

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 OCT 30 P 2:18

1. Minutes of the City Council Meeting, OCTOBER 20, 2014.
2. Communication from the Mayor re: Honorary Citizen Citations for Visiting Students from Akiruno, Japan.
3. Communication from the Mayor re: Turf Bond Request in the amount of \$3,855,059.00 to fund the City's 1st synthetic athletic field at the Whitcomb Middle School.
4. Communication from the Mayor re: Capital Outlay Requests in the amount of \$1,363,198.00 to fund equipment that would qualify for five year capital bonds for DPW, Police Department and Emergency Management.
5. Communication from the Mayor re: Council on Aging transfer request in the amount of \$23,992.00 which moves funds from COA-Clerk and DPW-Finance Assistant to COA-Senior Clerk to fund a Senior Clerk position at the Council on Aging.
6. Communication from the Mayor re: Health Department transfer request in the amount of \$20,000.00 which moves funds from Mayor-Audit Services and Comptroller-Senior Clerk to BOH Contract Services to fund inspectional services and plan reviews of new food establishments.
7. Communication from the Mayor re: Building Department Transfer request in the amount of \$350.00 which moves funds from Instate Travel to Zoning Board Members to fund stipends due to members of the Zoning Board of Appeals.
8. Communication from the Mayor re: FY15 MA Cultural Council Grant Acceptance awarded to the City in the amount of \$9,220.00 to fund arts, humanities, music and youth based initiatives throughout the community.
9. Communication from the Mayor re: Executive Office of Elder Affairs Grant awarded to the Council on Aging in the amount of \$47,699.01 to fund senior transportation, programming activities and enrichment, and a weekly wellness clinic staffed by a licensed nurse.
10. Communication from the Mayor re: Order of Acceptance of Deed, Order Transferring Care, Management and Control to Conservation Commission pertinent to Deer Foot Park.
11. Communication from the Mayor re: Non-Union Compensation Proposal and Proposed Job Title Changes.
12. Communication from the Mayor re: Downtown Zoning Committee Parking Recommendation.
13. Communication from the Mayor re: Appointments of Kelly French and Michael Gibson to the Youth Commission to expire three years from date of approval.
14. Communication from City Clerk, Lisa Thomas re: State Election Call.
15. Communication from Assistant City Solicitor Panagore-Griffin re: Proposed Order to Grant an Easement from the City to Massachusetts Electric Company for the Purposes of Providing New and Updated Service for Ward Park from South St. to New St.
16. Communication from Assistant City Solicitor Panagore-Griffin re: Application for Site Plan Approval- Marlborough Hills, 200 Forest St. Parking Expansion in proper legal form, Order No. 14-1005963A.
17. Communication from Attorney Bergeron of Mirick O'Connell re: Acceptance of Bouffard Dr., X13-1005405.
18. Application for Special Permit from Cori O'Rourke of Mirick O'Connell to modify existing Special Permit issued to Digital Federal Credit Union, 853-865 and 905 Donald Lynch Blvd. on June 16, 2003, Order No. 03-10047B, to remove Condition #7 prohibiting LCD signs on the property.

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.

19. Petition of National Grid and Verizon New England, Inc. to relocate joint owned P.5 on Norwood St. 4' north and install sidewalk guy. Existing pole is deteriorated and will be relocated further away from customer's driveway entrance.
20. Minutes, Zoning Board of Appeals, September 23, 2014.
21. Minutes, Council on Aging, September 9, 2014.
22. Minutes, Conservation Commission, August 7, September 4, 2014.
23. Minutes, Recreation Commission, September 17, 2014.
24. Minutes, Planning Board, October 6, 2014.
25. Minutes, Zoning Board of Appeals, October 14, 2014.
26. Minutes, Marlborough Community Development Authority, July 31, September 4 & 25, 2014.
27. Minutes, Traffic Commission, September 30, 2014.
28. CLAIMS:
 - a. Janet Cavanaugh, 135 Cameron Dr., other road property damage.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Urban Affairs Committee

29. **Order No. 14-1005963A** - Application for Site Plan Approval – Marlborough Hills, 200 Forest Street Parking Expansion.
Motion made by Councilor Clancy, seconded by Chair, to approve the conditions as amended. Carries 5-0.
Motion made by Councilor Clancy, seconded by Chair, to refer to the City Solicitor for proper legal form. Carries 5-0.
Motion made by Councilor Clancy, seconded by Chair, to adjourn. Carries 5-0.

From Personnel Committee

30. **Order No. 14-1005922** - The Reappointment of Deborah Fox as City Collector to serve a term of one year to take effect on the first Monday following her appointment. **Recommendation of the Personnel Committee is to approve the Reappointment of Deborah Fox as City Collector. Motion made by Councilor Elder, seconded by Chair, to approve the appointment. Carries 3 - 0.**
31. **Order No. 14-1005876** - The Appointment of Anthony Arruda to the Board of Assessors for a term of three years to expire from date of City Council approval. **Recommendation of the Personnel Committee is to approve the Appointment of Anthony Arruda to the Board of Assessors. Motion made by Councilor Elder, seconded by Chair, to approve the appointment. Carries 3 - 0.**
32. **Order No. 14-1005877** - The Reappointment to the Recreation Commission for the following term: Thomas Evangelous for a term to expire two years from date of City Council approval. **Recommendation of the Personnel Committee is to approve the Reappointment of Thomas Evangelous to the Recreation Commission. Motion made by Councilor Elder, seconded by Chair, to approve the appointment. Carries 3 - 0.**

33. **Order No. 14-1005846** - The Appointment of Santiago Vergas as youth appointee to the Youth Commission for a term of one year from date of approval. **Recommendation of the Personnel Committee is to approve the Appointment of Santiago Vergas as a youth appointee to the Youth Commission. Motion made by Councilor Elder, seconded by Chair, to approve the appointment. Carries 3 - 0.**
34. **Order No. 14-1005704** - The Reappointment to the Conservation Commission of Larry Roy for a term to expire on March 7, 2016. **Recommendation of the Personnel Committee is to approve the Reappointment of Larry Roy to the Conservation Commission. Motion made by Councilor Elder, seconded by Chair, to approve the appointment. Carries 3 - 0.**
35. **Order No. 14-1005667** - The Reappointment of Susan Laufer to Library Board of Trustees for a term to expire on February 6, 2017. **Recommendation of the Personnel Committee is to approve the Reappointment of Susan Laufer to Library Board of Trustees. Motion made by Councilor Elder, seconded by Chair, to approve the appointment. Carries 3 - 0.**



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

OCTOBER 20, 2014

Regular meeting of the City Council held on Monday, OCTOBER 20, 2014 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Clancy, Irish, and Landers. Meeting adjourned at 9:49 PM.

ORDERED: That the minutes of the City Council meeting OCTOBER 6, 2014, **FILE**; adopted.

ORDERED: JOINT PUBLIC HEARING WITH THE PLANNING BOARD On the Proposed Zoning Petition, Downtown Village District, Order No. 14-1005947, hearing recessed at 9:20 PM.

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

Planning Board Members Present: Chairwoman, Barbara Fenby, Phil Hodge, Edward Coveney, Sean Fay, Shawn McCarthy, & Brian DuPont.

MOTION made by Planning Board Chair, Dr. Barbara Fenby to Close the Public Hearing and Planning Board Meeting – CARRIES

President Pope requested a recess at 9:20 PM and returned to open meeting at 9:21 PM; adopted.

ORDERED: That the Notification of Free Cash recently certified in the amount of \$6,103,681.00 from the Massachusetts Department of Revenue, **FILE**; adopted.

ORDERED: That the Communication from Assistant City Solicitor Panagore-Griffin re: Order of Acceptance of Layout and Eminent Domain Taking of Ways and Easements in the Carisbrooke I Subdivision and in the Carisbrooke II Subdivision, Order Transferring Care, Management and Control of the Streets and Easements in Carisbrooke I and Carisbrooke II to the Department of Public Works, Order of Acceptance of Deeds in Lieu of Foreclosure, and Order Transferring Care, Management and Control to the Conservation Commission, in proper legal form, Order No. 14-1005945-1, 2, 3, & 4, **MOVED TO ITEM 15**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, NOVEMBER 17, 2014** as date for a **PUBLIC HEARING** on Application for Special Permit from Bill Hanrahan of NB & C, on behalf of Sprint to modify existing wireless equipment at 450-460 Boston Post Rd., refer to **WIRELESS COMMUNICATIONS AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, NOVEMBER 17, 2014** as date for a **PUBLIC HEARING** on Application for Special Permit from Bill Hanrahan of NB & C, on behalf of Sprint to modify existing wireless equipment at 115 Onamog St., refer to **WIRELESS COMMUNICATIONS AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, NOVEMBER 17, 2014** as date for a **PUBLIC HEARING** on Application for Special Permit from Bill Hanrahan of NB & C, on behalf of Sprint to modify existing wireless equipment at 2 Mt. Royal Ave., refer to **WIRELESS COMMUNICATIONS AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, NOVEMBER 17, 2014** as date for a **PUBLIC HEARING** on Application for Special Permit from Bill Hanrahan of NB & C, on behalf of Sprint to modify existing wireless equipment at 157 Union St., be and is herewith refer to **WIRELESS COMMUNICATIONS AND ADVERTISE**; adopted.

Councilor Robey recused.

ORDERED: That the Minutes, Planning Board, September 22, 2014, **FILE**; adopted.

ORDERED: That the Minutes, License Board, August 27, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Board of Health, September 9, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Board of Health Special Meeting, September 18, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Youth Commission, August 7, 2014, **FILE**; adopted.

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

- A. Brian Barbone, 2 Lakeview Dr., PO Box 129, Walpole, MA, pothole or other road defect.
- B. Kathleen Richov, 8 Capt. Samuel Forbush Rd., Westborough, MA, pothole or other road defect.
- C. Michael E. Joyal, 149 Church St., other property damage and/or personal Injury.
- D. Francis Harrington, 786 Hemenway St., residential mailbox claim 2(b)

Reports of Committees:

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

Meeting Name: City Council Urban Affairs Committee

Date: October 7, 2014

Time: 5:30 PM

Location: City Council Chambers, 2nd Floor, City Hall, 140 Main Street

Agenda Item(s) addressed:

Convened: 5:36 PM

Adjourned: 6:02 PM

Present: Chairman Delano; Urban Affairs Committee Members Councilors Clancy, Landers, Tunnera, and Page

Also Present: Joe Zink, Atlantic Management; William Park, SMMA; Attorney David Gadbois

Order No. 14-1005963: The Application for Site Plan Approval – Marlborough Hills, 200 Forest Street Parking Expansion – Motion to refer to the **URBAN AFFAIRS COMMITTEE** *and authorize the committee to decide if any conditions should be imposed by the City Council (acting in the capacity of Site Plan Review) for this project in addition to whatever requirements are required by the Professional Site Plan Review Committee, all of which will become required conditions for this project. Furthermore; to delegate to the Urban Affairs Committee the authority to vote to allow the developer to proceed if the committee judges it prudent, subject to the conditions heretofore mentioned. A committee report outlining the results of their work will be reported to the City Council, however, this project will stay within the Urban Affairs Committee in the event that further requests or changes arise which require a timely response. Adopted.*

The Professional Site Plan Review Committee met at 9AM on October 7, 2014 with the applicant to review any comments regarding their application. The applicant addressed the issues and has made changes accordingly for review this evening. Chairman Delano read through the amended Site Plan Approval with Conditions, dated October 7, 2014, for the committee. The full City Council gave the Urban Affairs Committee the authority by the vote of the committee to accept the conditions and allow the project to move forward. They will report the conditions out of the committee and vote to approve them at the full City Council and send them to the Legal Department to be placed in proper legal form.

Motion made by Councilor Clancy, seconded by Chair, to approve the conditions as amended. Carries 5-0.

Motion made by Councilor Clancy, seconded by Chair, to refer to the City Solicitor for proper legal form. Carries 5-0.

Motion made by Councilor Clancy, seconded by Chair, to adjourn. Carries 5-0.
Adjourned at 6:02 PM.

*Reported by: Chairman Delano
October 20, 2014*

Reports of Committee cont'd

Councilor Landers reported the following out of the Public Services Committee:

Meeting Name: City Council Public Services Committee

Date: October 15, 2014

Time: 5:15 PM

Location: City Council Chambers, 2nd Floor, City Hall, 140 Main Street

Agenda Item(s) addressed:

Convened: 5:20 PM

Adjourned: 5:38 PM

Present: Chairman Landers; Public Services Committee Member Councilor Irish; President Pope

Absent: Councilor Clancy

Order No. 14-1005964: Petition of National Grid and Verizon New England Inc. to install new jointly owned P#9 Simarano Drive. This pole is required to provide service to an existing building at 2 Results Way. A three phase overhead primary line will be installed from P#9 to private property P9-70. Chairman Landers did not require the National Grid representative appear before the committee because this petition is similar to the scope of previous petitions made in the spring. Additionally, there was no opposition at the Public Hearing held on October 6, 2014 to this petition. Chairman Landers recommends approval of this petition and to present it at the next City Council meeting on Monday, October 20, 2014. **Motion made by Councilor Irish, seconded by Chair to approve the petition of National Grid and Verizon New England Inc. to install new jointly owned P#9 Simarano Drive. Carries 2 - 0.**

Motion made by Councilor Irish, seconded by Chair to request a suspension of the rules at the City Council Meeting on October 20, 2014 to approve the petition. Carries 2 - 0.

Motion made by Councilor Irish, seconded by Chair to adjourn. Carries 2 – 0. Adjourned at 5:38 PM.

*Reported by: Chairman Landers
October 20, 2014*

Reports of Committee cont'd

Councilor Tunnera reported the following out of the Personnel Committee:

Meeting Name: City Council Personnel Committee

Date: October 7, 2014

Time: 5:00 PM

Location: City Council Chambers, 2nd Floor, City Hall, 140 Main Street

Agenda Item(s) addressed:

Convened: 5:05 PM

Adjourned: 5:29 PM

Present: Chairman Tunnera; Personnel Committee Members Councilors Elder and Irish

Also Present: Mayor Vigeant

Order No. 14-1005922: The Reappointment of Deborah Fox as City Collector to serve a term of one year to take effect on the first Monday following her appointment. **Recommendation of the Personnel Committee is to approve the Reappointment of Deborah Fox as City Collector. Motion made by Councilor Elder, seconded by Chair, to approve the appointment. Carries 3 - 0.**

Order No. 14-1005876: The Appointment of Anthony Arruda to the Board of Assessors for a term of three years to expire from date of City Council approval. **Recommendation of the Personnel Committee is to approve the Appointment of Anthony Arruda to the Board of Assessors. Motion made by Councilor Elder, seconded by Chair, to approve the appointment. Carries 3 - 0.**

Order No. 14-1005877: The Reappointment to the Recreation Commission for the following term: Thomas Evangelous for a term to expire two years from date of City Council approval. **Recommendation of the Personnel Committee is to approve the Reappointment of Thomas Evangelous to the Recreation Commission. Motion made by Councilor Elder, seconded by Chair, to approve the appointment. Carries 3 - 0.**

Order No. 14-1005846: The Appointment of Santiago Vergas as youth appointee to the Youth Commission for a term of one year from date of approval. **Recommendation of the Personnel Committee is to approve the Appointment of Santiago Vergas as a youth appointee to the Youth Commission. Motion made by Councilor Elder, seconded by Chair, to approve the appointment. Carries 3 - 0.**

Order No. 14-1005704: The Reappointment to the Conservation Commission of Larry Roy for a term to expire on March 7, 2016. **Recommendation of the Personnel Committee is to approve the Reappointment of Larry Roy to the Conservation Commission. Motion made by Councilor Elder, seconded by Chair, to approve the appointment. Carries 3 - 0.**

Order No. 14-1005667: The Reappointment of Susan Laufer to Library Board of Trustees for a term to expire on February 6, 2017. **Recommendation of the Personnel Committee is to approve the Reappointment of Susan Laufer to Library Board of Trustees. Motion made by Councilor Elder, seconded by Chair, to approve the appointment. Carries 3 - 0.**

Motion made by Councilor Elder, seconded by the Chair, to adjourn. Carries 3-0.

Adjourned at 5:29 PM.

*Reported by: Chairman Tunnera
October 20, 2014*

Suspension of the Rules requested – granted

ORDERED: That the Application for Site Plan Approval-Marlborough Hills, 200 Forest St. Parking Expansion, refer to **THE CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM**; adopted.

Suspension of the Rules requested – granted

ORDERED: Petition of NGrid and Verizon New England Inc. to install new jointly owned P#9 Simarano Dr. This pole is required to provide service to existing building at 2 Results Way. A three phase overhead primary line will be installed from P#9 to private property P9-70; **APPROVED**; adopted.

ORDERED:

**ACCEPTANCE OF LAYOUT AND EMINENT DOMAIN ORDER OF TAKING
OF WAYS AND EASEMENTS IN THE CARISBROOKE I SUBDIVISION AND IN THE
CARSBROOKE II SUBDIVISION**

I. CARISBROOKE I SUBDIVISION

WHEREAS, at a meeting of the City Council of the City of Marlborough held this 20th day of October 2014 it is ordered the City Council, having determined and adjudicated that the common convenience and necessity requires that certain existing private ways in the subdivision known as Carisbrooke I, also known as Gristmill III, being laid out in the location hereinafter described, and having complied with all the requirements of law relating thereto, become public ways, did on the 20th day of October 2014 lay out such ways under provision of law and it was voted following the report of said layout, to accept such ways as laid out; and

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity, including for the protection of the health, welfare, and safety of the residents of Marlborough, require that the land described herein be taken in fee; and

WHEREAS, the City Council of the City of Marlborough has determined that the taking of the fee by Eminent Domain in, on, under, over, across and through the herein described land, is necessary and reasonable to carry out the aforementioned purpose; 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 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, does hereby adopt an Order of Taking of land on behalf of said City of Marlborough. By such order, we take by Eminent Domain the fee in the land of those certain ways in the subdivision known as Carisbrooke I, including the streets named Harper Circle, Hawkins Lane, Prendiville Way, Stetson Drive, and Woodcock Lane (Farrington Lane having been taken by the City of Marlborough by Order of Taking recorded at the Middlesex County South Registry of Deeds in Book 63990, page 74, Certificate Nos. 177320 and 172695), the sidewalks, curbs, and utilities thereon, therein and thereunder said streets including water, sewer, drains, drain lines other utilities, features and appurtenant structures as described on the plans accompanying this Order, said plans and Order to be recorded with the Middlesex County South Registry of Deeds, and entitled as follows:

“Acceptance Plan Of Land In Marlborough, Massachusetts Of Harper Circle And Municipal Easements, Prepared For The City of Marlborough, Scale: 1 inch = 40 feet, by Thompson Liston Associates, Inc., Date: May 12, 2009, Revision Date: September 9, 2014,” recorded herewith as Plan _____ of 20___;

“Acceptance Plan Of Land In Marlborough, Massachusetts Of Hawkins Lane And Municipal Easements, Prepared For The City of Marlborough, Scale: 1 inch = 40 feet, by Thompson Liston Associates, Inc., Date: May 12, 2009, Revision Date: September 9, 2014,” recorded herewith as Plan _____ of 20___;

“Acceptance Plan Of Land In Marlborough, Massachusetts Of Prendiville Way And Municipal Easements, Prepared For The City of Marlborough, Sheet 1 of 2 Sheets, Scale: 1 inch = 40 feet, Date: May 12, 2009, Revision Date: September 9, 2014,” recorded herewith as Plan _____ of 20___;

“Acceptance Plan Of Land In Marlborough, Massachusetts Of Prendiville Way And Municipal Easements, Prepared For The City of Marlborough, Sheet 2 of 2 Sheets, Scale: 1 inch = 40 feet, Date: May 12, 2009, Revision Date: September 9, 2014,” recorded herewith as Plan _____ of 20___;

“Acceptance Plan Of Land In Marlborough, Massachusetts Of Stetson Drive And Municipal Easements, Prepared For The City of Marlborough, Scale: 1 inch = 40 feet, by Thompson Liston Associates, Inc., Date: May 12, 2009, Revision Date: September 9, 2014,” recorded herewith as Plan _____ of 20___;

“Acceptance Plan Of Land In Marlborough, Massachusetts Of Woodcock Lane And Municipal Easements, Prepared For The City of Marlborough, Scale: 1 inch = 40 feet, by Thompson Liston Associates, Inc., Date: May 12, 2009, Revision Date: September 9, 2014,” recorded herewith as Plan _____ of 20___;

“Acceptance Plan of Various Municipal Easements In Marlborough, Massachusetts, Prepared For The City of Marlborough, Sheet 1 of 8 Sheets, Scale 1” = 40 Feet, by Thompson Liston Associates, Inc., Date: September 9, 2014,” recorded herewith as Plan _____ of 20___;

“Acceptance Plan of Various Municipal Easements In Marlborough, Massachusetts, Prepared For The City of Marlborough, Sheet 2 of 8 Sheets, Scale 1” = 40 Feet, by Thompson Liston Associates, Inc., Date: September 9, 2014,” recorded herewith as Plan _____ of 20___;

“Acceptance Plan of Various Municipal Easements In Marlborough, Massachusetts, Prepared For The City of Marlborough, Sheet 3 of 8 Sheets, Scale 1” = 40 Feet, by Thompson Liston Associates, Inc., Date: September 9, 2014,” recorded herewith as Plan _____ of 20___;

“Acceptance Plan of Various Municipal Easements In Marlborough, Massachusetts, Prepared For The City of Marlborough, Sheet 4 of 8 Sheets, Scale 1” = 40 Feet, by Thompson Liston Associates, Inc., Date: September 9, 2014,” recorded herewith as Plan _____ of 20___;

“Acceptance Plan of Various Municipal Easements In Marlborough, Massachusetts, Prepared For The City of Marlborough, Sheet 5 of 8 Sheets, Scale 1” = 40 Feet, by Thompson Liston Associates, Inc., Date: September 9, 2014,” recorded herewith as Plan _____ of 20___;

“Acceptance Plan of Various Municipal Easements In Marlborough, Massachusetts, Prepared For The City of Marlborough, Sheet 6 of 8 Sheets, Scale 1” = 40 Feet, by Thompson Liston Associates, Inc., Date: September 9, 2014,” recorded herewith as Plan _____ of 20___;

“Acceptance Plan of Various Municipal Easements In Marlborough, Massachusetts, Prepared For The City of Marlborough, Sheet 7 of 8 Sheets, Scale 1” = 40 Feet, by Thompson Liston Associates, Inc., Date: September 9, 2014,” recorded herewith as Plan _____ of 20___;

“Acceptance Plan of Various Municipal Easements In Marlborough, Massachusetts, Prepared For The City of Marlborough, Sheet 8 of 8 Sheets, Scale 1” = 40 Feet, by Thompson Liston Associates, Inc., Date: September 9, 2014,” recorded herewith as Plan _____ of 20___;

The total land area being taken in fee for the purposes of a public way or public ways is approximately as shown on said plans and as noted below. For title, the assumed owners of the roadways, owners of lots from whom certain portions of roadways are taken, and the Middlesex County South Registry references are as follows:

Assumed Owner & Name of Street(s)Middlesex Registry
Book Page Cert. (if any)

Paul M. Zarella & Frederick K. Heim,
FDBA Gristmill Construction, Inc.

Harper Circle	16413 352	
(+/- 31,556 S.F.)	16860 277	
	17581 418	
	16754 44	
	16892 271	
Woodcock Lane Registered portion		172695
(+/- 41,655 S.F.)		177320
	PL 5374L 993 145	
Recorded portion	16398 133	
	17046 348	
	16562 41	
	16508 559	
Hawkins Lane Registered portion		172695
(total +/- 64,408 S.F.)		
PL 2370C 993 145		
Recorded portion	16552 486	
	17268 139	
	16723 338	
Prendiville Way		172695
(+/- 97,983 S.F.)		177320
PL 5374L 993 145		
Stetson Drive		172695
(+/- 62,941 S.F.)		177320
PL 2370C 993 145		
N/F Robert and Linda A. Vissat 36 Woodcock Lane		
Portion of Harper Circle (+/- 6,806 S.F. to centerline of street)	47717 98	
N/F Karen M. Chesler & Robert P. Rivet 142 Prendiville Way		
Portion of Prendiville Way (+/- 4,500 S.F. to centerline of street)		232260
LC Lot 65 PL 5374L 993 145		

N/F Julie Shepherd & Brian Shepherd
35 Prendiville Way

Portion of Prendiville Way (+/- 4,332 S.F. to centerline of street) 227238
LC Lot 77 PL 5374L 993 145

All trees, structures, and appurtenances therein, thereunder, and thereon are expressly included in this Taking.

The ownership of said parcels and each of them are supposed to be as stated herein, but said fee or rights of way and each of them are hereby taken whether the ownership is as stated above or otherwise. We determine that no damages have been sustained by the owners of the land and utilities so taken.

IT IS ALSO 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 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, does hereby adopt an Order of Taking of land on behalf of said City of Marlborough. By such order, we take by Eminent Domain all of the permanent easements located in the Carisbrooke I subdivision, which include without limitation drainage, flowage, headwall maintenance, and utility easements (which include more than one type of the easements listed herein in combination), including but not limited to sewer easements, for the purposes of accessing, laying, operating, altering, constructing, maintaining, replacing, repairing, removing, and changing the size of and replacing drains for the passage of storm and surface waters under, over and through said easements, as described above on the plans accompanying this Order, excepting construction and slope easements, said plans and Order to be recorded with the Middlesex South Registry of Deeds.

All trees and structures and appurtenances therein, thereunder, and thereon are expressly included in this Taking.

The total land area being taken for permanent easements is approximately as shown on said aforementioned plans and as noted below. For title, the assumed holders of the easements and the Middlesex County South Registry references are as follows:

<u>Assumed Holder of Easement (& Fee Owner, If Registered)</u>	<u>Street Name & Address</u>	<u>Middlesex Registry</u>			<u>Easement Area +/- S.F. & Type</u>
		<u>Book</u>	<u>Page</u>	<u>Cert. (if any)</u>	
<u>Farrington Lane</u>					
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	31	17009	570		353 Drainage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	41	18224	570		4,045 Drainage; 2,654 Flowage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	51	15905	049		12,773 Drainage; 21,596 Flowage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	65	16374	089		4,511 Drainage; 20,222 Flowage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	81	16594	079		10,171 Drainage; 4,810 Flowage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	82			174417	8,884 Drainage; 24,487 Flowage
	N/F Brian Hendrix & Gail Hendrix LC Lot 18 PL 2370C	993	145	232654	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	106	16545	193		4,877 Drainage; 1,048 Flowage
	N/F Steven M. Burnett & Monica M. Burnett LC Lot 19 PL 2370C	993	145	221168	
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	122	16552	148		6,487 Drainage; 5,707 Flowage
	N/F Frederick M. Ferris & Ann M. Ferris LC Lot 20 PL 2370C	993	145	197220	

Harper Circle

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	10	16892 271	10,533 Sewer
N/F Joseph F. Delano & Lisa A. Delano	LC Lot 67 PL 5374L	993 145	194911
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	24	16754 044	5,764 Drainage; 16,895 Flowage; 5,944 Sewer
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	27	16413 352	6,259 Drainage 2,800 Flowage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	36	16964 418	9,205 Drainage; 54,784 Flowage; 7,222 Sewer
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	45	16860 277	9,856 Drainage; 21,596 Flowage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	49	17581 418	25,588 Drainage; 73,344 Flowage; 12,345 Sewer

Hawkins Lane

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	40	16552 486	4,081 Drainage
N/F John D. Condon & Elaine M. Condon	LC Lot 25 PL 2370C	993 145	198072
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	62	233839	7,748 Drainage; 6,910 Flowage
N/F Michael G. Huether & Colleen M. Heuther	LC Lot 26 PL 2370C	993 145	257189
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	80	16552 478	7,239 Flowage

Prendiville Way

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 55 174094 N/F Mary P. Meany & Kevin M. Meany LC Lot 76 PL 5374L 993 145 228860	2,488 Drainage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 91 175244 N/F Jeffrey S. Cernak & Christine M. Cernak LC Lot 74 PL 5374L 993 145 231272	14,886 Flowage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 113 175242 N/F James P. Sweeney & Christine L. Sweeney LC Lot 73 PL 5374L 993 145 254633	38,765 Flowage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 127 173204 N/F Debra Conrad Gigas LC Lot 72 PL 5374L 993 145 206970	19,597 Drainage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 141 175083 N/F Paul G. Bamberg & Cherry F. Bamberg LC Lot 71 PL 5374L 993 145 193219	1,301 Drainage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 142 176909 N/F Robert P. Rivet & Karen M. Chesler LC Lot 65 PL 5374L 993 145 232260	7,133 Drainage

Stetson Drive

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 12 175917 N/F Lawrence R. Lewis & Barbara G. Lewis, Tr. Barbara G. Lewis 1995 Revocable Trust LC Lot 21 PL 2370C 993 145 203755 N/F Ronald Lewis & Barbara G. Lewis, Tr. Ronald Lewis 1995 Revocable Trust LC Lot 21 PL 2370C 993 145 203755	8,174 Drainage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 28 174094 N/F Frank E. Wadas & Barclay M. Wadas LC Lot 22 PL 2370C 993 145 220189	4,051 Drainage

Woodcock Lane

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	9 1005 133	229949	8,462 Drainage; 25,757 Flowage
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N/F Anton P. Teodorescu
& Mariana Teodorescu LC Lot 69 PL 5374L 993 145 192025

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	29 16398 133	172695	3,349 Drainage; 11,504 Flowage
N/F Ronald F. Hall & Patricia Hall	LC Lot 68-PL 5374L 993 145	179134	

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	36 24118 003		8,113 Drainage
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The ownership of said parcels and each of them are supposed to be as stated herein, but said permanent easements and each of them are hereby taken whether the ownership is as stated above or otherwise.

II. CARISBROOKE II SUBDIVISION

WHEREAS, at a meeting of the City Council of the City of Marlborough held this 20th day of October 2014 it is ordered the City Council, having determined and adjudicated that the common convenience and necessity requires that certain existing private ways in the subdivision known as Carisbrooke II, being laid out in the location hereinafter described, and having complied with all the requirements of law relating thereto, become public ways, did on the 20th day of October 2014 lay out such ways under provision of law and it was voted following the report of said layout, to accept such ways as laid out; and

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity, including for the protection of the health, welfare, and safety of the residents of Marlborough, require that the land described herein be taken in fee; and

WHEREAS, the City Council of the City of Marlborough has determined that the taking of the fee by Eminent Domain in, on, under, over, across and through the herein described land, is necessary and reasonable to carry out the aforementioned purpose; 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 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, does hereby adopt an Order of Taking of land on behalf of said City of Marlborough. By such order, we take by Eminent Domain the fee in the land of those certain ways in the subdivision known as Carisbrooke II, including the streets named Belmore Place, Sheffield Terrace, Littlefield Lane (being a portion thereof), Flint Drive, Hamilton Circle, Haskell Lane, and Graham Path (Farrington Lane having been taken by the City of Marlborough by Order of Taking recorded at the Middlesex County South Registry of Deeds in Book 63990, page 74, Certificate Nos. 177320 and 172695), the sidewalks, curbs, and utilities thereon, therein and thereunder said streets including water, sewer, drains, drain lines other utilities, features and appurtenant structures as

described on the plans accompanying this Order, said plans and Order to be recorded with the Middlesex County South Registry of Deeds, and entitled as follows:

“Plan of Acceptance of Belmore Place And Municipal Easements, Marlborough, Massachusetts, Scale: 1 inch = 40 feet, Date: June 14, 1999,” recorded herewith as Plan _____ of 20 ___;

“Plan of Acceptance of Farrington Lane And Municipal Easements, Marlborough, Massachusetts scale: 1 inch = 40 feet, date: June 14, 1999,” recorded herewith as Plan _____ of 20 ___;

“Plan of Acceptance of Flint Drive And Municipal Easements, Marlborough, Massachusetts, Scale: 1 inch = 40 feet, Date: June 14, 1999,” recorded herewith as Plan _____ of 20 ___;

“Plan of Acceptance of Graham Path And Municipal Easements, Marlborough, Massachusetts, Scale: 1 inch = 40 feet, Date: June 14, 1999,” recorded herewith as Plan _____ of 20 ___;

“Plan of Acceptance of Hamilton Circle And Municipal Easements, Marlborough, Massachusetts, Scale: 1 inch = 40 feet, Date: June 14, 1999,” recorded herewith as Plan _____ of 20 ___;

“Plan of Acceptance of Haskell Lane And Municipal Easements, Marlborough, Massachusetts, Scale: 1 inch = 40 feet, Date: June 14, 1999,” recorded herewith as Plan _____ of 20 ___;

“Plan of Acceptance of Littlefield Lane And Municipal Easements, Marlborough, Massachusetts, Scale: 1 inch = 40 feet, Date: June 14, 1999,” recorded herewith as Plan _____ of 20 ___; and

“Plan of Acceptance of Sheffield Terrace And Municipal Easements, Marlborough, Massachusetts, Scale: 1 inch = 40 feet, Date: June 14, 1999,” recorded herewith as Plan _____ of 20 ___.

The total land area being taken in fee for the purposes of a public way or public ways is approximately as shown on said plans and as noted below. For title, the assumed owners of the roadways, owners of lots from which the roadway parcels are taken, and the Middlesex County South Registry references are as follows:

<u>LC</u> <u>Lot No.</u>	<u>Assumed Owner In Fee & Name of Streets</u>	<u>Book</u>	<u>Page</u>	<u>Middlesex Registry</u> <u>Certificate (if any)</u>
153	Paul M. Zarella & Frederick K. Heim, FDDBA Gristmill Construction, Inc. Hamilton Circle, Littlefield Lane, Belmore Place, Graham Path, Haskell Lane, Sheffield Terrace (respectively, being +/- 80,000 S.F.; 131,818 S.F.; 29,040.5 S.F.; 56,590 S.F.; 17,500 S.F.; 60,000 S.F.)	1016	170	177320
50	Paul M. Zarella & Frederick K. Heim, FDDBA Gristmill Construction, Inc. Portion of Graham Path (being +/- 10,925 S.F.)	1016	170	177320
154	Paul M. Zarella & Frederick K. Heim, FDDBA Gristmill Construction, Inc. Portion of Belmore Place (being +/- 8,449.5 S.F.)	1048	156	183706
	Paul M. Zarella & Frederick K. Heim FDDBA Gristmill Construction, Inc. Flint Drive (being +/- 30,000 S.F.)	19264	534	

All trees, structures, and appurtenances therein, thereunder, and thereon are expressly included in this Taking.

The ownership of said parcels and each of them are supposed to be as stated herein, but said fee or rights of way and each of them are hereby taken whether the ownership is as stated above or otherwise. We determine that no damages have been sustained by the owners of the land so taken.

IT IS ALSO 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 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, we take by Eminent Domain all of the permanent easements located in the Carisbrooke II subdivision, which include without limitation drainage, flowage, headwall maintenance, and utility easements (which include more than one type of the easements listed herein in combination), including but not limited to sewer easements, for the purposes of accessing, laying, operating, altering, constructing, maintaining, replacing, repairing, removing, and changing the size of and replacing drains for the passage of storm and surface waters under, over and through said easements, as described above on the plans accompanying this Order, excepting construction and slope easements, said plans and Order to be recorded with the Middlesex County South Registry of Deeds.

All trees and structures and appurtenances therein, thereunder, and thereon are expressly included in this Taking.

The total land area being taken for permanent easements is approximately as shown on said aforementioned plans and as noted below. For title, the assumed holders of the easements and the Middlesex County South Registry references are as follows:

<u>Assumed Holder of Easement (& Fee Owner, If Registered)</u>	<u>Street Name & Address</u>	<u>Middlesex Registry</u>			<u>Easement Area +/- S.F. & Type</u>
		<u>Book</u>	<u>Page</u>	<u>Cert. (if any)</u>	
<u>Belmore Place</u>					
Paul M. Zarella & Frederick K. Heim, FDDBA Gristmill Construction, Inc. N/F LeRoy Jackson & Cynthia Jackson	22 LC Lot 103 PL 5374R			187141 1016 170 219785	644 Headwall
Paul M. Zarella & Frederick K. Heim, FDDBA Gristmill Construction, Inc. N/F Thomas Gatzunas & Taslene Gatzunas	38 LC Lot 102 PL 5374R			187141 1016 170 250651	1,200 Headwall
Paul M. Zarella & Frederick K. Heim, FDDBA Gristmill Construction, Inc. N/F Victor Terra & Katherine Terra	56 LC Lot 106 PL 5374R			187141 1016 170 247404	4,380 Headwall

Farrington Lane

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	151	183478	17,600 Flowage; 3,600 Sewer
N/F Patrick O'Brien & Debra O'Brien	LC Lot 32	PL 2370F 1016 170	217400
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	167	183478	5,100 Drainage; 5,352 Sewer
N/F Kevin Paquin & Karen Paquin	LC Lot 34	PL 2370F 1016 170	195263
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	199	183478	1,834 Drainage; 17,463 Flowage
N/F Dianne K. McHugh	LC Lot 38	PL 2370F 1016 170	223216
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	215	183478	1,817 Drainage; 23,778 Flowage
N/F Kartik Raghupathi & Nicole Wedick	LC Lot 39	PL 2370F 1016 170	247265

Flint Drive

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	7	19264 559	1,050 Headwall
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	8	19333 258	488 Headwall; 14,000 Flowage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	26	20463 470	23,660 Flowage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	38	20580 205	2,709 Drainage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc.	52	9931 566	2,709 Drainage

Graham Path

Paul M. Zarella & Frederick K. Heim, FDDBA Gristmill Construction, Inc.	12	183478	2,965 Headwall; 250 Headwall
N/F Beth Kelly LC Lot 126 PL 5374R	1016 170	235619	
Paul M. Zarella & Frederick K. Heim, FDDBA Gristmill Construction, Inc.	13	186365	1,800 Headwall
N/F Daniel Ortiz & Marni H. Ortiz LC Lot 130 PL 5374R	1016 170	234572	
Paul M. Zarella & Frederick K. Heim, FDDBA Gristmill Construction, Inc.	26	183478	1,875 Headwall
N/F Craig K. Campbell & Donna M. Baldiserri LC Lot 131 PL5374R	1016 170	226886	
Paul M. Zarella & Frederick K. Heim, FDDBA Gristmill Construction, Inc.	85	1926 559	6,295 Headwall; 28,428 Flowage
N/F Joseph N. Joyce & Nancy C. Joyce LC Lots 137 and 37 PL 5374R	1016 170	213149	183478
Paul M. Zarella & Frederick K. Heim, FDDBA Gristmill Construction, Inc.	86	183478	3,650 Headwall; 15,603 Flowage; 968 Sewer
N/F William Wing & Virginia Wing LC Lot 135 PL 5374R	1016 170	225818	
Paul M. Zarella & Frederick K. Heim, FDDBA Gristmill Construction, Inc.	104	183478	2,049 Flowage; 5,790 Sewer
N/F Joseph Haberberger & Katherine Haberberger LC Lots 136 and 36 PL 5374R	1016 170	208693	

Hamilton Circle

Paul M. Zarella & Frederick K. Heim, FDDBA Gristmill Construction, Inc.	65	188596	2,123 Headwall; 1,971 Utility
N/F John Jewett & Isabel Jewett LC Lot 148 PL 5374R	1016 170	217311	
Paul M. Zarella & Frederick K. Heim, FDDBA Gristmill Construction, Inc.	74	189261	3,709 Headwall
N/F Joanne Gravina LC Lot 147 PL 5374R	1016 170	192265	
Paul M. Zarella & Frederick K. Heim, FDDBA Gristmill Construction, Inc.	77	177320	5,623 Utility; 38,265 Utility
N/F Joseph Grimaldo LC Lot 149 PL 5374R	1016 170	188660	

Paul M. Zarella & Frederick K. Heim, FDDBA Gristmill Construction, Inc.	89	189261	4,518 Utility; 49,496 Utility
N/F Kenneth Brown & Ann Gillespie LC Lot 150 PL 5374R 1016 170			250537

Paul M. Zarella & Frederick K. Heim, FDDBA Gristmill Construction, Inc.	101	177320	3,975 Utility
N/F Robert Davis & Susan Davis LC Lot 152 PL 5374R 1016 170			186555

Haskell Lane

Paul M. Zarella & Frederick K. Heim, FDDBA Gristmill Construction, Inc.	11	192357	750 Headwall
N/F Gala Del C. Moreno & Jorge Moreno LC Lot 140 PL 5374R 1016 170			229649

Paul M. Zarella & Frederick K. Heim, FDDBA Gristmill Construction, Inc.	32	192357	3,424 Headwall; 12,308 Sewer
N/F Jeffrey Koester & Laura Koester LC Lot 139 PL 5374R 1016 170			211134

Littlefield Lane

Paul M. Zarella & Frederick K. Heim, FDDBA Gristmill Construction, Inc.	28	183880	3,900 Headwall
N/F Regiane Santos De Medeiros LC Lot 107 Plan 5374R 1016 170			248198

Paul M. Zarella & Frederick K. Heim, FDDBA Gristmill Construction, Inc.	37	183510	4,499 Headwall; 913 Drainage; 10,661 Flowage
N/F Chanchala Patil LC Lot 108 PL 5374R 1016 170			249486

Paul M. Zarella & Frederick K. Heim, FDDBA Gristmill Construction, Inc.	46	183510	1,170 Headwall
N/F Mariusz Krawiec & Beata Sweryda-Krawiec LC Lot 109 PL 5374R 1016 170			238535

Paul M. Zarella & Frederick K. Heim, FDDBA Gristmill Construction, Inc.	61	183880	3,555 Headwall; 3,855 Headwall
N/F Karl Andersson & Karrie Henighan LC Lot 110 PL 5374R 1016 170			235220

Paul M. Zarella & Frederick K. Heim, FDDBA Gristmill Construction, Inc.	62	183510	1,950 Headwall; 20,828 Flowage
N/F Yamata Akihito & Maria Akihito LC Lot 111 PL 5374R 1016 170			216918

Sheffield Terrace

Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 30 N/F Gail Lauter LC Lot 101 Plan 5374R 1016 170 249022	5,400 Headwall
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 33 N/F Donald Watson & MaryEllen Deering LC Lot 100 Plan 5374R 1016 170 241279	3,400 Headwall
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 65 N/F Nicholas Tolan & Nicole Tolan LC Lot 96 Plan 5374R 1016 170 254479	7,902 Headwall; 13,927 Drainage; 41,110 Flowage
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 66 N/F Michael Kovacs & Tolice Lovacs LC Lot 97 Plan 5374R 1016 170 254882	6,102 Headwall
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. 84 N/F Robert Mahaney & Lisa Mahaney LC Lot 95 Plan 5374R 1016 170 238673	2,000 Headwall
Paul M. Zarella & Frederick K. Heim, FDBA Gristmill Construction, Inc. Being a portion of 83 177320 N/F Ravenswood Properties, Inc. 627 Sudbury Street Marlborough, MA 01752 LC Lot 94 Plan 5374R 1016 170 251318	1,500 Headwall

The ownership of said parcels and each of them are supposed to be as stated herein, but said permanent easements and each of them are hereby taken whether the ownership is as stated above or otherwise.

AWARD OF DAMAGES

We determine that the total damages sustained by the owners, being Paul M. Zarella and Frederick K. Heim, FDBA Gristmill Construction, Inc., of the land, easements and utilities so taken by this Eminent Domain Order of Taking Of Ways And Easements In The Carisbrooke I Subdivision And In The Carisbrooke II Subdivision are as agreed to between the City and said owners, being in the amount of \$114,999.00. We also determine that the total damages sustained by the owners of the land so taken in the Carisbrooke I subdivision, also known as the Gristmill III subdivision, being N/F Robert and Linda A. Vissat for that portion of Harper Circle abutting the side of 36 Woodcock Lane to the centerline of the way, N/F Karen M. Chesler and Robert P. Rivet for that portion of Prendiville Way abutting the front of 142 Prendiville Way, to the centerline of the way, and N/F Julie Shepherd and Brian Shepherd for that portion of Prendiville Way abutting the front of 35 Prendiville Way, to the centerline of the way, to be in the amount of \$1.00 for each of said owners.

APPROVED; adopted

Yea: 10 – Nay: 0

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

Abstained: Delano

ORDERED: That the City Council of the City of Marlborough, by two-thirds vote pursuant to Mass. Gen. Laws c. 40, § 15A, hereby transfers care, management and control to the Department of Public Works of the City of Marlborough for the purposes of accessing, laying, operating, altering, constructing, plowing, maintaining, replacing, repairing, and other municipal purposes, all of the streets and easements within the Carisbrooke I and Carisbrooke II subdivisions, including the utilities, structures, drains, appurtenances, sidewalks, curbs, and other things identified in the Order of Acceptance of Layout And Eminent Domain Taking Of Ways And Easements In The Carisbrooke I Subdivision And In The Carisbrooke II Subdivision, **APPROVED;** adopted.

Yea: 10 – Nay: 0

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

Abstained: Delano

ORDERED: That pursuant to Section 77C of Chapter 60 of the General Laws of Massachusetts, the City does hereby accept title, by deed in lieu of foreclosure, from Frederick Heim of 60 Carver Hill Road, Marlborough, Middlesex County, MA, and Paul Zarella, of 115 Fox Run, Sudbury, Middlesex County, MA, formerly doing business as Gristmill Construction, Inc., to certain parcels of land described herein as follows:

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 23, Parcel 95A, being approximately 0.0157254 acres, and located on Hanlon Drive; and

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 36, Parcel 67, being approximately 1.034 acres, and located on the corner of Slocumb Lane and Stetson Drive; and

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 36, Parcel 84, being approximately 18.4 acres, and located off of Woodcock Lane.

APPROVED; adopted.

Yea: 10 – Nay: 0

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

Abstained: Delano

President Pope requested a recess at 9:46 PM and returned to open meeting at 9:48 PM; adopted.

ORDERED:

DEED IN LIEU OF FORECLOSURE

We, FREDERICK HEIM of 60 Carver Hill Road, Marlborough, Middlesex County, MA, and PAUL ZARELLA, of 115 Fox Run, Sudbury, Middlesex County, MA, formerly doing business as Gristmill Construction, Inc.,

for consideration paid and in full forgiveness of the present outstanding tax liability on the herein conveyed properties

hereby grant, transfer and deliver unto the City of Marlborough, a municipal corporation having a principal address of City Hall, 140 Main Street, Marlborough, MA, ("Grantee") with Quitclaim covenants

All of our right, title and interest in and to the fee in those certain parcels described as follows:

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 23, Parcel 95A, being approximately 0.0157254 acres.

Being the same premises conveyed to Gristmill Construction, Inc. by deed recorded in the Middlesex County South Registry of Deeds at Book 12951, Page 719, and shown as Parcel A on a plan entitled "Plan of Revised Lots in Marlborough, Mass. Owned By Various Owners, scale: 1"=40', dated January 17, 1977" which plan is recorded with the Middlesex County South Registry of Deeds as Plan No. 478 of 1977;

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 36, Parcel 67, being approximately 1.034 acres.

Being the same premises conveyed to Gristmill Construction, Inc. by deed recorded in the Middlesex County South Registry of Deeds at Book 1019, Page 106, Certificate No. 177856, and shown as Lot 10 on Sheet 2 of plans entitled "Gristmill Estates III Definitive Plan of Lots, scale: 1"=100', dated August 24, 1984" which plan is recorded with the Middlesex County South Registry of Deeds as Plan No. 1454 of 1984; and

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 36, Parcel 84, being approximately 18.4 acres.

Being the same premises conveyed to Gristmill Construction, Inc. by deed recorded in the Middlesex County South Registry of Deeds at Book 1016, Page 170, Certificate No. 177320, and shown as Lot 141 on Sheet 18 of plans entitled "Definitive Carisbrooke II Plan of Land in Marlborough, Massachusetts, Prepared for Gristmill Construction, Inc., 910 Boston Post Road, Marlborough, Mass., dated March 13, 1987," which plan is recorded with the Middlesex County South Registry of Deeds as Plan No. 1079 of 1988.

WITNESS our hand and seal this ____ day of _____, _____.

By: _____
Frederick Heim

By: _____
Paul Zarella

THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this ____ day of _____, before me, the undersigned notary public, personally appeared the above named FREDERICK HEIM, proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person personally known to me, whose name is signed on the proceeding document and acknowledged to me that he signed it voluntarily and for its stated purpose.

_____, Notary Public

My Commission Expires:

THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this _____ day of _____, before me, the undersigned notary public, personally appeared the above named PAUL ZARELLA, proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person personally known to me, whose name is signed on the proceeding document and acknowledged to me that he signed it voluntarily and for its stated purpose.

_____, Notary Public

My Commission Expires:

ORDERED: That the City Council of the City of Marlborough, by two-thirds vote pursuant to Mass. Gen. Laws c. 40, § 15A, hereby transfers to the Conservation Commission of the City of Marlborough for conservation purposes, including increasing open space, preserving vistas, providing wildlife habitat, and enabling future passive recreational opportunities in conjunction with existing and proposed public passive recreational amenities, the care, custody, management, and control of the following parcels, pursuant to Mass. Gen. Laws c. 40, § 8C:

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 36, Parcel 67, being approximately 1.034 acres, and located on the corner of Slocumb Lane and Stetson Drive; and

That certain parcel known and numbered on the Assessors' Map of the City of Marlborough as Map 36, Parcel 84, being approximately 18.4 acres, and located off of Woodcock Lane.

APPROVED; adopted.

Yea: 10 – Nay: 0

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

Abstained: Delano

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:49 PM.



City of Marlborough

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

140 Main Street, Marlborough, Massachusetts 01752
2014 OCT 30 4 50 PM '14 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

October 30, 2014

City Council President Patricia Pope
City of Marlborough
140 Main St.
Marlborough, MA 01752

Re: Honorary Citizens Citations for visiting students from Akiruno, Japan

Honorable President Pope and Councilors,

Our annual visitors from our sister city Akiruno, Japan are here and we would like to recognize them as Honorary Citizens of Marlborough and present the students with citations.

The Cultural Exchange Program is a worthwhile tradition that gives all of the participating eighth grade students and host families an enriching experience while fostering a friendly exchange of ideas and culture.

Thank you for recognizing the Akiruno students and this worthy tradition.

Sincerely,

Arthur G. Vigeant
Mayor



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2014 OCT 30 A 11:59

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

October 30, 2014

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

Re: Turf Field Bond Request

Honorable President Pope and Councilors:

It is with great pleasure that I submit to you a bond request in the amount of \$3,855,059.00 to fund the city's first synthetic turf athletic field at the Whitcomb Middle School. This is an exciting moment for our community and is made possible through the local option meals tax that we dedicate to our parks and recreation facilities.

Since the early part of this year, we have had a small committee working together with a design team to assess our fields and help guide us in identifying the best possible field to renovate as our first turf field. After thorough deliberations, the Middle School Field was ultimately identified by both our design team as well as our committee as being the best place to begin in terms of maximum utilization by the community, high school and youth athletic groups.

Enclosed for your benefit is a report and field analysis from our design team, Activitas, a fifteen year bond projection, and a bond request order.

It is my expectation that we can go out to bid early in 2015 to ensure that full construction will be able to begin late spring and throughout the summer months. I look forward to discussing this proposal with you and our design team in greater detail. In the meantime, please do not hesitate to contact me should you have any questions.

Sincerely,

Arthur G. Vigeant
Mayor

ORDERED:

That the sum of \$3,855,059.00 (three million eight-hundred fifty-five thousand and fifty-nine) dollars be and is hereby appropriated for the construction of a synthetic turf athletic field, new track and concession stand at the Whitcomb Middle School Field and that to meet said appropriations, the Comptroller-Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$3,855,059.00.

Pursuant to the provisions of Chapter 44, Section 7 (3) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than fifteen (15) years from its date of issue.

ADOPTED

In City Council
Order No. 14-

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



Planning | Landscape | Athletic Facilities

NARRATIVE

Delivery: *via email (mberry@marlborough-ma.gov)*

Date: 30 October 2014

To: **Mr. Arthur Vigeant, Mayor**
City of Marlborough

By: Jonathan Charwick
Sr. Project Manager

cc: Mark Novak, Activitas
(via email) Patrick Maguire, Activitas
Marlborough Turf Study Committee

Project: **City of Marlborough Synthetic Turf Study**
#14014.00

re: Synthetic Turf Study and Project Recommendation

The City of Marlborough authorized an athletic turf study to be conducted to determine the best location for the installation of the City's first synthetic turf field. Activitas, Inc. was engaged to work with a Turf Study Committee comprised of various City representatives including agents from the City Engineer's Office, Department of Public Works, High School Athletic Department, City's Recreation Department, Youth Soccer Program, and Mayor's Office. The Turf Study Committee selected three sites to be considered; Marlborough High School's baseball and track facility, Whitcomb Middle School's softball field and track facility, and Ghiloni Park's athletic fields.

The goal of this study was to assess the existing conditions of the three facilities, identify the opportunities and constraints of each site, and to determine the feasibility of building a synthetic turf field that will best meet the needs of the City's students, athletes, youth groups, and greater Marlborough community. The results of this study will inform the project scope that will be recommended to the Marlborough City Council for design, public bidding, and construction in 2015.

The study began on June 19, 2014 with a Kick-Off meeting led by Activitas with the Turf Study Committee. During this meeting, programming for each potential site was developed. The program items that were identified for discussion were existing and proposed access points to the facilities, dimensional requirements for the fields, spectator seating and game management requirements, support building needs, electrical/communication/data requirements, desired fencing and protective netting, potential parking lot expansion and/or improvements, and utility and infrastructure required in developing the sites.

After receiving input from the Turf Study Committee, Activitas reviewed all available existing conditions documents provided by the City, GIS Mapping information available on the City's website, and performed multiple site visits to become familiar with each site's unique characteristics. The information was compiled and site analysis boards were developed to illustrate each site's opportunities and constraints, which include existing circulation patterns, access points, steep slopes, vegetated areas, solar orientations and adjacent resources areas (bordering vegetated wetlands). The information identified areas of each site that are ideal for development, areas that may present construction challenges, and portions of the site that should be left undeveloped.

The Site Analysis Boards were presented to the Turf Study Committee on August 13, 2014 in conjunction with initial conceptual layouts for each site that respected the results of the site analysis boards and incorporated the programmatic needs identified during the Kick-Off meeting. Each site's layout proposed two (2) synthetic turf fields with athletic lighting, formalized spectator seating, and other recommended site improvements that address the stated program for each site. After reviewing each option with the Committee, Activitas was asked to make a few revisions to each of the layouts and to proceed with preparing Opinions of Probable Project Costs for each potential development.

The Opinions of Probable Project Costs were presented to the Turf Study Committee on October 3, 2014. Three Opinions of Cost were presented, one for each site, and itemized to provide detailed pricing information for the proposed athletic facility amenities, such as athletic fields (and track as applicable), support buildings, general site improvements, synthetic turf field installation, sports lighting and electrical upgrades, spectator seating and press box, and landscape improvements. The Opinions of Cost ranged between \$5.9 to \$6.9 million dollars to fully develop the stated scope for each site. Costs associated with installation of one synthetic turf field with athletic field lighting and spectator seating ranged between \$1.7 to \$3.4 million. The Opinions of Probable Project Costs also include contingencies (10% construction and 5% design), Contractors General Conditions, an estimated percentage for contractor overhead and profit, and soft costs for design, permitting and community outreach.

The Turf Study Committee and Activitas reconvened on October 9, 2014 to discuss the Opinions of Probable Project Costs and to start prioritizing programmatic elements in an effort to determine which site and individual fields provide the most utility and benefit to the City's organized athletic programs and residents that will utilize these facilities for passive recreation and fitness. The Turf Study Committee prioritized each of the six (6) proposed synthetic turf fields to determine which field(s) and associated amenities would best serve the City of Marlborough. Resulting from this process, the consensus of the Turf Study Committee was to recommend to the City Council that the initial synthetic turf project for the City be the

renovation of the Whitcomb Middle School track and field and the High School baseball field and to convert both fields from natural grass to synthetic turf.

The Whitcomb Middle School track and field renovations provide the most utility to organized athletics due to the size of the proposed synthetic turf field. The field is appropriately sized to allow for football, soccer, and field hockey to be played in the fall and boys and girls lacrosse to be played in the spring. The 4-lane track around the synthetic turf field will support the Middle School's physical education programs and will provide additional means for passive recreation for the community's walkers that would otherwise use the high school track. Renovating the Middle School track will decrease the demand that the high school track receives and may extend the useful life of the existing high school track surface. A recreation path connecting the Bolton Street Senior Housing to Stevens Street through the Middle School athletic fields will also provide access and additional means for passive recreational experiences. Fitness stations, focused on stretching and flexibility exercises, are another programmatic element for the Middle School renovations. A proposed support building for concessions, restrooms, maintenance and storage will allow this facility to serve as a competition venue and will help ease the demand on the City's other natural grass fields. An 18' wide paved vehicular drive is proposed northeast of the middle school connecting the parking lots and providing loop access for buses around the school.

It was determined that the proposed high school baseball field development provides the second most utility to the City's organized athletic programs. Due to the size of a baseball outfield, football, soccer and field hockey can be played in the outfield during the fall season. Baseball games and boys and girls lacrosse practices will utilize this field in the spring. Due to New England's climate, the spring athletic season and schedule is largely contingent on the length of the winter season and amount of snow cover and rainfall that is received in the spring. A synthetic turf surface will allow scheduled games and practices to get on the fields much sooner than they currently do playing on natural grass. In addition to synthetic turf and athletic field lighting, the plan for the baseball field renovation includes full outfield fencing and backstop netting, home and away bullpens, a batting tunnel, dugouts, spectator seating and associated site improvements.

The Opinion of Probable Project Costs for the proposed Whitcomb Middle School track and field facility is \$4.4 million and the Marlborough High School Baseball Facility is \$3.0 million. It is the consensus of the Turf Study Committee that the Whitcomb Middle School renovations are the highest priority followed by the Marlborough High School renovations, and in order to achieve this, the City Council will need to consider a bonding measure for \$7.4 million.

If a bonding measure is approved at the November 3 City Council meeting, and a design firm is engaged immediately, the next few months will be critical in preparing bidding documents to

Narrative
30 October 2014

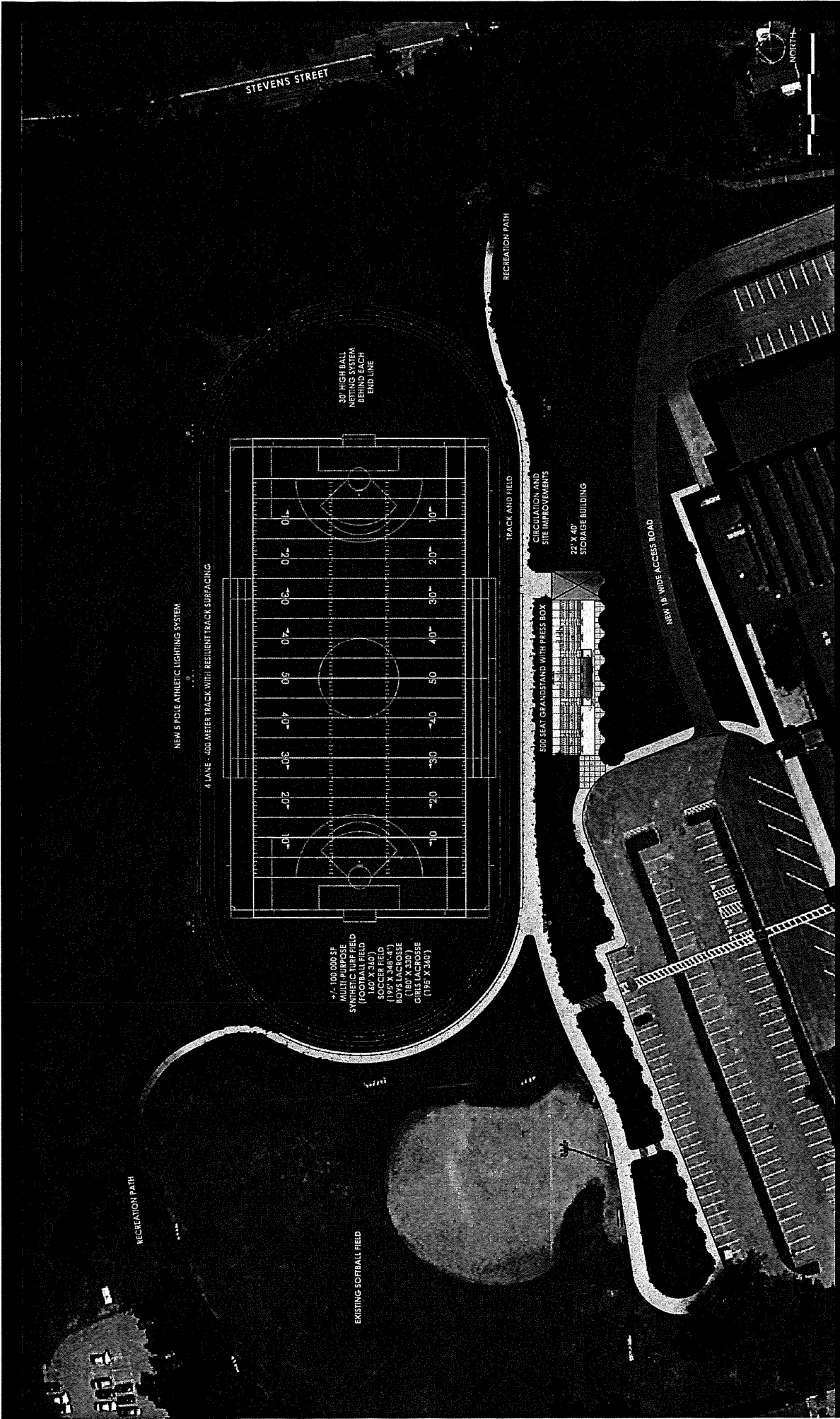
City of Marlborough Turf Study
Master Plan Turf Study and Project Recommendation

activitas

Planning | Landscape | Athletic Facilities

Page 4 of 4

be available to prospective bidders in early March of 2015. This would include surveying and geotechnical investigation in the month of November, initial design meeting(s) and presentation(s) to the City in December, development of bidding documents and a project manual in January and February to publicly bid the project(s) in March. This is an aggressive design schedule and does not take into consideration regulatory permitting the City may require. The construction of both renovation projects could begin in late spring of 2015 when the sites are available. Construction of one of the facilities (high school baseball) could also be deferred until 2016.



activitas
 Planning • Engineering • Architecture
 14 Federal Street
 Burlington, Massachusetts 02768-4019
 www.activitas.com

Whitcomb Middle School

City of Marlborough, Massachusetts



City of Marlborough, Massachusetts
\$3,855,059 General Obligation Bonds Dated March 1, 2015
Turf Field, Assumes 15 years, Level Debt
interest estimated, subject to change

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+i	Fiscal Total
03/01/2015	-	-	-	-	-
09/01/2015	-	-	77,101.18	77,101.18	-
03/01/2016	190,059.00	4.000%	77,101.18	267,160.18	-
06/30/2016	-	-	-	-	344,261.36
09/01/2016	-	-	73,300.00	73,300.00	-
03/01/2017	200,000.00	4.000%	73,300.00	273,300.00	-
06/30/2017	-	-	-	-	346,600.00
09/01/2017	-	-	69,300.00	69,300.00	-
03/01/2018	205,000.00	4.000%	69,300.00	274,300.00	-
06/30/2018	-	-	-	-	343,600.00
09/01/2018	-	-	65,200.00	65,200.00	-
03/01/2019	215,000.00	4.000%	65,200.00	280,200.00	-
06/30/2019	-	-	-	-	345,400.00
09/01/2019	-	-	60,900.00	60,900.00	-
03/01/2020	225,000.00	4.000%	60,900.00	285,900.00	-
06/30/2020	-	-	-	-	346,800.00
09/01/2020	-	-	56,400.00	56,400.00	-
03/01/2021	235,000.00	4.000%	56,400.00	291,400.00	-
06/30/2021	-	-	-	-	347,800.00
09/01/2021	-	-	51,700.00	51,700.00	-
03/01/2022	245,000.00	4.000%	51,700.00	296,700.00	-
06/30/2022	-	-	-	-	348,400.00
09/01/2022	-	-	46,800.00	46,800.00	-
03/01/2023	255,000.00	4.000%	46,800.00	301,800.00	-
06/30/2023	-	-	-	-	348,600.00
09/01/2023	-	-	41,700.00	41,700.00	-
03/01/2024	265,000.00	4.000%	41,700.00	306,700.00	-
06/30/2024	-	-	-	-	348,400.00
09/01/2024	-	-	36,400.00	36,400.00	-
03/01/2025	275,000.00	4.000%	36,400.00	311,400.00	-
06/30/2025	-	-	-	-	347,800.00
09/01/2025	-	-	30,900.00	30,900.00	-
03/01/2026	285,000.00	4.000%	30,900.00	315,900.00	-
06/30/2026	-	-	-	-	346,800.00
09/01/2026	-	-	25,200.00	25,200.00	-
03/01/2027	295,000.00	4.000%	25,200.00	320,200.00	-
06/30/2027	-	-	-	-	345,400.00
09/01/2027	-	-	19,300.00	19,300.00	-
03/01/2028	310,000.00	4.000%	19,300.00	329,300.00	-
06/30/2028	-	-	-	-	348,600.00
09/01/2028	-	-	13,100.00	13,100.00	-
03/01/2029	320,000.00	4.000%	13,100.00	333,100.00	-
06/30/2029	-	-	-	-	346,200.00
09/01/2029	-	-	6,700.00	6,700.00	-
03/01/2030	335,000.00	4.000%	6,700.00	341,700.00	-
06/30/2030	-	-	-	-	348,400.00
Total	\$3,855,059.00	-	\$1,348,002.36	\$5,203,061.36	-

Yield Statistics

Bond Year Dollars.....	\$33,700.06
Average Life.....	8.742 Years
Average Coupon.....	4.0000000%
Net Interest Cost (NIC).....	4.0000000%
True Interest Cost (TIC).....	4.0000000%
Bond Yield for Arbitrage Purposes.....	4.0000000%
All Inclusive Cost (AIC).....	4.0000000%

IRS Form 8038

Net Interest Cost.....	4.0000000%
Weighted Average Maturity.....	8.742 Years



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 OCT 30 A 11 32

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

October 30, 2014

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

Re: Transfer Request – Capital Outlay

Honorable President Pope and Councilors:

Enclosed for your approval is a transfer request to fund equipment that would qualify for five year capital bonds in the amount of \$1,363,198.00 for the Department of Public Works, Police Department, and Emergency Management. Although these items would otherwise be eligible for bonding, at this time, I believe it is more prudent to fund these items using a portion of our free cash rather than borrow unnecessarily.

Enclosed for your information is the pertinent back-up paperwork with additional details. Our Department Heads and I look forward to discussing these items with you in greater specificity in the coming weeks. Thank you in advance for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Various

FISCAL YEAR: 2015

Available
Balance

FROM ACCOUNT:

TO ACCOUNT:

Available
Balance

Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Amount
<u>\$6,103,681.00</u>								
<u>\$1,363,198.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesigated Fund Balance</u>	<u>\$1,191,826.00</u>	<u>19300006</u>	<u>58731</u>	<u>DPW Equipment</u>	<u>\$70,757.11</u>
			Reason: _____				<u>Capital Equipment Request</u>	
				<u>\$77,952.00</u>	<u>19300006</u>	<u>58593</u>	<u>Dept Equipment Police</u>	<u>\$49,980.00</u>
			Reason: _____					
				<u>\$93,420.00</u>	<u>19300006</u>	<u>58596</u>	<u>Emergency Management</u>	<u>\$42,688.54</u>
			Reason: _____					
			Reason: _____					
			Reason: _____					
			Reason: _____					
<u>\$1,363,198.00</u>	<u>Total</u>			<u>\$1,363,198.00</u>	<u>Total</u>			

Department Head signature: _____

Auditor signature: _____

Comptroller signature: _____

[Handwritten Signature]

[Handwritten Signature]

[Handwritten Signature]



City of Marlborough
Emergency Management

696 CONCORD ROAD
MARLBOROUGH, MASSACHUSETTS 01752-5617
TEL. (508) 481-1933 ■ FACSIMILE (508) 460-3795 ■ TDD (508) 460-3610
CELL (508) 726-1088 ■ PAGER (978) 803-2061

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

Arthur G. Vigeant, Mayor
140 Main St. City Hall
Marlborough, MA 01752
October 18, 2014

RE: Capital Request: \$93,420.00
Mayor Arthur G. Vigeant;

Request for funds to replace all of the Cities AED's, (Automated External Defibrillator) in all Departments. Presently most all of them are not supportive because of age, most units are over 12 years old, and all have been up-graded to maximum. As they break down they cannot be repaired. We have up-dated the school's, the Police Department and the Fire departments as needed.

Inventory of AED'S;

Fire Department has 15 units in service, the Police Department has 10 units in use and need 2 small units for the motor-cycles. The School System has 11 units, in all schools plus sports programs. Also we have units in some public buildings, the DPW 2 units, COA 1 unit, Walker Building 1 unit, Library 1 unit, City Hall has 1 unit, and Jericho Hill 1 unit. These units are checked monthly and some daily for battery check and dated pads. As the pads are date sensitive. These are non-budgeted items. The life span on the battery is five years and the pads must be replaced every 2 years. 45 Units @ \$2,076.00 each at \$250. Trade in if applicable. Total request \$93,420.00

The school as well as the Police and Fire Departments have applied in the past for Grants, as of today we have not been able to achieve a grant.

This request is from all people involved in the day to day operations of these AED'S, Capt. Paul Valianti, Deputy Fred Flynn, Mary Zakrzewski School system, and myself.

Any questions or if more information is needed please do not hesitate on calling or emailing any time.

Respectfully,

Donald E. Cusson

CC; PValianti DSmith
MZakrzewski BDoehny
FFlynn
Jfortin
MLeonard
RLanglois



City of Marlborough POLICE DEPARTMENT

508-485-1212 • FAX 508-624-6949
355 BOLTON STREET • MARLBOROUGH, MA • 01752

MARK F. LEONARD
Chief of Police

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

October 22, 2014

Dear Mayor Vigeant:

Enclosed please find the Police Department's FY2015 Capital Budget Request and associated quotes/estimates (I am still awaiting a couple of quotes but I have included these items with an estimated cost).

The request includes replacement of one unmarked vehicle; cell monitoring equipment to allow communication and monitoring capabilities in the cells and booking area which is required for accreditation purposes; additional patrol rifles and associated optics as we train additional personnel on the patrol rifle; cruiser MDT replacement to continue to upgrade those devices; Google Maps programming for our records management system and crime analysis functions; and an updated Live Scan fingerprint system.

Should you have any questions, please do not hesitate to call upon me.

Sincerely,

Mark F. Leonard
Chief of Police

Cc: B. Doheny; D. Smith

**CITY OF MARLBOROUGH
POLICE DEPARTMENT
CAPITAL BUDGET REQUEST
FY2015**

<u>Item</u>	<u>Description</u>	<u>Cost</u>
1.	Purchase one unmarked police vehicles to replace vehicle purchased in 2006 (normal life expectancy is 5 or 6 years) Vehicle to be replaced: 2007 Ford 500, 64,000 miles New vehicles: 2015 Ford Fusion sedan	\$25,942
2.	Cell monitoring equipment	\$ 7,450
3.	Patrol rifles and optics	\$ 5,000
4.	Replace cruiser MDT's that are over 6 years old	\$12,000
5.	Google Maps for internal Record Management	\$ 5,900
6.	Update for Crossmatch Live Scan system	\$21,660
	TOTAL FY 2015 CAPITAL COST:	\$77,952



October 22, 2014

Mr. Mike Chaousis
Marlborough Police

x-6976 508-485-1212
mchaousis@marlborough-ma.gov

Dear Mr. Chaousis,

Please find below a quote for **Marlborough Police** per the Greater Boston Police Council Procurement Contract # GBPC 2013 Law Enforcement Equipment Ford "One

Stop Shp". M.G.L. c.30B applies to the procurement of all commodities quoted. Plymouth County contract items have been collectively purchased pursuant to M.G.L. c 30B sec. 1c and M.G.L. c.7 sec. 22B. The governmental body is responsible to determine the applicability of M.G.L. c 30B to off contract items, including, but not limited to off contract items that have already been properly procured under M.G.L. c 30B sec. 1c and M.G.L. c. 7 sec. 22A (purchases from a vendor on a contract with the Commonwealth), other contracts procured under M.G.L. c 30B sec 1c and M.G.L. c.7 sec. 22B, or any M.G.L. c. 30B contract between the vendor and the jurisdiction. All off contract items must be procured under M.G.L. c. 30B.

2015 Ford Taurus S front wheel drive 6 cyl Color TBD	\$ 20,422.00
All wheel drive upgrade with SEL content	\$ 3,995.00
Install supplied 2 way radio	\$ 150.00
(2) blue LED IONS on rear deck	\$ 365.00
(2) blue LED IONS in front grille	\$ 365.00
13" Blue LED Ultralite over front passenger visor	\$ 270.00
Undercover remote siren w/wail & yelp (No PA)	\$ 195.00
100w siren speaker behind grille	\$ 180.00
TOTAL ESTIMATE:	<u>\$ 25,942.00</u>

Sincerely,

Steve Spokowski
Fleet Account Manager
Interceptor & Car Sales

direct phone: 508-573-2628 email: sspokowski@mhq.com



DATE: October 20, 2014
 QUOTED BY: Stanley Goldberg
 TO: Marlboro Police Department
 CELL MIC UPDATES
 OPTION 2
 ATTENTION: David Giorgi
 FAX #:

1-617-680-4627 Cell 978-535-1185 FAX
 Stanley Goldberg sgoldberg@wbhunt.com

QUOTE#

PRICE QUOTATION

QUANTITY	PRODUCT DESCRIPTION	UNIT PRICE	EXTENSION
	OPTION 1		
8	TLM-VRF Vandal resistant MIC/Speaker	\$275.00	\$2,200.00
2	LE-323 AP-8TB 8 Ch Monitoing control Device	\$875.00	\$1,750.00
1	Insatllation		\$3,500.00

Both Communication and Booking area could listen and R
 respond

ESTIMATED SHIPPING:

ALL PRICES QUOTED ARE VALID FOR 30 DAYS

TOTAL: \$7,450.00

Visit us online at www.Huntsphotoandvideo.com

JUREK BROTHERS INC.

EST. 1928

59 SCHOOL STREET – P.O. BOX 408

GREENFIELD, MA 01301

LAW ENFORCEMENT DISTRIBUTORS
OF QUALITY POLICE EQUIPMENT

PHONE: (800) 628-8498

(413) 774-2783

FAX: (413) 772-2988

E-MAIL: info@jurekbrothers.com

WEB: www.jurekbrothers.com

OCTOBER 27, 2014

QUOTE

MARLBOROUGH POLICE DEPT.
MARLBOROUGH, MA.
ATTN: SGT. RICHARD OLDROYD
roldroyd@marlborough-ma.gov

ITEM 1 – SMITH & WESSON #311008 NET PRICE EACH \$844.00
DESCRIPTION: M&P15X RIFLE, 5.56MM, 16" BBL., ADJUSTABLE STOCK, FLIP-UP REAR SIGHT,
POST FRONT SIGHT, RAILED FOREND, 1 – 30 ROUND MAGAZINE.

ITEM 2 – EO TECH #512 NET PRICE EACH \$379.00
DESCRIPTION: HOLOGRAPHIC WEAPONSIGHT, CIRCLE/DOT RETICLE, AA BATTERY

THANK YOU FOR YOUR INTEREST IN OUR PRODUCTS. IF WE CAN BE OF FURTHER
ASSISTANCE PLEASE DON'T HESITATE TO CONTACT US. (800-628-8498).

SINCERELY,
GREG JUREK



Proposal/Sales Quotation

Quotation #Q-00009810

Quotation Date: 4/14/2014

General & Client Information

<p>Agency Name: Marlborough Police Department</p> <p>System Name: Marlborough PD MA Google Maps</p> <p>System Description: Google Mapping</p> <p>Client Contact: Richard Oldroyd</p> <p>Contact Phone: 5084851212</p> <p>Contact Email: roldroyd@marlborough-ma.gov</p> <p>Expiration Date: Quote Valid for 180 Days</p> <p>Presented By: Dennis Noe</p>	<p>Bill To: Marlborough Police Department 355 Bolton St Marlborough, MA 01752 USA</p> <hr/> <p>Ship To: 355 Bolton St Marlborough, MA 01752 USA</p>
--	--

Project Products & Services

Project Related Fee(s)

Product Name	Unit Price	Qty	Total Price
Mapping - Google Based 1-5 Users	\$2,500.00	1	\$2,500.00
Google Mobile Client	\$250.00	8	\$2,000.00
Mapping Additional Access - RMS or FMS	\$500.00	1	\$500.00

Project Related Fee(s) Total: \$5,000.00

Annual Maintenance Fee(s) (Year 1)

Product Name	Annual Maintenance Amount
Mapping - Google Based 1-5 Users	\$450.00
Google Mobile Client	\$360.00
Mapping Additional Access - RMS or FMS	\$90.00

Annual Maintenance Fee(s) (Year 1) Total: \$900.00

Project Total: \$5,900.00

Estimated Sales Tax: (State: at %)	Taxable sales: \$0.00	Subtotal: \$5,900.00
		Sales Tax Amount: \$0.00



Cross Match Technologies, Inc
 3950 RCA Blvd Suite 5001
 Palm Beach Gardens, FL 33410
 US Headquarters: 561 622 1650
 Washington, D.C.: 703 841 6280
 German Office: + 49 (0) 3641 4297
 Canada: 418 692 3137
<http://www.crossmatch.com>

Quote Number: 00003815

Quote Created: 10/28/2014

Quote Expiration: 12/31/2014

Account Manager: Bronger, Dave

Phone: (866) 260-2763

Mobile: +1 5612843461

Fax: (561) 828-8018

Email: dave.bronger@crossmatch.com

Sales Channel: Massachusetts State Contract # SP
 10-LivescanOX80

Status: Approved

Payment Terms:

Contact: David Giorgi

Phone: (508) 485-1212

Email: dgiorgi@marlborough-ma.gov

Bill To Name: Marlborough Police Department

Ship To Name: Marlborough Police Department

Bill To: 355 Bolton Street
 Marlborough, Massachusetts 01752
 United States

Ship To: 355 Bolton Street
 Marlborough, Massachusetts 01752
 United States

Item	Product	Product Code	Quantity	Sales Price	Total Price	Price List
1	BUNDLED ASSEMBLY, L SCAN 1000PX PALM PRINT SCANNER WITH LSMS ON DESKTOP COMPUTER, w/SILICONE PAD	925229	1	\$16,572.00	\$16,572.00	Open Market
2	MONITOR, 17" FLAT	420093	1	\$255.00	\$255.00	Massachusetts State Contract # SP10-Livescan-X80
3	CMT ADVANTAGE MAINT, YR 1, HW, 1000PX, DEVICE ONLY DOMESTIC	930161	1	\$1,399.00	\$1,399.00	Open Market
4	CMT ADVANTAGE MAINT, YR 1, STANDARD CMT SW, LSMS	950083	1	\$300.00	\$300.00	Open Market
5	CMT ADVANTAGE MAINT, YR 1, STANDARD CMT SW, LSMS SUBMISSION SOFTWARE	950084	1	\$100.00	\$100.00	Open Market
6	CMT ADVANTAGE MAINT, YR 1, HW, ALL SYSTEM PERIPHERALS INTEGRATED AND PROVIDED BY CMT, DOMESTIC	930158	1	\$300.00	\$300.00	Open Market



Cross Match Technologies, Inc
 3950 RCA Blvd Suite 5001
 Palm Beach Gardens, FL 33410
 US HeadQuarters: 561 622 1650
 Washington, D.C.: 703 841 6280
 German Office: + 49 (0) 3641 4297
 Canada: 418 692 3137
<http://www.crossmatch.com>

Quote Number: 00003815

Quote Created: 10/28/2014

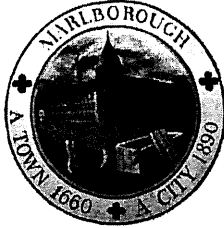
Quote Expiration: 12/31/2014

7	SOFTWARE, LSMS CONFIGURATION, MASSACHUSETTS - MEFTS	850391-035	1	\$.00	\$0.00	Open Market
8	SOFTWARE, RELOAD, MASSACHUSETTS	850181-235	1	\$.00	\$0.00	Open Market
9	SOFTWARE, LITE 6 USER LICENSE, MDAEMON	425011	1	\$243.10	\$243.10	Open Market
10	DEMOGRAPHIC INTERFACE, RELOAD	850448	1	\$.00	\$0.00	Open Market
11	SHIPPING ASSEMBLY, 500P/1000PX, NO MONITOR - UNIV. CABINET	920107-105	1	\$3,048.00	\$3,048.00	Massachusetts State Contract # SP10-Livescan-X80
12	HARDWARE- TRADE-UP DISCOUNT, L SCAN 1000PX PALM PRINT SCANNER WITH LSMS ON DESKTOP COMPUTER	960023-02	1	-\$4,143.00	(\$4,143.00)	Open Market
13	IMPLEMENTATION, LSMS W/PALM SCANNING, ON-SITE	930100-02	1	\$2,250.00	\$2,250.00	Massachusetts State Contract # SP10-Livescan-X80
14	IMPLEMENTATION AND TRAINING, SUBSEQUENT DAY ON-SITE	930000-5	1	\$900.00	\$900.00	Massachusetts State Contract # SP10-Livescan-X80
15	FREIGHT	FREIGHT	1	\$435.00	\$435.00	Open Market

Grand Total: \$21,659.10

Notes: Please note that Cross Match is providing a discount to trade in current scanner to receive a discount on a new system. The trade in discount only runs until end of the year, so please note that any order past 1/1/2015 will need to be quoted.

Please reference Mass State Contract SP10-Livescan-X80 on face of PO.



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

FY 2015 DPW Capital Equipment

Equipment

#9 F550 DRW- Hook loader w/flat bed, dump body, sander, 9' diamond plow	\$110,023
#15 Elgin whirlwind street sweeper	\$262,000
#34 Compact track loader w/ cold planer	\$70,000
#201 F350 SRW extra cab - utility body w/ 8' diamond plow	\$41,237
#202 F250 CREW- 8' diamond plow, cross box	\$36,027
#203 F550- DRW dump W/ 9' diamond plow, sander	\$64,543
#56 Vactor	\$412,996
#68 F750 Job site vehicle	\$95,000
#21 Snow blower	\$100,000
Total	\$1,191,826



RECEIVED
CLERK'S OFFICE
OF MARLBOROUGH

OCT 30 A 11: 52

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

October 30, 2014

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

Re: Transfer Request – Council on Aging

Honorable President Pope and Councilors:

The request before you this evening is a transfer request in the amount of \$23,992.00 to fund a Senior Clerk position at the Council on Aging.

As some of you may know, the Council on Aging at one point in time had a Principal Clerk who helped support the administrative and programming functions of that office. Over the past several years, the duties of this position have been filled by a temporary employee due to the extended medical leave of absence of the incumbent.

After discussing the situation with COA Executive Director Jennifer Claro and the Marlborough Municipal Employees Association (MMEA), I have addressed this staffing need at the COA through the reassignment of an experienced Senior Clerk currently working in City Hall.

The bulk of this transfer request comes from funds already contained in the Council on Aging budget. The remaining balance is the result of a vacant position not expected to be filled until early 2015.

For your information, a recently posted Senior Clerk position resulting from this reassignment has sufficient funds for the remainder of the fiscal year.

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

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

2014 OCT 30 A 11:53

140 Main Street

Marlborough, Massachusetts 01752

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

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Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

October 30, 2014

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

Re: Transfer Request – Health Department

Honorable President Pope and Councilors:

Enclosed for your approval is a transfer request in the amount of \$20,000.00 for the Health Department/Board of Health.

As you know, the office has been without a full-time department head since early June. In July, with your support, we were able to establish a relationship with the Town of Hudson, who graciously allowed Dr. Sam Wong to assist the Board of Health for approximately six hours per week. Since that time Dr. Wong has been able to recommend some positive operational changes to us and has worked seamlessly with our Board of Health. However, since that time the demand on food code compliance and inspectional services and plan reviews of new food establishments has continued to increase.

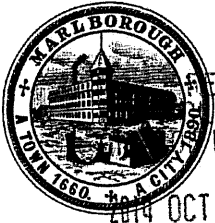
Fortunately, I am confident we will be able to meet this demand through our contractual agreement with Food Service Solutions and their Principal Owner/Inspector, Maureen Lee. Since coming to the city in May, they have performed over 150 food establishment inspections throughout the city and have impressed many with their professionalism and knowledge. This request will be applied to the contract services line item so that we may continue to utilize her services over the coming months.

I am continuing to work closely with the Board of Health to address their long term staffing needs while assessing the organizational structure of the department as a whole.

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

Sincerely,

Arthur G. Vigeant
Mayor



RECEIVED
CLERK'S OFFICE
MARLBOROUGH

2014 OCT 30 A 11:53

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

October 30, 2014

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

Re: Transfer Request – Building Department

Honorable President Pope and Councilors:

Enclosed for your approval is the following transfer request from the Building Department:

- 1) Transfer in the amount of \$350.00 from 12410006-57100 (Instate Travel) to 12410003-51180 (Zoning Board Members)

This transfer is necessary to fund the stipends due to members of the Zoning Board of Appeals (ZBA). The ZBA typically handles about 11 – 13 cases per year. To date, they have already heard eight cases with two additional cases scheduled before the end of the calendar year.

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 OCT 30 A 11:52

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

October 30, 2014

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

Re: FY15 Mass. Cultural Council Grant Acceptance

Honorable President Pope and Councilors:

Enclosed for your acceptance is the Fiscal Year 2015 grant appropriation from Massachusetts Cultural Council to the City of Marlborough in the amount of \$9,220.00. The funds will be dispersed by the Marlborough Cultural Council later this calendar year in support of worthy arts, humanities, music, and youth based initiatives throughout our community.

Enclosed is the relevant back up information. As outlined in MGL, Chapter 44, Section 53A, I am recommending that the City Council accept the funds so they may be expended for their intended purposes.

Thank you in advance for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Mayor's Office DATE: 29-Oct-14

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Marlborough Cultural Council

NAME OF GRANT: FY15 Mass. Cultural Council Appropriation

GRANTOR: Massachusetts Cultural Council

GRANT AMOUNT: \$9,220.00

GRANT PERIOD: FY15

SCOPE OF GRANT/
ITEMS FUNDED Funds will be utilized to support the arts, humanities and cultural programming.
All Cultural Councils will have a competitive application process from local and regional
organizations who meet the program criteria set by the state.

IS A POSITION BEING
CREATED: NO

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

ARE MATCHING CITY
FUNDS REQUIRED? NO

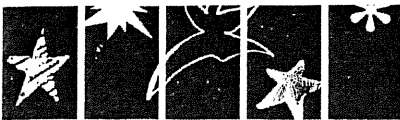
IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:
NO

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: _____
Yes - the end of the calendar year.

**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**



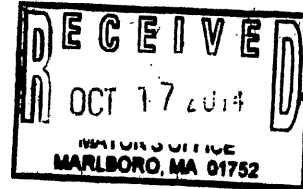
MASSACHUSETTS CULTURAL COUNCIL

10 St. James Avenue
Boston, MA 02116-3803

617.858.2700
800.232.0960 Toll Free
617.727.0044 Fax
mcc@art.state.ma.us E-mail
www.massculturalcouncil.org Web

October 15, 2014

Arthur G. Vigeant, Mayor
City of Marlborough
City Hall
140 Main Street
Marlborough MA 01752-3871



Dear Mr. Vigeant:

Enclosed is a contract and scope of services for the City of Marlborough that covers the transfer of FY 2015 Local Cultural Council funds from the Massachusetts Cultural Council to your local cultural council account for the Marlborough Cultural Council.

State Comptroller regulations require State Agencies to have a signed contract and signature authorization form on file for all transfers of funds from state to local accounts unless the agency is statutorily released from this mandate, which the Massachusetts Cultural Council is not.

The contract includes: a signature page with the amount of the allocation (\$9,220), dates of service (July 1, 2014 to June 30, 2015), and a place to sign. You only need to sign it and include an email address, if possible. By using some of the contact information you provide, we hope to be able to build a database to allow more specific mailings to the officials of your municipality, including yourself. The second page is the scope of services which defines how the funds are to be expended following Massachusetts Cultural Council regulations. Lastly, the Signature Authorization page is a required form for all contracts with state agencies that clearly identifies the person or persons authorized to sign contracts for a vendor, in this case your municipality.

The contract should be signed with a completed Signature Authorization form and returned to me by November 28, 2014.

I will not be able to transfer the Local Cultural Council allocation until I have a completed contract package from your municipality. If you or any of your staff have any questions, please feel free to call me at 617/858-2722.

Thank you very much.

Sincerely,

Michael Nagle
Fiscal Officer

Attachments



COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



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

CONTRACTOR LEGAL NAME: City of Marlborough (and d/b/a): City Hall 140 Main Street Legal Address: (W-9, W-4, T&C): Marlborough MA 01752-3871 Contract Manager: Arthur G. Vigeant, Mayor E-Mail: mayor@marlborough-ma.gov Phone: 508/460-3770 Fax: 508/481-6354 Contractor Vendor Code: VC6000192111 Vendor Code Address ID (e.g. "AD001"): AD ____ (Note: The Address Id Must be set up for EFT payments.)	COMMONWEALTH DEPARTMENT NAME: Massachusetts Cultural Council MMARS Department Code: ART Business Mailing Address: 10 St. James Ave. 3rd Fl., Boston MA 02116 Billing Address (if different): Contract Manager: Michael Nagle E-Mail: Michael.Nagle@state.ma.us Phone: 617/858-2722 Fax: 617/727-0044 MMARS Doc ID(s): RFR/Procurement or Other ID Number:
<p style="text-align: center;"><u>NEW CONTRACT</u></p> PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> <u>Statewide Contract</u> (OSD or an OSD-designated Department) <input type="checkbox"/> <u>Collective Purchase</u> (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> <u>Department Procurement</u> (includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> <u>Emergency Contract</u> (Attach justification for emergency, scope, budget) <input type="checkbox"/> <u>Contract Employee</u> (Attach Employment Status Form, scope, budget) <input type="checkbox"/> <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification, scope and budget)	<p style="text-align: center;"><u>CONTRACT AMENDMENT</u></p> Enter Current Contract End Date <u>Prior</u> to Amendment: ____, 20 ____. Enter Amendment Amount: \$ _____. (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> <u>Amendment to Scope or Budget</u> (Attach updated scope and budget) <input type="checkbox"/> <u>Interim Contract</u> (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> <u>Contract Employee</u> (Attach any updates to scope or budget) <input type="checkbox"/> <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification and updated scope and budget)
The following COMMONWEALTH TERMS AND CONDITIONS (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract. <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services	
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> <u>Rate Contract</u> (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> <u>Maximum Obligation Contract</u> Enter Total Maximum Obligation for total duration of this Contract (or <u>new</u> Total if Contract is being amended), \$ <u>\$9,220-</u> .	
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days __% PPD; Payment issued within 15 days __% PPD; Payment issued within 20 days __% PPD; Payment issued within 30 days __% PPD. If PPD percentages are left blank, identify reason: __agree to standard 45 day cycle __ statutory/legal or Ready Payments (G.L. c. 29, § 23A); __ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)	
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) <p style="text-align: center;">Local Cultural Allocation for the Marlborough Cultural Council</p>	
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input type="checkbox"/> 1. may be incurred as of the <u>Effective Date</u> (latest signature date below) and no obligations have been incurred prior to the <u>Effective Date</u> . <input type="checkbox"/> 2. may be incurred as of ____, 20 ____, a date LATER than the <u>Effective Date</u> below and no obligations have been incurred prior to the <u>Effective Date</u> . <input checked="" type="checkbox"/> 3. were incurred as of <u>July 1, 2014</u> , a date PRIOR to the <u>Effective Date</u> below, and the parties agree that payments for any obligations incurred prior to the <u>Effective Date</u> are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.	
CONTRACT END DATE: Contract performance shall terminate as of <u>June 30, 2015</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.	
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached <u>Contractor Certifications</u> (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable <u>Commonwealth Terms and Conditions</u> , this Standard Contract Form including the <u>Instructions and Contractor Certifications</u> , the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in <u>801 CMR 21.07</u> , incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.	
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: <u>Arthur G. Vigeant</u> Date: <u>10/20/14</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: _____ Print Title: _____	AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>David T. Slatery</u> Print Title: <u>Deputy Director</u>



MASSACHUSETTS CULTURAL COUNCIL

10 St. James Avenue
Boston, MA 02116-3803

617.858.2700

800.232.0960 Toll Free

617.727.0044 Fax

mcc@art.state.ma.us E-mail

www.massculturalcouncil.org Web

Scope of Services/Budget

The allocated amount or maximum obligation for the contracted city or town will be deposited in the local account for the local or regional cultural council, provided that the city or town:

- Maintain a revolving account for the local or regional cultural council as required by Massachusetts General Law, Chapter 10, Section 58
- Report on said fund annually by completing the Massachusetts Cultural Council's Local Cultural Council Account Form

The local or regional cultural council will expend the funds following the procedures outlined in Massachusetts Cultural Council guidelines and regulations (962 CMR 2.00 – 3.00)



COMMONWEALTH OF MASSACHUSETTS
CONTRACTOR AUTHORIZED SIGNATORY LISTING

Issued May
2004



CONTRACTOR LEGAL NAME :
CONTRACTOR VENDOR/CUSTOMER CODE:

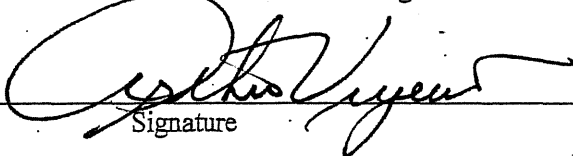
INSTRUCTIONS: Any Contractor (other than a sole-proprietor or an individual contractor) must provide a listing of individuals who are authorized as legal representatives of the Contractor who can sign contracts and other legally binding documents related to the contract on the Contractor's behalf. In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

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

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

AUTHORIZED SIGNATORY NAME	TITLE
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: 10/20/04

Title: Mayor Telephone: 508-460-3770

Fax: 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.



RECEIVED
CITY CLERK
OF MARLBOROUGH
OCT 30 11 41 AM '14

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

October 30, 2014

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

Re: Council on Aging Grant Acceptance

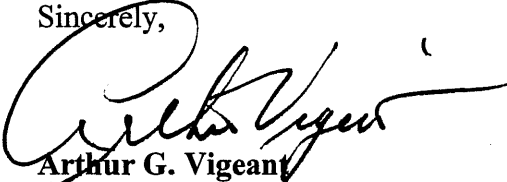
Honorable President Pope and Councilors:

I am pleased to inform you that the Marlborough Council on Aging (COA) has been awarded a grant in the amount of \$47,699.01 by the Executive Office of Elder Affairs. This is an annually recurring, formula-based grant given to the cities and towns based on our senior population.

This grant will be effectively utilized in multiple ways by our COA including but not limited to senior transportation, programming activities and enrichment, and a weekly wellness clinic staffed by a licensed nurse.

Enclosed is the relevant backup information and paperwork. I respectfully request your acceptance of this worthwhile grant so that the funds may be utilized for their intended purposes.

Sincerely,


Arthur G. Vigeant
Mayor



City of Marlborough

Council on Aging and Senior Center

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

October 24, 2014

To: Mayor Arthur G. Vigeant

I would like to submit a grant award for the amount of \$47,699.01 from the Executive Office of Elder Affairs. This essential funding will allow our COA to provide exercise classes and transportation, provide a weekly Wellness Clinic as well as additional enrichment, programmatic and administrative support.

Sincerely,

Jennifer Claro

Marlborough Council on Aging Director

CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: Council on Aging DATE: 10/24/2014
PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Jennifer Cbro

NAME OF GRANT: 2014/2015 Funding

GRANTOR: Executive Office of Elder Affairs

GRANT AMOUNT: 47,699.01

GRANT PERIOD: July 1, 2014 - June 30, 2015

SCOPE OF GRANT/
ITEMS FUNDED Program and administrative support
Exercise classes, transportation, Wellness Clinic,
Supplies, administrative and other supportive
program needs.

IS A POSITION BEING
CREATED: n/a

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

ARE MATCHING CITY
FUNDS REQUIRED? n/a

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: As soon as possible

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

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



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

CONTRACTOR LEGAL NAME: CITY OF MARLBOROUGH		COMMONWEALTH DEPARTMENT NAME: Executive Office of Elder Affairs MMARS Department Code: ELD	
Legal Address: 140 MAIN ST MARLBOROUGH, MA 01752		Business Mailing Address: 1 Ashburton Place Room 517, Boston, MA. 02108	
Contract Manager: Jenni Claro		Billing Address (if different):	
E-Mail: jclaro@marlborough-ma.gov		Contract Manager: Neil Petrocelli	
Phone: 508-485-6492 Fax:		E-Mail: neil.petrocelli@state.ma.us	
Contractor Vendor Code: VC6000192112		Phone: 1-617-222-7427 Fax: 1-617-727-9368	
Vendor Code Address ID (e.g. "AD001"): AD001 (Note: The Address ID Must be set up for EFT payments.)		MMARS Doc ID(s): CT ELD 15COA17000000002015	
		RF/Procurement or Other ID Number: Grant Award	
XX NEW CONTRACT		___ CONTRACT AMENDMENT	
PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department) <input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget) <input type="checkbox"/> Department Procurement (includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget) <input type="checkbox"/> Contract Employee (Attach Employment Status Form , scope, budget) <input checked="" type="checkbox"/> Legislative/Legal or Other: (Attach authorizing language/justification, scope and budget)		Enter Current Contract End Date Prior to Amendment: ____, 20__ Enter Amendment Amount: \$ _____. (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> Amendment to Scope or Budget (Attach updated scope and budget) <input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> Contract Employee (Attach any updates to scope or budget) <input type="checkbox"/> Legislative/Legal or Other: (Attach authorizing language/justification and updated scope and budget)	
The following COMMONWEALTH TERMS AND CONDITIONS (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract. <input type="checkbox"/> Commonwealth Terms and Conditions <input checked="" type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services			
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> Rate Contract (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> Maximum Obligation Contract Enter Total Maximum Obligation for total duration of this Contract (or new Total if Contract is being amended). \$ \$47,699.01			
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days __% PPD; Payment issued within 15 days __% PPD; Payment issued within 20 days __% PPD; Payment issued within 30 days __% PPD. If PPD percentages are left blank, identify reason: XX agree to standard 45 day cycle __ statutory/legal or Ready Payments (G.L. c. 29, § 23A); __ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)			
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE OR REASON FOR AMENDMENT: This contract is to locally distribute a formula grant award to the Councils on Aging of the municipalities of the Commonwealth. The award amount is determined by a census-based allocation of available grant funding. Funds may support Council on Aging activities as identified in the annually published COA Formula Grant Guide. The activity performance period for this award is 7/1/2014 – 6/30/2015. The municipality will complete a final fiscal report accounting for how these grant funds were applied. Ongoing eligibility for formula grant funding is contingent on satisfactory prior year performance.			
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: ___ 1. may be incurred as of the Effective Date (latest signature date below) and no obligations have been incurred prior to the Effective Date . ___ 2. may be incurred as of ____, 20__ a date LATER than the Effective Date below and no obligations have been incurred prior to the Effective Date . XX 3. were incurred as of JULY 1st, 2014 , a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.			
CONTRACT END DATE: Contract performance shall terminate as of JUNE 30th, 2015 , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.			
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached Contractor Certifications (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable Commonwealth Terms and Conditions , this Standard Contract Form including the Instructions and Contractor Certifications , the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07 , incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.			
AUTHORIZING SIGNATURE FOR THE CONTRACTOR:		AUTHORIZING SIGNATURE FOR THE COMMONWEALTH:	
X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature)		X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature)	
Print Name: _____		Print Name: <u>Peter J. Tiernan</u>	
Print Title: _____		Print Title: <u>Director of Administration and Finance</u>	



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OF MARLBOROUGH
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City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

October 30, 2014

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

Re: Order of Acceptance Of Deed; Order Transferring Care, Management and Control To the Conservation Commission

Honorable President Pope and Councilors:

Enclosed herewith, please find a proposed Order of Acceptance of a Deed for the purposes of augmenting the Desert Conservation Area with the last privately-owned parcel of land located in the area known as Deer Foot Park. As you know, the City Council has already made a taking, and has accepted deeds, for parcels in the same area. Only recently was the Legal Department able to make contact with the owner of the subject parcel. The second proposed Order would transfer the parcel to the care, management and control of the Conservation Commission.

In addition, the enclosures include the Chief Procurement Officer's determination that the location and unique qualities of the land satisfy the unique acquisition requirements of M.G.L. Chapter 30B, §16(e)(2). Also enclosed are a GIS plan and a GIS aerial view.

This proposal is being requested on behalf of Conservation Officer Priscilla Ryder. Ms. Ryder, the Legal Department and I will be available to answer any specific questions relative to the project or the attached.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

Cc: Priscilla Ryder, Conservation Officer
Legal Department
Deborah Fox, Tax Collector
Bradford Dunn, Assessors' Office
Beverly J. Sleeper, Chief Procurement Officer

ORDERED:

That pursuant to Section 14 of Chapter 40 of the General Laws of Massachusetts, the City does hereby accept for conservation purposes title, by deed of conveyance, to a certain parcel of land described below located within the area known as Deer Foot Park, which is located off of Concord Road, said deed to be recorded herewith at the Middlesex County South Registry of Deeds, an appropriation of money for said purposes having been heretofore approved and presently available in Account No. 30046006-58160.

GRANTOR: Paul A. Hentshell, Jr.

Those certain lots numbered 249, 250, 251, 252 and 255 as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 18 on the Assessors' Map of the City of Marlborough.

ADOPTED

In City Council
Order No. 14-
Adopted

Approved By Mayor
Arthur G. Vigeant
Date:

A TRUE COPY

ATTEST:

QUITCLAIM DEED

I, Paul A. Hentschell, Jr.
of 33 Kernwood Avenue, Beverly, MA

for consideration paid and in full consideration of One Thousand Dollars (\$1,000.00)

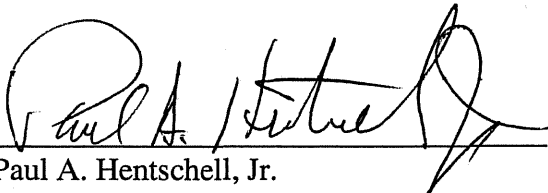
hereby grant, sell, transfer and deliver unto the **City of Marlborough**, a municipal corporation having a principal address of City Hall, 140 Main Street, Marlborough, MA, ("Grantee") with Quitclaim covenants

all of my right, title and interest in and to the fee in those certain lots numbered 249, 250, 251, 252 and 255 as shown on "Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, said area of certain lots numbered 249, 250, 251, 252 and 255 being approximately 0.28696051 acres as shown on said plan.

Said lots numbered 249, 250, 251, 252 and 255, also known and numbered as Map 3, Parcel 18 on the Assessors' Map of the City of Marlborough, is being conveyed to Grantee to be held for the promotion and protection of the natural and watershed resources of the City of Marlborough and for the conservation of open spaces within said City, pursuant to the provisions of M.G.L. c. 40, section 8C.

Being the same premises conveyed to Paul Hentschel by deed of Max P. Hentschell dated October 17, 1966 and recorded in the Middlesex South Registry of Deeds at Book 11236, Page 100.

WITNESS my hand and seal this 17 day of Oct, 2014

By: 
Paul A. Hentschell, Jr.

Essex County, MA, ss. **COMMONWEALTH OF MASSACHUSETTS**

On this 17th day of October, 2014, before me, the undersigned notary public, personally appeared Paul A. Hentschell, Jr., proved to me through satisfactory evidence of identification, being a driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Marsha A. Lally
Notary Public:
My Commission Expires: 2/05/2021



City of Marlborough



PROCUREMENT OFFICE

140 Main Street, 3RD Floor, Marlborough, MA 01752

DIRECT DIAL (508) 460-3707 FACSIMILE (508) 460-3747 TDD (508) 460-3610

BSLEEPER@MARLBOROUGH-MA.GOV

October 24, 2014

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

RE: Unique Acquisition of Real Property – Deer Foot Park Parcel 18

Dear Mayor Vigeant:

Pursuant to my letter dated June 30, 2014 regarding the unique acquisition of parcels of land located within the area known as Deer Foot Park as shown on "Plan of Lots of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging to W.M.A. Connelly of Boston, Mass.; Scale 50 Feet to An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass." Recorded in the Middlesex South Registry of Deeds in Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, the City Council accepted my determination that pursuant to M.G.L. c. 30B, § 16, advertising for the submissions of proposals for the acquisition would not benefit the City's interests because of the unique qualities and location of the property. This determination included the unique acquisition of parcels identified as Assessor's Map 3, Parcels 28, 25, 21, 22, 19, 17, and 13. It will be necessary for the City Council to amend its acceptance of the previous determination to include the acquisition of Parcel 18. For the same reasons, I have determined that the location and qualities of Parcel 18 satisfy the unique requirements of the City.

The determination to include Parcel 18 will be published as required under M.G.L. c. 30B, § 16(e)(2) along with the name of party having a beneficial interest in the property as required under M.G.L. c. 7C, § 38, the location and size of the property, and the proposed purchase price in the Commonwealth's Central Register not less than thirty (30) days before the City accepts the deed for nominal consideration from the owner of this parcel. The planned publication date is November 5, 2014.

If you have any questions or require further information, please let me know.

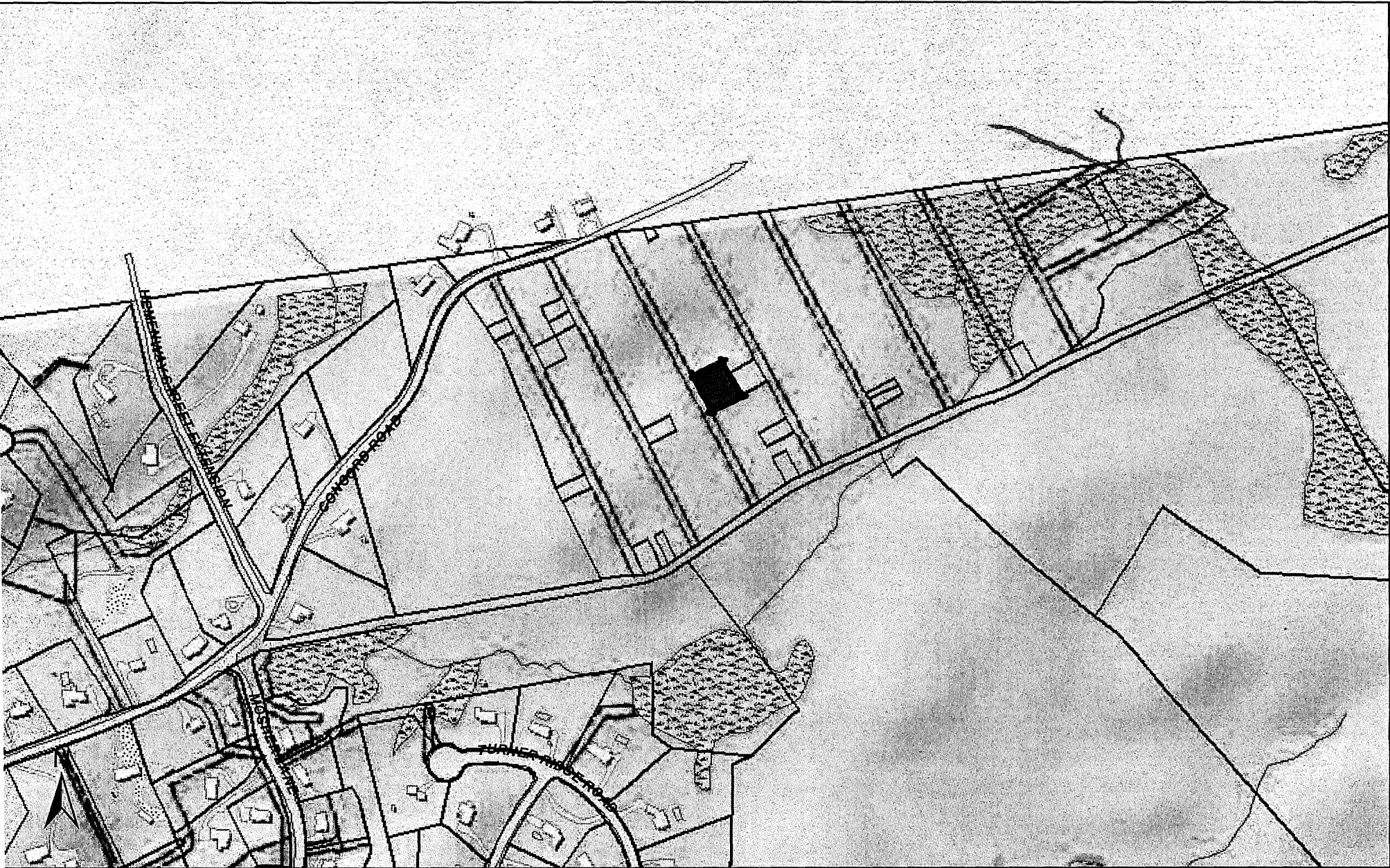
Sincerely,

A handwritten signature in cursive script that reads "Beverly J. Sleeper".

Beverly J. Sleeper
Chief Procurement Officer

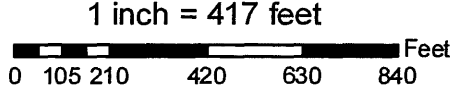
cc: Cynthia Panagore Griffin, Assistant City Solicitor
Priscilla Ryder, Conservation Agent

GIS Map



October 27, 2014

--- Easements	Parking Lots	DEP WETLAND
vieways	Type	
pe	Paved	
Paved	Unpaved	



All Marlborough GIS data is to be considered a generalized spatial representation that is subject to revisions. This information is provided as a visual representation only and is not to be used as a legal or official representation of legal boundaries. This web site is not intended to be used as the exclusive basis for decision-making.

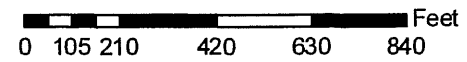


GIS Map



Legend

1 inch = 417 feet



October 27, 2014

City of Marlborough

All Marlborough GIS data is to be considered a generalized spatial representation that is subject to revisions. This information is provided as a visual representation only and is not to be used as a legal or official representation of legal boundaries. This web site is not intended to be used as the exclusive basis for decision-



ORDERED:

That the City Council of the City of Marlborough, by two-thirds vote pursuant to Mass. Gen. Laws c. 40, § 15A, hereby transfers to the Conservation Commission of the City of Marlborough for conservation purposes, including increasing open space, preserving vistas, providing wildlife habitat, and enabling future passive recreational opportunities in conjunction with existing and proposed public passive recreational amenities, the care, custody, management, and control of the following parcel in the area known as Deer Foot Park, pursuant to Mass. Gen. Laws c. 40, § 8C, for incorporation into the surrounding Desert Natural Conservation Area:

Those certain lots numbered 249, 250, 251, 252 and 255 as shown on “Plan of Lots Of Deer Foot Park Town of Hudson and Marlboro, Middlesex County, Mass., Belonging To W.M.A. Connelly of Boston, Mass.; Scale 50 Feet To An Inch; June 1909; N.W. Daley Surveyor, Salem, Mass.” recorded in the Middlesex South Registry of Deeds at Plan Book 180 as Plan 42 (A of 2) of August 26, 1909, and also known and numbered as Map 3, Parcel 18 on the Assessors’ Map of the City of Marlborough.

ADOPTED

In City Council
Order No. 14-
Adopted

Approved By Mayor
Arthur G. Vigeant
Date:

A TRUE COPY

ATTEST:



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CITY OF MARLBOROUGH
City of Marlborough
2014 OCT 30
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
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Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

October 30, 2014

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

Re: Nonunion Compensation Proposal and Proposed Job Title Changes

Honorable President Pope and Councilors:

During my eighteen years on the Council, there were two instances I recall in which Mayors submitted to the Council changes and revisions to the city's compensation plan for nonunion employees. Both plans elicited healthy debate and even a dose of criticism (perhaps by yours truly) but ultimately were unsuccessful. It is with a nod to that past and my eye towards the future that I submit to you a draft proposal to update the salaries and compensation of several Department Head and nonunion positions.

Nearly a year and a half ago, we joined together to update the salary for the position of Comptroller-Treasurer due to the fact that our salary at that time put the city at a serious competitive disadvantage. Since that time it has become clear that there are several more positions throughout the city where our compensation plan is far behind other towns in our region as well as other similarly sized communities throughout the state.

A most recent example of this was our search for a new Building Commissioner. Our job posting attracted significantly fewer experienced candidates than anticipated. This was compounded by the fact that a nearby community half our size posted their Building Commissioner position with a starting salary \$6,500 higher than our own. Another example fast approaching will involve the search and hiring process for the position of Fire Chief.

I firmly believe that the City of Marlborough can attract talented professionals without paying the highest wages. However, I also believe that we cannot expect to attract or even retain these same talented professionals if we remain where we are. Most importantly, I believe we are all in agreement that changing one salary at a time after an employee leaves is not the best way to address this issue.

Enclosed for your information several salary surveys and summary pages my office has put together that provides the basis for my proposal. One survey compares our compensation against seven other cities and towns with comparable populations. The other survey compares us against eight Metro-West and Worcester area towns. You will note that the surveys also contain both the Mayor and City

Council though I have refrained from making any new recommendations in my proposal. I hope you will find this information useful during your deliberations.

The proposal before you is a seven step schedule with incremental 2% increases for each step. By comparison, our existing ordinance is a four step schedule with 4% increases for each step over a three year period. Though there are countless ways to construct a salary schedule, some had twelve or more steps; others simply had a minimum and maximum where the Mayor or Town Manager would individually increase a salary each year at his or her discretion. I believe this proposal strikes a balance between giving too much authority to the Chief Executive and having an unnecessarily complicated and rigid compensation plan.

You will note that this proposal does not address every nonunion position throughout the city. Some positions, such as that of the City Engineer and City Collector, have competitive salaries that do not warrant immediate adjustments. Several other positions either lacked enough comparable data to make a new recommendation or are under consideration for a potential reorganization plan in the future. My hope is that once we are able to establish the foundation of a new salary schedule, it will be easier for us to collectively address the positions not listed here in the future.

Also included in this correspondence is an amendment to the city's ordinance relative to the payout of accrued sick time to nonunion employees. I believe our current system, in which employees receive a maximum benefit of \$1,000.00 encourages the use of sick days when they may not necessarily be warranted. My proposal increases this cap to \$5,000.00 which I believe levels the playing field and achieves a better balance when it comes to our employee benefits.


Lastly, this proposal includes updates to several job titles that I believe are necessary to reflect a contemporary municipal organization. Those are:

Current title: Personnel Director	→	New title: Human Resources Director
Current title: Executive Aide to the Mayor	→	New title: Chief of Staff to the Mayor
Current title: Executive Secretary to the Mayor	→	New title: Executive Assistant to the Mayor
Current title: City Council Research Assistant	→	New title: Executive Assistant to the City Council

I believe these titles more accurately reflect the roles and responsibilities of these positions in our municipal organization. I have included for your consideration order's that reflect these updates.

As Mayor, I am charged with managing our municipal organization and, as our City Council, you are charged with shaping it. Together, we are partners in government and I wish to thank you in advance for embarking with me on this necessary debate and discussion.

Sincerely,



Arthur G. Vigeant
Mayor

Enclosures: Proposed nonunion salary ordinance
Proposed amendment to the sick leave payout ordinance
Proposed Job / Department title ordinance

ORDERED:

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

- A. Section 6 is hereby retitled "Salary Schedule"
- B. This salary schedule shall take effect July 1, 2015.
- C. Any new hires to the positions listed below who are appointed to their position will begin at Step 1.
- D. The Mayor shall have the authority and discretion to waive any two steps of the salary schedule for all positions, subject to available appropriation.
- E. The positions of City Solicitor, Chief of Staff to the Mayor, Executive Assistant to the Mayor and Executive Assistant to the City Council, as at-will employees, shall be compensated reasonably in any amount up to but not to exceed their Step 7 Maximum.
- F. As allowed under Massachusetts General Law Chapter 41, Section 108O, the positions of Police Chief and Fire Chief are eligible to receive employment contracts provided that their total compensation, including but not limited to salary, stipends and educational incentives does not exceed their Step 7 Maximum.
- G. Any changes to the salary of the Mayor and City Council shall not take effect until January 1, 2016.

Position	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7 / Max
	<i>Start</i>	<i>6 months of service</i>	<i>1 year of service</i>	<i>2 yrs. of service</i>	<i>3 yrs. of service</i>	<i>4 yrs. of service</i>	<i>5 yrs. of service</i>
Comptroller - Treasurer	\$104,781.00	\$106,876.62	\$109,014.15	\$111,194.43	\$113,418.32	\$115,686.69	118,000.00
Fire Chief / Police Chief	-	-	-	-	-	-	\$160,000.00
Human Resources Director	\$84,357.00	\$86,044.14	\$87,765.02	\$89,520.32	\$91,310.73	\$93,136.94	\$95,000.00
City Auditor	\$86,133.00	\$87,855.66	\$89,612.77	\$91,405.02	\$93,233.12	\$95,097.77	\$97,000.00
Building Commissioner	\$87,021.00	\$88,761.42	\$90,536.65	\$92,347.38	\$94,194.33	\$96,078.21	98,000.00
City Solicitor	-	-	-	-	-	-	\$113,000.00
City Clerk	\$78,142.00	79,704.84	\$81,298.94	\$82,924.91	\$84,583.41	\$86,275.08	\$88,000.00
Chief of Staff to the Mayor / Executive Assistant to the City Council	-	-	-	-	-	-	\$66,000.00
Executive Assistant to the Mayor	-	-	-	-	-	-	\$50,951.00
Assistant City Solicitor	\$78,936.00	\$80,514.72	\$82,125.00	\$83,767.51	\$85,442.86	\$87,151.72	88,895.00
Chief Procurement Officer	\$73,702.00	\$75,176.04	\$76,679.56	\$78,213.15	\$79,777.41	\$81,372.96	\$83,000.00
Library Director	\$87,909.00	\$89,667.18	\$91,460.52	\$93,289.73	\$95,155.53	\$97,058.64	\$99,000.00
Paralegal	\$38,769.00	\$39,544.38	\$40,335.27	\$41,141.97	\$41,964.81	\$42,804.11	\$43,660.20
Assistant Recreation Director	\$55,054.22	\$56,155.31	\$57,278.41	\$58,423.98	\$59,592.46	\$60,784.31	\$62,000.00
Senior Clerk (nonunion)	\$39,769.00	\$39,544.38	\$40,335.27	\$41,141.97	\$41,964.81	\$42,804.11	\$43,660.19
Mayor							
City Council							

ADOPTED
 In City Council
 Order No. 14-

Adopted

Approved by Mayor
 Arthur G. Vigeant
 Date:

A TRUE COPY
 ATTEST:



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City of Marlborough

Office of the Mayor

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Arthur G. Vigeant
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EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

October 30, 2014

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

Re: Downtown Zoning Committee Parking Recommendation

Honorable President Pope and Councilors:

The Downtown Zoning Committee has discussed in their meetings the need to revisit the city's approach to parking violations in the downtown area.

I am in full agreement with the recommendations of the committee and therefore have enclosed for your approval is an amendment to the city's General Code that increases the penalties for parking violations from \$15.00 to \$25.00.

Members of the downtown committee, Chief Leonard, and I will be happy to discuss this amendment with you in greater detail in the coming weeks. Thank you in advance for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor

ORDERED:

Be it ordained by the City Council of the City of Marlborough, acting upon a recommendation of the Mayor, that § 586-44 of Article VI, entitled "Penalties for parking violations," of the Code of the City of Marlborough (hereinafter, the "City Code"), as amended, be further amended as follows:

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

ADOPTED

In City Council
Order No 14-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough

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CITY OF MARLBOROUGH

Office of the Mayor

2014 OCT 30 A 11:51 140 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

October 30, 2014

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

Re: Youth Commission Appointments

Honorable President Pope and Councilors:

Submitted for your approval are the following reappointments to the Youth Commission:

- Kelley French for a three year term to expire from the date of her approval by the City Council.
- Michael Gibson for a three year term to expire from the date of his approval by the City Council.

In addition, I wish to appoint Ms. Sharon Buckley to the Youth Commission for a two year term to expire from the date of her approval by the City Council (the two year term is in keeping with the desire for staggered terms). She will replace Mr. Pascal Chesnais who was unable to seek reappointment for a new term. I'm grateful for his service and commitment to the youth of our city.

Ms. Buckley is a Guidance Counselor at Marlborough High School and I believe her experience in our school system will be a welcome addition to our already outstanding team on the Youth Commission.

Thank you for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor



CITY OF MARLBOROUGH
OFFICE OF CITY CLERK

That the City Clerk be and is herewith directed to have proper notices issued notifying the VOTERS of the City of Marlborough that the **STATE ELECTION** will be held in the polling locations as noted below on **NOVEMBER 4, 2014** as follows: Senator in Congress, Governor & Lieutenant Governor, Attorney General, Secretary of State, Treasurer, Auditor, Representative in Congress, Councillor, Senator in General Court, Representative in General Court, District Attorney, and Registrar of Probate. There will be four ballot questions proposed by Initiative Petition summarized as follows:

Q1-Do you approve of a law which would eliminate the requirement that the state's gasoline tax, which was 24 cents per gallon as of September 2013, (1) be adjusted every year by the percentage change in the consumer Price Index over the preceding year, but (2) not be adjusted below 21.5 cents per gallon?

Q2-Do you approve of a law which would expand the state's beverage container deposit law, also known as the Bottle Bill, to require deposits on containers for all non-alcoholic non-carbonated drinks in liquid form intended for human consumption, except beverages primarily derived from dairy products, infant formula, and FDA approved medicines? The proposed law would not cover containers made of paper-based biodegradable material and aseptic multi-material packages such as juice boxes or pouches.

Q3-Do you approve of a law which would (1) prohibit the Massachusetts Gaming Commission from issuing any license for a casino or other gaming establishment with table games and slot machines, or any license for a gaming establishment with slot machines; (2) prohibit any such casino or slots gaming under any such licenses that the Commission might have issued before the proposed law took effect; and (3) prohibit wagering on the simulcasting of live greyhound races?

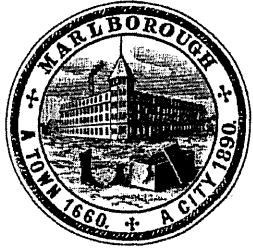
Q4- Do you approve of a law which would entitle employees in Massachusetts to earn and use sick time according to certain conditions? Employees who work for employers having eleven or more employees could earn and use up to 40 hours of paid sick time per calendar year, while employees working for smaller employers could earn and use up to 40 hours of unpaid sick time per calendar year.

INFORMATION FOR VOTER BOOKLETS ARE AVAILABLE IN THE CITY CLERK'S OFFICE.

THE POLLS WILL OPEN AT 7:00 A.M. AND WILL CLOSE AT 8:00 P.M.

POLLING LOCATIONS ARE AS FOLLOWS:

WARD ONE: Prec. 1 and 2	Francis J. Kane School, 520 Farm Rd.,
WARD TWO: Prec. 1 and 2	Francis J. Kane School, 520 Farm Rd.,
WARD THREE: Prec. 1	Masonic Hall, 8 Newton St. (corner of Main/Newton Sts.), rear
WARD THREE: Prec. 2	Raymond J. Richer School, 80 Foley Rd., Cafeteria
WARD FOUR: Prec. 1 and 2	Boys & Girls Club, 169 Pleasant St.
WARD FIVE: Prec. 1	Senior Center, 250 Main St.
WARD FIVE: Prec. 2	Masonic Hall, 8 Newton St. (corner of Main/Newton Sts.), rear
WARD SIX: Prec. 1 and 2	1LT Charles W. Whitcomb School, 25 Union St., Library
WARD SEVEN: Prec. 1 and 2	Hildreth School Gymnasium, 85 Sawin St.



City of Marlborough
Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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

LEGAL@MARLBOROUGH-MA.GOV

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
DONALD V. RIDER, JR.
CITY SOLICITOR

2014 OCT 29

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

October 30, 2014

Patricia Pope
President
Marlborough City Council

RE: Proposed Order to Grant an Easement to the Massachusetts Electric Company, and
Proposed Grant of Easement

Dear President Pope and Members:

Enclosed is are copies of a proposed order to grant an easement from the City to
Massachusetts Electric Company for the purposes of providing new and updated service for
Ward Park from South Street to New Street, and a proposed grant of easement. Public Facilities
Director John Ghiloni has asked the Legal Department to place the proposed easement before the
Council for its consideration and approval.

Mr. Ghiloni can answer any questions you may have.

Thank you for your attention to this matter.

Very truly yours,

/s/ Cynthia Panagore Griffin

Cynthia Panagore Griffin
Assistant City Solicitor

Enclosure

cc: Arthur Vigeant, Mayor
John Ghiloni, Public Facilities Director

ORDERED:

That the City of Marlborough grant a permanent utility easement, to be executed by the Mayor on behalf of the City, to the Massachusetts Electric Company (a/k/a "NGrid"), as described in the attached Grant Of Easement and as shown on the sketch attached to said Grant as "Exhibit A," entitled "Massachusetts Electric Southeast District, Hopedale; Feeder: 311W4; District Engineer: Bruce Kut; Work Location: 32 New Street, Marlboro, Ma; DATE: 07/24/14; EASEMENT DRAWING: 17321479," for the purposes of installing, constructing, reconstructing, repairing, replacing, adding to, maintaining and operating the transmission of high and low voltage electric current and for the transmission of intelligence by means of overhead and underground systems, consisting of, but not limited to, a line of six (6) poles with wires and cables strung upon and all necessary anchors, guys and appurtenances, consisting of buried wires and cables and lines of wires and cables installed in underground conduits, manholes, transformers, and vaults, said overhead and underground systems being further described in the attached Grant Of Easement which shall be recorded at the Middlesex South District Registry of Deeds, and as located in, through, over and across and upon certain parcels of land situated on the southerly end of New Street, the southerly side of Orchard Street, and the northerly side of South Street, being more particularly shown on Assessor's Map 69, Parcel 394 and on Assessor's Map 81, Parcel 190A.

ADOPTED
In City Council
Order No 14-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

Property Address: 32 New Street, Marlborough, MA (MIDDLESEX SOUTH)
57 Orchard Street, Marlborough, MA

GRANT OF EASEMENT

CITY OF MARLBOROUGH, a Massachusetts municipality having a mailing address of 255 Main Street, Room 105, Marlborough, Massachusetts 01752 (hereinafter referred to as the Grantor), for consideration of One (\$1.00) dollar, grants to MASSACHUSETTS ELECTRIC COMPANY, a Massachusetts corporation with its usual place of business at 40 Sylvan Road, Waltham, Massachusetts 02451 (hereinafter referred to as the Grantee) with quitclaim covenants, the perpetual right and easement to install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence, lines to consist of, but not limited to, a line of six (6) poles, (which may be erected at different times) with wires and cables strung upon and from the same and all necessary anchors, guys, and appurtenances (hereinafter referred to as the "OVERHEAD SYSTEM") and "UNDERGROUND ELECTRIC DISTRIBUTION SYSTEM" (hereinafter referred to as the "UNDERGROUND SYSTEM") located in Marlborough, Middlesex County, Massachusetts, consisting of lines of buried wires and cables and lines of wires and cables installed in underground conduits, together with all equipment and appurtenances thereto for the transmission of intelligence and for the furnishing of electric service to the herein described premises and others, and without limiting the generality of the foregoing, but specifically including the following equipment, namely: manholes, manhole openings, bollards, handholes, junction boxes, transformers, transformer vaults, padmounts, padmount transformers and all housings, connectors, switches, conduits, cables and wires all located within the easement area of the hereinafter described property.

Said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" are located in, through, under, over, across and upon those certain parcels of land situated on the southerly end of New Street, the southerly side of Orchard Street, and the northerly side of South Street, being more particularly shown as City of Marlborough Assessor Map 69, Lot 394 and Assessor Map 81, Lot 190A. No new boundaries were created by this document.

Said "OVERHEAD SYSTEM" is to originate from existing Pole P10, which is located on the northerly side of South Street, then proceed in a northerly direction from said Pole over, upon and across land of the Grantor to Pole P10-1, P10-2, P10-50, P10-3, P10-4, and P10-5

WR # 17321479

Address of Grantees:
Mass El. - 40 Sylvan Road, Waltham, Massachusetts 02451

After recording return to:
Elizabeth A. Fresolone
National Grid
Service Company, Inc.
280 Melrose Street
Providence, RI 02907

05 MARL MA GEN

And further, said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" (locations of the electrical equipment and other facilities on the hereinbefore referred to premises of the Grantor) are approximately shown on a sketch entitled: "Massachusetts Electric Southeast District, Hopedale; Feeder: 311W4; District Engineer: Bruce Kut; Work Location: 32 New Street, Marlboro Ma; DATE: 07/24/14; EASEMENT DRAWING: 17321479," a reduced copy of said sketch is attached hereto as "Exhibit A", copies of which are in the possession of the Grantor and Grantee herein, but the final definitive locations of said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" shall become established by and upon the installation and erection thereof by the Grantee.

Also with the further perpetual right and easement from time to time without further payment therefore to pass and repass over, across and upon said land of the Grantor as is reasonable and necessary in order to renew, replace, repair, remove, add to, maintain, operate, patrol and otherwise change said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" and each and every part thereof and to make such other excavation or excavations as may be reasonably necessary in the opinion and judgment of the Grantee, its successors and assigns, and to clear and keep cleared the portions and areas of the premises wherein the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" are specifically located, as shown on the sketch herein referred to, of such trees, shrubs, bushes, above ground and below ground structures, objects and surfaces, as may, in the opinion and judgment of the Grantee, interfere with the efficient and safe operation and maintenance of the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" and other related electrical equipment. However, said Grantee, its successors and assigns, will properly backfill said excavation or excavations and restore the surface of the land to as reasonably good condition as said surface was in immediately prior to the excavation or excavations thereof.

If said herein referred to locations as approximately shown on the sketch herein also referred to are unsuitable for the purposes of the Grantee, its successors and assigns, then said locations may be changed to areas mutually satisfactory to both the Grantor and the Grantee herein; and further, said newly agreed to locations shall be indicated and shown on the sketch above referred to by proper amendment or amendments thereto. The Grantor, for itself, its successors and assigns, covenant and agrees with the Grantee, for itself, its successors and assigns, that this Grant of Easement and the location of the Overhead System and Underground System may not be changed or modified without the written consent of the Grantee, its successors and assigns, which consent may be withheld by the Grantee in its sole discretion.

It is the intention of the Grantor to grant to the Grantee, its successors and assigns, all the rights and easements aforesaid and any and all additional and/or incidental rights needed to install, erect, maintain and operate within the Grantor's land an "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" for the transmission of intelligence and for the purpose of supplying electric service for the building, buildings or proposed buildings shown on the last herein referred to sketch or amended sketch and the right to service others from said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM".

It is agreed that the "OVERHEAD SYSTEM and "UNDERGROUND SYSTEM" shall remain the property of the Grantee, its successors and assigns, and that the Grantee, its successors and assigns, shall pay all taxes assessed thereon. Grantor agrees that the rights and easement herein granted are for the purpose of providing service to Grantor's property and the further right to service others from said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM".

For Grantor's title, see Eminent Domain Taking of Land dated June 18, 1979, recorded with the Middlesex South District Registry of Deeds in Book 13722, Page 421, Confirmatory Eminent Domain Taking of Land dated August 20, 1979, recorded with said Registry of Deeds in Book 13775, Page 228, and Order of Taking dated September 12, 1923, recorded with said Registry of Deeds in Book 4654, Page 553.

Executed as a sealed instrument as of this _____ day of _____, 2014.

CITY OF MARLBOROUGH

By:
Its:

By:
Its:

Commonwealth of Massachusetts

County of _____ } ss.

On this the _____ day of _____, 2014, before me,

Name of Notary Public the undersigned Notary Public,

personally appeared _____,
Name(s) of Signer(s)

proved to me through satisfactory evidence of identity, which was/were

Description of Evidence of Identity

to be the persons whose names are signed on the preceding Grant of Easement, and
acknowledged to me that he/she/they signed it voluntarily for its stated purpose(.)

as partner(s) for _____
Name of Partnership

_____, a partnership.

as _____ for
Title of Office

_____, a corporation.
Name of Corporation

as attorney in fact for _____

_____, the principal.
Name of Principal Signer

as _____ for _____
Type of Capacity

_____, a/the _____
Name of Person/Entity Type of Entity

Signature of Notary Public

Printed Name of Notary

My Commission Expires _____

Place Notary Seal and/or Any Stamp Above



Massachusetts Electric
Southeast District, Hopedale

Feeder: 311W4

District Engineer: Bruce Kut

Work Location: 32 New Street, Marlboro Ma

DATE: 07/24/14

EASEMENT DRAWING :

17321479

LEGEND

- JOINTLY OWNED POLE
- SOLELY OWNED POLE
- DOWN GUY
- 3 PH TRANSFORMER BANK
- 1 PH TRANSFORMER
- 3 PH PADMOUNTED TRANSFORMER
- OVERHEAD PRIMARY AND SECONDARY CABLE
- OVERHEAD SECONDARY CABLE
- 15 KV UG PRIMARY CABLE



NEW STREET

ORCHARD STREET

57 Orchard Street
Map 81
Lot 190A

NEW COVENANT
CHRISTIAN
SCHOOL

Artemas Ward
Park

32 New Street
Map 69
Lot 394

P10-3

P10-5

P10-4

P10-2

P10-50

P10-1

P10

South Street

EXHIBIT 'A'
NOT TO SCALE

The exact location of said Facilities to be established by and upon the installation and erection of the Facilities thereof.

LIBERT



City of Marlborough
Legal Department

140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752

TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610
RECEIVED DONALD V. RIDER, JR.
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

LEGAL@MARLBOROUGH-MA.GOV

ELLEN M. STAVROPOULOS
PARALEGAL

October 30, 2014

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

Re: Order No. 14-1005963A
Application For Site Plan Approval – Marlborough Hills, 200 Forest Street
Parking Expansion

Dear President Pope and Members,

Please find proposed the proposed Application For Site Plan Approval – Marlborough Hills, 200 Forest Street Parking Expansion.

Said Application For Site Plan Approval is in proper form for consideration by the City Council.

Very truly yours,

/s/ Cynthia Panagore Griffin

Cynthia Panagore Griffin
Assistant City Solicitor

Enclosure

cc: Priscilla Ryder, Conservation Commissioner
Robert Camacho, Building Commissioner
Evan Pilachowski, City Engineer
David Gardbois, Esq.

**CITY COUNCIL
MARLBOROUGH, MA**

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

Applicant: Atlantic-Marlboro Realty LLC, 205 Newbury Street, Framingham, MA 01701;

Application for Site Plan Approval Marlborough City Council 200 Forest Street-Parking Expansion Marlborough Hills, Marlborough, MA, dated: September 18, 2014, Prepared by SMMA 1000 Massachusetts Avenue, Cambridge, MA 02138, and filed with City Clerk on September 18, 2014;

Property Owner: Atlantic-Marlboro Realty LLC, 205 Newbury Street, Framingham, MA 01701;

Location: 200 Forest Street (the "Site") being a portion of Lot 1E shown on an ANR plan approved by the Planning Board on July 21, 2014 entitled: "Plan of Land in Marlborough, Massachusetts (Middlesex County); Scale: 1" = 200'; July 2, 2014; The BSC Group, Inc., 33 Waldo Street, Worcester, Massachusetts; Owned By: Atlantic-Marlboro Realty LLC";

Zoning District: Limited Industrial (LI) underlying district and Results Way Mixed Use Overlay District (RWMUOD);

The following Site Plan Approval Final Conditions are based on the plans entitled: "Atlantic Management – Marlborough Hills 200 Forest Street – Parking Expansion, Assessors Map No. 101 Lot 2, Zoning District: Industrial (I) & Limited Industrial (LI) Underlying Districts & Results Way Mixed Use Overlay District (RWMUOD), Marlborough City Council 09. 18. 14, Last revised 10-07-2014; stamped by Brian Lawlor, Symmes Maini & McKee Associates; (hereinafter, the "Plans");

List of Drawings: 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, C-501 Details I, C-502 Details II, C-503 Details III, C-504 Details IV.

SITE PLAN APPROVAL FINAL CONDITIONS

1. Construction of the Site shall be in conformance with the above referenced Plans, said Plans being incorporated herein by reference, and with the provisions of Chapter 270 of the Code of the City of Marlborough.
2. Four inspection ports shall be included in each of the subsurface detention area infiltration chambers for the purpose of improving inspections. These inspection

ports shall be located in the main chamber area in addition to the inspection ports in the isolator rows as shown on the Plans.

Preconstruction meeting:

3. Prior to construction, a preconstruction meeting shall be held on-site with the Building Commissioner, City Engineer, Conservation Officer and site contractor responsible for performing the work. At the preconstruction meeting, said participants will review the Plans and conditions; review and agree on a construction sequencing plan, which plan must be approved by the Conservation Officer and City Engineer; exchange contact information including emergency contact numbers; and inspect erosion controls.

Storm Water:

4. Prior to the start of construction, the Applicant and site contractor shall confirm through an e-mail to the City Engineer and the Conservation Officer that a NPDES construction permit has been issued. During construction, the site contractor and the person responsible for the Storm Water Pollution Prevention Plan and the NPDES general permit shall also be responsible for reporting (by e-mail) on a weekly basis to the Conservation Officer and the City Engineer, which reports will summarize the work that has been completed and compliance of the project with the site preparation and erosion control plan (sheet C-111 of the Plans). The weekly reports shall begin as soon as the work begins on the Site.
5. When the hole is dug for the storm water infiltration system, and before the system is installed, a call or e-mail shall be made to either the City Engineer or the Conservation Officer to have the hole inspected to ensure that soils under the system are per design. No further work shall be done on the system until such inspection is performed, and approval to go forward is given, by the City Engineer or the Conservation Officer. The project engineer shall verify that the conditions are in accordance with the design.
6. 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.
7. Prior to requesting a Certificate of Occupancy, the Applicant or its agent shall clean the detention basin, all drainage pipes, catch basins and infiltration systems, of accumulated sediment and debris. All infiltration systems and water quality

structures shall be inspected and cleaned as necessary to ensure the infiltration capacity of these systems is working as designed. A site meeting with the Conservation Officer to inspect these structures is required before final signoff by the Conservation Officer.

8. Prior to the issuance of the Certificate of Occupancy the Applicant shall provide to the City Engineer and the Conservation Officer the final Storm Water Operation Management maintenance plan, which will include the entire 200 Forest St. site and not solely the new section of parking which is the subject of this Permit. The Applicant shall provide to the Conservation Officer the name, address and phone number of the contract person who will be in charge of authorizing annual maintenance under said plan.
9. Following the issuance of the Certificate of Occupancy, an annual maintenance report in accordance with the Storm Water Management Maintenance Plan shall be submitted to the City Engineer and the Conservation Officer by June 1st each year following the issuance of the Final Certificate of Occupancy. The annual maintenance report shall describe the maintenance and operation procedures, as outlined in the Storm Water Management Maintenance Plan, which have been accomplished for that year.

Landscaping:

10. All modifications to approved C-151 Planting Plan, which concern 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.
11. Prior to the final signoff, a registered landscape architect shall certify to the Conservation Officer, in writing, that the planting has been installed according to the approved landscape plan (as revised). By a site visit, the Conservation Officer shall confirm that the planting has been installed according to the approved landscaping plans (revised), including the C-151 Planting Plan, C-501 and C-503 Details III, or according to a revision of said landscaping plans previously approved by the Conservation Officer.
12. Following 18 months of the final signoff of the site landscaping by the Conservation Officer, the Applicant shall replace any plant material that has died or is dying with a species of the same kind and size.
13. Any large rocks or boulders encountered while excavating the site shall be properly disposed of off-site.

14. At the time of planting and thereafter, mulch shall be placed so that it is not in contact with the trunk of newly planted trees and shrubs, as shown in the details on the C-151 Planting Plan.
15. At all times following the issuance of the Final Occupancy Permit, landscaping will be properly maintained, replaced if necessary, and kept in good condition and in compliance with the C-151 Planting Plan.

Prior to issuance of Certificate of Occupancy:

16. An as-built plan must be submitted to the City Engineer for review prior to issuance of a Final Certificate of Occupancy or a Temporary Certificate of Occupancy. The as-built plan shall be prepared in accordance with the As-Built Plan Standards established by the City Engineer, which standards may be found on the City's website.
17. Work as provided for on the approved Plans shall be carried into effect and completed within one (1) year following the date of issuance of the Site Plan Permit, unless the City Council, in writing, has granted an extension of time for completion of the work.
18. The City Council hereby retains jurisdiction over all signage of the project (pursuant to § 650-33(H) (1) of the Code of the City of Marlborough, as amended) to the extent such signage requires a sign permit under the Sign Ordinance. The final design, material, dimensions, content and location of all such signage, including any freestanding entry signs and the project's internal signage, shall be subject to further review and sign permit approval from the City Council.

General Provisions

19. Minor changes: The City Council delegates to the Building Commissioner the authority to approve minor changes to the approved Plans;
20. Enforcement: The City Council designates the Building Commissioner as the enforcing authority for violations of this permit;
21. Handicap Signage: Handicap signage shall contain specific language as required by the Disabilities Commission of the City of Marlborough.
22. Parking Areas: (i) Parking areas will be swept, as necessary; and (ii) pursuant to the provisions of M.G.L c. 90, § 18, the Applicant shall submit a written request and grant of authority to the Marlborough Traffic Commission to promulgate legally

enforceable rules and regulations for the control of on-site traffic and parking. The Applicant shall be responsible for providing, installing and maintaining all signage and/or markings required by the Marlborough Traffic Commission. Such signage and/or markings shall meet the standards of the Manual on Uniform Traffic Control Devices;

23. Trail System: Prior to March 1, 2015, the Applicant shall design a trail system and provide engineering plans for a walking, bicycle and recreation trail system as provided in paragraph 3 of the Development Agreement. During the planning of said trail system, the Applicant will work with the City to develop a plan that will meet with the approval of the City. Following the approval of the system by the City, the Applicant will construct the trail system according to the approved plans. Said construction shall be completed no later than September 1, 2015.

IN CITY COUNCIL ____ October 20, 2014

APPROVED; adopted.

Yea: ____ **Nay:** _____

MIRICK O'CONNELL

ATTORNEYS AT LAW

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 OCT 30 A 8:34

Arthur P. Bergeron

Mirick O'Connell
1800 West Park Drive, Suite 400
Westborough, MA 01581-3926
abergeron@mirickoconnell.com
t 508.860.1470
f 508.463.1385

October 29, 2014

VIA EMAIL AND HAND DELIVERY

Councilor Trish Pope, President
Marlborough City Council
City Hall
Marlborough, MA 01752

Re: Acceptance of Bouffard Drive

Dear Councilor Pope:

I represent Thomas H. Niles, successor in interest to J. Giles Development Company, the developer of the Wayside Hollow subdivision.

On behalf of Thomas H. Niles, I am requesting that the City Council consider accepting Bouffard Drive, located in the Wayside Hollow subdivision, as a public way. Please refer this matter to the Planning Board and take the appropriate steps for review by the City Council.

Pursuant to City Council Order No. 91-3822A, I am notifying you that Mirick O'Connell is representing Thomas H. Niles regarding this matter before the City Council and the Planning Board.

Very truly yours,



Arthur P. Bergeron

APB/brf

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 2:49
2014 OCT 2 11

1. Name and address of Petitioner or Applicant:
Digital Federal Credit Union, 853-865 and 905 Donald J. Lynch Boulevard

2. Specific Location of property including Assessor's Plate and Parcel Number.
853-865 and 905 Donald J. Lynch Boulevard, Assessors Map 50, Parcels 9, 3A and 3B

3. Name and address of owner of land if other than Petitioner or Applicant:
Digital Federal Credit Union, 220 Donald J. Lynch Boulevard, Marlborough, MA

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

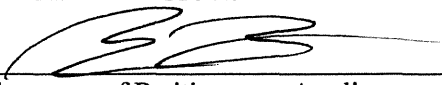
5. Specific Zoning Ordinance under which the Special Permit is sought:
Article X Section 650-14 Paragraph B Sub-paragraph 2

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

7. Specific reason(s) for seeking Special Permit
The Applicant seeks a modification of the Special Permit issued on June 16, 2003, Order No. 03-10047B, which previously authorized a drive-up ATM window at the property.
The Applicant seeks to remove a condition of the existing Special Permit prohibiting LCD signs on the property, in light of the recent amendment to the Zoning Ordinance allowing such signs.
The condition to be removed is Condition No. 7.

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

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


Signature of Petitioner or Applicant
David K. McCay and Brian R. Falk
Address: Mirick, O'Connell, DeMallie & Lougee, LLP
100 Front Street, Suite 1700
Worcester, MA 01608
t 508.860.1460
Telephone No. t 508.929.1678

Date: _____
City Clerk's Office

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Digital Federal Credit Union Address: 853-865 Donald J. Lynch Boulevard

Project Name: Digital Federal Credit Union Address: 853-865 Donald J. Lynch Boulevard

1. PROPOSED USE: (describe) Bank with drive-up ATM window.

2. EXPANSION OR NEW: Amendment to existing Special Permit to Remove LCD Sign Restriction
3. SIZE: floor area sq. ft. 4952 1st floor _____ all floors _____
buildings 1 # stories 1 lot area (s.f.) _____
4. LOT COVERAGE: 60 %Landscaped area: 40 %
5. POPULATION ON SITE: Number of people expected on site at anytime:
Normal: 22 Peak period: 35
6. TRAFFIC:
(A) Number of vehicles parked on site:
During regular hours: 85 Peak period: 100
(B) How many service vehicles will service the development and on what schedule?
2, at various times between 8:00 a.m. and 5:00 p.m.

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? Standard exterior lighting; little to no light leaves the property.

8. NOISE:
(A) Compare the noise levels of the proposed development to those that exist in the area now.
Same.
(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. None.

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

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

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

***Attach additional sheets if necessary**



CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752

City Hall
140 Main St.

Marlborough, Massachusetts 01752

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

President and Members City Council

Date: 10/15/14

SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT

Project Name: Digital Federal Credit Union

Project Use Summary: Bank with drive-up ATM window.

Project Street Address: 853-865 Donald J. Lynch Boulevard

Plate: Map 50 Parcel: 9, 3A and 3B

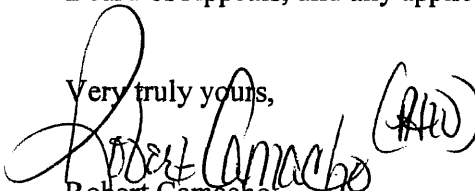
Applicant/Developer Name: Digital Federal Credit Union

Plan Date: July 20, 2004 Revision Date: July 20, 2004

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,


Robert Camacho

Interim Building Commissioner

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

250.-

**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.

Company Name

Digital Federal Credit Union

Owner Name/Officer Name of LLC or Corporation

Tim Garner, Senior Vice President of Marketing and Strategy

Owner/Officer Complete Address and Telephone Number

220 Donald Lynch Boulevard

Marlborough, MA 01752

Phone: (508) 263-6856

Signature of Applicant

A handwritten signature in black ink, appearing to be 'Tim Garner', written over a horizontal line.

Attorney on behalf of Applicant, if applicable

Mirick O'Connell

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

A handwritten signature in black ink, appearing to be 'Deborah G. Fox', written over a horizontal line.

Tax Collector

PETITION FOR JOINT POLE RE-LOCATIONS

City Clerks office

Copy

February 20, 2013 RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

To the City Clerks Office
of the City of Marlborough, Massachusetts

2014 OCT 24 A 10: 22

MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.

request permission to relocate poles, wires, cables and fixtures, including anchors, guys and other such necessary sustaining and protecting fixtures, along and across the following public way or ways:-

Norwood Street Pole #5

National Grid propose to relocate Pole#5 Norwood Street 4' north further away from customers driveway.

Wherefore they ask that they be granted a joint relocation for and permission to erect and maintain poles, wires, cables and fixtures to be placed thereon, together with anchors, guys and other such sustaining and protecting fixtures as they must find necessary, said poles to be located substantially in accordance with the plan filed herewith marked: **Plan No. 16819548 Dated: 10/02/2014**

Also for permission to lay and maintain underground cables conduits, wires and necessary equipment in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space for one cross arm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

MASSACHUSETTS ELECTRIC COMPANY

By: *Eric Widman*
Manager of Distribution Design *EW*

VERIZON NEW ENGLAND, INC.

By: *[Signature]*
Manager, R.O.W.

ORDER FOR JOINT POLE RELOCATION

February 20, 2013

By the City Clerks Office
of the City of Marlborough, Massachusetts

IT IS HEREBY ORDERED:

that **MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.**
be and they are hereby granted a joint relocation for and permission to erect and maintain poles and wires
to be replaced thereon, together with such sustaining and protecting fixtures as said Companies may deem
necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated
the **7th day of October, 2014**

All construction under this order shall be in accordance with the following conditions:-
Poles shall be sound and timber, and reasonably straight, and shall be set substantially at the points
indicated upon the plan marked:

Plan No. **16819548** Dated: **10/02/2014** filed with said petition.

There may be attached to said poles by said **MASSACHUSETTS ELECTRIC COMPANY** necessary wires,
cables and fixtures and by said **VERIZON NEW ENGLAND, INC.** not to exceed **40** wires and **4** cables and
all of said wires and cables shall be placed at a height of not less than **18** feet from the ground at highway
crossings, and not less than 16 feet from the ground elsewhere.

The following are the public ways or parts of ways along which the poles above referred to may be erected,
and the number of poles which may be erected thereon under this order:-

Norwood Street Pole #5

**National Grid propose to relocate Pole#5 Norwood Street 4' north further
away from customers driveway.**

Also that permission be and herby is granted to each of said Companies to lay and maintain underground
cables, conduits, wires and necessary equipment in the above or intersecting public ways for the purpose
of making connections with such poles and buildings as each may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the City Council
of the City of Marlborough, Massachusetts held on the _____ day of _____ 2013

Clerk of Council

CERTIFICATE

I hereby certify that the foregoing order was adopted at a meeting of the City Council
of the City of Marlborough, Massachusetts held on the _____ day of _____ 2013

recorded with the records of location orders of said City,

Book _____, Page _____.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto
or amendments thereof.

Attest: _____
City Clerk

Pole & UG Petition/Permit Request Form

City Town of City of Marlboro WR # 16819548 (circle one)

Install (quantity) SO JO Poles on (street name) (circle one)

Remove (quantity) SO JO Poles on (street name) (circle one)

Relocate 1 (quantity) SO JO Poles on Norwood Street (street name) (circle one)

Beginning at a point approximately 4 feet North of the centerline of the intersection of (street name) (distance) (compass heading)

and continuing approximately (distance) feet in a (compass heading) direction.

Install underground facilities:

Street(s)

Description of Work:

Relocate P5 Norwood Street 4' north further away from customer's driveway

ENGINEER Bruce Kut

DATE 10/02/14

**ABUTTERS LISTING 46 Norwood St (56-58) direct & across
MARLBOROUGH, MA**

Map	Block	Lot	Unit	Owner-s Name	Co Owner-s Name	Address	City	ST Zip	Parcel Location
56	31			JEWETT ERIK C TR	C/O CHARLES JEWETT	26 KIRBY ST	MARLBOROUGH	MA 01752	26 KIRBY ST
56	57			PAUL EDWARD P	LEANNE G PAUL	50 NORWOOD ST	MARLBOROUGH	MA 01752	50 NORWOOD ST
56	58			MULHALL ELEUSA G	VICTOR E MULHALL	46 NORWOOD ST	MARLBOROUGH	MA 01752	46 NORWOOD ST
56	59			SAUNDERS ROBERT E	NANCY E SAUNDERS	40 NORWOOD ST	MARLBOROUGH	MA 01752	40 NORWOOD ST
56	63			DAWES PATRICK M	TINA L ANDERSEN	45 NORWOOD ST	MARLBOROUGH	MA 01752	45 NORWOOD ST
56	64			ATWATER-RHODES AMELIA		49 NORWOOD ST	MARLBOROUGH	MA 01752	49 NORWOOD ST

MARLBOROUGH ASSESSORS
Anthony P. Carney, Jr.
Thomas J. ...

RECEIVED OCT 16 2014

Zoning Board of Appeals
Minutes
September 23, 2014

CITY CLERK

12:52 DAS

Members Present: Paul Giunta - Chairman, Theodore Scott, Thomas Golden-Clerk, Ralph Loftin and Robert Levine

Public Hearings

7:00 PM 55 Highland St. – Gonzalo Sanchez - Continuation (ZBA Case # 1428-2014)

Petition: To construct a 15 ft. x 16 ft. attach addition on the side of the existing house which will increase the current non-conforming residential use by greater than the maximum required 30 percent. (Chapter 650 Article VII) The existing lot coverage is 41 percent and the proposed addition will increase Lot Coverage at 45 percent. The property is located in Zoning District Residence B, being Map 56 Parcel 236 of the Assessor's Maps, also known as 55 Highland St.

The Applicant, Gonzalo Sanchez was present.

This hearing was opened on August 19th, 2014 with continuation dates of Sept. 2nd and 23rd, 2014. The hearing was opened with the reading of the legal ad.

The property in question is a 2 story structure containing 2 dwelling units. The applicant, Ismael Sanchez resides on the 1st Floor with his wife and 2 children and his brother Gonzalo Sanchez resides on the 2nd floor. He and his brother own the house. Ismael Sanchez and his brother bought the house 8 yrs. ago. As you face the house, there is an existing driveway to the left (where the proposed addition will be erected at the head of the driveway) and to the right there is an existing driveway and a garage

The applicant and owner, Ismael Sanchez was present this evening. There was no one in the audience to speak in favor or in opposition to the petition.

Abutting properties are similar to the lot in question, being fairly flat, with roughly 7,400 sq. ft. ± of area

Proposal: The applicant is proposing to erect a 16 ft. x 15 ft. addition to the left side of the house (as you face the house). He has a son and a daughter who will need separate bedrooms. He currently has 2 bedrooms in the house. The applicant stated he cannot afford to move to another house with more bedrooms.

List of plans and exhibits:

- Hand drawn by applicant onto a Xerox plan. The plan shows a shed, but with a note that states "not existing".
- A floor plan entitled: Addition Plans (front elevation, rear elevation and left elevation, 1st floor plan and 2nd floor, Sectional View and

Foundation Plan - #4814 Page 1 of 2 and Page 2 of 2, Dated 4/11/2014.

- Colored pictures of existing house and the proposed addition super imposed onto the photo.

Lot Coverage:

Maximum required Lot Coverage 30%	Existing Lot Coverage 41%	Propose Lot Coverage 45%
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Hardship: The Board explained to the applicant that “hardship” cannot be personal.

- The applicant stated a “hardship” pertaining to the existing house on the lot with the existing 2 driveways which leaves a small area to construct an addition. His lot size is 7,400 sq. ft. which is undersized for Zoning District Residence B, which is a minimum of 8,000 sq. ft. He also stated his 2 children (1 boy and 1 girl) need a separate bedroom which is the reason for an addition. He cannot afford to purchase another house to accommodate his family’s needs.

The Board made a few suggestions to the applicant:

- Removing the existing driveway material by the garage at the right side of the house and replace it with something that is pervious, so it will reduce lot coverage.
- Removing the existing driveway material on the left side of the house and replace with something that is pervious, so it will reduce lot coverage.
- Reduce the proposed addition, so it will reduce lot coverage.

The Board determines the following:

- Existing Lot Coverage is over the maximum required 30% being at 41%. The applicant is proposing 45% “Lot Coverage” with the proposed addition.
- The Board feels that removing the existing driveway material at the left of the house (33 ft. x 25 ft. = 825 sq. ft. per applicant) and replacing it with some type of pervious material would not only off set the lot coverage created by the proposed addition, it would result less of an existing non-conforming lot.
- Based upon dimensions furnished by the applicant concerning he changes mentioned above, the Board calculates a reduction in lot coverage from the 41% existing to 34%. Thus creating a less of an existing non-conforming situation.
- With regards to removing the existing driveway and reducing the addition size, a reduction in the addition size to make the lot conform to the required lot coverage would not be feasible and any feasible adjustment to the addition size would have negligible effect on the lot coverage percentage.

On a motion by Ralph Loftin to remove the existing driveway at the left of the house and create a pervious area, motion seconded by Theodore Scott, thus reducing the lot coverage to approximately 34%.

The Board voted 5-0 to grant a variance as noted above.

Paul Giunta made a motion to close the public hearing, seconded by Robert Levine. The Board voted 5-0 to close the public hearing.

7:30 525 Maple St. – NGP Management LLC - Continuation (ZBA Case # 1430-2014)

Petition: The applicant, NGP Management LLC, seeks to raze the existing structures on the property and construct a new 2,615 sq. ft. restaurant with drive-through facilities and parking for 41 vehicles. The project would need relief from a front setback requirement with respect to Mill St. in addition to various landscaping, parking design and driveway design requirements, set forth in the following sections of the Marlborough Zoning Code: Dimensional: §650-41; Landscaping: §650-47(D)(5)(a), §650-47(D)(5)(b), §650-47(D)(6), §650-47E(1)(a)(3), §650-47(E)(1)(b), §650-47(F)(3), §650-47(G), §650-47(H)(1), §650-47(H)(2)(b), §650-47(1)(2), §650-47(K); Parking: §650-48(C)(5)(a)(3), §650-48(D)(2), §650-48(D)(5); Driveways: §650-49(B)(2)(a), §650-49(B)(2)(b), §650-49(D)(1), and §650-49(D)(6). The property is located in Zoning District CA-Commercial Automotive, at 525 Maple St. (the former registry building), being Map 104, Parcel 37 of the Assessors' Maps.

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

Also present this evening was:

- Atty. Brian Falk
- Mike Scott of Waterman Design
- Councilor Robey

Revised Plans presented entitled: Site Plans for Dunkin Donuts, 525 Maple St., Marlborough, MA 01752, dated revised September 16, 2014. Prepared by Waterman Design Associates, Inc. and prepared for NGP Management, LLC.

The applicant has reduced the original 21 variance request to 18 variance request. As noted in the revised “draft” Notice of Decision” from Atty. Brian Falk.

Revised Table of Variance request:
 Variance Request

Dimensional	Required	Proposing	Deviation
Front yard setback (Minimum required 50 ft.)	Minimum 50 ft.	Mill St. 24 ft. ±	26 ft. ±
[REDACTED]			
Maple St.	10 trees 80 shrubs	2 trees (revised 10 trees) 40 shrubs (revised 43 shrubs)	8 trees (meets) 40 shrubs (deviation 37)
Mill St.	10 trees 110 shrubs	3 trees (revised 4 trees) 19 shrubs (revised 29 shrubs)	7 trees (deviation 6 trees) 91 shrubs (deviation 81 shrubs)
Side Planting Area – along the parking lot and Ms. Ippolito (north side)	6 trees 42 shrubs	0 trees 14 shrubs (revised 17 shrubs)	6 trees 28 shrubs (deviation 25 shrubs)
Interior Plantings (required 4 trees and 14 shrubs)	4 trees 14 shrubs	2 trees (revised 5) 56 shrubs (revised 80)	2 trees (meets) Shrubs (meets)
See below for additional Revised Variance Request:			

Revised Relief Requested:

The Applicant petitioned for relief from the provisions of the Zoning Ordinance as follows:

[Type text]

Dimensional:

1. Section 650-41 (Table of Lot Area, Yards and Height of Structures) requires a 50 foot building setback from the street right of way for corner lots (defined under Section 650-42(D)). The proposed plan has a building setback from Mill Street South of 24 feet.

Landscaping:

2. Section 650-47(D)(5)(a) (Landscaping Planting Area, Planting Quality and Spacing) requires 1 shrub per five linear feet or 35 square feet of ground area, whichever results in a greater number of shrubs, and at least 1 tree per 40 linear feet of planting area length, and 1 tree per 30 linear feet of street frontage planting area abutting Route 85. The proposed plan provides the following shrub and tree counts:

Along Maple Street:	43 shrubs (80 required).
Along Mill Street South:	4 trees (10 trees required) and 29 shrubs (110 required).
Along the side line:	17 shrubs (42 required).

3. Section 650-47(D)(5)(b) (Landscaping Planting Area, Planting Layout) requires that groups of shrubs shall be spaced no further apart than 10 linear feet and groups of trees no further apart than 50 feet. The proposed plan does not meet these requirements along Mill Street South, with one space of 75 feet and another space of 72 feet.
4. Section 650-47(D)(6) (Landscaping Planting Area, Existing Vegetation) requires that wherever possible, planting area requirements shall be met by retention of existing plants, and that within the street frontage planting area, no existing tree of 6 inches in caliper or greater shall be removed. The proposed plan would remove the 2 crabapple trees of 6 inches in caliper or greater along Mill Street South.
5. Section 650-47(E)(1)(a)(3) (Street Frontage Planting Area, Location and Width) requires a 10 foot wide landscaped strip along a street. The proposed plan has a landscaped strip of at least 10 feet along less than half of the Mill Street South frontage, and no landscaped strip along Mill Street South adjacent to the drive-through lane.
6. Section 650-47(E)(1)(b) (Street Frontage Planting Area, Location and Width, Nonresidential) requires an additional landscaped area width of 12.4 feet along Maple Street and 14.8 feet along Mill Street South. The proposed plan does not meet these additional landscaped area width requirements, and has no landscape strip along portions of Mill Street South adjacent to the drive-through lane.
7. Section 650-47(F)(3) (Side Line Planting Area) requires a 7 foot wide planting along the side line. The proposed plan provides a planting area between 3 to 7 feet along less than half (western portion) of the side line.
8. Section 650-47(G) (District Boundary Planting Area) requires dense planting 4 feet high to provide a year-round dense screen within 3 years or a fence or wall at least 6 feet high, along the full length of the district boundary. The district boundary planting area along Maple Street does not meet these requirements.

9. Section 650-47(H)(1) (Parking Lot Planting Area) requires a planting area on three sides of an outdoor parking lot with at least 10 parking spaces. The proposed plan does not meet this requirement.
10. Section 650-47(K) (Retaining Walls and Embankment Stabilization) requires that retaining walls visible from the exterior of the lot shall be planted with shrubs, one per 50 feet. The retaining walls located along Mill Street South and the side line on the proposed plan is not planted with shrubs.

Parking:

11. Section 650-48(C)(5)(a)(3) (Parking Setbacks, Nonresidential Uses) requires that no off-street parking shall be closer than the minimum distances from the front lot line prescribed in Section 650-47(E) governing the requirement for a street frontage planting area, which requires an additional landscaped area along Maple Street and Mill Street South. Parking spaces along Maple Street and Mill Street South on the proposed plan do not meet this requirement.
12. Section 650-48(D)(2) (Parking Grades) requires that the maximum grade of any parking area shall be 5%. The proposed plan has a grade in excess of 5% for 2 of the 41 parking spaces, located along the southeast portion of the site.

Driveways:

13. Section 650-49(B)(2)(a) (Driveway Location) allows a maximum of one (1) driveway, unless granted site plan approval. The proposed plan has two (2) driveways.
14. Section 650-49(B)(2)(b) (Driveway Location) requires a 7 foot separation between a driveway and side property line. The proposed plan has no separation between the north property line and the curb return of the north driveway located on Maple Street.
15. Section 650-49(D)(1) (Major Driveways) requires a 150 foot centerline separation between a major driveway and an intersecting street, unless granted site plan approval. The proposed plan has a 142 foot separation between the centerlines of the south driveway located on Maple Street and Mill Street South.
16. Section 650-49(D)(1) (Major Driveways) requires a 30 foot curb radius at a street, unless granted site plan approval. The proposed plan has 15-foot radius roundings for the north driveway located on Maple Street, and 20-foot radius roundings for the south driveway located on Maple Street.
17. Section 650-49(D)(1) (Major Driveways) requires acceleration and deceleration lanes, unless granted by site plan approval. The proposed plan does not have acceleration and deceleration lanes.
18. Section 650-49(D)(6) (Major Driveway Parking Restrictions) requires that a major driveway shall not be used as a parking lot aisle, and no parking spaces shall be permitted

requiring vehicles to reverse into a major driveway, unless granted site plan approval. The proposed plan would not meet this requirement for 8 of the 41 parking spaces.

The Board discussed the following:

- Hours of operation will be from 4:00 AM – 11:00 PM.
- Truck deliveries – small daily delivery is made very early. Then larger deliveries are made twice a week.
- There will be no sidewalks on Mill St. or on Maple St.
- The Board, Ralph Loftin, stated the speaker system is some 150 ft. from Ms. Ippolito's house. Maybe an informal sound study should be done to ease her mind. The Board is sensitive to her concerns. Ralph Loftin will write Ms. Ippolito a letter about the Board's decision this evening.
- 13 staff with 2 managers will be on site at one time and that is usually the morning hours during their peak hours of business.
- 8 spaces for employees only parking.
- Dumpster location and pickup.
- Snow removal.

Atty. Brian Falk stated the following:

- In regards to Ms. Ippolito's side lot line, they will erect a 6 ft. fence on top of a proposed wall with arborvitaes planted 6 ft. on center in the front of the wall on the Dunkin Donuts lot. With additional shrubs and perennials at that corner. They will not be planting anything on Ms. Ippolito's lot.
- Gina Ippolito of 168 Mill Street South. Ms. Ippolito opposed the number of parking spaces and the intensity of the use, raised concerns about noise from the drive-through facility and flooding onto her property, and suggested a redesign of the Project with a larger buffer along her property line.
- They will take every step to minimize the noise on the lot in question.
- He stated they cannot do what Ms. Ippolito is requesting. If they did less parking, that would affect the landscaping and queuing on the site.

The Board asked if anyone in the audience would like to speak. Councilor Robey was present and spoke of concerns on issues raised by Ms. Ippolito.

No one was in the audience to speak in **favor or in opposition** to the petition.

Board Member, Theodore Scott, felt the applicant has demonstrated a **hardship**. The applicant has submitted, per the ZBA's request, a drawing showing the building repositioned on the lot so that it meets the current setbacks. The drawing shows that the building just fits the 50 foot required setbacks from the two streets and the side lot line only by a couple feet. Although the drawing does not show, adding the 32 foot wide planting area along Maple Street and the 25 foot wide planting area along Mill Street South would leave very little usable space for parking. This usable area would be located to the north where there is a significant change in grade. Therefore, I believe there is a substantial hardship to the applicant owing to circumstances relating to the shape and topography of the land. A statement has been made that the structure could be built with the applicable setbacks. Although this may be true, I believe the constraints presented by the Zoning Ordinances severely limit the feasibility of the project or any potential future project.

With respect to the large number of variances requested, I believe that the quantity is due to the fact that the lot is considered a corner lot with two street frontages and the lot is actually wedged shaped not the standard 90 degree corner lot. I believe the reason for the large quantity of variances is not applicant imposed but is due to the wedged shape of the lot.

Theodore Scott made a motion to approve the “draft” Notice of Decision” with changes seconded by Ralph Loftin. The Board voted 5-0 to grant the variance with conditions.

Paul Giunta made a motion to close the public hearing, seconded by Thomas Golden. The Board voted 5-0 to close the public hearing.

Respectfully submitted,


Paul Giunta - Chairman *sb*

MEETING MINUTES

Marlborough Council on Aging Board Meeting

Date: Tuesday, September 9, 2014

Time: 8:45 a.m.

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

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2014 OCT 17 A 11: 42

Attendance: Leslie Biggar; Jennifer Claro; Jim Confrey; Rita Connors; Brenda Costa; Marie Elwood; Barbara McGuire (Friend's representative)

Excused: Jeanne McGeough; Sheila Brecken; Richard Collins

- I. Welcome and call to order 8:30 a.m.
- II. June meeting minutes were reviewed and approved by the board
- III. Director's Update

My Senior Center is being loaded for implementation.

Senior Property Tax program deadline is Wednesday for 25 participants who will work a total of 110 hrs.

The Marlborough COA will participate in the Worcester Alzheimer's Walk.

The New Duplicate Bridge Club will begin Monday, October 6, 2014.

Jennifer is looking for players for the Mass Senior Travel 8 ball league (pool).

Flu clinic for seniors to receive the high dosage vaccine is scheduled for 9/19/14.

A hairdresser is planned for Tuesdays at the new senior center, who specializes in older adults.

Jennifer discussed a grant from the MetroWest Health Foundation regarding equipment for the fitness center at the new senior center.

A Dental clinic held in the craft room starts this month for cleanings.

A BayPath grant will be used for a multicultural person.

IV. Board Updates

A. BayPath Elder Services – no report at this time

V. Old Business

1. The Driving seminar for Seniors is trying to be scheduled for a date in November.

2. Building Comm – the new Senior Center is progressing as expected for completion on 12/17/14 or January 2105
3. Transportation update – the Senior Center has a good relationship with MWRTA; received a BayPath grant for a part-time transportation coordinator which will be a stipend position.
4. Party comm – Halloween party
 - a. Fri., Oct. 31st
 - b. food all set (Kennedy's).
 - c. waiting for confirmation from planned entertainment.
 - d. Intel volunteers will help serve.
 - e. Director will reach out to the students from the fourth grade at the IC School to see if they can do a costume stroll.
5. MySeniorCenter - above

VI. New Business

Friends barbecue - October 18th in the evening at Masonic Hall. Friends are asking for the support of the COA board.

Board discussed possibilities of business sponsored room/items at new Senior Center.

On Sept 29th there is a Friends fundraiser meeting scheduled at the Senior Center for 4:30pm.

New Senior Center Tour - trying to arrange for board to go after the COA staff has had a viewing.

Mission statement status - Leslie and Brenda will meet and draft for the October board meeting.

Meeting adjourned at 9:15 a.m..

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION
Minutes**

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

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CITY OF MARLBOROUGH

2014 OCT 20 P 3:31

Present: Members Present: Edward Clancy-Chairman, John Skarin, Dennis Demers, Karin Paquin and Priscilla Ryder-Conservation Officer.

Absent: Lawrence Roy, David Williams and Allan White.

Discussion:

- **DEP 212-1117 Ames St. Preserve @ Ames** – Preconstruction meeting discussion as required by Order of Conditions.

John Shipe of Columbia Design Group, Bob Sanda of Callahan Construction Inc., Matt Heil from Sanborn Head the LSP and Geo-tech and Scott Goddard of Goddard Consulting Inc were all present. Mr. Shipe explained that as a condition of the Order of Conditions for this project, they are required to return to a Commission meeting prior to construction to review the project, introduce the Commission to the contractor and erosion control consultant and the LSP who will be handling the contaminated soil.

Mr. Goddard presented plans showing an overview of the construction sequencing, phases proposed and issues they will be addressing. He went through the steps as outlined and described on the plans. He touched on all the steps listed from staking the limits of work, installation of the bypass drain pipe in the interim, the treatment proposed to the detention basin and the drainage out of it to the stream discharge point.

Matt Heil explained the soil management plan for the contaminated "orchard" soils that contain arsenic and lead as outlined in the soil management plan which was also provided.

There was much discussion about how the drainage from Phase 1 and Phase 2 are completely independent of each other and whether because of this, both phases of the project could proceed in tandem rather than one after the other. The Commission expressed concern with this, because the site is so close to the wetland and water supply; and they were not convinced that the contractor will be able to keep the site under control since the city has no track record with this contractor. After a lengthy discussion about the phasing, the Commission required that they start Phase 1 and get it to a stable state, they can clear Phase 2 at the same time as Phase 1, but nothing else can occur on phase 2 until Phase 1 is substantially stable. The Commission was willing to revisit this as the project progresses and if the contractor proves they can control the site, the Commission can reconsider in the future, if it seems acceptable.

Mr. Clancy asked for references to other work the Callahan Construction Inc. has done to get a handle on them. He also asked what the time frame would be. Mr. Shipe

explained that they will likely start in late December or early January depending on the weather. The applicant also explained that they would be back with the final walking bridge designed in the near future once they have the blessing of the City Engineer. In summary, the Commission approved the phasing plan as presented, emphasizing that Phase 1 must be substantially completed and stabilized before work can proceed to Phase 2, with the exception that tree clearing can occur on both phases at the same time, however no grubbing or root removal is to occur on Phase 2 without first stabilizing Phase 1 and getting permission to proceed to Phase 2 from the Commission. The Commission voted 4-0 to approve the phasing plans as presented and discussed above.

Public Hearings:

Request for Determination of Applicability

97 Lakeshore Dr. - Heather and Mark Allen

Dan Brunsta of Hancock Associates was present and explained that they are proposing to remove an existing deck and stairs and will replace it with an addition and a new deck and stairs at 97 Lakeshore Dr. All work will be 55' away from the waters' edge. They are adding a frost wall not full foundation for the addition. They plan to install straw wattles as erosion controls and will be avoiding the shed. The Commission discussed the project and determined that the work will not impact the wetland. The Commission voted unanimously 4-0 to issue a negative determination with standard conditions to notify the Conservation Officer when work is to begin and when it is completed for inspections. All excess fill is to be removed from the site.

Request for Determination of Applicability

88 Paquin Dr. – Henry Powell

Henry Powell, the owner, was present and said they are proposing to add a deck to the existing porch. Work will be 48' from the waters' edge. Work is on the existing lawn area, no trees are to be removed. After some discussion, the Commission voted 4-0 to issue a Negative Determination with standard conditions.

Request for Determination of Applicability

445 Simarano Dr. (Hologic entrance) – The City of Marlborough DPW

Evan Pilachowski, City Engineer, was present and explained that they want to add a dedicated right turn lane at 445 Simarano Dr. A very small portion of this work is within the buffer zone. The original design had more impact on the wetland area; the new design limits impacts to a tiny sliver of buffer zone. The Commission reviewed the plans and determined that no conditions were needed and voted 4-0 to issue a Negative Determination.

Request for Determination of Applicability

Williams St. – The City of Marlborough DPW

Evan Pilachowski, City Engineer, was present and explained that they are planning to improve Williams St. and add a new sidewalk from the court house to the ball field. A

small portion of the work is within the 20 ft. buffer zone to the wetland abutting Lake Williams. The sidewalk meanders a bit in some places on the side of the road to avoid utility poles and near the fields. The sidewalk will be located towards the field side of the guardrail. No curbing is proposed. Schedule is for this to be constructed fall 2014 and will take about one month to construct. After some discussion the Commission voted 4-0 to issue a Negative Determination with standard conditions.

Notice of Intent (Continuation)

84 D' Angelo Dr. – The Mass Water Resources Authority

Pam Heidell from the MWRA and Cristina Crespo of Fay Spofford and Thorndike were present. Ms. Crespo explained that the comments posed by the City Engineer had been reviewed and addressed. Ms. Ryder confirmed that Mr. Pilachowski had confirmed. Ms. Heidell explained the small amount of wetland loss to occur with the culvert expansion at the new gate configuration. She explained that the carrying capacity and stability of the culvert will mimic the existing conditions and there is little wildlife habitat value and therefore no replication is proposed. The Commission asked when the project would begin; they explained sometime in February or March and it would take 3 years of work to complete the project. After further discussion the Commission closed the hearing and asked Ms. Ryder to draft a set of conditions for the August 21st meeting.

Notice of Intent (continuation)

424 South St. – South Street Realty Trust

At the applicants request this item was continued to the September 4th agenda to allow the applicant to gather additional information as requested at the site visit.

Notice of Intent (continuation) - Review “draft” Order of Conditions

19 Cullinane Dr. – Candy Hill Realty, LLC

David Paoella from Candy Hill Realty was present and explained that he had provided a draft drawing which contained all the information that was requested including: planting plan, retaining walls and grading, erosion controls, note on bank stabilization, existing and proposed house with foundation drains. He explained that the existing conditions plan was surveyed and depicted on the plan. Although this plan is an architectural plan it conveys everything. Tom DiPersio, the project engineer, will be staking the foundation before it is built. After some discussion, the Commission agreed to accept the plans as presented as long as a site engineer will be staking the building before it is built. An as built plan will be required when the project is completed. The Commission closed the hearing and reviewed the draft set of conditions provided. The Commission amended a few of the conditions then voted 4-0 to issue the Order of Conditions as drafted and amended.

Notice of Intent (Continuation) Continue to Aug. 21,
358 Berlin Rd. - Marlborough Brazilian SDA Church

Proposes to repair and replace their existing parking lot, reinforce some walls, and clean the accumulated debris from the brook, add some landscaping and install a wooden fence near wetlands. At the applicants request this item was continued to the August 21st meeting.

Certificates of Compliance:

DEP 212-600 330 Berlin Rd. – Full Certificate - This was an old Order of Conditions, the house is now being demolished and they need to clear the title. The Commission voted unanimously 4-0 to issue a full Certificate of compliance

Project Updates:

- DEP 212-1114 Overlook at Lake Williams – Ms. Ryder stated that this project is about to begin and the preconstruction meeting on site is set for tomorrow.
- DEP 212-1119 Bolton St. Senior Housing – construction began today for the parking lot expansion.

Correspondence/Other Business: The following correspondence was reviewed and the Commission voted unanimously to accept and place on file.

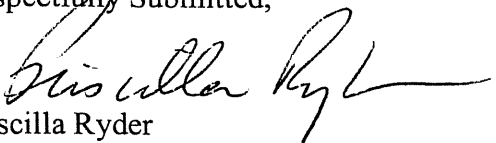
- Letter from Central Mass Mosquito Control Project, dated July 24, 2014 RE: CMMCP Water Management Job, #958 Marlborough.
- Blue Green Algae in Ft. Meadow Reservoir- Ms. Ryder noted that blue green algae (cyanobacteria) have been found in Ft. Meadow. The Board of Health and the State Dept. of Public Health are in charge of testing and controlling use of the lake if it is at levels which are hazardous.

Meetings – Next Conservation Commission meetings –August 21st and September 4, 2014 (Thursdays)

Adjournment

There being no further business the meeting was adjourned at 8:40 PM.

Respectfully Submitted,



Priscilla Ryder
Conservation Officer

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

Minutes

September 4, 2014 (Thursday)

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

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CITY OF MARLBOROUGH

2014 OCT 20 P 3:31

Members Present: Edward Clancy-Chairman, John Skarin, Dennis Demers, Karin Paquin, Lawrence Roy, David Williams and Allan White.

Also present was Priscilla Ryder - Conservation Officer.

Absent: None

Approval of Minutes – The Minutes of July 17, 2014 were reviewed and approved unanimously as written.

Public Hearings:

Request for Determination of Applicability

34 McCabe Dr. – Richard & Janice Merk

Wesley Flis from Whitman & Bingham Associates represented the owners. He explained that they want to repave the driveway, remove and replace the walkway and install a stone french drain/trench 30' long and 2' wide along the edge of the driveway to help alleviate the puddling that now occurs in the driveway. The trench will just collect water during storms and act as a level spreader, it will not be hooked up to any drain pipes, so will just overflow onto the adjacent lawn. They don't know yet if it will be full replacement of gravel or just milling, once they see the base they'll know what will need to be done. All excess materials will be removed from the site. The Commission asked a few questions, but was satisfied that the work would not have an impact on the wetlands. A straw wattle barrier will be used to trap any sediments. The Commission closed the hearing and voted unanimously 7-0 to issue a Negative Determination with standard conditions for notification and inspections.

Notice of Intent (Continuation)

424 South St. - South Street Realty Trust

At the applicants request by letter, this item was continued to the September 18th meeting to allow more time to gather the information requested. The Commission continued this hearing to the September 18th meeting.

Notice of Intent (Continuation)

358 Berlin Rd. - Marlborough Brazilian SDA Church

At the applicants request by e-mail, this item was continued to the September 18th meeting.

Certificate of Compliance:

- DEP 212-237 13 Brigham St. – (now 19 Brigham St.) - Full Certificate - This is a very old file that has surfaced. Ms Ryder explained that all work done long ago was fine and

recommended that a full Certificate be issued, no violations are on the property as of yesterday. The Commission voted 7-0 to issue a full Certificate of Compliance to clear the title.

Extension Permit:

- DEP 212-1021 7 Beaman Lane (Received the automatic 4 yr extension – due to expire Aug. 23, 2014) Ms. Ryder explained that this property has just changed hands and the new owner realized that the permit was about to expire, so he has asked for an extension. Ms. Ryder has been to the site and they have started clearing under the current Order of Conditions. Mr. Ryder recommended an extension be granted. The Commission discussed this and decided that an extension for a year was appropriate and voted 7-0 to extend the permit for a year.

Draft Order of Conditions:

- 212-1132 84 D'Angelo Dr. – Mass Water Resource Authority Wachusett Aqueduct Pump Station project - The Commission reviewed the draft set of conditions. Ms. Ryder noted that the MWRA also provided some comments on the draft by e-mail which she has incorporated into the final draft. Mr. Clancy reviewed the draft with the Commission. The Commission made some amendments based on their review and voted unanimously 7-0 to issue the Order of Conditions as drafted and amended.

Project Updates/Discussion:

- **Overlook @ Lake Williams** - Ms. Ryder reported that this project is well underway. They have installed detention basins, are blasting and will be hauling materials to the “beautification island in front of the Waterwind Knolls Condo project”, and will be starting that shortly.
- **Avalon** - They are working away, and have finished the detention basins and are moving forward on the building. They have finished hauling materials to the Atlantic site (Results way) and will be hydro seeding those piles shortly.
- **Howe's Landing** - Definitive Subdivision Plan – Comments to Planning Board requested by September 22. The Commission reviewed the revised plans and discussed the lots with wetlands on them, whether a cross walk across Hudson St. was needed and the need to confirm wetland impacts. Ms. Ryder will draft a letter for the Planning Board for the Commission's review at the next meeting.
- **345 Littlefield Lane** - Ms. Ryder reported that the home owner had requested permission to remove some trees which was granted, but there was a misunderstanding about the permit she needed to extend the retaining wall next to the wetland. The owner went ahead and did the work without a permit, it was all but complete when she observed it and has asked the homeowner to file an RDA after the fact for this work. All work except for a small amount of clearing was gone outside the 20' buffer zone.
- **The Desert Natural Area Conservation Land** - Ms. Ryder reported that she and Ms. Paquin and Mr. Williams along with Laura Mattei from SVT met with the new forester, Russ Wilmot, at the Desert to review the logging operation that the state would like to do on the state forest portion which includes Witches Cove area. They would like to use Old Concord Rd. as the main entrance and stage on their property close to the entrance, but out of the wetland. The state is also wondering if the city has any interest in logging portions of our

land at the same time. SVT may coordinate with the logging operation on State land. The Commission discussed this and it was decided that information from the forest management plan should be shared with the Commission at the next meeting for a more informed discussion. Ms. Ryder will provide.

- **26 Berlin Rd. Central Mass Mosquito Control** – Ms. Ryder indicated that CMMC was in touch with her and explained that they would like to proceed with a project that was noticed to the Commission several years ago to open up a culvert and channel behind 26 Berlin Rd. They have received all their approvals and would like to start in a few weeks. The Commission had no objection to this work.

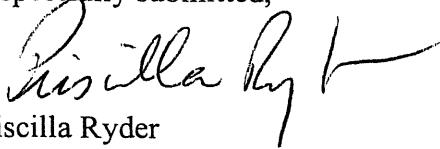
Meetings:

- Next Conservation Commission meetings: Sept. 18th and Oct. 2nd, 2014 (Thursdays)
- OARS' 28th Annual River Cleanup, Saturday, Sept. 20th 9:00 – Noon

Adjournment

There being no further business the meeting was adjourned at 7:43 PM.

Respectfully submitted,



Priscilla Ryder

Conservation Officer



CITY OF MARLBOROUGH RECREATION DEPARTMENT

239 Concord Road
Marlborough, Massachusetts 01521
Tel (508) 624-6925 FAX (508) 624-6940 TTY (508) 624-3610

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2014 OCT 21 P 4:24

COMMISSIONERS
Brenda Calder
Thomas Evangelous
Robert Kays, Chairman
Nancy Klein
Mark Vital
Dennis Zilembo

DIRECTOR
David T. Grasso

PROGRAM MANAGER
Charles Thebado

September 17, 2014

Pursuant to notice duly filed with the City Clerk, a meeting of the Parks and Recreation Commission was held at 4:00pm., at the Recreation Commission Office.

Present were Commission Members: Chairman Kays, Commissioner Calder, Commissioner Evangelous, and Commissioner Zilembo.

Also attending: Recreation Director David Grasso, Recreation Program Manager, Chuck Thebado, and Parks, Forestry, & Cemeteries General Foreman, Chris White.

Approval of minutes 05-14-2014

On a motion duly made by Commissioner Calder and seconded by Commissioner Evangelous, it was unanimously:

VOTED: To approve the 05-14-2014 minutes.

Parks Report:

General Foreman Chris White, gave the following updated parks report:

- *All fields are marked and grass is cut.
- *Stevens Playground: brief discussion regarding playground, lighting, trees, benches, and gazebo at Stevens Park.
- *Was approached by MYBA regarding new infield renovations at Martinangelo Field and also move the scoreboard at Langelier Field from the 3rd base line out to the outfield.
- *MYBA will absorb all costs associated with materials for both projects.
- *On a motion duly made by Commissioner Calder and seconded by Commissioner Evangelous, it was unanimously:

VOTED: To accept MYBA's request to renovate a new infield at Martinangelo Field and move the scoreboard at Langelier Field from the 3rd base line out to the outfield under the guidance of General Foreman, Chris White of the Parks, Forestry, and Cemeteries Department.

The Commission thanked Commissioner Ghiloni for his time and updated parks report.

Recreation Report:

Recreation Director David Grasso and Program Manager Chuck Thebado gave the following updated report:

- *There was a brief discussion regarding the reappointment of David T. Grasso as Recreation Director for an additional five years.

On a motion duly made by Commissioner Evangelous and seconded by Commissioner Calder, it was unanimously :

VOTED: Approved to reappoint David T. Grasso as Recreation Director for an additional five years term, effective September 17, 2014 with the term expiring on September 17, 2019.

- *Memorial Beach looks amazing and there were many compliments from beach goers throughout the summer. The city has another jewel of a facility.
- *Chuck did a fabulous job with the pools as there was no days of down time.
- *Swim lessons went very well, it was a very successful busy summer season.
- *Scheduling of the lifeguards and swim instructors went very well. First year director of swimming lessons, Taylor Nunez did an outstanding job.
- *Our head guard staff performed well throughout the entire summer.
- *Project Summer Adventure went very well, all eight week sessions were sold out. Rick Cincotta and his staff were again on top of their game throughout the summer.
- *High School Tennis Courts project will be completed by the middle of October.
- *Labor Day Parade was very successful as was our participation with children on the Recreation float.
- *Fall program are finalized and are posted and available on our website.
- *Stevens Park: Upon review of the request of the City Council:
- *On a motion duly made by Commissioner Evangelous and seconded by Commissioner Calder it was unanimously:

VOTED: The Parks and Recreation Commission has determined 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 permanently dedicated under the provisions of M.G.L. c.45, & 3.

The Commission thanked Mr. Grasso and Mr. Thebado for their updated report.

Meeting adjourned at 5:02pm.

Attest to:



Simela Perdikomatis
Senior Clerk/Comm. Secretary

**MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

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Call to Order

2014 OCT 21 P 1:30
October 6, 2014

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

Edward Coveney, was absent.

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

1. Meeting Minutes:

A. Regular Meeting September 22, 2014

On a motion made by Ms. Hughes, seconded by Mr. Fay, it was voted to accept and place on file the minutes of the September 22, 2014 regular meeting as amended. Motion carried with Mr. Hodge abstaining.

2. Chair's Business:

A. Notice from Marlborough City Council re: joint public hearing October 2, 2014

Ms. Hughes read the notice into the record.

On a motion made by Ms. Hughes, seconded by Mr. DuPont the notice was accepted and placed on file.

Chairperson Fenby noted to the members that all have received the full version of the proposed ordinance it is suggested that each member take the time to read through the proposal carefully and make notes regarding any questions/comments they may have and want to bring forward at the Public Hearing.

Mr. Fay noted that the proposed zoning changes are intended to promote private investment and redevelopment of the downtown area. The committee started with the question of what do we want the downtown area to look like 20 years from now. Mr. Fay stated that the proposed changes are a tremendous step in the right direction that will allow the type of development that we find attractive in other communities, and a much needed update to the 1970's era zoning that is currently in place.

B. Notification to owner of 116 Worster Dr regarding open space

Ms. Hughes read the correspondence that was sent to the owner from the Board and the Conservation Officer into the record.

Chairperson Fenby noted that there is history with this particular property and the intent is to reiterate the information that was sent by the Conservation officer prior.

Mr. DuPont cautioned the Board on the use of GIS maps as evidence of land ownership. While

GIS *can* provide a very reliable picture of lot lines, legal boundary determination is, rightfully, the responsibility of a Registered Land Surveyor. Mr. DuPont suggested that future possible encroachments on City land be directed to Engineering for their review and/or comment.

3. Approval Not Required:

A. 33 Boston Post Rd West, Merrimack Engineering Services Decision

Ms. Hughes read the request of the applicant to extend the time for decision until the next regularly scheduled meeting October 20, 2014.

Unfortunately due to time allotments /constraints as well as a technical issue on the part of the Engineering Division after much discussion with the City Solicitor the Board has no option but to deny the requested ANR as it is submitted.

On a motion made by Mr. Fay, seconded by Mr. Hodge it was voted to deny the ANR submission without prejudice requesting the proponent to refile with the Board with the understanding that the submittal fees would be waived due to the technical issue that the Engineering Division experienced. Motion carried

4. Public Hearings: None

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report:

City Engineer Pilachowski reported out to the Board that he will be having a conversation tomorrow with Mr. Melanson regarding the Walker Brook Estates Subdivision. It appears that Mr. Melanson has proceeded with work on the property that he has not obtained the proper permitting/permission to proceed with. No bond has been set for this property and no lots have been released. City Engineer Pilachowski will attempt to clarify these issues on Tuesday.

B. Decision regarding ANR Submission 33 Boston Post Rd west

This item was addressed under Item 3A

C. Discussion Howe's Landing Subdivision currently in review (November 18, 2014)

Ms. Hughes read into the record the letter from Attorney Austin.

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

Attorney Austin presented to the Board a possible compromise regarding the Sidewalk degeneration issue that was discussed during the Public Hearing. The developer and Attorney Austin have met and discussed with the City Engineer the possibility of using Vertical Granit curbing instead of sloped granite curbing. That would allow for a better seam between the sidewalk asphalt and the curbing in hopes of alleviating the issued that was raised. In reality the vertical granite is a more expensive product to use but the developer is willing to utilize it instead of the sloped variety. After discussion with City Engineer Pilachowski it was at his suggestion that this change be brought back to the Board for discussion.

After a survey of the Board Members it was determined that the vertical granite is seen as an improvement, however the majority of the Board would still like the possibility of a planting strip investigated, even if it is only wide enough to place the mailboxes in for the houses of the subdivision.

The plans are still under review by the Engineering Department.

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

7. Definitive Subdivision Submission: None

8. Signs: None

9. Unfinished Business:

A. Berlin Farms Update

Ms. Hughes read City Engineer Pilachowski's email into the record. There is some progress currently being made. Conservation Officer Ryder noted (via a phone call) that work was being done in the detention basin however she was not 100% satisfied yet, there was more to do.

On a motion made by Ms. Hughes, seconded by Mr. DuPont the correspondence was accepted and placed on file as well as it was noted to keep this on the next regularly scheduled meeting agenda for updates. Motion carried.

B. Blackhorse Farms Update

City Engineer Pilachowski reported that there has been some progress but not a whole lot. The sidewalks have been prepped up to the existing houses, the sidewalks opposite have been cleared, silt sacks have finally been installed. There is to be discussion this week with the developer and the landscaper.

It was noted by Ms. Hughes that the fire hydrant at the end of the cul de sac is screened by a large proliferation of weeds and causes a public safety issue in access to the hydrant is severely limited.

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

C. Mauro Farms Update

Mr. Fay noted his previously disclosed conflict.

City Engineer Pilachowski noted for the Board that no new construction schedule has been received; no progress has been made on the punch list items. However of note is the developer was in contact with the Engineering Department looking for guidance regarding the planting of trees within the subdivision. That has opened up a fresh dialogue in attempt to bring this subdivision back into compliance with the rules.

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

10. Informal Discussions:

A. Revisit Proposed changes to Subdivision Rules and Regulations submitted by City Engineer Pilachowski

Chairperson Fenby opened up discussion regarding City Engineer Pilachowski's proposed changes to the Rules and Regulations currently in place concerning subdivisions. It was decided to take each point from his written requested changes in order and decide as a Board what track to take with each request. It was determined that either the request would be forwarded to the Legal Department for review and or proper legal form or it would be held back at the Board level for further discussion. Once all the points had been vetted properly the Board would then hold a public hearing bringing all proposed changes to the Public for comment. Each point was taken individually and the dispensation of each point follows:

- Have the Engineering Division recalculate the bond to complete the remaining work within a subdivision on or around January 1 of each year. For subdivisions that have lingered for a number of years, the purchasing power of the remaining bond has often been eroded by inflation so that it is no longer to complete the public infrastructure with the bond. In the situation where work has stalled for a number of years, we would likely require an increase in the bond after the recalculation.

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to forward this point along to the Legal Department with the following amendment * Change "January 1" to "Annually" to not congest the start of the year so badly. Motion carried.

- Immediately upon providing a bond to construct an approved Definitive Subdivision Plan, the developer should be required to deed the road and any utility easements to the City. If there are modifications to the design which force the utility easements to be shifted, new utility easements should be immediately deeded to the City. The developer would also be required to provide an insurance certificate which would list the City of Marlborough as an additional insured. The acceptance of several subdivisions has been complicated by utility easements that were not properly reserved prior to selling the lots.

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to forward this point along to the Legal Department for review. Motion carried with Mr. DuPont abstaining.

- If more than two years pass from the time that the base course of pavement is installed until the top course, remedial action should be required as determined by the Engineering Division. In many cases, this will include patching and crack sealing. If an excessive amount of time passes however, it may be necessary to reclaim and reconstruct the road. Each necessary remedial action determined to be necessary would be added to the bond calculation on January 1. Failure to make corrective action could trigger the cancellation of the definitive subdivision approval or the automatic inclusion of reconstruction of the road in the bond calculation

On a motion made by Mr. McCarthy, seconded by Mr. DuPont it was voted to forward this point along to the Legal Department for review. Motion carried

- During the inspection of several 15 to 20 year old subdivisions, there are several common areas of deterioration. Along the curb line, there is often a premature failure of the edge of the road at the sloped granite curb and a premature failure of the sidewalk at the sloped granite curb. It is also not uncommon for the sections of curb to be displaced as well. Each of these failures can be partially attributed to the sloped granite itself where there is a very thin layer of pavement against the curb at both the road and sidewalk edge. This edge can easily break away and open a small seam where water and the freeze thaw action can accelerate the deterioration in this area. I propose to replace the sloped granite edge with a vertical granite curb for all typical roadway cross sections similar to what was done at Mauro Farm.

On a motion made by Mr. McCarthy, seconded by Mr. DuPont it was voted to forward this point to the Legal Department for review with the following amendment * Change "January 1" to "Annually" to not congest the start of the year so badly. Motion carried.

- An additional area of deterioration is around structures and areas with discontinuous materials in the road base. Typical cross sections require the use of 12 inches of gravel with 4 inches of pavement. I propose to include a layer of geotextile fabric below the gravel base. This will prevent differential settlement and help to preserve the condition of the road into the future. The geotextile will minimize rutting and cracking, which will also slow road deterioration by minimizing the introduction of water into the road base.

On a motion made by Mr. DuPont, seconded by Ms. Hughes it was voted to forward this point to the Legal Department for review. Motion carried.

- One other area of deterioration is on the sidewalk itself. The City uses a standard thickness of pavement of 3 inches versus the 2 inches that is shown on each of the typical cross sections. I propose to increase the required thickness pavement to 3 inches for all sidewalks to be in conformance with the current standard used on City projects.

This point was held by the Planning Board for further discuss amongst the members.

- The typical cross section that was used for Mauro Farm has not been formally adopted by the Planning Board. A formal decision should be made as to whether to allow this typical cross section.

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to forward this point to the Legal Department for review. Motion carried.

- At Mauro Farm, we did encounter one problem with the cross section which would also come into play for Cross Sections #3 and #5. With a paved width of only 28 feet, it was difficult to install all the necessary underground infrastructure with the proper isolation distances around a tight curve. I propose to require a minimum centerline radius of 350 feet for any road with a paved width of less than 32 feet.

On a motion made by Mr. Fay, seconded by Ms. Hughes it was voted to forward this point to the Legal Department for review. Motion carried.

- Many subdivisions were constructed 10 to 20 years ago and have not been accepted as public ways. Some of these subdivisions were built in full compliance with the City's Subdivision Rules and Regulations and were delayed from being accepted for unrelated reasons. Some deterioration of the road, sidewalk, and curb is expected after 10 or 20 years. This deterioration would have taken place regardless if the road were public or private. Therefore, I propose to recommend the acceptance of subdivisions as public ways if the road and subdivision had been built in full compliance with the City's Subdivision Rules and Regulations in place at the time of the definitive subdivision approval and if the condition of the subdivision was acceptable to the City at the end of the one year maintenance period.

On a motion made by Mr. Fay, seconded by Mr. McCarthy it was voted to forward this point to the Legal Department for review. Motion carried.

11. Correspondence:

A. CPTC Fall 2014 Workshops

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

12. Public Notices of other Cities and Towns:

**A. Town of Framingham, Planning Board Public Hearings October 2, 2014 (1)
October 16, 2014 (2)**

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

Adjournment: On a motion made by Mr. DuPont, seconded by Mr. McCarthy it was voted to adjourn at 8:11pm. Motion carried.

Respectfully submitted,

Colleen Hughes

/mai

Zoning Board of Appeals
Minutes
October 14, 2014

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2014 OCT 23 A 11: 05

Approved Minutes - September 23, 2014 – The Board voted 5-0 to approve the minutes with minor changes.

Public Hearings

7:00 PM 512 Hemenway St. - Stephen & Durvalina Demers (Continuation)

ZBA Case # 1431-2014

Petition: The applicant is requesting a road opening permit thru the Dept. of Public Works. The proposal will deviate from Section 650.48(5)(a) of the City of Marlborough Zoning Code states that only one driveway opening is allowed for any parcel with less than 200 ft. of frontage. And Section 650.49.B(2)(a) states that off street parking shall not be permitted in the area between the front lot line and the prescribed minimum front yard setback line. Property is located in Zoning District Residential A-1, being Map 35, Parcel 26 of the Assessors' Maps. Also known as 512 Hemenway St.

This hearing was continued from Sept. 16th, 2014.

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

Also present this evening was Mr. and Mrs. Demers (applicants).

List of Exhibits:

- The applicant presented a write up thru an e-mail to our secretary on Oct. 14, 2014 with an alternate plan entitled "512 Hemenway St. Variance Request (alternative) done on a GIS map. (in Board's file)

The alternate plan as described by the applicant was to pave, at their expense, the city's right of way to park 3-4 cars at the front of their front property line. The Board stated they do not have the authorization to grant such a request. The Board mentioned it would be the city's department of public works to have this dialog with.

After much discussion concerning the applicant's safety concerns and possible water run-off issues of the two plans, the Board felt there was no evidence of a "hardship" according to Mass. General Law Chapter 40A. The hardship as presented to the Board by the applicant is a personal hardship. The applicants wanting more parking on their lot, thus creating a safe and convenient area for their visitors. The Board also felt that if they granted this variance, they would be setting a precedent to other home owners in the area.

There was no one in the audience to speak in favor or in opposition to the petition.

The applicant requested to “Withdraw Without Prejudice” his petition before the Board.

Ralph Loftin made a motion and seconded by Theodore Scott to allow the applicant to “Withdraw Without Prejudice”.

The Board voted 5-0 to grant the applicant to “Withdraw Without Prejudice”.

On a motion by Paul Giunta and seconded by Robert Levine, the public hearing was closed. The Board voted 5-0 to close the public hearing.

7:15 PM

Extension Permit

45 Washington St. - Raynold Menard & Angela Tom

Members Present: Paul Giunta-Chairman, Theodore Scott, Ralph Loftin and Thomas Golden. (Robert Levine had to leave early)

Raynold Menard and Angela Tom were present this evening.

The applicant stated his variance will expire on October 8, 2014. He explained a few of the financial difficulties within the family which prevented him from starting his project at 45 Washington St. i.e. deaths in the family, a wedding and him losing his job. He stated he has found a job and hopes things will be better financially.

He hopes to start some work at the property this coming Spring. He is not residing at this location. The house has been vacant for approximately 14 years. He also mentioned the house is paid for and he has insurance coverage on the property.

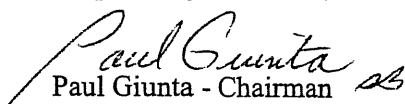
There was no one in the audience to speak in favor or in opposition to the request.

A motion was made by Paul Giunta and seconded by Ralph Loftin to grant a 6 month extension. The Board voted 4-0 to grant a 6 month extension.

A motion was made by Paul Giunta and seconded by Thomas Golden to close the public hearing. The Board voted 4-0 to close the public hearing.

Adjournment - The Board voted 4-0 to close the public meeting.

Respectfully submitted,


Paul Giunta - Chairman

Marlborough Community Development Authority Meeting

Meeting Minutes:

July 31, 2014

Meeting came to order at 8:34 AM.

Members present: Mayor Arthur Vigeant, Lynn Faust, Eric Asman, Sally Swartz

Also Present: Doug Bushman, Housing Director; Kendall Hatch, news reporter

Agenda Item	Discussion	Actions and Deliverables
Approval of Minutes of May 29 2014		Motion to Table by Lynn Faust Seconded by Eric Asman. Approved.
Approval of CDA Bills Payable		Motion to Table by Lynn Faust Seconded by Eric Asman. Approved.
Approval of Housing Bills Payable	Payment of \$10,747.75 to Constellation Energy questioned.	Doug to produce detailed report next month on electricity usage for the complexes. Motion to approve bills by Lynn Faust Seconded by Eric Asman. Approved.
Housing Director's Report & Close Out Project	<ul style="list-style-type: none"> - Successful in terminating a section 8 tenant. Will be aggressive in terminating other voucher holders who violate the terms of their agreements. Monitors the police reports every day, works with DCF if there are children involved. - Waiting for supportive housing grant response. - Smoking policy: cost of rehabbing a vacated unit is twice for a smoker. Issue will be medical marijuana. - Bolton St. parking project: for 60-90 days residents will have no access to the parking area. They will park at the schools and be bussed. Will seek low bidder - will cost about \$10,000. 	Motion Lynn Seconded Eric to close Liberty hill court yard project. Approved. Motion Lynn Faust Seconded by Eric Asman to allow Doug to enter into a contract for a low bidder for the bussing Bolton St. residents during parking lot construction. Approved.
Motion to approve Civil Rights Certification for HUD		Motion Lynn Faust Seconded by Eric Asman to approve Civil Rights Certification for HUD. Approved.
Other Business		Motion Lynn Faust Seconded Eric Asman to change the property

		asking prices on Winter St. to \$450,000 and on Clinton St. to \$75,000. Approved.
Motion to move into Executive Session and Delegation of Authority for Hearing Officer		Motion Lynn Faust Seconded Eric Asman to go into Executive Session at 9:03 to discuss the reputation, character physical condition or mental health, rather than professional competence, of an individual, or discuss the discipline or dismissal of, or complaints, or charges against, an employee, staff member, or individual, and to adjourn for the purpose of adjourning the regular meeting. Approved by roll call vote.
Return from Executive Session 9:22 AM		
Adjournment 9:22 AM		Motion to adjourn at 9:22 AM by Lynn Faust Seconded by Eric Asman. Approved.

Respectfully Submitted in the absence of Anne Marie,

Lynn Faust

Marlborough Community Development Authority Meeting

Meeting Minutes

2014 OCT 28 P 12: 28

Sept. 4, 2014

Meeting came to order at 4:38 PM.

Members present: Mayor Arthur Vigeant, Lynn Faust, Eric Asman, Sally Swartz, Joyce Torelli, Diane Smith

Also Present: Doug Bushman, Housing Director

Agenda Item	Discussion	Actions and Deliverables
Approval of Minutes of 31 July 2014		Motion to approve by Eric Seconded by Joyce Approved.
Approval of Housing Bills Payable		Motion to approve by Lynn Seconded by Eric Approved.
Approval of CDA Bills Payable	No Bills in CDA packet to approve	
Housing Director's Report	Board requested that program list reflect only current projects. Most items in Housing package discussed. Doug will seek to reduce shuttle bus costs during Bolton St. parking construction because the service is underutilized.	Motion Doug to negotiate MOU for Supportive Housing. Will use a small office across from Police office at 240 Main St. by Joyce Seconded by Eric. Approved. Motion Authorized Doug to approve change orders for up to \$5000 on Bolton St. parking project. By Joyce Seconded by Eric. Approved. Motion Seconded Approved.
Other Business		Motion That the Mayor and Joyce can list and negotiate on behalf of CDA the sale of property at 16 Clinton St. by Lynn Faust Seconded Eric Approved.

Adjournment 4:54 PM		Motion to adjourn at 4:54 PM by Lynn Faust Seconded by Eric Asman. Approved.

Respectfully Submitted in the absence of Anne Marie,

Lynn Faust

MINUTES OF MARLBOROUGH COMMUNITY DEVELOPMENT AUTHORITY
SEPTEMBER 25, 2014
140 MAIN ST., 4TH FL CONFERENCE ROOM

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 OCT 28 P 12:29

Meeting called to order at 8:30 a.m. by Mayor Vigeant

Board Members Present: Mayor Vigeant, Eric Asman, Joyce Torelli, Brian Doheny, Diane Smith, Sally Swartz

Also Present: Douglas Bushman, Anne Marie Blake, press

Absent: Steve Leduc

CDA bills payable from last month were approved.

HOUSING DIRECTOR'S REPORT:

Motion by Lynn Faust seconded by Mayor to approve the Housing Bills Payable. Passed.

Motion by Lynn and seconded by Mayor to table the approval of FY 14 year end reports to next month's meeting. Passed.

Motion by Lynn to approve the MOU with Bay Path seconded by Mayor. A discussion followed to clarify some of the language in the contract with regard to the kitchen appliances. Mr. Bushman clarified the back that the CDA would approve the vendor and coordinator. He explained that the coordinator would be there M-F 9-5 and there would be someone on site 24/7. Passed.

Resolution authorizing contract for financial assistance for state-aided capital improvement work plan or development No. 5001 for housing program 667 was read before members and it was moved that the said resolutions be adopted which motion was seconded by Lynn Faust. Motion passed unanimously with 5 Ayes and 0 Nays.

On a motion by Lynn Faust and seconded by Joyce Torelli, the board unanimously voted to authorize Mayor Vigeant to sign the contract.

There was a discussion about the HLAPP 667 grant moving to the third stage which is awarding the funds for technical assistance. This grant provides two dollars for every one dollar that a housing authority can match for construction and modernization. The MCDA's submitted plan calls for bonding for a portion of the proceeds and fast-forward of 10 years of DHCD Formula Funds. There was a discussion about the possibility of renting the senior center and using those funds toward the bonding. Diane Smith and Brian Doheny were asked to meet the financial consultant in the coming week.

On a motion by Lynn and seconded by Joyce the Board approved the Change Order for Bolton St. Phase II sidewalks, interior road and cubing project FISH 170047. There followed a discussion on the completion time for the project as DHCD wants it completed in 2014. Doug working on funding for the transportation plan.

ABCD, the company that installed the HVAC units at Bolton St. is having a meeting with the tenants to explain how to properly use the heat/cool for maximum benefits.

On a motion by Lynn and seconded by Joyce the Board approved the boiler for the Pleasant St. community center. DHCD has agreed to fund at a cost of \$42,000.

On a motion by Joyce and seconded by Eric, the board approved the closeout of the Pleasant St. Boiler project.

With regard to Section 8 terminations, Mrs. Thurlow has filed an appeal for her termination. Doug advised the Board that he has \$3,000 for legal fees.

There has been a candidate selected to fill the new maintenance position. Doug has asked Commissioner Ghiloni to review the candidates resume and background. If he approves the candidate, the new employee will start on Friday, Oct. 10. On a motion by Lynn and seconded by Eric, the board approved the position.

On a motion by Lynn and seconded by the Mayor, the Board voted to table the budget.

Housing Directors report was accepted.

Financial Manager's report:

Anne Marie reported that the sale of Winter St. property was back out to bid with bids due October 7; however she asked that we extend for one month to give the agent time to list and send out notices to prospective buyers.

The Clinton St. property will be listed in the Central Register and bid packages will be available on Oct. 10.

Housing Rehab will be completed early October and the CDBG FY11 grant will close out.

The Financial Manager's report was accepted.

Sincerely,

Anne Marie Blake, Acting Secretary



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 OCT 29 A 10: 25

**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, September 30, 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: City Engineer Evan Pilachowski and local resident Jim Joubert. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Tuesday, August 26, 2014.

MOTION was made, seconded, duly VOTED:
TO APPROVE

2-New Business

2a) Request for parking restrictions on Brimsmead St. and Tremont St.

Chief Leonard received this request from Chris LaFreniere, Jr. Civil Engineer for the DPW. He said that both of these streets are in the process of being reconstructed and now have vertical curbing along the sidewalks. Since this was done, he has received complaints from residents that when vehicles are parked on both sides of the street it restricts two way traffic flow. He is looking for a parking restriction on one side of each street. It was determined that this should be sent to Engineering to review and advise on which side should be restricted. They normally look to see which side has the most parking spaces available.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to review and make a recommendation at the next meeting.

2b) Communication from Councilor Irish, re: Parking Issues on Dalton Rd.

Councilor Irish sent an e-mail to Chief Leonard regarding a continuing problem with cars parking in the cul-de-sac on Dalton Street. Residents say that it has become a “daily occurrence” and that “they see the same cars every day, at the same time of day, for the same duration of time (usually overnight)”. Often cars are parked on both sides making it difficult for residents to get out of their driveways. It is also a concern for children in the area riding bikes or scooters. He asked about restricting parking on one side or making it “Parking with Resident Permit Only”.

Chief Leonard says he does not want to go down the path of “permitted parking”. He has not looked at the area in question, however, he believes it to be a small cul-de-sac. He questioned if it is possibly an issue with a particular neighbor. Mr. Pilachowski went there today at 7:30 am and only saw one car there. He said it is actually a wide road. He advised that Engineering could take a better look at it.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to review and advise as to their findings at the next meeting.

2c) Parking concerns in front of Christopher Heights on Pleasant St.

Lt. Gould from the Fire Department sent an e-mail to Chief Leonard explaining a parking problem they had over the weekend. Christopher Heights had an annual cookout in the back parking lot which brought more people to the facility with reduced parking available. As a result, four cars were parked directly across from Station 2. They were unable to get the Engine out to respond to calls as the parked cars were in the way. When officers came to assist they advised that the street was not posted for no parking. There is only a sign that says not to block the intersection. Lt. Gould would like to see it officially posted as a no parking area to avoid any future problems.

Chief Leonard said that this definitely makes sense. Mr. Pilachowski advised that Engineering has already taken action. He found that there is an existing regulation in place, however, the signs were missing. Two new signs have been installed and all is in order.

MOTION was made, seconded, duly VOTED to ACCEPT and PLACE ON FILE.

2d) Parking concerns in the vicinity of 131 Pleasant Street.

This request came from Lt. Jusseume to Chief Leonard. Lt. Jusseume has received numerous calls from the resident at this address regarding parking complaints. It appears that there is only one no parking sign and the restriction is unclear. A brief discussion followed as to the actual restriction on each side and how it is marked.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING for further review to see what makes sense here and advise at the next meeting.

Chief Leonard requested a motion to suspend the rules to discuss an item no longer on the Agenda. All in favor.

Tim Collins had requested an extension of the parking restriction on Causeway Street. We had addressed Causeway Street Extension but not Causeway Street. It hasn't been an

issue but it makes sense to keep the no parking restriction in the area consistent. Chief Leonard submitted the revised regulation to the Traffic Commission for a vote. The new regulation restricts parking all year long rather than just during the summer months.

MOTION was made, seconded, duly VOTED to APPROVE the amended regulation. Chief Leonard will forward the regulation electronically to Lisa Thomas.

3-Old Business

3c) Stop signs on Bigelow Street.

Mr. Joubert, resident of Bigelow Street, was in attendance for an update on this issue. Chief Leonard explained that we have a potential funding source for the solar powered speed signs and that things are looking good. Quotes have been obtained and forwarded to the funding source. It looks like it is all coming together.

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

3e) 413-417 South St. blind driveway.

Chief Leonard wanted to provide an update on this issue so he included a copy of a letter from Mr. Pilachowski, City Engineer, in the agenda packet. The letter is the result of Engineering's review and gives their formal observations and recommendations which have been discussed previously. He advised that the blind driveway sign is in place, however, the mirror on the pole is not. Chief Leonard also said that it looks like some of the brush has been cut back.

MOTION was made, seconded, duly VOTED to REMOVE this item from the agenda. All issues relative to the Traffic Commission have been addressed.

3f) Extension of parking restriction on Hosmer St. near Memorial Beach.

Chief Leonard presented the amended regulation to the Traffic Commission for a vote.

MOTION was made, seconded, duly VOTED to APPROVE. Chief Leonard will forward the regulation electronically to Lisa Thomas.

3g) Parking issues on Liberty Street.

Chief Leonard presented the amended regulation to the Traffic Commission for a vote.

MOTION was made, seconded, duly VOTED to APPROVE. Chief Leonard will forward the regulation electronically to Lisa Thomas.

3h) Communication from Councilor Irish, re: No parking signs on Harrison Place; weight and dimension restrictions on West Hill Rd.

Update on Harrison Place - Mr. Pilachowski provided a map of the area with notations regarding proper signage. He advised that the regulation is already in place and it is just the proper signs that need to be added and/or replaced.

MOTION was made, seconded, duly VOTED to replace and/or add signs as Tim Collins would suggest. All in Favor.

Update on West Hill Rd. – Possible signs indicating “narrow road” were discussed at the last meeting. Mr. Pilachowski advised that there is nothing in the MUTCD specifically for this issue. He passed out a map of the area along with examples of potential signs and their written descriptions. There were two potential advisory signs “Road Narrows” and “Hill Blocks View”, however, these weren’t really meant for this specific situation. He also included examples of “object markers” that would make trees or objects close to the road stand out. These are used more to guide people, especially at night.

Commissioner Ghiloni advised that West Hill Road has been redesigned and that they should have a better idea of what they are doing in the next few months. The road is currently 17 feet wide at its narrowest point. New roads are built with a width of 22 feet. The impact on trees and stone walls would be “tremendous”. They are trying to figure out the best way to move forward. The capital plan will be submitted to the mayor in the next few weeks. Chief Leonard advised that there is already a special speed regulation of 25 mph here.

MOTION was made, seconded, duly VOTED to TABLE for now until more information is available on the reconstruction project.

3i) Plymouth St. parking restrictions.

Chief Leonard presented the amended regulation to the Traffic Commission for a vote.

MOTION was made, seconded, duly VOTED to APPROVE.

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.

3d) Traffic Commission rules and regulations update.

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 10:40 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, September 30, 2014 (Including City of Marlborough Meeting Posting).
- Draft copy of minutes from 8/26/14.
- E-mail from Chris LaFreniere to Chief Leonard, dated 8/27/14, Re: Brimsmead St. & Tremont St. parking restriction.
- E-mail from Councilor Irish to Chief Leonard, dated 9/5/14, Re: 1200 Berlin Rd. & Dalton Rd.
- E-mail from Lt. Brian Gould (Marlborough Fire Dept.) to Fire Chief Fortin and Police Chief Leonard, dated 9/7/14, Re: Pleasant Street across from station.
- E-mail from Lt. Jusseume to Chief Leonard, dated 9/9/14, Re: Parking complaints 131 Pleasant Street.
- Copy of a letter from City Engineer Evan Pilachowski to the Traffic Commission, dated 8/5/14, Re: 413-417 South St. – Sight Distance Concerns.
- Copy of regulation to amend the parking restriction on Hosmer Street.
- Copy of regulation to restrict parking on east side of Liberty Street.
- Copy of regulation to amend the parking restriction on Causeway Street.

Additional Handouts

- Diagram of Pleasant Street indicating No Parking area in front of Christopher Heights.
- Map of Harrison Place with no parking areas indicated.
- Map of West Hill Road
- Sign diagrams – Object Markers, Road Narrows and Hill Blocks View – along with sign descriptions.