

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 MAY 15 P 1:46

****Presentation of the Youth Service Awards****

1. Minutes of the City Council Meeting, MAY 5, 2014.
2. 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., Order No. 14-1005761A.
3. PUBLIC HEARING On the Proposed FY15 Municipal Operating Budget as submitted by Mayor Vigeant in the amount of \$137,433,613.00 for review and appropriation in which this spending plan reflects an increase of 3.98% over the approved Fiscal Year 2014 budget, Order No. 14-1005801.
4. Communication from the Mayor re: transfer request in the amount of \$1,640,000.00 which moves funds from Undesignated to Overtime-Snow & Ice, Snow Removal and Operating Expenses accounts to fund the deficit incurred in the Snow & Ice account in FY14.
5. Communication from the Mayor re: Year-end Intra-Departmental transfer requests as noted on the attached spreadsheets to cover remaining expenses and balance accounts for FY14.
6. Communication from the Mayor re: Public Facilities transfer request in the amount of \$230,000.00 to and from various accounts as noted on the attached spreadsheet to cover unanticipated expenses in an electrical utility line item.
7. Communication from the Mayor re: transfer request in the amount of \$32,500.00 which moves funds from Undesignated to Open Space Stabilization to move funds received in FY13 from wireless antenna receipts to the Open Space Stabilization account.
8. Communication from the Mayor re: Mayor's Office transfer request in the amount of \$850.00 which moves funds from Reserve for Salaries & Benefits to Executive Secretary to fund a step increase that was not factored in to the FY14 budget.
9. Communication from the Mayor re: Notice of Grant Award in the amount of \$200,000.00 from the Executive Office of Energy and Environmental Affairs to the City to renovate Stevens Park.
10. Communication from the Mayor re: Grant Acceptance in the amount of \$45,451.00 from the Massachusetts Department of Transportation (MassDOT) to the Marlborough Council on Aging to cover approximately 80% of the cost to purchase an eight passenger handicapped accessible vehicle.
11. Communication from the Mayor re: Grant Acceptance in the amount of \$6,000.00 from the Erza M. Cutting Trust to support the City's partnership with the River Edge Arts Alliance to support performances that are part of the "Family Fun Festivals".
12. Communication from the Mayor re: Renewal of the Public Safety Revolving Fund.
13. Communication from Assistant City Solicitor Panagore-Griffin re: Site Plan Review for a hotel within the Results Way Mixed Use Overlay District, in proper legal form, Order No. 14-1005727A.
14. Application for Special Permit from Michael Almada of TRM, on behalf of TMobile to modify antennas at existing wireless communication facility at 860 Boston Post Rd.
15. Application for Special Permit from Michael Almada of TRM, on behalf of TMobile to modify antennas at existing wireless communication facility at 460 Boston Post Rd.
16. Petition of Teleport Communications America, LLC to install one four inch PVC conduit at an approximate depth of forty-eight inches, from existing Verizon manhole #608 on Donald Lynch Blvd., to the property line of the Mall at Solomon Pond, LLC; a distance of approximately twenty feet.

Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.

17. Petition of Teleport Communications America, LLC to install two four inch PVC conduits at an approximate depth of forty-eight inches, from existing Verizon manhole at 200 Donald Lynch Blvd., to utility pole #69 on Bigelow St.; a distance of approximately seven hundred twenty seven feet.
18. Application for Renewal of Second Hand Article's License, Gerald Dumais d/b/a Dumais & Sons, 6 High St.
19. Communication from Central Mass. Mosquito Control Project re: Environmental Merit Award for 2014.
20. Minutes, Conservation Commission, April 3, 2014.
21. Minutes, Traffic Commission Minutes, March 25, 2014.
22. Minutes, License Board, March 26, 2014.
23. Minutes, Board of Health, February 11, 2014.
24. Minutes, Planning Board, April 28, 2014.
25. Minutes, Community Development Authority, April 24, 2014.
26. Minutes, Council on Aging, April 10, 2014.
27. Communication from Hanover Insurance Group, on behalf of Steven Hibbard, 8 Cusella Dr.
28. CLAIMS:
 - A. Anton Teodorescu, 9 Woodcock Lane, other property damage and/or personal injury
 - B. Michael Guidotti, 11 Lark Dr., Hudson, pothole of other road defect claim

REPORTS OF COMMITTEES:

29. That the Mayor provide the status of the 2013 Tax Increment Finance (TIF) reports. Include copies of the reports, dates reports submitted, and remaining duration of the TIFs by June 30, 2014. Submitted by Councilors Ossing and Pope
30. That the City Council Operations and Oversight Committee be charged with the review of any departmental function which may not have been reviewed as a result of the streamlined approval of Mayor Vigeant's FY2015 Municipal Budget. The Operations and Oversight Committee, after posting and proper notification to the Mayor and appropriate department manager(s), will undertake a collaborative review of any city department requested by individual City Councilors. This will allow for Councilors to ask any questions they may have regarding operations and/or finances, and for the public to be informed on said operations and finances. It has often been suggested during finance meetings that another forum would be more appropriate for City Councilors to ask questions not directly related to finance and this would provide a proper forum for such.Submitted by: Councilors Elder and Delano

From Urban Affairs Committee

31. **Order No. 14-1005727 - Communication from Brian Lawlor of CSM Corporation re: Site Plan Review Application for a hotel within the Results Way Mixed Use Overlay District.**

Motion made by Councilor Page, seconded by Chair, to approve as amended. Adopted 4-0, Clancy absent.

**Motion made by Councilor Tunnera, seconded by the Chair, to request a suspension of the rules at the next City Council meeting to send to the City Solicitor to place in proper legal form. Adopted 4-0
Clancy absent.**



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

MAY 5, 2014

Regular meeting of the City Council held on Monday, MAY 5, 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 9:16 PM.

ORDERED: That the minutes of the City Council meeting APRIL 28, 2014, **FILE AS AMENDED**; adopted.

ORDERED: That the **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. All were heard who wish to be heard, hearing recessed at 8:03 PM.

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

ORDERED: That the See. Click. & Fix. & Marlborough Works, **FILE**; adopted.

**ORDERED: ACCEPTANCE OF LAYOUT OF FARRINGTON LANE AND EMINENT
DOMAIN ORDER OF TAKING OF FARRINGTON LANE, 155 FARRINGTON
LANE, AND THOSE CERTAIN SEWER EASEMENTS LOCATED ON
FARRINGTON LANE**

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience, public welfare, and necessity require that the fee interest in the parcel known and numbered as 155 Farrington Lane, shown as Parcel 6 on Exhibit "A" hereto, including the land and the sewer pump station located thereon and described herein, be taken for the purposes of the construction, maintenance, replacement, operation, alteration, repair, removal, and improvement of the municipal utilities, sewerage, sewer system, and appurtenant structures and equipment located in, on, under, and through said land and within said sewer pump station; and

WHEREAS, the aforementioned fee interests and easement interests are necessary for the protection of the health, welfare and safety of the residents of Marlborough; and

WHEREAS, all preliminary requirements have been complied with;

NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Marlborough by virtue of the authority and the power conferred by the City Charter and by virtue of the applicable provisions of the Massachusetts General Laws, Chapters 82 and 79, as amended, and by virtue of every other power and authority thereto enabling, and in the exercise of power and authority conferred by said laws, and under any other authority enabling us hereto, do hereby adopt an Order of Taking of land on behalf of said City of Marlborough.

By such order, for the aforementioned purposes we accept the layout of Farrington Lane, also known as Parcel 27A, as a public way, and we take by Eminent Domain the fee interest in said Farrington Lane, permanent easement interests in the land known as Sewer Easement 7 and Sewer Easement 9, and the fee interest in the parcel known and numbered as 155 Farrington Lane, also known as Parcel 6, including all parcels of land, buildings, trees, and other vegetation thereon, all of which interests are shown and described on Exhibit "A" attached herewith and further described on the plans accompanying this Order entitled:

- (1) "Road Acceptance & Easement Plan of Land: In Marlborough, Massachusetts, Prepared For City Of Marlborough, October 10, 2013, By Bruce Saluk & Associates, Civil Engineers & Land Surveyors, 576 Boston Post Road East, Marlborough, MA 01752, October 10, 2013, Scale 1" = 40, Sheet 1 of 4";
- (2) "Road Acceptance & Easement Plan of Land: In Marlborough, Massachusetts, Prepared For City Of Marlborough, October 10, 2013, By Bruce Saluk & Associates, Civil Engineers & Land Surveyors, 576 Boston Post Road East, Marlborough, MA 01752, October 10, 2013, Scale 1" = 40, Sheet 2 of 4";
- (3) "Road Acceptance & Easement Plan of Land: In Marlborough, Massachusetts, Prepared For City Of Marlborough, October 10, 2013, By Bruce Saluk & Associates, Civil Engineers & Land Surveyors, 576 Boston Post Road East, Marlborough, MA 01752, October 10, 2013, Scale 1" = 40, Sheet 3 of 4"; and
- (4) "Road Acceptance & Easement Plan of Land: In Marlborough, Massachusetts, Prepared For City Of Marlborough, October 10, 2013, By Bruce Saluk & Associates, Civil Engineers & Land Surveyors, 576 Boston Post Road East, Marlborough, MA 01752, October 10, 2013, Scale 1" = 40, Sheet 4 of 4".

For title, the assumed owners of the land and interests taken herein and references to the Middlesex County South Registry of Deeds are as follows:

<u>Land and Assumed Owner</u>	<u>Middlesex Registry</u>		<u>Area (S.F.)</u>
	<u>Book</u>	<u>Page</u>	
Farrington Lane	15905	49	+/- 92,309.5
Gristmill Construction, Inc.	993	145	
(Paul M. Zarella & Frederick K. Heim)	17230	36	
1016 170			
155 Farrington Lane (pump station parcel)			
Gristmill Construction, Inc.	17230	36	+/- 2,000
(Paul M. Zarella & Frederick K. Heim)			
Farrington Lane (to centerline)	41040	568	+/- 17,743

Eugene and Diane Balinski
51 Farrington Lane

Farrington Lane (to centerline) 58043 326 +/- 24,947.5
Karen F. Rose
81 Farrington Lane

Sewer Easement 7 at 155 Farrington Lane
Gristmill Construction, Inc. 1217 50 +/- 3,600
(Paul M. Zarella & Frederick K. Heim)

Sewer Easement 9 at 167 Farrington Lane
Gristmill Construction, Inc. 1298 53 +/- 5,283
(Paul M. Zarella & Frederick K. Heim)

The ownership of said parcels and each of them are supposed to be as stated herein, but said fee or easements and each of them are hereby taken whether the ownership is as stated above or otherwise. We determine that[_____] damages have been sustained by the owners of the land, structures, equipment and appurtenances, therein or thereon, so taken.

Refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, MAY 19, 2014** as date for a **PUBLIC HEARING** for the proposed FY15 budget as submitted by Mayor Vigeant in the amount of \$137,433,613.00 for review and appropriation in which this spending plan reflects an increase of 3.98% over the approved Fiscal Year 2014 budget, refer to **FINANCE COMMITTEE**; adopted.

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 BY ADDING THERETO AS FOLLOWS:

- 1. Section 650-17, entitled "Table of Uses," is hereby amended by adding to said section a new business use entitled, "Medical Marijuana Treatment Center," which shall be regulated, as follows:

RR	A1	A2	A3	RB	RC	B	CA	LI	I
N	N	N	N	N	N	N	SP	SP	SP

- 2. A new Section 650-32, entitled "MEDICAL MARIJUANA TREATMENT CENTERS," is hereby added, as follows:

650-32 MEDICAL MARIJUANA TREATMENT CENTERS

- A. Subject to the provisions of this Zoning Ordinance, Chapter 40A of the Massachusetts General Laws and 105 CMR 725.000 promulgated by the Commonwealth of Massachusetts Department of Public Health, the City of Marlborough Zoning Ordinance will not prohibit the location of a center for medical marijuana treatment within the City of Marlborough, but will instead regulate such centers. A Medical Marijuana Treatment Center should provide medical support, security, oversight by a physician, and standards that meet or exceed 105 CMR 725.000. These Centers should not compete to provide streamlined care to patients and should not provide a location for patients to wait for treatment in the vicinity of children. Therefore, to ensure that these Centers are located in such a way as to not pose a direct threat to the health or safety of either qualifying patients or the public at large, the provisions of this section will apply to all such Centers.
- B. For purposes of this chapter, the following definitions shall apply:
1. **CERTIFYING PHYSICIAN** means a Massachusetts licensed physician (Medical Doctor or Doctor of Osteopathy) who certifies that, in his or her professional opinion, the potential benefits of the medical use of marijuana would likely outweigh the health risks for a qualifying patient.
 2. **DEBILITATING** means causing weakness, cachexia, wasting syndrome, intractable pain, or nausea, or impairing strength or ability, and progressing to such an extent that one or more of a patient's major life activities is substantially limited.
 3. **DEBILITATING MEDICAL CONDITION** shall mean cancer, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, and multiple sclerosis (MS), when such diseases are debilitating, and other debilitating conditions as determined in writing by a qualifying patient's certifying physician.
 4. **HARDSHIP CULTIVATION REGISTRATION** means a registration issued to a registered qualifying patient under the requirements of 105 CMR 725.035.
 5. **MARIJUANA** shall mean all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. The term also includes MIPs except where the context clearly indicates otherwise.

6. MARIJUANA-INFUSED PRODUCT (MIP) means a product infused with marijuana that is intended for use or consumption, including but not limited to edible products, ointments, aerosols, oils, and tinctures. These products, when created or sold by a Medical Marijuana Treatment Center, shall not be considered a food or a drug as defined in M.G.L. c. 94, § 1.
7. MEDICAL MARIJUANA TREATMENT CENTER shall refer to the site(s) of dispensing, cultivation, and preparation of marijuana; shall mean a not-for-profit entity registered under 105 CMR 725.100 and known thereunder as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products (MIPs), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers; and shall be subject to the regulations under Section 650-32 of this ordinance.
8. MEDICAL USE OF MARIJUANA shall mean the acquisition, cultivation, possession, processing (including development of related products such as Marijuana-Infused Products (MIPs) that are to be consumed by eating or drinking, tinctures, aerosols, oils, or ointments), transfer, transport, sale, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.
9. PERSON shall mean an individual or a non-profit entity.
10. PERSONAL CAREGIVER shall mean a person, registered by the Department, who is at least 21 years old, who has agreed to assist with a registered qualifying patient's medical use of marijuana, and is not the registered qualifying patient's certifying physician. An employee of a hospice provider, nursing, or medical facility or a visiting nurse, personal care attendant, or home health aide providing care to a qualifying patient may serve as a personal caregiver, including to patients under 18 years of age as a second caregiver.
11. QUALIFYING PATIENT shall mean a Massachusetts resident 18 years of age or older who has been diagnosed by a Massachusetts licensed certifying physician as having a debilitating medical condition, or a Massachusetts resident under 18 years of age who has been diagnosed by two Massachusetts licensed certifying physicians, at least one of whom is a board-certified pediatrician or board-certified pediatric subspecialist, as having a debilitating medical condition that is also a life-limiting illness, subject to 105 CMR 725.010(J).
12. REGISTERED QUALIFYING PATIENT means a qualifying patient who has applied for and received a registration card from the Commonwealth of Massachusetts Department of Public Health.

13. **REGISTRATION CARD** means an identification card issued by the Commonwealth of Massachusetts Department of Public Health to a registered qualifying patient, personal caregiver, or dispensary agent. The registration card verifies either that a certifying physician has provided a written certification to the qualifying patient and the patient has been registered with the Department; that a patient has designated the individual as a personal caregiver; that a patient has been granted a hardship cultivation registration; or that a dispensary agent has been registered with the Department and is authorized to work at a Medical Marijuana Treatment Center.

C. In such zoning districts where a Special Permit is required for a Medical Marijuana Treatment Center, the Special Permit Granting Authority shall grant the Special Permit only upon its written determination that any adverse effects of the proposed use will not outweigh its beneficial impacts to the City or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Ordinance, the determination shall include consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impacts on the natural environment;
6. Potential fiscal impact, including impact on City services, tax base, and employment; and
7. The ability for the Center to:
 - a. meet a demonstrated need;
 - b. provide a secure indoor waiting area for clients;
 - c. provide an adequate pick-up/drop-off area;
 - d. provide adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals; and
 - e. adequately address issues of traffic demand, parking, and queuing, especially at peak periods at the Center, and its impact on neighboring uses.

The Special Permit Granting Authority may require the applicant to provide a traffic study, at the applicant's expense, to establish the impacts of the peak traffic demand.

D. A Medical Marijuana Treatment Center shall not be located:

1. within five thousand (5,000) feet of another Medical Marijuana Treatment Center, as measured in a straight line from the nearest point of the proposed Center to the nearest point of the existing Center;

2. within five thousand (5,000) feet of a Narcotic Detoxification and/or Maintenance Facility, as defined in and regulated by the zoning ordinance of the City of Marlborough, and as measured in a straight line from the nearest point of the proposed Center to the nearest point of the existing Facility; nor,
 3. within one thousand (1,000) feet of:
 - a. a school (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough;
 - b. a recreational facility (as defined in § 517-2 of the Code of the City of Marlborough, as amended); or
 - c. a park (as defined in § 517-2 of the Code of the City of Marlborough, as amended).
 - d. an elderly housing facility (as defined in § 517-2 of the Code of the City of Marlborough, as amended); or
 - e. a retirement community (as defined in § 650-5 of the Zoning Ordinance of the City of Marlborough, as amended) located within the City of Marlborough.
- E. Nothing contained in Chapter 412 of the Code of the City of Marlborough, as amended, prohibiting the smoking, ingesting, or other use or consumption of marijuana in any place accessible to the public, shall be construed as applying to the medical use of marijuana inside a Medical Marijuana Treatment Center.
3. The effective date of these amendments shall be the date of their passage.

REFER TO URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR JUNE 2, 2014; adopted.

ORDERED: That the Special Permit, VNG Co., 413 Lakeside Ave., in proper legal form, Order No.13/14-1005581D, **MOVE TO ITEM 16**; adopted.

ORDERED: That the Communication from the Attorney Rowe re: Special Permit Conditions for VNG Co., 413 Lakeside Ave., Order No.13/14-1005581D, **FILE**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License by Best Buy Stores, LP #820, 769 Donald Lynch Blvd., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License by Best Buy Stores, LP #1966, 601 Donald Lynch Blvd., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License by Outerwall, Inc. d/b/a ecoATM, Inc., 601 Donald Lynch Blvd., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, Planning Board, April 7, 2014, **FILE**; adopted.

ORDERED: That the Communication from Hanover Insurance Group, on behalf of Daniel Byron, 134 Bracken Drive, refer to the **LEGAL DEPARTMENT**; adopted.

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

- A. Erica Connolly, 630 Stevens St., other property damage and/or personal injury
- B. Scott Duane, 524 Hemenway St., pothole or other road defect claim

Reports of Committees:

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

Convened: 5:40 PM

Adjourned: 6:25 PM

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

Absent: Councilor Clancy

Also Present: Conservation Officer Priscilla Rider; Building Inspector Michael Mendoza; Attorney David Gadbois; William Park (Civil Engineer), SMMA; Joseph Zink (President and Chief Executive Officer), Atlantic Management

3-10-14- Order No. 14-1005727 - Communication from Brian Lawlor of CSM Corporation re:

Site Plan Review Application for a hotel within the Results Way Mixed Use Overlay District.

-REFER TO URBAN AFFAIRS

The committee met to continue review of the Site Plan and Conditions for the Hilton Garden Inn at Forest Park. Minor changes were made throughout the document. Attorney Gadbois will revise the language as discussed and submit a clean copy of the document to the committee. The committee approved the conditions as amended and will request a suspension of the rules at the next City Council meeting to forward to the City Solicitor for placement in proper legal form on the City Council's May 19, 2014 regular meeting agenda.

Motion made by Councilor Page, seconded by Chair, to approve as amended. Adopted 4-0, Clancy absent.

Motion made by Councilor Tunnera, seconded by the Chair, to request a suspension of the rules at the next City Council meeting to send to the City Solicitor to place in proper legal form. Adopted 4-0

Clancy absent.

Motion made by Councilor Tunnera, seconded by the Chair, to adjourn at 6:25 p.m.

Suspension of the Rules requested – granted

ORDERED: That the Site Plan Review for a hotel within the Results Way Mixed Use Overlay District, refer to **CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM FOR NEXT CITY COUNCIL MEETING**; adopted.

ORDERED: That the City Council support a request from the Marlborough Public Library Board of Trustees to apply for, receive, and expend grant funds to be awarded by the Massachusetts Board of Library Commissioners for the purposes of a feasibility and planning study for the renovation or new construction of a public library facility, **APPROVED**; adopted.

Councilor Delano requested to be recorded in opposition.

ORDERED: MOTION made by Councilor Robey to Move to amend Special Permit language as submitted by Assistant City Solicitor Panagore-Griffin, agenda item 7-2 as follows:

Delete in its entirety Condition #11 and replace with the following original language from applicant: Outdoor Display of Products and Merchandise: The display of any and all products, merchandise, or goods of any kind shall be restricted to automotive products in the pump island area. Products in front of the store shall not interfere with the cement area used as a sidewalk or prevent access to the store. There shall be a limit of one ice dispenser outside.

Delete in its entirety #12 which reads, Sale of Alcoholic Beverages Prohibited and renumber the remaining items - **CARRIES**

**DECISION FOR SPECIAL PERMIT
IN CITY COUNCIL**

DECISION

The City Council of the City of Marlborough, by a vote of six to five in favor of approval, **DENIES** a Special Permit, as amended, to VNG.co LLC of 150 Monument Road, Suite 500 Bala Cynwyd, PA 19004 to construct and operate a Compressed Natural Gas (CNG) facility with one dispenser at the site of the Shell Gas Station located at 413 Lakeside Avenue, Marlborough, MA (hereinafter, the "Site"). The owner of the Site, GTY MA/NH Leasing, 125 Jericho Turnpike, Suite 103, Jericho, NY 11753, and/or the operator of the Site, Nouria Energy Ventures I, LLC, 326 Clark Street, Worcester, MA 01606 (the latter of which VNG.co LLC has executed or would have executed an Operating Agreement for a portion of the Site pursuant to the terms of this Special Permit) have failed to address existing conditions at the Site, including safety issues attendant to the display of products on the sidewalk, located at the front of the convenience store, so as to obstruct safe passage of pedestrians and the parking of vehicles in front of the sidewalk in an area not designated for parking, and they have allowed to exist numerous violations of the Americans With Disabilities Act and the regulations of the Massachusetts Architectural Access Board, including the size and location of handicapped parking spaces and signage.

Yea: 6 – Nay: 5

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

ORDERED: That the Appointment of Karin Jost-Paquin to the Conservation Commission for a term to expire three years from date of approval, **APPROVED**; adopted.

Councilor Clancy abstained.

ORDERED: That the Conservation Commission Appointments for the following with noted expiration terms, **APPROVED**; adopted.

1. Alan White, term to expire March 6, 2017,
2. David Williams, term to expire March 2, 2015,
3. Dennis Demers, term to expire March 2, 2015.

Councilor Clancy abstained.

ORDERED: That the following appointment to the Zoning Board of Appeals, **APPROVED**; adopted.

Paul Giunta as a regular member for a term to expire five years from date of approval.

ORDERED: That the following appointment to the Zoning Board of Appeals, **APPROVED**; adopted.

Theodore Scott as a regular member for a term to expire five years from date of approval.

ORDERED: That the following appointment to the Zoning Board of Appeals, **APPROVED**; adopted.

Ralph Lotfin will serve the balance of the unexpired term of Robert Page which will expire on May 5, 2017.

ORDERED: That the Appointment of Connie Mish to the Youth Commission for a term to expire three years from date of approval, **APPROVED**; adopted.

ORDERED: That the Reappointment of Elizabeth Evangelous to the Board of Registrars for a two year term to expire on April 1, 2016, **APPROVED**; adopted.

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

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

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, ACTING UPON A RECOMMENDATION OF THE MAYOR, THAT 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 Assessors' Office. His/her compensation shall be fixed by ordinance.

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

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

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

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, ACTING UPON A RECOMMENDATION OF THE MAYOR, THAT § 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.

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

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:16 PM.



IN CITY COUNCIL

Marlborough, Mass., APRIL 28, 2014

ORDERED:

That the **Public Hearing** set for May 5, 2014, 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, Order No. 14-1005761, be and is herewith **CONTINUED UNTIL MAY 19, 2014.**

ADOPTED

ORDER NO. 14-1005761A



IN CITY COUNCIL

Marlborough, Mass., ~~_____~~ ~~MAY 5, 2014~~

ORDERED:

That there being no objection thereto set **MONDAY, MAY 19, 2014** as date for a **PUBLIC HEARING** for the proposed FY15 budget as submitted by Mayor Vigeant in the amount of \$137,433,613.00 for review and appropriation in which this spending plan reflects an increase of 3.98% over the approved Fiscal Year 2014 budget, be and is herewith refer to **FINANCE COMMITTEE AND ADVERTISE**.

ADOPTED

ORDER NO. 14-1005801



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 MAY 15 A 11: 39

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

May 15, 2014

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

Re: Transfer Request – Snow & Ice Deficit

Honorable President Pope and Councilors:

I am submitting for your approval the following transfer request:

- 1) Transfer in the amount of \$1,640,000.00 from 10000-35900 (Undesignated Fund) to the following accounts:
 - a.) \$265,000.00 to 14001203-51390 (Overtime – Snow & Ice)
 - b.) \$734,000.00 to 14001206-52960 (Snow Removal)
 - c.) \$641,000.00 to 14001206-57040 (Operating Expenses)

This transfer request will fund the deficit incurred in the Snow & Ice account in FY14.

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

Sincerely,

Arthur G. Vigeant
Mayor

SNOW & ICE
AS OF 5/13/2014

FOR 2014 99

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENC/REQ	AVAILABLE BUDGET	PCT USED
100 GENERAL FUND							
4000 DEPARTMENT OF PUBLIC WORKS							
0120 STREETS-SNOW & ICE							
14001203 51390 OVERTIME-SNOW & ICE	125,000	.00	125,000.00	389,378.63	.00	-264,378.63	311.5%
14001206 52960 SNOW REMOVAL	275,000	.00	275,000.00	1,008,719.51	50.00	-733,769.51	366.8%
14001206 57040 OPERATING EXPENSES	100,000	.00	100,000.00	729,828.92	2,680.21	-632,509.13	732.5%
TOTAL DEPARTMENT OF PUBLIC WOR	500,000	.00	500,000.00	2,127,927.06	2,730.21	-1,630,657.27	426.1%
TOTAL GENERAL FUND	500,000	.00	500,000.00	2,127,927.06	2,730.21	-1,630,657.27	426.1%
TOTAL EXPENSES	500,000	.00	500,000.00	2,127,927.06	2,730.21	-1,630,657.27	
GRAND TOTAL	500,000	.00	500,000.00	2,127,927.06	2,730.21	-1,630,657.27	426.1%

** END OF REPORT - Generated by Diane Smith **



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 MAY 15 A 11:39

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

May 15, 2014

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

Re: Year-end Intra-department Transfer Requests

Honorable President Pope and Councilors:

I am submitting for your approval several intra-department transfer requests that are needed to cover remaining expenses and balance our accounts for FY14. Our Department Heads look forward to the opportunity to meet with the Finance Committee to discuss these requests in greater detail.

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

Sincerely,

Arthur G. Vigeant
Mayor

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Police

FISCAL YEAR: FY 2014

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$15,049.87</u>	<u>\$5,475.00</u>	<u>12100003</u>	<u>51920</u>	<u>Sick Leave Buy Back</u>	<u>\$5,475.00</u>	<u>12100001</u>	<u>50140</u>	<u>Police Chief Salary</u>	<u>\$14,154.32</u>
	Reason:	<u>Money available for transfer</u>				Reason: <u>Money needed to pay retro pay and new contract</u>			
	Reason:	_____				_____			
	Reason:	_____				_____			
	Reason:	_____				_____			
	Reason:	_____				_____			


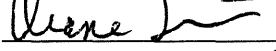

\$5,475.00 Total

\$5,475.00 Total

Department Head signature:

Auditor signature:

Comptroller signature:

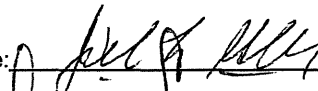
CITY OF MARLBOROUGH
BUDGET TRANSFERS --

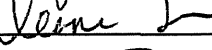
DEPT: Public Facilities


DATE: 5/12/2014

FY: 2014

FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$4,830</u>	<u>\$1,105.00</u>	<u>11920003</u>	<u>51430</u>	<u>Longevity</u>	<u>\$1,105.00</u>	<u>11920001</u>	<u>50292</u>	<u>Bldg Maint Craftsman</u>	<u>\$25,989</u>
	Reason:	<u>Funds available</u>				To cover salaries thru year end			
<u>\$29,596</u>	<u>\$8,500.00</u>	<u>11920003</u>	<u>50560</u>	<u>Custodian</u>	<u>\$8,500.00</u>	<u>11920006</u>	<u>53999</u>	<u>Other Services</u>	<u>\$7</u>
	Reason:	<u>Unfilled position</u>				Renovations at DPW			
<u>\$2,027</u>	<u>\$2,000.00</u>	<u>11920006</u>	<u>52250</u>	<u>Heating oil</u>	<u>\$2,000.00</u>	<u>11920006</u>	<u>53999</u>	<u>Other Services</u>	<u>\$7</u>
	Reason:	<u>Decrease in use</u>				Renovations at DPW			
<u>\$39,901</u>	<u>\$20,000.00</u>	<u>11920006</u>	<u>52200</u>	<u>Natural Gas</u>	<u>\$20,000.00</u>	<u>11920006</u>	<u>53999</u>	<u>Other Services</u>	<u>\$7</u>
	Reason:	<u>Decrease in cost per therm</u>				Renovations at DPW			
<u>\$48,840</u>	<u>\$15,000.00</u>	<u>11920006</u>	<u>53420</u>	<u>Telephone Services</u>	<u>\$15,000.00</u>	<u>11920005</u>	<u>54310</u>	<u>Building Repairs</u>	<u>\$2</u>
	Reason:	<u>Decrease in verizon data lines</u>				Renovations at Walker Building			
	<u>\$46,605.00</u>	<u>Total</u>			<u>\$46,605.00</u>	<u>Total</u>			

Dept Head signature: 

Auditor signature: 

Comptroller signature: 

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Department of Public Works

FISCAL YEAR: 2014

Available Balance	Amount	FROM ACCOUNT:			Amount	TO ACCOUNT:			Available Balance
		Org Code	Object	Account Description:		Org Code	Object	Account Description:	
<u>\$55,612</u>	<u>\$425</u>	<u>60085006</u>	<u>55980</u>	<u>West WWTF</u>	<u>\$425</u>	<u>60080003</u>	<u>51470</u>	<u>Interim Foreman</u>	<u>\$24</u>
	Reason:	<u>Surplus anticipated</u>				<u>Anticipated cost to cover Chemist position scheduled time off.</u>			
<u>\$55,612</u>	<u>\$2,000</u>	<u>60085006</u>	<u>55980</u>	<u>West WWTF</u>	<u>\$2,000</u>	<u>60085006</u>	<u>52463</u>	<u>Rep/Maint. Westerly Plant</u>	<u>\$920</u>
	Reason:	<u>Surplus anticipated</u>				<u>Anticipated cost to cover supplies for maintenance.</u>			
<u>\$55,612</u>	<u>\$4,000</u>	<u>60085006</u>	<u>55980</u>	<u>West WWTF</u>	<u>\$4,000</u>	<u>60085006</u>	<u>54340</u>	<u>Maint. Machinery</u>	<u>\$603</u>
	Reason:	<u>Surplus anticipated</u>				<u>Anticipated cost to cover supplies for preventive maintenance.</u>			
<u>\$44,700</u>	<u>\$24,700</u>	<u>60080004</u>	<u>53110</u>	<u>Legal Services</u>	<u>\$24,700</u>	<u>60080006</u>	<u>55660</u>	<u>Pumping Station Main.</u>	<u>\$564</u>
	Reason:	<u>Anticipated surplus</u>				<u>Anticipated cost for repair/maint. at Hosmer Street Pump Station because of pump failure.</u>			
<u>\$44,700</u>	<u>\$20,000</u>	<u>60080004</u>	<u>53110</u>	<u>Legal Services</u>	<u>\$20,000</u>	<u>61090006</u>	<u>54620</u>	<u>Maintenance-Trenches</u>	<u>\$14,515</u>
	Reason:	<u>Anticipated surplus</u>				<u>Anticipated cost to permanently repair water trenches due to high number of winter water breaks.</u>			
	\$51,125	Total			\$51,125	Total			

Department Head signature: _____

Auditor signature: _____

Comptroller signature: _____

[Handwritten signatures]

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Department of Public Works

FISCAL YEAR: 2014

FROM ACCOUNT:

TO ACCOUNT:

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:

FISCAL YEAR:

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$77,794</u>	<u>\$77,794</u>	<u>61090006</u>	<u>52320</u>	<u>Water-MWRA</u>	<u>\$77,794</u>	<u>61090006</u>	<u>55740</u>	<u>Water Meters</u>	<u>\$0</u>
	Reason:	<u>Anticipated surplus</u>				<u>Replacement for stopped residential meters.</u>			
<u>\$137,956</u>	<u>\$57,000</u>	<u>61090001</u>	<u>50740</u>	<u>Equipment Operators</u>	<u>\$57,000</u>	<u>61090006</u>	<u>54620</u>	<u>Maintenance-Trenches</u>	<u>\$14,515</u>
	Reason:	<u>Surplus due to vacancies.</u>				<u>Anticipated cost to permanently repair water trenches due to high number of winter water breaks.</u>			
<u>\$1,402</u>	<u>\$1,402</u>	<u>61090003</u>	<u>51920</u>	<u>Sick Leave Buy Back</u>	<u>\$1,402</u>	<u>61090006</u>	<u>54620</u>	<u>Maintenance-Trenches</u>	<u>\$14,515</u>
	Reason:	<u>Anticipated surplus</u>				<u>Anticipated cost to permanently repair water trenches due to high number of winter water breaks.</u>			
<u>\$1,590</u>	<u>\$340</u>	<u>61090003</u>	<u>51940</u>	<u>Clothing Allowance</u>	<u>\$340</u>	<u>61090006</u>	<u>54620</u>	<u>Maintenance-Trenches</u>	<u>\$14,515</u>
	Reason:					<u>Anticipated cost to permanently repair water trenches due to high number of winter water breaks.</u>			
<u>\$800</u>	<u>\$800</u>	<u>61090004</u>	<u>53174</u>	<u>Contract Services/Lab Testing</u>	<u>\$800</u>	<u>61090006</u>	<u>54620</u>	<u>Maintenance-Trenches</u>	<u>\$14,515</u>
	Reason:					<u>Anticipated cost to permanently repair water trenches due to high number of winter water breaks.</u>			
	<u>\$137,336</u>	Total			<u>\$137,336</u>	Total			

Department Head signature: 

Auditor signature: 

Comptroller signature: 

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Department of Public Works

FISCAL YEAR: 2014

FROM ACCOUNT:

TO ACCOUNT:

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:

FISCAL YEAR:

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$3,600	\$3,600	61090006	54280	Water Billings	\$3,600	60080006	55660	Pumping Station Main. Anticipated cost to cover required repair/maintenance at several sewer pump stations.	\$564
		Reason: Anticipated surplus							
\$800	\$800	60080003	51440	Educational Incentives	\$800	60080006	55660	Pumping Station Main. Anticipated cost to cover required repair/maintenance at several sewer pump stations.	\$564
		Reason: Anticipated surplus							
\$14,489	\$7,000	60080001	50580	Assistant Chemist	\$7,000	60080006	55660	Pumping Station Main. Anticipated cost to cover required repair/maintenance at several sewer pump stations.	\$564
		Reason: Anticipated surplus							
\$350	\$350	61090003	51440	Educational Incentives	\$350	61090003	51990	Meal Allowances 100% expended due to high volume of water breaks over winter.	\$0
		Reason: Anticipated surplus							
\$30,000	\$30,000	61090006	55700	Water Treatment Plant	\$30,000	60080006	55660	Pumping Station Main. Anticipated cost to cover required repair/maintenance at several sewer pump stations.	\$564
		Reason: Anticipated surplus							
	\$41,750	Total			\$41,750	Total			

Department Head signature: 

Auditor signature: 

Comptroller signature: 

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Department of Public Works

FISCAL YEAR: 2014

FROM ACCOUNT:

TO ACCOUNT:

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

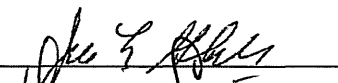


DEPT:

FISCAL YEAR:

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$610.00</u>	<u>\$610</u>	<u>60081003</u>	<u>51430</u>	<u>Longevity</u>	<u>\$610</u>	<u>60081006</u>	<u>52464</u>	<u>Repair/Maintain East Plant</u>	<u>\$26,688</u>
	Reason:	<u>Anticipated surplus</u>				<u>Anticipated cost to cover end of year</u>			
<u>\$2,800.00</u>	<u>\$2,800</u>	<u>60081003</u>	<u>51440</u>	<u>Educational Incentive</u>	<u>\$2,800</u>	<u>60081006</u>	<u>52464</u>	<u>Repair/Maintain East Plant</u>	<u>\$26,688</u>
	Reason:	<u>Anticipated surplus</u>				<u>Anticipated cost to cover end of year</u>			
<u>\$492.00</u>	<u>\$492</u>	<u>60081003</u>	<u>51920</u>	<u>Sick Leave Buyback</u>	<u>\$492</u>	<u>60081006</u>	<u>52464</u>	<u>Repair/Maintain East Plant</u>	<u>\$26,688</u>
	Reason:	<u>Anticipated surplus</u>				<u>Anticipated cost to cover end of year</u>			
<u>\$1,265.00</u>	<u>\$1,000</u>	<u>60081003</u>	<u>51940</u>	<u>Clothing Allowance</u>	<u>\$1,000</u>	<u>60081006</u>	<u>52464</u>	<u>Repair/Maintain East Plant</u>	<u>\$26,688</u>
	Reason:	<u>Anticipated surplus</u>				<u>Anticipated cost to cover end of year</u>			
<u>\$5,000.00</u>	<u>\$3,000</u>	<u>60081004</u>	<u>53174</u>	<u>Contract Services/Lab Testing</u>	<u>\$3,000</u>	<u>60085005</u>	<u>55014</u>	<u>Lab/Testing Supplies</u>	<u>\$2,305</u>
	Reason:	<u>Anticipated surplus</u>				<u>Anticipated cost to cover end of year.</u>			
	\$7,902	Total			\$7,902	Total			

Department Head signature: 
 Auditor signature: 
 Comptroller signature: 

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Board of Health

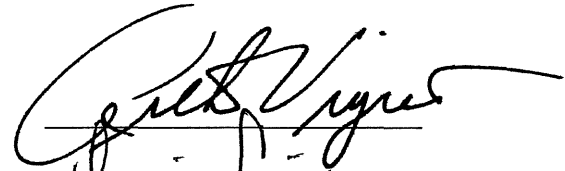
FISCAL YEAR: FY 2014

FROM ACCOUNT:

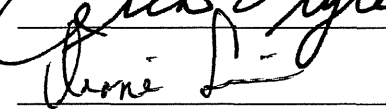
TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$6,341.50</u>	<u>\$3,500.00</u>	<u>15120001</u>	<u>50391</u>	<u>P / T Nurse</u>	<u>\$3,500.00</u>	<u>15120006</u>	<u>53180</u>	<u>Prof / Tech. Services</u>	<u>\$1,927.52</u>
				Reason: <u>Funds available due to retirement</u>				<u>Funds will pay for contract health inspections through June</u>	
	\$3,500.00	Total			\$3,500.00	Total			

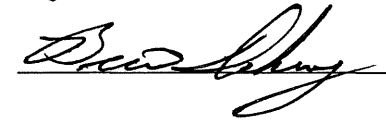
Department Head signature:



Auditor signature:



Comptroller signature:





RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

MAY 15 A 11:39

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

May 15, 2014

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

Re: Transfer Request – Public Facilities

Honorable President Pope and Councilors:

Enclosed for your approval is a transfer request in the amount of \$230,000.00 to cover unanticipated expenses in our electrical utility line item. Commissioner John Ghiloni will be happy to meet with the Finance Committee to further discuss the reasons for this request.

Thank you in advance for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

City of Marlborough
Office of the Mayor

2014 MAY 15 A 11:40 140 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

May 15, 2014

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

Re: Transfer Request – Antenna Receipts

Honorable President Pope and Councilors:

Enclosed for your approval is the following transfer request:

- 1) Transfer in the amount of \$32,500.00 from 10000-35900 (Undesignated Fund) to 83600-32918 (Open Space Stabilization).

This transfer request will move the funds received in FY2013 for our wireless antenna receipts to the Open Space Stabilization. Enclosed is a memorandum from City Auditor Diane Smith further detailing this request.

Sincerely,

Arthur G. Vigeant
Mayor



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

May 13, 2014

MEMORANDUM

TO: Mayor Arthur G. Vigeant

FROM: Diane Smith, City Auditor

RE: Wireless Antennae Receipts

The City received \$32,500.00 in wireless antennae receipts for fiscal year 2013. Per M.G.L. Ch 44 Sec. 53 any money received by the City belongs to the general fund and can only be expended by appropriation. A transfer request should be submitted to the City Council moving \$32,500.00 from Free Cash to Stabilization – Open Space for this was the intent of these monies.

Please contact this office if you should have any further questions regarding this information.

CC: Brian Doheny, Comptroller/Treasurer



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 MAY 15 A 11:40

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

May 15, 2014

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

Re: Transfer Request – Mayor's Office

Honorable President Pope and Councilors:

Enclosed for your approval is the following transfer request:

- 1) Transfer in the amount of \$850.00 from 11990006-57820 (Reserve for Salaries & Benefits) to 11210002-50590 (Executive Secretary).

This transfer is necessary to fund a step increase that was not factored in to the FY14 budget. Thank you in advance for your understanding and please do not hesitate to let me know if you have any questions.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 MAY 15 A 11:55

Arthur G. Vigeant
MAYOR
Michael C. Berry
EXECUTIVE AIDE

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

Patricia Bernard
EXECUTIVE SECRETARY

May 15, 2014

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

Re: Notice of Grant Award

Dear President Pope and Members:

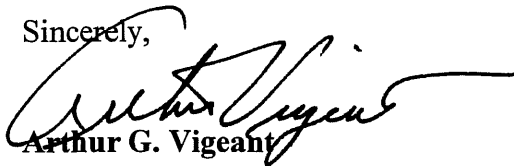
I am pleased to inform the Council that the City has been awarded a \$200,000 grant from the State to renovate Stevens Park. The renovation will include the addition of new playground equipment, 15 additional trees, 4 benches, 6 picnic tables, a water bubbler, fencing, and a pavilion.

However, two Council votes are required before the City can execute a contract to use the grant money. Those two votes are attached to Priscilla Ryder's letter enclosed herewith.

Specifically, the first vote is a two-thirds majority vote that would transfer the care, custody, management and control of Stevens Park, acquired by the City in 1934 for public playground purposes, to the Parks and Recreation Commission for park purposes. The second vote is a simple majority resolution that would allow me to accept the grant and proceed with the renovation project.

I urge your consideration and approval of these needed votes. Ms. Ryder and I will be available to meet with the Committee that will be handling this matter.

Sincerely,


Arthur G. Vigeant
Mayor

Enclosures

cc: Priscilla Ryder
Dave Grasso
John Ghiloni
Don Rider

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Conservation Office DATE: 15-May-14

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Priscilla Ryder

NAME OF GRANT: Our Common Backyards Grant

GRANTOR: Executive Office of Energy & Environmental Affairs

GRANT AMOUNT: \$200,000.00

GRANT PERIOD: FY14

SCOPE OF GRANT/
ITEMS FUNDED The Our Common Backyards Grant Program is a new grant program aimed at building a new playground or spray park in each of the Commonwealth's 54 cities. The program will help cities create or renovate parks in the neighborhoods that need them most.

IS A POSITION BEING
CREATED: NO

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

ARE MATCHING CITY
FUNDS REQUIRED? YES - \$411,000.00

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:
NO

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS TO
BE USED:
Funds from the Sligo Antenna Revolving Account will be utilized in FY14 & FY15

ANY OTHER EXPOSURE TO CITY?
NO

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: By the end of FY2014

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



City of Marlborough Conservation Commission

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

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

May 15, 2014

Mayor Arthur Vigeant
City Hall, 4th Floor
140 Main Street
Marlborough, MA 01752

RE: Votes Needed for Stevens Park Our Common Backyards Grant \$200,000 Award

Dear Mayor Vigeant:

As part of the Stevens Park Our Common Backyards Grant, a \$200,000 grant that was awarded to the City on April 29, 2014, two votes by the City Council are needed before the City can enter into a contract to use these funds. Melissa Cryan, the Parkland Acquisitions and Renovations for Communities (PARC) Grant Coordinator for the state Executive Office of Energy and Environmental Affairs, and City Solicitor Don Rider have reviewed and approved the votes' language as to proper form. I would appreciate your placing this matter on the May 19th City Council agenda for the needed votes as soon as possible.

Specifically, the votes we need the City Council to consider and approve are summarized as follows:

1. First, because the City originally acquired in 1934 for public playground purposes, a vote is needed to permanently dedicate Stevens Park for park purposes; thus, the proposed order (enclosed herewith) transfers the care, custody, management and control of Stevens Park to the Parks and Recreation Commission for park purposes.
2. Second, a vote is needed to allow the Mayor to accept the grant and proceed with the renovation project; see the proposed resolution (enclosed herewith).

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

Sincerely,


Priscilla Ryder
Conservation Officer

Enclosures

cc: Dave Grasso; John Ghiloni; Don Rider

ORDERED:

That the City Council for the City of Marlborough, having voted on September 10, 1934 to accept a deed to acquire, for public playground purposes, land now known as Stevens Park, located at 20 Martin Street, Marlborough Massachusetts, and shown on the Marlborough Assessor's Maps as Map 68, Parcel 5, which deed was recorded on October 16, 1934 at the Middlesex South District Registry of Deeds in Book 5870, Page 33, does hereby vote, by a two-thirds vote of all its members pursuant to M.G.L. c. 40, § 15A, to transfer the care, custody, management and control of Stevens Park to the Parks and Recreation Commission for park purposes.

ADOPTED

In City Council
Order No. 14-100
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

**A RESOLUTION
TO APPLY FOR AND ACCEPT A GRANT
FROM THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS,
FOR THE RENOVATION OF STEVENS PARK**

WHEREAS, the City Council for the City of Marlborough voted on September 10, 1934 to accept a deed to acquire, for public playground purposes, land now known as Stevens Park, located at 20 Martin Street, Marlborough Massachusetts, and shown on the Marlborough Assessor's Maps as Map 68, Parcel 5, which deed was recorded on October 16, 1934 at the Middlesex South District Registry of Deeds in Book 5870, Page 33; and

WHEREAS, by vote of the City Council on _____, 2014, the care, custody, management and control of Stevens Park has been transferred to the Parks and Recreation Commission for park purposes, thereby permanently dedicating Stevens Park for park purposes;

WHEREAS, Stevens Park is a community-wide asset, and the preservation of and improvements to this facility are a priority of the city of Marlborough, as evidenced by the most recent Open Space and Recreation Plan; and

WHEREAS, Stevens Park's renovation will greatly enhance this facility with improved playground equipment, trees, benches, picnic tables, water bubbler, fencing, and a pavillion; and

WHEREAS, the main focus of this renovation is to upgrade the facility to improve its functionality and appearance; and

WHEREAS, the Commonwealth of Massachusetts' Executive Office of Energy and Environmental Affairs ("EOEEA") is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Our Common Backyards grant program; and

WHEREAS, the project cost as outlined in the application totals \$611,000 (six hundred eleven thousand dollars), with the balance of the funding being provided from the Sligo Antenna Revolving account that was approved by the City Council. The total funding is available from the FY 2014 account and the FY 2015 account.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

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

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

ADOPTED

In City Council
Order No. 14-100
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



RECEIVED
CITY CLERK'S OFFICE
OF MARLBOROUGH

2014 MAY 15 A 11:40

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

May 15, 2014

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

Re: Grant Acceptance – Council on Aging

Honorable President Pope and Councilors:

Enclosed for your acceptance is a grant from the Massachusetts Department of Transportation (MassDOT) to the Marlborough Council on Aging in the amount of \$45,451.00. This grant is part of the Mobility Assistance Program and covers approximately 80% of the cost to purchase an eight passenger handicapped accessible bus.

The city's match on this grant, in the amount of \$11,363.00 will be covered from existing funds and those accounts are listed on the Notice of Grant Award coversheet. Additionally, COA Director Jennifer Claro has provided further information on this particular vehicle.

I wish to commend Ms. Claro's pursuit of this worthy grant opportunity. As always, please let me know if you have any questions.

Sincerely,

Arthur G. Vigeant
Mayor

CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: Council on Aging DATE: April 30, 2014

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Jennifer Clavo

NAME OF GRANT: MASSDOT Community Transit Program

GRANTOR: MASSDOT Rail and Transit Division

GRANT AMOUNT: \$45,451

GRANT PERIOD: n/a

SCOPE OF GRANT/
ITEMS FUNDED The Marlborough Council on Aging will receive a
8 passenger mini handicapped accessible bus. see
picture attached

IS A POSITION BEING
CREATED: Yes, but will be spend positions from other
grant sources - Positions are P/T Transportation Coordinator
and maybe Driver if we can't find a volunteer.
IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? n/a

ARE MATCHING CITY
FUNDS REQUIRED? Yes, partially other being covered through the Friends of
Marlborough Seniors + Anonymous donation
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:
Match Amt. - \$11,363.⁰⁰ COA - Acct. # 29000001-5710011410 - \$3000, Acct. # 15410006-57100114052682
Mayor will cover balance of \$5681.⁰⁰ from Acct. # 19300006-58595

ANY OTHER EXPOSURE TO CITY?
Vehicle covered by City Insurance as well as Volunteer drivers

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

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



Deval L. Patrick, Governor
Richard A. Davey, MassDOT Secretary & CEO
Beverly A. Scott, Ph.D., General Manager
and Rail & Transit Administrator



Jennifer Claro
Executive Director
Marlborough Council on Aging
250 Main Street
Marlborough, MA 01752

2 April 2014

Dear Ms. Claro

It is our pleasure to inform you that Marlborough Council on Aging has been competitively selected to receive a State Fiscal Year 2015 Mobility Assistance Program (MAP) grant for BUY VAN FOR SVC EXPANSION (1) in the amount of \$45,451. The purpose of this grant is to provide eighty (80) percent of the cost of (1) Type E Van.

The MAP program and its grant recipients ensure a higher standard of living for many seniors and individuals with disabilities throughout Massachusetts. The Patrick Administration recognizes the value of your hard work and dedication to your community.

The Marlborough Council on Aging will receive a contract detailing the terms, conditions, and reporting requirements of this MAP grant.

Congratulations on your selection, and thank you for your continued service to your community. A member of the Massachusetts Department of Transportation - Rail & Transit Division will contact you regarding the contracting procedure for vehicles.

Sincerely,

Kyle J. Emge
Manager, Capital Programs and Operations
MassDOT Rail and Transit Division

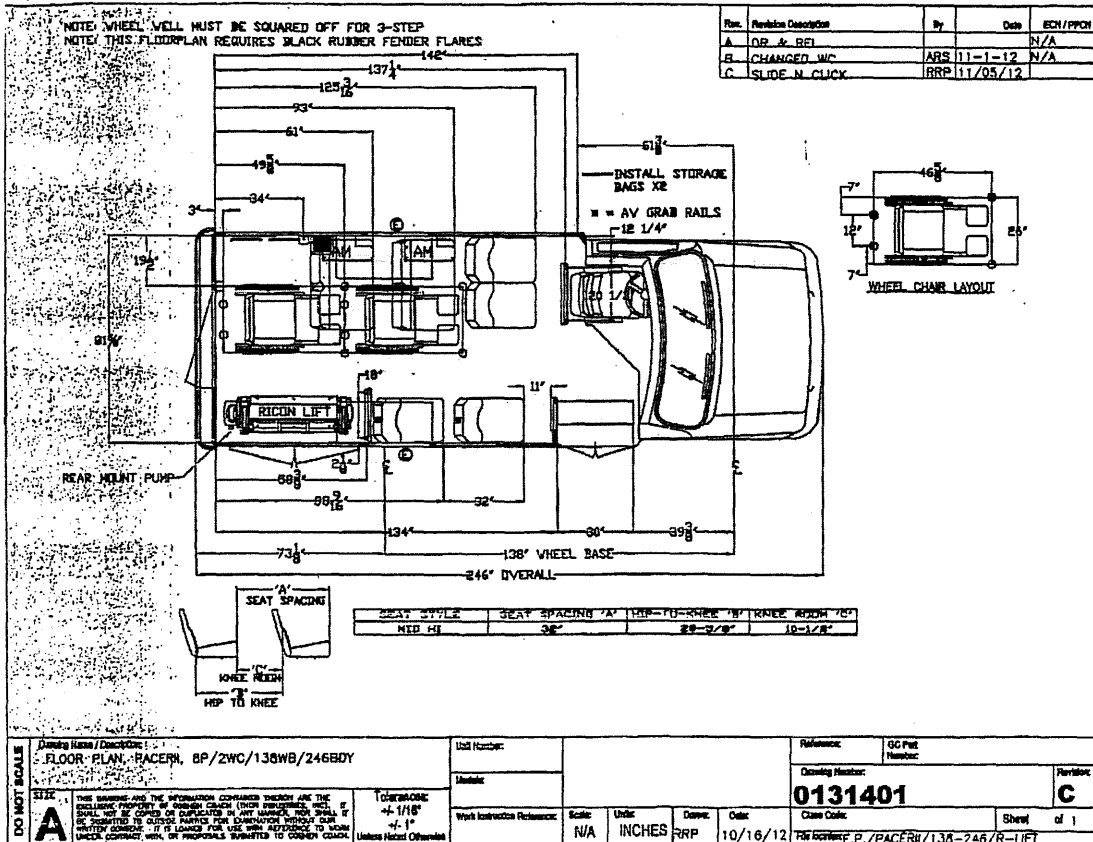
Type E

Type E vehicles meet the following specifications:

- Capacity: 8-passenger
- Body Design: Body-on-chassis, single rear wheel
- Wheelchair Accommodation: Two or more wheelchair positions
- Total Cost: \$56,814
- 80% Split : \$45,451
- 20% Split : \$11,363



TYPE E



Driver's License Req.: Class D

Jennifer Claro

From: Beverly Sleeper
Sent: Thursday, May 01, 2014 6:56 PM
To: Jennifer Claro
Cc: Patricia Bernard
Subject: RE: Quick question - Exposure for Accepting Van under Grant

Trish-

I think I gave you a copy of the insurance section when we applied for the grant....if you need me to pull it from our policy, I can.

Bev

From: Beverly Sleeper
Sent: Thursday, May 01, 2014 6:52 PM
To: Jennifer Claro
Cc: Patricia Bernard
Subject: RE: Quick question - Exposure for Accepting Van under Grant

Jennifer-

Is the City insuring the van that we are accepting? If so, the van would be covered the same as any other City vehicle under our automobile policy. If volunteers are driving the van, they are covered under our policy up to the limits specified as long as the program is sanctioned by the City, would it appear as if we accept the van under the state grant. If an employee is driving the van, they are covered. I think we got this answered when you were applying for the grant.

If this does not answer your question, please let me know tomorrow.

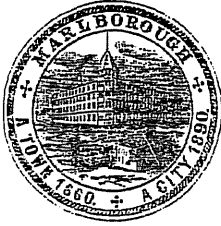
Bev

From: Jennifer Claro
Sent: Thursday, May 01, 2014 1:07 PM
To: Beverly Sleeper
Cc: Patricia Bernard
Subject: Quick question

Dear Beverly,

I was submitting the grant acceptance form to the Mayor to present to the City Council on the acceptance of the 8 passenger vehicle. However, I did not know how to answer the question: Is there any exposures to the City. How would you advise? I have given Trish the Grant Acceptance form so I am CC her on this email.

Thanks,
Jennifer



City of Marlborough

Council on Aging and Senior Center

250 Main Street
Marlborough, MA 01752
Tele (508) 485-6492 Fax (508) 460-3726

May 5, 2014

Mr. Kyle Emge
Manager of Capital Programs and Operations
MassDOT Rail and Transit Division
10 Park Plaza, Suite 4160
Boston, MA 02116

Dear Mr. Emge,

Our Marlborough Council on Aging was recently awarded assistance as part of the Fiscal Year 2015 MassDOT Community Transit Grant Program for our Council on Aging Transportation Program. As part of the Community Transit Grant Program, local match is required. This letter serves to verify the commitment of \$11,363 to serve as non-federal match for funds being provided by the MassDOT in the amount of \$45,451. The source of funding is: the Friends of Marlborough Seniors, City of Marlborough and the Executive Office of Elder Affairs.

I certify that this funding:

1. Is **not** taken from other ineligible federal funding sources.
2. Is **not** being used to match other federal grants.
3. Is **not** derived from fares collected on federally-subsidized vehicles or routes

Should you require further documentation or information, please do not hesitate to contact me.

Sincerely,

Jennifer Claro
Marlborough Council on Aging
Director

COMMONWEALTH OF MASSACHUSETTS CONTRACTOR AUTHORIZED SIGNATORY LISTING



CONTRACTOR LEGAL NAME : *City of Marlborough*
CONTRACTOR VENDOR/CUSTOMER CODE:

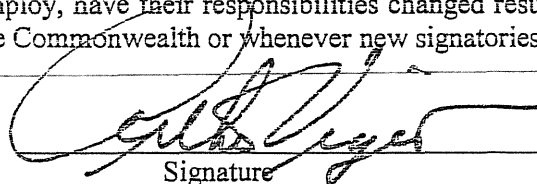
INSTRUCTIONS: Any Contractor (other than a sole-proprietor or an individual contractor) must provide a listing of individuals who are authorized as legal representatives of the Contractor who can sign contracts and other legally binding documents related to the contract on the Contractor's behalf. In 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
Jennifer Claro	Council On Aging Director
Arthur G. Vigeant	Mayor

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: 5/2/14

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 : City of Marlborough
CONTRACTOR VENDOR/CUSTOMER CODE:

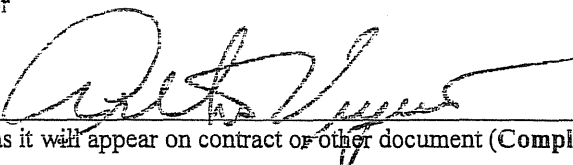
PROOF OF AUTHENTICATION OF SIGNATURE

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.

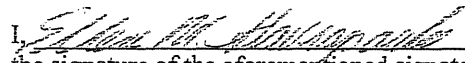
Signatory's full legal name (print or type): Arthur G. Vigeant

Title: Mayor

X 

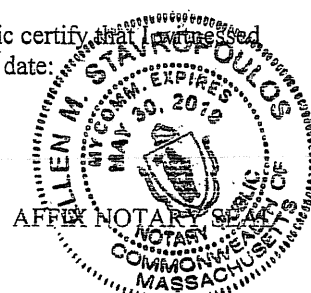
Signature as it will appear on contract or other document (Complete only in presence of notary):

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

I,  (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:

May 2, 20 14.

My commission expires on: May 30, 2019



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

COMMONWEALTH OF MASSACHUSETTS CONTRACTOR AUTHORIZED SIGNATORY LISTING



CONTRACTOR LEGAL NAME : City of Marlborough
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): Jennifer Claro

Title: Director

X Jennifer Claro

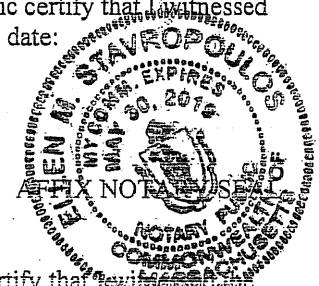
Signature as it will appear on contract or other document (Complete only in presence of notary):

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:

May 2, 2014.

My commission expires on: May 30, 2019



I, _____ (CORPORATE CLERK) certify that _____ 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



RECEIVED
CLERK'S OFFICE
OF MARLBOROUGH

2014 MAY 15 A 11:40

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

May 15, 2014

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

Re: Grant Acceptance – Ezra Cutting Trust

Honorable President Pope and Councilors:

Enclosed for your acceptance is a grant from the Ezra M. Cutting Trust to support the city's partnership with the Rivers Edge Arts Alliance (formerly known as the Hudson Area Arts Alliance). In past years, this grant helped fund the "Saturday Morning Discovery Series."

Today, these funds will be used to support performances that are part of the "Family Fun Festivals" that will provide quality entertainment for families in the Marlborough-Hudson region.

Thank you in advance for your support.

Sincerely,

Arthur G. Vigeant
Mayor

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Mayor's Office DATE: 15-May-14

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Mayor's Office

NAME OF GRANT: Family Fun Festivals

GRANTOR: Ezra M. Cutting Trust

GRANT AMOUNT: \$6,000.00

GRANT PERIOD: FY14 - FY15

SCOPE OF GRANT/
ITEMS FUNDED This grant will support programs and performances by the Rivers Edge Arts Alliance (formerly known as the Hudson Area Arts Alliance). This is a recurring grant opportunity generously donated by the Cutting Trust.

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

March 17, 2014

Mr. Michael C. Berry, Executive Aide to the Mayor
City of Marlborough
City Hall, 140 Main Street
Marlborough, MA 01752

Dear Mr. Berry:

It is our pleasure to advise you that the Distribution Committee for the Ezra M. Cutting Trust has awarded a \$6,000 grant to City of Marlborough. This one-year grant was made to support the Family Fun Festivals.

Bank of America, N.A., Trustee of the Ezra M. Cutting Trust, is responsible for the management of the Fund's assets and administration of its grantmaking program.

A Grant Agreement Form is enclosed for your signature. Please review the Grant Agreement Form, sign it, and return it to us at your earliest convenience. A return envelope is provided. You will receive the grant award under separate cover within two to three weeks.

We are proud to have the opportunity to partner with your organization and look forward to learning more about your continuing success. If you have any questions about this grant, or its conditions, please do not hesitate to contact Rita Richardson Goldberg, Senior Philanthropic Administrator, at (617) 434-4437. Your final report should be submitted via email to Rita Richardson Goldberg at rita.richardson_goldberg@ustrust.com. Best wishes for much success.

Sincerely,



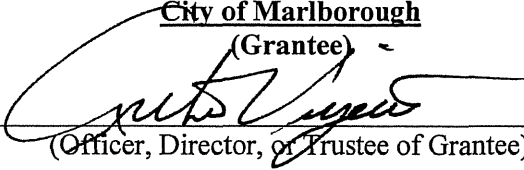
Phung Pham
Vice President; Philanthropic Relationship Manager
Philanthropic Solutions
U.S. Trust, Bank of America Private Wealth Management
225 Franklin Street
MA1-225-04-02
Boston, MA 02110

GRANT AGREEMENT FORM

On March 12, 2014, the Distribution Committee for the Ezra M. Cutting Trust (Grantor) granted to **City of Marlborough** (Grantee) the amount of **\$6,000**, payable over one year to support the Family Fun Festivals. The Grantee agrees and consents to the following conditions of the grant:

1. Grantee will use the grant solely for the purposes stated in the accompanying cover letter and in the proposal submitted to Bank of America.
2. Grantee agrees that in any press publicizing this grant, the Grantor will be recognized in the following manner: the Ezra M. Cutting Trust, Bank of America, N.A., Trustee. In instances when a press release is developed for distribution to major media outlets, the Grantee agrees to forward a draft to Bank of America for approval.
3. Grantee will submit a report to Grantor nine months after the grant award date. Such report will describe the progress the Grantee has made toward achieving the purposes for which this grant was made and will detail all expenditures made from the granted funds as compared to the request budget. If the grant awarded is for a period longer than one year from this date, Grantee will submit such reports, as described above, annually upon the anniversary date of this grant until the end of the grant period specified in the award letter.
4. Grantee will advise Bank of America immediately if the federal government, IRS, state, or local authorities notify the Grantee of a change in the Grantee's tax status.
5. Grantee shall not use any portion of the funds granted herein to carry on lobbying or otherwise to attempt to influence specific legislation, either by direct or grassroots lobbying, nor to carry on directly or indirectly a voter registration drive, nor to make grants to individuals on a non-objective basis, nor to use the funds for any non-charitable purpose.

IN WITNESS WHEREOF, this Grant Agreement is signed this 15 day of May, 2014.

City of Marlborough
(Grantee)
By 
(Officer, Director, or Trustee of Grantee)



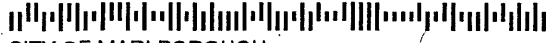
Bank of America, N. A.

Date: 03/24/14

PT 17615881

Sub Class Code
09

0000095 00 IV 0.000 7356 01-P00095



CITY OF MARLBOROUGH
CITY HALL, 140 MAIN STREET
MARLBOROUGH, MA 01752
ATTN MR. MICHAEL C. BERRY

Account Name: CUTTING E M UW BO A H WINN ETALS

Account Number: 80-02-200-5866505

Payment in Settlement as Described Below

GRANT DISTRIBUTION TO SUPPORT THE
FAMILY FUN FESTIVALS

Total Amount

6,000.00



Retain This Portion For Your Records



Bank of America, N. A.

32-2
1110

PT 17615881

Account Number
80-02-200-5866505

Account Name
CUTTING E M UW BO A H WINN ETALS

Date
03/24/14

Six Thousand and 00/100 Dollars

Pay

Amount
\$*****6,000.00

In Payment Of:
GRANT DISTRIBUTION TO SUPPORT THE

To The Order Of
CITY OF MARLBOROUGH
CITY HALL, 140 MAIN STREET
MARLBOROUGH, MA 01752
ATTN MR. MICHAEL C. BERRY

0017615881 111000025 1390023848

THE ORIGINAL DOCUMENT HAS A REFLECTIVE WATERMARK ON THE BACK. HOLD AT AN ANGLE TO VIEW WHICH SIDE OF THE DOCUMENT IS THE ORIGINAL.



RECEIVED
CLERK'S OFFICE
OF MARLBOROUGH

MAY 15 A 11:40

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

May 15, 2014

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

RE: Renewal of Public Safety Revolving Fund

Honorable President Pope and Councilors:

Last year the City Council reauthorized a Public Safety Revolving Fund for emergency dispatch fees from the City's contract with Patriot Ambulance, the purpose of which was for public safety training.

Tonight I am asking you to renew the Public Safety Revolving Fund. As you are aware, revolving funds contain more controls and safeguards than those imposed on regular accounts, including annual reauthorization, statutory caps, and limits on annual expenditures.

To be effective in fiscal year 2015, state law generally requires approval before the new fiscal year begins. The enclosed order, if approved, will accomplish that goal, and is submitted for your consideration. As always, if you have any questions or concerns about this issue, please feel free to contact me.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

Public Safety Revolving Fund

ORDERED:

That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2015, re-authorize a revolving fund to be utilized by the Mayor. It is further ordered that:

- (a) receipts credited to the fund shall be limited to an emergency dispatch fee due the City pursuant to its contract with Patriot Ambulance, unless otherwise directed by the General Laws; and
- (b) expenditures from said fund shall be limited to public safety training; and
- (c) the Mayor shall be the only officer authorized to approve expenditures from the same; and
- (d) the Mayor shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (e) no provisions of this order shall be changed unless approved by the Mayor and City Council.

ADOPTED
In City Council
Order No. 14-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



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

May 13, 2014

MEMORANDUM

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

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

Beginning balance as of July 1, 2013	\$65,882.94
Funds received to date	41,250.00
Expenditures to date-	
Installation of Sprinklers Training	(1,200.00)
Driver and SCBA Training	(5,815.09)
Recruit Officer Training	(6,000.00)
Inservice Legal Update	(14,751.79)
Hazmat Training	(6,233.13)
Safety and Respect at Work	(4,744.27)
Pump Operator Training	(9,039.00)
First In Training	(4,510.13)
	<u>52,293.41</u>
Balance as of May 13, 2014	<u>\$54,839.53</u>



City of Marlborough
Legal Department

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

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

May 15, 2014

Patricia Pope, President and Members
Marlborough City Council

RE: Site Plan Permit For Hilton Garden Inn, 170 Forest Street
CSM Corporation, Applicant
Atlantic-Marlboro Realty LLC, Property Owner

Dear President Pope and Members:

Attached for your consideration is the above captioned Site Plan Permit. Said Site Plan Permit is in proper form for consideration by the body.

I am available to answer your questions. Thank you for your attention to this matter.

Very Truly Yours,

Cynthia Panagore Griffin/DVR
Cynthia Panagore Griffin
Assistant City Solicitor

Enclosure

Cc: Arthur G. Vigeant, Mayor
Donald V. Rider, City Solicitor
Priscilla Ryder, Conservation Officer
Evan Pilachowski, City Engineer
Michael Mendoza, Building Commissioner
James Fortin, Fire Chief
Mark Leonard, Police Chief

**CITY COUNCIL
MARLBOROUGH, MA**

**Site Plan Permit # _____
Site Plan Approval with Conditions**

Location: 170 Forest Street (the Site) being Lot 1C shown on a Plan of Land in Marlborough, Massachusetts (Middlesex County) Scale: 1" = 60' April ---, 2014 The BSC Group, Inc., 33 Waldo Street, Worcester, Massachusetts Owned by Atlantic-Marlboro Realty LLC

Zoning District: Limited Industrial (LI) underlying district & Results Way Mixed Use Overlay District

The following Site Plan Approval Final Condition are based on the plans titled: Hilton Garden Inn Marlborough, Hills dated March 6, 2014 Revised April 15, 2014 with a list of drawings as follows: C-101 Existing Conditions Plan, C-111 Site Preparation & Erosion Control Plan, C-121 Layout & Materials Plan, C-141 Grading & Utilities Plan, C-151 Planting Plan, C3-111 Profiles, C-501 Details I, C-502 Details II, C-503 Details III, C-504 Details IV and ES110 Site Plan Foot Candle Calculations.

CONDITIONS:

1. Construction of the Site shall be in conformance with the above plans and in with the provisions of Chapter 270 of the Code of the City of Marlborough.
2. Four additional inspection ports shall be included in each of the subsurface detention areas stormtech chambers for better inspection. These shall be located in the main chamber area in addition to those shown in the isolator rows.

Preconstruction meeting:

1. Prior to construction a preconstruction meeting shall be held on site with the City Engineer, Conservation Officer and site contractor responsible for doing the work. At this meeting the departments will review the plans, conditions, exchange contact information including emergency contact numbers and inspect erosion controls.
2. Prior to construction the applicant and site contractor will provide to the Chief of Police a map showing the defined haul routes for the large amounts of materials to be removed from the site. The Chief of Police will determine what, if any details or restrictions need to be placed on this plan.

Stormwater:

3. The site contractor and person who is responsible for the Stormwater Pollution Prevention Plan and the NPDES general permit shall be responsible for also reporting (by e-mail) to the Conservation officer and City Engineer weekly, during construction, summarizing the work that

has been completed, compliance of the project with the site preparation and erosion control plan- sheet C-111. These weekly reports shall begin as soon as the work begins on the site.

4. The applicant, property owner, and site contractor shall be responsible for notifying the Conservation Officer in an expeditious manner if any visible siltation to the existing drainage system and ultimately the wetlands occurs. Immediate measures shall be taken to control the siltation source and to restore any impacted areas.
5. Prior to requesting the occupancy permit, the applicant or its agent shall clean the detention basin, all drainage pipes and catch basins of accumulated sediment and debris. The underground detention areas shall also be inspected and cleaned if necessary. A site meeting with the Conservation Officer to inspect these structures is required before the Conservation Officer will provide a final signoff.
6. Prior to the issuance of the Certificate of Occupancy the applicant shall provide the City Engineer and the Conservation Officer with the final Stormwater Management maintenance plan, as outlined in the project's drainage report. The name, address and phone number of the contact person who will be in charge of authorizing the annual maintenance shall be provided to the Conservation Officer.
7. An annual maintenance report shall be provided to the City Engineer and the Conservation Officer by June 1st of each year reporting on the maintenance and operation procedures, outlined in the Stormwater Management Maintenance Plan, which have been met for that year. This reporting requirement will follow the issuance of the occupancy permit.

Landscaping:

8. All modifications to the Landscape plan related to changes to the kind, size and placement of plant material shall receive the prior written approval of the Conservation Officer and shall be considered a minor change.
9. Prior to the final signoff, the Conservation officer shall confirm by a site visit that the planting has been installed according to the approved landscape plan, or a revision of the landscape plan previously approved by the Conservation officer.
10. Following 18 months of the final signoff of the site work, any plant material that has died or is dying shall be replaced with a species of the same kind and size by the property owner.
11. Any large rocks or boulders encountered while excavating the site shall be disposed of properly off site.
12. Installation of mulch at the time of planting and thereafter shall be places so that the mulch is not in contact with the trunk of newly planted trees and shrubs as shown on the details on the Planting Plan C-151.

Prior to issuance of Occupancy Permit

13. An as-built plan must be submitted to the City Engineer for review prior to issuance of an occupancy permit (or temporary occupancy permit). The as-built plan shall be prepared in accordance with the As-built plan standards established by the City Engineer which can be found on the city's web site.

General Provisions:

- Due to the size of the building, this would fall under control construction, per the current issue of the Massachusetts State Building Code.
- Crush stone should be placed around the perimeter of the building to reduce exposure to fire due to lit smoking material.
- An authorized 3rd party inspection company shall review, during the construction phase that all fire blocking and fire stopping penetrations have been properly addressed throughout the building. The Applicant shall pay the cost of the 3rd part review.
- Regarding the monument sign; that the proposed sign conforms to the City of Marlborough's sign ordinance without variance.
- The Building Commissioner is delegated with the authority to approve minor site plan changes.
- The Building Commissioner is designated as the enforcing authority to bring enforcement actions for violation of this permit.
- Signage for the site shall include the entire address (170 Forest Street)

Stormwater/erosion control:

IN CITY COUNCIL 6 SEPTEMBER 23, 2013

25. This project shall comply with the Sign Ordinance without a variance.

APPROVED; adopted.

Yea: ___ **Nay:** _____

CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

2014 MAY -5 P 2:01

1. Name and address of Petitioner or Applicant:

MICHAEL ALMADA AGENT FOR T MOBILE
16 CHESTNUT ST. STE 220 FOXBOROUGH, MA 02035

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

860 OLD BOSTON POST. RD. PLATE 61 PARCEL 16

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

CITY OF MARLBOROUGH, 85 MAIN ST., MARLBOROUGH, MA 01752

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

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

Article 65B Section 25 Paragraph _____ Sub-paragraph _____

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

RR

7. Specific reason(s) for seeking Special Permit

MODIFICATION OF ANTENNA OF EXISTING WIRELESS COMM. FACILITY

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.

Michael A. Almada
Signature of Petitioner or Applicant

Address: 16 Chestnut St. Ste. 220

Foxborough, MA 02035

Telephone No. 508-207-1517

Michael A. Almada

Date: _____
City Clerk's Office

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

T-MOBILE, (SUCCESSOR IN INTEREST TO OMNIPONT COMMUNICATIONS)
(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

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: T-Mobile, Michael Almada, agent 16 Chestnut St., Ste. 220
Foxborough, MA 02360

Project Name: T-Mobile Antenna
Modernization - WWTP Address: 860 Old Boston Post Rd.

1. PROPOSED USE: (describe) Replace 6 of 9 (E) antenna with 6 (P) antenna. Remove 3 (E) TMA's and add 1 1/4" fiber cable.

2. EXPANSION OR NEW: Expansion

3. SIZE: floor area sq. ft. NA 1st floor all floors
buildings # stories lot area (s.f.)

4. LOT COVERAGE: NA %Landscaped area: %

5. POPULATION ON SITE: Number of people expected on site at anytime: NA, facility is unoccupied
Normal: 0 Peak period: 1

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 0 Peak period: 1

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

1 per month

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? No lighting by applicant.

8. NOISE:

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

Ambient noise level at property line.

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation.

HVAC for equipment cabinet. Intermittent.

9. AIR: What sources of potential air pollution will exist at the development? NA; no emissions

10. WATER AND SEWER: Describe any unusual generation of waste. NA

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? NA

*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: 4/29/14

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: T-Mobile Antenna Modernization - WWTP

Project Use Summary: Replace 6 of 9 (E) antenna with 6 (P) antenna. Remove 3 (E) TMA's

Project Street Address: 860 Old Boston Post Road

Plate: 61 Parcel: 16

Applicant/Developer Name: Michael Almada, TRM, agent for T-Mobile

Plan Date: 4/31/14 Revision Date: None

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 Inspector

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

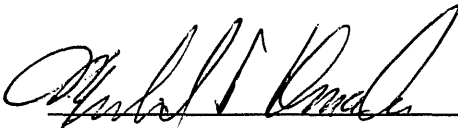
\$500.00

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

**Lisa M. Thomas
City Clerk**



I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all Municipal tax returns and paid all Municipal taxes required under law.

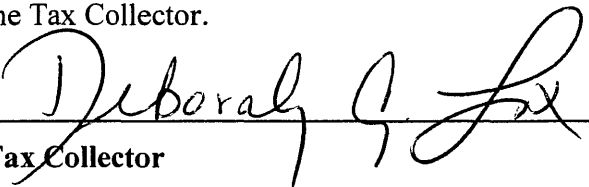


Signature of Applicant

Michael Almada, Tower Resource Management

Agent on behalf of Applicant, if applicable

The Special Permit Package will not be accepted unless this certification clause is signed by the applicant and the Tax Collector.



Tax Collector

CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

2014 MAY -5 P 2:03

1. Name and address of Petitioner or Applicant:

MICHAEL ALMADA AGENT FOR T-MOBILE
16 CHESTNUT ST., STE 220 FOXBORO, MA 02035

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

460 BOSTON POST RD., PLATE 73 PARCEL 31

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

TRINITY COUNTRYSIDE LP c/o DP SERVICE CORP. TAX DEPT.
P.O. BOX 4308 SILVER SPRING, MD 20914-4308

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

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

Article 650 Section 25 Paragraph _____ Sub-paragraph _____

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

RR

7. Specific reason(s) for seeking Special Permit

ANTENNA MODIFICATION OF EXISTING WIRELESS COMM. FACILITY

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.

Michael Almada
Signature of Petitioner or Applicant

Address: 16 CHESTNUT ST. STE 220

FOXBOROUGH, MA 02035

Telephone No. 508-287-1517

Michael Almada

Date: _____
City Clerk's Office

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

T-MOBILE (SUCCESSOR IN INTEREST TO PENNAPoint Communications)
(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**)

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: T-Mobile, Michael Almada, agent 16 Chestnut St., Ste. 220
Foxborough, MA 02360
Project Name: T-Mobile Antenna MDRN - 460 Boston Post Rd. Address: 460 Boston Post Rd.

1. PROPOSED USE: (describe) Replace 3 (E) antenna with 3 (P) antenna. Remove (E) cannister and ballast base and replace with (P) 36" cannister on 12' X 12' base.
2. EXPANSION OR NEW: Expansion
3. SIZE: floor area sq. ft. NA 1st floor _____ all floors _____
buildings _____ # stories _____ lot area (s.f.) _____
4. LOT COVERAGE: NA % Landscaped area: _____ %
5. POPULATION ON SITE: Number of people expected on site at anytime: NA, facility is unoccupied
Normal: 0 Peak period: 1
6. TRAFFIC:
(A) Number of vehicles parked on site:
During regular hours: 0 Peak period: 1
(B) How many service vehicles will service the development and on what schedule?
1 per month
7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? No lighting by applicant.
8. NOISE:
(A) Compare the noise levels of the proposed development to those that exist in the area now.
Ambient noise level at property line.
(B) Describe any major sources of noise generation in the proposed development and include their usual times of operation.
HVAC for equipment cabinet. Intermittent.
9. AIR: What sources of potential air pollution will exist at the development? NA; no emissions
10. WATER AND SEWER: Describe any unusual generation of waste. NA
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? NA

***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: 4/29/14

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: T-Mobile Antenna Modernization - WWTP

Project Use Summary: Replace 3 (E) antenna with 3 (P) antenna and replace cannister

Project Street Address: 460 Boston Post Road

Plate: 73 Parcel: 31

Applicant/Developer Name: Michael Almada, TRM, agent for T-Mobile

Plan Date: 2/14/14 Revision Date: None

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 Inspector

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

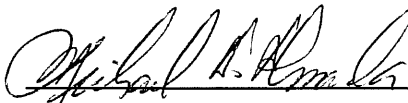
\$500.00

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

**Lisa M. Thomas
City Clerk**



I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all Municipal tax returns and paid all Municipal taxes required under law.

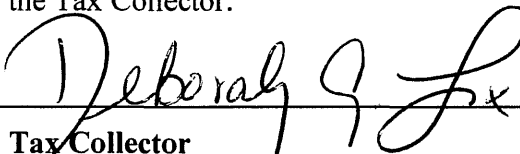


Signature of Applicant

Michael Almada, Tower Resource Management

Agent on behalf of Applicant, if applicable

The Special Permit Package will not be accepted unless this certification clause is signed by the applicant and the Tax Collector.



Tax Collector

2014 MAY -2 A 11: 35

May 1, 2014

City Council
City of Marlborough
140 Main Street
Marlborough, MA 01752

**RE: Teleport Communications America, LLC
Petition for Grant of Location – Donald Lynch Boulevard**

Dear Members of the City Council:

On behalf of Teleport Communications America, LLC (Teleport), a wholly owned subsidiary of AT&T Corp., Siena Engineering Group, Inc. (Siena) is hereby requesting from the City of Marlborough, permission to lay, maintain and operate underground conduits, with the cables to be placed therein, under the surface of the following public way:

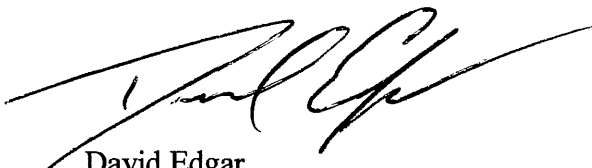
Donald Lynch Boulevard, from existing Verizon manhole #608 on Donald Lynch Blvd, to the property line of the Mall at Solomon Pond, LLC; a distance of approximately twenty (20) feet.

All conduits shall be placed at an approximate depth of 48” and in accordance with the requirements of the City’s Department of Public Works.

Fourteen (14) sets of a plan entitled “**Proposed Conduit Placement, Donald Lynch Boulevard, Marlborough, MA**”; dated April 30, 2014 are filed herewith. Your consideration of this petition is greatly appreciated and we look forward to discussing the project with you at the next available Public Hearing.

Sincerely,

SIENA ENGINEERING GROUP, INC.



David Edgar
Sr. Project Engineer

Cc: R. Solitro (TCG/AT&T)

**PETITION FOR GRANT OF LOCATION FOR WIRES, CABLES, POLES, PIERS, ABUTMENTS,
CONDUITS OR FIXTURES**

City of Marlborough, Massachusetts
City Council

Date: May 1, 2014

RESPECTFULLY REPRESENTS **Teleport Communications America, LLC** (hereinafter known as the PETITIONER), that it desires to construct upon, along, under or across the public way(s) of the City of Marlborough, wires, cables, poles, piers, abutments, conduits or fixtures.

WHEREFORE, the PETITIONER prays that, after due notice and public hearing as provided by law, the City Council may by Order grant to the PETITIONER permission to construct, in accordance with plan(s) dated **April 30, 2014**, the following (describe work):

The installation of two (2), four-inch PVC conduits, at an approximate depth of forty-eight inches, from an existing Verizon manhole at 200 Donald Lynch Blvd, to utility pole #69 on Bigelow Street; a distance of approximately seven-hundred-twenty-seven (727) feet.

The PETITIONER understands and agrees that:

1. PETITIONER shall locate and complete all work as specified and approved by the City.
2. PETITIONER shall comply with the requirements of existing ordinances and such as may hereafter be adopted governing the construction.
3. PETITIONER shall perform all work to the requirements and satisfaction of the Department of Public Works or other such officer(s) as may be hereafter appointed by the City.

For the PETITIONER:

Signature: _____



Name: David Edgar – Siena Engineering Group – (781)-221-8400 x7005

Title: Authorized Agent for Teleport Communications America, LLC

Mailing Address: (For Teleport) 157 Green Street, Suite 2, Foxboro, MA 02035

Telephone: (508) 216-0033 - Rich Solitro – OSP Manager

Date: May 1, 2014

**ORDER FOR GRANT OF LOCATION FOR WIRES, CABLES, POLES, PIERS, ABUTMENTS,
CONDUITS OR FIXTURES**

**City of Marlborough, Massachusetts
In City Council**

WHEREAS, **Teleport Communications America, LLC** (hereinafter known as the PETITIONER) has petitioned for permission to construct upon, along, under or across the public way(s) of the City of Marlborough, the following (describe work):

The installation of two (2), four-inch PVC conduits, at an approximate depth of forty-eight inches, from an existing Verizon manhole at 200 Donald Lynch Blvd, to utility pole #69 on Bigelow Street; a distance of approximately seven-hundred-twenty-seven (727) feet.

AND WHEREAS, notice has been given and a hearing held on said petition as provided by law; NOW THEREFORE BE IT ORDERED that the PETITIONER be and hereby is granted permission by the City Council to complete the construction described above, all in accordance with the following conditions:

1. PETITIONER shall locate and complete all work as shown by plan(s) dated **April 30, 2014**, and as may have been amended by the City.
2. PETITIONER shall comply with the requirements of existing ordinances and such as may hereafter be adopted governing the construction.
3. PETITIONER shall perform all work to the requirements and satisfaction of the Department of Public Works or other such officer(s) as may be hereafter appointed by the City.

Approved by the City Council on the _____ day of _____, 2014

A True Record. Attest: _____ Date: _____
City Clerk

Certificate

I hereby certify that the foregoing Order was adopted by the City Council on the _____ day of _____, 20____, after due notice and public hearing as prescribed by Section 22 of Chapter 166 of the General Laws and any additions or amendments thereto, said public hearing held in said City on the _____ day of _____, 20____, and recorded with the records of Grant of Location Orders of said City, in Book _____, Page _____.

Certified. Attest: _____ Date: _____
City Clerk

2014 MAY -2 A 11: 35

May 1, 2014

City Council
City of Marlborough
140 Main Street
Marlborough, MA 01752

**RE: Teleport Communications America, LLC
Petition for Grant of Location – Bigelow Street**

Dear Members of the City Council:

On behalf of Teleport Communications America, LLC (Teleport), a wholly owned subsidiary of AT&T Corp., Siena Engineering Group, Inc. (Siena) is hereby requesting from the City of Marlborough, permission to lay, maintain and operate underground conduits, with the cables to be placed therein, under the surface of the following public way:

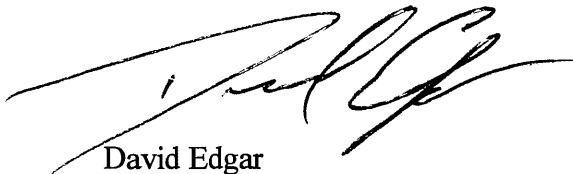
Bigelow Street, from an existing Verizon manhole at 200 Donald Lynch Blvd, to utility pole #69; a distance of approximately seven-hundred-twenty-seven (727) feet.

All conduits shall be placed at an approximate depth of 48" and in accordance with the requirements of the City's Department of Public Works.

Fourteen (14) sets of a plan entitled "**Proposed Conduit Placement, Bigelow Street, Marlborough, MA**"; dated April 30, 2014 are filed herewith. Your consideration of this petition is greatly appreciated and we look forward to discussing the project with you at the next available Public Hearing.

Sincerely,

SIENA ENGINEERING GROUP, INC.



David Edgar
Sr. Project Engineer

Cc: R. Solitro (TCG/AT&T)

**PETITION FOR GRANT OF LOCATION FOR WIRES, CABLES, POLES, PIERS, ABUTMENTS,
CONDUITS OR FIXTURES**

City of Marlborough, Massachusetts
City Council

Date: May 1, 2014

RESPECTFULLY REPRESENTS **Teleport Communications America, LLC** (hereinafter known as the PETITIONER), that it desires to construct upon, along, under or across the public way(s) of the City of Marlborough, wires, cables, poles, piers, abutments, conduits or fixtures.

WHEREFORE, the PETITIONER prays that, after due notice and public hearing as provided by law, the City Council may by Order grant to the PETITIONER permission to construct, in accordance with plan(s) dated **April 30, 2014**, the following (describe work):

The installation of one (1), four-inch PVC conduit, at an approximate depth of forty-eight inches, from existing Verizon manhole #608 on Donald Lynch Blvd, to the property line of the Mall at Solomon Pond, LLC; a distance of approximately twenty (20) feet.

The PETITIONER understands and agrees that:

1. PETITIONER shall locate and complete all work as specified and approved by the City.
2. PETITIONER shall comply with the requirements of existing ordinances and such as may hereafter be adopted governing the construction.
3. PETITIONER shall perform all work to the requirements and satisfaction of the Department of Public Works or other such officer(s) as may be hereafter appointed by the City.

For the PETITIONER:

Signature:  _____

Name: David Edgar – Siena Engineering Group – (781)-221-8400 x7005

Title: Authorized Agent for Teleport Communications America, LLC

Mailing Address: (For Teleport) 157 Green Street, Suite 2, Foxboro, MA 02035

Telephone: (508) 216-0033 - Rich Solitro – OSP Manager

Date: May 1, 2014

**ORDER FOR GRANT OF LOCATION FOR WIRES, CABLES, POLES, PIERS, ABUTMENTS,
CONDUITS OR FIXTURES**

**City of Marlborough, Massachusetts
In City Council**

WHEREAS, **Teleport Communications America, LLC** (hereinafter known as the PETITIONER) has petitioned for permission to construct upon, along, under or across the public way(s) of the City of Marlborough, the following (describe work):

The installation of one (1), four-inch PVC conduit, at an approximate depth of forty-eight inches, from existing Verizon manhole #608 on Donald Lynch Blvd, to the property line of the Mall at Solomon Pond, LLC; a distance of approximately twenty (20) feet.

AND WHEREAS, notice has been given and a hearing held on said petition as provided by law; NOW THEREFORE BE IT ORDERED that the PETITIONER be and hereby is granted permission by the City Council to complete the construction described above, all in accordance with the following conditions:

1. PETITIONER shall locate and complete all work as shown by plan(s) dated **April 30, 2014**, and as may have been amended by the City.
2. PETITIONER shall comply with the requirements of existing ordinances and such as may hereafter be adopted governing the construction.
3. PETITIONER shall perform all work to the requirements and satisfaction of the Department of Public Works or other such officer(s) as may be hereafter appointed by the City.

Approved by the City Council on the _____ day of _____, 2014

A True Record. Attest: _____ Date: _____
City Clerk

Certificate

I hereby certify that the foregoing Order was adopted by the City Council on the _____ day of _____, 20____, after due notice and public hearing as prescribed by Section 22 of Chapter 166 of the General Laws and any additions or amendments thereto, said public hearing held in said City on the _____ day of _____, 20____, and recorded with the records of Grant of Location Orders of said City, in Book _____, Page _____.

Certified. Attest: _____ Date: _____
City Clerk

Pd
\$25 in
5/9/14
[Signature]



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

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

2014 MAY -9 P 2:51

**Lisa M. Thomas
City Clerk**

MARLBOROUGH, MA

DATE: 5/8/14

To the City Council:

Owner Name: Gerald Dumais

Residential Address: 6 High St

Telephone Number: 508 481 1519

Business Name: Dumais + Sons Second Hand Store + Pawn

Business Address: 65 Mechanic St Marlborough MA 01702

Business Telephone Number: 508-485-4864

Owner Signature: [Signature: Gerald Dumais]

The above-signed Gerald Dumais respectfully requests that he/she be granted a JUNK DEALER'S LICENSE license.

In City Council



The Commonwealth of Massachusetts
State Reclamation & Mosquito Control Board
CENTRAL MASS. MOSQUITO CONTROL PROJECT

111 City Street Northborough, MA 01532
CITY OF MARLBOROUGH
www.cmmcp.org

2014 MAY -2 A 9:51

Richard J. Day
CMMCP Commission Chair

Timothy D. Deschamps
CMMCP Executive Director

FOR IMMEDIATE RELEASE:
May 1, 2014

CONTACT:
Timothy D. Deschamps
(508) 393-3055

**Central Mass. Mosquito Control Awarded Environmental Merit Award for 2014
from the EPA**

On Earth Day 2014 (April 22) CMMCP was given an "Environmental Merit" award from the New England Region 1 division of the Environmental Protection Agency (EPA), recognizing our efforts in our tire recycling program. On the EPA website at <http://www.epa.gov/region1/ra/ema/2014recipients.html#Governmental> they note:

Since the end of 2009, Tim Deschamps and Tim McGlinchy at the Mosquito Control Project have shown its 41 members communities the benefits of getting rid of old tires. Other communities statewide have taken note and begun their own programs. The control project picks up and delivers to recycling facilities used tires, which provide the ideal habitat for mosquito breeding. One tire can produce thousands of mosquitoes in a year. Removing tires eliminates the need for the Mosquito Control Project to inspect the tires or apply pesticides. The program involves cleaning the large waste tire dumping sites, removing tires from curbsides, removing waste tires left on the side of the road and coordinating with the community at events such as river cleanups and hazardous waste days. This program is a member of EPA's WasteWise Program. Through this project, the organization has recycled 11,500 tires, which saved 192 staff hours in monitoring larval habitats, and resulted in usage of 720 pounds less of pesticides.

"Our tire program has become very popular in many of our member communities" said CMMCP Executive Director Timothy Deschamps. "By bringing these tires to a recycling facility, we remove significant larval habitat from mosquito species that can transmit West Nile Virus. We also remove this blight from the environment. We are very honored and humbled to be recognized on a statewide and national basis for our efforts".

For more information on our tire program please check this link:
<http://www.cmmcp.org/tires.htm>

###

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

Minutes

April 3, 2014 (Thursday)

Marlborough City Hall – 3rd Floor, Memorial Hall

7:00 PM

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 MAY -2 P 12:37

Present: Members Present: Edward Clancy-Chairman, Lawrence Roy, John Skarin, David Williams, Allan White. Also present was Priscilla Ryder-Conservation Officer

Absent: Dennis Demers

Approval of Minutes: March 20, 2014- The minutes of March 20, 2014 were reviewed and unanimously approved 5-0.

Public Hearings:

Notice of Intent (Continuation)

93 Framingham Rd. - Melanson Development Group Inc.

Bruce Saluk of Bruce Saluk and Associates was present and gave a brief overview of the subdivision plan on which he made the changes per comments from the City Engineering Dept. The changes made to the plans includes: 1) removal of the subsurface cultech system and replace it with an infiltrating detention basin. On sheet C9 of the plans the basin profile is provided. There will be 18" of stone enveloped in filter fabric which will act as an infiltration chamber, this will be topped with sand which will be easier to maintain over the years when leaf litter and other organic matter will need to be removed. 2) There is a channel inside the detention basin that will help infiltrate the water into the stone bed, excess water will be discharged through the controlled outlet structure. There was some discussion about maintenance required; Mr. Saluk indicated that periodically organic layers would need to be removed. Grass growing on the sand would be OK, but larger plants would be a problem.

The Commission reviewed a memo dated 4-3-14 provided by Tim Collins, Assistant City Engineer, which indicated that he had reviewed the plans and found them to be acceptable. A few minor utility changes are needed, but would not affect the approval of the Commission. The Commission discussed the flared end close to the wetland, which Mr. Saluk said could be set back away from the wetland. The detention basin slopes are designed for 2:1 slopes, a chain link fence 6' tall will be around the detention basin. After more discussion about the maintenance of the infiltration system and the water quality unit which precedes it, the Commission voted to close the hearing and requested that Ms. Ryder draft a set of conditions for the next meeting.

Notice of Intent (Continuation)-

397 Bolton Street - The Marlborough Community Development Authority

At the applicants request the hearing was continued to the April 17th meeting.

Draft Order of Conditions:

- DEP 212-1125 Simarano Dr. - The City of Marlborough DPW-
The Commission reviewed the draft Order of Conditions and after some discussion voted 5-0 to accept the draft as written and amended.

Certificates of Compliance:

- 212-845 29 Bartlett St. – Full Certificate - The Commission reviewed the request. This project never started and was superseded by DEP 212-938 and for which a Certificate of Compliance was already issued. The Commission voted 5-0 to issue a Certificate noting that this permit was never started.
- 212-860 & 212-979 929 Boston Post Rd East – Full Certificate - Ms. Ryder indicated she had not received an as-built plan for this and the drainage structure is in a different location than shown on the approved plan. The Commission tabled this item to the next meeting to allow time to gather this information.
- 212-1107 734 Pleasant St. – Full Certificate - Ms. Ryder noted the house is complete. The yard is stable and they have met the Conditions of the Order. The Commission voted 5-0 to issue a full certificate of compliance for this project.

Discussion:

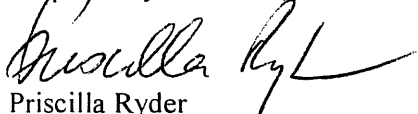
- Project updates - Ms. Ryder provided updates for Toll Brothers on Crowley Dr.; Avalon Marlborough off Simarano Dr.; Mauro Farms off Cook Lane; and Sudbury St. sewer line that is starting up again. Memorial Beach project has started up again as well. All sites fared well through the past storm events on 3-29 & 3-30; except Avalon which had a significant muddy discharge for which a violation notice is to be issued.
- Letter from Mass. Water Resources Authority, dated March 13, 2014, RE: Repair to the water storage tank at the John J. Carroll Water Treatment Plant. The Commission reviewed the letter and plans for this repair and agreed that it is a maintenance activity not requiring further review. The Commission voted 5-0 to send a letter noting the above.

Correspondence/Other Business:

Meetings: Next Conservation Commission meetings: April 17th and May 1st, 2014 (Thursdays)

Adjournment - There being no further business, the meeting was adjourned at 8:05 PM

Respectfully submitted,



Priscilla Ryder
Conservation Officer

March 25, 2014
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 MAY -2 A 9:24



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

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held on Tuesday, March 25, 2014 at 10:00 a.m. in the City Council Committee Room, City Hall. Members present: Chairman - Police Chief Mark Leonard, DPW Commissioner John Ghiloni, Fire Chief James Fortin and City Clerk Lisa Thomas. Also present: Assistant City Engineer Tim Collins, Assistant Civil Engineer Mark Dascoli, City Councilor Joe Delano, City Councilor Don Landers, Code Enforcement Officer Pam Wilderman, JDP Jessica Crawford, Conservation Officer Priscilla Ryder and Tim Cummings of the Marlborough Economic Development Corporation. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Tuesday, February 25, 2014.

MOTION was made, seconded, duly VOTED:
TO APPROVE

2-New Business

2b) Traffic concerns regarding decorative lights at 2-10 Boston Post Road East.

Pam Wilderman sent an e-mail to Chief Leonard on this issue as she has received numerous complaints. She was asking what, if anything, can be done. Are they considered a traffic hazard? She is looking for input from the Traffic Commission as there is nothing in her authority (Code Enforcement) that can be done to have them removed.

Chief Leonard advised that he has not yet spoken to the store owner, however, he does not feel that there is anything in Chapter 90 (governing motor vehicles) that would address this issue. He said that he could draft a letter to the business owner, however, if they choose to ignore it there is no recourse. Councilor Delano felt that an official letter from the Chief may be a good idea. i.e. something stating that they have received complaints about it being a distraction to drivers. Chief Leonard advised that he will get the owner's information from Pam Wilderman and that he will stop by there himself and

see what he can do. Lisa Thomas commented that sometimes a friendly approach can be better before issuing a formal letter. Priscilla Ryder advised that perhaps it is more of a building department issue. Councilor Delano said that the “ball is in their court” to “legislatively figure it out”.

MOTION was made, seconded, duly VOTED to refer to the POLICE DEPARTMENT and Chief Leonard will speak with the business owner.

2a) Discussion regarding Assabet Valley Rail Trail connection to downtown.

This request came from Tim Cummings and Priscilla Ryder. They are in the early stages of “mapping this initiative” and would appreciate the thoughts and ideas of the Traffic Commission before they get too far into the planning process. They described how they would like to do this by “safely connecting folks through Highland Street & Cashman Street on through to Prospect Street and down on to Main Street”. They provided a large map of the area and explained how “ideally” they would like to extend the bike bath to the downtown area. The end of the bike trail is currently a dead end. They wanted to know if the Traffic Commission had concerns with the preferred route.

Chief Leonard said that his main concern would be regarding bike and pedestrian safety. The intersection at Cashman Street is downhill and around the corner at Lincoln Street. It is not the best situation from a sight line perspective. He also commented on the grade of Prospect Street with young children coming down the hill on bikes. Priscilla Ryder asked if it would be acceptable if they could possibly make the site more visible to designate that it was a bike crossing area. She asked if this should be explored or taken off the table. They could have a designer come in and propose a plan. She asked the Chief what he saw as the best route.

Chief Leonard explained that a safer route would be to go up Lincoln Street to the lights at Mechanic Street to cross. There are sidewalks all the way up. However, he is not sure “how friendly this is”. People who know the area would want to go straight across at Cashman Street. It is human nature to want to take the direct route and we may “just have to deal with it”. Priscilla Ryder asked if it was possible to reconfigure the intersection to make it safer. Chief Leonard said that the problem is with cars coming too fast down the hill on Lincoln Street. He mentioned that we have even had cruisers in accidents here.

The Commission went on to discuss “what does the community want to encourage?” The route may have to go straight across rather than circle around. Chief Leonard would be OK with this but only with real enhancements at this location. He asked about a flashing pedestrian crossing light with a signal that would be activated when people approach. Tim Collins mentioned an existing light that could possibly be retrofitted for this purpose. There would also need to be proper pavement markings and clear signage. There could also possibly be cones placed to highlight the crosswalk. A bike rack would also be placed at the end of the trail either on Main Street or by the gazebo.

Priscilla Ryder asked if a traffic study would need to be done or if they could just present a plan to the traffic commission. It appears that a formal traffic study is not necessary as they are really just looking for a crosswalk and lettering for the rail trail. Chief Leonard advised that he thinks it can be done safely, however, said we would “need to stay on top of it.” Tim Collins suggested that we could still have a sign that would direct people to

the signalized intersection if they would prefer, i.e. if they had young children with them and wanted another option. It was discussed that there should also be a sign at the bike rack indicating the direct route or the longer route. There should also be bike decals on the pavement. Chief Leonard also expressed concern about bikes traveling on Main Street with parallel parking on both sides.

Tim Cummings will work with John Ghiloni and Engineering on these issues. If they can “keep the dollars short” it is something they would like to do this spring. If it is too costly, they will have to wait.

MOTION was made, seconded, duly VOTED to REFER to the DPW and ENGINEERING. Tim Cummings will work with them to put together some thoughts and recommendations for the next meetings.

2c) Communication from Kraft Tire & Auto regarding Brigham/Maple/Walker St. intersection.

Bob Kraft sent a letter to Mayor Vigeant regarding an ongoing issue he has been trying to resolve with Commissioner LaFreniere. The issues involves “improving the flow of traffic of cars that enter the intersection from both Brigham Street and Walker Street during peak traffic hours.” In his most recent letter, he noted that his customers “often wait 3-4 traffic light changes before they can get out of our parking lot”. In light of Commissioner LaFreniere’s retirement, he wanted to be sure that his issue was not overlooked. He sent copies of all correspondence back to December 22, 2005 to Mayor Vigeant’s attention and asked that it be put “in the hands of someone that will make this a priority”.

Tim Collins said that the proposed changes were still in the design phase. It falls into a TIP project and is “in the state’s hands.” The state keeps putting up stumbling blocks so they don’t have to provide funding yet.

Chief Leonard asked, in the meantime, if there was any possibility something could be done with the timing of the lights. What has been looked at? There are not enough lanes for exclusive turns on both sides.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to review the timing on the signals to see if anything has been done or can be done. Commissioner Ghiloni advised that he would call Mr. Kraft and let him know that we are looking into the issue.

3-Old Business

3i) Communication from Michael Oliveira, re: Price Chopper driveway on Hosmer St. traffic concerns.

Tim Collins presented several photographs of this location from different angles. The pole itself does not really appear to be an issue because a car would pull out passed it (as shown in one of the photos) in order to clearly view the roadway and make the turn. A vehicle would actually have to be stopped on the sidewalk in order to have their view

blocked by the pole. There is a lot of brush in other photos which is blocking visibility. This may be more of a Code Enforcement issue for Pam Wilderman as the brush is out of code for the zoning. Pam Wilderman advised that she has also looked at the site. The triangle of necessary site distance, noted in Tim's aerial photo, is blocked by the brush. She will need to work with the property owners on each side to clean up the area. She will check the site plans and confirm the requirements and talk to the owners. She believes that the brush was supposed to be kept at 2 feet.

It was also noted that the area at the intersection for Price Chopper is not lighted and is very dark at night. Many people traveling on Hosmer Street at night may not even be aware that there is traffic exiting from this location. It would be helpful to have an illuminated sign, i.e. Price Chopper Drive, that would highlight the intersection – especially at night.

MOTION was made, seconded, duly VOTED to REFER to Pam Wilderman of CODE ENFORCEMENT to check on the brush and ask about naming the driveway.

Also REFER to ENGINEERING (Tim Collins) with regard to sign requirements.

3f) Request for a crosswalk on Hudson St. at Windmill Dr.

Tim Collins provided a diagram of this location. There is an existing sidewalk. We are now looking at the sight distances to determine the best location for a crosswalk. It would NOT be handicap accessible. The roadway was recently reconstructed with new sidewalks and curbing installed. A handicap accessible crosswalk would require a curb cut and would have to be “complaint based” at this time. If a complaint was received the state would require that the crosswalk be made handicap accessible.

Chief Leonard noted that there are only four or five houses on Windmill. The other option would be that we do not install a crosswalk that we know is not handicap accessible. We assume that the residents are crossing here anyways probably to reach the rail trail. Chief Leonard asked “how big of a deal it would be” to make the curb cut. Tim Collins advised that if it had come up before the new sidewalks had gone in it would have been very easy, however, now it doesn't make sense because it is all brand new.

Commissioner Ghiloni advised that he does not like the idea of putting in a crosswalk that we know is not handicap accessible. Chief Leonard is leaning towards not putting in the crosswalk. All agreed this was probably the best option.

MOTION was made, seconded, duly VOTED to ACCEPT and PLACE ON FILE. The second issue with regard to signs clearly indicating the location of the hospital has been addressed.

3g) Request from Councilor Landers to look at speeding and signage on Thomas Drive.

Tim Collins advised that the yellow advisory speed limit signs are being installed today. This was the best the Traffic Commission could do as the area is not considered “thickly settled”. The distance between the houses meets the requirement for “thickly settled” but the length of the roadway does not.

MOTION was made, seconded, duly VOTED to REMOVE from Agenda as the issue has been resolved.

Follow up to issue discussed at last month's meeting but not listed on meeting agenda.

Oversize vehicles attempting to take right turn onto Pleasant Street from Fitchburg St.

Tim Collins provided a diagram showing the turn angles for a bus trying to make this turn. A bus has to make a turn that is a 230 degree angle. Geometrically it just doesn't work. Commissioner LaFreniere had thought there may be sufficient land in the turn layout to accommodate a bus, however, Tim Collins now realizes it doesn't even make sense to put together an estimate. He suggested that someone talk to Wes Tuttle about the issue. He needs to educate the bus drivers about better routes to get around Marlborough. Lisa Thomas thought it would be helpful if he could put together some information on routes that could then be passed out to bus drivers when they drop kids off at the rink.

Chief Leonard advised that he would talk to Wes Tuttle and make some suggestions.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to talk with Wes Tuttle.

A brief discussion followed on the date of the next meeting.

It is scheduled for Tuesday, April 22nd, however, this is school vacation week and some of the attendees will not be available. It will be moved to either Tuesday the 29th or Wednesday the 30th - due to the City Meeting).

3e) Whitcomb School parking lot – One-Way and No Parking

This item should have been removed from the agenda.

3a) Municipal off street parking regulation.

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

3b) High School parking regulations.

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

3c) Stop signs on Bigelow Street.

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

3d) Traffic Commission rules and regulations update.

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

3h) Speed limits on Fitchburg St. /Pleasant St. area.

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

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 11:14 am.

Respectfully submitted,

Karen L. Lambert
Records Clerk
Marlborough Police Department

List of documents and other exhibits used at the meeting:

-Meeting Agenda for Tuesday, March 25, 2014 (Including City of Marlborough Meeting Posting.

-E-mail from Tim Cummings to Chief Leonard, dated 3/10/14, re: Connecting Rail Trail to Downtown

-E-mail from Pam Wilderman to Chief Leonard, dated 3/11/14, re: 2-10 Boston Post Road East

-Copies of various correspondence between Bob Kraft of Kraft Tire & Auto and Mayor Arthur Vigeant and Commissioner LaFreniere, dated December '05 through March '14, Re: Traffic flow through Maple St./Brigham St./Walker St. intersection.

Additional Handouts

-Numerous photos of Price Chopper Driveway @ Hosmer Street from various angles.

-Diagram of intersection of Fitchburg Street and Pleasant Street indicating right turn movement of buses onto Pleasant Street.

MINUTES OF THE LICENSE BOARD MEETING HELD MARCH 26, 2014

RECEIVED
CLERK'S OFFICE
CITY OF MARLBOROUGH

There was a regular monthly meeting of the License Board held on Wednesday,
March 26, 2014 at 7:30 pm, City Hall, 3rd floor, Memorial Hall.

2014 MAY -1 P 3:24

Attending were: Walter Bonin, Chairman; Gregory Mitrakas, Member; James Riessle, Member; Linda Goodwin, Secretary.

Meeting was called to order by Walter Bonin, Chairman at 7:30 pm.

NEW BUSINESS:

- 1: MASONIC CORP – CATERING BY TASTY HOME COOKING - 6 - ALL ALCOHOL ONE DAY PERMITS

Ed Walsh presented 6 ALL alcohol one day permit applications. Motion made to approve by Gregory Mitrakas, seconded by James Riessle. Motion carried 3-0

- 2: WESTENDER BAR ON OUTDOOR PATIO
493 BOSTON POST ROAD - WEST

Matt LeDuc owner of Westender Restaurant: I am adding a bar to the existing outdoor patio with up to 21 seats. There will also be a shucking station in the middle of the bar, with a raw bar, add to the outdoor effect. I would also like to extend my entertainment license to include two tvs and a stereo radio for background entertainment only with low voltage speakers 150 watts, in corners facing towards the restaurant, NO live entertainment at any time. The patio will still be closed by 10:00 pm; live entertainment starts about 9:30 pm inside, most nights not all nights, usually that draws the people inside. The deck really closes itself.

Board questioned the hours of the patio? Will 8:30-8:45 pm still be last seating?

Matt LeDuc: Yes, 8:30 pm – 8:45 pm will remain last seating; except for large parties, they will be seated no later than 8:00-8:15 pm to allow enough time to serve, eat, etc. Patio closes by 10:00, music starts inside by 9:30 pm, people go inside. If a couple of people are still sitting outside finishing up, etc., I usually let them stay out there.

PAGE 2

Board questioned the expansion of the entertainment license: Most of the time the patrons turn up the sound on the tv's, it gets stale out there if nothing going on, to quiet. Fence keeps the sound down. If nothing on, no background noise, people talking over each other or no one is talking because they feel like everyone is listening to their conversation. TV's and radio help, not looking to put any live entertainment out there or anything.

BOARD CLOSED THIS PART OF PUBLIC HEARING: Anyone wishing to speak for or against?

Leonard Beyerdorfer condo owner across the street. I am not for or against; as long as we are not disturbed I see no problem with the bar.

Board questioned neighbor if still experiencing any noise issues from this location?

Leonard Beyerdorfer: There were a couple of instances which I emailed the Board. But since then it seems to have resolved itself.

Matthew LeDuc: Nothing has changed; same bands, same hours of entertainment, etc. I really put a lot of money into sound proofing this restaurant.

Board has been down to this location several times since the complaints, and has not heard any noise or been made aware of any complaints. Do not want those issues to re-occur. Please contact the Board if any noise issues arise so we can deal with them.

No one else wishing to speak for or against this part of public hearing is closed.

Board discussed issues, and sees no problem with adding a bar, or light background music for entertainment. If noise issues arise we can address. Motion made to approve by Gregory Mitrakas, seconded by James Riessle. Motion carried 3-0

- 3: CLASS II -- ALVARO CUELLAR d/b/a USA MOTORSPORTS INC. –
433 MAPLE STREET (former Farina/Chrysler location)

Alvaro Cuellar d/b/a USA Motorsports, Inc. present with application, and a plot plan showing location and previous owners cars on lot. This is a very large lot, I would like to start out slow, eventually adding car repairs, etc.

Board questioned how many cars is he applying for?

Alvaro Cuellar: Not sure what previous owner was allowed.

Board: This lot was used as a Class I for new cars previously. We would like to see you start out slow also, keep up appearance of lot up, etc. This property is the gateway into the City.

Alvaro Cuellar: I have had a business in Framingham for many years. I have never had a complaint filed against me. I agree, I do not want to have a messy lot, I am very proud business owner. This building has been vacant for sometime, some work needs to be done to get it back up to code. I did have the fire department in, they had a few items on the list such as a new battery unit put in the alarm system to bring it up to code. Next I will make an appointment with the Building Inspector for occupancy and zoning requirements.

Board agrees this is a very large lot, would like to start you out slowly, and sees no problem with starting with 50 cars, if no issues arise, come back to the Board and we can upgrade your license for additional cars.

Motion made to approve for 50 cars at this time, once approvals from Fire Department and Building Department have been obtained. Motion made by James Riessle, seconded by Gregory Mitrakas. Motion carried 3-0

- 4: ABCC NOTICE RE: BERTUCCI'S

Board not sure what notice regards too. Will check with ABCC, and then place on file. Motion carried 3-0

PAGE 4

- 5: CLASS II – AUTOMOBILE LOCATORS INTERNATIONAL – MOVED FROM UNIT 1 TO UNIT 13 – SAME LOCATION 41 BRIGHAM STREET

Board received notice from Automobile Locators International they will be moving to a new unit, same location, all cars still stored indoors, viewed by appointment only.

Motion made to accept communication, update license and place in file.
Motion carried 3-0

OLD BUSINESS:

- 1 : MINUTES PREVIOUS MEETING – FEBRUARY, 2014
Motion made to accept and place on file. Motion carried 3-0

MOTION MADE TO ADJOURN: 8:30 PM

Respectfully submitted,

A handwritten signature in black ink that reads "Walter Bonin". The signature is written in a cursive, slightly slanted style.

Walter Bonin, Chairman

MARLBOROUGH BOARD OF HEALTH MEETING FEBRUARY 11, 2014

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 MAY -1 P 3:24

There was a meeting of the Marlborough Board of Health on Tuesday, February 11, 2014, City Hall, 1st floor, Committee Room.

Attending were: John Rowe, Chairman; John Curran, M.D., Member; James Griffin, Member; Robert Landry, Sanitarian; Nancy Cleary, Public Health Nurse; Patricia Gallier, Public Health Nurse; Linda Goodwin, Secretary.

NEW BUSINESS:

1: PART TIME PUBLIC HEALTH NURSE VACANCY

Bob Landry: Discussed with Board the position of Part Time Nurse has been advertised. Pat Gallier has agreed to work for 4 to 6 weeks until the position has been filled. Mayor is not sure if he will fill the position next budget, but has agreed to fill until the end of this budget. We have had a few responses and we hope to receive a few more, interviews will begin as soon as possible.

2: REVIEW NEWLY AWARDED TOBACCO CONTROL GRANT – DISCUSS NEXT STEPS FOR REGULATIONS

Bob Landry: Discussed with Board the corporate changes at CVS, they have decided not to sell tobacco products. They will start phasing out these sales by the end of the year. 2015 they will not be selling tobacco products at any of their locations. We can hope that this decision will trickle down to other drug stores, Walgreen's, Rite Aid, etc.

Hudson will be having there Town vote soon, changing the age to 21, etc. State Tobacco Control agency has speakers that will come to our meeting to discuss how to start the process, informational only at this time.

Dr. Curran will be meeting with the new CO of UMass Memorial Hospital, maybe the hospital will become more involved, a more supportive roll.

Bob Landry: There is a meeting on Friday to discuss the new Prevention and Wellness Trust Fund that was awarded to 4 communities, including Marlborough. I will keep the Board informed as things move forward.

Motion made to discuss at next monthly meeting. Motion carried 3-0

3: DISCUSS RECENT INSPECTIONS @ - PANDA HOUSE – 46 MAIN STREET

Bob Landry: We received a Food Borne Illness complaint Salmonella from the State. This was the same strain that was found in Boston. When we receive these types of complaints we have to do an inspection. Assistant Sanitarian went out on inspection and found several critical violations, pictures are enclosed. They were closed until the entire place was cleaned from top to bottom. They were ordered to get a consultant for one year; this will include trainings and inspections to keep them in compliance. If any future violations occur they will be ordered to appear before the Board and the license will be revoked.

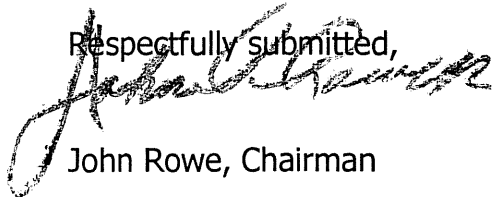
Board discussed and agreed they should be closed. Any future complaints they will come before the Board. Motion carried 3-0

OLD BUSINESS:

- 1: MINUTES – MEETING – JANUARY, 2014
Motion made to accept and place on file. Motion carried 3-0
- 2: SANITARIAN'S REPORT – JANUARY, 2014
Discussed several ongoing issues on monthly report:
Motion made to accept and place on file. Motion carried 3-0
- 3: ASSISTANT SANITARIAN'S REPORT – JANUARY, 2014
Motion made to approve and place on file. Motion carried 3-0
- 4: PUBLIC HEALTH NURSE REPORT – JANUARY, 2014
Motion made to accept and place on file. Motion carried 3-0

MOTION MADE TO ADJOURN: 7:30 pm

Respectfully submitted,



John Rowe, Chairman

**MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
April 28, 2014
2014 MAY -6 A 9:46

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.

1. Meeting Minutes:

A. Regular Meeting April 7, 2014

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to accept the minutes of the April 7, 2014 meeting as presented. Motion carried. Mr. McCarthy abstained.

2. Chair's Business:

On a motion made by Ms. Hughes, seconded by Mr. Coveney items 2A & B were moved down in the agenda. Motion carried.

3. Approval Not Required:

A. 637/661 Sudbury Street (Ravenswood Properties)

On a motion made by Mr. Fay, seconded by Ms. Hughes this item was moved down in the agenda.

B. Adjacent to 200 Forest Street New Lot Creation

Mr. Will Parks of BSC Group presented to the Board the proposed ANR plan to create a building lot on Forest Street for a potential 153 room hotel to be built.

On a motion made by Ms. Hughes, seconded by Mr. Coveney it was voted to refer the plan to the Engineering Department for review. Motion carried.

4. Public Hearings: None

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report

Mr. Collins reported to the Board that a new City Engineer has been officially hired, his name is Evan Pilachowski. Mr. Pilachowski is currently finishing up at his former employer (Rutland, VT) and will be on board officially as of May 6, 2014. He will be present at the May 19th meeting.

B. Walker Brook Estates Decision (April 29, 2014)

Ms. Hughes read into the record the recommendation from the Engineering Department as follows:

Dear Dr. Fenby,

I have concluded my review of the following Definitive Subdivision plan submission:

WALKER BROOK ESTATES
DEFINITIVE SUBDIVISION PLAN
FRAMINGHAM ROAD
MARLBOROUGH, MA

APPLICANT & PROPERTY OWNER
MELANSON DEVELOPMENT GROUP, INC.
P.O. BOX 564 WOBURN, MA 01801

prepared by
BRUCE SALUK & ASSOCIATES
CIVIL ENGINEERS AND SURVEYORS
576 BOSTON POST ROAD EAST
MARLBOROUGH, MA 01752

DATE: NOVEMBER 1, 2013 REVISED, APRIL 24, 2014

After completing my review of the subject plan's latest revisions, I am in a position to give a favorable recommendation to the Marlborough Planning Board to endorse this plan.

The Definitive Subdivision Plan is requesting six waivers:

1. Article IV, Section A676-15, requested waiver for Open Space – The subdivision is a 6 lot subdivision containing 3.48 Acres of land. The minimum area required for an Open Space parcel is one acre. This would reduce the buildable portion of the property by almost one third and decrease the development to a four lot subdivision. Engineering has no objection to this waiver and is make a favorable recommendation based on this waiver being granted.
2. Article V, Section A676-26, requested waiver for the reduction of sidewalk width from 6 feet to 5 feet – The Engineering Division does not support a waiver where there is a sidewalk width less than six feet and is making a favorable recommendation based on this waiver not being granted.
3. Article V, Section A676-26, request for elimination of a portion of the sidewalk on Bemis Road – Engineering has no preference regarding this waiver where the sidewalk does not affect the design of the roadway and would suggest that the Planning Board use their discretion in allowing this waiver.
4. Article V, Section A676-12(c), request for reduction of right-of way width from 50 feet to 40 feet – Given the number of lots within the subdivision (6) and the total length of the two streets being less than 350 feet, Engineering has no objection to this waiver and is making a favorable recommendation based on this waiver being granted.
5. Article V, Section A676-24(B)(2)(a), request for reduction of pavement width from 26

feet to 24 feet - Given the number of utilities located within the roadway, their location within the typical cross-section of the roadway and the horizontal spacing that is required between the utilities, the proposed width of 26 feet cannot accommodate all of these requirements. Engineering has objections to granting this waiver and is making a favorable recommendation based on this waiver not being granted.

6. Article V, Section A676-20, request for increase in the maximum road shoulder finish grade to allow a 3:1 grade adjacent to the retaining wall near the lot corners of Lots 5 and 6 – Engineering has no objection to this variation in the slope at the back of sidewalk and is making a favorable recommendation based on this waiver being granted.

Should you have any questions regarding the above, please do not hesitate to contact me at (508) 624-6910 extension 7200.

On a motion made by Mr. Fay seconded by Mr. Coveney the correspondence was accepted and placed on file.

Each waiver request was taken up individually.

On a motion made by Mr. McCarthy, seconded by Ms. Hughes it was voted to approve the request of the developer for waiver #1. Motion carried

On a motion made by Mr. Fay, seconded by Mr. Dupont it was voted to deny the request of the developer for waiver #2. Motion carried

On a motion made by Ms. Hughes, seconded by Mr. McCarthy it was voted to deny the request of the developer for waiver #3. Motion carried

On a motion made by Mr. Fay, seconded by Mr. Coveney it was voted to approve the request of the developer for waiver #4. Motion carried

On a motion made by Ms. Hughes, seconded by Mr. McCarthy it was voted to deny the request of the developer for waiver #5. Motion carried

On a motion made by Mr. Coveney, seconded by Ms. Hughes it was voted to approve the request of the developer for waiver #6. Motion carried

On a motion made by Ms. Hughes, seconded by Mr. Coveney it was voted to approve the subdivision as noted with the following 3 waivers in place:

1. Article IV, Section A676-15, requested waiver for Open Space – The subdivision is a 6 lot subdivision containing 3.48 Acres of land. The minimum area required for an Open Space parcel is one acre. This would reduce the buildable portion of the property by almost one third and decrease the development to a four lot subdivision. Engineering has no objection to this waiver.

2. Article V, Section A676-12(c), request for reduction of right-of way width from 50 feet to 40 feet – Given the number of lots within the subdivision (6) and the total length of the two streets being less than 350 feet, Engineering has no objection to this waiver.
3. Article V, Section A676-20, request for increase in the maximum road shoulder finish grade to allow a 3:1 grade adjacent to the retaining wall near the lot corners of Lots 5 and 6 – Engineering has no objection to this variation in the slope at the back of sidewalk.

The motion carried.

The Planning Board will endorse the definitive plans after the twenty (20) day appeal period, provided no appeal has been recorded and a covenant has been submitted and approved by the Planning Board.

C. Hudson Street Crossing (June 16, 2014) Discussion

Ms. Hughes read into the record the favorable Recommendation from the Engineering Department.

Attorney Austin Attorney for the developer was in attendance for the reading of the recommendation and will be drafting a list of findings to be presented to the Board for their review at an upcoming meeting.

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

13. Executive Session

A. To Discuss Litigation Strategy Regarding 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 reconvene 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 7:25pm.

The meeting reconvened at 8:00pm

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

7. Definitive Subdivision Submission: None

8. Signs:

A. United Brethren Lodge Car Show off premise sign request

Mr. McCarthy removed himself from his capacity as a Board member in order to present this item on behalf of the United Brethren Lodge.

Ms. Hughes read the variance request into the record.

Mr. Shawn McCarthy was in attendance to represent the proponent, United Brethren Lodge.

After much discussion on a motion made by Mr. Coveney, seconded by Ms. Hughes it was voted to approve the requested directional signs to be placed at the following locations on the day of the show only (June 1, 2014). Motion carried.

- Corner of Bolton Street and Granger Boulevard
- Corner of Bolton Street and Main Street
- Corner of West Main Street and Mechanic Street
- At the Route 20 Exits of Route 495

Directional signs with arrows will be placed at all the above locations

On a motion made by Mr. Coveney, seconded by Ms. Hughes it was voted to allow placement of the following five (5) signs for the dates of May 25, 2014- June 1, 2014.

- Maple Street and Walker Street near Gold's Gym Parking lot readable from both directions.
- Traffic Island at intersection of West Main Street and Mechanic Street readable when approaching from the West.
- Corner of Newton Street and Granger Boulevard readable from both directions
- Corner of Newton Street and Main Street readable when approaching from the West.
- Intersection of Concord Road and Boston Post Road readable when approaching from the East.(Not on the traffic island)

On a motion made by Ms. Hughes, seconded by Mr. Coveney it was voted to require the proponent to affix an indicator comprised of the City Seal and the date 2013, to each approved sign. Only by virtue of the indicator (City Seal) is the sign to be acknowledged as an approved placement. Motion carried.

On a motion made by Ms. Hughes, seconded by Mr. Hodge it was voted to allow for the same series of signs to be placed for the same amount of time (Directional signs – day of the event) All other signs (1 week prior to event) in the case of inclement weather which postpones the “Car show” to the rain date of June 15, 2014.

9. Unfinished Business:

A. Decision ANR Easterly side of Dufresne Drive (April 28, 2014)

On a motion made by Mr. Fay, seconded by Mr. Coveney it was voted to waive the full reading of the Engineering recommendation bar the last paragraph. Motion carried Ms. Hughes read the last paragraph of the Engineering favorable recommendation into the record.

On a motion made Mr. Fay, seconded by Mr. Coveney it was voted to accept and endorse the plan of land believed to be Approval Not Required, Titled Plan of Land, Owned by West Hill

LLC Prepared by CABCO Consult, Land and Environmental Consulting Services,. Date of Submission April 7, 2014. Motion carried.

10. Informal Discussions: None

11. Correspondence: None

12. Public Notices of other Cities and Towns:

- A. Town of Southborough, Planning Board Public Hearing April 28, 2014**
- B. Town of Berlin, Zoning Board of Appeals Public Hearing May 14, 2014**
- C. Town of Sudbury, Board of Appeals, Notice of Decision (3)**
- D. Town of Sudbury, Zoning Board of Appeals Public Hearing May 19, 2014**
- E. Town of Framingham, Planning Board Public Hearing (3) May 1, 8, 12, 2014**
- F. Town of Framingham, Planning Board Notice of Decision (2)**
- G. Town of Hudson, Zoning Board of Appeals Public Hearing (4) May 8, 2014**

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

13. Executive Session

A. To Discuss Litigation Strategy Regarding a Proposed Subdivision

This Item was moved up in the agenda.

2. Chair's Business:

On a motion made by Ms. Hughes, seconded by Mr. Coveney items 2A & B were moved down in the agenda. Motion carried.

On a motion made by Ms. Hughes seconded by Mr. Fay these items were removed from the table. Motion carried.

A. Downtown Working Group Meeting Recap

Mr. Dupont and Mr. Fay updated the Board regarding the most recent developments from the Downtown Working Group. There are many suggestions coming from the group regarding parking, lanes of travel, walkability and signage.

B. Discussion of History Main Street Sign

Chairperson Fenby gave an overview of the history of the Sorento's Restaurant signage. In the past the restaurant had applied for and was denied a variance to utilize the Weed Street corner of the building for additional signage. Since that time the Building owner has rebuilt that wall added windows and an entrance door thus allowing for additional façade length. This discussion has come about since there are multiple new members on the Board since the original variance was requested and it is thought that the owner may be looking to utilize that exposure for signage.

3. Approval Not Required:

A. 637/661 Sudbury Street (Ravenswood Properties)

On a motion made by Mr. Fay, seconded by Ms. Hughes this item was moved down in the agenda.

On a motion made by Ms. Hughes, seconded by Mr. Coveney this item was removed from the table. Motion carried.

As a result of no one being in attendance to present the proposed ANR plan to the Board it was the boards determination that the proponent be asked to be present at the next meeting in order to present to the Board exactly what the intended changes are. The proponent will be informed of the Boards request in writing.

On a motion made by Mr. Fay, seconded by Ms. Hughes it was voted to table this ANR until the next regularly scheduled meeting (May 5, 2015) Motion carried with Mr. DuPont in opposition.

Adjournment: On a motion made by Mr. DuPont, seconded by Mr. Coveney it was voted to adjourn at 8:40pm. Motion carried.

Respectfully submitted,

Colleen Hughes

/mai

Marlborough Community Development Authority

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

MINUTES

2014 MAY -6 A 9:45

**Thursday, April 24, 2014, 8:30 a.m.
140 Main St., Mayor's 4th FL Conference Room**

Members Present: Mayor Vigeant, Eric Asman, Sally Swartz, Brian Doheny, Diane Smith, Lynn Faust, Steve Vigeant

Also Present: Douglas M. Bushman, Anne Marie Blake, press, Jenna Milne of Milne, Shaw & Robillard, and Bruce Ledgerwood of ABCD

Absent: Steve Vigeant, Steve Leduc, Joyce Torelli

Meeting opened at 8:30 by Chairman Vigeant
Minutes of March meeting approved. Minutes of special meeting of April 7 tabled.
Housing and CDA bills payable approved.

Housing Director's Report

Mr. Bushman and Ms. Milne discussed a revised budget which was the result of DHCD's request concerning allocation of expenses between the various housing programs including Section 8. There was also a change in the snow budget of \$7,000. The additional funds, for snow removal was provided by DHCD for use in the FY2014 budget.

There was a discussion about how high the electric bills seemed to be. Mr. Bushman attributed that to the harsh winter but would compare the expenses to last year's figures. He noted they do keep track of these expenses and would provide the reports to the board on a regular basis.

Also in the budget was an increase in pay to \$14.50 for the part-time clerical/bookkeeper who is currently paid 13.77 per hour. *On a motion by Lynn and seconded by Eric the pay increase was approved.*

On a motion by Lynn and seconded by the Mayor, the revised budget was approved.

The Section 8 audit for fiscal year 2013 is completed and was submitted to HUD with no findings found by the auditors. The 2012 issues were resolved this past year.

Mr. Bushman advised the Board that the Section 8 budget for the coming Fiscal Year has been reduced by 20%. Mr. Bushman and Vonnice Morris will do local and contiguous town Sect. 8 inspections with the exception of Framingham in order to reduce some of the Section 8 expenses; however this will still not be enough to cover the reduction and other steps will need to be taken. An outside company will continue to do the other inspections for some of the units including units that are new to the Section 8 program.

Mr. Bushman discussed the Section 8 terminations to date and advised the Board that one family had filed a Motion for Preliminary Injunction based on their arguments that the Hearing Officer's decision did not adequately state the reasons for the decision. On Friday, April 11, 2014 an agreement of the Parties was reached which preserved the MCDA's right to re-file the termination notice based on past and present violations of the Section 8 voucher program. Mr. Bushman planned to file the new termination notice by

the end of April. He also said that he believes she has moved. Two more terminations are in the works and there are currently four vouchers available.

Mr. Bushman noted that he had received a letter from DHCD regarding the HIPPLA grant announcing that the MCDA has made it to round 2. At this point representatives from DHCD plan on visiting the properties. At this date the award is for the three State Elderly properties and not for 20 Front Street which is a 689 project. The Chairman asked that Mr. Bushman work with the City Auditor, Brian Doheny, with securing financing if necessary.

The courtyard at Main St. will be completed in about 5 weeks –end of May or early June. The tenants want a re-dedication ceremony. The courtyard will also feature a community garden with raised beds. Home Depot has been doing landscape plantings and Mr. Bushman and the Board expressed their thanks to them. The Senior Tenant Association plans on sending a letter about having the rededication of the Courtyard.

Phase I of the parking at Bolton St. is continuing. The number of spaces has been reduced from 70 to 61 and Mr. Bushman is confident that the new plan will meet with DPW and the Conservation Commission's approval. Phase II will be the sidewalks and curbing.

Mr. Bruce Ledgerwood from ABC presented info about the new HVAC systems which are to be installed at Bolton St. He answered questions about their efficiency, design, etc. The electrical boxes in each unit receiving a system will also be updated as the old boxes are Federal Pacific type and DHCD has concerns about them and therefore has moved forward Formula Funds for their replacement. Lynn Faust asked if the old heating system will be disconnected and if these new units didn't work, if the old system could be hooked back up and was told that yes they would be disconnected and could be hooked back up by an electrician reconnecting the line. The Board voted to accept the grant provided that Commissioner of DPW John Ghiloni reports on the project and recommends that it goes forward.

The back-up generator project should be completed by July or this August. At a site inspection with DHCD and John Ghiloni, agreed to add the gazebo lights and courtyard lights into the new generator to create an outside gathering center in case of an emergency.

The 240 Main St. elevator fine decision has been received and not in the MCDA's favor. An appeal is being written and should be filed no later than April 25, 2014.

The Section 8 Administrative plan is still in the works. The Section 8 landlord HAP checks will be sent electronically via direct deposit. Landlords have responded favorably to this change and hope to begin with the May 1st payment. The State Elderly 667 direct pay for rents should be operational by June 1.

DHCD has released information concerning the banning of smoking in state public housing developments. Mr. Bushman will review this policy change with the Senior Tenant Association to be explored.

On Tuesday, April 28, Target Store is again sending over employees as volunteers to help paint at Pleasant St. The Board and Mr. Bushman expressed their thanks.

The City is currently seeking bids for new water meters and it is anticipated that by year's end new meters will be installed for 240 Main and the Pleasant St. complexes.

The Mass DOS has set new minimum base hourly rates effective April 2, 2014 for the MCDA Maintenance Staff from \$24.85 to \$25.09 per hour. The MCDA is a non-unionized work force. The

Maintenance Foreman receives an additional \$1 per hour per the approved hourly rate. *On a motion by Lynn and seconded by Eric the Board approved the raises.*

The Board voted to approve the Motion to authorize the Mayor/Chair to sign the contract with the lowest responsive bidder for the DHCD Health & Safety Grant FISH 170045. The Bid has been prepared and released to the public for the repair of the asphalt/concrete under the canopy behind 240 Main Street (adjacent to the Courtyard). The grant award is \$20,750.00 and includes \$500.00 for administrative expenses. The project must be completed by June 30, 2014. Therefore Doug Bushman asked the MCDA Board to approve a motion authorizing the Mayor/Chair to select the lowest responsible bidder so the project can be completed no later than June 30th, 2014. The bid was late in being published due to concerns that DHCD would use the money for the Bolton Street Parking Project. *The Motion was unanimously approved on a motion by Lynn and seconded by Eric.*

The Housing Director's Report was accepted.

Financial Manger's Report

The Financial Manger reported that the Hudson case is moving toward a settlement.

Diane Smith and Anne Marie met to review the accounts receivables. Diane felt the adjustment was justified and had contacted the City's outside auditor for their opinion. As it was not yet received, the Board voted to table the request to the next meeting.

Clinton St. bids are due on May 13th. Mike Berry has sent out five bid packages and had two interested prospective bidders attend the pre-bid conference.

Winter St. is out to bid; however, because of needing a legal opinion on a couple of questions, the bid package is still not available. Bev Sleeper has received the opinion from Atty. Cipriano and will incorporate his responses into the RFP. She is hoping to have it available tomorrow, April 25th.

The Board approved the Financial Manager's Report.

Respectfully submitted,

Anne Marie Blake

MEETING MINUTES

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 MAY 13 P 3: 36

Marlborough Council on Aging Board Meeting

Date: Thursday, April 10, 2014

Time: 8:45 a.m.

Location: Walker Building, Rm. 104, Marlborough, MA

Attendance: Leslie Biggar; Sheila Brecken; Jennifer Claro; Richard Collins; Jim Confrey; Brenda Costa; Marie Elwood; Barbara McGuire (Friend's representative)

~~Excused: Jeanne McGeough; Rita Connors~~

I. Welcome and call to order 8:45 a.m.

II. March meeting minutes were reviewed and approved by the board

III. Director's Update

Jennifer attended a prebudget meeting last week, regarding budget review at Mayor's office.

The board discussed party ticket purchasing systems issue at greeter's desk. Jennifer is working to get the clerk position filled permanently. A committee is being formed to review the issue.

Multi-cultural outreach program expansion request has been forward to BayPath, regarding Title III grants, as well as, a request for a transportation coordinator.

St. Patrick's Manor in Framingham is a Senior of the Year Dinner sponsor. Senior of the Year selection policy will be reviewed for next year in order to reflect the change of event to April instead of May and for the change of age to 85 and older.

IV. Board Updates

A. BayPath Elder Services - see attached "Board Meeting Highlights"

V. Old Business

A. Coats System - no report at this time

B. Transportation - no report at this time

C. Discussion by board regarding the new senior center building fund

D. "Preparing to Stop Driving" program discussed by Officer Evangelous that he could help in perhaps bringing to our center. Chief Evangelous was not in attendance at the April meeting.

VI. New Business

A. Mayor Senior of the Year Dinner 4/16.

Meeting adjourned at 9:45 a.m..

Property Unit
PO Box 15147
Worcester MA 01615-0147
Telephone: 774-269-5934 Ext:
Fax Number: 508-926-5660

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 MAY -8 A 11:47

May 04, 2014

CITY CLERK'S OFFICE
140 MAIN ST
MARLBOROUGH MA 01752

Re: Our Insured: Steven Hibbard
Policy Number: HPG 5224133
Claim Number: 15-00317080 001
Date of Loss: 04/24/2014
Property Address: 8 CUSELLA DR MARLBOROUGH MA

To whom it may concern :

Claim has been made involving loss, damage or destruction of the above captioned property, which may either exceed \$1,000.00 or cause Mass. General Laws, Ch. 143, Sec. 6 to be applicable. If any notice under Mass. General Laws, Ch. 139, Sec. 3B is appropriate, please direct it to the attention of the undersigned and include a reference to the captioned insured, location, policy number, date of loss, and claim number.

On this date, I caused copies of this notice to be sent to the persons named above at the addresses indicated above by first class mail.

Sincerely,

Dionysi McGowan, AIC, AINS, AIS

Dionysi McGowan, AIC, AINS, AIS
Outside Property Adjuster
Citizens Insurance Company of America
dmcgowan@hanover.com

cc: legm 5/8/14 