ORDERED: That the Legal Department transfer request in the amount of \$73,800.00 which moves funds from and to various accounts as noted on the spreadsheet to fund higher than anticipated outside legal expenses, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:		Legal				FISCAL YEAR:		2014	
FROM ACCOUNT:		TO ACCOUNT:							
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$4,851,941.00	\$70,000.00	10000	35900	Undesignated Fund	\$70,000.00	11510004	53110	Legal Services	\$37,573.35
		Reason:				Legal expenses running higher than anticipated			
\$12,844.82	\$500.00	11510006	57600	Claims & Judgements	\$500.00	11510006	53880	Registry of Deeds	\$725.00
		Reason:				Fund account through end of fiscal year			
\$12,844.82	\$800.00	11510006	57600	Claims & Judgements	\$800.00	11510006	57100	Instate Travel	\$58.00
		Reason:				Fund account through end of fiscal year			
\$12,844.82	\$2,500.00	11510006	57600	Claims & Judgements	\$2,500.00	11510006	57350	Lawbook Updates	\$1,330.00
		Reason:				Fund account through end of fiscal year			
	\$73,800.00	Total			\$73,800.00	Total			

ORDERED: That the Gift Acceptance in the amount of \$1,000.00 from the Cummings foundation in honor of Ginger Ryan, **ACCEPT FUNDS AND PLACE IN CONSERVATION MAINTENANCE FUND ACCOUNT #845-00005-54000 TO BE USED FOR CONSERVATION LAND MAINTENANCE PROJECTS**; adopted.

At President Pope's request to recess at 8:12 PM and returned to open meeting at 8:16 PM, APPROVED; adopted.

Suspension of the Rules requested to allow the Mayor to speak – CARRIES

ORDERED: That the Library Planning Grant, refer to **BACK TO MAYOR**; adopted.

Yea: 6 -Nay: 5

Yea: Delano, Page, Elder, Tunnera, Irish, and Pope

Nay: Clancy, Landers, Oram, Ossing, & Robey

ORDERED: Motion to Approve

That the City Council, under the provisions of Articled VI Chapter 650-33 Results Way Mixed Use Overlay District Section 33D Exclusivity/Control and Article II Section 270-2 Site plan review and approval F Prior earthmoving, **approve** the draft "Site Plan" for the placement of fill material as provided in the plans dated March 20, 2014 Symmes Maini & McKee Associates, 1000 Massachusetts Avenue, Cambridge, Massachusetts 02138, for Marlborough Hills 200 Forest Street, Marlborough, MA consisting of sheets C-111 Site Preparation and Erosion Control Plan, C-141 Grading and Surface Treatment Plan and C-501 Details 1 Plan, collectively the "Plans" under the following terms and conditions:

1. That the work be performed in accordance with the Plans and the notes recited in the Plans;
2. That there be a preconstruction meeting with the Conservation Officer, the Site Contractor and the City Engineer (designee) once the erosion controls are in place and prior to doing any hauling for the purpose of reviewing the Plans and to exchange emergency contact information;
3. That in the event the future parking lot contemplated to be constructed in the fill area is not constructed within a year of the placement of the fill, it be loomed and seeded and the temporary erosion control of tackifer be placed on the fill prior to looming and seeding in order to accomplish the erosion control of the fill area.

APPROVED; adopted.

ORDERED: That the Communication from City Solicitor Rider re: Special Permit, DBK Realty, LLC, 1000 Nickerson Rd. in proper legal form, Order No. 13/14-100555D, **MOVED TO ITEM 26**; adopted.

ORDERED: That the Communication from City Solicitor Rider re: the Gutierrez Company, Comprehensive Permit off Ames St. and Rt. 20, with attached documents, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, MAY 5, 2014** as date for a **PUBLIC HEARING** on the Application for Special Permit from Amber Debole of TRM on behalf of T-Mobile Northeast, LLC for minor upgrade to existing telecom site, which consists of replacing all nine existing antennas, adding a cable divider, fiber jumpers, and hybrid cable to existing tower at 75 Donald Lynch Blvd., refer to **WIRELESS COMMUNICATION COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, MAY 5, 2014** as date for a **PUBLIC HEARING** on the Application for Special Permit from Mark Donahue of Fletcher Tilton on behalf of Chick-Fil-A, Inc. to construct and operate an approximate 4,876 square foot single story building with drive-thru service restaurant at 230 Boston Post Rd. West, refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the Application for Renewal of Secondhand Article Dealer's License, Theresa Denoncourt Smith, Hint of Class Consignment, 72A-B Hosmer St., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Application for for Renewal of Junk Dealer's License, Tony Bitar, Hannoush Jewelers, 601 Donald Lynch Blvd., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Application for Renewal of Secondhand Article License, Mary Giorgi, Giorgi's Consignment Boutique, 266 Main St., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

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

ORDERED: That the Minutes, Marlborough Community Development Authority, March 17 & 27, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, March 6, 2014, **FILE**; adopted.

ORDERED: That the Minutes, License Board, February 26, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, March 10, 2014, **FILE**; adopted.

ORDERED: That the Communication from Irene Richardson, 204 Ridge Rd. pertinent to a claim, refer to **LEGAL DEPARTMENT**; adopted.

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

- A. Bonnie Hill, 150 Simpson Rd., residential mailbox claim 2(b)
- B. Samantha Bower, 7 Nolan Way, pothole or other road defect claim
- C. Michael Sansonetti, 228 Littlefield Ln., residential mailbox claim 2(a)
- D. Charles Pinto, 84 Framingham Rd., residential mailbox claim 2(a) & other property damage

Reports of Committees:

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

Present: Chairman Delano; Urban Affairs Committee Members Councilors Clancy, Landers, and Tunnera (Councilor Page Absent); and Councilors Pope, Elder

Also Present: Assistant City Solicitor Cynthia Panagore Griffin; Attorney David Gadbois; Building Inspector Michael Mendoza; Joseph Zink. President and CEO, Atlantic Management; Patrick CSM

Order No.14-1005693A - Zoning Petition from City Councilor Elder to amend the Table of Uses, Section 650-17 by amending the business use so as to allow medical offices and/or clinics as of right in the Business (B) district and to expand the definition of Medical Office/Clinic.

PUBLIC HEARING: MARCH 10, 2014

The committee met to continue the review of the definition of Medical Office/Clinic after incorporating changes regarding the type of services allowed by including mental health services, restricting internal surgical care, and requiring a Special Permit for a facility that exceeds 5,000 square feet of space in any district where such use is not prohibited.

Motion made by Councilor Clancy, seconded by Chair, to approve as amended, Carries 3-1. Landers opposed.

Motion made by Councilor Clancy to ask for a suspension of the rules at the next City Council meeting to send to the City Solicitor to be placed in proper legal form and to advertise, seconded by the Chair, Carries 3-1.

Order No.14-1005446C - Communication from Attorney Gadbois re: Minor Site Plan Change, AvalonBay-200 Forest St. Plan is in City Clerk's office for viewing, Order No.13/14-1005446A.

The City Council is the Site Plan Authority for the Results Way Mixed Use Overlay District, Forest Park Project, and currently all site plan changes, both major and minor, must be brought before the full City Council for review and approval. During construction, minor changes may be required that need approval however due to the City Council process this could significantly slow the construction of the project. The committee would like delegate the Building Commissioner to act on their behalf for the purpose of approving minor changes to the site plan within the overlay district.

Motion made by Councilor Clancy to delegate to Councilors Pope and Delano the responsibility to create some initial language which will be put on the agenda for Monday night's meeting to be discussed and approved by the City Council, seconded by the Chair, Carries 4-0.

Councilor Clancy reported the following out of the Legislative and Legal Affairs Committee:

Members Present: Councilors Clancy, Delano and Robey

Also Present: Mayor Arthur Vigeant, Comptroller/Treasurer Brian Doheny, Councilor Landers

Order No. 13/14-100591A - The Committee reviewed the proposed changes to Section 67-10 Comptroller-Treasurer; appointment, term and duties. Changes to paragraph A, B and D were discussed. Paragraph A was amended with deletion of old wording and new wording was introduced, primarily the title of "Chief Financial Officer of the City" to the duties of the Comptroller-Treasurer. He/She shall oversee and have administrative oversight of the Municipal Finance Department which shall include the offices of Collector and Assessors.

Paragraph D of Section 67-10 was eliminated from the section. This section dealt with the responsibilities of the Water Registrar. These duties were to be turned over to the Commissioner of Public Works. This was taken up in the Council Order 14-1005691B.

Motion to approve by Councilor Delano seconded by the Chair, motion carried: 3-0

Order No. 13/14-100591B - The Committee reviewed the proposed changes to Section 7-31 of Article IV of the Code of the City of Marlborough, Paragraph B and a new C. The Commissioner of Public Works shall assume the duties of the Water Registrar for the City of Marlborough.

This would eliminate the Comptrollers duties as Water Registrar and formally place it under the responsibilities of the Commissioner of Public Works.

Motion to approve by Councilor Delano seconded by the Chair, motion carried: 3-0

Suspension of the Rules requested – granted

ORDERED: That the Proposed Amendment to the Code of the City of Marlborough, Zoning, Sections 650-17 and 650-5, Medical Offices and Clinics allowed by right in the Business Zone, Order No. 14-1005693A, refer to **CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM**; adopted.

Suspension of the Rules requested – granted

ORDERED: That the Marlborough City Council, as the duly empowered Site Plan Review authority for the Results Way Mixed Use Overlay District under § 650-33 (K) of the City Code, hereby delegates authority to the Building Commissioner, until further notice, to act as its duly authorized agent for the purpose of approving minor amendments to previously approved site plans, **APPROVED**; adopted.

Suspension of the Rules requested – granted

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, 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:

§ 67-10. Comptroller-Treasurer; appointment, term and duties

- A. The Mayor shall, subject to confirmation of the City Council, appoint a Comptroller-Treasurer for a term of two years. Such Comptroller-Treasurer shall take office on the first Monday next following his/her appointment. He/she shall perform the duties of the Treasurer as set forth in the General Laws of the Commonwealth of Massachusetts and the Code of the City of Marlborough and will be the Chief Financial Officer of the City. He/she shall comply with all other statutes, regulations and ordinances relative to his/her duties as Comptroller.
- B. The Comptroller-Treasurer shall have the additional duties to coordinate all financial policies of the City while working with all departments, without interfering with the statutory authority, duties and powers of each department. He/she shall oversee and have administrative oversight of the Municipal Finance Department which shall include the offices of Collector and Assessors'. He/she shall, subject to the approval of the Mayor, establish formal controls of expenditures and appropriations, and provide financial advice and long range planning for all departments.
- C. The Comptroller-Treasurer shall assist and make recommendations to the Mayor in the development and evaluation of the capital and operating budgets. He/she shall perform all duties which the Mayor and City Council shall direct.

ORDERED ADVERTISED AND PLACE ON THE CITY COUNCIL AGENDA FOR MAY 5, 2014; adopted.

Suspension of the Rules requested - granted

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:

§ 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]
- 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.

ORDERED ADVERTISED AND PLACE ON THE CITY COUNCIL AGENDA FOR MAY 5, 2014.

ORDERED: That the Operations and Oversight Committee investigate the status for streaming and making available on our website all City Council and sub-committee meetings, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED: That the Petition of NGrid and Verizon to relocate existing P6 Laviolette Street 35 feet south towards the entrance to Lake Williams condominiums which will be used as a primary riser pole to feed a pad-mounted transformer required to provide service to the new building (destroyed by fire), **APPROVED WITH FOLLOWING CONDITIONS**, adopted:

- 1) A street opening permit must be applied for by the proposed contractor performing the work;
- 2) A proper staging area is to be located/acquired before work commences – material and equipment shall not be parked/stockpiled within the city right of way;
- 3) The contractor is to ensure residents are always able to enter and exit their driveways;
- 4) Ensure construction safety controls are established (signage, drums, police details, etc.) and are in accordance with the latest MUTCD standards;
- 5) Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended;
- 6) Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765;
- 7) National Grid to work closely with other private utility companies to expedite the transfer of overhead wires from old to new poles;
- 8) If existing pole 6 is no longer necessary, this pole is to be removed immediately after overhead wires are transferred.

ORDERED: That the DPW transfer request in the amount of \$63,600.00 which moves funds from Fringes to various accounts to fund costs associated with the retirement of a member of the Public Works Department, **APPROVED;** adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		DPW - Administration				FISCAL YEAR:		2014		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$283,339.04	\$63,600.00	11990006	51500	Fringes	\$22,500.00	14001001	50600	DPW Commissioner	\$37,550.22	
	Reason:						Retirement			
					\$40,000.00	14001003	51920	Sick Leave BuyBack	\$595.07	
	Reason:						Retirement			
					\$1,100.00	14001003	51430	Longevity	\$2.01	
	Reason:						Retirement			
	\$63,600.00	Total			\$63,600.00	Total				

ORDERED: That the Comptroller's Office transfer request in the amount of \$21,500.00 which moves funds from Fringes to Postage and Office Supplies to supplement accounts for FY14, **APPROVED;** adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Comptroller				FISCAL YEAR:		2014		
FROM ACCOUNT:						TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$283,339.04	\$20,000.00	11990006	51500	Fringes	\$20,000.00	11330006	53460	Postage	\$303.30	
	Reason:	Surplus in account					Additional funds for mailings			
\$283,339.04	\$1,500.00	11990006	51500	Fringes	\$1,500.00	11330005	54220	Office Supplies	\$512.78	
	Reason:	Surplus in account					Additional funds for supplies			
	\$21,500.00	Total			\$21,500.00	Total				

ORDERED: That the Assessor's Office transfer request in the amount of \$7,000.00 which moves funds from Senior Clerk to Legal/Appeal/Tax to fund anticipated legal expenses associated with abatement filings and appraisals for the remainder of the fiscal year, **APPROVED;** adopted.

FROM:

Acct. # 11410002-50770 \$7,000.00
Senior Clerk

TO:

Acct. # 11410006-53114 \$7,000.00
Legal/Appeal/Tax

DECISION ON AN APPLICATION FOR SPECIAL PERMIT

The City Council of the City of Marlborough hereby **GRANTS** the application for a Special Permit to DBK Realty, LLC (Applicant) and Ktron Incorporated (Tenant), each having a usual place of business at 583 Berlin Road, Marlborough, Massachusetts 01752 as provided in the Decision and subject to the following Procedural Findings, Findings of Facts and Conditions:

PROCEDURAL FINDINGS

1. DBK Realty, LLC is a limited liability company organized, existing and in good standing under the laws of the Commonwealth of Massachusetts having a usual place of business at 583 Berlin Road, Marlborough hereinafter referred to as the Applicant.
2. Ktron Incorporated is a corporation organized, existing and in good standing under the laws of the Commonwealth of Massachusetts having a usual place of business at 583 Berlin Road, Marlborough hereinafter referred to as the Tenant.
3. The Applicant is the owner of the property shown as "Lot #1" on a Plan of Land in Marlborough, MA recorded in the Middlesex South District Registry of Deeds as Plan No. 535 of 2013 and being a portion of the land owned by the Applicant described in said Registry of Deeds in Book 61865 Page 419. Said Lot #1 is further known as 1000 Nickerson Road, Marlborough, MA, as shown on the City of Marlborough Assessors Maps as a portion of Map 88, Parcel 29 (hereinafter referred to as the "Site").
4. The Applicant, on or about September 19, 2013 filed with the City Clerk of the City of Marlborough, an Application to City Council for issuance of Special Permit (hereinafter referred to as the "Application") under the Ordinances of the City of Marlborough, Article VI Section 650-24, Paragraph E Sub-paragraph (2) (c) (d) to permit Tenant to conduct a business owned and operated by Tenant for the manufacturing of specialty parts for defense, medical instrument and airline industries on approximately six acres of land located at 1000 Nickerson Road being Lot #1 referenced in paragraph 3 above (the "Project").
5. The manufacturing of said specialty parts requires the storage and use of toxic materials/chemicals in the cleaning and welding of the parts. Toxic materials/chemicals herein are hereinafter referred to as Hazardous Materials.
6. A portion of the Site is located in Zone B of the City of Marlborough Water Supply Protection District and is subject to the Zoning Ordinance Chapter 650 section 24 Paragraph E Sub-Paragraph (2) (c) (d).

7. The Application filed on September 19, 2013 consisted of an original and two copies of the following: (a) Application to the City Council for issuance of Special Permit (b) Special Permit-Summary Impact Statement with Exhibit A List of Hazardous Waste Materials (c) Filing Fee check in the amount of \$1,000.00 (d) (e) Plan Delivery Certification (f) Tax Payment Certification (g) Abutters List (h) Preliminary Site Plan (the "Site Plan") (i) Planning Department Certification (collectively the "Documents") which Documents are incorporated herein and become a part of this decision. Twelve sets of documents were delivered to the City Council and one set each to the Police Chief, the Fire Chief, the City Planner (Building Commissioner), the City Engineer and the Conservation Officer, all in accordance with Chapter 650 Section 650-59 of the Zoning Code of the City of Marlborough. The Abutters List was updated as of January 1, 2014 and filed with the City Clerk.
8. The Applicant filed with the Application a Certificate of Completeness of Application on a form signed by the Building Commissioner on behalf of the City Planner for the City of Marlborough as having complied with the provisions of Chapter 650 (Zoning Code) Section 650-59, C. (7) (a), (b) and (c).
9. Under the provisions of Massachusetts General Laws Chapter 40A, on October 3, 2013 Applicant filed with the City Clerk to be placed on the City Council Agenda for October 7, 2013 an agreement to extend the public hearing date to no later than February 11, 2014. At the October 7, 2013 meeting, the Council voted to approve the agreement.
10. In accordance with the Rules and Regulations of the City Council and Massachusetts General Laws Chapter 40A Sections 9 and 11, the City Council established February 10, 2014 as the date for a public hearing on the Application, caused to be advertised notice of said hearing and the date thereof in the MetroWest Daily News and mailed said notice to those entitled thereto, all in accordance with Massachusetts General Laws Chapter 40A.
11. The Marlborough City Council held a public hearing on the Application on February 10, 2014 in accordance with the published notice, (the "Public Hearing"). The hearing was opened at the time provided for in the notice and following the completion of testimony the hearing was closed on said date.
12. The Applicant presented testimony at the Public Hearing detailing the construction of the Site, the construction of the building, especially as it pertained to the use of Hazardous Materials therein, its impact upon municipal service, the neighborhood, traffic, drainage and such issues as the City Council and members of the public deemed appropriate. Members of the public had the opportunity to testify at the public hearing. A subject of concern to the public was the content of the public notice.
13. The Applicant provided written and oral documentation and testimony to the City Council and the City Council's Urban Affairs and Housing Committee ("Urban Affairs") regarding the Site, traffic impacts, open space, landscaping, drainage, lighting, water and sewer use, and other utilities associated with the Site.
14. The Applicant provided to Urban Affairs written and oral documentation as to the handling of the Hazardous Materials (HM) (a) HM will be unloaded inside the building. In the event of a spill during the unloading process, the unloading area is designed so that the HM will drain into a 300 gallon capacity polypropylene containment catch tank with no drain. The maximum delivery of HM to the building at any one time is 250 gallons. The HM will be

transferred within the building to the Wash Room, where they are stored and used. The Wash Room is described in a "Spill Prevention and Control Plan" dated January 15, 2014, a copy of which was provided to the City Council.

15. Tenant currently conducts its business at 583 Berlin Road, Marlborough, MA. Applicant provided to the City Council, as proof that Tenant is qualified to conduct its business and the handling of HM, a copy of the Commonwealth of Massachusetts Department of Environmental Protection Waste Water Permit WO33266, a copy of the Waste Water Permit # CAT22901919 issued by the City of Marlborough, a copy of the license issued to the in-house Wastewater Treatment Plant Operator issued by D.E.P to James P. Leveille an employee of Tenant and a copy of the Annual Inspection Permit issued by the City of Marlborough to Tenant dated April 11, 2013.
16. The Site is located north of Nickerson Road and is bounded to the west by Hayes Memorial Drive, to the north by Lot #2 shown on the Plan of Land referred to in paragraph 3 above, and to the east by an industrial subdivision.
17. The Site approximately of 6 acres and is located within the Limited Industrial district. According to the Building Inspector, the Project proposes a use which is allowed as of right in the LI district.
18. According to the Building Inspector, the Project meets all requirements of the zoning ordinance.
19. The Project consists of one building of approximately forty thousand (40,000 s/f) square feet and will be located as shown on the Site Plan submittal.
20. Access to the building and parking will be off of Nickerson Road as shown on the Site Plan.
21. According to the Applicant, the Project will generate 2000 gallons of treated sewage per day and approximately 1000 gallons of domestic sewage per day. The sewage will be directed through the City of Marlborough's wastewater system to the westerly wastewater treatment plant through a connection to a sewer manhole located on Northborough Road. Said plant has the capacity to treat the wastewater generated by the Project.
22. According to the Applicant, natural gas is available to serve the Project Site.
23. According to the Applicant, telephone, electricity and cable TV services are all available to serve the Project.
24. According to the Applicant, the Site Plan provides for proper management of storm water runoff from the project; proposed runoff rates are less than existing; there will be no adverse impact to any surrounding areas; the drain systems have been properly designed to handle the design flow rates; and reduced TSS results in improved quality of storm water runoff to receiving areas.
25. According to the Applicant, all buildings will be fully sprinkled and constructed in accordance with the latest life safety and building codes.
26. The Applicant will maintain all walls, driveways and storm drainage structures.

**BASED UPON THE ABOVE, THE CITY COUNCIL OF THE CITY OF
MABLBOROUGH MAKES THE FOLLOWING FINDINGS:**

- A. The City Council finds that it may grant a Special Permit (Special Permit) subject to such terms and conditions as it deems necessary and reasonable to protect the citizens of the City of Marlborough (also referenced herein as the “City”).
- B. The City Council finds the Application for the Special Permit does not derogate from the intent or purpose of the Zoning Ordinance of the City of Marlborough, or General Laws C.40A, et. seq.
- C. The City Council finds that the use of the site for the Project is an appropriate use, and is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough. The construction of the Project will complement the existing light manufacturing nature of the abutting properties and the surrounding neighborhood, and will enhance the development goals of the City and the region by providing additional jobs. It will result in a positive economic impact on the business community.
- D. The Site Plan, as submitted, and as may be amended by Site Plan Review Committee during the site plan review process, provides improvements that will protect the environment. The City Council makes this determination subject to the completion and adherence by the Applicant to the approved site plan by the Site Plan Review Committee and the conditions more fully set forth herein.
- E. The Applicant has complied with all the procedural rules and regulations of the City Council of the City of Marlborough and Chapter 650 (Zoning Code) of the City of Marlborough and Massachusetts General Laws Chapter 40A, Sections 9 and 11.

GRANT OF SPECIAL PERMIT WITH CONDITIONS

The City Council of the City of Marlborough pursuant to its authority under Chapter 650 (Zoning Code) of the Code of the City of Marlborough and Massachusetts General Laws Chapter 40A, **GRANTS** to the Applicant a Special Permit to construct the Project to be used as a light manufacturing facility using hazardous or toxic chemicals as set forth in the application documents and as per site plans submitted to the City Council, and subject to the following conditions which shall be binding on the Applicant, its successors and assigns, as well as on the Tenant:

- 1. **Construction.** Construction of all structures on the Site is to be in accordance with all building codes and zoning regulations in effect in the City of Marlborough and Commonwealth of Massachusetts and shall be built according to the site entitled Ktron, Inc. 1000 Nickerson Road Marlborough, MA Preliminary Site Plan prepared by Bruce Saluk & Assoc., Inc. Civil Engineering & Land Surveying 576 Boston Post Road East Marlborough, MA 01752 Tel: 508 485 1662 Fax: 508 481 9929” filed with the Application and as may have been amended during the application process. The Applicant's Site Plan indicates a permitted building area where the building is to be located.

2. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review, in accordance with the City of Marlborough Code, prior to issuance of the Building Permit. Any additional changes, alterations, modifications or amendments as required by Site Plan Review shall become further conditions to this Special Permit and no Occupancy Permit shall be issued until all conditions are complied with by the Applicant. Site Plan Review shall be consistent with this Special Permit. Any violation of a condition of the Site Plan Approval shall be a violation of this Special Permit.
3. Hazardous Waste. (a) The Applicant shall comply with all directives by the Department of Environmental Protection of the Commonwealth of Massachusetts, The Conservation Commission, the Fire Chief, and the Department of Public Works of the City of Marlborough relative to the existence of any hazardous waste and toxic materials/chemicals which may be located on the Site, compliance of the provisions of MGL Chapter 21E, Chapter 510 Sewers of the Code of the City of Marlborough and any other applicable government codes and as they relate to the use of hazardous and toxic materials/chemicals; (b) No more than 300 gallons of hazardous and toxic materials/chemicals may be delivered to the Site at any one time; (c) No more than 2000 gallons of hazardous and toxic materials/chemicals may be stored on the Site at any one time; (d) There shall be no loading or unloading of hazardous and toxic materials/chemicals outside of the building and no storage of hazardous and toxic materials/chemicals outside the building.
4. Compliance with Local State and Federal Laws. The Applicant shall comply with all applicable rules, regulations and ordinances of the City of Marlborough, Commonwealth of Massachusetts and Federal Agencies as they may apply to the construction, maintenance and operation of the Project, including, without limitation, compliance with local Conservation Commission Orders, the Massachusetts Environmental Policy Act (MEPA), and the State Building Code. The terms and conditions of such decisions and findings will become a part of this decision.
5. Inspectional Services Mitigation. Applicant shall, prior to issuance of the Building Permit for the Project, provide a payment to the City of Marlborough Inspectional Services fund in the amount of three thousand (\$3,000.00) dollars to offset the increases in costs associated with the Project. The City shall expend said funds as needed to contract for temporary staff, materials, supplies and equipment so as to enable the Inspections Staff to provide adequate and timely inspections of the Project construction.
6. Detention Basins. The on-Site detention basins shall be inspected by the Applicant not less than annually with respect to sedimentation accumulation with copies of annual written reports given by the Applicant to the City Engineer and the Conservation Officer. To the extent such reports indicate the need for sediment removal; the same shall be removed by the Applicant.

7. Catch Basins. All catch basins shall be installed by the Applicant in accordance with the City Code or as required by the Site Plan Review Committee, as more fully shown on the Site Plan. The catch basins shall be monitored on an annual basis with reports given to the City Engineer and the Conservation Agent. The catch basins are to be cleaned by the Applicant annually, or at more frequent intervals as determined by the City Engineer and the Conservation Agent. The existing catch basins and all drainage structures and detention facilities shall be monitored by Applicant on an annual basis, per the storm water operation and maintenance plan to be developed by Applicant, with a written report given to the City Engineer and Conservation Commission by June 1st of each year. The catch basins are to be cleaned by Applicant when debris buildup is within 24 inches of the pipe invert to remain functioning properly.
8. Snow Storage. Snow storage is to be provided on-Site, but not within the Water Supply Protection District. The Applicant may elect to utilize off-Site storage. Snowmelt runoff is to be directed toward catch basins.
9. Parking Areas. (i) Parking areas will be swept, as necessary. (ii) Pursuant to the provisions of MGL c. 90, § 18, the Applicant shall submit a written request and grant of authority to the Marlborough Traffic Commission to promulgate legally enforceable rules and regulations for the control of on-Site traffic and parking. Applicant shall be responsible for providing, installing and maintaining all signage or markings required by the Commission. Such signage or markings shall meet the standards of the Uniform Manual of Traffic Control Devices.
10. Construction Traffic. During construction of the Project, the Applicant shall impose on each of its contractors a requirement that all heavy equipment accessing the Site shall use Route 20 and not to use residential streets abutting the Project.
11. Off-Site Improvements. In connection with the installation of improvements within public right-of-ways which requires a street opening permit, the City Engineer shall be provided with a schedule of work and the construction procedures to be utilized prior to the commencement of such work. A police detail shall be provided for any utility work performed within the public way.
12. Landscaping. Pursuant to Chapter 270 of the Marlborough City Code, the Project shall be subject to Site Plan Review at which time, and under which procedure, changes and alterations to the Site Plan may be incorporated. The Project landscaping shall be implemented as shown on the Site Plan submitted with the Application as may be amended during Site Plan Review. The Project shall be sufficiently screened with landscaping so that the building and areas where trucks unload and park are not significantly visible from Hayes Memorial Drive. The Site Plan Review staff is authorized to assure that this condition is implemented through the Site Plan Review process. In addition, following the construction of the Project, but before final signoff is approved by Site Plan Review staff prior to occupancy; the Site Plan Review staff shall again review the adequacy of the landscaping that was planted in conformance with the Project's Site Plan. The Site Plan Review staff shall determine whether the planted landscaping is adequate to screen the Site and, if staff determines that it is not, they shall have the authority to require reasonable landscaping changes to assure that the project's building is not significantly visible from Hayes Memorial Drive.

13. Utilities Review. The detailed review of on-Site and off-Site utilities will be performed as part of the Site Plan Review process and such utilities as may be required by the City Engineer during this review shall be provided. The Applicant will deliver to the City Engineer, prior to the commencement of construction of the water and sewer improvements, copies of the final plans and schedule of work of such improvements for final review and approval by the City Engineer.
14. Water-Sewer. Water and sewer services provided to the Project shall be subject to currently applicable citywide water and sewer policies and charges subject to annual adjustment by the Commissioner of Public Works. Prior to occupancy, Tenant shall obtain a Waste Water Permit from the City of Marlborough for operation of the on-Site pretreatment facility. Applicant shall develop an on-Site water supply for irrigation purposes. Use of the City's water supply for irrigation purposes may only be permitted, upon demonstration by the Applicant to the City Engineer, that on-Site supplies are inadequate, due to quantity or quality.
15. Spill Prevention and Control Plan. Prior to the operation of the pretreatment facility and use of hazardous and toxic material/chemicals, Tenant shall submit to the Department of Public Works and Fire Chief for approval a Spill Prevention and Control Plan ("the Plan") consistent with that which was submitted to the Council at the Public Hearing. Any changes to the Plan must be approved by the Fire Chief and the Department of Public Works.
16. Conservation Commission. The Applicant shall comply with the terms and conditions of any final Order of Conditions duly issued pursuant to the Wetlands Protection Act (MGL c. 131, § 40).
17. Prior to the issuance of any Permanent Occupancy Permit ("Occupancy Permit") for this Project, Applicant must complete all landscaping, architectural design and planting installation together with all other site improvements, unless weather is prohibitive in which case landscaping and planting installation shall be complete within a reasonable time, but no more than 6 months from the issuance of the Occupancy Permit, taking into consideration the weather conditions.
18. All signage erected on the subject property shall be monument-type signs that are consistent in size, lay-out and design, including fonts, as is the existing signage in the office park known as "Marlborough Technology Park". The signs shall be painted with flat tone paint without gloss and with exterior illumination only.
19. All signage at the subject location shall comply with the existing City of Marlborough sign ordinance, without variance, and shall be as shown on the Site Plan. No LED signs shall be used.
20. All illuminations of individual parking area light fixtures shall not exceed 250-watt fixtures and shall be screened from abutting property. Deflectors shall be utilized and configured to mitigate light from entering abutting properties.

21. All plans, photo renderings, site evaluations, briefs and other documentation provided by the Applicant as part of this Special Permit Application and as amended during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
22. Applicant shall provide as-built plans for the Site prior to the issuance of an Occupancy Permit.
23. The building to be constructed on the Site shall have brick siding on the sides facing Hayes Memorial Drive and Nickerson Road. The brick shall be similar in style and design to the brick used at Marlborough Technology Park.
24. No outside storage, except for wooden pallets, is permitted. Wooden pallets may only be stored within the fenced-in area of the dumpster and may not be viewable from any public way.
25. In accordance with the provisions of MGL c. 40A, § 11, the Applicant at its expense shall record this Special Permit in the Middlesex South 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 been filed, and before a Building Permit is issued. Applicant shall also furnish proof of recording to the City Solicitor's Office and the City Council immediately subsequent to recording.

Yea: 11 – Nay: 0

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

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- I. Article II Of Chapter 270, entitled "Building And Site Development," is hereby amended by inserting the following new section:

§ 270–8A. Specifications and Permit of the Marlborough Fire department, Bi-Directional/Unidirectional Antenna for In-Building Fire Department and Police Department Radio Coverage.

- A. The Marlborough Fire Department requires that, in accordance with 780 CMR 915.1, et seq., of the Code of Massachusetts Regulations, as amended, all new buildings and all existing buildings undergoing renovations or rehabilitation constituting new construction, herein defined as 30% or more of gross square footage, provide reliable radio communications for fire fighters, EMS, and police officers within the building based upon the existing coverage levels of the Marlborough Fire Department and the Marlborough Police Department communication systems at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

- B. The installation and operation of radio-based fire department communication systems must comply with the document entitled “Marlborough Fire Department Bi-Directional/Unidirectional Antenna Specifications For In-Building Fire Department Radio Coverage In Buildings,” which document may be obtained at the Marlborough Fire Department and is incorporated herein by reference. The Marlborough Fire Department is authorized to promulgate and amend, from time to time, said regulations. No radio-based fire department communication systems shall be installed or operated without first filing with the Marlborough Fire Department a written application and obtaining a permit therefor. No occupancy permit shall be issued by the Building Department without said permit, or a written waiver therefrom by the Marlborough Fire Department.
- C. Each permit issued by the Marlborough Fire Department under this section is subject to the fee for installation and maintenance of a Fire Department and Police Department communications system which is listed in Section 328-2 of Chapter 328.

Section 328-2 of Article II of Chapter 328, entitled “Fire Department Fee Schedule,” is hereby amended by inserting the following new fee:

Type	Fee
Installation and Maintenance of Fire Department and Police Department Communications System	\$50.00

ORDERED ADVERTISED AND PLACED ON THE CITY COUNCIL AGENDA FOR MAY 5, 2014; adopted.

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, ACTING UPON A RECOMMENDATION OF THE MAYOR, THAT ARTICLE VI, 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 in its entirety § 67-32, and inserting in place thereof the following new § 67-32:

§ 67-32. Senior Assessor; Powers and Duties

- A. There shall be a Senior Assessor in the Assessor's Office who shall be a full-time employee. He/she shall assist the Principal Assessor in the performance of his/her duties and, in the absence of the same, shall assume the duties of said Principal Assessor in the administration and management of the Assessor's Office. His/her compensation shall be fixed by ordinance.

ORDERED ADVERTISED AND PLACE ON THE CITY COUNCIL AGENDA FOR MAY 5, 2014; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:18 PM.



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 APR 24 A 11:43

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

April 25, 2014

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

Re: Request for Executive Session

Honorable President Pope and Councilors:

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

I have enclosed a proposed motion for this request.

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

Sincerely,

Arthur G. Vigeant
Mayor

MOTION:

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

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



City of Marlborough
Office of the Mayor

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

140 Main Street

Marlborough, Massachusetts 01752

2014 APR 24 11:11 AM
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Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

April 25, 2014

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

Re: Transfer Request – Comptroller's Office

Honorable President Pope and Councilors:

Enclosed for your approval is the following transfer request:

- 1) Transfer in the total amount of \$295,000.00 from 11990006-57820 (Salary & Benefits Reserve) to the following accounts:
 - a. \$35,000.00 to 13100003-51753 (Medicare Ins – School)
 - b. \$125,000.00 to 11980006-51752 (Medicare Ins – City)
 - c. \$135,000.00 to 11960006-51710 (Workers Comp Ins)

The two Medicare accounts require this transfer to cover anticipated expenses which are directly linked to cost of living or step increases in salaries. This expense is also equally matched by the city. Although city employees are not subject to the FICA tax for Social Security purposes, they are subject to a FICA contribution for Medicare.

The workers compensation transfer is necessary to fund anticipated claims, several of which are unexpected or running higher than projected.

Thank you in advance for your consideration. Please let me know if you have any questions.

Sincerely,

Arthur G. Vigeant
Mayor

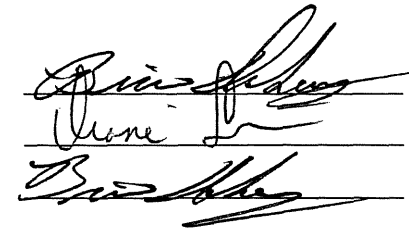
CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Comptroller		FROM ACCOUNT:				FISCAL YEAR: FY 2014				TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance				
<u>\$521,561.00</u>	<u>\$35,000.00</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$35,000.00</u>	<u>13100003</u>	<u>51753</u>	<u>Medicare Ins - School</u>	<u>\$119,651.10</u>				
	Reason:	<u>Money available for transfer</u>				<u>Money needed to pay medicare insurance</u>							
<u>\$521,561.00</u>	<u>\$125,000.00</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$125,000.00</u>	<u>11980006</u>	<u>51752</u>	<u>Medicare Ins - City</u>	<u>\$14,812.11</u>				
	Reason:	<u>Money available for transfer</u>				<u>Money needed to pay medicare insurance</u>							
<u>\$521,561.00</u>	<u>\$135,000.00</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$135,000.00</u>	<u>11960006</u>	<u>51710</u>	<u>Worker's Comp. Ins.</u>	<u>\$388,851.59</u>				
	Reason:	<u>Money available for transfer</u>				<u>Money needed to pay estimated claims</u>							
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____				
	Reason:	_____				_____							
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____				
	Reason:	_____				_____							
	\$295,000.00	Total			\$295,000.00	Total							

Department Head signature:

Auditor signature:

Comptroller signature:





RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

City of Marlborough
Office of the Mayor

2014 APR 24 A 11:44
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

April 25, 2014

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

Re: Transfer Request – DPW

Honorable President Pope and Councilors:

Enclosed for your approval are two transfer requests from the Department of Public Works (DPW).

The first transfer request, in the amount of \$30,000.00, is necessary to fund overtime costs associated with hydrant flushing. Per MassDEP regulations we are required to annually exercise and flush our valves and hydrants. This line item has been depleted at a higher rate than budgeted due to our substantial increase in water main breaks this year.

The second request, in the amount of \$22,000.00, is needed to fund major repairs to a twelve year old street sweeper.

Commissioner Ghiloni looks forward to discussing this request with you in greater detail. Thank you in advance for your consideration. Please let me know if you have any questions.

Sincerely,

Arthur G. Vigeant
Mayor

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Department of Public Works

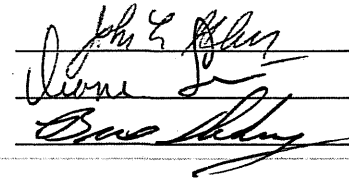
FISCAL YEAR: 2014

Available Balance	Amount	FROM ACCOUNT: Org Code	Object	Account Description:	Amount	TO ACCOUNT: Org Code	Object	Account Description:	Available Balance
<u>\$27,388.12</u>	<u>\$25,000</u>	<u>60081006</u>	<u>52464</u>	<u>Rep./Maint. Easterly Plant</u>	<u>\$25,000</u>	<u>61090003</u>	<u>51310</u>	<u>Water Overtime-Reg.</u>	<u>\$25,829</u>
	Reason:	<u>Money available from East Plant Budget to transfer to Water Overtime Account.</u>				<u>No money is available for overtime hydrant flushing. Flushing will cost over \$ 28,000.00. Overtime remaining is needed for rest of FY 14</u>			
<u>\$8,213.11</u>	<u>\$5,000</u>	<u>60081006</u>	<u>52420</u>	<u>Rep./Maint. Machinery</u>	<u>\$ 5,000.00</u>	<u>61090003</u>	<u>51310</u>	<u>Water Overtime-Reg.</u>	<u>\$25,829</u>
	Reason:	<u>Money available from East Plant Budget to transfer to Water Overtime Account.</u>				<u>No money is available for overtime hydrant flushing. Flushing will cost over \$ 28,000.00. Overtime remaining is needed for rest of FY 14.</u>			
<hr/>	Reason:	<hr/>				<hr/>			
<hr/>	Reason:	<hr/>				<hr/>			
<hr/>	Reason:	<hr/>				<hr/>			
	\$30,000	Total			\$30,000	Total			

Department Head signature:

Auditor signature:

Comptroller signature:





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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 APR 24 A 11:44

City of Marlborough
Office of the Mayor

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Michael C. Berry
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Patricia Bernard
EXECUTIVE SECRETARY

April 25, 2014

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

Re: Gift Acceptance – Atlantic Management

Honorable President Pope and Councilors:

Enclosed for your acceptance is a gift in the amount of \$30,000.00 from Atlantic Management to the City of Marlborough.

As part of our successful MassWorks Grant Application last September, Atlantic Management stepped forward with a financial commitment to help pay for the design and engineering expenses associated with the project. This voluntary contribution was included in the project budget proposal submitted to the Executive Office of Housing and Economic Development. Enclosed for your information is their original letter of support for this grant opportunity.

I wish to recognize the Atlantic Management President Joe Zink for being such a strong advocate for this project and for backing up this support with this generous contribution.

At this time I would ask that you accept this gift so that the funds may be expended for their intended purposes.

Sincerely,

Arthur G. Vigeant
Mayor

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Mayor's Office DATE: 24-Apr-14

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Department of Public Works

NAME OF GRANT: MassWorks Gift Award

GRANTOR: Atlantic Management

GRANT AMOUNT: \$30,000.00

GRANT PERIOD: FY14

SCOPE OF GRANT/
ITEMS FUNDED See enclosed letter from Atlantic Management

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:
N/A

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

ANY OTHER EXPOSURE TO CITY?
NO

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: _____
NO

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

Atlantic Marlboro Realty LLC

C320

City of Marlborough

DATE	INVOICE NO	DESCRIPTION	ACCOUNT	INVOICE AMOUNT
4-15-14	Contributi		080-000-1950	30000.00
CHECK DATE	4-15-14	CHECK NUMBER	773	TOTAL > 30000.00

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER

Atlantic Marlboro Realty LLC

Atlantic Marlboro Realty LLC
c/o Atlantic Management Corp
205 Newbury Street
Framingham, MA 01701
508-626-0025

Middlesex Savings Bank
6 Main Street
Natick, MA 01760

53-7122
2113

DATE	CHECK NO	AMOUNT
April 15, 2014	773	*\$30,000.00

Pay:*****Thirty thousand dollars and no cents

PAY TO THE ORDER OF City of Marlborough
P.O. Box 981037
Boston, MA 02298-1037

Urene J. Guber

SAFEGUARD SECURITIES

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE - RED IMAGE DISAPPEARS WITH HEAT

⑈000000773⑈ ⑆211371227⑆ ⑆163549309⑈

Mass Works Covert



September 4, 2013

Mr. Greg Bialecki
Secretary
Executive Office of Housing and Economic Development
One Ashburton Place, Room 2101
Boston, MA 02108

Dear Secretary Bialecki:

Atlantic-Marlborough Realty, LLC wishes to express its strong support for the City of Marlborough's "Simarano Drive All Access Road Project" application to the MassWorks program.

We have received approval from the City to create a mixed-use overlay district that would allow us to introduce multi-family dwellings, hotels, and retail to a site that has been vacant since we acquired it in 2008 from Hewlett Packard. The Project consists of the rehabilitation of two existing office buildings (located at 200 Forest Street and 2 Results Way, totaling approximately 730,000 square feet) and construction of 350 housing units (in the form of multi-family and townhouses), a 125-key hotel, 50,000 square feet of retail, and 250,000 square feet of additional office space. The Project will consist of two key phases where the first will generally include the office building renovations, new residential component, and new hotel, and the second phase will include the new office space and retail.

Currently underway is the effort to renovate the first of the two existing building. 200 Forest Street will be the future home and regional headquarters of Quest Diagnostics who has signed a lease for 200,000 square feet. The demolition and construction has already begun with the goal of Quest Diagnostics fully operational by June 2014.

From a marketability standpoint, Simarano Drive has a lot of potential; it has an ease of access off of I-495 that is attractive to both residents and commuters. The proposed road reconstruction and the addition of a sidewalk and bike lane will substantially enhance our ability to attract new businesses to our office park and residents to our residential campus by improving the condition of the road, enhancing the overall aesthetics of the area, and establishing the walking paths and bike lanes that our tenants consistently tell us they want for their employees.


As further testament to the immense value and potential our company sees in this project, we have informed officials in the City of Marlborough of our intention to contribute the sum of \$30,000 towards the costs associated with the design and engineering. This contribution is made

independent of any local fees or mitigation associated with this project and is a demonstration of our intent to strengthen this public-private partnership for all involved.

Our company has spent over two years trying to develop a suitable plan for this site that would meet market demands of the region while achieving the development and planning goals of the City of Marlborough and the Commonwealth of Massachusetts. Just recently, the MEPA Office has issued their Certificate on the ENF and a Draft Record of Decision intending to issue a Full Waiver for the Forest Park project. We are committed to partnering with both the City and the Commonwealth of Massachusetts to ensure this priority development area reaches its full potential.

It is our sincere hope that your office act favorably on this application. Please do not hesitate to contact our office with any questions you may have.

With Regards,

A handwritten signature in black ink, appearing to read 'JLZ', is positioned above the typed name.

Joseph L. Zink
President & CEO



RECEIVED
CLERK'S OFFICE
OF MARLBOROUGH

2014 APR 24 A 11:44

City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

April 25, 2014

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

Re: Grant Acceptance - Emergency Management

Honorable President Pope and Councilors:

Enclosed for your acceptance is a grant in the amount of \$1,525.00 from Emergency Management Director Don Cusson. This is a reimbursement grant from the purchase of a new radio and antenna for our mobilization unit. The relevant back up paperwork is enclosed for your information.

As always, please let me know if you have any questions.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough
Emergency Management

696 CONCORD ROAD

MARLBOROUGH, MASSACHUSETTS 01752-5617

TEL. (508) 481-1933 ■ FACSIMILE (508) 460-3795 ■ TDD (508) 460-3610

CELL (508) 726-1088 ■ PAGER (978) 803-2061

Don Cusson
EMERGENCY MANAGEMENT
DIRECTOR
dcusson@marlborough-ma.gov

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

April 14, 2014

Honorable Mayor Vigeant;

Enclosed is a copy of a CERT 2013 Grant needed to go to the Council for adoption. As you can see, it is 2013 Grant awarded on the 9th of this month for the sum of \$1,525.00, which is a reimbursement Grant, must be spent to receive funds back.

These funds are to be used to purchase new radio with power supply and antenna, set up to be a Mobil unit to be used anytime a shelter is opened or communications is needed from a remote area.

The project time line for this CERT Grant is from July 1, 2014 until April 30th, 2015. If there are any questions, or more information is needed, please feel free to call or e-mail at any time.

As always, thank you very much for your action on these matters.

Respectfully,

Donald E. Cusson

Donald E. Cusson
EM Director

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Emergency Management DATE: 4/14/2013

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Donald E. Cusson

NAME OF GRANT: Marlborough CERT 2013

GRANTOR: MEMA

GRANT AMOUNT: \$1,525.00

GRANT PERIOD: 6-1-2014 4-30-2015

SCOPE OF GRANT/
ITEMS FUNDED Purchase a Mobil radio with Power supply and antena

IS A POSITION BEING
CREATED: NO

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

ARE MATCHING CITY
FUNDS REQUIRED? NO

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

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

ANY OTHER EXPOSURE TO CITY? NO

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: _____

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

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



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

CONTRACTOR LEGAL NAME: TOWN OF MARLBOROUGH (and d/b/a): Marlborough CERT	COMMONWEALTH DEPARTMENT NAME: Massachusetts Emergency Management Agency MMARS Department Code: CDA
Legal Address: 140 Main Street, Marlborough, MA 01752	Business Mailing Address: 400 Worcester Road, Framingham, MA 01702-5399
Contract Manager: Diane Smith	Billing Address (if different):
E-Mail: dsmith@marlborough-ma.gov	Contract Manager: David Cruz
Phone: 508-460-3713 Fax:	E-Mail: David.Cruz@state.ma.us
Contractor Vendor Code: VC6000191905	Phone: 508-820-2009 Fax: 508-820-2030
Vendor Code Address ID (e.g. "AD001"): AD001 (Note: The Address Id Must be set up for EFT payments.)	MMARS Doc ID(s): FY15CCP1300000MARLB RFR/Procurement or Other ID Number: 2013 SHSP/CCP AGF:

<p style="text-align: center;"><u> X </u> NEW CONTRACT</p> PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> <u>Statewide Contract</u> (OSD or an OSD-designated Department) <input type="checkbox"/> <u>Collective Purchase</u> (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> <u>Department Procurement</u> (includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> <u>Emergency Contract</u> (Attach justification for emergency, scope, budget) <input type="checkbox"/> <u>Contract Employee</u> (Attach <u>Employment Status Form</u> , scope, budget) <input type="checkbox"/> <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification, scope and budget)	<p style="text-align: center;"><u> </u> CONTRACT AMENDMENT</p> Enter Current Contract End Date <u>Prior</u> to Amendment: _____, 20____. Enter Amendment Amount: \$ _____. (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> <u>Amendment to Scope or Budget</u> (Attach updated scope and budget) <input type="checkbox"/> <u>Interim Contract</u> (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> <u>Contract Employee</u> (Attach any updates to scope or budget) <input type="checkbox"/> <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification and updated scope and budget)
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The following COMMONWEALTH TERMS AND CONDITIONS (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract.
 Commonwealth Terms and Conditions Commonwealth Terms and Conditions For Human and Social Services

COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00.
 Rate Contract (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.)
 Maximum Obligation Contract Enter Total Maximum Obligation for total duration of this Contract (or *new* Total if Contract is being amended). **\$1,525.00**

PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ___% PPD; Payment issued within 15 days ___% PPD; Payment issued within 20 days ___% PPD; Payment issued within 30 days ___% PPD. If PPD percentages are left blank, identify reason: ___agree to standard 45 day cycle ___statutory/legal or Ready Payments (G.L. c. 29, § 23A); only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)

BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) **Funding for this grant is provided through the FFY2013 State Homeland Security Program grant. The catalogue of Federal Domestic Assistance (CFDA) number is 97-067. The CERT intends to purchase a mobile radio.**

ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations:
 1. may be incurred as of the Effective Date (latest signature date below) and **no** obligations have been incurred **prior** to the Effective Date.
 2. may be incurred as of July 1, 2014, a date **LATER** than the Effective Date below and **no** obligations have been incurred **prior** to the Effective Date.
 3. were incurred as of _____, 20____, a date **PRIOR** to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.

CONTRACT END DATE: Contract performance shall terminate as of April 30, 2015, with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.

CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "**Effective Date**" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached Contractor Certifications (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable Commonwealth Terms and Conditions, this Standard Contract Form including the Instructions and Contractor Certifications, the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.

AUTHORIZING SIGNATURE FOR THE CONTRACTOR:
 X: Arthur G. Vigeant Date: 4/22/14
 (Signature and Date Must Be Handwritten At Time of Signature)
 Print Name: Arthur G. Vigeant
 Print Title: Mayor

AUTHORIZING SIGNATURE FOR THE COMMONWEALTH:
 X: _____ Date: _____
 (Signature and Date Must Be Handwritten At Time of Signature)
 Print Name: David Mahr
 Print Title: Chief Fiscal Officer

COMMONWEALTH OF MASSACHUSETTS CONTRACTOR AUTHORIZED SIGNATORY LISTING



CONTRACTOR LEGAL NAME :
CONTRACTOR VENDOR/CUSTOMER CODE:

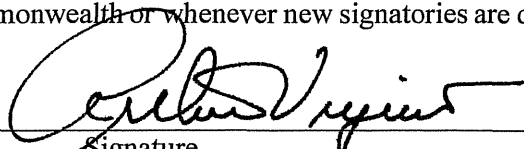
INSTRUCTIONS: Any Contractor (other than a sole-proprietor or an individual contractor) must provide a listing of individuals who are authorized as legal representatives of the Contractor who can sign contracts and other legally binding documents related to the contract on the Contractor's behalf. In addition to this listing, any state department may require additional proof of authority to sign contracts on behalf of the Contractor, or proof of authenticity of signature (a notarized signature that the Department can use to verify that the signature and date that appear on the Contract or other legal document was actually made by the Contractor's authorized signatory, and not by a representative, designee or other individual.)

NOTICE: *Acceptance of any payment under a Contract or Grant shall operate as a waiver of any defense by the Contractor challenging the existence of a valid Contract due to an alleged lack of actual authority to execute the document by the signatory.*

For privacy purposes **DO NOT ATTACH** any documentation containing personal information, such as bank account numbers, social security numbers, driver's licenses, home addresses, social security cards or any other personally identifiable information that you do not want released as part of a public record. The Commonwealth reserves the right to publish the names and titles of authorized signatories of contractors.

AUTHORIZED SIGNATORY NAME	TITLE
<i>Donald E. Cusson</i>	<i>FMA Director</i>
<i>Arthur C. Vigano</i>	<i>Mayor</i>

I certify that I am the President, Chief Executive Officer, Chief Fiscal Officer, Corporate Clerk or Legal Counsel for the Contractor and as an authorized officer of the Contractor I certify that the names of the individuals identified on this listing are current as of the date of execution below and that these individuals are authorized to sign contracts and other legally binding documents related to contracts with the Commonwealth of Massachusetts on behalf of the Contractor. I understand and agree that the Contractor has a duty to ensure that this listing is immediately updated and communicated to any state department with which the Contractor does business whenever the authorized signatories above retire, are otherwise terminated from the Contractor's employ, have their responsibilities changed resulting in their no longer being authorized to sign contracts with the Commonwealth or whenever new signatories are designated.



Signature

Date: *4-24-14*

Title: *Mayor*

Telephone: *508-460-3770*

Fax: *508-460-3698*

Email: *mayor@marlborough-ma.gov*

[Listing can not be accepted without all of this information completed.]

A copy of this listing must be attached to the "record copy" of a contract filed with the department.

COMMONWEALTH OF MASSACHUSETTS CONTRACTOR AUTHORIZED SIGNATORY LISTING



CONTRACTOR LEGAL NAME :
CONTRACTOR VENDOR/CUSTOMER CODE:

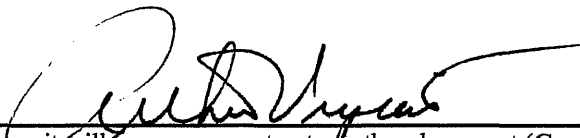
PROOF OF AUTHENTICATION OF SIGNATURE

This page is optional and is available for a department to authenticate contract signatures.
It is recommended that Departments obtain authentication of signature for the signatory who submits the Contractor Authorized Listing.

This Section MUST be completed by the Contractor Authorized Signatory in presence of notary.

Signatory's full legal name (print or type):

Title:

X 
Signature as it will appear on contract or other document (Complete only in presence of notary):

AUTHENTICATED BY NOTARY OR CORPORATE CLERK (PICK ONLY ONE) AS FOLLOWS:

I, Ellen M. Stavropoulos (NOTARY) as a notary public certify that I witnessed the signature of the aforementioned signatory above and I verified the individual's identity on this date:

April 14, 20 14.

My commission expires on: May 30, 2014



I, _____ (CORPORATE CLERK) certify that I witnessed the signature of the aforementioned signatory above, that I verified the individual's identity and confirm the individual's authority as an authorized signatory for the Contractor on this date:

_____, 20 ____.

AFFIX CORPORATE SEAL

**MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY
PROJECT MANAGNMENT OFFICE**

Special Conditions and Reporting Requirements for EMPG, CCP, and HMEP Sub-Recipients

1. **Emergency Management Performance Grant (EMPG) and Citizen Corps Program (CCP) sub-recipients** agree to adhere to all policies and guidance documents set by the U.S. Department of Homeland Security-Federal Emergency Management Agency (DHS/FEMA) and the Massachusetts Emergency Management Agency (MEMA) regarding use of the U.S. DHS-FEMA federal homeland security funding.
2. **Hazardous Material Emergency Preparedness (HMEP) sub-recipients** agree to adhere to all policies and guidance documents set by the U.S. Department of Transportation – Pipeline and Hazardous Materials Safety Administration (DOT/PHMSA) and MEMA regarding use of the U.S. DOT-PHMSA funding.
3. All sub-recipients agree that a detailed budget and plan must be submitted to MEMA for review and approval prior to execution of a contract for grant activities. EMPG and CCP budgets and plans shall adhere to the applicable U.S. DHS program guidelines and application kit. HMEP budgets and plans shall adhere to the U.S. DOT PHMSA program guidelines.
4. Any adjustment within a sub-recipient's approved budget in excess of ten percent (10%) of the approved budget must be reviewed and approved by MEMA prior to expenditure. A contract amendment may be required prior to performance under an adjusted budget.
5. Any substantive adjustment to a sub-recipient's scope of work (e.g., conduct of two exercises rather than four) must be reviewed and approved by MEMA prior to expenditure. A contract amendment may be required prior to performance under an adjusted scope of work.
6. Sub-recipients agree to be compliant with the National Incident Management System (NIMS). This includes participation (when requested) in the annual, on-line NIMSCAST. NIMS is a comprehensive incident response system, developed by the Department of Homeland Security as required by HSPD-5. Implementation of and compliance with NIMS is critical to ensuring full and robust preparedness across the nation and in the Commonwealth of Massachusetts.

7. Sub-recipients agrees to comply with the following:

Administrative Requirements

44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments;
2 CFR Part 215, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (OMB Circular A-110);

Cost Principles

2 CFR Part 225, Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87);
2 CFR Part 220, Cost Principles for Educational Institutions (OMB Circular A-21);
2 CFR Part 230, Cost Principles for Non-Profit Organizations (OMB Circular A-122);
Federal Acquisition Regulations (FAR), Part 31.2 Contract Cost Principles and Procedures, Contracts with Commercial Organizations.

Audit Requirements

OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*

8. Sub-recipients agree that federal funds under this award will be used to supplement, and not supplant, state or local funds.
9. Sub-recipients understand and agree that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government without the express prior written approval of U.S. DHS and/or U.S. DOT.
10. **Press.** Sub-recipient agrees to proactively notify MEMA of any interactions or planned media outreach regarding activities funded under this grant program.
11. **Release of Information.** All records, papers and other documents of any kind related to the funded activity in any manner and kept by sub-recipients of these funds shall be made promptly available upon request to any person authorized by MEMA for inspection and copying.
12. **Civil Rights Requirements.** All sub-recipients, regardless of the type of entity or the amount awarded, are subject to the prohibitions against discrimination in any program or activity and may be required by the DHS, DOT, or MEMA, through selected compliance reviews, to submit data to ensure their services are delivered in an equitable manner to all segments of the service population and their employment practices comply with equal employment opportunity requirements.

13. **Limited English Proficiency.** All sub-recipients of funding under this grant are required to take reasonable steps to ensure that persons of limited English proficiency have meaningful access to assistance services regarding the development of proposals and budgets and conducting grant funded activities.
14. **Americans with Disabilities Act.** All federal grant sub-recipients must comply with the Americans with Disabilities Act (ADA); (i.e., "all state and local government entities do not discriminate against people with disabilities in their programs, services and activities. State and local governments must take steps to examine their programs and establish a plan for compliance with the law.")
15. **Discrimination Prohibited.** No person shall on the grounds of race, color, religion, national origin, sex or sexual orientation be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any programs or activity funded through MEMA and shall otherwise comply with all applicable state anti-discrimination law including but not limited to the provisions of G.L. c. 151B. Sub-recipients of funds are also subject to the provisions of Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1974, as amended; Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681; the Age Discrimination Act of 1975, 42 U.S.C. § 6102; and DOJ Non-Discrimination Regulations 28 CFR Part 42, Subparts C, D, E, and G.
16. **Reporting of Adverse Finding of Discrimination.** It is the responsibility of all sub-recipients, sub-grantees, and contractors under grants, to report to MEMA, any finding of discrimination after a due process hearing, on the basis of race, color, religion, national origin, sex or sexual orientation by a federal or state court or administrative agency.
17. **Equal Opportunity Program Requirements.** It is the responsibility of all sub-recipients to ensure that their employment practices comply with Equal Opportunity Requirements, 28 CFR 42.207 and 42.301.
18. **Application of Special Conditions to Sub-Recipient Grantees:** If a sub-recipient proposes to engage in sub-granting activities, it shall ensure its sub-grantees adhere to all applicable DHS/FEMA, and/or U.S. DOT, and MEMA special conditions.
19. **Reporting.** Sub-recipients agree to submit timely and accurate Close-Out, Match, and De-Obligation Reports as needed and directed. Failure to comply with this condition may result in the withholding of sub-recipient funds until the delinquent report is received.
20. **Cash Management.** Sub-recipients acknowledge that this program is a reimbursable grant program and that under no circumstances may federal funds be held in an account pending payment of an invoice for more than 72 (business) hours from the time the funds are transferred from the Commonwealth to the grant sub-recipient.
21. **Contractor/Consultant Rates.** Compensation for individual consultant services is to be reasonable and consistent with the amount paid for similar services in the market place. Consideration can be given to compensation, including fringe benefits, for those individuals whose employers do not provide the same. Time and effort reports are required for consultants.
22. **Monitoring.** Sub-recipients agree to cooperate with MEMA monitoring and site visits.

23. **Safeguarding and Access to Security Sensitive Data and Information.** All sub-recipients agree to adhere to proper administrative handling when handling grant-program related documents labeled Sensitive Security Information (SSI), Protected Critical Infrastructure Information (PCII), For Official Use Only (FOUO), etc.
24. **Copyright/Licenses.** The sub-recipient acknowledges that MEMA, DHS, and DOT reserve a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for federal or state purposes: (1) the copyright in any work developed under an award or sub-award; and (2) and rights of copyright to which a sub-recipient or sub-grantee purchases ownership with Federal support.
25. **Acknowledgement in Published Materials. EMPG and CCP sub-recipients agree** that any publication (e.g., written, visual, or sound) it or its contractors issues describing programs or projects funded in whole or in part with federal funds, contain the following statement:
- "This document was prepared under a grant from FEMA's Grant Programs Directorate, U.S. Department of Homeland Security. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of FEMA's Grant Programs Directorate or the U.S. Department of Homeland Security."
26. **Acknowledgement in Published Materials. HMEP sub-recipients agree** that any publication (e.g., written, visual, or sound) it or its contractors issues describing programs or projects funded in whole or in part with federal funds, contain the following statement:
- "This document was prepared under a grant from U.S. DOT PHMSA. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. DOT PHMSA."
27. **Procurement.** Sub-recipient agrees to adhere to the applicable state, local, and other applicable procurement requirements.
28. **Equipment Specifically Intended for Regional-Use:** Sub-recipients who procure these equipment items (e.g., regional emergency shelter trailers, regional foam trailers, etc) shall, at a minimum, meet the following requirements:
- i. identify one entity as the owner who will be responsible for storage and maintenance of the item;
 - ii. ensure notification, as appropriate, is provided to the surrounding communities about the item, its use, and how to obtain further information related to the item;
 - iii. ensure a Standard Operation Procedure (or like document) document is developed that details, at a minimum, the proper storage, deployment, use, and maintenance of the item;
 - iv. ensure a Memorandum of Understanding is developed and agreed to, as appropriate, by entities who may request the item.
29. **Disposal and sale of equipment purchased via DHS funds.** Any proposed sale and/or disposal must adhere to current MEMA policy.

30. **User Fees.** Any proposed ‘user fees’ related to equipment, items, services, etc acquired via DHS funding must be pre-approved by MEMA.
31. **Environmental Planning and Historic Preservation (EHP). EMPG and CCP sub-recipients** shall not undertake any project having the potential to impact Environmental or Historical Preservation (EHP) resources without the prior approval of FEMA, which is done through MEMA. EHP activities include, but are not limited to, communications towers, physical security enhancements, new construction, and modifications to buildings, structures and objects that are 50 years old or greater. Sub-recipients must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements. If ground disturbing activities occur during project implementation, the sub-recipient must ensure monitoring of ground disturbance, and if any potential archeological resources are discovered, the sub-recipient will immediately cease construction in that area and notify FEMA, MEMA, and the appropriate State Historic Preservation Office. Any construction activities that have been initiated without the necessary EHP review and approval will result in a non-compliance finding and will not be eligible for FEMA funding.
32. **Property acquired with grant funds.** MEMA requires that property - with a unit cost of \$500.00 or greater and that has a shelf-life of one year or greater - acquired with federal homeland security grant funds be tagged and tracked using a computer-based inventory system. **EMPG and CCP sub-recipients agree**, when practicable, any equipment purchased with homeland security grant funding shall be prominently marked as follows: “Purchased with funds provided by the U.S. Department of Homeland Security.”
33. **Reporting of violations (fraud, waste, and abuse).** It is the responsibility of all grant sub-recipients and their respective agency personnel, grantees, and contractors under grants, to report to MEMA any alleged violations, serious irregularities, sensitive issues, or overt or covert acts that would use public funds or perform program or administrative requirements in a manner not consistent with grantor agency statutes, related laws and regulations, appropriate guidelines, or purposes or objectives of the grant.
34. **Federal Drug Free Workplace Requirements.** As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620—
- A. The applicant certifies that it will or will continue to provide a drug-free workplace by:
- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee’s workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - (b) Establishing an on-going drug-free awareness program to inform employees about—
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee’s policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 7th Street, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant: Place of Performance (Street address, city, county, state, zip code)

35. **Lobbying.** As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the sub-recipient certifies that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

- (c) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-grants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

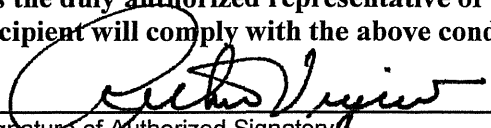
36. **Debarment, Suspension, and Other Responsibilities.** As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510—

- A. The applicant certifies that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and
- B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

37. **Internet Access.** Sub-recipients must have Internet access.

38. **Email addresses.** Sub-recipient project directors of grant programs must have individual email addresses.

As the duly authorized representative of the sub-recipient, I hereby certify that the sub-recipient will comply with the above conditions.



Signature of Authorized Signatory

4-14-04

Date

Arthur G. Vigean

Printed Name

May 04

Title

On Completing the Contractor Authorized Signatory List (CASL) Document:

The person signing the contract must be authorized by the entity receiving the grant to sign contracts.

The CASL document is the form used for this authorization.

This two-page form must be completed by MEMA sub-recipients (the “Contractor”) in order to process your contract; both pages must be completed - the second page must be notarized.

The Contractor (i.e., the entity receiving this grant - Municipality, Tribe, etc) must provide a listing of individual(s) who are authorized as legal representatives of the Contractor who can sign contracts and other legally binding documents related to the contract on the Contractor’s behalf.

The person signing the contract must be listed in the table on page 1 of the CASL. In addition, this person must provide a notarized specimen of their signature on page 2 of the CASL.

The individual who authorizes the above-referenced individual(s) must be either a Mayor, Town Manager, President, CEO, CFO, Corporate Clerk, or Legal Counsel for the entity receiving the contract. This authorizing individual would provide their: signature, date, and requested contact information on page 1 of the CASL

The authorizing individual – unless they are the Mayor, Town Manager, President, CEO, CFO, Corporate Clerk, or Legal Counsel - cannot authorize himself/herself to sign the contract.

MEMA must have the completed and original copy of the CASL in order to process contracts.



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY



MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY

400 Worcester Road Framingham, MA 01702-5399

Tel: 508-820-2000 Fax: 508-820-2030

Website: www.mass.gov/mema

Deval L. Patrick
Governor

Kurt N. Schwartz
Director

Andrea J. Cabral
Secretary

**Federal Fiscal Year (FFY) 2013
US DHS/FEMA State Homeland Security Program (SHSP) Citizen Corp Program (CCP)
Application for Grant Funding (AGF)**

Overview

Through this AGF, the Massachusetts Emergency Management Agency (MEMA) will be accepting applications from **Massachusetts Community Emergency Response Team (CERT)** entities for FFY 2013 SHSP Funding.

All CERT applicants who receive funding will be required to register their program (one-time process) on FEMA's CCP website (www.citizencorps.gov) and manage their program and contact information on this site.

MEMA plans to, via this grant process, make available \$150,000 to eligible entities.

This document provides a brief overview of the FFY 2013 SHSP and specific guidance for entities applying for funds. The information included here does not provide complete details of the SHSP, its allowable and unallowable activities, equipment or costs. **The applicant is responsible for ensuring that its proposed project fully complies with the federal and state guidance for the SHSP.** Links to the federal guidelines for this program and other pertinent documents that must be consulted when preparing the application are found within this document.

MEMA will conduct X general informational sessions regarding this AGF. **Attendance at these sessions is optional. The same information will be presented at each session.** The sessions will be held on:

1/6/14; 10:30am - 11:30am;	MEMA Region 1 @ Regional Office
1/7/14; 6:30pm - 7:30pm;	MEMA Region 2 @ Regional Office
1/8/14; 6:00pm - 7:00pm;	MEMA Region 3-4 @ Regional Office
1/9/14; 6:00pm - 7:00pm;	MEMA Region 3-4 @ Holden Public Safety Complex, 1370 Main Street, Holden

Street addresses and directions to these MEMA Offices may be found on MEMA's website here:
<http://www.mass.gov/eopss/agencies/mema/directions-to-mema-facilities.html>

Submission Process

Completed applications - using the Template found on pgs 3-11 - must be received no later than 2/28/14.

Completed applications must be emailed to your respective MEMA Region (see below).

MEMA Region I: MEMARegion1Grants@state.ma.us

MEMA Region II: MEMARegion2Grants@state.ma.us

MEMA Region III/IV: MEMARegions3and4Grants@state.ma.us

Late applications will not be accepted; hand-written applications will not be accepted.

Application for Grant Funding Template

Please use this Template. Please provide response to each section (as applicable) in the appropriate spaces below. If the proposal contains an interoperable communications component, then the entire Template must be completed.

Applications should be based on an identified gap, and not at the prompting of a vendor that stands to benefit from the awarding of a grant.

1. Entity submitting this Application for Grant Funding

Entity Name: _____ City of Marlborough CERT _____

Point of Contact Name: Donald E. Cusson _____

Address: 696 Concord Road _____

_____ Marlborough, MA. 01752-5617 _____

Office Telephone: 508-481-1933 Cell; 508-726-1088 _____

Email Address: dcusson@marlboroughma.gov _____

Fiscal POC (**if different than above**): Diane Smith Auditor _____

Address: _____ 140 Main Street Marlborough, MA 01752 _____

Office Telephone: 508-460-3713 _____

Email address: dsmith@marlborough-ma.gov _____

2. Project Period

Estimated begin/start date(**Month/Date/Year**): _____ 7/2/2014 _____

For planning purposes only, you may use a planned start date of 4/1/14

Estimated end date (**Month/Date/Year**): 4/30/2015 _____

All Projects must be completed by 4/30/15.

3. Project Summary

- A The proposed project for this grant would be the enhancement of our radio communications from shelters or other temporary locations in the time of communicating.**
- B It has happened on one occasion so far where we did not have a HAM Radio operator on scene at the beginning of a shelter operations to man the HAM Radios. With this NON Ham frequency we would be able to have communication directly to the EOC where we have a stationary unit.**
- C Having a CERT volunteer non ham, could be instructed on how to transmit and receive radio communication.**
- D With awarded funds this would enable us to purchase a Temporary base unit with a frequency that a Ham Radio, and a Non Ham radio person could use in the time of an emergency.**
- E This unit set up as a temporary and or Mobil base station could be used anyplace in the city to prevent or assist in any terrorist, or enhance mitigation, response or recovery efforts.**
- F Outcomes of this purchase would be, we would have on site both types of radios frequencies use not needing any special person to operate for quick communications. Or for both Ham and Non Ham operator's.**
- G The outcome measurement would be that we would have direct communication between sites with no special licenses need to communicate from one location to another and to the EOC.**

Using the format below, please provide a clear and comprehensive summary (**1 page maximum**) that includes response to the following:

- a) the proposed project;
- b) why this is needed, and how this need was identified;
- c) how this will benefit your CERT;
- d) how funds, if awarded, will further Goals/Objectives of the DHS/FEMA National Preparedness System and National Preparedness Goal;¹
- e) how funds, if awarded, will be used to help the community or area served by the CERT to better prevent terrorism; protect critical infrastructure; or enhance mitigation, response, or recovery efforts (applicants should review the National Preparedness System and National Preparedness Goal);
- f) expected outcomes; and
- g) how outcomes may be measured.

IMPORTANT: All costs must be allowable under the FFY 2013 SHSP grant program. Please refer to pgs 13-14 ('Allowable Costs' and 'Unallowable Costs') of this AGF for detail on what is/is not allowable.

¹ Information on the National Preparedness System may be found on-line here: http://www.fema.gov/pdf/prepared/nps_description.pdf; the National Preparedness Goal may be found on-line here: <http://www.fema.gov/pdf/prepared/npg.pdf>. Applicants may also review MEMA's Developing FFY 2013 SHSP CCP Applications document.

IMPORTANT: For Equipment, please state whether the item will be fixed or portable. If fixed, please identify where the item is to be installed.

PROJECT SUMMARY (1 page maximum):

This Portable Base, unit with power supply and antenna will be set up anytime we have a shelter, area gathering, EMD Site, etc. to communicate with the EOC, IC or whenever needed. With this unit set up along with the Portable Ham Radios we will be able to communicate without waiting for a Licensed Ham Radio operator at any incident.

This will give us two way communications for any Department in need of information from either point.

5. Funding Amount \$ 1,525.00

MEMA uses a population-based funding formula to determine grant award amounts. Award amounts may vary year to year based upon available funding. Please refer to the FFY 2013 SHSP-CCP Appendix A for your CERT's award amount. If your CERT is not listed, please inform your respective MEMA Region

6. Interoperable Communications Investment Proposal (ICIP)

If your Project has an interoperable communications component, please complete the following table on pgs 6-8:

If your Project does NOT have an interoperable communications component, you do NOT have to complete the following table on pgs 6-8.

ICIP Overview

Interoperable communications projects improve the sharing of electronic information (voice, data, images, video), via radio, internet, microwave, computers, fiber optics. Interoperable Communications projects may include the purchase or modifications of radios, transmission towers and other communications related equipment. Interoperability projects may also include efforts related to communications training and exercises, education and outreach, programming radios, development of Standard Operating Procedures.

When completing the ICIP table, applicants should provide a clear description of the 'Interoperability Problem'. **As an example:**

Problem: Although Mutual Aid Agreements are in place between the applicant and its four neighboring towns for public safety support during emergencies, the towns have no common radio frequencies or Standard Operating Procedures so, radio communications cannot occur amongst the disparate radios during an emergency.

Background Information / Investment Description: It was learned during a multiple alarm chemical fire that responders from the five mutual aid towns were unable to communicate directly with each other effectively. Subsequently, a consultant was hired to develop an interoperable communications plan that assessed the communications gaps and recommended solutions. This project seeks to implement the plan by replacing 30 incompatible portable radios, reprogramming all remaining (220 portable and 15 fixed) radios, conducting 3 training classes

for the use of the equipment and the Standard Operating Procedures and conducting 1 table top exercise that will include all 5 towns that are included in the Mutual Aid Agreements.

Interoperable Communications Investment Proposal

Please complete all sections except for the shaded areas.

Shaded areas will be completed by the SIEC and the Statewide Interoperability Coordinator (SWIC).

Date Received by the SWIC:		Control #	Proposed Federal Funding Source: FFY 2013 CCP	Proposed Federal Funding Amount: \$ 1,525.00
Committee Referred to:		Committee Chairperson:		
Investment Name: Donald E. Cusson		Applicant Organization: Marlborough CERT		Applicant Signature:
Investment Summary	Purchase one Base radio/ power supply/antenna Portable to be used by non-Hams in shelters or anywhere communications would be required to communicate with the EOC.			
Statewide Communications Plan (SCIP) Goals addressed by this investment (please circle all that apply)			<input type="radio"/> Governance	<input type="radio"/> Usage
			<input type="radio"/> SOP	<input checked="" type="radio"/> Usage
			<input type="radio"/> Technology	
Project Start Date: 7/2/2014	Project End Date: 4/30/2015	Is an Environmental & Historic Preservation (EHP) review required for this project? NO		
Applicant Contact Name: Donald E. Cusson	Phone: 508-481-1933 Cell 508-726-1088	Email: dcusson@marlborough-ma.gov		Address: 696 Concord Road Marlborough, Ma. 01752-5617
Review Status				SIEC Member Signature
				Date
Assigned to Committee				
Estimated Review Date				
Committee Recommendation to the Executive Management Committee	Approval	Denial	Amend	
Executive Management Committee Recommendation	Approval	Denial	Amend	
SIEC Recommendation	Approval	Denial	Amend	
Applicant notified of Recommendation				

Communications Interoperability Problem Description-

Background Information / Detailed Investment Description-

Expected Outcomes-

Describe the communications interoperability gaps that will be addressed

<p>SCIP Goal-</p> <p>Identify each SCIP goal that this investment will support and describe how that support will be accomplished.</p> <p>See Appendix for a listing of SCIP goals.</p>	<p>Goal</p> <p>Governance</p> <p>SOP</p> <p>Technology</p> <p>Training & Exercise</p> <p>Usage</p>	<p>Describe support</p>
<p>Ownership-</p> <p>Identify the proposed owners of all assets procured with this investment (add additional lines as needed)</p>	<p>Organization</p> <p>Marlborough EMA</p>	<p>Asset Description</p> <p>CDM-750 Radio/ Power supply /cable/antenna. Totally Portable</p>
<p>Usage Plan-</p> <p>Describe the usage plan for the equipment / project-</p>	<p>At any location that communications will be set up. This will give us our own frequency to communicate from where-ever we set up i.e. shelter, EMD Site, school, incident, directly to the EOC for all departments.</p>	

Disciplines- <ul style="list-style-type: none"> Identify each responder discipline that will enhance its communications interoperability from this investment Describe the interoperability enhancement Equipment items allowable under the CCP will be allowable under SHSP 		
	Discipline	Enhancement
	LE	Direct contact
	EMS	
	EMA	
	FS	
	HC	
Please use the following abbreviations to represent the corresponding discipline:	LE - Law Enforcement; EMS - Emergency Medical Services; EMA - Emergency Management Agency; FS - Fire Service; HZ – HAZMAT; PW - Public Works; PH - Public Health; GA – Governmental Administrative; PSC - Public Safety Communications; HC - Health Care; O-Other	
Multi-Jurisdictional Interoperability- All investments must provide interoperability between two or more jurisdictions. Identify each jurisdiction that will achieve interoperability from this investment.	LE_EMS-EMA-FS-PH-HC-PW	

7a. Budget Detail

The Budget must align with your Project Summary (#3) and equal your Funding Amount (#5).

All costs must be identified below. Insert additional rows if needed. For equipment, list the **SHSP or CCP** Authorized Equipment List (www.rkb.us) Reference number.

Applicants may include up to, but no more than, five (5) % of their request for 'Management and Administration' (M&A) costs. M&A activities are those defined as directly relating to the management and administration of SHSP funds, such as financial management and monitoring. Applicants are reminded to be mindful of supplanting and/or dual compensation.

NOTE: Please complete this Budget Table (A) if you plan to incur costs between 4/1/14 - 6/30/14.

Cost Category (Planning, Organizational, Equipment, Training, Exercises, M&A)	Description	AEL #	Quantity	Unit Cost	Total
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
GRAND TOTAL					0

7b. Budget Detail

NOTE: If needed, please complete this Budget Table (B) below if you plan to incur costs between 7/1/14 - 4/30/15.

Cost Category (Planning, Organizational, Equipment, Training, Exercises, M&A)	Description	AEL #	Quantity	Unit Cost	Total
Equipment	1 CDM Radio/Power supply & antenna-Portable	06CP-01-MOBL	1 comp. Pkg.	\$1,525.00	\$ 1,525.00
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
				\$	\$
GRAND TOTAL					\$ 1,525.00



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CITY OF MARLBOROUGH

2014 APR 24 A 11:44

City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

April 25, 2014

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

Re: Bond Request – Millham Water Treatment Plant

Honorable President Pope and Councilors:

Enclosed for your approval is a bond request in the amount of \$6,000,000.00 to pay for required upgrades to the Millham Water Treatment Plant that is the result of newly enacted water regulations.

DPW Commissioner John Ghiloni recently received a detailed Notice of Noncompliance from the Massachusetts Department of Environmental Protection (MassDEP) alerting us to this situation. The planned upgrades will include upgrades to the filtering process and the installation of a new ultraviolet disinfection system. Commissioner Ghiloni has put together a detailed packet of information which I have included with this request.

It appears these necessary upgrades were foreseen some time ago and have somehow languished over the past few years when a request should have been previously submitted to the Council long ago. Commissioner Ghiloni, Deputy Commissioner Michele Higgins and I will be available to answer any and all of your questions when this matter is referred to committee.

I appreciate your patience and look forward to discussing this matter with you in greater detail.

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

April 18, 2014

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

**RE: PROPOSED APPROPRIATION FOR MILLHAM WATER TREATMENT
PLANT IMPROVEMENTS**

Mayor Vigeant:

The EPA and Massachusetts Department of Environmental Protection enacted new drinking water regulations that will require upgrades to the Millham Water Treatment Plant. To ensure compliance with the new regulations and attached Administrative Consent Order (ACO) dated April 7, 2014 from the Massachusetts Department of Environmental Protection (MassDEP), the enhanced treatment for Cryptosporidium must be on-line by September 30, 2015. The ACO also states that if the City fails to meet the construction timeline the City shall cease operation of the Millham Water Treatment Plant and purchase all water from the MWRA. The attached estimate comparing water production costs from MWRA and Millham Water Treatment Plant from calendar year 2010 to 2013 indicates a \$2,800,000 savings from the production of water from Millham during that timeframe.

The total projected project cost of \$6,000,000 for the Millham Water Treatment Plant Improvements has been approved by MassDEP for financing through the Drinking Water State Revolving Fund (DWSRF) at 2% interest.

Attached is the proposed project description and estimated cost that includes a UV treatment system, changes and upgrades to the treatment chemicals, upgrades to the filters, finish water pumps and plant security.

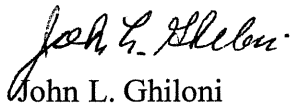
Also attached is the suggested language to be included in the City Council loan order.

April 18, 2014

The deadline, per the ACO for providing confirmation to MassDEP that appropriate funds for the capital improvements are available is June 30, 2014. I would appreciate it if you would place this request on the council's next agenda.

Should you have any questions regarding this request, please do not hesitate to contact me.

Sincerely,



John L. Ghiloni
Commissioner

Enclosures: Suggested For of City Council Loan Order
Millham Water Treatment Plant Project Description
Millham Cost Comparison
DEP Consent Order
MassDEP Final 2014 Intended Use Plan

cc: File

SUGGESTED FORM OF CITY COUNCIL LOAN ORDER

Ordered: that \$6,000,000 is appropriated for the purpose of financing the construction of improvements to the Millham Water Treatment Plant including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that to meet this appropriation the Treasurer with the approval of the Mayor and the (Auditor, Finance Committee or other appropriate local body or official) is authorized to borrow \$6,000,000 and issue bonds or notes therefore under (Chapter 44 of the General Laws or insert reference to other applicable general or special law governing the issuance of local bonds) and/or Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor and the (Auditor, Finance Committee or other appropriate local body or official) determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as most recently amended by St. 1998, c.78; that the Treasurer with the approval of the Mayor [and the (Auditor, Finance Committee or other appropriate local body or official)] is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C, as most recently amended by St. 1998, c.78; and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

MILLHAM WATER TREATMENT PLANT IMPROVEMENTS PROJECT

Project Description

Federal and state regulations governing our water treatment facilities, with the goals of improving water quality and public health, are becoming more stringent. The EPA and the Massachusetts Department of Environmental Protection recently enacted new drinking water regulations that will require upgrades to the City's Millham Water Treatment Plant. The recommended upgrades include the installation of a new ultraviolet (UV) disinfection system at the plant. To ensure compliance with the new regulations, the UV disinfection system must be on-line by September 30, 2015.

The installation of a new UV treatment system will require significant modifications to the existing plant. The plant was built in 1985 and much of the equipment has reached its useful life. In conjunction with the UV treatment system, the following major improvements to the Millham Water Treatment Plant will be included in the project:

- Changes and upgrades in the plant's treatment chemicals to improve performance and reduce operational costs. These changes will also allow the plant to match the quality of the water delivered to the City from the MWRA, and therefor reduce water quality problems in the distribution system.
- Upgrades to the filters to improve performance and backwash capabilities, as well as improve reliability and reduce water losses.
- Upgrades to the finish water pumps to improve energy efficiency and plant operations.
- Security upgrades.

Estimate of Probable Project Costs

Construction	\$4,773,000
Construction contingencies	\$477,000
Engineering Services during construction	<u>\$750,000</u>
Estimate of Total Probable Project Costs	\$6,000,000

Comparison Cost of Water Production MWRA Versus Millham

4/16/2014

Year	MWRA MG Per Year	Millham MG Per Year	% Produced Millham	Cost MWRA Per Year	Cost Millham Per Year	Savings Millham Per Year
2010	1,067.41	640.40	37%	\$3,635,000.00	\$773,000.00	\$590,000.00
2011	907.90	843.15	48%	\$3,635,000.00	\$773,000.00	\$977,000.00
2012	908.12	609.55	40%	\$3,635,000.00	\$773,000.00	\$687,000.00
2013	1,055.67	618.56	37%	\$3,635,000.00	\$773,000.00	\$570,000.00
Total Savings 2010 to 2013						\$2,824,000.00

Break Even Summary for MWRA Versus Millham Water Production

4/16/2014

Year	MWRA MG Per Year	Millham MG Per Year	% Produced Millham	Cost MWRA Per Year	Cost Millham Per Year	Savings Millham Per Year
			20%	\$3,635,000.00	\$773,000.00	-\$46,000.00
			21.26%	\$3,635,000.00	\$773,000.00	\$0.00
			25%	\$3,635,000.00	\$773,000.00	\$136,000.00
			30%	\$3,635,000.00	\$773,000.00	\$318,000.00
			35%	\$3,635,000.00	\$773,000.00	\$499,000.00
			40%	\$3,635,000.00	\$773,000.00	\$681,000.00
			45%	\$3,635,000.00	\$773,000.00	\$863,000.00
			50%	\$3,635,000.00	\$773,000.00	\$1,045,000.00



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Central Regional Office • 627 Main Street, Worcester MA 01608 • 508-792-7650

DEVAL L. PATRICK
Governor

RICHARD K. SULLIVAN JR.
Secretary

DAVID W. CASH
Commissioner

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

RE: Marlborough
Drinking Water Program
ACOP-CE-14-5D002
CONSENT ORDER with Penalty
M.G.L. Chapter 111 §160 and 310 CMR 22.00

Dear Mayor Vigean:

I have enclosed two copies of the Consent Order, for your review, to bring the Marlborough Water Department into compliance with the Massachusetts Drinking Water Regulations.

Please sign (including your federal taxpayer id number) and return both copies to Cheryl Poirier, Bureau of Resource Protection Enforcement Coordinator, within fourteen days of receipt of this Consent Order. A fully executed original will then be sent to you.

Should you have any questions concerning the Consent Order, please contact me at (508) 849-4036, as soon as possible.

Very truly yours,

Robert Bostwick
Acting Drinking Water Program Chief
MassDEP Central Regional Office

4/7/2014

Date

Enclosure
cc: Michele Mochnoc Higgins

**COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the matter of: _____)
)
)
City of Marlborough)
_____)

File No.: ACOP-CE-14-5D002
Program ID #: 2170000

**ADMINISTRATIVE CONSENT ORDER WITH PENALTY
AND
NOTICE OF NONCOMPLIANCE**

I. THE PARTIES

1. The Department of Environmental Protection (“Department” or “MassDEP”) is a duly constituted agency of the Commonwealth of Massachusetts established pursuant to M.G.L. c. 21A, § 7. MassDEP maintains its principal office at One Winter Street, Boston, Massachusetts 02108, and its Central Regional Office at 627 Main Street, Worcester, Massachusetts 01608.
2. The City of Marlborough (“Respondent”) is a municipality with its principal offices located at 135 Neil Street, Marlborough, MA 01752. Respondent’s mailing address for purposes of this Consent Order is DPW Water Division, 135 Neil St., Marlborough, MA 01752.

II. STATEMENT OF FACTS AND LAW

3. MassDEP has primary enforcement responsibility for the requirements of the Federal Safe Drinking Water Act, 42 U.S.C. §300f *et seq.* and the regulations promulgated there under. MassDEP implements and enforces statutes and regulations of the Commonwealth of Massachusetts for the protection of the public drinking water supply, including, without limitation, M.G.L. c. 111, §5G and §160, and the Drinking Water Regulations at 310 CMR 22.00; the Cross Connections, Distribution System Protection Regulations at 310 CMR 22.22; the Underground Injection Control Regulations at 310 CMR 27.00; and M.G.L. c. 21G and the Water Management Regulations at 310 CMR 36.00. MassDEP, pursuant to M.G.L. c. 111, §160, may issue such orders as it deems necessary to ensure the delivery of fit and pure drinking water by public water systems to all consumers. MassDEP, pursuant to M.G.L. c. 111, §5G, may require by order the provision and operation of such treatment facilities as it deems necessary to ensure the delivery of a safe water supply to all consumers. MassDEP’s Drinking Water Regulations at 310 CMR 22.02 define a public water system as a system for the provision to the public of water for human consumption, through pipes or other constructed conveyances, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days of the year. 310 CMR 22.02 also defines a supplier of water as

“any person who owns or operates a public water system.” MassDEP has authority under M.G.L. c. 21A, § 16 and the Administrative Penalty Regulations at 310 CMR 5.00 to assess civil administrative penalties to persons in noncompliance with the laws and regulations set forth above.

4. Respondent operates the Marlborough Water Department, a Community Public Water System (“PWS”) in Marlborough, Massachusetts. The PWS is registered with MassDEP as PWSID# 2170000. Among other sources, PWS uses water from the surface water source Millham Reservoir (2170000-01S), which is filtered and treated at its Millham Water Treatment Plant. Respondent holds a registration and permit issued by MassDEP’s Water Management Act Program pursuant to 310 CMR 36.00.

5. The following facts and allegations have led MassDEP to issue this Consent Order:

Surface Water Treatment Rule

- A. The purpose of the Surface Water Treatment Rule at 310 CMR 22.20A, the Interim Enhanced Surface Water Treatment Rule at 310 CMR 22.20D, the Long Term 1 Enhanced Surface Water Treatment Rule at 310 CMR 22.20F and the Long Term 2 Enhanced Surface Water Treatment Rule at 310 CMR 22.20G (collectively referred to as the “SWTR”) is to improve public health protection through the control of microbial contaminants. The SWTR establishes criteria under which filtration is required as a treatment technique for public water systems. Further, SWTR establishes treatment technique requirements (in lieu of maximum contaminant levels) for several contaminants including Cryptosporidium.
- B. The federal Long Term 2 Enhanced Surface Water Treatment Rule (“LT2”) at CMR 22.20G supplements existing SWTR regulations by requiring additional Cryptosporidium treatment requirements for higher risk systems. LT2 requires all systems to monitor their source water, calculate an average Cryptosporidium concentration and, ultimately, determine whether additional treatment is necessary.
- C. On September 28, 2010, Respondent submitted PWS’ bin classification report, in accordance with SWTR requirements. The report presented a summary of the 24 months of Millham Reservoir source water monitoring for Cryptosporidium from April 2008 to March 2010. In addition, PWS submitted the raw Cryptosporidium data for all of their calculations. The calculated Cryptosporidium highest 12-month mean concentration is 0.091 oocysts/liter, which places the Millham Water Treatment Plant source in Bin 2.
- D. On November 30, 2010, MassDEP approved the classification method used and the Bin 2 classification for the source water used at the Millham Water Treatment Plant. Pursuant to 310 CMR 22.20G(1)(c)5, Bin 2 classification requires an additional 1-log Cryptosporidium treatment by September 30, 2013, with the allowance that an additional 24 months for compliance is allowed for systems making capital improvements. Based on its initial classification report, PWS was required to install and operate additional 1-log Cryptosporidium treatment by October 1, 2013.

- E. On December 21, 2011, MassDEP issued a Comprehensive Performance Evaluation (“CPE”) report of the Millham Water Treatment plant. Several deficiencies were noted with recommendations for disinfection improvements into the new disinfection treatment train design.
- F. On September 10, 2012, MassDEP issued a Sanitary Survey report of the PWS. Table A of the Sanitary Survey was a Notice of Noncompliance requiring Respondent to submit a plan and schedule to implement additional SWTR requirements by October 19, 2012.
- G. On April 3, 2013, MassDEP received a corrective action plan and schedule from Respondent regarding PWS implementation of SWTR requirements. Respondent submitted the corrective action plan approximately six (6) months after the deadline established in the Notice of Noncompliance, in violation of 310 CMR 22.04(12)(a).
- H. On May 21, 2013, MassDEP held a compliance meeting with Respondent. After the meeting, Respondent submitted a report assessing options for implementation of the work associated with SWTR capital improvements. Respondent has indicated that it is unable to upgrade the Millham Water Treatment Plant to meet additional SWTR treatment requirements by the October 1, 2013. Subsequently, Respondent has requested a two year extension beyond the SWTR compliance timeline in order to permit and install treatment to comply with SWTR provisions.

Water Management Act Permit

- I. On May 7, 2010, MassDEP issued a Water Management Act Permit (Permit #9P-2-14-170.01) authorizing Respondent to withdraw up to 2.0 million gallons per day (MGD) from the Millham Reservoir. The Permit authorized an increase of 0.23 MGD from the previous Permit of 1.77 MGD and is based on the raw water meter. Additionally the permit limits Marlborough’s unaccounted for water percentage to 10% or less.
- J. On March 20, 2012, Marlborough submitted its Annual Statistical Report (ASR) for 2011. Marlborough reported a finished water withdrawal of 2.31 MGD from Millham Reservoir and an unaccounted for water percentage of 20.3%, in violation of 310 CMR 36.28(2). Marlborough did not submit an Unaccounted for Water Compliance Plan with the ASR as required in Appendix B of the permit.

Other Actions

- K. Respondent failed to provide Tier 3 public notification by direct delivery to all consumers for failure to monitor and report: 1) perchlorate analysis during 2011, 2) lead and copper analysis during April through June 2012 and October through December 2012, in violation of 310 CMR 22.16(4).

III. DISPOSITION AND ORDER

For the reasons set forth above, MassDEP hereby issues, and Respondent hereby consents to, this Order:

6. The parties have agreed to enter into this Consent Order because they agree that it is in their own interests, and in the public interest, to proceed promptly with the actions called for herein rather than to expend additional time and resources litigating the matters set forth above. Respondent enters into this Consent Order without admitting or denying the facts or allegations set forth herein. However, Respondent agrees not to contest such facts and allegations for purposes of the issuance or enforcement of this Consent Order.

7. MassDEP's authority to issue this Consent Order is conferred by the Statutes and Regulations cited in Part II of this Consent Order.

8. Respondent shall perform the following actions:

SWTR Actions

- A. On or before **June 30, 2014**, Respondent shall provide confirmation to MassDEP that appropriate funds for recommended LT2 capital improvements are available.
- B. On or before **July 1, 2014**, Respondent shall provide to MassDEP a complete Millham Water Treatment Plant design for installation of UV and improvements and submit an administratively and technically complete Treatment Facility Modification permit (BRP WS 25) for review and approval. MassDEP recommendations from the CPE report (issued December 21, 2011) shall be included in the design.
- C. On or before **October 1, 2014**, Respondent shall commence construction of treatment plant modifications.
- D. On or before **September 30, 2015**, Respondent shall complete construction of the treatment plant modifications and commence enhanced treatment for Cryptosporidium at the Millham Water Treatment Plant.
- E. If Respondent fails to meet Millham Water Treatment Plant construction upgrade timelines and applicable SWTR performance criteria by September 30, 2015, Respondent shall cease operation of the Millham Water Treatment Plant and purchase all potable water from its MWRA interconnection.
- F. Respondent shall submit a written progress report to MassDEP on all activities related to the schedule to install treatment plant modifications every six (6) months following the effective date of this Consent Order.
- G. Until the Millham Water Treatment Plant satisfies water quality compliance criteria, Respondent shall, by July 1st of each year, provide appropriate SWTR statements

regarding this Consent Order in Respondent's annual consumer confidence report pursuant to 310 CMR 22.16A including:

- i. An explanation of the reasons for the Consent Order;
- ii. The date on which the Consent Order was issued; and
- iii. Brief report on the steps the system is taking to comply with the terms of the Consent Order

Other Sanitary Survey Actions

- H. On or before **December 31, 2014**, Respondent shall submit a Watershed Management plan to address deficiencies noted in August 8, 2012 sanitary survey report.
- I. On or before **December 31, 2014**, Respondent shall complete its annual exercise program for distribution system valves.

Water Management Act Permit Actions

- J. On or before **May 31, 2014**, Respondent shall submit to MassDEP a written unaccounted for water compliance plan ("UAW Plan") pursuant to Special Condition 6 and Appendix B of Respondent's Water Management Act Permit.
- K. On or before **May 31, 2014**, Respondent shall provide a written report to MassDEP describing controls instituted (or to be instituted) at the Millham pumping station to limit the maximum raw water withdrawal to 2.0 MGD on an annual average basis.

Other Actions

- L. On or before **July 1, 2014**, Respondent shall provide Tier 3 public notification by direct delivery to all consumers for failure to monitor and report 1) Perchlorate analysis for the Millham Water Treatment Facility during 2011; 2) Lead and copper analysis during April through June 2012 and October through December 2012.¹
- M. On or before **August 1, 2014**, Respondent shall submit certification of completed Tier 3 public notification to MassDEP and the Marlborough Board of Health for monitoring and reporting violations listed in Paragraph 8.P., in accordance with 310 CMR 22.15(3)(b). Respondent shall include with this certification a representative copy of each type of notice distributed, published, posted, and made available to the persons served by PWS and to the media.

It is further understood that none of the actions set forth above are contingent upon receipt of SRF funding.

¹ Respondent may include the Tier 3 public notice in its annual Consumer Confidence Report (CCR), so long as the complete CCR is distributed by mail or other form of direct delivery.

9. All engineering work performed pursuant to this Consent Order shall be under the general direction and supervision of a qualified Professional Engineer registered in Massachusetts and experienced in water filtration design. Any contractual relationship between Respondent and the Engineer for work required hereunder shall require the Engineer, as a condition of the contract, to implement work consistent with the provisions of this Consent Order.

10. Except as otherwise provided, all notices, submittals and other communications required by this Consent Order shall be directed to:

Robert Bostwick, Acting Section Chief, Drinking Water Program
Massachusetts Department of Environmental Protection
627 Main Street
Worcester, Massachusetts 01608

Such notices, submittals and other communications shall be considered delivered by Respondent upon receipt by MassDEP.

11. Actions required by this Consent Order shall be taken in accordance with all applicable federal, state, and local laws, regulations and approvals. This Consent Order shall not be construed as, nor operate as, relieving Respondent or any other person of the necessity of complying with all applicable federal, state, and local laws, regulations and approvals.

12. For purposes of M.G.L. c. 21A, § 16 and 310 CMR 5.00, this Consent Order shall also serve as a Notice of Noncompliance for Respondent's noncompliance with the requirements cited in Part II above. MassDEP hereby determines, and Respondent hereby agrees, that any deadlines set forth in this Consent Order constitute reasonable periods of time for Respondent to take the actions described.

13. Force Majeure

- A. MassDEP agrees to extend the time for performance of any requirement of this Consent Order if MassDEP determines that such failure to perform is caused by a Force Majeure event. The failure to perform a requirement of this Consent Order shall be considered to have been caused by a Force Majeure event if the following criteria are met: (1) an event delays performance of a requirement of this Consent Order beyond the deadline established herein; (2) such event is beyond the control and without the fault of Respondent and Respondent's employees, agents, consultants, and contractors; and (3) such delay could not have been prevented, avoided or minimized by the exercise of due care by Respondent or Respondent's employees, agents, consultants, and contractors.
- B. Financial inability and unanticipated or increased costs and expenses associated with the performance of any requirement of this Consent Order shall not be considered a Force Majeure Event.

- C. If any event occurs that delays or may delay the performance of any requirement of this Consent Order, Respondent shall immediately, but in no event later than 5 days after obtaining knowledge of such event, notify MassDEP in writing of such event. The notice shall describe in detail: (i) the reason for and the anticipated length of the delay or potential delay; (ii) the measures taken and to be taken to prevent, avoid, or minimize the delay or potential delay; and (iii) the timetable for taking such measures. If Respondent intends to attribute such delay or potential delay to a Force Majeure event, such notice shall also include the rationale for attributing such delay or potential delay to a Force Majeure event and shall include all available documentation supporting a claim of Force Majeure for the event. Failure to comply with the notice requirements set forth herein shall constitute a waiver of Respondent's right to request an extension based on the event.
- D. If MassDEP determines that Respondent's failure to perform a requirement of this Consent Order is caused by a Force Majeure event, and Respondent otherwise complies with the notice provisions set forth in paragraph C above, MassDEP agrees to extend in writing the time for performance of such requirement. The duration of this extension shall be equal to the period of time the failure to perform is caused by the Force Majeure event. No extension shall be provided for any period of time that Respondent's failure to perform could have been prevented, avoided or minimized by the exercise of due care. No penalties shall become due for Respondent's failure to perform a requirement of this Consent Order during the extension of the time for performance resulting from a Force Majeure event.
- E. A delay in the performance of a requirement of this Consent Order caused by a Force Majeure event shall not, of itself, extend the time for performance of any other requirement of this Consent Order.
14. Respondent shall pay to the Commonwealth the sum of **eighteen thousand one hundred and ten dollars (\$18,110)** as a civil administrative penalty for the violations identified in Part II above. MassDEP hereby agrees to suspend payment of the entire penalty amount; provided, however, that if Respondent violates Paragraph 8.D of this Consent Order, Respondent shall pay to the Commonwealth the full amount of **eighteen thousand one hundred and ten dollars (\$18,110)** within thirty (30) days of the date MassDEP issues Respondent a written demand for payment. This paragraph shall not be construed or operate to bar, diminish, adjudicate, or in any way affect, any legal or equitable right of MassDEP to assess Respondent additional civil administrative penalties, or to seek any other relief, with respect to any future violation of any provision of this Consent Order or any law or regulation.
15. Respondent understands, and hereby waives, its right to an adjudicatory hearing before MassDEP on, and judicial review of, the issuance and terms of this Consent Order and to notice of any such rights of review. This waiver does not extend to any other order issued by the MassDEP.
16. This Consent Order may be modified only by written agreement of the parties hereto.

17. The provisions of this Consent Order are severable, and if any provision of this Consent Order or the application thereof is held invalid, such invalidity shall not affect the validity of other provisions of this Consent Order, or the application of such other provisions, which can be given effect without the invalid provision or application, provided however, that MassDEP shall have the discretion to void this Consent Order in the event of any such invalidity.

18. Nothing in this Consent Order shall be construed or operate as barring, diminishing, adjudicating or in any way affecting (i) any legal or equitable right of MassDEP to issue any additional order or to seek any other relief with respect to the subject matter covered by this Consent Order, or (ii) any legal or equitable right of MassDEP to pursue any other claim, action, suit, cause of action, or demand which MassDEP may have with respect to the subject matter covered by this Consent Order, including, without limitation, any action to enforce this Consent Order in an administrative or judicial proceeding.

19. This Consent Order shall not be construed or operate as barring, diminishing, adjudicating, or in any way affecting, any legal or equitable right of MassDEP or Respondent with respect to any subject matter not covered by this Consent Order.

20. This Consent Order shall be binding upon Respondent and upon Respondent's heirs, successors and assigns. Respondent shall not violate this Consent Order and shall not allow or suffer Respondent's employees, agents, contractors or consultants to violate this Consent Order. Until Respondent has fully complied with this Consent Order, Respondent shall provide a copy of this Consent Order to each successor or assignee at such time that any succession or assignment occurs.

21. In addition to the penalty set forth in this Consent Order (including any suspended penalty), if Respondent violates Paragraph 8.D of the Consent Order, Respondent shall pay stipulated civil administrative penalties to the Commonwealth in the amount of **\$100** per day for each day, or portion thereof, each such violation continues.

Stipulated civil administrative penalties shall begin to accrue on the day a violation occurs and shall continue to accrue until the day Respondent corrects the violation or completes performance, whichever is applicable. Stipulated civil administrative penalties shall accrue regardless of whether MassDEP has notified Respondent of a violation or act of noncompliance. All stipulated civil administrative penalties accruing under this Consent Order shall be paid within thirty (30) days of the date MassDEP issues Respondent a written demand for payment. If simultaneous violations occur, separate penalties shall accrue for separate violations of this Consent Order. The payment of stipulated civil administrative penalties shall not alter in any way Respondent's obligation to complete performance as required by this Consent Order. MassDEP reserves its right to elect to pursue alternative remedies and alternative civil and criminal penalties which may be available by reason of Respondent's failure to comply with the requirements of this Consent Order. In the event MassDEP collects alternative civil administrative penalties, Respondent shall not be required to pay stipulated civil administrative penalties pursuant to this Consent Order for the same violations.

Respondent reserves whatever rights it may have to contest MassDEP's determination that Respondent failed to comply with the Consent Order and/or to contest the accuracy of MassDEP's calculation of the amount of the stipulated civil administrative penalty. Upon exhaustion of such rights, if any, Respondent agrees to assent to the entry of a court judgment if such court judgment is necessary to execute a claim for stipulated penalties under this Consent Order.

22. Failure on the part of MassDEP to complain of any action or inaction on the part of Respondent shall not constitute a waiver by MassDEP of any of its rights under this Consent Order. Further, no waiver by MassDEP of any provision of this Consent Order shall be construed as a waiver of any other provision of this Consent Order.

23. To the extent authorized by the current owner, Respondent agrees to provide MassDEP, and MassDEP's employees, representatives and contractors, access at all reasonable times to Millham Reservoir and Treatment Plant for purposes of conducting any activity related to its oversight of this Consent Order. Notwithstanding any provision of this Consent Order, MassDEP retains all of its access authorities and rights under applicable state and federal law.

24. This Consent Order may be executed in one or more counterpart originals, all of which when executed shall constitute a single Consent Order.

[No additional text on this page]

25. The undersigned certify that they are fully authorized to enter into the terms and conditions of this Consent Order and to legally bind the party on whose behalf they are signing this Consent Order.

26. This Consent Order shall become effective on the date that it is executed by MassDEP.

Consented To:
CITY OF MARLBOROUGH

By: _____
Mayor Arthur Vigeant
City Hall
Marlborough, MA 01752

Date: _____

Issued By:
DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: _____
Lee Dillard Adams, Regional Director
Central Regional Office
627 Main Street
Worcester, MA 01608

Date: _____



Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

DEVAL L. PATRICK
Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

April 4, 2014

To All Interested Parties:

Massachusetts DEP is pleased to present the Final 2014 Intended Use Plan (IUP), which details the projects, borrowers and amounts that will be financed through the Drinking Water State Revolving Fund (DWSRF) program. The DWSRF is a joint federal-state financing program that provides subsidized interest rate loans to protect public health by improving water supply, infrastructure systems, and protecting drinking water in the Commonwealth.

As noted in Table 1, Massachusetts is offering \$126.4 million to finance drinking water projects across the Commonwealth. Approximately \$88.5 million will fund 19 new projects and an additional \$35.9 million will be allocated towards funding 7 previously approved multi-year projects. The Final IUP also contains \$2 million to fund an emergency set-aside account. No drinking water planning projects were submitted by municipalities this year.

Under the 2014 Continuing Resolution, Congress requires states to distribute 20% of the DWSRF grant towards *additional subsidy* in the form of a grant, negative interest, or principle forgiveness to projects that would otherwise be unlikely to proceed. Congress deferred to state discretion to determine which projects met that standard. In Massachusetts, the funds will be directed to projects in *Environmental Justice (EJ)* communities with demonstrated low income recognized by the Commonwealth (http://www.mass.gov/mgis/ej_statewide.pdf) as communities with median household income (MHI) less than 65% of the state MHI. Additional subsidy also will be offered to municipalities proposing *Renewable Energy (RE)* projects connected to treatment works. For the 2014 federal SRF grant MassDEP will allocate approximately \$3.29 million *additional subsidy* for EJ and RE projects listed on the DWIUP. The additional funds will be distributed in a pro-rated share to all of the proponents meeting either criteria and who execute a construction contract on or before April 1, 2015.

Section 302 of the 1996 Safe Drinking Water Act Amendments allows states the flexibility to move some funds between the Clean and the Drinking Water SRF program, to better address specific state priorities. CWIUP capacity frequently allows Massachusetts to finance all of the Clean Water projects that request financing in a given year. On the Drinking Water side, generally one third to one half of the projects go unfunded each year. Transferring a limited amount of funds from CWSRF to DWSRF this year and in the future will help to modestly increase the capacity of the DWSRF and reduce this imbalance in our ability to provide

financing. Therefore, Massachusetts will transfer funds from the CWSRF to the DWSRF program in the amount of \$5,425,530 (33% of the Final 2014 DW grant amount of \$16,441,000). These will be recycled funds freed up from the repayment of previous loans.

The Project Priority List (PPL) of the Final IUP is presented in Table 2. The PPL lists by ranking, all of the proposals that MassDEP received in the 2014 solicitation. The IUP is the subset of the PPL selected to receive financing offers. In addition, MassDEP's plan to utilize DWSRF set-aside funds for assistance to Public Water Suppliers, is attached as Appendix A.

MassDEP appreciates the efforts that proponents invested in the development of project proposals. We know that significant effort goes into every proposal, and appreciate your efforts to enhance and protect the quality of waters of the Commonwealth.

Sincerely,

Steve McCurdy, Director
MassDEP Division Municipal Services

I. Introduction

The Federal Safe Drinking Water Act Amendments of 1996 authorized the award of capitalization grants to the States in order to create individual Drinking Water State Revolving Fund (DWSRF) programs. These programs provide State-administered below market rate loans to finance community water supply projects, both publicly and privately owned. Under the DWSRF program, States provide a 20% match the federal capitalization grant to create the loan fund. Projects to be financed are selected using a priority ranking system based upon protection of the public health and improved compliance together with affordability.

The DWSRF is jointly administered by the Massachusetts Department of Environmental Protection (MassDEP) and the Water Pollution Abatement Trust (the Trust). MassDEP manages the technical aspects of project development while the Trust manages the disbursement of funds and the sale of bonds to provide capital to the program.

Pursuant to the applicable provisions of the Federal Safe Drinking Water Act Amendments of 1996, Chapter 78 of the Acts of 1998, and 310 CMR 45.00, MassDEP has developed its Calendar Year 2014 Intended Use Plan/Project Priority List (IUP/PPL), with its attendant ranking of drinking water projects. In order for a project to receive financial assistance under the State Revolving Fund Loan program, that project must appear on the Project Priority List and the Intended Use Plan Project Listing.

This Final IUP includes approximately \$126.4 million in financing offers for 19 new construction projects and 7 multi-phased carry-over projects continuing from prior years. No drinking water planning projects were submitted to MassDEP this year. The \$126.4 million also will fund a \$2 million emergency set-aside account. The IUP is a required element of the process to request the Federal Fiscal Year 2014 Capitalization Grant. The amount of the 2014 capitalization grant to Massachusetts is expected to be approximately \$16.44 million. This IUP describes Massachusetts' intended uses for all funds available in the DWSRF program for 2014, including the projects that Massachusetts expects to provide financial assistance to and an overview of how the state will comply with federally mandated requirements.

All new projects receiving financial assistance from the DWSRF will be eligible for loans at 2% interest. The Commonwealth subsidizes these loans, funding the spread between market interest rates and the 2% loan. This subsidy, so-called Contract Assistance, will continue to be allotted to the SRF programs in this and upcoming budget cycles.

To be considered for funding priority, communities must have appropriated the necessary local project funds or have committed to a schedule to obtain those funds by June 30, 2014. Also, complete applications must be submitted to MassDEP at the earliest possible time, but not later than October 15, 2014. A complete application must contain the local funding authorization and the required supporting documentation. Any project not meeting these deadlines will be removed from the IUP Project Listing. Projects offered financing that do not advance, may be replaced by the highest ranked project on the Project Priority List that is ready to proceed.

All SRF related documents including this IUP, the priority ranking system, loan application forms, etc. may be found on the MassDEP web site at <http://www.mass.gov/eea/agencies/massdep/water/grants/state-revolving-fund.html>.

II. Calendar Year 2014 Project Funding

In 2014, MassDEP expects to finance 19 new construction projects and 7 carryover projects totaling approximately \$126.4 million. Included in this amount is a \$2.0 million emergency reserve to finance unanticipated problems of acute public health concern that may arise during the year. Table 1 is the proposed funding list for 2014 and Table 2 is the extended Project Priority List.

Congress has recently enacted the 2014 federal budget, and the United States Environmental Protection Agency (EPA) has distributed the Draft 2014 DWSRF grant allotments to the states. MassDEP expects that the capitalization grant for Massachusetts in 2014 will be approximately \$16.44 million. The following are some of the more notable requirements applicable to the DWSRF program:

a. Additional Subsidy

Under the 2014 Continuing Resolution, Congress requires 20% of the DWSRF grant be allocated towards *additional subsidy*. MassDEP is limited by state law to distribute only the minimum required additional subsidy. For 2014 that amount is \$3,288,200. Massachusetts provides the subsidy in the form of principal forgiveness towards projects in Environment Justice communities, and for projects that include renewable energy generation. However since no DWSRF renewable energy projects were proposed this year, all available *additional subsidy* funds will be allocated to projects proposed in EJ communities. MassDEP gives priority for additional subsidy in the form of Principal Forgiveness to communities with below average Median Household Income (MHI) as identified by the EOEA Environmental Justice Program based on the Commonwealth's listing of Environmental Justice communities (http://www.mass.gov/mgis/ej_statewide.pdf). The 2014 Final IUP includes a proposed total expenditure of approximately \$82.3 million for 12 construction projects in communities within the Commonwealth having Environmental Justice designation(s) listed as below 65% of the State's MHI.

Apportionment of the additional subsidy funding will be distributed over construction contracts that are executed by April 1, 2015. Award will be based on a prorated share of the total eligible cost of all of the subsidy-eligible projects that meet the deadline. The April 1, 2015 deadline insures that the subsidy will be used in a timely manner.

b. Green Infrastructure

Since 2012, Congress has eliminated the requirement to allocate some funds towards Green Infrastructure projects. Nonetheless, MassDEP's project scoring system still incorporates points for Green Infrastructure. The Final Drinking Water IUP contains nine Green Infrastructure Projects. These projects are encouraged and remain eligible for SRF financing.

c. Applicant Cap

The Massachusetts SRF regulations (310 CMR 45) place a limit on any one proponent receiving any more than twenty-five percent of the available funding in a given year. Because of the shortfall of available funding relative to the number of worthwhile projects, and in order to extend financial assistance to as many highly ranked projects as possible, MassDEP has imposed an applicant cap of \$18 million for the 2014 funding period. MassDEP, however, reserves the right to waive the applicant cap limitation if MassDEP determines that one or more projects on the Intended Use Plan Project Listing are not ready to proceed. If the applicant cap is waived, communities may see an increase in financing support for projects not fully funded on the IUP listing.

d. Small Systems

Congress requires that 15% of the federal DWSRF grant be dedicated towards “small system” projects, i.e., drinking water systems serving fewer than 10,000 customers. The draft federal grant allotment for Massachusetts in 2014 is \$16,441,000. Fifteen percent of that amount is \$2,466,150. For the 2014 IUP, \$5,180,670 is being transferred from the CWSRF to the DWSRF. Fifteen percent of this amount (\$777,101) must also be reserved for small systems, which results in a total of \$3,243,251 for small systems. The Final IUP list contains 4 small system projects totaling approximately \$3.58 million, which more than meets the requirement.

e. Set Aside Activities

MassDEP objectives for DWSRF set-aside activities are included as Attachment A. For 2014, these set-aside activities include funds that will be earmarked for issues involving small water supply systems, local assistance for wellhead protection and capacity implementation, and program management and administration. This Attachment A details how MassDEP intends to utilize these set aside funds in FY 2014 to implement the federal Safe Drinking Water Act.

III. Short and Long Term Goals

The following are the goals that Massachusetts has set for its DWSRF:

a. Short Term Goals

- Providing a DWSRF reserve, not to exceed \$2.0 million of available funds, to finance at MassDEP’s discretion unanticipated problems of acute public health concern that may arise during the year. Such projects must constitute an imminent public health threat and otherwise meet MassDEP’s applicable criteria;
- Developing and funding innovative education, planning and compliance assistance programs for small systems to identify and reduce the number of small systems with compliance problems;

- Performing outreach efforts to Drinking Water SRF borrowers that identify the focus on and eligibility of energy efficiency/alternative energy projects;
- Upgrading failing distribution systems to eliminate lead service lines, ensure adequate pressure and flow, and to reduce the potential of bacterial contamination;
- Providing additional storage to ensure adequate water volume, system pressure and redundancy;
- Enhancing security of drinking water systems during the construction or rehabilitation of major facilities;
- Assisting communities in the identification and elimination of naturally occurring contamination (e.g. radionuclide, arsenic, etc.); and
- Executing Drinking Water Set-Aside work plans.

b. Long Term Goals

- Support protection of public health by ensuring that all Massachusetts Public Water Suppliers have the necessary technical, financial and managerial capacity to maintain compliance with the current and foreseeable SDWA requirements and provide safe drinking water to their customers;
- Annually reexamine the balance between use of set-aside and project funds and adjust strategy as needed in subsequent years' applications for DWSRF funds;
- Promote the completion of cost-effective projects that maximize protection of public health;
- Effectively manage a drinking water program that facilitates compliance with the SDWA through the use of outreach efforts such as capacity assessments and technical assistance;
- Ensure that water treatment projects financed through the SRF fully consider cost effective energy efficiency measures and/or renewable energy strategies; and
- Encourage long-term water system planning efforts by reserving Drinking Water SRF funds for these types of planning studies.

IV. Allocation of Funds

a. Criteria and Method for Distribution of Funds

Massachusetts rates projects using the Commonwealth's priority ranking system. The criteria used to rank potential projects can be found on the MassDEP's web site <http://www.mass.gov/eea/agencies/massdep/water/approvals/state-revolving-fund-srf-forms.html> . The ranking system is reviewed annually to reflect changing priorities at MassDEP. The criteria emphasize the nature of the public health problem that the project will address, compliance with the Safe Drinking Water Act, project affordability, the extent to which the project is consistent with regional or watershed wide plans, and the extent to which the project qualifies as a green project.

Once all projects have been rated and ranked, the Project Priority List is developed (Table 2). With input from the Trust, MassDEP identifies all of the sources of funds and spending limits, and develops the IUP Project Listing (Table 1).

To be considered for funding, projects must meet State and Federal eligibility requirements, must be ready to proceed during the funding period, must have appropriated local funds necessary to finance the project, and must have a MassDEP-approved planning element. An approvable planning element can be a Project Evaluation Report, Integrated Water Resource Management Plan, or other MassDEP sanctioned planning document. Furthermore, no community can receive financial assistance unless it can demonstrate that it has adequate, technical, financial and managerial capacity, as approved by MassDEP.

Eligibility includes consistency with the assurances described in this document and the requirements contained within MassDEP's financial assistance regulations. Certain projects on the 2014 Project Priority List may have higher priority point totals than the projects on the 2014 IUP Project Listing. That occurs because those particular projects on the Project Priority List are not ready to proceed. An important indicator of readiness to proceed is that a project has completed the State Environmental Review Process (SERP).

Project Bypass Procedure

A project on the IUP Project Listing may be bypassed if MassDEP determines that the bypassed project will not be ready to proceed during the Funding period. Project(s) bypassed will be replaced by the highest ranked priority project(s) on the Project Priority List that are ready to proceed or the funds may be used for cost increases to other projects previously approved. Complete project applications not received by MassDEP by October 15, 2014 will be automatically considered for bypassing.

b. Types of Projects to be Funded and Financing Rates

Any drinking water project of an eligible borrower is eligible to receive financial assistance from the Trust. Such eligible projects include, but are not limited to:

- Projects to address or prevent violation of public health standards, including projects to come into or maintain compliance.
- Projects to replace aging infrastructure, if such projects are needed to maintain compliance or further public health goals and requirements, including projects to rehabilitate or develop sources to replace contaminated sources, install or upgrade treatment or storage facilities, and install or replace transmission and distribution pipes to prevent contamination or improve water pressure to safe levels.
- Projects to consolidate and/or restructure a public water system.
- Planning and/or design of any eligible project.

Costs of construction that MassDEP determines are necessary for the completion of the project are eligible for financing in the loan and to receive a subsidy under the loan, subject to the applicant cap. Costs for planning projects are eligible for financing during the 2014 funding period. Although costs for design are eligible, they will not be financed during this funding period due to the high demand for construction funding. All projects on the Intended Use Plan are eligible for 2% interest loans.

V. Financial Management

a. Source of State Match

Based on a 2014 grant of \$16.44 million, the required 20% state match totals \$3.29 million. These funds are provided to the Trust from the Commonwealth's Capital Plan.

b. Fee Income

The Trust charges approximately \$7 per \$1,000 (70 basis points) as a loan origination fee to offset the costs incurred during bond issuance. Recipients of SRF loans are charged an annual administrative fee of 0.15% (15 basis points) against the outstanding loan principle to fund salaries and expenses of the Trust and MassDEP related to SRF project development and loan management. As of October 31, 2013, the Trust had approximately \$34.3 million in administrative fees available.

c. Program Administration

The Commonwealth of Massachusetts intends to use the full 4% of the Federal capitalization grant funds for administrative support of activities related to the Federal Fund. Use of those funds is detailed in the DWSRF Grant Application that the Trust files each year with the USEPA and in the attached Set-Aside writeup (Attachment A).

d. Anticipated Cash Draw Ratio

Massachusetts will draw 100 percent of the state match funds before drawing federal funds. This will ensure that Massachusetts remains in compliance with the required cash draw ratios.

e. Transfer of Funds between CWSRF and DWSRF

Section 302 of the 1996 Safe Drinking Water Act Amendments allows states the flexibility to move some funds between the Clean and the Drinking Water SRF program, to better address specific state priorities. The EPA currently allows up to 33% of the DW federal grant to be transferred from Clean Water IUP funds. CWIUP capacity frequently allows Massachusetts to finance all of the Clean Water projects that request financing in a given year. On the Drinking Water side, generally one third to one half of the projects go unfunded each year. Transferring a limited amount of funds from CWSRF to DWSRF this year and in the future will help to modestly increase the capacity of the DWSRF and reduce this imbalance in our ability to provide financing.

The level of federal grant funding of the MA Drinking Water SRF is insufficient to meet the need for project financing. Therefore, Massachusetts will transfer funds from the CWSRF to the DWSRF program in the amount of \$5,425,530 (33% of the draft 2014 DW grant amount of \$16,441,000). These will be recycled funds freed up from the repayment of previous loans. The purpose of this transfer is to help increase the capacity of the DWSRF.

This transfer of funds will not result in any changes to the 2014 list of projects. The transfer will be used to increase the capacity of the 2015 IUP.

f. Estimated Sources and Uses

The sources of funds available to the Massachusetts DWSRF include the federal capitalization grant, 20% state match and borrower free-ups. The Trust may leverage these funds up to three

times. Under this authority, the Trust could finance in excess of \$150 million of projects; however, the capacity of the program is controlled by the amount of Contract Assistance provided by the Commonwealth. This limiting factor results in the overall size of the 2014 IUP of approximately \$126.4 million, which is well below the theoretical capacity limit of the program.

VI. Program Management

a. Assurances and Special Conditions

MassDEP and the Trust have provided the required assurances and certifications as part of the Operating Agreement between Massachusetts and the USEPA. The Operating Agreement (OA) describes the mutual obligations among EPA, MassDEP and the Trust. The purpose of the OA is to provide a framework of procedures to be followed in the management and administration of the DWSRF.

Title XIV of the Federal Safe Drinking Water Act amendments of 1996 and subsequent regulations and guidance require that the Commonwealth certify compliance with or acceptance of a number of conditions. These include compliance with the applicable provisions of s. 1452, State Revolving Loan Fund, as follows:

- **Environmental Reviews:** DWSRF borrowers are required to meet the standards of the National Environmental Policy Act (NEPA) or a State equivalent. Some projects, owing to their relatively minor environmental impacts, if any, do not trip the threshold of the Massachusetts Environmental Policy Act (MEPA) and are therefore not subject to the rigorous environmental review process set forth in MEPA. The Commonwealth reasons that these projects are categorically exempt from the NEPA review process as well. A planning level review of each of the eligible projects concludes that since these projects almost uniformly are the upgrade or rehabilitation of existing infrastructure, most will not usually require MEPA review.
- **Binding Commitments:** The DWSRF will enter into binding commitments for 120 % of each quarterly grant payment within one year of receipt of the payment.
- **Expeditious and Timely Expenditures:** The DWSRF will expend all funds in the DWSRF in a timely manner.
- **Set Aside Programs.** The Commonwealth will conduct set aside activities consistent with the plan provided as Attachment A to this document.

b. Federal Requirements

A number of federal requirements apply in an amount equal to the capitalization grant including:

- Single Audit Act (OMB A-133)
- Disadvantaged Business Enterprise compliance (DBE)
- Federal environmental crosscutters
- Federal Funding Accountability and Transparency Act (FFATA) reporting

MassDEP and the Trust will identify the group of projects that must comply with these requirements in the grant application. Frequently, the group of projects changes as projects

move towards construction, usually due to attrition. If changes are made to the group of projects, appropriate amendments to the grant application will be made.

c. Davis-Bacon Wage Rates

EPA's 2014 Appropriations bill requires the application of Davis-Bacon prevailing wage rates to all drinking water projects funded in whole or in part by the DWSRF. MassDEP ensures that the required Davis Bacon language is included in contracts, and conducts field verifications of project compliance with the wage rate requirements.

d. Buy American

EPA's FY2014 Appropriations bill requires that all iron and steel products used in treatment works construction projects be sourced in the United States. MassDEP will ensure that Buy American language is included in each construction contract and that each project follows guidance established by the EPA.

e. Audits and Reporting

MassDEP and the Trust will comply with all of the auditing and reporting requirements of the EPA. A single audit is conducted annually and reporting to the EPA is done through the Drinking Water Project Benefits Reporting system, the National Information Management System, Biennial Report and FFATA reporting.

VII. Public Review and Comment

Notice of the availability of the Draft Calendar Year 2014 IUP/PPL was made on December 24, 2013 and a public hearing on the Draft DWIUP was held at MassDEP on January 24, 2014. Written public comments were accepted up to 5:00 PM on January 31, 2014. Records of this meeting are being maintained in the MassDEP files.

TABLE 1
DRINKING WATER STATE REVOLVING
Calendar Year 2014 DWSRF Final Intended Use Plan

NEW PROJECTS					
Rating	Applicant	SRF ID	Project	Project Cost	2014 IUP Cost
559.0	WEBSTER (EJ)#	3880	Station No.1 Improvements	\$2,940,000	\$2,940,000
554.0	FALMOUTH (EJ)#	3878	Long Pond WTF	\$43,600,000	\$18,600,000
548.0	*SHIRLEY	3881	Great Road Water Main Extension	\$430,650	\$430,650
540.0	MALDEN (EJ)	3894	Water System Improvements	\$6,750,000	\$6,750,000
540.0	AUBURN WATER DISTRICT	3931	West St. WTF Upgrade	\$2,730,000	\$2,730,000
537.0	HOLYOKE (EJ)	3903	WTF UV upgrades	\$2,520,000	\$2,520,000
525.0	*WESTPORT	3932	New WTF for By Products Removal	\$500,000	\$500,000
523.0	CHATHAM (RE)#	3875	New WTF	\$8,325,000	\$8,325,000
522.0	MARLBOROUGH (EJ)#	3885	Millham WTP Improvements	\$6,000,300	\$6,000,300
519.0	NORTON #	3874	New WTP	\$8,185,000	\$8,185,000
515.0	*MANCHESTER	3897	Water System Improvements	\$1,445,000	\$1,445,000
439.0	MALDEN (EJ)#	3896	Pump Station Rehab	\$2,025,000	\$2,025,000
435.0	CHICOPEE (EJ)	3901	Transmission Main Redundancy	\$8,576,000	\$5,000,000
435.0	NEW BEDFORD (EJ)	3870	Transmission Main Improvements	\$10,300,000	\$5,000,000
430.0	FALL RIVER (EJ)	3873	Water Main Improvements PH 14	\$2,593,000	\$2,593,000
421.0	TRI-TOWN WATER BOARD (EJ)#	3872	WEW Regional Water Treatment Plant	\$46,000,000	\$1,000,000
420.0	MWRA	3898	Weston Aqueduct Supply Mains and Sec 36/101	\$22,145,590	\$10,000,000
410.0	UXBRIDGE	3879	Rt. 122 Water Main Replacement	\$3,270,000	\$3,270,000
410.0	*PAXTON	3933	Maple St. Elevated Tank	\$1,370,000	\$1,210,000
TOTAL OF NEW PROJECTS				\$179,705,540	\$88,523,950

(Count: 19)

(Average Rating: 488.53)

* - Small System

(EJ) - Environmental Justice Communities

(RE) - Potential Renewable Energy Projects

- Projects contains Energy Efficiency, Renewable Energy, and/or meets EPA's definition of a Green Project (<http://water.epa.gov/aboutow/eparecovery/index.cfm>)

MassDEP PRIORITY PROJECTS

Applicant	SRF ID	Project	Project Cost	2014 IUP Cost
EMERGENCY SRF SET-A-SIDE	2978		\$2,000,000	\$2,000,000
TOTAL OF MassDEP PRIORITY PROJECTS			\$2,000,000	\$2,000,000

(Count: 1)

MULTI-YEAR CARRYOVER AND STATUTORY PROJECTS

Applicant	SRF ID	Project	Project Cost	2014 IUP Cost
LAWRENCE (EJ)#	3814	Water Main Replacement	\$21,895,000	\$11,895,000
MWRA	3825	Wachusett Aqueduct Pumping Station	\$47,955,000	\$1,000,000
MWRA	3049	New Connecting Mains	\$47,880,847	\$1,000,000
MWRA	3048	Lower Hultman Aqueduct Rehabilitation	\$53,112,388	\$1,000,000
MWRA	1680	Southern Spine Distribution Mains	\$65,685,888	\$2,000,000
MWRA #	3727	Low Service Storage	\$8,500,000	\$1,000,000
SPRINGFIELD WATER AND SEWER COMMISSION (EJ)	3756	South Water Transmission Main Replacement	\$32,000,000	\$18,000,000
TOTAL OF MULTI-YEAR CARRYOVER AND STATUTORY PROJECTS			\$277,029,123	\$35,895,000

(Count: 7)

TOTAL OF FINAL INTENDED USE PLAN	\$458,734,663	\$126,418,950
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TABLE 2
DRINKING WATER STATE REVOLVING FUND
Calendar Year 2014 DWSRF Project Priority List

NEW PROJECTS

Rating	Applicant	PWSID	Pop.	SRF ID	Project	Project Cost
559.0	WEBSTER (EJ)#	2316000	15667	3880	Station No.1 Improvements	\$2,940,000
554.0	FALMOUTH (EJ)#	4096000	77500	3878	Long Pond WTF	\$43,600,000
548.0	*SHIRLEY	2270000	4796	3881	Great Road Water Main Extension	\$430,650
540.0	AUBURN WATER DISTRICT	2017000	11527	3931	West St. WTF Upgrade	\$2,730,000
540.0	MALDEN (EJ)	3165000	59450	3894	Water System Improvements	\$6,750,000
537.0	HOLYOKE (EJ)	1137000	39905	3903	WTF UV upgrades	\$2,520,000
525.0	*WESTPORT	4334090	250	3932	New WTF for By Products Removal	\$500,000
523.0	CHATHAM (RE)#	4055000	30000	3875	New WTF	\$8,325,000
522.0	MARLBOROUGH (EJ)#	2170000	38000	3885	Millham WTP Improvements	\$6,000,300
519.0	NORTON #	4218000	19031	3874	New WTP	\$8,185,000
515.0	*MANCHESTER	3166000	5655	3897	Water System Improvements	\$1,445,000
439.0	MALDEN (EJ)#	3165000	59450	3896	Pump Station Rehab	\$2,025,000
435.0	CHICOPEE (EJ)	1061000	55144	3901	Transmission Main Redundancy	\$8,576,000
435.0	NEW BEDFORD (EJ)	4201000	95727	3870	Transmission Main Improvements	\$10,300,000
430.0	FALL RIVER (EJ)	4095000	94000	3873	Water Main Improvements PH 14	\$2,593,000
421.0	TRI-TOWN WATER BOARD (EJ)#	4040002	76497	3872	WEW Regional Water Treatment Plant	\$46,000,000
420.0	MWRA	6000000	2360000	3898	Weston Aqueduct Supply Mains and Sec 36/101	\$22,145,590
410.0	UXBRIDGE	2304000	10390	3879	Rt. 122 Water Main Replacement	\$3,270,000
410.0	*PAXTON	2228000	3608	3933	Maple St. Elevated Tank	\$1,370,000
233.0	WEST SPRINGFIELD (EJ)(RE)#	1325000	28391	3904	Roger's Ave Tank Improvements	\$1,745,000
230.0	BARNSTABLE (EJ)	4020004	35000	3888	Wells Replacement and Upgrade	\$1,072,500
230.0	BARNSTABLE (EJ)	4020004	35000	3883	Pipe Replacement and System Upgrade	\$1,595,000
230.0	FALL RIVER (EJ)	4095000	94000	3882	WTP Residuals Handling	\$890,000
230.0	BROCKTON (EJ)	4044000	93810	3871	Water System Improvements	\$3,000,000
230.0	BARNSTABLE (EJ)	4020004	35000	3887	Maher WTP Upgrade	\$300,000
225.0	MALDEN (EJ)	3165000	59450	3895	Hydrant and Valve Replacement	\$540,000
224.0	FAIRHAVEN (EJ)#	4094000	15799	3876	AC Water Main Replacements	\$2,240,000
220.0	FAIRHAVEN (EJ)	4094000	15799	3877	Water Main Replacement	\$1,815,000
210.0	*PLAINVILLE (EJ)	4238000	8532	3884	E. Bacon St. Tank Rehab	\$1,016,400
205.0	*LAKESIDE TRAILER PARK (EJ)	4172001	107	3886	Water System Upgrade	\$534,000
134.0	CHICOPEE (EJ)#	1061000	55144	3900	AMI Implementation	\$7,582,000
TOTAL OF NEW PROJECTS						\$202,035,440

(Count: 31)

(Average Rating: 383.32)

* - Small System

(EJ) - Environmental Justice Communities

(RE) - Potential Renewable Energy Projects

- Projects contains Energy Efficiency, Renewable Energy, and/or meets EPA's definition of a Green Project (<http://water.epa.gov/aboutow/eparecovery/index.cfm>)

MassDEP PRIORITY PROJECTS

Applicant	SRF ID	Project	Project Cost
EMERGENCY SRF SET-A-SIDE	2978		\$2,000,000

TOTAL OF MassDEP PRIORITY PROJECTS**\$2,000,000**

(Count: 1)

MULTI-YEAR CARRYOVER AND STATUTORY PROJECTS

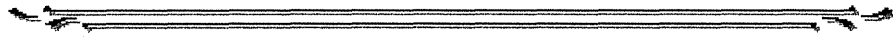
Applicant	PWSID	Pop.	SRF ID	Project	Project Cost
LAWRENCE (EJ)#	3149000	76377	3814	Water Main Replacement	\$21,895,000
MWRA	6000000	2360000	3825	Wachusett Aqueduct Pumping Station	\$47,955,000
MWRA	6000000	2360000	3049	New Connecting Mains	\$47,880,847
MWRA	6000000	2360000	3048	Lower Hultman Aqueduct Rehabilitation	\$53,112,388
MWRA	6000000	2360000	1680	Southern Spine Distribution Mains	\$65,685,888
MWRA #	6000000	2360000	3727	Low Service Storage	\$8,500,000
SPRINGFIELD WATER AND SEWER COMMISSION (EJ)	1281000	234105	3756	South Water Transmission Main Replacement	\$32,000,000

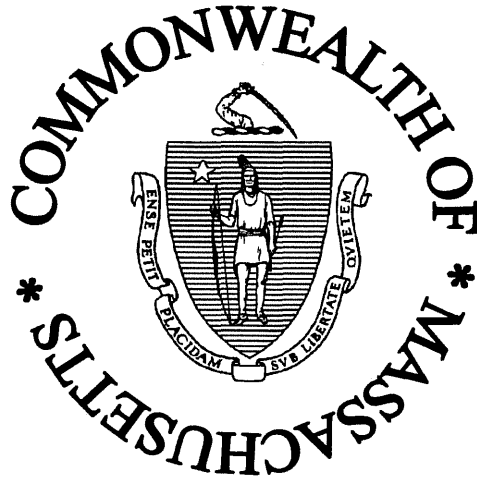
TOTAL OF MULTI-YEAR CARRYOVER AND STATUTORY PROJECTS**\$277,029,123**

(Count: 7)

TOTAL OF PROJECT PRIORITY LIST**\$481,064,563**

ATTACHMENT A





**DRINKING WATER
STATE REVOLVING FUND
(DWSRF)**

**Final Intended Use Plan
For Fiscal Year 2014 Set-aside Funds
Authorized Under the Federal
Safe Drinking Water Act**

February, 2014

DRINKING WATER STATE REVOLVING FUND PROGRAM

MASSACHUSETTS INTENDED USE PLAN FOR SET-ASIDE FUNDING ACTIVITIES TO BE SUPPORTED BY FEDERAL FISCAL YEAR 2014 FUNDING

February 2014

Information on Set-asides

The State of Massachusetts plans to set aside \$5,096,710 (31%) of the Capitalization Grant for various non-construction related activities that are authorized in the Safe Drinking Water Act Amendments of 1996. These activities are often vital to water systems so that they can develop and maintain the financial, technical, and managerial capacity to run their system effectively. A portion of the set-aside money will be used to develop and implement programs within state government necessary to implement the DWSRF and the SDWA Amendments of 1996.

The SDWA provides guidance for a variety of uses of the set-aside money. The set-aside money will be placed in separate accounts outside the Project Fund. The SDWA allows for transfers between the set-aside accounts and are the current best estimates of the funds required to complete the programs and projects described in the IUP. Transfers of funds between accounts and projects in accordance with EPA requirements will be made as necessary to accomplish the programs and projects described and efficiently and effectively use the available funds. The SDWA limits the percentage of the capitalization grant that can be used in each of these set-asides and whether the set-aside funds can be “banked” or reserved for future use.

I. 4% DWSRF ADMINISTRATION – 8 FTEs

MassDEP anticipates applying for the full 4% (\$657,640) from FY 2014 SRF Capitalization Grant for DWSRF Program Administration. These funds will be combined with any remaining prior year funds in order to provide comprehensive DWSRF program assistance. Duties may include (but not be limited to):

A. MANAGE DWSRF COORDINATION of projects and liaison with the Massachusetts Water Pollution Abatement Trust.

B. OVERSEE ADMINISTRATION AND MANAGEMENT of the DWSRF Priority List/Intended Use Plan process and fiscal administrative aspects of the set-asides, such as grant application and fiscal reporting, and coordinate with the Drinking Water Program in regard to the set-asides.

C. SUPPORT, CONDUCT, AND ANALYZE SRF PROJECT APPLICATIONS AND PROJECT REVIEWS

4% Set-Aside Deliverables

Coordination of all DWP Source Protection and Technical Services Activities
Set-Aside IUP and Work Plan Sections that Reflect Drinking Water Program Needs and Priorities
Oversight of DWSRF Loans and Grants

4% Set-Aside Measures of Success

Drinking Water Source Protection and Technical Services Section activities that support Drinking Water Program goals and priorities and are coordinated with the DWSRF
Set-Aside activities achieve stated deliverables and measures of success that are consonant with Drinking Water Program objectives.
Award of loans and grants in a timely manner

II. 2% FOR SMALL SYSTEMS SET-ASIDE- (3 FTEs)

MassDEP anticipates applying for the full 2% (\$328,820) from FY 2014 SRF Capitalization Grant for small systems technical assistance. These funds will be combined with any remaining prior year funds in order to provide comprehensive technical assistance to small public water systems. (3) FTE's includes contracted services. Duties may include (but not be limited to):

A. STAFFING TO SUPPORT MUNICIPAL SERVICES (2.5 FTEs) - in providing technical assistance in support of Small System Capacity Development. FTEs will continue to be provided in the regions to follow up with individual small systems on specific compliance issues and other system operation issues.

B. TECHNICAL ASSISTANCE AND TRAINING:

MassDEP staff plan to continue to provide technical, financial and managerial assistance to small drinking water system. The proposed assistance may include the following activities;

- A. Group Trainings
- B. Technical Assistance Site Visits
- C. Planning Assistance Reports
- D. Mentoring Sessions
- E. Operator training and reimbursement program
- F. On-Line Training
- G. Data management
- H. Production of support materials for small public water systems
- I. Maintenance of Small Systems Outreach Websites

C. CONTRACTED SERVICES – (.5 FTEs) TRAINING &/OR TECHNICAL ASSISTANCE:

MassDEP will fund (based on availability of funding) Third Party Training &/or Technical Assistance to Public Water Systems. The technical assistance provider (contractor) will develop and deliver group training seminars and/or site visits to small systems. Topics and activities will focus on the Safe Drinking Water Act requirements and will be determined by MASSDEP. All activities are dependent upon the availability of funding.

2% Set-Aside Deliverables:

- On-site training and support to Public Water Suppliers.
- Perform TNC compliance assistance sanitary surveys and provide Groundwater Under the Influence evaluations.
- Technical assistance given to targeted systems that have specific SDWA treatment compliance issues
- Technical assistance to public water systems on GWR.
- Reviews of technical reports related to water supply technology and analysis.
- Technical reviews of state initiatives such as disinfection byproduct treatment or groundwater disinfection.
- Supervision of technical staff and training programs for suppliers.
- Technical reviews of major water quality projects and public health data.
- Information for the public and for water suppliers on major water quality problems.
- Seminars on SDWA Topics.
- Establishment and operation of mentoring groups.
- Training sessions (with credits) providing Certified Operator Training.

2% Set-Aside Measures of Success:

- Compliance issues are successfully addressed in the targeted systems.
- Completion of planned capacity sanitary survey visits.
- Effective technical assistance given as scheduled.
- Each group seminar will be followed by an evaluation form to be filled out by participants to assess the efficacy of the seminar. Evaluation of the results will be considered as part of the contract assistance, and provided to the MassDEP staff responsible for implementing training initiatives and reporting on Capacity Development, for their assessment and future planning. Evaluation of all training and assistance will consider the success of recruiting recalcitrant and high-priority systems.
- Reports reviewed as scheduled.

III. 10% FOR STATE PROGRAM MANAGEMENT – 19.00 FTEs

MassDEP anticipates applying for the full 10% (\$1,644,100) from FY 2014 SRF Capitalization Grant for Program Management. The State Program Management Set-aside is used to fund: A)

Administrative assistance to the PWSS program; B) Technical assistance for source water protection activities; C) Assistance for capacity development initiatives; D) support for state operator certification program; E) Public Water System data management. (19) FTE's includes (2.5 FTEs) for contracted services.

A. PWSS SUPPORT – 8.5 FTEs

The money will provide funding for approximately 8.5 FTEs and their associated operating costs. Duties of the FTEs include capacity development, consumer confidence report assistance, adoption and implementation of new regulations, implementation of new and existing federal rules, source water assessments and protection, planning, outreach, data management, engineering and construction supervision, compliance supervision and other drinking water program activities.

B. SOURCE PROTECTION SUPPORT – 3 FTEs

The Source Protection function has been integrated into the general drinking water program activities. MassDEP is still funding 3 FTEs worth of this work from the 10% set-aside, but the source protection tasks are now distributed among more individuals and reaching more PWS. It also includes implementing the chemical monitoring waiver program which provides incentive to do source protection as well as promoting preparedness and sustainability.

C. CAPACITY DEVELOPMENT SUPPORT – 4.0 FTEs

MassDEP has designated specific regional staff as capacity development specialists. The Drinking Water Program has discerned that it is more productive to train all staff that do Sanitary Surveys in the elements of Capacity Development. The Drinking Water Program will focus on promoting the following six elements during the coming year;

1. Asset Management
2. Fiscal Planning
3. Energy Efficiency
4. Water System Collaboration
5. Water Loss
6. Funding Options

D. OPERATOR CERTIFICATION SUPPORT – 1 FTEs

The MassDEP has a very active operator certification program. The program activities have been integrated into daily activities of staff. Program activities range from chairing the Board of Certification of Drinking Water Operators to providing general and specialized training of and guidance for drinking water operators at all levels.

E. CONTRACT SERVICES- PUBLIC WATER SYSTEM INFORMATION MANAGEMENT – 2.5 FTEs

MassDEP will fund Information Technology (IT) staff to assist with data management support for programs related to public water systems and implementation of the Safe Drinking Water Act. Key activities include reporting and database maintenance and improvement. All activities are dependent upon the availability of funding.

F. MASSDEP INDIRECT CHARGES ON MATCH FOR 10% PROGRAM MANAGEMENT ACTIVITIES

The Commonwealth intends to completely meet the one-to-one match required through in-kind services incurred by MassDEP through the administration costs that were incurred during the periods of fiscal years 1993 and 2013. Detailed documentation will be provided upon request.

IV. 15% -SOURCE WATER PROTECTION AND CAPACITY DEVELOPMENT - 24 FTEs

MassDEP anticipates applying for the full 15% (\$2,466,150) from FY 2014 SRF Capitalization Grant for Source Water Protection and Capacity Development. The authorized activities under this set-aside can include; land acquisition and conservation easement program, source water protection, wellhead protection and technical and financial capacity implementation. (24) FTE's includes (3 FTEs) for contracted services.

A. WELLHEAD PROTECTION AND CAPACTIY IMPLEMENTATION- 21 FTEs

1. Assist with source protection program activities related to groundwater sources, as well as operation of the UIC program (a.k.a. "Underground Source Water Protection Program"). Ensure consistency of this work among regions; coordinate with GIS and Internet programs; coordinate with other MassDEP programs; investigate available data for usefulness to groundwater protection; and develop relevant policies and procedures.
2. Develop and maintain spatial data related to public water sources and potential contamination threats. Work with regional staff and resources to locate regulated facilities including locating information in files and making site visits to collect location information. Assist with GIS management.
3. Assist in Zone II delineation (and re-delineation as needed) and other wellhead protection-related work.
4. Provide technical assistance on source protection to public water suppliers and local officials, and assist with the source water assessment program and with protection of groundwater sources from contamination by septic systems. This includes providing system-specific protection recommendations.
5. In accordance with the Capacity Strategy, provide technical assistance in implementing capacity development, including the ability to provide adequate quantities of source water. Provide Capacity Outreach.
6. Provide assistance, primarily with protection of groundwater sources.

B. CONTRACTED SERVICES – 3 FTEs

Capacity Development - MassDEP proposes to fund third-party contractor to complete some of the following Capacity Development activities:

Provide support and review of (quality assurance/quality control) of Water Quality Assurance database. Provide general administrative assistance to Drinking Water Program. Provide assistance in implementation and coordination of the Wellhead Protection Program, Surface Water Treatment Rule (SWTR), Ground Water Rule, Lead and Copper Rule, POU/POE, new technology evaluations, Arsenic Rule and Stage II Disinfectants Rule, Well Drillers Program, Coordinate Comprehensive Performance Evaluations (CPE) with DEP Staff. Review variances and exemptions. Maintain and enhance water quality testing system as it relates to SDWIS database. Development of applications for the purpose of processing well data compiled by the Well Driller Program.

15% Set-Aside Deliverables

- UIC program operating under State Primacy
- Spatial data, maps.
- Zone II Reviews
- On-Site training and support to water suppliers
- UIC tracking and reports
- Outreach materials, technical assistance meetings, training for regions, and bylaw reviews.
- Implementation of water conservation capacity improvement grant program.
- Implementation of Capacity Development program.
- Implementation of the Source Water Protection program.
- Plan for implementation of the Revised Total Coliform Rule

15% Set-Aside Measures of Success:

- Improved source protection for ground water sources at state and local levels
- GIS databases are properly reviewed and maintained
- Reviews are conducted in a timely manner
- Contract oversight is effective
- Technical Assistance is appropriate and timely and leads to improved source and aquifer protection in the systems visited
- Methods to assure capacity to deliver adequate quantities of drinking water are developed
- Program goals meet MassDEP objectives
- Improved protection at the local level

IUP SET-ASIDE BUDGET BASED ON FFY 2014 FUNDING LEVEL
This Budget equals 31 % of the Cap Grant and
100 % of all allowable Set-Asides.

Administration Set-Aside – 4%

Total Available: \$657,640

PURPOSE	AMOUNT REQUESTED
Staff	\$1,127,320
Support	<u>\$ 1,000</u>
TOTAL PROJECTED EXPENSES	\$1,128,320
TOTAL UNEXPENDED PRIOR YEAR FUNDS TO BE USED	<u>\$ 470,680</u>
TOTAL 2014 FUNDS REQUESTED (100% of available Set-Aside)	\$ 657,640

Small Systems Set-Aside - 2%

Total Available: \$328,820

PURPOSE	AMOUNTS REQUESTED
Staff	\$ 314,025
Support	\$ 676
Contracts	<u>\$ 63,805</u>
TOTAL PROJECTED EXPENSES	\$ 378,506
TOTAL UNEXPENDED PRIOR YEAR FUNDS TO BE USED	<u>\$ 49,686</u>
TOTAL 2014 FUNDS REQUESTED (100% of available Set-Aside)	\$ 328,820

State Program Management Set-Aside – 10%

Total Available: \$ 1,644,100

PURPOSE	AMOUNTS REQUESTED
Staff	\$2,070,828.
Support	\$ 1,000.
Contracts	<u>\$ 314,762.</u>
TOTAL PROJECTED EXPENSES	\$2,386,590.
TOTAL UNEXPENDED PRIOR YEAR FUNDS TO BE USED	<u>\$ 742,490</u>
TOTAL 2014 FUNDS REQUESTED (100% of available Set-Aside)	\$1,644,100

Local Assistance Set-Aside – 15%

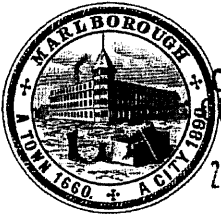
Total Available: \$2,466,150

PURPOSE	AMOUNTS REQUESTED
Staff	\$2,635,584.
Support	\$ 22,007
Contracts	<u>\$ 376,512.</u>
TOTAL PROJECTED EXPENSES	\$3,034,103
TOTAL UNEXPENDED PRIOR YEAR FUNDS TO BE USED	<u>\$ 567,953</u>
TOTAL 2014 FUNDS REQUESTED (100% of available Set-Aside)	\$2,466,150

TOTAL REQUESTED FOR ALL FFY 2014 SET-ASIDES	\$5,096,710
TOTAL REQUESTED FROM PRIOR YEAR UNEXPENDED FUNDS	<u>\$1,830,809</u>

TOTAL OF FFY 2014 DW SRF SET-ASIDES PLUS PRIOR FUNDS

\$6,927,519



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 APR 24 A 11:44

City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

April 25, 2014

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

Re: EDIP Application – SanDisk Corporation

Honorable President Pope and Councilors:

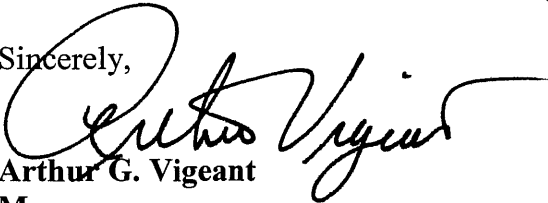
I am pleased to submit for your approval a draft Tax Increment Financing (TIF) proposal between the City of Marlborough and the SanDisk Corporation. Enclosed for your information are the following documents: 1. Draft Council Resolution; 2. EDIP/EOA Designation Application; 3. Proposed TIF plan and zone; 4. Draft TIF Agreement; and 5. Preliminary EDIP application.

SanDisk Corporation is planning to expand their current operations here in the Commonwealth of Massachusetts into an approximately 60,000 square foot state of the art research and development facility located in the City of Marlborough. This will result in an approximately \$14.5 million dollar investment on two floors in the Solomon Pond Office Park located at 200 Donald J. Lynch Boulevard. SanDisk's expansion is to allow them to meet the future planned growth within the area of flash storage, more commonly known to us as "flash drives."

SanDisk is applying for Certified Project status from the Economic Assistance Coordinating Council and is seeking an Investment Tax Credit due to the higher number of new jobs they project to create over the next three years. SanDisk is committed to creating and maintaining sixty (60) net new jobs in the high-skills software engineering and computer science fields while retaining eighty (80) current employees. To access this program the local municipality is required to join with the Commonwealth in partnership.

SanDisk's choice of our city is owed to our centralized, accessible location, our region's concentration of a highly skilled and knowledgeable workforce, and the vibrant atmosphere that makes our community an attractive place to work. As our local, state and national economies improve, this partnership will further enhance our ability to stabilize our residential tax base and ensure that our residents have access to high quality, local employment opportunities/

Sincerely,


Arthur G. Vigeant
Mayor

ENCLOSURES

RESOLUTION:

WHEREAS, the City Council of the City of Marlborough strongly supports increased economic development to provide additional jobs for qualified residents of the City and the Marlborough-Framingham Regional Economic Target Area ("ETA"), which shall enhance the commercial and industrial activity within the City, and to promote and develop a healthy economy and stronger tax base; and

WHEREAS, the City of Marlborough is a part of the regional ETA; and

WHEREAS, the City Council of the City of Marlborough supports and endorses the economic development goals for the ETA; and

WHEREAS, the City Council of the City of Marlborough desires a beneficial economic use creating jobs for local residents, expanding business within the City, and developing a healthy robust economy and stronger tax base for Map 26, Parcel 9 on the Marlborough Assessor's Map; and

WHEREAS, the City Council of the City of Marlborough desires that the area be designated as the 200 Donald J. Lynch Boulevard Economic Opportunity Area; and

WHEREAS, the City Council of the City of Marlborough finds that the 200 Donald J. Lynch Boulevard Economic Opportunity Area meets the regulatory criteria defined as a "decadent area"; and

WHEREAS, the City Council of the City of Marlborough finds that the 200 Donald J. Lynch Boulevard Economic Opportunity Area meets the local criteria and economic development goals set forth in the original Economic Target Area application; and

WHEREAS; the City Council of the City of Marlborough further supports and endorses the economic development goals contained in the 200 Donald J. Lynch Boulevard Economic Opportunity Area application; and

WHEREAS, the City Council of the City of Marlborough intends to use tax increment financing as an economic development tool created by the Massachusetts Economic Development Incentive Program based on the ability of the City of Marlborough, in accordance with needs and community benefits of a specific project, that are reasonably proportional to the economic development incentives from State and local government and the resulting economic development benefits;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Marlborough that the following activities which are necessary to pursue a Certified Project designation within the 200 Donald J. Lynch Boulevard Economic Opportunity Area in the City' of Marlborough be authorized:

1. The City Council of the City of Marlborough hereby approves the 200 Donald J. Lynch Boulevard Economic Opportunity Area ("EOA") and authorizes the submission of the 200 Donald J. Lynch Boulevard EOA application (attached hereto as Exhibit 1) to the Massachusetts Economic Assistance Coordinating Council, said EOA to be comprised by Map 26, Parcel 9 on the Marlborough Assessor's Map; and
2. The City Council of the City of Marlborough hereby adopts the tax increment financing plan and authorizes the submission of a tax increment financing plan (attached hereto as Exhibit 2) to the Massachusetts Economic Assistance Coordinating Council; and

3. The City Council of the City of Marlborough agrees to authorize the use of tax increment financing and the submission of the tax increment financing agreement (attached hereto as Exhibit 3) to the Massachusetts Economic Assistance Coordinating Council; and
4. The City Council of the City of Marlborough hereby requests that the Massachusetts Economic Assistance Coordinating Council approve SanDisk Corporation's designation as an EDIP-certified project (attached hereto as Exhibit 4); and further, that:
 - a. The project, as proposed, is consistent with and can reasonably be expected to benefit significantly from inclusion in the 200 Donald J. Lynch Boulevard EOA;
 - b. The project will not overburden the City of Marlborough's infrastructure and utilities servicing the 200 Donald J. Lynch Boulevard EOA;
 - c. The project as described in the proposal will have a reasonable chance of increasing employment opportunities for residents of the Marlborough-Framingham Regional ETA; and
 - d. The City Council approves SanDisk Corporation's request that the project be designated by the Massachusetts Economic Assistance Coordinating Council as an EDIP-certified project for five (5) years.

Exhibit 1

Economic Opportunity Area (“EOA”)



COMMONWEALTH OF MASSACHUSETTS
 ECONOMIC ASSISTANCE COORDINATING COUNCIL
 MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

**Economic Development Incentive Program (EDIP)
 ECONOMIC OPPORTUNITY AREA (EOA) DESIGNATION APPLICATION**

A complete application with all required attachments must be submitted in electronic form to your MOBD Regional Director by 5:00 P.M. on the application deadline date. A hardcopy with original signatures and attachments must be postmarked no later than 1 day after the submission deadline and mailed to: EDIP Manager, MOBD, 10 Park Plaza, Suite 3730, Boston, MA 02116. **Applications that are incomplete or submitted after the deadline will not be considered at the scheduled Economic Assistance Coordinating Council (EACC) meeting, without exception.**

PART I. PROPOSED EOA	
1. DESIGNATION OVERVIEW	
Name of Proposed EOA:	200 Donald J. Lynch Boulevard
Municipality:	City of Marlborough
EOA Designation is for:	<input checked="" type="checkbox"/> New EOA within a previously approved Economic Target Area <input type="checkbox"/> Amendment to a previously approved EOA
The area is being proposed for designation as the applicable parcels meet the eligibility criteria (see definitions as defined in M.G.L. Chapter 121A, §1 and M.G.L. Chapter 23A §3E):	<input type="checkbox"/> Blighted Open Area <input checked="" type="checkbox"/> Decadent Area <input type="checkbox"/> Substandard Area <input type="checkbox"/> Cumulative Job Loss
Effective Time Period for EOA Designation (Designation must remain in effect for a minimum of 5 Years and Maximum of 20 Years)	5 Years
2. EOA BOUNDARIES	
(a) Attachment A: Map of Proposed EOA Please attach a detailed map of the proposed EOA, indicating the existing streets, highways, waterways, natural boundaries and other physical features.	<input checked="" type="checkbox"/> Attached
(i) Please provide a detailed description of the EOA boundaries including parcel numbers and how said area conforms to the definition of either "Blighted Open Area", "Decadent Area", "Substandard Area and/or "Cumulative Job Loss" as marked in section 1. The proposed EOA is located at 200 Donald J. Lynch Boulevard in Marlborough, Massachusetts and is listed in Marlborough City Assessor's files as Map 26 Parcel 9. Please see the location map attached in "Attachment A". The proposed EOA is located along Donald J. Lynch Boulevard off Solomon Pond Road and with easy access to Rt. 290 & Rt. 495. The proposed EOA is also within the Solomon Pond Office Park, which is a "Limited Industrial" zone and created through an	

economic development industrial corporation to bring down the area's unemployment rate. The office building where the proposed EOA is anticipated experienced a substantial change in the business and economic conditions reducing the demand for office space. To date the building has never been more than 50% occupied. The proposed EOA meets the definition of "Decadent Area" due to the recent, adverse and substantial changes to the area's business/economic conditions. Such adverse changes are evident by the current office market demand. Additionally, the condition of the building located at 200 Donald J. Lynch Boulevard, which has been more than 50% vacant for an extended period of time; needs major upgrading and maintenance to accommodate for a business to operate at the site.

3. REASON FOR DESIGNATION

(a) Please describe the reason for the proposed EOA Designation. Please include:

- (i) A brief narrative of why the EOA designation is important to the community.
- (ii) If a business has indicated an intention to locate or expand within the proposed EOA, please provide the name and brief description of the company. If applicable, attach the letter of intent.

(i) The City of Marlborough is seeking an EOA designation, because the community aspires to increase the number of jobs offered within the municipality and in the region. The City of Marlborough is within the Marlborough-Framingham Regional Economic Target Area ("ETA") and achieving the EOA designation will go a long way in helping the community achieve its long term economic goals. Additionally, the utilization of existing blighted/decadent commercial/industrial buildings or sites is an economic development goal, which the re-purposing of this building achieves.

(ii) The SanDisk Corporation has indicated an intention to locate within the proposed EOA. SanDisk is a global leader in flash storage solutions. For more than 25 years, SanDisk has expanded the possibilities of storage, providing trusted and innovative products that have transformed the electronics industry. Today, SanDisk's quality, state-of-the-art solutions are at the heart of many of the world's largest data centers, and embedded in advanced smart phones, tablets and PCs. SanDisk's consumer products are available at hundreds of thousands of retail stores worldwide. Please find the enclosed letter of intent in "Attachment B".

(b) Please describe the economic development goals for the proposed EOA during the first five years of EOA designation.

The SanDisk Corporation has targeted the proposed EOA to create a regional research and development facility. The proposed EOA site is currently owned by BGI Holdings III, LLC and is currently more than 50% vacant and unoccupied for more than 10 yrs.

Additionally, the economic development goals for the proposed EOA for the next five years include:

1. Creating approximately 60 new jobs in the Marlborough-Framingham Regional ETA,
2. Basing approximately 80 permanent, full-time jobs at the proposed EOA,
3. The proposed EOA will see a private investment of approximately \$14 million dollars in renovation, construction, fixtures, furniture, equipment and technology costs,
4. Increasing the City's commercial tax base,
5. Encouraging productivity in a commercially zoned area of the city; and
6. Promoting the restoration and revitalization of a decadent site.

COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

PART II. MUNICIPAL DESIGNATION PROCESS

1. MUNICIPAL AUTHORITATIVE REVIEW

EOA Authoritative Review Municipal Official or Board/Council/Etc.	The Mayor and Marlborough Economic Development				
Municipal Contact:	Full Name:	Tim Cummings	Title:	Executive Director	
Contact Address:	Street Address:	91 Main Street #204			
	City:	Marlborough	MA	Zip Code:	01752
Telephone Number:	508-229-2010				
Email Address:	tcummings@marlboroughedc.com				

(a) Indicate the local standards and procedures for review of project proposals including:

- (i) the application procedures,
- (ii) the timeframe for review and determination
- (iii) and the criteria and process for approval of project proposals
- (iii) Attachments of any additional documentation required (if applicable)

(i) The Mayor and Marlborough Economic Development Corporation are authorized to review project proposals on behalf of the City of Marlborough. The Marlborough City Council is the legislative entity that ultimately approves all EOA Designations and Tax Increment Financing Agreements. All projects seeking EACC approval as an EDIP Certified Project, local execution of a TIF Agreement and local designation for a defined area as an EOA are forwarded to the Marlborough City Council upon recommendation from the Marlborough Economic Development Corporation and the Mayor along with other local stakeholders comprising of an Ad-Hoc Advisory TIF Committee. The Marlborough City Council will then send the EOA application and proposed TIF Agreement to the City Council Finance Committee for consideration and approval. Upon review and approval by the Finance Committee, the Marlborough City Council then formally approves the TIF Agreement and EOA Designation. Once the TIF Agreement is executed by the Mayor and the Project's signatory, the EOA application and TIF Agreement are forwarded to the EACC for approval and EDIP Project certification. (ii) The timeframe for review and determination is approximately 10 weeks. (iii) the municipality wants to ensure there is a substantial private investment and a corresponding commitment to increase the number of jobs located at a proposed EOA, while also meeting community development objectives.

2. LOCAL APPROVAL STREAMLINING

(a) Provide a proposal and plan (or attach existing plan) to increase the ease of doing business by streamlining delivery of local services within the EOA such as the municipality's permit, approval and license procedures. See: "Best Practice Model for Streamlined Local Permitting"

The City of Marlborough is a business-friendly community whose municipal officials are always willing to work with businesses to promote economic development. City officials help companies navigate the local permitting and zoning process and expedite these approvals whenever possible. The City of Marlborough implements an expedited permit review process that is coordinated by the City's administrative Site Plan Review Committee. The City's Building Inspector, Fire and Police Chief, as well as other professional staff, sit on the Site Plan Review Committee. Additionally, the EOA is in a commercial zoned area of the municipality and the use is "by-right", which further streamlines the review process. The municipality has also charged the Marlborough Economic Development Corporation to be an ombudsman and local contact for private entities that may need assistance through the permitting review process. Lastly, it would be remiss not to point out the fast-paced track record the City has when permitting projects. The proposed EOA is already adequately serviced by sewer, water, gas, electric, voice data and cable. At this time, no additional services are envisioned for the EOA.

(b) **Compliance with Community Reinvestment Act:** Include a copy of a municipal plan or policy, if any exists, which links the municipality's choice of banking institutions to the bank's compliance with the requirements of the Community Reinvestment Act.

Attached

N/A

PART III. SPECIAL REQUIREMENTS FOR LARGE MUNICIPALITIES

This section must be completed by any municipality or member of a regional ETA with a population that exceeds fifty thousand (50,000) people. The population threshold should be calculated based on the most recent statistics available from the U.S. Bureau of the Census.

Please check appropriate selection:

Municipality or regional ETA population exceeds 50,000 people (if checked, please complete the below Part III).

Municipality or regional ETA population is less than 50,000 people (if checked, Part III. is not required, please skip to Part IV.)

1. MUNICIPAL INFRASTRUCTURE SUPPORT

Provide an analysis of the existing infrastructure support and municipal services, including transportation access, water and sewer hook-ups, lighting, and fire and police protection to and for certified projects within the proposed EOA(s). Indicate if the existing level of services and infrastructure is adequate to support the anticipated development in the proposed EOA(s).

Provide a proposal for meeting additional demand for municipal services and infrastructure improvement, including costs and funding sources available for these improvements.

The proposed EOA is sited along the Donald J. Lynch Boulevard roadway and this roadway meets the demand needs and sufficiently supports the certified projects infrastructure requirements.

2. JOB TRAINING PROGRAMS

Describe the municipality's plans to secure access to publicly or privately sponsored training programs for employees of certified projects and for residents of the municipality/ETA.

The City through Marlborough Economic Development is going to assist the certified project in accessing the Commonwealth's workforce training program.

3. LOCAL COMMUNITY INVOLVEMENT

Describe the municipality's plans to increase the level of private sector involvement and the level of involvement by community development organizations in the economic revitalization of the area proposed for designation. For example, local involvement could include commitments from private persons to provide jobs and job training to residents or to employees who for certified projects in the proposed EOA(s).

The City using the resources of Marlborough Economic Development Corporation shall be actively promoting the Donald J. Lynch Boulevard as a corridor for business attraction and expansion. The City plans to partner with the land owners to appropriately market the area.

PART IV. MUNICIPAL BINDING WRITTEN OFFER

The municipality completing this application must provide a **binding written offer** to provide either tax increment financing or a special tax assessment to each certified project located within the proposed EOA(s).

Please attach a copy of the municipality's binding written offer.

- (i) **In cities**, this shall be in the form of a City Council Order or Resolution, along with a Certified Vote by the City Clerk.
- (ii) **In towns with Town Meeting form of government**, this shall be in the form of a Town Meeting Motion, along with a Certified Vote by the Town Clerk.
- (iii) **In towns with Town Council form of government**, this shall be in the form of a Town Council Order or Resolution, along with a Certified Vote by the Town Clerk.

Attached

COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

PART V. APPLICATION AUTHORIZATION, CERTIFICATION & ACKNOWLEDGEMENT

I/We Arthur Vigeant (fill in name and title) of the applicant municipality applying for "Economic Opportunity Area" Designation from the Commonwealth of Massachusetts, Economic Assistance Coordinating Council hereby certify that I/we have been authorized to file this application and to provide the information within and accompanying this application and that the information provided herein is true and complete. I/we understand that the information provided with this application will be relied upon by the Commonwealth in deciding whether to approve "Economic Opportunity Area" Designation and that the Commonwealth reserves the right to take action against the applicant or any other beneficiary of the Economic Opportunity Area if the Commonwealth discovers that the applicant intentionally provided misleading, inaccurate, or false information. I/we make this certification under the pains and penalties of perjury.

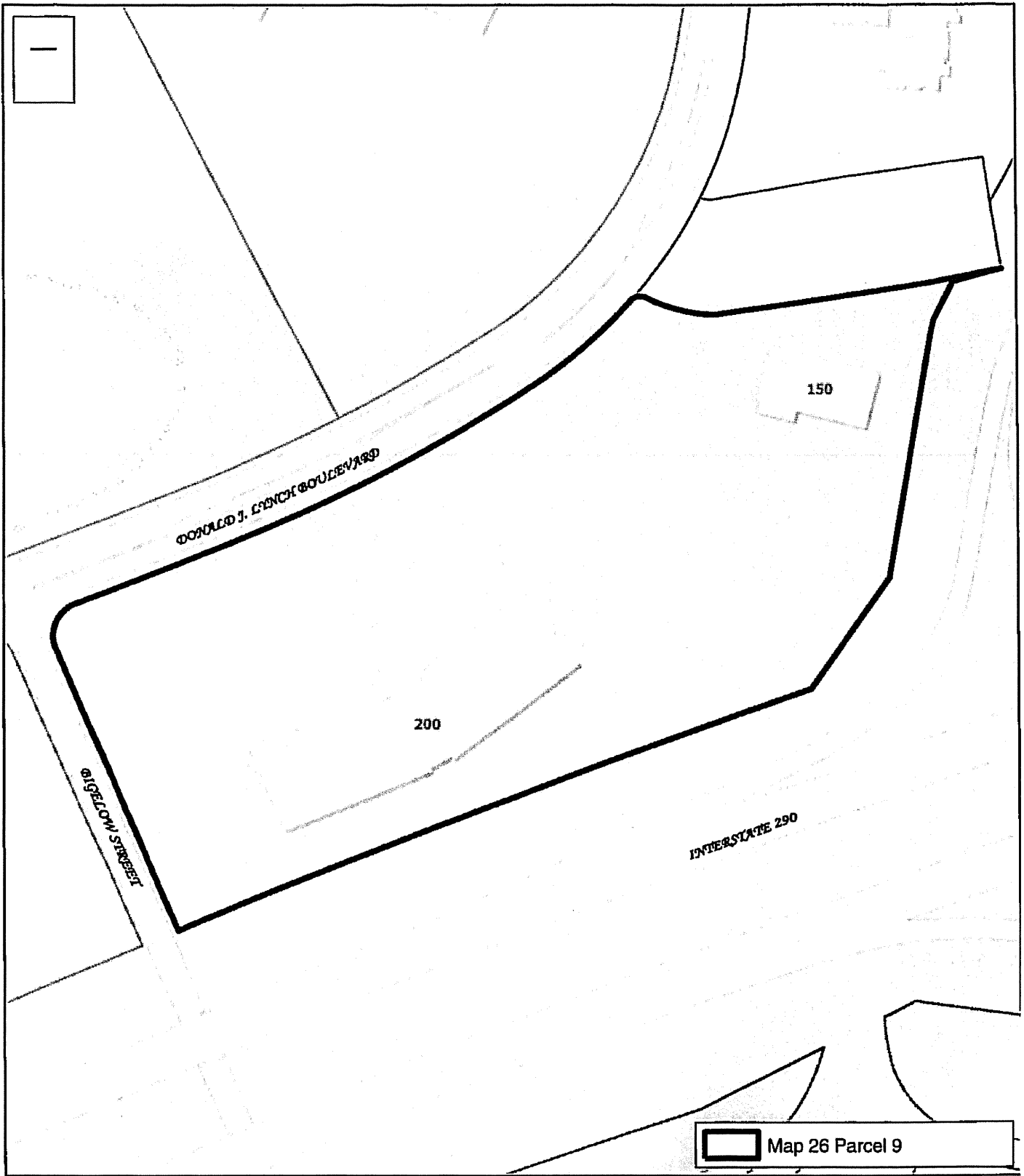
The signatories also hereby acknowledge that, under the Public Records law of the Commonwealth of Massachusetts, this application and all documents submitted in support thereof are public records under the provisions of Massachusetts G. L., Ch. 4, sec. 7 (26).

Signed:

_____	Mayor	April 23, 2014
Name	Title	Date
_____		<i>Select mm/dd/yyyy</i>
Name	Title	Date

Attachment A

Location of Proposed EOA



City of Marlborough



200 Donald Lynch Blvd



1 inch = 150 feet

Attachment B

Letter of Intent

SanDisk

SanDisk Corporation
601 McCarthy Boulevard
Milpitas CA 95035-7932
Phone 408-801-1000
Fax 408-801-8657

February 25, 2014

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

RE: Incentives Letter

Dear Mayor Vigeant

Thank you for your interest in SanDisk's expansion plans. We (through our acquisition of Smart Storage Systems in Westford, MA) are exploring an expansion of our facilities to Marlborough, MA. We look forward to creating a partnership with the town of Marlborough as we consider this expansion.

SanDisk has identified a property in Marlborough and would lease approximately 57,000 SF. This property has been 65% vacant for an extended period of time and we are looking to invest a total of approximately \$9.5M for construction costs and personal property. This planned construction would transform a "shell" space into a state of the art office/R&D facility. The company expects to move ninety-five (95) existing full time jobs to Marlborough and hire 25 full time employees per year at this new facility for a period of three (3) years.

It is our intent to apply for this Economic Development Incentive Program for both the municipal incentives of (i) Special Tax Assessment and (ii) Tax Increment Finance (TIF) and any other programs which are available by the town of Marlborough and any state incentives such as the State Investment Tax Credit.

SanDisk is requesting that you accept this letter as a formal letter of intent required under the Economic Development Incentive Program. We welcome this potential opportunity to create a partnership with Marlborough and your willingness to assist SanDisk as we grow.

Sincerely yours,
James Goldsberry



Title: Sr. Director of Engineering

Cc: Tim Cummings: Marlborough Economic Development Corporation
Rob Anderson: Director

Attachment C

City Council Order & Certificate of Vote

Exhibit 2

Tax Increment Financing ("TIF") Plan & Zone

**TAX INCREMENT FINANCING
PLAN & ZONE**

City of Marlborough

200 Donald J. Lynch Boulevard EOA

APRIL 2014

I. Location

A. Marlborough-Framingham Regional Economic Target Area (ETA)

The City of Marlborough proposes the establishment of the site-specific 200 Donald J. Lynch Boulevard Economic Opportunity Area ("EOA") and a Tax Increment Financing Zone ("TIF Zone") within the Marlborough-Framingham Regional ETA. The EOA will consist of the parcel of land located at 200 Donald J. Lynch Boulevard, as further depicted on Marlborough City Assessor's Map 26, Parcel 9.

B. Municipality

City of Marlborough, County of Middlesex, Commonwealth of Massachusetts.

C. TIF Zone

1. Location and Map

The TIF Zone is a portion of Marlborough City Assessor's Map 26, Parcel 9 and consists of approximately 60,000 square feet of space being leased by SanDisk ("SanDisk" or the "Company") in an approximately 121,598 square foot building, including parking facilities and other improvements, owned by BGI Holdings III, LLC (the "Owner") and located at 200 Donald J. Lynch Boulevard, Marlborough, Massachusetts 01752. A map showing the location of the TIF Zone is attached as Attachment A.

2. Legal Description:

A description of the TIF Zone is attached as Attachment B.

3. TIF Zone Issues:

None.

4. Property Owners within the proposed Zone:

200 Donald J. Lynch Boulevard is currently owned by the BGI Holdings III, LLC. SanDisk has targeted 200 Donald J. Lynch Boulevard for its expansion.

II. Duration of TIF Zone and Plan

The duration of the TIF Zone and Tax Increment Financing Plan ("TIF Plan") will be for a period of five years (Fiscal Years 2015 through 2019). The TIF Plan and Agreement herein shall commence upon final approval of the TIF Plan by the Economic Assistance Coordinating Council ("EACC"). SanDisk's eligibility for the tax increment exemption under the proposed Tax Increment Financing Agreement would commence on the first day of July of 2014.

III. TIF Zone and Economic Development

A. Continued Development Opportunity

Per its proposed TIF Agreement with the City of Marlborough, SanDisk intends to make capital investments at 200 Donald J. Lynch Boulevard estimated to be \$14.5 million (\$11.6 million taking into account a \$2.9 million reimbursement from the Owner for tenant improvements). The Company also anticipates relocating 80 full-time employees and creating 60 new, permanent full-time positions at the location over the first 3 (three) years of the proposed TIF Agreement.

B. Net Economic Benefit to the City of Marlborough

The benefits of SanDisk's investments that will accrue to the City of Marlborough are considerable and include the following:

- *Relocation of 80 permanent full-time employees to Marlborough;*
- *60 newly created full-time positions over the first 3 years of the proposed TIF Agreement;*
- *Significant new capital investment estimated to be \$14.5 million (\$11.6 million taking into account a \$2.9 million reimbursement from the Owner for tenant improvements);*
- *Increase in commercial tax revenues/base; and*
- *Higher and better use of existing land and building located at 200 Donald J. Lynch Boulevard that is currently shell space.*

C.-D. Analysis of Proposed and Potential Land Uses and Zoning

The 200 Donald J. Lynch Boulevard site is located within the City of Marlborough's Limited Industrial zoning district that allows for commercial uses per the City's Zoning Ordinance. SanDisk's proposed investment and use of the land/property will conform to the intent of the zoning districts in which it is located and achieve the economic development goals of the municipality for this corridor.

IV. TIP Zone Project

A. Private Projects.

SanDisk is a global leader in flash memory storage solutions, from research and development, product design and manufacturing to branding and distribution of OEM and retail channels. It is a Fortune 500 company that is headquartered in California. SanDisk's diverse product portfolio includes flash memory cards and embedded solutions used in smart phones, tablets, digital cameras, camcorders, digital media players and other consumer electronic devices, as well as USB flash drivers and solid-state drivers (SSD) for the computing market. SanDisk's products are used by consumers and enterprise customers around the world.

SanDisk is interested in establishing a Northeast regional research and development facility in a leased facility at 200 Donald J. Lynch Boulevard, Marlborough. The proposed project is anticipated to create 60 new, permanent,

full-time jobs, and to relocate 80 permanent, full-time jobs, for a projected total of 140 new, permanent, full-time jobs based out of Marlborough.

The proposed project will involve renovations to the existing leased building. The renovations are estimated to result in an initial capital investment for the Company of \$14.5 million (\$11.6 million taking into account a \$2.9 million reimbursement from the Owner for tenant improvements) in combined soft, real property and personal property costs (the "Project"). The renovations are expected to begin in the spring of 2014 and scheduled to be completed by fall of 2014.

SanDisk is the only project envisioned for the TIF Zone.

A Marlborough City Council vote approving the 200 Donald J. Lynch Boulevard EOA, and the TIF Plan and Zone, as certified by the Marlborough City Clerk, is provided as a part of Attachment C, attached hereto.

B. Public Projects.

No other projects, public or private, are anticipated for the TIF Zone.

V. Financing for Planned TIF Project.

A. Anticipated Financing for the 200 Donald J. Boulevard Project:

Financing for the TIF Project will be self-financed from private sources.

B. Anticipated Financing for Other Projects:

No other projects, public or private, are anticipated for the TIF Zone.

VI. Tax Increment Financing.

A Marlborough City Council vote, as Certified by the Marlborough City Clerk approving the TIF Agreement, and which has been executed by the Marlborough Mayor, as directed by the Marlborough City Council, pursuant to M.G.L. 40, § 59 and M.G.L. c. 59, § 5, is provided in Attachment C, attached hereto.

Please refer to TIF Agreement for exemption schedule in Attachment C.

VII. Approval of the TIF Project.

A. Approval Process:

All projects seeking EACC approval as an EDIP-certified project, local execution of a TIF Agreement and local designation for a defined area as an EOA are forwarded to the Marlborough City Council upon recommendation from the Marlborough Economic Development Corporation and the Mayor along with other local stakeholders comprising an Ad-Hoc Advisory TIF Committee. The Marlborough City Council will then send the EOA application and proposed TIF Agreement to the City Council Finance Committee for consideration and a recommendation as to approval. Upon review and the approval recommendation by the Finance Committee, the Marlborough City Council then formally approves the TIF Agreement and EOA designation. Once the TIF Agreement is executed by the Mayor and the Project's signatory (here, including SanDisk and the property owner), the EOA application and TIF

The Mayor of the City of Marlborough is authorized to execute the TIF Agreement, as directed by the vote of the Marlborough City Council.

C. Evidence of Local Approval:

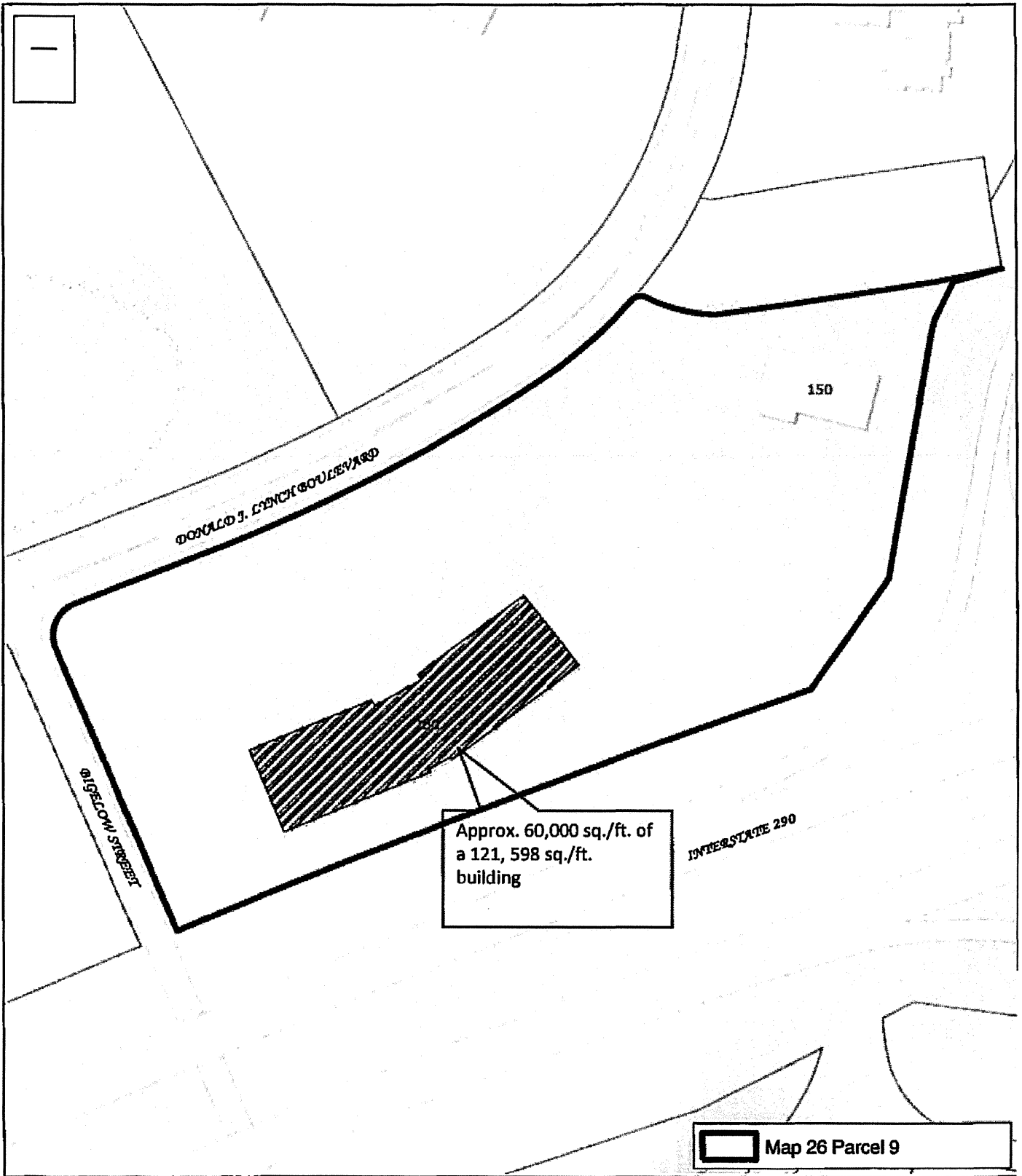
See Attachment C: The Marlborough City Council Resolution dated _____

D. EACC Approval.

The request to the EACC for approval of the TIF Plan and Zone and EOA Application is provided as part of this document.

Attachment A

Map of TIF Zone, 200 Donald J. Lynch Boulevard, Marlborough, MA



City of Marlborough
Massachusetts



200 Donald Lynch Blvd



1 inch = 150 feet

Attachment B

Description of TIF Zone, 200 Donald J. Lynch Boulevard, Marlborough, MA

The TIF Zone is approximately 60,000 rentable square feet in the approximately 121,598 rentable square foot building located at 200 Donald J. Lynch Boulevard in Marlborough, Massachusetts (see Attachment A), and is comprised of approximately 40,000 square feet on the second floor of the building and approximately 20,000 square feet on the first floor of the building. The building is located on approximately 8.33 acres in Marlborough as depicted on Marlborough City Assessor's Map 26, Parcel 9.

Attachment C

The Marlborough City Council Resolution dated _____

Exhibit 3

Tax Increment Financing ("TIF") Agreement

TAX INCREMENT FINANCING AGREEMENT
BETWEEN
THE CITY OF MARLBOROUGH, SANDISK CORPORATION
AND
BGI HOLDINGS III, LLC

This **TAX INCREMENT FINANCING AGREEMENT** (the "**TIF Agreement**" or the "**Agreement**") is made by and between the City of Marlborough (the "**City**"), SanDisk Corporation (the "**Company**"), and BGI Holdings III, LLC (the "**Owner**").

WHEREAS, the City is a Massachusetts municipal corporation acting through its City Council and Mayor, having its principal office located at City Hall, 140 Main Street, Marlborough, MA 01752; and

WHEREAS, SanDisk is a domestic for-profit corporation having its principal U.S. headquarters located at 951 SanDisk Drive in Milpitas, California 95035, and is authorized to do business in Massachusetts; and

WHEREAS, the Owner is the fee owner of the parcel of land located at 200 Donald Lynch Boulevard, Marlborough, Massachusetts 01752, as further depicted on Marlborough City Assessor's Map 26, Parcel 9 (the "**Property**"); and

WHEREAS, the Company intends:

- 1) to lease from the Owner approximately 60,000 square feet of space of the approximately 121,598 square foot building, located at 200 Donald J. Lynch Boulevard, Marlborough, together with parking facilities and other improvements located thereon (hereinafter, the leased space is defined as the "**Project Area**"); and
- 2) to make improvements to the Project Area in furtherance of constructing a Northeast state-of-the-art research and development facility; and

WHEREAS, the Project Area is to be located within the boundaries of the Marlborough-Framingham Regional Economic Target Area (ETA) (as that term is used in Massachusetts General Laws, Chapter 23A, Section 3D, and referred to below as the "**ETA**"); and

WHEREAS, the Project Area is located within the 200 Donald J. Lynch Boulevard Economic Opportunity Area (EOA) (as that term is used in Massachusetts General Law, Chapter 23A, Section 3E, and referred to below as the "**EOA**"); and

WHEREAS, the Company expects to have based out of the Project Area approximately 80 permanent, full-time jobs presently located throughout Massachusetts, and beginning on the effective date of this agreement, to create and, over the term of the TIF Agreement, to maintain at the Project Area 60 new, permanent, full-time jobs open to qualified residents of Marlborough and the ETA; and

WHEREAS, the renovations to the Project Area are estimated to result in an initial capital investment by the Company of \$14.5 million (\$11.6 million taking into account an approximate \$2.9 million reimbursement from the Owner for tenant improvements) in combined soft, real property and personal property costs (the "**Project**"); and

WHEREAS, the Owner shall make additional improvements to the Project Area in accordance with the terms of the lease agreement; and

WHEREAS, the parties to the Agreement are desirous of entering into a TIF Agreement which shall pertain solely to the Project Area and not to any other portion of the Property, and which shall be in accordance with the Massachusetts Economic Development Incentive Program (EDIP) and Chapter 23A of the Massachusetts General Laws; and

WHEREAS, the City strongly supports increased economic development to provide additional jobs for residents of Marlborough and the ETA, to expand business within the City, and to develop a healthy robust economy and stronger tax base; and

WHEREAS, the Project and its related job creation will further the economic development goals and criteria established for the ETA and EOA; and

WHEREAS, by letter dated April 2, 2014, the Mayor recommended the TIF Plan and the TIF Agreement to the Marlborough City Council;

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and contingent upon receipt of authorization from the City Council and in accordance with applicable law, the parties hereby agree as follows:

A. THE CITY'S OBLIGATIONS.

1. The City Council approved the provisions of this TIF Agreement on _____, 2014 pursuant to the Resolution attached hereto. The City Council hereby authorizes the Mayor to execute this TIF Agreement on the City's behalf, and to monitor and enforce compliance by the Company and the Owner with this TIF Agreement's terms. The Mayor is authorized to act for and on behalf of the City in proceedings relating to the approval of this Agreement by the Massachusetts Economic Assistance Coordinating Council (the "EACC").
2. A Tax Increment Financing exemption (the "Exemption") for the Project Area is hereby granted to the Company and the Owner by the City in accordance with Chapter 23A, Section 3E; Chapter 40, Section 59; and Chapter 59, Section 5, Cl. Fifty-first, of the Massachusetts General Laws. The Exemption shall be for a period of five (5) years (the "Exemption Term"), commencing on July 1, 2014 (the beginning of fiscal year 2015) and ending on June 30, 2019 (the end of fiscal year 2019). The Exemption shall pertain to real property taxes for the Project Area, according to the following schedules:

**PROJECT AREA'S REAL PROPERTY
TAX EXEMPTION SCHEDULE**

REAL PROPERTY EXEMPTION	
Fiscal Year	Exemption Percentage
2015	100%
2016	50%
2017	30%
2018	20%
2019	10%

3. The base valuation for the Project Area shall be the assessed valuation of the Project Area in the base year. The base year is the most recent fiscal year immediately preceding the fiscal year in which the property becomes eligible for the TIF exemption. As provided in 760 C.M.R. 22.05(4)(d), see 402 C.M.R. 2.22, the Project shall become eligible for the Exemption on the July 1st following the date on which the EACC approves the TIF Plan, which is expected to be June 24, 2014. Therefore, the exemption is expected to commence on July 1, 2014, which is the beginning of fiscal year 2015. Accordingly, the base year for this TIF Agreement will be fiscal year 2014. Consequently, the base valuation for the real property pertinent to the Project Area will be determined as of January 1, 2013.
4. The base valuation shall be adjusted annually by an adjustment factor, which reflects increased commercial and industrial property values within the community, as provided in Chapter 40, Section 59 of the Massachusetts General Laws and in 760 C.M.R. 22.05(4)(b), see 402 C.M.R. 2.22. This adjusted base valuation will remain fully taxable (i.e., the Tax Increment Financing Exemption shall not apply to or be calculated with respect to the adjusted base valuation and no portion of the adjusted base valuation shall be eligible for exemption from Chapter 59 property taxation) throughout the term of this TIF Agreement. Only the increased value or "increment" created by improvements will be the amount eligible for exemption from taxation.

B. THE COMPANY'S OBLIGATIONS AND THE OWNER'S OBLIGATIONS.

1. The City is granting the Tax Increment Financing Exemption for the Project Area in consideration of the following commitments:
 - (a) In anticipation of the receipt of the TIF benefits described in this Agreement, SanDisk Corporation agrees that it will lease the Project Area from the Owner;
 - (b) As part of leasing the Project Area, the Company agrees that it will make capital improvements which is currently estimated to be approximately \$14.5 million (\$11.6 million taking into account an approximate \$2.9 million reimbursement from the Owner for tenant improvements) in combined soft, real property and personal property costs, and that it will timely pay all municipal permit fees required in connection with such improvement and investment;
 - (c) The Company and the Owner agree to timely pay all of the taxes owed to the City by the Company and the Owner, respectively, over the term of this TIF Agreement; and
 - (d) The Company agrees to relocate to the Project Area 80 permanent full-time jobs existing as of February 25, 2014 and presently located throughout Massachusetts; and following February 25, 2014, to hire and, over the term of the Agreement, to maintain a minimum of 60 new permanent full-time employees (as "permanent full-time employee" is defined in 402 C.M.R. 2.03), to be employed at the Project Area as of the beginning of Fiscal Year 2015 (i.e., July 1, 2014) and whose employment by the Company commences on or after February 25, 2014 ("New Permanent Full-Time Employees"). The following schedule details the Company's schedule of job creation:

SCHEDULE OF JOB CREATION	
End of Fiscal Year(s)	Minimum Cumulative New Permanent Full-Time Employee Requirement
June 30, 2015	20
June 30, 2016	20
June 30, 2017	20
June 30, 2018	0
June 30, 2019	0

The Company shall work in good faith in accordance with Section B.1(e) below and shall maintain a base employment figure of 80 permanent full-time jobs and create net new 60 full-time jobs to the Commonwealth of Massachusetts over the period starting on February 25, 2014, and maintain said employment job creation, in accordance with the Schedule of Job Creation referenced above, during the life of the Agreement.

- (e) Such New Permanent Full-Time Employees shall be exclusive of the Company's 80 permanent, full-time jobs located throughout Massachusetts as of February 25, 2014 and to be relocated to the Project Area. In meeting its cumulative New Permanent Full-Time Employee commitment above, and consistent with all federal, state and local laws and regulations, the Company may use commercially reasonable efforts to make available application opportunities for the New Permanent Full-Time Employee positions to qualified residents of Marlborough and then the regional ETA. Determination of whether any individual is qualified for any specific job or position shall be in the Company's sole discretion, and nothing herein shall be deemed to create any obligation of the Company to hire any of said residents. The Company will meet its obligation to make such application opportunities available to such residents if, in conjunction with the Mayor's office and the Marlborough Economic Development Corporation, the Company conducts a job fair in Marlborough for staffing its Project Area.
2. The Company shall submit annual written reports on job creation and maintenance at, job relocation to, and new investments at, the Project Area to the City of Marlborough Board of Assessors and Mayor and to the EACC by the end of December of each calendar year with respect to the immediately preceding fiscal year during which this TIF Agreement is in effect. Reports shall be submitted for fiscal year 2015 and for every fiscal year thereafter falling within the term of this TIF Agreement; thus, the report for fiscal year 2015, ending on June 30, 2015, shall be submitted by the end of December 2015. In addition to information that may be required by the EACC pursuant to 402 C.M.R. 2.14, the annual report shall be comprised of the following information:
- (a) Employment levels at the Project Area at the beginning and end of the reporting period, with a designation of the number of employees that are net new employees as of the effective date of this Agreement and the number of employees that were employed by the Company in Massachusetts prior to the effective date of this Agreement;
 - (b) The specific number of ETA and Marlborough residents respectively employed at the Project Area at the beginning and at the end of the reporting period;
 - (c) An accounting of the commercially reasonable efforts made by the Company to make New Permanent Full-Time Employee positions available to qualified residents of Marlborough and then to the regional ETA;

- (d) A narrative of the reasonable efforts made by the Company to solicit Marlborough businesses, vendors and suppliers to participate in requests for quotations for goods and services to be purchased by the Company as part of the Project, including but not limited to the improvements to the Project Area, as well as the purchase of new machinery and equipment as part of the Project (collectively, "Engage Local Businesses");
- (e) The Company's financial contribution to the City (including property taxes, motor vehicle excise taxes, and water and sewer fees) for the fiscal year; and
- (f) A description of any private investment, including but not limited to donations and/or perpetual maintenance of land for recreational purposes, made by the Company for the benefit of the community during the reporting period.

During the term of this TIF Agreement, the Company and the Owner will also provide the City with any information related to the Project Area, including the Company's and the Owner's improvements to the Project Area, which the parties mutually agree should be provided.

3. The Tax Increment Financing Exemption percentage applicable to the tax exemption schedule above will automatically be adjusted downward in any particular fiscal year that the Company does not meet its minimum cumulative New Permanent Full-Time Employee requirements described in the Schedule of Job Creation above. Under this Paragraph 3, the exemption percentage applicable to the exemption schedule above will be adjusted for the fiscal year beginning after the job requirement date, utilizing the following formula:

(Actual Cumulative New Permanent Full-Time Employee Level / Minimum Cumulative New Permanent Full-Time Employee Requirement) x Scheduled Exemption Percentage = Actual Exemption Percentage.

For example, if the actual cumulative New Permanent Full-Time Employee level at the end of FY 2015 is 10 instead of 20, then the real property tax exemption percentage otherwise applicable for FY 2016 would actually be $(10/20) \times 50\%$, or 25%.

The exemption percentages applicable to the tax exemption schedule above will, for later fiscal years, revert back to the original exemption schedule if the Company restores the job level based on the minimum cumulative New Permanent Full-Time Employee requirement for that later year. If the Company meets or exceeds its minimum cumulative New Permanent Full-Time Employee requirements, the exemption schedule will not be adjusted.

4. The Company will be in default of its respective obligations under this TIF Agreement if the City determines that the Company fails to meet or comply with any of the requirements specified in Paragraphs 1 or 2 of this Section B or Paragraph 5 or 6 of this Section B below, and the City further determines that such failure continues or remains uncured for sixty (60) days (or such longer time as the City may deem appropriate under the circumstances) after the date of written notice, provided by the City to the Company, explaining in reasonable detail the grounds for or nature of such failure. Upon the City's determination that any default by the Company has continued or remained uncured for such period after the date of such written notice, the City may take such action as it deems appropriate to enforce the Company's obligations under this TIF Agreement, including but not limited to a request that EACC revoke its certification of the Project for eligibility for a Tax Increment Financing Exemption; any such request would be in addition to the automatic downward adjustment of the exemption schedules, as described in Section B.3 above. Upon any such decertification, the City shall have the right, upon written notice to the Company, to terminate the Tax Incremental Financing Exemption benefits described in Paragraph 2 of Section A, commencing as of the fiscal year in which the City has

determined the Company to be in default or, if such benefits have already been received by the Company, for the fiscal year in which the City has determined the Company to be in default, commencing as of the fiscal year immediately following that fiscal year. Any notice required hereunder shall be sent, certified mail, return receipt requested, or delivered in hand, to the Company at the Project Area's address and simultaneously to 951 SanDisk Drive, Milpitas, CA 95035, Attn: SVP and General Counsel and with a copy to 951 SanDisk Drive, Milpitas, CA 95035, Attn: Contracts Management. Said notice shall be effective upon receipt.

5. If, at any time prior to the expiration of the term on this Agreement, the Company moves from, vacates, abandons, or otherwise fails to maintain operations in the Project Area, the City shall be entitled to be paid back forthwith by the Company a sum equal to a proportionate share of the amount of tax savings that had been received by the Company under this Agreement in the fiscal year immediately prior to the fiscal year when the Company moves from, vacates, abandons, or otherwise fails to maintain operations at the Project Area, according to the following schedule:

COMPANY'S PAY-BACK SCHEDULE

FY that the Company Moves From, Vacates, Abandons, or Otherwise Fails to Maintain Operations at Project Area	Percentage of Tax Savings from Prior Fiscal Year to be Paid Back to City
2015	90%
2016	80%
2017	70%
2018	60%
2019	50%

Such pay-back amounts shall be paid back by the Company in full within thirty (30) days of a written demand by the City. If payment is not timely made, interest shall accrue at the rate of one percent (1%) per month until such time as full repayment has been made.

The City shall be given thirty (30) days' written notice prior to any Company announcement to the general public (specifically excluding any communications to the Owner or the Company's employees) of a proposed move from, vacation of, abandonment of, or other termination of operations at, the Project Area during the term of this Agreement, unless such notice would be in violation of any law, regulation or contractual obligation of the Company. Said notice shall identify the prospective new tenant, if any; may include information about such prospective new tenant which is not otherwise subject to a confidentiality agreement; and shall be given to: Mayor's Office and to the Board of Assessor's Office, City Hall, 140 Main Street, Marlborough, MA 01752. Said notice will be the confidential information of Company and the City shall not, except as required by law, disclose any information provided by the Company regarding any proposed disposition of the Project Area or any portion thereof by the Company or the Owner.

6. The Company shall use reasonable efforts to Engage Local Businesses to participate in requests for quotations for goods and services to be purchased by the Company as part of the Project, including but not limited to the improvements to the Project Area, as well as the purchase of new machinery and equipment as part of the Project. So long as the Company contacts the Marlborough Economic Development Corporation at the later of: (i) the beginning of the Project, or (ii) within a reasonable amount of time after the Agreement has been executed by all parties, with a description of the qualifications of the local businesses, vendors and suppliers from whom, at that time, the Company is seeking requests for quotations, the Company shall be

deemed to have made reasonable efforts to Engage Local Businesses under this Section 6. However, the extent to which the Company shall hire or purchase from local businesses, vendors and suppliers under this Section 6 shall be in Company's sole discretion, and nothing herein shall be deemed to require the Company to hire or purchase from local businesses, vendors and suppliers.

C. OTHER CONSIDERATIONS.

1. Pursuant to 760 C.M.R. 22.05(8)(d), *see* 402 C.M.R. 2.22, this Agreement shall be binding upon the Company and its successors and assigns, and upon the Owner and its successors and assigns, so long as the Project's certification has not been revoked by EACC.
2. This Agreement is subject to M.G.L. Chapter 23A, Sections 3A-3F inclusive; M.G.L. Chapter 40, Section 59; and M.G.L. Chapter 59, Section 5, Cl. Fifty-first.
3. The Owner shall pass along to the Company all real property tax savings resulting from this Agreement.
4. Should any part, term or provision of this Agreement be determined by any court of competent jurisdiction to be illegal or invalid, the validity of the remaining parts, terms, and provisions shall not be affected thereby and said illegal or invalid part, term or provision shall be deemed not to be a part of this Agreement.
5. The effective date of this Agreement shall be June 24, 2014, the (presumptive) date of the Economic Assistance Coordinating Council's approval of the TIF Plan.
6. All notices, reports or other communications required or permitted under this TIF Agreement must be in writing signed by a duly authorized representative of the City, Company, or Owner, or as the case may be, and shall be (i) hand delivered, (ii) delivered by a nationally recognized overnight delivery service, or (iii) mailed by certified or registered mail, return receipt requested, postage prepaid, to the parties at the following addresses or such other addresses as each may have specified to the other by such a notice:

CITY: City of Marlborough
City Hall
Attention: Mayor's Office
140 Main Street
Marlborough, MA 01752

COMPANY: SanDisk Corporation
Attention: James Goldsberry, Sr. Director
2 Robbins Road
Westford, MA 01886

cc: SanDisk Corporation
Corporate Real Estate and Tax
951 SanDisk Drive
Milpitas, CA 95035

SanDisk Corporation
Attn: SVP and General Counsel
951 SanDisk Drive
Milpitas, CA 95035

SanDisk Corporation
Attn: Contracts Management
951 SanDisk Drive
Milpitas, CA 95035

OWNER: BGI Holdings III, LLC
Attention: [name]
[address]

WITNESSETH, the execution and delivery of this Agreement by the Company, the Owner and the City as an instrument under seal as of the date last written below by the signatories hereto.

AGREED TO:

SANDISK CORPORATION

By: _____

Dated: _____, 2014

[name]
[title]
SanDisk Corporation

STATE OF CALIFORNIA

_____, ss.

On _____, 2014, before me, the undersigned notary public, personally appeared _____, as _____ of SanDisk Corporation, and proved to me through satisfactory evidence of identification, which was _____, that s/he is the person whose name is signed on the preceding or attached document.

Notary Public
Printed Name: _____
My Commission Expires: _____

BGI HOLDINGS III, LLC

By: _____
[name]
Manager
BGI Holdings III, LLC

Dated: _____, 2014

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On _____, 2014, before me, the undersigned notary public, personally appeared _____, as manager of BGI Holdings III, LLC, and proved to me through satisfactory evidence of identification, which was _____, that s/he is the person whose name is signed on the preceding or attached document.

Notary Public
Printed Name: _____
My Commission Expires: _____

CITY OF MARLBOROUGH

By: _____
Arthur G. Vigeant
Mayor
City of Marlborough

Dated: _____, 2014

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On _____, 2014, before me, the undersigned notary public, personally appeared Arthur G. Vigeant, as Mayor of the City of Marlborough, and proved to me through satisfactory evidence of identification, which was _____, that he is the person whose name is signed on the preceding or attached document.

Notary Public
Printed Name: _____
My Commission Expires: _____

CERTIFICATE OF VOTE

I, _____, _____ of SanDisk Corporation (the "Corporation"), hereby certify that, at a meeting of the Board of Directors of the Corporation duly held on _____, 2014, which date is earlier than the effective date of the Tax Increment Financing Agreement between the City of Marlborough, SanDisk Corporation, and BGI Holdings III, LLC, at which a quorum was present and voting throughout, the following vote was duly passed and is now in full force and effect:

"Voted: That _____ be and hereby is authorized, directed and empowered for, in the name of and on behalf of SanDisk Corporation, to sign, seal, execute, acknowledge and deliver the Tax Increment Financing Agreement between the City of Marlborough, SanDisk Corporation, and BGI Holdings III, LLC, by said _____ to be valid and binding upon the Corporation for all purposes; and that a certificate of the Clerk of the Corporation setting forth this vote shall be delivered to the Mayor for the City of Marlborough; and that this vote shall remain in full force and effect unless and until the same has been altered, amended or revoked by a subsequent vote of such directors and a certificate of such later vote attested to by the Clerk of the Corporation is delivered to the Mayor for the City of Marlborough."

I further certify that _____ is the duly-elected _____ of the Corporation.

Signed: _____ Dated: _____, 2014
 [name]
 [title]
 SanDisk Corporation

Place of Business: 951 SanDisk Drive, Milpitas, California 95035

AFFIX SEAL

In the event that the Clerk or Secretary is the same person as the Officer authorized to sign the said Agreement for the Corporation, this Certificate must be counter-signed by another officer of the Corporation.

Countersignature:

Exhibit 4

Economic Development Incentive Program ("EDIP")

Preliminary Application



COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

**Economic Development Incentive Program (EDIP)
PRELIMINARY APPLICATION**

The following information is required by the Massachusetts Office of Business Development (MOBD) and the Economic Assistance Coordinating Council (EACC) to make a preliminary determination on the eligibility of a project under the Economic Development Incentive Program. This application must be returned in electronic form to your MOBD Regional Director and a hardcopy with original signature(s) mailed to: EDIP Manager, MOBD, 10 Park Plaza, Suite 3730, Boston, MA 02116. Please refer to the EDIP Guidelines, www.mass.gov/hed/edip and your MOBD Regional Director for assistance with this application.

COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

PART I. COMPANY OVERVIEW						
1. COMPANY INFORMATION						
Company Name:	SanDisk Corporation					
Project Location Address:	Street Address:	200 Donald Lynch Boulevard				
	City:	Marlborough	MA	Zip Code:	01752	
Company Headquarters Location:	City:	Milpitas	State:	CA		
FEIN (Federal Employer Identification Number):	77-0191793					
DUA # (Dept. of Unemployment Assistance #):						
Type of Organization:	(a) Type of Organization: Corporation					
Company's Taxable Year End:	12/31/2014					
NAICS Code:	334110					
Is the applicant classified as a MA Department of Revenue Manufacturer?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>					
Company's outside of Massachusetts sales as a percentage of total sales: (a) currently (b) projected upon completion of proposed project:	(a) Current Outside of MA sales as of 12/31/2012 : 99% (b) Projected Outside of MA sales upon completion of project: % Additional Information (if necessary): The projected outside of MA sales is not currently available as the Company is still in the process of gathering the data.					
2. COMPANY CONTACT						
Executive Officer/ Company Designee:	Full Name:		Title:			
Contact (if different from above):	Full Name:	James Goldsberry	Title:	Senior Director Sys Design Mgmt		
Contact Address:	Street Address:	2 Robbins Rd				
	City:	Westford	State:	MA	Zip Code:	01886
Telephone Number:	978-303-8530					
Email Address:	james.goldsberry@sandisk.com					
3. COMPANY DESCRIPTION & HISTORY						
Please provide a brief description and history of the company.						
<p>SanDisk Corporation (NASDAQ:SNDK), a Fortune 500 and S&P 500 company, is a global leader in flash storage solutions. For more than 25 years, SanDisk has expanded the possibilities of storage, providing trusted and innovative products that have transformed the electronics industry. Today, SanDisk's quality, state-of-the-art solutions are at the heart of many of the world's largest data centers, and embedded in advanced smart phones, tablets and PCs. SanDisk's consumer products are available at hundreds of thousands of retail stores worldwide. For more information, visit www.sandisk.com.</p>						

COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

PART II. ECONOMIC DEVELOPMENT PROJECT			
1. PROPOSED BUSINESS EXPANSION PROJECT			
<p>(a) Please provide a description of the proposed expansion project.</p> <p>The new SanDisk space in Marlborough will provide approximately 60,000 SF of renovated space which will match the SanDisk brand and mirror standards established for SanDisk's headquarters building. These updates will include 15,000 SF of modern Lab Facilities and a "town hall" meeting space within the café area to accommodate quarterly staff meetings. In addition to the new open workstation concept, a new customer facing lobby area will be constructed to showcase the SanDisk brand. The space will have approximately 15 conference rooms which will have full audiovisual integration for increased collaboration.</p>			
<p>(b) Does the current public infrastructure meet the proposed certified project's needs? If no, please explain.</p>		<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>If no, please explain:</p>	
2. PROJECT TIMELINE			
<p>(a) Please indicate the date a Letter of Intent was sent to the municipality and cc: MOBD Regional Director:</p>	<p>(b) Date the applicant expects to begin the project:</p>	<p>(c) Date the applicant expects to complete the project:</p>	<p>(d) Date the applicant expects to open the facility:</p>
2/25/2014	5/15/2014	8/1/2014	8/15/2014
<p>Additional Information (if necessary) on Project Timeline:</p>			
3. INVESTMENT BREAKDOWN			
<p>Please provide a breakdown of the expected investment required and associated costs.</p> <p>Land: \$0 Construction: \$10,081,900 Machinery & Equipment: \$4,440,000 Other : \$0 Total Projected Investment: \$14,521,900</p> <p>Additional Information (if necessary) on Investment:</p>			
4. MASSACHUSETTS EMPLOYMENT			
<p>(a) Is the applicant new to Massachusetts?</p>		<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>(i) If no, where are the existing Massachusetts facilities?</p>		Westford MA	N/A <input type="checkbox"/>
<p>(ii) If no, what is the applicant's full-time, permanent employment in Massachusetts (total of all MA facilities)?</p>		80 full-time permanent MA employees as of 2/25/2014	N/A <input type="checkbox"/>

COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

<p>(b) Will the proposed economic development project require and/or trigger the closing or consolidation of any Massachusetts facilities or the elimination of any other jobs currently in Massachusetts? If yes, please give location of facility and explain.</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If yes, please explain:</p>
---	--

5. PROJECT LOCATION EMPLOYMENT

Please indicate the number of:

(a) Full-Time Permanent Jobs to be Created (net new to facility and Massachusetts):	(b) Full-Time Permanent Employment to be Retained (number of employees currently at the Project Location, if any):	(c) Full-time Permanent Employees to be transferred from other Massachusetts Locations to Project Location (if any):	(d) Total Full-Time Permanent Existing Jobs to be Retained at Project Location (Sum of questions 5b. and 5c.):
		80	80

Additional Information (if necessary) on Project Location Employment:

(e) What action will the applicant take to recruit employees from among residents of the municipality and/or Economic Target Area?

Sandisk intends to continue to recruit and hire locally. Job postings will be made on major recruiting web sites. SanDisk will participate and partner with local Engineering College fair programs. SanDisk will participate in the City of Marlborough sponsored job fairs.

(f) Will the project result in significant spin off economic benefit and support Massachusetts based suppliers and contractors? Please explain.

Yes - Facility construction and fit up will conducted by a company headquartered in MA. Sandisk has established and intends to foster continued business with EMC as a strategic customer.

6. FACILITY

<p>(a) Will the applicant own or lease/rent the facility where the business expansion/relocation will occur?</p>	<p>Lease <input checked="" type="checkbox"/> Own <input type="checkbox"/></p>	
<p>(i) If leasing/renting, identify the developer/landlord and state who will be the taxpayer of record for purpose of paying local real estate taxes?</p>	<p>BGI Holdings III, LLC</p>	<p>N/A <input type="checkbox"/></p>
<p>(ii) If owning, will the applicants fully occupy the space?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>N/A <input checked="" type="checkbox"/></p>
<p>(iii) If the applicant will not fully occupy the space, does it intend to lease/rent the remaining space? If yes, to whom (if known)?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, to whom?</p>	<p>N/A <input checked="" type="checkbox"/></p>

COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

(b) Is the site of the facility a 43D Preferred Development Site? If yes, name site.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, name site:	N/A <input type="checkbox"/>
(c) Does the proposed expansion project involve the renovation and reuse of an abandoned building?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
(i) If yes or unsure, how long has the building been vacant or unused (if known, state date)	months Vacant since: <i>Select mm/dd/yyyy</i>	N/A <input type="checkbox"/>
(ii) If yes, during the period of time that the building has been vacant or unused, what percentage of the building was vacant and unused? If the percentage varied during this time period, provide information for each change in the percent of vacant space and the applicable time period.	% vacant Details:	N/A <input type="checkbox"/>
7. INCENTIVES & FINANCING		
(a) Please indicate which incentives the applicant is seeking in relation to the expansion project.	State Investment Tax Credit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
	Local Real Estate Tax Incentive	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
	State Abandoned Building Renovation Deduction	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
(b) Is the applicant seeking tax incentives from the Massachusetts Life Science Center? If yes, please explain as this may affect the potential EDIP benefits.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If, yes please explain:	
(c) Please provide detailed information on any other sources of public or quasi-public funding that has been received or will be sought to contribute towards the financing of the proposed expansion.	None	
(d) Has the applicant previously been approved as a "Certified Project" by the Economic Assistance Coordinating Council (EACC)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, what is the Project (i) name; (ii) municipality; (iii) approval date?	(i) Project Name: (ii) Project Municipality: (iii) Project Approval Date: <i>Select mm/dd/yyyy</i>	N/A <input checked="" type="checkbox"/>
(e) Please indicate whether the applicant has utilized other sources of public or quasi-public funding in	<i>Select Funding Source</i>	N/A <input checked="" type="checkbox"/>
	<i>Select Funding Source</i>	N/A <input checked="" type="checkbox"/>

COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

the past. If applicable, please explain specific uses of funding and amount. If other, please give details on the funding source.	Select Funding Source	N/A <input checked="" type="checkbox"/>
	If applicable or other, please explain:	N/A <input checked="" type="checkbox"/>

PART III. LABOR AFFIRMATION

1. CERTIFICATION OF STATE & FEDERAL EMPLOYMENT LAWS

As an applicant requesting Certified Project approval, SanDisk Corporation, affirms (check box) that this business will not unlawfully misclassify workers as self-employed or as independent contractors, and certifies compliance with applicable state and federal employment laws and regulations, including but not limited to minimum wages, unemployment insurance, workers' compensation, child labor, and the Massachusetts Health Care Reform Law, Chapter 58 of the Acts of 2006, as amended.

As an applicant requesting Certified Project approval, SanDisk Corporation, affirms (check box) that this business will not knowingly employ developers, subcontractors, or other third parties that unlawfully misclassify workers as self-employed or as independent contractors, or that fail to comply with applicable state and federal employment laws and regulations, including but not limited to minimum wages, unemployment insurance, workers' compensation, child labor, and the Massachusetts Health Care Reform Law, Chapter 58 of the Acts of 2006, as amended.

2. COMPANY DISCLOSURE

Within the past five years, has the applicant or any of its officers, directors, employees, agents, or subcontractors of which the applicant has knowledge, been the subject of (if yes, please provide details):

(a) an indictment, judgment, conviction, or grant of immunity, including pending actions, for any business-related conduct constituting a crime under state or federal law;	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Details:
(b) a government suspension or debarment, rejection of any bid or disapproval of any proposed contract subcontract, including pending actions, for lack of responsibility, denial or revocation of prequalification or a voluntary exclusion agreement; or	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Details:
(c) any governmental determination of a violation of any public works law or regulation, or labor law or regulation or any OSHA violation deemed "serious or willful?"	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Details:

COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

IV. AUTHORIZATION & CERTIFICATIONS

1. CERTIFICATE OF GOOD STANDING

Provide proof of good tax standing in the Commonwealth of Massachusetts via a Massachusetts Department of Revenue Certificate of Good Standing for **each of the businesses** intending to take advantage of the state tax incentives.

*Applications will not advance to the supplemental round until a Certificate of Good Standing is received. The certificate must be dated within 6 months of the anticipated EACC meeting that the project is coming forth for review.

To obtain a Certificate of Good Standing visit:

<https://wfb.dor.state.ma.us/webfile/Certificate/Public/WebForms/Welcome.aspx>

Attached

Date of DOR Application for Certificate of Good Standing: *Select mm/dd/yyyy*

Notes:

2. AUTHORIZATION & CERTIFICATION

I/We, _____ (names and titles) of the applicant business applying for "Certified Project" status from the Commonwealth of Massachusetts, Economic Assistance Coordinating Council hereby certify that I/we have been authorized to file this application and to provide the information within and accompanying this application and that the information provided herein is true and complete and that it reflects the applicant's intentions for investment, job creation and sales. I/we understand that the information provided with this application will be relied upon by the Commonwealth in deciding whether to approve "Certified Project" status and that the Commonwealth reserves the right to take action against the applicant or any other beneficiary of the Certified Project if the Commonwealth discovers that the applicant intentionally provided misleading, inaccurate, or false information. I/we make this certification under the pains and penalties of perjury.

Signed:

Select mm/dd/yyyy

Name	Title	Date
------	-------	------

Select mm/dd/yyyy

Name	Title	Date
------	-------	------

3. CERTIFICATION AS TO ACCURACY AND PUBLIC RECORDS LAW ACKNOWLEDGEMENT

COMMONWEALTH OF MASSACHUSETTS
ECONOMIC ASSISTANCE COORDINATING COUNCIL
MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT

The signatories hereby certify that the answers in this application and the documents submitted in support thereof are accurate and complete representations of the applicant. They also hereby acknowledge that, under the Public Records law of the Commonwealth of Massachusetts, this application and all documents submitted in support thereof are public records under the provisions of Massachusetts G. L., Ch. 4, sec. 7 (26).

Signed:

Select mm/dd/yyyy

Name Title Date

Select mm/dd/yyyy

Name Title Date



City of Marlborough
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Office of the Mayor

2014 APR 24 A 11:44
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

April 25, 2014

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

Re: Inter-municipal Agreement – Town of Sudbury

Honorable President Pope and Councilors:

In Fiscal Year 2014 the City of Marlborough embarked on a Regional Veteran's District with the Town of Sudbury. This endeavor has proven both successful and beneficial to both communities, allowing us to maximize our resources while providing enhanced coverage for both communities. Much of this success can be attributed to Veteran's Service Director Gary Brown, whose dedication to aiding our service members is unparalleled.

Therefore, I have enclosed an inter-municipal agreement (IMA) with the Town of Sudbury to renew our partnership in the Marlborough-Sudbury Regional Veterans District for the next two fiscal years. The Massachusetts Department of Veterans' Services has again endorsed this effort and further encouraged this two year agreement.

The enclosed IMA does not have any substantive changes over the previous agreements submitted before you however; the city will receive a 2.5% increase in the monthly fee paid to us by the Town of Sudbury, which represents approximately 20% of the salary paid to the Director.

At this time, I respectfully seek your authorization to sign this IMA with the Town of Sudbury for Fiscal Years 2015 and 2016. Please let me know if you have any questions.

Sincerely,

Arthur G. Vigeant
Mayor

VETERANS' SERVICES INTERMUNICIPAL AGREEMENT
Between the City of Marlborough and the Town of Sudbury

Pursuant to M.G.L. c. 40, § 4A, this Intermunicipal Agreement, approved by the Marlborough City Council and the Selectmen of the Town of Sudbury (collectively, the "Parties"), establishes the "Marlborough – Sudbury Regional Veterans District" (the "District") and is hereby entered into and is effective from 1st day of July, 2014 by and between the City of Marlborough ("Marlborough") and the Town of Sudbury ("Sudbury") in accordance with the following terms:

1. Purpose and Duties: (A) This Agreement contractually enables the Director of Marlborough's Veterans' Services Department (the "Director") to perform the duties of such office for Sudbury. The Director will maintain separate accurate and comprehensive records of all services performed for Sudbury.
(B) Sudbury will provide for a part-time employee ("Agent/Administrative Assistant") to serve as administrative support for the District. Said employee will be an employee of the Town of Sudbury.
(C) The Director of Veterans Services and the Agent/Administrative Assistant will develop a schedule of available hours in each community in consultation with the Town Manager of Sudbury and the Mayor of Marlborough. The Director and the Agent/Administrative Assistant will have the ability to serve all qualifying veterans and their dependents in both municipalities during their regular hours of operation regardless of whether they are working in Marlborough or in Sudbury.
(D) The Agent/Administrative Assistant will work under the direction of the Director of Veterans Services and assist the office in carrying out relevant duties including but not limited to the coordination of benefits to eligible applicants, the completion of local and state compliance reports, and other duties as needed.
(E) The Town of Sudbury recognizes the ability of the Director to utilize his accrued sick/vacation time which may, from time to time, coincide with his scheduled office availability in Sudbury. The Director shall inform Sudbury in advance of such occurrences and ensure adequate office coverage during such absences.
2. Term: The term of this Agreement shall be from July 1, 2014 until June 30, 2016. The Town of Sudbury and the City of Marlborough reserve the right to terminate this agreement at any time upon written notice of at least (45) business days.
3. Location and Time of Services: The Director and the Agent/ Administrative Assistant shall perform their duties in offices to be provided by both Marlborough and Sudbury.
4. Salary and Benefits: The Director shall be an employee of Marlborough, and his salary and benefits will be paid by the City of Marlborough. Sudbury agrees to pay to Marlborough the amount of \$855.00 per month, by check made payable to the City of Marlborough, c/o Comptroller, 140 Main Street, Marlborough, MA 01752, for the duration of this Agreement.
5. Distribution of Benefits to Veterans: It is understood and agreed that the distribution of benefits payments to eligible Veterans in Marlborough and Sudbury under M.G.L. c. 115 shall be paid by the respective municipality in which the eligible Veteran resides.

6. Insurance and Indemnification: The Parties agree that each has a minimum of \$1,000,000 of liability insurance through the Massachusetts Interlocal Insurance Association (MIIA), and that each party is covered by insurance for this joint venture as stated in the General Liability Coverage Form MGP 001.
7. Amendments: This Agreement may be amended or modified only by a written instrument signed by both Parties.
8. Notice: Until changed by notice in the manner specified above the addresses and telephone numbers of the parties to this Agreement for purposes of this Paragraph shall be:

FOR THE CITY OF MARLBOROUGH:

Arthur G. Vigeant, Mayor
City of Marlborough
140 Main Street
Marlborough, MA 01752
Telephone: (508) 460-3770

FOR TOWN OF SUDBURY:

Maureen Valente, Town Manager
Town Of Sudbury
278 Old Sudbury Road
Sudbury, MA 01776
Telephone: (978) 639-3381

9. This District is subject to approval by the Massachusetts Department of Veterans Services.

IN WITNESS WHEREOF, the parties hereunto set their hands and seals this ____ day of _____, 2014.

City of Marlborough:

Arthur G. Vigeant, Mayor

Town of Sudbury:

Maureen Valente, Town Manager



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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

April 25, 2014

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

Re: Hiring of a New City Engineer

Honorable President Pope and Councilors:

DPW Commissioner John Ghiloni has appointed Mr. Evan Pilachowski to the position of City Engineer. Enclosed for your information is a cover letter from Commissioner and the resume of Mr. Pilachowski.

I recently received a phone call from my counterpart, Mayor Chris Louras, in the City of Rutland, Vermont where Mr. Pilachowski has worked for the past seven-plus years. He was effusive in his praise for our new City Engineer and was sad to be losing such an outstanding employee.

Commissioner Ghiloni will arrange a formal introduction of Mr. Pilachowski to the Council at a future meeting next month.

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

April 23, 2014

City Council President Trish Pope
Members of the City Council
City of Marlborough
City Hall
140 Main Street
Marlborough, MA 01752

RE: CITY ENGINEER APPOINTMENT

Dear President Pope and Members:

I am pleased to inform you we have hired the new City Engineer to fill the vacancy in our Engineering Division that was created when Tom Cullen accepted a position with the Town of Weston.

Evan Pilachowski will begin his transition to Marlborough this week on a part-time basis while fulfilling his responsibilities for the City of Rutland, Vermont. He will be with us full-time by the end of May.

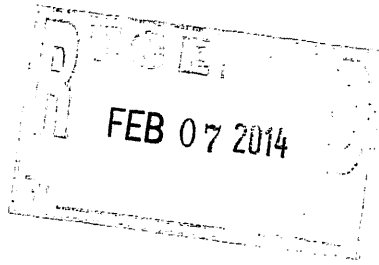
As you can see from Evan's enclosed resume, he has a great deal of municipal experience having worked as Assistant City Engineer, City Engineer and Commissioner of Public Works for the City of Rutland, Vermont. In addition, Evan has begun the process of obtaining his Professional Engineer's license in Massachusetts which has a reciprocity agreement with Vermont.

I would also like to inform you that Evan has become a resident of Marlborough.

Sincerely,

John L. Ghiloni,
Commissioner

Enclosure: Evan Pilachowski's resume



Evan Pilachowski, P.E.
60 Engrem Ave
Rutland, VT 05701

February 4, 2014

Personnel Department
City of Marlborough
140 Main Street
Marlborough, MA 01752

To Whom It May Concern:

I was excited to see your advertisement for a City Engineer. Currently I work as the City Engineer for Rutland, Vermont, and I have enjoyed this experience immensely. At this time I am interested in relocating to the greater Boston area and continuing my career in public service.

My current job duties include GIS database maintenance, project design, review of public and private plans, oversight of public construction projects, assisting the DPW Commissioner prepare a budget and communication with state and local officials and boards to advance the best interests of the Department and City. A central focus of my time with the City of Rutland has been the development and implementation of capital improvement programs. These programs have focused on water treatment, water distribution, wastewater collection, wastewater treatment, vehicles, bridges, roads, and sidewalks.

The most rewarding part of my job is knowing that I have done everything in my power to benefit the residents in the city, and I am eager to continue this work in the next phase of my career. It is extremely gratifying working for the public and bringing about positive changes. My experiences with Rutland have also shown me that it is necessary to be persistent and have a long term view of infrastructure improvement and replacement. By doing everything in my power and making incremental improvements, I strive each day to uphold the high standard set by those around me.

While I am saddened that changing jobs will take me away from Rutland and the people I have come to know and learned so much from, I am excited by the prospect of new challenges and opportunities. Thank you for your consideration and please feel free to contact me with any questions.

Sincerely,

Evan Pilachowski, P.E.

Evan Pilachowski, P.E.

60 Engrem Ave
Rutland, Vermont 05701
802-734-0766
epilacho@yahoo.com

Professional Experience

**City Engineer (4/2009 – 4/2012, 4/2013 - Present), Commissioner of Public Works (4/2012 – 4/2013), Associate City Engineer (8/2005 – 4/2009)
City of Rutland, VT: Department of Public Works**

As City Engineer

- Regularly provide oversight for capital improvement projects relating to water treatment, wastewater treatment, water distribution, wastewater collection, roads, sidewalks, and bridges.
- Secure and administer state and federal grants for items such as sewers and storm sewers, bridges and culverts, a street sweeper, streets, curbing, sidewalk, the study of the water treatment system, and the study of water quality impacts caused by an on stream impoundment.
- Designed protocol, secured funding, and oversaw a pilot study to ensure compliance with EPA water standards. Determine causes of high readings and propose solutions for reducing disinfection byproducts in the drinking water system. Held several public meetings, conducted a public education outreach program, and educated policy makers to ensure that they could make informed decisions.
- Prepared backup documentation for FEMA reimbursement, secured necessary environmental clearances, and directed emergency repairs to the water treatment system in the wake of Tropical Storm Irene in 2011 to ensure continuous water supply to customers.
- Review numerous private development plans within the city for impacts on city infrastructure.
- Assist with the annual development of department operating and capital improvement budgets.
- Act as the Commissioner of Public Works in his absence.

As Commissioner of Public Works

- Oversaw annual operation budget of \$9 million, developed a water and sewer rate study, and provided management support for 50 full time employees including hiring, developing work schedules, reviewing work and providing feedback, and disciplining when necessary.
- Instituted a backflow and cross-connection protection program for the water system.
- Instituted a workplace safety program which included respiratory protection, trench safety, confined space entry, and lockout-tagout procedures.
- Regularly presented technical issues to the Board of Aldermen and various local committees, other public officials, citizen groups, and state and federal regulators.

As Associate City Engineer

- Formulated a long term sewer, water, and bridge infrastructure replacement plan for the City.
- Conducted annual bridge inspections and drafted recommendations for repairs and maintenance.
- Conducted illicit discharge testing throughout the city by visual inspection, dye testing, and smoke testing.
- Inspected permitted stormwater facilities and a closed landfill for compliance with state permits.
- Prepared bid documents for contracted labor and requests for proposals for consulting services; administered contracts and ensured work was done properly.

Environmental Engineer (9/2003 – 5/2005)

Vermont Agency of Natural Resources: Air Pollution Control Division

- Assisted businesses in preparing air pollution permit applications.
- Estimated emissions from current and future facilities.
- Drafted permits and included permit conditions to ensure the compliance of facilities with all applicable state and federal regulations.
- Appeared in public meetings and environmental court to answer technical questions on behalf of the State of Vermont.

Education

- 2007 – 2008 Norwich University, Northfield, VT
Master's in Civil Engineering
Concentrations in water resources and project management - graduated with honors
- 1999 – 2003 University of Vermont, Burlington, VT
Civil Engineering BS
Concentrations in civil and environmental engineering - Magna Cum Laude
Member of honor societies Tau Beta Pi and Chi Epsilon

Computer Experience

AutoCAD, ArcView, StormCAD, SewerCAD, WaterGEMS, KYPipe, TR-55, and Quick 2

Other Experience

- Member of Rutland City Traffic Safety Committee and Development Review Committee.
- Advisor to and former member of the Board of Highway Commissioners.
- Volunteer member of planning committee for Rutland City National Night Out from 2007 to present.
- Have been a regular science fair judge at the local high school.
- Conducted numerous mock job interviews with local college students.
- Have been a guest engineering lecturer for groups of high school students.

References

Available upon request



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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CITY OF MARLBOROUGH
DONALD W. RIDER, JR.
CITY SOLICITOR

2014 APR 22 P 3:06

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

April 22, 2014

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

Re: Order No. 14-1005693
Amendments To Zoning Code Regarding Medical Offices/Clinics

Dear President Pope and Members,

Please find proposed Order No. 14-1005693 which concerns amendments to Section 650-17 and Section 650-5 of the Zoning Code of the City of Marlborough with respect to medical offices and clinics.

Said order is in proper form for consideration by the City Council.

Very truly yours,


Cynthia Panagore Griffin
Assistant City Solicitor

Enclosure

cc: Michael Mendoza, Building Commissioner
Arthur Bergeron, Esq.
William Pezzoni, Esq.

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," as amended, 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	A-1	A-2	A-3	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 the 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, 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, x-rays, mental health services and occupational health services, but, however, not including internal surgical care, dental clinics, narcotic detoxification and/or maintenance facilities, and medical marijuana treatment centers. For any such use exceeding 5,000 square feet of space, a special permit shall be required in any district where such use is not prohibited.

ADOPTED
In City Council
Order No. 14-1005693A
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

City of Marlborough
Commonwealth of Massachusetts

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CITY OF MARLBOROUGH

2014 APR 14 P 4: 36



PLANNING BOARD

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

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

April 9, 2014

City Council Order No. 13/14-1005578B / 14-1005693.

President Pope:

At its regular meeting on April 7, 2014, the Planning Board took the following action:

On a motion made by Ms. Hughes, seconded by Mr. Coveney it was voted to send a favorable recommendation to the City Council regarding changes to the City of Marlborough Zoning Ordinance as defined by City Council Order No. 13/14-1005578B / 14-1005693.

In addition the Board voted to make the following additional recommendation:

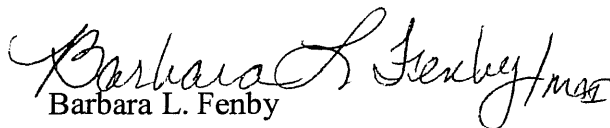
- Removal of the following wording after the word staff, "and occupying a total of no more than 5,000 square feet of space"

The intention is to clarify any medical office/clinic can be up to 5,000 square feet by right, but will require a special permit issued by the City Council for any proposed office/clinic over 5,000 square feet.

The motion carried with a vote of 4-1-1 Chairperson Fenby in opposition and Mr. Fay abstaining.

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

Sincerely,



Barbara L. Fenby
Chairperson

Cc: City Clerk - File

MARLBOROUGH RETIREMENT BOARD

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
255 Main Street, Suite 201
Marlborough, Massachusetts 01752-3812

Telephone (508) 460-3760

2014 APR 23 P 12:21
Fax (508) 481-7814

Gregory P. Brewster, Chairman
Thomas J. Abel
Diane Smith
Christopher M. Sandini, Sr.
William S. Taylor

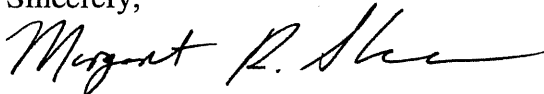
April 16, 2014

President and Members
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Dear President and Members:

Please be advised that the Marlborough Retirement Board will consider whether to grant an increased cost-of-living adjustment (COLA) pursuant to M.G.L. Chapter 32, Section 103(1) at its May meeting. The meeting will be held on Tuesday, May 27, 2014 at 4:30 p.m. at the Walker Building, 255 Main Street, Marlborough in the 1st floor conference room.

Sincerely,



Margaret R. Shea
Director

2014 APR 23 P 3:03

The Guaranty Building

370 Main Street, 12th Floor
Worcester, MA 01608-1779
TEL 508.459.8000
FAX 508.459.8300

April 23, 2014

The Meadows

161 Worcester Road, Suite 501
Framingham, MA 01701-5315
TEL 508.532.3500
FAX 508.532.3100

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

Cape Cod

171 Main Street
Hyannis, MA 02601
TEL 508.815.2500
FAX 508.459.8300

RE: Application for Special Permit
Chick-Fil-A, Inc.
230 Boston Post Road West, Marlborough, Massachusetts

FletcherTilton.com

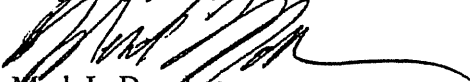
Dear President Pope and Members of the Council:

I understand that publication for a hearing on the above referenced Special Permit has been published scheduling same for your May 5, 2014 meeting. Unfortunately, written notices have not been provided to parties in interest as required by Massachusetts General Law as of this writing and, further, scheduling conflicts preclude the Applicant from having its entire development team available for presentation on May 5, 2014 before the City Council.

Kindly consider this correspondence a request of the Applicant, Chick-Fil-A, Inc., to have the Marlborough City Council re-advertise (at the expense of the Applicant) and provide notice for a public hearing at your next available City Council meeting, being May 19, 2014. If this meets with the approval of the Council at your April 28th meeting, please advise and cause the publication to be made and provide me with a copy of the notice which we will duly send to the abutters so that same is received prior to the May 5th hearing to avoid any confusion.

Please feel free to contact me should you have any questions and thank you for your kind consideration of this request.

Very truly yours,



Mark L. Donahue

MLD/mmp

Direct Line: (508) 459-8029

Direct Fax: (508) 459-8329

E-Mail: mdonahue@fletchertilton.com

Please direct all correspondence to our Worcester office.

**CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK**

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 APR 24 A 9:58

1. Name and address of Petitioner or Applicant:

Bank of America Corporation, 100 North Tryon Street, Charlotte, NC 28255
C/O Gensler, One Beacon St, 3rd Floor, Boston, MA 02108, Attn: Robert Stauber

2. Specific Location of property including Assessor's Plate and Parcel Number.

223 East Main St., Marlborough, MA 01752 Plate: 58 Parcel: 94

3. Name and address of owner of land if other than Petitioner or Applicant:

223 East Main Street LLC, C/O David Carls PO Box 2158, Natick, Ma 01760

4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.)

5. Specific Zoning Ordinance under which the Special Permit is sought:

Article V Section 650 Paragraph 17 Sub-paragraph

6. Zoning District in which property in question is located:

B - Business

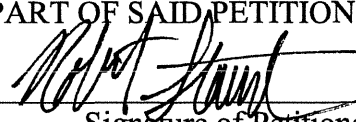
7. Specific reason(s) for seeking Special Permit

Modification of existing bank drive-thru from the existing condition of 1 ATM lane, 1 VAT drive-up teller lane and 1 by-pass lane to 2 ATM lanes and 1 by-pass lane.

Work to include: Reduction of existing drive-up canopy size from 22'x19' to 16.5' x 19'. Elimination of 18" wide concrete island. Expansion of existing 3' wide concrete island to 4'. Replacement of existing drive-up teller (VAT) equipment with drive-up ATM.

8. List of names and addresses of abutter. SEPARATE SHEET ATTACHED

PETITION IS HEREBY MADE FOR THE ISSUANCE OF A SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH AND IS BASED ON THE WITHIN PETITION OR APPLICATION AS FILED HEREWITH AND MADE PART OF SAID PETITION.



Signature of Petitioner or Applicant
Gensler

Address: One Beacon Street, 3rd Floor
Boston, MA 02108
Attn: Robert Stauber

Telephone No. 617.619.5727

Date: 04/24/2014

LIST OF NAMES AND ADDRESS OF ABUTTERS
AS REQUESTED ON THE APPLICATION FOR SPECIAL PERMIT OF:

Bank of America Corporation, 100 North Tryon Street, Charlotte, NC 28255
C/O Gensler, One Beacon St, 3rd Floor, Boston, MA 02108 Attn: Robert Stauber

(Name of Petitioner)

FOR THE ISSUANCE OF SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF
MARLBOROUGH UNDER CHAPTER 650, ZONING, OF THE CODE OF THE CITY OF
MARLBOROUGH.

(Abutters as defined in §650-59, Section 4H, **Powers and Procedure of Special-Permit Granting
Authorities**)

SEE ATTACHED LIST.

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

One Beacon Street, 3rd Floor

Applicant's Name: Gensler, c/o Robert Stauber Address: Boston, MA 02108

Project Name: Bank of America Drive-up ATM Address: 223 East Main St., Marlborough, MA

1. PROPOSED USE: (describe) Reduction of existing drive-up canopy size from 22'x19' to 16.5' x 19'. Elimination of 18" wide concrete island. Expansion of existing 3' wide concrete island to 4'. Replacement of existing drive-up teller (VAT) with drive-up ATM.

2. EXPANSION OR NEW: N/A - Existing

3. SIZE: floor area sq. ft. N/A 1st floor N/A all floors N/A

buildings Existing # stories Existing lot area (s.f.) Existing

4. LOT COVERAGE: Existing %Landscaped area: Existing %

5. POPULATION ON SITE: Number of people expected on site at anytime:
Normal: No change to existing Peak period: No change to existing

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: No change to existing Peak period: No change to existing

(B) How many service vehicles will service the development and on what schedule?

0

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? No change to existing

8. NOISE:

(A) Compare the noise levels of the proposed development to those that exist in the area now.

No change to existing

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. No change to existing

9. AIR: What sources of potential air pollution will exist at the development? None

10. WATER AND SEWER: Describe any unusual generation of waste. None

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? None

***Attach additional sheets if necessary**



**CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752**

City Hall

140 Main St.

Marlborough, Massachusetts 01752

Voice (508) 460-3775 Facsimile (508) 460-3723 TTD (508) 460-3610

President and Members City Council

Date: 4/24/2014

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Bank of America Drive Up ATM

Project Use Summary: Modification of existing bank drive-thru.

Project Street Address: 223 East Main Street, Marlborough, MA 01752

Plate: 58 Parcel: 94

Applicant/Developer Name: Gensler, c/o Robert Stauber

Plan Date: 4/23/2014

Revision Date: _____

Dear President and Members:

In accordance with the City Council's Rules for Special Permit Applications, I hereby certify that the Site Plan filed with the City Clerk has been reviewed by the Building Department within the limits of work shown on the plan, and that said plan meets all prior referenced informational requirements of Section 7; that the plan conforms in all aspects to City Code and to these Rules and Regulations, and that any necessary zoning variances have been already granted by the Marlborough Zoning Board of Appeals, and any applicable appeal period concerning said variances have run.

Very truly yours,

Michael Mendoza

Building Commissioner

**Application Fee to submit to
City Clerk's office**

250.00

Pd
\$25
(CK # 9741)



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 MAR 21 A 9:27

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

**Lisa M. Thomas
City Clerk**

MARLBOROUGH, MA

DATE: March 19 2014

To the City Council:

Owner Name: TVI, Inc. d/b/a Savers

Residential Address: 11400 SE 6th Street, Suite 220
Bellevue, WA 98004

Telephone Number: 425-456-1751

Business Name: Savers

Business Address: 222A East Main Street, Marlborough, Massachusetts

Business Telephone Number: Not yet assigned for Marlborough location
TVI, INC. D/B/A SAVERS

Owner Signature: By: *Robert C. Hoglund*
Robert C. Hoglund, CFO

The above-signed TVI, Inc. respectfully requests that ~~he/she~~ ^{it} be
granted a junk and secondhand dealer license, with the waivers/
modifications and conditions set forth in Exhibit A attached hereto.

In City Council



City of Marlborough, Massachusetts
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
CITY CLERK DEPARTMENT

2014 APR 11 A 10:33

Lisa M. Thomas
City Clerk

MARLBOROUGH, MA

DATE: April 11, 2014

To the City Council:

Owner Name: Michael Komarovsky

Residential Address: 39 Ledgewood Rd, Framingham, MA 01701

Telephone Number: (617) 669-6170

Business Name: AAARUS ART GALLERY/DBA ARUS ANTIQUES

Business Address: 305 Lincoln St, Marlboro, MA 01752

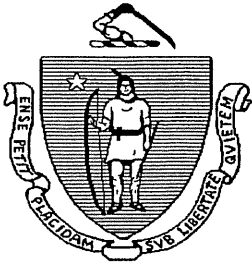
Business Telephone Number: (617) 669-6170

Owner Signature: Michael Komarovsky

The above-signed Michael Komarovsky respectfully requests that he/she be granted a Junk Dealer's License license.

In City Council

2014 APR 18 A 9:51



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

NOTICE OF FILING, PUBLIC HEARING AND PROCEDURAL CONFERENCE

D.P.U. 14-64

April 8, 2014

Petition for approval of a gas service agreement between NSTAR Gas Company and Hopkinton LNG Corp., pursuant to G.L. c. 164, § 94A and § 94B.

On March 25, 2014, NSTAR Gas Company ("NSTAR Gas" or "Company") filed a petition with the Department of Public Utilities ("Department") for approval of a gas service agreement ("GSA") between the Company and Hopkinton LNG Corp. ("HOPCO"). The Department docketed this matter as D.P.U. 14-64.

NSTAR Gas is a local gas distribution company and a wholly owned subsidiary of Northeast Utilities. NSTAR Gas purchases, distributes and sells natural gas to approximately 300,000 retail customers in 51 communities in central and eastern Massachusetts. HOPCO, which also is a wholly owned subsidiary of Northeast Utilities, owns liquefied natural gas ("LNG") facilities located in the towns of Hopkinton and Acushnet, Massachusetts (together, the "HOPCO facilities"). The HOPCO facilities currently supply natural gas to NSTAR Gas for use in serving the Company's customers.

According to NSTAR Gas's filing, the proposed GSA will replace an existing agreement between the Company and HOPCO that was put in place over 30 years ago. The proposed GSA will allow the Company to continue to purchase LNG services from HOPCO, including storage, vaporization and liquefaction services from the Hopkinton facility and storage and vaporization services from the Acushnet facility. NSTAR Gas states that there is no resource that would be reasonably available or cost-effective to replace the services provided by the HOPCO facilities.

Further, NSTAR Gas states that the HOPCO facilities require substantial refurbishments and capital upgrades due to their age. The Company estimates that these upgrades will cost approximately \$200 million over the next several years. According to the Company, the GSA establishes a pricing structure that is designed to allow HOPCO to recover (i) operational and maintenance costs associated with the HOPCO facilities, and (ii) costs associated with the

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

Further, in addition to paper filings with the Department, all documents should be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dpu.efiling@state.ma.us and the Hearing Officer, Marc.Tassone@state.ma.us; or (2) on CD-ROM. The text of the e-mail or CD-ROM must specify: (1) the docket number of the proceeding (D.P.U. 14-64); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. All documents submitted in electronic format will be posted on the Department's website: <http://www.mass.gov/dpu>.

A copy of NSTAR Gas's petition is available for inspection Monday through Friday, between the hours of 9:00 a.m. and 5:00 p.m. at the Department's offices at One South Station, 5th Floor, Boston, Massachusetts, and through the Department's website, <http://www.mass.gov/dpu>, by accessing the File Room link. Any person desiring further information regarding the Company's filing should contact the Company's counsel, Cheryl M. Kimball, Esq. at (617) 951-1400.

A copy of the Attorney General's notice of retention of experts and consultants is available for inspection at the location above and during regular business hours at the Attorney General's offices, One Ashburton Place, Boston, MA 02110. The Attorney General's notice of retention of experts and consultants also is available on the Department's website, <http://www.mass.gov/dpu>. Any person desiring further information regarding the Attorney General's notice of retention of experts and consultants should contact Joseph W. Rogers, Assistant Attorney General, at (617) 727-2200.

Any person desiring further information regarding this notice should contact Marc J. Tassone, Hearing Officer, Department of Public Utilities, at (617) 305-3500.

KEEGAN WERLIN LLP

ATTORNEYS AT LAW
265 FRANKLIN STREET
BOSTON, MASSACHUSETTS 02110-3113

—
(617) 951-1400

TELECOPIERS:
(617) 951-1354
(617) 951-0586

April 16, 2014

Office of the City Clerk
City of Marlborough
140 Main Street
Marlborough, MA 01752

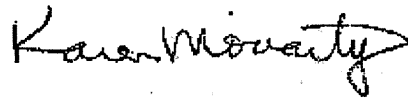
Re: NSTAR Gas Company, D.P.U. 14-64

Dear City Clerk:

Enclosed please find a copy of a Notice of Filing, Public Hearing and Procedural Conference regarding the above-referenced proceeding before the Massachusetts Department of Public Utilities. You are requested to post this notice in a conspicuous place for public review in the Town Hall upon receipt and until May 19, 2014.

Please feel free to contact me with any questions.

Sincerely,



Karen Moriarty
Paralegal

Enclosure

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Annual report of.....NSTAR GAS COMPANY.....Year ended December 31, 2013
STATEMENT OF INCOME FOR THE YEAR

Line No.	Account (a)	Current Year (b)	Increase or (Decrease) from Preceding Year (c)
	2014 APR 22 A 10: 50		
1	OPERATING INCOME		
2	Operating Revenues (400) P.43.....	\$ 427,071,989	\$ 50,878,579
3	Operating Expenses:		
4	Operation Expense (401) P.42,47.....	322,031,884	36,214,813
5	Maintenance Expense (402) P.42,47.....	9,962,790	385,958
6	Depreciation Expense (403) P.34.....	27,169,056	2,047,103
7	Amortization of Utility Plant (404 and 405).....	598,042	65,536
8	Amortization of Regulatory Debits (407.3).....	4,779,686	976,010
9	Amortization of Investment Tax Credit (406).....	(186,736)	-
10	Taxes Other Than Income Taxes (408) P.49.....	18,288,494	4,065,073
11	Income Taxes (409) P.49.....	(712,943)	12,088,566
12	Provision for Deferred Fed. Inc. Taxes (410) P.36.....	11,620,251	(8,698,578)
13	Fed. Inc. Taxes Def. in Prior Yrs.-Cr. (411) P.36.....	-	-
14	Total Operating Expenses.....	393,550,523	47,144,480
15	Net Operating Revenues.....	33,521,466	3,734,099
16	Income from Utility Plant Leased to Others (412)-Net.....	-	-
17	Other Utility Operating Income (414) P.50.....	-	-
18	Total Utility Operating Income.....	33,521,466	3,734,099
19	OTHER INCOME		
20	Income from Mdse. Job & Contract Work (415) P.51.....	-	-
21	Income from Nonutility Operations (417).....	36,682	3,937
22	Nonoperating Rental Income (418).....	232,861	(21,495)
23	Interest and Dividend Income (419).....	24,101	(3,306)
24	Miscellaneous Nonoperating Income (421).....	17,213	9,637
25	Total Other Income.....	310,858	(11,227)
26	Total Income.....	33,832,325	3,722,873
27	MISCELLANEOUS INCOME DEDUCTIONS		
28	Miscellaneous Amortization (425).....	-	-
29	Other Income Deductions (426).....	390,755	(2,865,747)
30	Total Income Deductions.....	390,755	(2,865,747)
31	Income Before Interest Charges.....	33,441,569	6,588,619
32	INTEREST CHARGES		
33	Interest on Long-Term Debt (427) P.31.....	12,311,000	-
34	Amortization of Debt Disc. & Expense (428).....	170,322	39,425
35	Amortization of Prem. on Debt-Credit (429) P.26.....	-	-
36	Int. on Debt to Associated Companies (430) P.32.....	147,069	(125,885)
37	Other Interest Expense (431).....	301,885	32,498
38	Interest Charged to Construction-Credit (432).....	(27,213)	(19,301)
39	Total Interest Charges.....	12,903,063	(73,263)
40	Net Income.....	20,538,507	6,661,882
41	EARNED SURPLUS		
42	Unappropriated Earned Surplus (at beginning of period) (216).....	(7,909,320)	(2,123,376)
43	Balance Transferred from Income (433).....	20,538,507	6,661,882
44	Miscellaneous Credits to Surplus (434).....	-	-
45	Miscellaneous Debits to Surplus (435).....	-	-
46	Appropriations of Surplus (436).....	946,970	946,970
47	Net Additions of Earned Surplus.....	19,591,537	5,714,912
48	Dividends Declared-Preferred Stock (437).....	-	-
49	Dividends Declared-Common Stock (438).....	16,000,000	-
50	Unappropriated Earned Surplus (at end of period) (216).....	\$ (4,317,783)	\$ 3,591,536

COMPARATIVE BALANCE SHEET Assets and Other Debits				
Line No.	Title of Account (a)	Balance Beginning of Year (b)	Balance End of Year (c)	Increase or (Decrease) (d)
1	UTILITY PLANT			
2	Utility Plant (101-107) P.13.....	\$ 884,214,435	\$ 953,932,930	\$ 69,718,495
3	OTHER PROPERTY AND INVESTMENTS			
4	Nonutility Property (121) P.19.....	4,243,352	4,243,352	-
5	Investments in Associated Companies (123) P.20.....			-
6	Other Investments (124) P.20.....	6,000	6,000	-
7	Special Funds (125,126,127,128) P.21.....	-	-	-
8	Total Other Property and Investments.....	4,249,352	4,249,352	-
9	CURRENT AND ACCRUED ASSETS			
10	Cash (131).....	2,486,859	1,895,783	(591,076)
11	Special Deposits (132,133,134) P.21.....	-	-	-
12	Working Funds (135).....	-	-	-
13	Temporary Cash Investments (136) P.20.....	-	-	-
14	Notes and Accounts Receivable (141,142,143) P.22.....	47,511,687	55,477,136	7,965,449
15	Receivables from Assoc. Companies (145,146) P.23.....	1,271,004	6,183,618	4,912,614
16	Material and Supplies (151-159,163,164) P.24.....	24,078,183	22,931,640	(1,146,544)
17	Prepayments (165).....	-	-	-
18	Interest and Dividends Receivable (171).....	-	-	-
19	Rent Receivable (172).....	(67,344)	7,000	74,344
20	Accrued Utility Revenues (173,175).....	39,854,001	30,080,777	(9,773,225)
21	Misc. Current and Accrued Assets (174).....	-	-	-
22	Total Current and Accrued Assets.....	115,134,390	116,575,954	1,441,564
23	DEFERRED DEBITS			
24	Unamortized Debit Discount and Expense (181) P.26.....	1,090,996	683,448	(407,548)
25	Extraordinary Property Losses (182) P.27.....	-	-	-
26	Preliminary Survey and Investigation Charges (183).....	11,364	11,364	-
27	Clearing Accounts (184).....	-	-	-
28	Temporary Facilities (185).....	-	-	-
29	Miscellaneous Deferred Debits (186) P.27.....	150,113,220	139,702,427	(10,410,792)
30	Matured Interest (240).....	-	-	-
31	Total Deferred Debits.....	151,215,579	140,397,239	(10,818,340)
32	CAPITAL STOCK DISCOUNT AND EXPENSE			
32	Discount on Capital Stock (191) P.28.....	-	-	-
33	Capital Stock Expense (192) P.28.....	-	-	-
34	Total Capital Stock Discount and Expense.....	-	-	-
35	REACQUIRED SECURITIES			
36	Reacquired Capital Stock (196).....	-	-	-
37	Reacquired Bonds (197).....	-	-	-
38	Total Reacquired Securities.....	-	-	-
39	Total Assets and Other Debits.....	\$ 1,154,813,757	\$ 1,215,155,476	\$ 60,341,719

COMPARATIVE BALANCE SHEET Liabilities and Other Credits

Line No.	Title of Account (a)	Balance Beginning of Year (b)	Balance End of Year (c)	Increase or (Decrease) (d)
1	PROPRIETARY CAPITAL			
2	CAPITAL STOCK			
3	Common Stock Issued (201) P.29.....	\$ 71,425,000	\$ 71,425,000	\$ -
4	Preferred Stock Issued (204) P.29.....	-	-	-
5	Capital Stock Subscribed (202,205).....	-	-	-
6	Premium on Capital Stock (207) P.29.....	-	-	-
7	Total.....	71,425,000	71,425,000	-
8	SURPLUS			
9	Other Paid-In Capital (208-211) P. 12.....	215,574,703	215,574,703	-
10	Earned Surplus (215,216) P. 12.....	(7,909,320)	(4,317,783)	3,591,537
11	Surplus Invested In Plant (217).....	-	-	-
12	Total.....	207,665,384	211,256,920	3,591,537
13	Total Proprietary Capital.....	279,090,384	282,681,920	3,591,537
14	LONG TERM DEBT			
15	Bonds (221) P.31.....	210,000,000	210,000,000	-
16	Advances from Assoc. Companies (223) P.31	-	-	-
17	Other Long-Term Debt (224) P.31.....	-	-	-
18	Total Long-Term Debt.....	210,000,000	210,000,000	-
19	CURRENT AND ACCRUED LIABILITIES			
20	Notes Payable (231) P.32.....	-	-	-
21	Accounts Payable (232).....	22,351,629	32,982,607	10,630,978
22	Payables to Associated Companies (233,234) P.32.....	96,064,715	112,172,280	16,107,565
23	Customer Deposits (235) P.80C.....	1,143,390	1,063,454	(79,936)
24	Taxes Accrued (236).....	14,647,708	13,214,318	(1,433,391)
25	Interest Accrued (237).....	3,460,327	3,437,365	(22,962)
26	Dividends Declared (238).....	-	-	-
27	Matured Long-Term Debt(239).....	-	-	-
28	Matured Interest (240).....	-	-	-
29	Tax Collections Payable (241).....	343,581	455,346	111,765
30	Misc. Current and Accrued Liabilities (242) P.33.....	7,630,791	7,139,275	(491,516)
31	Total Current and Accrued Liabilities.....	145,642,141	170,464,644	24,822,504
32	DEFERRED CREDITS			
33	Unamortized Premium on Debt (251) P.26.....	-	-	-
34	Customer Advances for Construction (252)	2,827,675	2,496,572	(331,103)
35	Other Deferred Credits (253) P.33.....	60,718,311	58,844,168	(1,874,143)
36	Total Deferred Credits.....	63,545,986	61,340,740	(2,205,246)
37	RESERVES			
38	Reserves for Depreciation (254-256) P.13.....	300,372,550	321,628,031	21,255,481
39	Reserves for Amortization (257-259) P.13.....	7,333,811	7,676,597	342,787
40	Reserve for Uncollectible Accounts (260).....	15,594,906	15,517,311	(77,595)
41	Operating Reserves (261-265) P.35.....	13,414,429	14,403,233	988,804
42	Reserve for Depreciation & Amortization of Nonutility Property (266).....	(3,197)	-	3,197
43	Reserves for Deferred Federal Income Taxes (268).....	119,822,747	131,442,998	11,620,251
44	Total Reserves.....	456,535,246	490,668,171	34,132,925
45	CONTRIBUTIONS IN AID OF CONSTRUCTION			
46	Contributions in Aid of Construction (271) P. 36.....	-	-	-
47	Total Liabilities and Other Credits.....	\$ 1,154,813,757	\$ 1,215,155,476	\$ 60,341,719

STATEMENT OF EARNED SURPLUS

Account	Amount for Year	Inc/(Dec) from Preceding Year
Unappropriated Earned Surplus (at beginning of period).....	\$ (7,909,320)	\$ (2,123,376)
Balance Transferred from Income.....	20,538,507	6,661,882
Miscellaneous Credits to Surplus.....	-	-
Miscellaneous Debits to Surplus.....	(946,970)	(946,970)
Appropriations of Surplus.....	-	-
Net Additions to Earned Surplus.....	19,591,537	5,714,912
Dividends Declared-Preferred Stock.....	-	-
Dividends Declared-Common Stock.....	16,000,000	-
Unappropriated Earned Surplus (at end of period).....	\$ (4,317,783)	\$ 3,591,536

ELECTRIC OPERATING REVENUES

Account	Operating Revenues	
	Amount for Year	Inc/(Dec) from Preceding Year
SALES OF ELECTRICITY	\$	
Residential Sales.....		
Commercial and Industrial Sales.....		
Small (or Commercial).....		
Large (or Industrial).....		
Public Street and Highway Lighting.....		
Other Sales to Public Authorities.....		
Sales to Railroad and Railways.....		
Interdepartmental Sales.....		
Miscellaneous Electric Sales.....		
Total Sales to Ultimate Consumers.....		
Sales for Resale.....		
Less: Provision for Rate Refunds.....		
Total Sales of Electricity.....		
OTHER OPERATING REVENUES		
Forfeited Discounts.....		
Miscellaneous Service Revenues.....		
Sales of Water and Water Power.....		
Rent from Electric Property.....		
Interdepartmental Rents.....		
Other Electric Revenues.....		
Total Other Operating Revenues.....		
Total Electric Operating Revenues.....	None	None

SUMMARY OF ELECTRIC OPERATION AND MAINTENANCE EXPENSES

Functional Classification	Operation	Maintenance	Total
Power Production Expenses.....		\$	\$
Electric Generation			
Steam Power.....			
Nuclear Power.....			
Hydraulic Power.....			
Other Power.....			
Other Power Supply Expenses.....			
Total Power Production Expenses.....			
Transmission Expenses.....			
Distribution Expenses.....			
Customer Accounts Expenses.....			
Sales Expenses.....			
Administrative and General Expenses.....			
Total Electric Operation and Maintenance Expenses.....	None	None	None

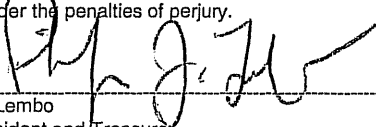
GAS OPERATING REVENUES

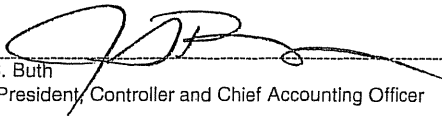
Account	Operating Revenues	
	Amount for Year	Increase or (Decrease) from Preceding Year
SALES OF GAS		
Residential Sales.....	\$ 249,999,952	\$ 37,691,497
Commercial and Industrial Sales		
Small (or Commercial).....	73,392,034	(8,405,581)
Large (or Industrial).....	6,618,218	147,956
Other Sales to Public Authorities.....	6,988,813	6,677,159
Interdepartmental Sales.....	-	-
Miscellaneous Gas Sales - Deferrals.....	(11,282,706)	(28,380,698)
Total Sales to Ultimate Consumers.....	325,716,311	7,730,333
Sales for Resale.....	29,205,834	16,697,475
Total Sales of Gas.....	354,922,145	24,427,808
OTHER OPERATING REVENUES		
Forfeited Discounts-Late Payment Charges.....	148,322	(74,133)
Miscellaneous Service Revenues.....	6,423,093	(1,683,838)
Revenues from Transportation of Gas to Others.....	63,626,437	27,245,735
Sales of Products Extracted from Natural Gas.....	-	-
Revenues from Natural Gas Processed by Others.....	-	-
Rent from Gas Property.....	657,230	(150,016)
Interdepartmental Rents.....	-	-
Other Gas Revenues.....	1,294,762	1,113,023
Total Other Operating Revenues.....	72,149,844	26,450,771
Total Gas Operating Revenues.....	\$ 427,071,989	\$ 50,878,579

SUMMARY OF GAS OPERATION AND MAINTENANCE EXPENSES

Functional Classification	Operation	Maintenance	Total
Steam Production.....			
Manufactured Gas Production.....			
Other Gas Supply Expenses.....	\$ 240,162,147	\$ -	\$ 240,162,147
Total Production Expenses.....	240,162,147	-	240,162,147
Local Storage Expenses.....	966,224		966,224
Transmission and Distribution Expense.....	25,630,604	9,962,790	35,593,394
Customer Accounts Expense.....	17,042,772	-	17,042,772
Sales Expense.....	4,513,782	-	4,513,782
Administrative and General Expenses.....	33,716,355	-	33,716,355
Total Gas Operation and Maintenance Expenses.....	\$ 322,031,884	\$ 9,962,790	\$ 331,994,673

April 15, 2014, I hereby certify that the foregoing statements are full, just and true to the best of my knowledge and belief. This statement is signed under the penalties of perjury.


Philip J. Lembo
Vice President and Treasurer


Jay S. Buth
Vice President, Controller and Chief Accounting Officer

**MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

February 24, 2014
2014 APR -8 P 12:05

Call to Order

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, Edward Coveney, Shawn McCarthy & Brian DuPont. Philip Hodge was absent.

Also in attendance was Board Secretary Melissa Irish, Assistant City Engineer Timothy Collins & Assistant Civil Engineer Mark Dascoli

1. Meeting Minutes:

A. Regular Meeting February 10, 2014

On a motion made by Mr. Fay, seconded by Mr. Coveney it was voted to table the minutes of the February 10, 2014 meeting as presented. Motion carried.

2. Chair's Business:

A. Discussion Regarding Collection Bins

Mr. Fay presented to the Board an update on what has transpired since the last meeting. Mr. Fay has met with both Council President Pope and Councilor Delano regarding the crafting of possible regulations pertaining to the collection bin issue as he sees it throughout the City. Mr. Fay has created a working draft of recommendations for collection bin regulation and shared that list with Commissioner Mendoza for his feedback.

Ms. Hughes read the list and Commissioner Mendoza's input into the record.

A late addition to the list was brought in.

After much discussion/debate among the Board which included the discussion of if this is truly a Planning Board issue to offer this type of "regulation" or if it is the purview of the City Council being the governing body of the City. A secondary discussion included whether these collection bin parent companies were subject to the Rules and Regulations governing Second Hand Dealer/Junk Licensing. Assistant City Solicitor Panagore-Griffin responded through Chairperson Fenby that the regulation in question normally pertains to storefront based locations and would not be appropriate in this instance.

On a motion made by Mr. Fay, seconded by Ms. Hughes it was voted to send the list of draft recommendations to the City Council for consideration. Motion carried.

B. Proposed Zoning Amendment: Medical Office/Clinic

Ms. Hughes read the notice of the proposed zoning amendment into the record.

On a motion made by Ms. Hughes, seconded by Mr. Coveney to accept the correspondence and place it on file as well as set a public hearing date for March 24, 2014. Motion carried.

3. Approval Not Required:

A. 136/162 Farm Rd: Finlay Engineering

Ms. Hughes read the application into the record.

Mr. Jay Finlay of Finlay Engineering presented the proposed plan to the Board.

On a motion made by Ms. Hughes seconded by Mr. Coveney it was voted to accept the application and place it on file as well as refer the plan to the Engineering Department. Motion carried.

4. Public Hearings: None

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report

Assistant City Engineer Timothy Collins reported out to the Board the current status of the search for the City Engineer, the posting has closed and resumes are being reviewed. It is the intention to continue working on the Subdivision Status Report and clarify the terminology used in it.

B. Walker Brook Estates (March 11, 2014) Discussion/Clarification with Engineer

Mr. Bruce Saluk Engineer of record for the proposed subdivision made himself available to the Board to answer questions pertaining to the requested waivers for the project. The waivers requested are as follows:

The proponent is requesting six (6) waivers

1. A waiver is requested for open space (Article IV, Section A676-15).
2. Sidewalk width (Article V, Section A676-26) and cross section in Appendix F requires a 6' sidewalk width request id for a 5' width
3. 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
4. A waiver is requested to allow a reduction of the right of way width required in Article V, Section 676-12 (C) from 50' to 40'.
5. 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'.
6. 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.

After discussion/debate the Board gave the Engineer their feelings on each individual waiver as requested.

1. There are no issues with this waiver among the Board members.
2. This waiver is NOT supported among the Board members.
3. This waiver is NOT supported among the Board members.
4. There are no issues with this waiver among the Board members.
5. This waiver is NOT supported among the Board members.
6. Engineering notes it supports this waiver to eliminate the wall.

Mr. Collins will be able to continue the review with the guidance delivered by the Board. It is the intention of the Engineering Department to have a recommendation for the Board at the March 10, 2014 meeting. Mr. Saluk has expressed willingness to request an extension if the planned review cannot be completed for the next meeting.

C. Hudson Street Crossing (April 8, 2014 Discussion if necessary)

Solicitor Rider informed the Board that he is currently working with the proponents Legal Counsel regarding the proposed subdivision.

D. 231 Desimone Drive (March 3, 2014) Decision

Mr. Fay citing a possible conflict of interest in having represented the Rawchuck family in the past recused himself, and left the room.

Mr. Collins read the notice into the record, Mr. Steve Poole of Lakeview Engineering Associates, was in attendance; however the mylars were not available for signature.

On a motion made Mr. Coveney, seconded by Ms. Hughes it was voted to accept and endorse the plan of land believed to be Approval Not Required 231 Desimone Drive., Owned by Sylvio & Patricia Richard, 231 Desimone Dr., Marlborough, MA 01752 Engineer of Record Lakeview Engineering Associates, P.O Box 787, Hudson, MA 01749. Date of Submission February 10, 2014. Motion carried.

Mr. Fay returned to the meeting.

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

7. Definitive Subdivision Submission: None

8. Signs: None

9. Unfinished Business:

A. Road Performance Bond Reduction Request, Ansari Builders for Sterling Woods

Ms. Hughes read the request for the Bond Reduction into the record.

On a motion made by Ms. Hughes, Seconded by Mr. Coveney it was voted to accept the correspondence and place it on file as well as refer the request to the Engineering Department. Motion carried.

B. Request for Waiver West Hill LLC, Cider Mill Estates

Ms. Hughes read the request of the proponent into the record. The proponent also sent a late request to the Board that was read into the record by Ms. Hughes requesting that the matter be tabled until further notice.

On a motion made by Ms. Hughes, seconded by Mr. Coveney it was voted to table the request. Motion carried.

10. Informal Discussions: None

11. Correspondence: None

12. Public Notices of other Cities and Towns:

A. City of Marlborough City Council, Public Hearing March 10, 2014

B. Town of Sudbury Zoning Board of Appeals, Public Hearing March 3, 2014

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

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

Motion by Ms. Hughes, made pursuant to Mass. Gen. Laws c. 30A, § 21(a)(3), to enter executive session for the purpose of discussing litigation strategy involving a proposed subdivision, as an open meeting may have a detrimental effect on the litigating position of the Planning Board, and the chair so declares; and further moved to adjourn the meeting at the conclusion of the executive session.

Roll Call Vote:

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

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

Adjournment: On a motion made by Ms. Hughes, seconded by Mr. Coveney it was voted to adjourn at 8:49pm. Motion carried.

Respectfully submitted,

Colleen Hughes

/mai

**MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Call to Order

March 31, 2014
2014 APR 8 12:05

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 Colleen Hughes, Barbara Fenby, Philip Hodge, Edward Coveney, Shawn McCarthy & Brian DuPont. Sean Fay was absent.

Also in attendance was Board Secretary Melissa Irish & Assistant City Engineer Timothy Collins.

1. Meeting Minutes:

A. Regular Meeting March 10, 2014

On a motion made by Ms. Hughes, seconded by Mr. Hodge it was voted to accept the minutes of the March 10, 2014 meeting as presented. Motion carried.

2. Chair's Business:

A. Presentation MAPC Re: Bicycle and Pedestrian Network

Ms. Sarah Kurpiel Lee, Transportation Engineer/Planner for the Metropolitan Area Planning Council, presented to the Board the results from the Local Bicycle and Planning Network effort. The effort included the Assabet River Rail Trail Communities of Hudson, Marlborough, Maynard and Stow. The Planning effort looked to incorporate complete streets for all users and forms of travel within the city. The effort looked at the creation and utilization of bicycle lanes and pedestrian paths (sidewalks). A copy of the presentation is available in the Planning Board office for viewing by the public if requested.

The Board thanked both Ms. Kurpiel Lee and Priscilla Ryder for their work on this project.

3. Approval Not Required: None

4. Public Hearings: Proposed Zoning Change: Medical office/clinic (7:15pm)

The Public Hearing was opened at 7:20pm 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:

Attorney William Pezzoni, member of the MEDC presented to the Board the overview of the proposed zoning amendment. In concert with City Councilor Matthew Elder Ward 3, Attorney Pezzoni has worked on the changes as you see reflected in the proposed wording. The changes reflect insurance companies driving the need for medical clinics to serve patients when possible as an option to more expensive emergency room and traditional hospital settings.

City Councilor Matthew Elder speaking in his capacity as the Sponsoring Councilor indicated his agreement and full support of the proposed changes as they are presented.

Public Speaking In Favor – None

Public Speaking in Opposition – None

Questions from Board Members:

Ms. Hughes questioned if the current medical offices currently located throughout the city (specifically the Maple St locations) would be grandfathered in and allowed to stay as they are.

Attorney Pezzoni noted that any existing medical office currently open and functioning within the city would be allowed to continue in use until such time as they are vacated, or chose to relocate. The uses however could not expand or reconstruct if they do not meet with the current interpretation of the zoning allowance.

Mr. McCarthy questioned why the limit of 5,000 square feet was incorporated.

Mr. Hodge questioned the three (3) physician allowance on site

City Council President Patricia Pope noted to the Board that the intention of the ruling was to have only three (3) physicians in office at one time even though a practice may have more than three in their employment only three would be allowed to have office hours at the same time.

Mr. Hodge questioned what exactly is the definition of “Elective Surgical Care”?

Chairperson Fenby questioned the maximum dimensional requirement of 5,000 square feet?

Mr. Hodge questioned if the City benefitted at all from such a dimensional requirement?

Councilor Elder and Attorney Pezzoni concluded that any medical office/clinic proposed for over 5,000 square feet could be classified as a “Special Permit” use. In turn that would require the proponent of an oversized medical use ie: MRI facility would be required to obtain a Special Permit from the granting authority (City Council) prior to opening at any properly zoned location within the City.

Attorney Pezzoni noted that he would work with Solicitor Rider to do the following:

- Redraft the currently presented ordinance language
- Delete the three (3) Physician ruling
- Eliminate the ambiguity regarding the definition of Elective Surgical Care

The Public Hearing was closed at 7:42pm by Chairman Fenby

The proposed changes are to be taken under advisement and reported back at the next meeting. A recommendation to the City Council must be made before April 14, 2014. Which means a recommendation must be made at the next regularly scheduled meeting on April 7, 2014.

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report

Assistant City Engineer Timothy Collins reported out to the Board regarding Berlin Farms subdivision he has not heard from the Engineer since the last meeting.

The LaCombe Street mylars have been received. There should be movement for acceptance soon. Regarding Shaugnessey Estates the contractor has finished the required work Mr. Collins is waiting for the weather to break and the snow to melt so he can go and visually inspect all areas, the required easement plans are currently in the Legal Department. He will be reporting back to the Board on the issue.

B. Walker Brook Estates (March 11, 2014) Request for Extension

Ms. Hughes read into the record the request for extension as submitted by Mr. Bruce Saluk Engineer of Record for the project. The request for extension was until April 29, 2014.

On a motion made by Mr. Coveney, seconded by Mr. McCarthy it was voted to accept the request for extension until April 29, 2014. Motion carried.

C. Hudson Street Crossing (April 8, 2014) Discussion

Ms. Hughes read the communication from Solicitor Rider into the record.

On a motion made by Mr. DuPont, seconded by Mr. McCarthy the communication was accepted and placed on file.

After much discussion which incorporated previous case law from Solicitor Rider; for clarity purposes, as well as discussion involving the wetlands and the proper delineation of the same, the Board took the following action:

On a motion made by Mr. Hodge, seconded by Mr. Coveney it was voted to find the right of way granted by the City in 1917 may be used for (open space) residential purposes in 2014. This allows the petitioner to move forward within the review process utilizing the right of way land. Motion carried.

For clarity purposes the developer has agreed to go through the Conservation Commission regarding the delineation of wetlands and to request an extension of a period of time which will allow for the developer to complete the conservation review process and the Engineering Department to complete the review as far as appropriate in the initial stage of the Special Permit process.

D. Sterling Woods correspondence from Engineering Department to developer

Ms. Hughes read the communication from the Engineering Department to the developer into the record.

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

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

7. Definitive Subdivision Submission: None

8. Signs:

A. Marlborough Rotary Club Community Recycling Event

Mr. Charles Enright presented the request from the Rotary Club for the use of 2 City owned locations for the duration of March 31, 2014-April 5, 2014. The two locations are the corner of Union & Bolton Street and the intersection of Agoritsas Drive and Bolton Street. Both locations are City owned property.

The City through Mr. John Ghiloni has already approved the use.

The Rotary Club has also reserved the space available on the Welcome to Marlborough Signs at each Entrance to the City for this event.

The Rotary Club was commended by the Board for utilizing the options available to them ie: the Welcome to Marlborough Signs, and for being proactive in getting their requests to the Board in a timely manner.

The Board is understanding of the Public Service nature of the event and supports the Rotary in the recycling efforts for the betterment of the Community as a whole.

Requirement of the Board that the City Seal be affixed to each individually approved sign with the text Variance Approved by the Planning Board attached with the date of approval.

On a motion made by Mr. McCarthy, seconded by Mr. Hodge to approve the variance allowing the placement of two (2) temporary off premise signs at the following locations:

Agoritsas Drive and Bolton Street

Union Street and Bolton Street

For the time frame of March 31, 2014 – April 5, 2014

The motion carried

B. 581 Boston Post Rd East Ki Pao Bakery Variance Request

Mr. Elias De Aquino of Ultra Signs Inc., presented to the Board the request for a Variance to install a new sign on the street facing side of the building in the dimensions of 10' X 3' total 30 square feet.

After much discussion between the Board and Mr. De Aquino the Board took the following action:

On motion made by Mr. DuPont, seconded by Ms. Hughes it was voted to deny the request for the variance due to the lack of façade area located on the requested section of the building. The Board stands in agreement with the denial of Building Commissioner Mendoza. Motion carried.

9. Unfinished Business: None

10. Informal Discussions: None

11. Correspondence: None

12. Public Notices of other Cities and Towns:

A. Town of Framingham, Planning Board, Notice of Decision

B. Town of Framingham, Planning Board, Notice of Decision

C. Town of Framingham, Planning Board, Notice of Decision

- D. Town of Framingham, Planning Board, Public Hearing March 27, 2014**
- E. Town of Framingham, Planning Board, Public Hearing March 27, 2014**
- F. Town of Northborough, Planning Board, Public Hearing April 1, 2014**
- G. Town of Southborough, Planning Board, Public Hearing March 31, 2014**
- H. Town of Sudbury, Board of Appeals, Notice of Decision**
- I. Town of Sudbury, Board of Appeals, Notice of Decision**
- J. Town of Sudbury, Zoning Board of Appeals, Public Hearing April 7, 2014**
- K. Town of Berlin, Planning Board, Public Hearing April 8, 2014**
- L. Town of Berlin, Board of Appeals, Public Hearing April 9, 2014**

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

Adjournment: On a motion made by Mr. DuPont, seconded by Mr. Coveney it was voted to adjourn at 8:49pm. Motion carried.

Respectfully submitted,

Colleen Hughes

/mai

RECEIVED
MARLBOROUGH COMMISSION ON DISABILITIES
CITY OF MARLBOROUGH
MINUTES FOR MEETING DECEMBER 3, 2013
2014 APR 8 5 25 7
MAYOR'S CONFERENCE ROOM 4TH FLOOR
CITY HALL

**ATTENDANCE: JOHN USINAS, RICHARD TOWLE,
DEBRA MCMANUS, PATTY CARLSON.**

**DEBRA MCMANUS CALLED THE MEETING TO
ORDER AT 4:00 PM.**

**RICHARD TOWLE READ THE MINUTES. ACCEPTED 4
TO 0.**

**DEBRA MCMANUS GAVE THE TREASURER'S
REPORT \$8,700.86. ACCEPTED 4 TO 0.**

NO NEW BUSINESS

OLD BUSINESS

**PATTY CARLSON PRESENTED COD BROCHURES.
PATTY WILL CHECK WITH THE CITY'S LEGAL
DEPT. FOR A FINAL APPROVAL AND REPORT BACK
AT OUR MARCH MEETING.**

**DEBRA MCMANUS REPORTED SHARON SAXON HAS
MOVED INTO A FULLY ACCESSIBLE 2 BEDROOM, 2
BATHROOM APARTMENT IN HOPKINGTON.
STONEGATE RELEASED HER FROM HER LEASE AND
WE HAVEN'T HEARD ANYMORE FROM STONEGATE.**

THE MEETING AJOURNED AT 4:27 PM.

**RESPECTFULLY SUBMITTED,
DEBRA MCMANUS**

**NEXT MEETING TUESDAY MARCH 4, 2014 AT 4:00
PM, CITY HALL IN THE MAYOR'S CONFERENCE
ROOM ON THE 4TH FLOOR.**

CITY OF MARLBOROUGH MEETING MINUTES

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 APR 10 P 2:55

Meeting: Council on Aging Board Meeting
Date: Tuesday, March 11, 2014
Time: 8:45 AM
Location: Walker Building, Room 104, Marlborough, MA

ATTENDANCE: Leslie Biggar, Jennifer Claro, Richard Collins, Jim Confrey, Marie Elwood, Jeanne McGeough and representing Friends of the Marlborough Seniors, Barbara McGuire. Excused absences Rita Connors, Brenda Costa

1. Call to Order 8:45 AM
2. Board reviewed and approved the February 11 Meeting Minutes.
3. Director's Update:
 - a. Followed up with Cummings Foundation regarding new computer check-in and reporting system. We are awaiting a letter with the Foundation's approval or not regarding purchasing MySeniorCenter computer/software system. Also, Jennifer discussed new tablets for our center which have been suggested by center participants and approved by IT Director. Dick Mahoney, the leader of Computer Club provided many suggestion on needed new technology. COA Director hoped to have new tablets and printer by the April COA Board Meeting.
 - b. Submitted transportation grant to Mass DOT for an 8 passenger handicapped accessible van with wheelchair lift.
 - c. Selected to receive an award through the Metro West United Way. Recognition will be in April for our work with food innovations, especially the Mobile Food Market.
4. Transportation Program going well. Many calls received and use of MWRTA on the rise.

5. Bay Path Updates

Jim Confrey attended meeting at Bay Path. Waiting on Government budget decision. Director is encouraged by what she's heard coming out of her budget. Letters of intent will be submitted.

6. Old Business

- a. Senior of the Year Nominations.
33 nominations received. The Board will recommend Rita Connors and Lydia Whitcomb.
 - b. St. Patrick's Day Party all set. Total is 150. 50/50 will happen. Richard Collins will run with Debbie Beausoleil.
 - c. Barbara McGuire reported the Friends of the Marlborough Seniors donated \$2000 to help defray cost of our four annual seasonal parties.
 - d. Building Committee Report – Jim Confrey gave a progress report. Turf being cleaned up; drainage being worked on. Positive input of \$18,721.21 due to voided bid on the elevator.
 - e. Sheila Brecken brought up solar power for new center. Jim Confrey said it had been brought up to committee.
 - f. A discussion ensued regarding the open Principal Clerk position.
-
- g. YMCA met with COA Director and two other department heads to listen to talk about recreational program and opportunities for Marlborough. The Mayor's Office was aware of this informal meeting. YMCA Regional Director was also meeting with Hudson representatives as well to discuss their needs as well.
 - h. Elderly driving discussed.

- i. Volunteer Appreciation Dinner is on April 25 at Holiday Inn at 12:00.
- j. New classes for Center were discussed- Mentioned Balance Class and Stress Reduction Program.

Next Board Meeting on April 10th.
Meeting Adjourned 10:00 AM

Board Minutes submitted by:
Jeanne McGeough (filling in for COA Secretary, Brenda Costa)

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

Minutes

March 20, 2014 (Thursday)

Marlborough City Hall – 3rd Floor, Memorial Hall

7:00 PM

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Members Present: Edward Clancy-Chairman, Lawrence Roy, John Skarin, David Williams, Dennis 53 Demers and Allan White. Also present was Priscilla Ryder-Conservation Officer.

Absent: None

Approval of Minutes: The minutes of **March 6, 2014** were reviewed and unanimously approved.

Public Hearings:

Notice of Intent (Continuation)

397 Bolton Street - The Marlborough Community Development Authority

Doug Bushman of the Marlborough Housing Authority and Rafael Urbina from Fort Hill Inc. were present. Mr. Urbina explained that they wanted to expand the existing parking lot from 41 to 70 spaces. There are wetlands to the rear of the lot and they have made some changes to the plans to move the work outside of the 20' buffer zone. A new drainage system with water quality improvements and infiltration are included in the revised plans. An 8' retaining wall is proposed. They also propose to expand the existing parking lot including additional drainage control near wetlands. The Commission expressed some concern that the wall and fill would be on top of the sewer pipe, which would make it very hard to repair if there was a problem with the line in the future. They discussed the need for the city engineering department to review and provide comments on whether this is acceptable. If it is acceptable the Commission will go along with it. Mr. Urbina explained that there will be less runoff than currently, since right now it is not detained at all or cleaned. The new system will clean with the stormceptor, detain and infiltrate the water before it is discharged. After further discussion, Mr. Bushman explained that they have secured funding to do the work and need to complete the project by July 1st of this year, so they are in a bit of a hurry to get approvals. The Commission continued the hearing to the April 3rd meeting to allow the applicant to get feedback from the engineering department and suggested they make any changes the engineering dept. wants to finalize the plans. If all is well at the next meeting they will close the hearing and issue a permit.

Notice of Intent (Continuation)

Simarano Dr. - The City of Marlborough DPW

Tim Chorey of VHB and Tim Collins Assistant City Engineer with the DPW were both present. Mr. Chorey provided a project overview and explained that the proposed project is to reconstruct Simarano Dr., add sidewalks, bike lanes, and improve drainage along this roadway. The roadway passes by several wetland systems, but no direct wetland impacts are anticipated. There is a slight change to the drainage pattern from that which exists today. Overall the project will decrease the impervious surface and thus reduce stormwater discharge. The items discussed at the previous meeting were to review the drainage changes. Mr. Chorey provided some plans and a chart showing how the drainage areas had shifted in different areas along the

roadway. Each sheet was reviewed and discussed. The Commission asked questions but in the end concurred that the changes made were minimal in nature and the drainage system as designed should not change or impact the adjacent wetlands. Mr. Collins indicated that he had reviewed the plans and the overall concept as presented this evening was approved by him. The Commission reviewed an e-mail from Mr. Collins which explained the minor items still to be addressed, none of which impact wetland issues. After further discussion, about making sure the road was plowable during the winter that the drainage design, the Commission had no further questions, no questions from the audience, so the hearing was closed. The Commission asked Ms. Ryder to draft some conditions for the next meeting.

Request for Determination of Applicability

148 Bartlett St. – RAM Management Co., LLC

Scott Matthews for New England Generator Co. was present on behalf of the RAM Management Co. He explained that they want to install a gas generator on the property outside the 20' wetland buffer zone, but with 40' of the wetland. Work will include installation of a concrete slab on grade, on which the generator will sit. Work is minor in nature and will only take one day to excavate and pour. There being no further discussion, and no questions from the audience, the hearing was closed. The Commission voted unanimously 6-0 to issue a Negative Determination of Applicability with standard conditions regarding notification of the Conservation Officer prior to and after work is complete.

Request for Determination of Applicability

Mass. Dept. of Transportation – Rte. 20 and I-495 Interchange

William Clougherty of MassDOT District 3 was present and was sitting in for Tara Mitchell who had prepared the application. He explained that they are putting together the Vegetation Management Plan for the Rte. 20 West and I-495 Interchange Exit 23C. He submitted plans showing the wetland areas along these two sections of roadway. They want to do some poison ivy control along some of the sidewalk areas on Rte. 20 and control some weeds among the ornamental plantings on the traffic islands at the I-495 intersection. These areas do not look good and need some attention. The Commission reviewed the plans and agreed with the wetlands identified on the plans. There was no further discussion, so the Commission closed the hearing and voted unanimously 6-0 to approve the wetland delineation as presented and issue a positive determination noting same.

Request for Determination of Applicability

79 Violetwood Circle – Manisha Bhattarai owner

Dan Metzler was present representing the owner. He explained that they would like to remove the existing deck and replace it with an addition in its place. They will need to add some more footings to accommodate the additional weight. The work is 38' at the closest point to the wetland, so they are well outside the 20' no disturbance buffer zone. A small bob cat will be used to auger the footings for the sono tubes if they can get the machine to this location, otherwise work will be done by hand. There will be minimal ground disturbance. The Commission discussed the project and there being no further discussion, closed the hearing and voted unanimously 6-0 to issue a negative determination with the standard conditions to notify the Conservation Officer and remove all excess materials from the site.

Request for Determination of Applicability

64 Western view Dr. – Patrick Dunn

Patrick Dunn, the current owner of the house, was present. He explained that he had already demolished the house at 64 Western view Dr., but had missed a few permitting steps. His original plan was to gut the house and renovate the inside, but when they started pulling it apart, they noticed that it was not structurally sound and needed to be removed. He is now getting all the permits he needed for the demolition “retroactively”. He is before the Commission to request a determination after the fact to remove the building. He will be back again once he has a final site plan to get a permit to rebuild the building and the walkway to the water. Mr. Clancy asked questions about how the demolition, how it was removed, confirmed that all utilities had been shut off etc. They reviewed some pictures of the house prior to demolition, today the foundation is the only thing left. After some further discussion and no comments from the audience, the hearing was closed. The Commission voted unanimously 6-0 to issue a Negative Determination to allow the demolition – retroactively. Mr. Dunn will return with another application either a RDA or a NOI for the Commission to review, when he’s ready to build his house.

Notice of Intent (Continued to May 1, 2014)

358 Berlin Rd. - Marlborough Brazilian SDA Church

At the applicants request by e-mail correspondence, this item was continued to the May 1st meeting.

Request for Determination of Applicability (Continuation)

413 Lakeside Ave. – Motiva Enterprise LLC, Sovereign Consulting Inc.

Jim Smith of Sovereign Consulting Inc. provided a brief overview of the history of the treatment plan for this cleanup site. He explained that previously, they were extracting contaminated groundwater, treating it through the carbon filters on site and injecting it into the ground. The problem is that the re-injection wells were getting clogged up with iron deposits which were oxidized during this process. The injection wells were not working properly and they have rehabbed them several times with not much success. Therefore, they are now looking at extraction, treatment and then discharge into the sewer system. They have had discussions with DEP and the City’s Sewer Div. and has been given the nod to proceed down this route. Mr. Demers asked why clean treated water would be allowed to be discharged to the sewer and not the wetland. He also asked why not just build new injection wells. Mr. Smith indicated that DEP will not allow discharge into the wetland just to be on the safe side and based on the history of the injection wells they don’t want to put in new wells, since they’ll eventually have the same problems.

The Commission reviewed the letter from the James Smith and Neil R. Schofield; LSP of Sovereign Consulting dated March 14, 2014 which addresses the comments raised at the last meeting as to whether the pumping as proposed would have an effect on the groundwater table and the adjacent wetland. The conclusion based on the monitoring wells on the site, is that the pumping based on the rate proposed will not have an impact on the water table or the wetland.

Mr. Clancy asked whether the treated water could be used in the car wash as a “recycling” option. Mr. Smith indicated that DEP would not allow that. The Commission then discussed

the work required to install the pipe connection from the treatment facility to the sewer line. Work will be minimal – the PVC pipe will be 3-4' deep in a trench. The Commission made it clear that they will need to coordinate with the property owner, because there is a proposal on this site to add a Compressed Natural Gas dispenser on site and they will need to install some underground lines to accommodate this. The Commission asked that a condition be added that prior to construction confirmation that the LSP for the site has coordinated with and confirmed that the CNG project will not impact the current cleanup plan. If adjustments need to be made to make sure there is no conflict, the Commission will be notified. Mr. Smith explained that there would be monthly sampling and reporting to the City's Sewer Div. and DEP. After further discussion and no comments from the audience, the Commission closed the hearing. The Commission voted 4 yes, 1 no (Dennis Demers) and 1 abstained (Allen White) to approve the plans and issued a Negative Determination with the conditions noted above and standard inspection conditions.

Notice of Intent (Continued to April 3rd)

93 Framingham Rd. - Melanson Development Group Inc.

At the applicant's request this item was continued to the April 3, 2014 meeting.

Discussion:

- Project updates- Ms. Ryder provided the following updates:
 - The Sudbury Street sewer project will resume work the week of 3-25-14
 - The senior center had a silty water release 3-13-14 which was corrected, they are now under control.
 - Avalon Bay off Simarano Dr. is well underway, they are doing a great job with erosion control, had a slight silty discharge during the rain event earlier in the week, but were right on top of it before Ms. Ryder discovered it.

Correspondence/Other Business:

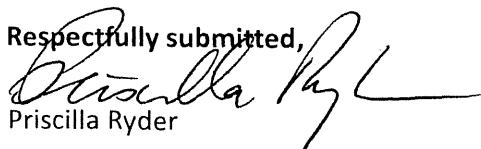
The following items were reviewed and the Commission voted unanimously to accept and place on file.

- Letter from Division of Fisheries & Wildlife, dated March 10, 2014 RE: SudburyValley Trustees, Off Dulton Rd., Pitch Pine/Scrub Oak Barrens Restoration.
- Letter to William Caulder, dated March 11, 2014, RE: Wetland restoration and pre-restoration plans- The Preserves at Ames, off Ames St. Marlborough.

Meetings: Next Conservation Commission meetings: April 3rd and 17th, 2014 (Thursdays)

Adjournment: There being no further business, the meeting was adjourned at 9:09 PM.

Respectfully submitted,


Priscilla Ryder

Conservation Officer

CITY OF MARLBOROUGH

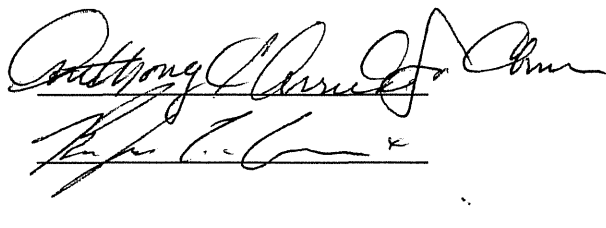
BOARD OF ASSESSORS

MEETING MINUTES: February 20, 2014

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2014 APR 10 A 9:44

1. CALL TO ORDER: 3:20 pm
MEMBERS PRESENT: Anthony Arruda, Harald Scheid, Bradford Dunn
Also in attendance: Paula Murphy, Head Clerk
2. Motion to Accept minutes of the January 23, 2013 meeting : Mr. Arruda, second Mr. Scheid
Vote: 3-0
3. Motor Vehicle Excise Tax abatements were signed by Board.
4. Letter of Progress to City Council approved by board.
5. DISCUSSION AND VOTE: 41A Senior Tax Deferral application; motion to approve: Mr. Arruda,
second: Mr. Scheid, Vote: 3-0
6. DISCUSSION AND VOTE: Real Estate abatement applications
202 Berlin Rd, 196 Blanchette Dr, 209 Blanchette Dr
Motion to Grant: Mr. Arruda, second Mr. Scheid
Vote: 3-0
7. DISCUSSION AND VOTE: Real Estate abatement applications
18A Grant St, 121 Northboro Rd East, 28 Wilson St #15, 46 Lizotte Dr, 72 Jefferson St ,
180 Wayside Inn Rd, 2 Sudbury, 10 Sudbury St, 30 Sudbury St, 50 Sudbury St, 70 Sudbury St,
49 Hatfield St, 75 Jackson Cir, 676 Farm Rd #10, 149 Littlefield Ln, 24 Arcadia Cir
Motion to Deny: Mr. Arruda, second Mr. Scheid
Vote: 3-0
8. MOTION TO CONCLUDE - Mr. Arruda, second Mr. Scheid
Meeting Adjourned – 4:50



Anthony Arruda
Harald Scheid