

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 NOV 13 P 1:05

1. Minutes of the City Council Meeting, NOVEMBER 3, 2014.
2. From President Pope – Update from DPW Commissioner Ghiloni re: Senior Center Building Project.
3. PUBLIC HEARING: On the 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., Order No. 14-1005984.
4. PUBLIC HEARING: On the Application for Special Permit from Bill Hanrahan of NB & C, on behalf of Sprint to modify existing wireless equipment at 115 Onamog St., Order No. 14-1005985.
5. PUBLIC HEARING: On the Application for Special Permit from Bill Hanrahan of NB & C, on behalf of Sprint to modify existing wireless equipment at 2 Mt. Royal Ave., Order No. 14-1005986.
6. PUBLIC HEARING: On the Application for Special Permit from Bill Hanrahan of NB & C, on behalf of Sprint to modify existing wireless equipment at 157 Union St., Order No. 14-1005987.
7. Communication from the Mayor re: Police Department transfer request in the amount of \$226,392.31 which moves funds from and to various accounts as noted on the attached spreadsheets to fund the City's contract with the Police Command Officers Union, Local 366, for fiscal years 2013, 2014, and 2015.
8. Communication from the Mayor re: Fire Department transfer request in the amount of \$159,777.53 which moves funds from and to various account as noted in the attached spreadsheets to mostly fund the sick leave and vacation buyback for a retiring member and to fund the overtime account which has received higher than projected usage.
9. Communication from the Mayor re: DPW transfer request in the amount of \$24,630.00 which moves funds from Fringes to Sick Leave Buy Back to fund obligations due to a retiring member.
10. Communication from the Mayor re: Marlborough Fire Department Assessment Final Report. (Full report is available for viewing in the City Clerk's Office).
11. Communication from the Mayor re: Amendment to the City of Marlborough General Code Relative to Nonunion Employee Benefits and Updates to Department and Employee Titles, Order No. 14-1006005A.
12. Communication from the Mayor re: Municipal Aggregation Program.
13. Communication from the Mayor re: "Boroughs Trail" Conceptual Plan.
14. Communication from City Solicitor Donald Rider re: Executive Session Request – Wireless Special Permit Dispute Involving Two Properties on Boston Post Rd.
15. Communication from DPW Commissioner John Ghiloni, re: Plowing of Private Way – Reagin Lane.
16. Communication from the Planning Board re: Positive Recommendation Pertinent to the Downtown District Village, Order No. 14-1005947A.
17. Communication from Public Employee Retirement Administration Commission (PERAC) re: appropriation for Fiscal Year 2016.
18. Petition of NGrid and Verizon New England, Inc. to install new primary riser P20-50 to be located 23' off roadway in between existing P20 and P21 Ames St. Also to install 2-4" conduits encased in concrete, one primary pull box and underground cable along Ames St. Conduit system will be installed 3' back of curb on the north side of the roadway. This installation is required to provide electrical service to new multifamily residential development – The Preserve at Ames.
19. Communication from Kristin Regan re: Permission to Park on City Property at the top of Emmett St., X12-1005237.

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.

20. Minutes, License Board, September 24, 2014.
21. Minutes, Marlborough Planning Board, October 20, 2014.
22. Minutes, Marlborough High School Meeting, October 1 & November 5, 2014.
23. CLAIMS:
 - a. Beth Kelly, 12 Graham Path, pothole or other road defect.
 - b. Gregory Grassby, 55 Clinton St., other property damage and/or personal injury
 - c. Greg Flanigan, 50 Mill St., Maynard, MA other property damage and/or personal injury

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

NOVEMBER 3, 2014

Regular meeting of the City Council held on Monday, NOVEMBER 3, 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 8:45 PM.

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

ORDERED: That the minutes of the City Council meeting OCTOBER 20, 2014, **FILE**; adopted.

ORDERED: That the Honorary Citizen Citations for visiting students from Akiruno Japan, **FILE**; adopted.

President Pope requested a recess at 8:17 PM and returned to open meeting at 8:19 PM; adopted.

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, refer to **FINANCE COMMITTEE**; adopted.

Councilor Elder recused.

ORDERED: That the following 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, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 10000-35900	\$1,363,198.00
Undesignated Fund	

TO:

Acct. # 19300006-58731	\$1,191,826.00
DPW Equipment	

Acct. # 19300006-58593	\$77,952.00
Dept. Equipment Police	

Acct. # 19300006-58596	\$93,420.00
Emergency Management	

ORDERED: That the 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, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 15410002-50141	\$16,942.00
Council on Aging Clerk	

Acct. # 14001002-50062	\$7,050.00
DPW-Finance Assistant	

TO:

Acct. # 15410002-50770	\$23,992.00
Council on Aging-Senior Clerk	

ORDERED: That the Health Department transfer request in the amount of \$20,000.00 which moves funds from Mayor-Audit Services and Comptroller-Senior Clerk to Board of Health Contract Services to fund inspectional services and plan reviews of new food establishments, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 11210004-53080	\$18,500.00
Mayor-Audit Services	

Acct. # 11330002-50770	\$1,500.00
Comptroller Senior Clerk	

TO:

Acct. # 15120004-53140	\$20,000.00
Board of Health Contract Services	

ORDERED: That the 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, **APPROVED**; adopted.

FROM:

Acct. # 12410006-57100 \$350.00
Instate Travel

TO:

Acct. # 12410003-51180 \$350.00
Zoning Board Members

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the FY15 MA Cultural Council Appropriation Grant awarded to the City in the amount of \$9,220.00 to fund arts, humanities, music and youth based initiatives throughout the community; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the 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; adopted.

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.

APPROVED; adopted.

Councilor Clancy recused.

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.

APPROVED; adopted.

Yea: 10-Nay: 0

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

Abstained: Clancy

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							

Please note that that the Mayor's office will be providing more Orders pertinent to this item for the November 17, 2014 City Council agenda which will be appropriately numbered 14-1006005B, C, and D to correlate with this item.

Refer to **FINANCE COMMITTEE**; adopted.

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".

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

ORDERED: That the Reappointments of Kelly French and Michael Gibson to the Youth Commission for terms to expire three years from date of approval and the appointment of Sharon Buckley to the Youth Commission for a term to expire two years from date of approval, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: 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.

FILE;adopted.

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.

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

ORDERED: That the 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, **MOVED TO ITEM 29**; adopted.

ORDERED: That the Communication from Attorney Bergeron re: Acceptance of Bouffard Drive as a public way, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE AND PLANNING BOARD**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, DECEMBER 15, 2014** as date for a **PUBLIC HEARING** on the Application for Special Permit from Digital Federal Credit Union 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, refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

Councilor Delano recused.

ORDERED: That there being no objection thereto set **MONDAY, DECEMBER 15, 2014** as date for a **PUBLIC HEARING** 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, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, Zoning Board of Appeals, September 23, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Council on Aging, September 9, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, August 7, September 4, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Recreation Commission, September 17, 2014, **FILE**; adopted.

- ORDERED: That the Minutes, Planning Board, October 6, 2014, **FILE**; adopted.
- ORDERED: That the Minutes, Zoning Board of Appeals, October 14, 2014, **FILE**; adopted.
- ORDERED: That the Minutes, Marlborough Community Development Authority, July 31, September 4 & 25, 2014, **FILE**; adopted.
- ORDERED: That the Traffic Commission, September 30, 2014, **FILE**; adopted.
- ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.
- A. Janet Cavanaugh, 135 Cameron Dr., other road property damage.

THERE WERE NO REPORTS OF COMMITTEES.

ORDERED:

**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.

APPROVED; adopted.

Yea: 11-Nay: 0

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

ORDERED: That 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, **APPROVED**; adopted.

ORDERED: That the Appointment of Anthony Aruda to the Board of Assessors for a term of three years to expire from date of City Council approval, **APPROVED**; adopted.

ORDERED: That the Reappointment of Thomas Evangelous to the Recreation Commission for a term of two years to expire from date of City Council approval, **APPROVED**; adopted.

ORDERED: That the Appointment of Santiago Vargas as a youth appointee to the Youth Commission for a term of one year to expire from date of City Council approval, **APPROVED**; adopted.

ORDERED: That the Reappointment of Lawrence Roy to the Conservation Commission for a term to expire on March 7, 2016, **APPROVED**; adopted.

ORDERED: That the Reappointment of Susan Laufer to the Library Board of Trustees for a term to expire on February 6, 2017, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:45 PM.



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 20, 2014

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., be and is herewith refer to **WIRELESS COMMUNICATIONS AND ADVERTISE**.

Ninety days after public hearing is 02/15/15 which falls on a Sunday, therefore 02/16/15 would be considered the 90th day.

ADOPTED

ORDER NO. 14-1005984



IN CITY COUNCIL

OCTOBER 20, 2014

Marlborough, Mass., _____

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., be and is herewith refer to **WIRELESS COMMUNICATIONS AND ADVERTISE.**

Ninety days after public hearing is 02/15/15 which falls on a Sunday, therefore 02/16/15 would be considered the 90th day.

ADOPTED

ORDER NO. 14-1005985



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 20, 2014

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., be and is herewith refer to **WIRELESS COMMUNICATIONS AND ADVERTISE.**

Ninety days after public hearing is 02/15/15 which falls on a Sunday, therefore 02/16/15 would be considered the 90th day.

ADOPTED

ORDER NO. 14-1005986



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 20, 2014

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**.

Councilor Robey recused.

Ninety days after public hearing is 02/15/15 which falls on a Sunday, therefore 02/16/15 would be considered the 90th day.

ADOPTED

ORDER NO. 14-1005987



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NOV 13 A 11:34

City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

November 13, 2014

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

Re: Transfer Request – Command Officers Contract

Honorable President Pope and Councilors:

Enclosed for your approval is a transfer request in the amount of \$226,392.31. This request will find the city's contract with the Police Command Officers Union, Local 366 for Fiscal Years 2013, 2014, and 2015.

As you may know, for the second contract in a row, the city and Local 366 were unable to achieve a consensus agreement and was therefore sent to mediation before the Joint Labor-Management Committee (JLMC). Enclosed for your information is a copy of the signed agreement awarded to Local 366 by the JLMC.

Please do not hesitate to let me know if you have any questions.

Sincerely,

Arthur G. Vigeant
Mayor

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Police		FISCAL YEAR: 2015							
FROM ACCOUNT:				TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$82,581.00</u>	<u>\$82,581.00</u>	<u>11990006</u>	<u>57820</u>	<u>Reverve for Salaries & Bene</u>	<u>\$21,045.04</u>	<u>12100001</u>	<u>50500</u>	<u>Police Captains</u>	<u>\$106,501.13</u>
	Reason:	<u>Surplus in account</u>						<u>Police Command Contract</u>	
<u>\$6,103,681.00</u>	<u>\$143,811.31</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund Balance</u>	<u>\$47,614.35</u>	<u>12100001</u>	<u>50510</u>	<u>Police Lieutenants</u>	<u>\$244,201.85</u>
	Reason:							<u>Police Command Contract</u>	
					<u>\$81,336.09</u>	<u>12100001</u>	<u>50820</u>	<u>Police Sergeants</u>	<u>\$418,123.71</u>
	Reason:							<u>Police Command Contract</u>	
					<u>\$1,724.63</u>	<u>12100003</u>	<u>51360</u>	<u>Police OT - Training</u>	<u>\$35,974.63</u>
	Reason:							<u>Police Command Contract</u>	
					<u>\$13,391.34</u>	<u>12100003</u>	<u>51310</u>	<u>Police OT - Regular</u>	<u>\$102,298.49</u>
	Reason:							<u>Police Command Contract</u>	
					<u>\$514.65</u>	<u>12100003</u>	<u>51370</u>	<u>Police OT - Celebrations</u>	<u>\$3.21</u>
	Reason:							<u>Police Command Contract</u>	
					<u>\$183.73</u>	<u>60080003</u>	<u>51380</u>	<u>Police OT Water/Sewer</u>	<u>\$294.29</u>
	Reason:							<u>Police Command Contract</u>	
					<u>\$615.56</u>	<u>61090003</u>	<u>51380</u>	<u>Police OT Water/Sewer</u>	<u>\$0.00</u>
	Reason:							<u>Police Command Contract</u>	
					<u>\$2,777.27</u>	<u>12100003</u>	<u>51320</u>	<u>OT- Court Time</u>	<u>\$139,382.91</u>
	Reason:							<u>Police Command Contract</u>	
					<u>\$118.34</u>	<u>12100003</u>	<u>51319</u>	<u>OT - Cell Watch</u>	<u>\$3,523.71</u>

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Police

FISCAL YEAR: 2015

FROM ACCOUNT:

TO ACCOUNT:

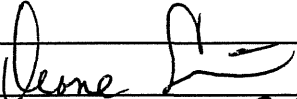
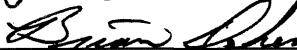

Police Command Contract

Reason:			\$23.71	12100003	51329	On - Call Pay	\$8,090.64
Reason:			\$7,728.53	12100003	51920	Sick Leave Buy Back	\$153,656.00
Reason:			\$6,008.23	12100003	51490	Holiday Pay	\$208,690.95
Reason:			\$9,077.51	12100003	51342	Longevity	\$118,185.50
Reason:			\$30,702.79	12100003	51440	Educational Incentive	\$360,206.91
Reason:			\$3,256.15	12100003	51450	Night Shift Differential	\$82,083.76
Reason:			\$274.39	12100003	51410	First Responder	\$38,043.96
			\$226,392.31			Total	\$226,392.31

Department Head signature:

Auditor signature:

Comptroller signature:

JLMC ENDORSED MEMORANDUM OF AGREEMENT
BETWEEN
CITY OF MARLBOROUGH
AND
MARLBOROUGH POLICE COMMAND OFFICERS,
LOCAL 366, MCOP, AFLCIO.

JLMC133247

THE UNDERSIGNED MEMBERS OF THE JOINT LABOR-MANAGEMENT COMMITTEE ENGAGED IN INTENSIVE COMMITTEE LEVEL MEDIATION WITH THE CITY OF MARLBORO AND MARLBOROUGH COMMAND OFFICERS ON SEPTEMBER 4 AND SEPTEMBER 29. BASED ON THOSE MEDIATION SESSIONS, THE PANEL MEMBERS UNANIMOUSLY RECOMMEND THE FOLLOWING:

1. Article 12 – Vacation. Amend Section 9 of this Article by deleting the first sentence and insert in its place the following:

“Vacation leave shall accrue only during the twelve (12) months of paid on-duty injury leave. No vacation accrual shall occur after the twelve (12) months for any reason.”

2. Article 15 – Sick and Injury Leave. Amend Article 15, Section 5(A)(1) as follows:

(i) Revise subparagraph 1 by replacing reference to 90 days with 95 days. To state:

“Up to eighty-four(84) hours of sick leave, if the Command Officer has accumulated a minimum of ninety-five (95) sick leave days;”

3. Wages. Amend Article 19 as follows:

- Effective July 1, 2012 – 2% (non-overtime and non-holiday)
- Effective July 1, 2013 – 2% (non-holiday through 12/31/13)
- Effective July 1, 2014 – 2%

4. Clothing Allowance. Amend this article by increasing the clothing allowance amount to \$1,000 effective July 1, 2014.

5. Duration. Amend the duration of this agreement to reflect term from July 1, 2012 to June 30, 2015.

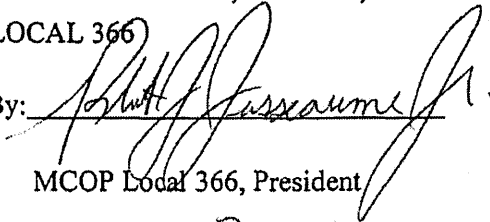
THIS AGREEMENT is subject to appropriation by the Marlborough City Council and ratification by the Union.

THIS AGREEMENT has been duly executed by the authorized representatives of the City of Marlborough and the Massachusetts Coalition of Police Officers, AFLCIO, Local 366.


CITY OF MARLBOROUGH

MASSACHUSETTS COALITION OF
POLICE OFFICERS, AFL-CIO,
LOCAL 366

By: _____
Arthur Vigeant
Mayor

By: 
MCOP Local 366, President

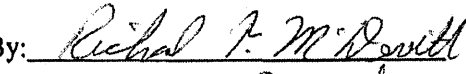
By: _____
Nicholas Anastasopoulos, Esq.
Labor Counsel

By: 
MCOP Local 366, Vice -President

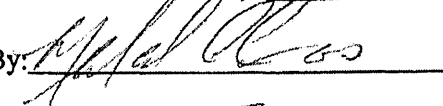
By: _____
Chief Mark F. Leonard
Chief of Police

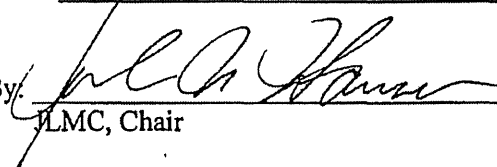
By: _____
MCOP Local 366, Secretary


By: _____
David Brumby
Personnel Director

By: 
Secretary
MCOP Local 366, Treasurer

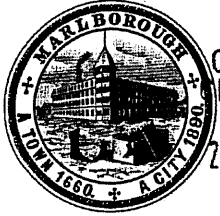
Dated: _____

By: 
10/5/14
TREASURER

By: 
JLMC, Chair

By: 
JLMC Committee Member (Management)

By: 
JLMC Committee Member (Labor)



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2014 NOV 13 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

November 13, 2014

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

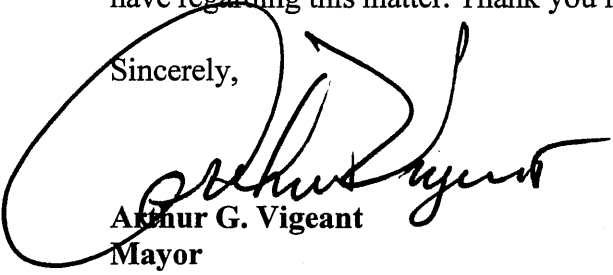
Re: Transfer Request – Fire Department

Honorable President Pope and Councilors:

Enclosed for your approval are two transfer requests from the Marlborough Fire Department totaling \$159,777.53. The bulk of this request is to fund the sick leave and vacation buyback for a retiring member of the Fire Department and the remaining balance, \$25,138.43, is necessary to fund the overtime account which has received higher than projected usage due to injury, retirements and vacancies.

Included in this correspondence is a detailed letter from Chief James Fortin providing further information regarding this request. The Chief and I will be happy to answer any questions you may have regarding this matter. Thank you in advance for your consideration.

Sincerely,

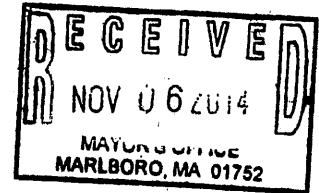

Arthur G. Vigeant
Mayor



City of Marlborough
FIRE DEPARTMENT
215 MAPLE STREET
MARLBOROUGH, MASSACHUSETTS 01752

November 3, 2014

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



Re: Transfer Requests

Dear Mayor Vigeant,

I am submitting for your approval three transfer requests totaling \$159,777.53; following is an explanation for each request.

The first request is to fund vacation buy back; this contractual item must be paid by the first pay period in December. Due to the uncertainty of the annual amount, this is not budgeted in our account and has been dependent on the fringe account. Since the inception of vacation buy back, we have seen an increase each year. FY13 the total paid out was \$32,114.46, FY14 total was \$48,704.98 and for FY15, I am requesting the following:

\$68, 698.80 from 11990006-51500 (Fringe) to 12200001-50450 (Firefighter)

The second request is to fund sick leave buy back for an upcoming retirement. The department sick leave buy back is paid in January and this retirement will occur prior to this leaving our sick leave account short in funding for the department buy back; retirements are not figured into our sick leave buy back line item.

\$65,940.30 from 11990006-51500 (Fringe) to 12200003-51920 (Sick Leave)

The third request is a transfer to our overtime account from 111F payments in the amount of \$25,138.43; this transfer is necessary due to injuries, retirements, vacant position and personal medical reasons.

\$25,138.43 from 12200001-50450 (Firefighter) to 12200003-51300 (Overtime)

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "James M. Fortin".

James M. Fortin
Fire Chief



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NOV 13 A 11:35

City of Marlborough
Office of the Mayor

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

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

November 13, 2014

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

Re: Transfer Request – Department of Public Works

Honorable President Pope and Councilors:

Enclosed for your approval is the following transfer request from the Department of Public Works (DPW):

- 1) Transfer in the amount of \$24,630.00 from 11990006-51500 (Fringes) to 61090003-51920 (Sick Leave Buy Back).

This request is necessary to fund the sick leave buyback obligations due to a retiring member of the Water-Sewer Division of DPW. Commissioner Ghiloni will be available should you have any questions. Thank you in advance for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: DPW - Water Division

FISCAL YEAR: 2015

FROM ACCOUNT:

TO ACCOUNT:

Available
Balance

Amount

Org Code

Object

Account Description:

Amount

Org Code

Object

Account Description:

Available
Balance

\$400,000.00

\$24,630.00

11990006

51500

Fringes

\$24,630.00

61090003

51920

Sick Leave Buy Back

\$16,500.00

Reason:

Sick Leave Buy Back

Retirement

Reason:

Reason:

Reason:

Reason:

\$24,630.00

Total

\$24,630.00

Total

Department Head signature:

Auditor signature:

Comptroller signature:

[Signature]
[Signature]
[Signature]



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CITY OF MARLBOROUGH

NOV 13 A 11:38

City of Marlborough
Office of the Mayor

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Michael C. Berry
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Patricia Bernard
EXECUTIVE SECRETARY

November 13, 2014

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

Re: Marlborough Fire Department Assessment Final Report

Honorable President Pope and Councilors:


Enclosed for your information is the final report of the Management and Organizational Assessment of the Marlborough Fire Department performed by Municipal Resources, Inc. (MRI). This report has been a long time in the making and, as evidenced from its length, is a detailed evaluation of our Fire Department's entire operations.

As part of their report, MRI met with stakeholders throughout the city: department leadership, rank and file firefighters, union leadership, city Department Heads, neighboring fire departments, and members of the City Council. Also included in their report is a thorough review of the department's policies and procedures, programs, training and employee relations.

The report has identified several areas that require attention. While some will take longer to implement, other can be done right away. As we approach the retirement date of Chief James Fortin, I wish to act swiftly and work with the Chief so that we have some new procedures in place to coincide with the arrival of an Interim Fire Chief.

A hard copy of the full report has been delivered to and is on file in the City Council office. Electronic copies of the full report will be sent individually to the Council via email. I look forward to discussing this report with you in greater detail.

Sincerely,


Arthur G. Vigeant
Mayor

Enclosure: MRI Executive Summary

MARLBOROUGH, MA
ASSESSMENT OF THE ORGANIZATION
AND
MANAGEMENT OF THE
MARLBOROUGH FIRE DEPARTMENT

NOVEMBER 2014

CHAPTER 1

EXECUTIVE SUMMARY

OVERVIEW

The purpose of the executive summary is to offer a brief synopsis of the key issues and recommendations found in the study as an overview of the complete report. It is not intended to provide the reader with a detailed analysis of the results in a few pages; nor is it intended to direct attention to certain issues, or suggest that others, developed in more detail in the main body of the report, are less important. The complete report should be read, in all of its detail, to gain a full understanding of the issues facing the Marlborough Fire Department as evaluated by Municipal Resources, Inc. (MRI).

The department has the potential to resolve the internal conflicts and cultural attitudes, many of which are self-imposed, that have seriously affected its standing in the community and in the region. The MRI study team believes that the Marlborough Fire Department has the skills and capabilities to become an effective, highly trained, and motivated organization that meets or exceeds nationally recognized standards for operational readiness. However, there will need to be an infusion of strong leadership at the top of the department and a simultaneous change in



attitude and loyalty by the members of the department. The challenges are many, but as will be seen, many of the recommendations can be accomplished within existing budgetary restrictions.

MRI has identified a number of areas that require improvement within the Marlborough Fire Department. Although many practices do meet contemporary standards for municipal fire and EMS agencies, there are numerous ones that need improvement. Many of the issues in the fire department are the result of a lack of consistent, strong leadership within the department, caused primarily by the frequency with which the city's fire chief has changed. The lack of a fire chief with an extended tenure has resulted in no sense of vision or long-term direction for the department. This situation has also provided an opportunity for the union to step in and fill the leadership void, resulting in a significant percentage of the department's members being more loyal to the union than they are to the department or the city. The fire chief has also been an island with absolutely no support staff or team, which severely hampers his ability to lead and manage the department. In addition, the line between management rights and union authority has become blurred over the years. As a result, the fire chief must consult or negotiate with the collective bargaining unit before making operational changes that benefit the department and the community. On a positive note, there is a solid foundation of members of the department who are hungry for change and want the department to move forward.

The mission performed by the fire department is one of the fundamental functions of government: to ensure the safety and protection of its residents and visitors. The expectations for the quality and quantity of fire and emergency services must come from its residents and other taxpayers. There is no "right" amount of fire protection and EMS delivery. It is a constantly changing level based on the expressed needs of the community. It is the responsibility of elected officials to translate community needs into reality through direction, oversight, and the budgetary process. It is their unenviable task to maximize fire, EMS, and other services within the reality of the community's ability and willingness to pay, particularly in today's economic environment.

KEY AREAS OF MAJOR CONCERN

1. Lack of consistent leadership and an inadequate organizational/management oversight structure
2. Incomplete and inadequate department policies, procedures, and rules resulting in a lack of discipline
3. Obsolete and seriously code deficient Fire Station 2
4. Service gaps and response time/distance concerns in west end of city



5. Lack of a formal training program and performance improvement system
6. Inadequate fire prevention program

A brief narrative on each concern can be found in the following pages.

LACK OF CONSISTENT LEADERSHIP AND AN INADEQUATE ORGANIZATIONAL/MANAGEMENT OVERSIGHT STRUCTURE

Effective management and oversight of the fire department is essential to ensure that the department maintains a strong and progressive vision, attains its goals, and delivers high quality services to the citizens of Marlborough. The current management team of the fire department is solely comprised of the fire chief, who is the only non-union member of the department. In essence, this makes the chief an island who has no support staff or "team". He/she needs assistance and a team to support them. Complicating this critical issue is the fact that the frequent turnover of fire chiefs has caused a lack of leadership consistency with a corresponding absence of vision and long-term direction for the department. The union has managed to fill this leadership vacuum and exerts undue influence in the department and its operations. As a result, a number of the department's officers are more loyal to the union than they are to the department and the city.

The deputy fire chiefs, who are nominally the shift commanders, do not work the same rotation/shift as the other personnel. In addition, when there is no deputy chief on duty, the shift commander vehicle is not staffed 24/7. The department has not fully embraced the implementation of a strong incident command system (ICS) as required under the National Incident Management System (NIMS). This creates issues with incident command, management, and control. There is also a lack of consistency and accountability in the management of the department in areas such as training, performance improvement, and employee accountability.

A mission critical related issue is the establishment of the role of safety officer to monitor conditions at incident scenes to ensure the appropriate safety procedures are being followed. The Marlborough Fire Department has not instituted a formal safety officer program as of the time this report was developed. Written procedures concerning operational safety are either outdated or non-existent.

All ranks, firefighter to deputy chief, are in the same union/bargaining unit which creates the potential for split loyalties and conflicts of interest related to supervision, management, and discipline. Some officers informed the study team that they were concerned that if they raise an issue or implement discipline, that they might not be supported by administration. MRI believes strongly that the next fire chief must come from outside the department, be carefully chosen, and be a proven leader with a record of success as a change agent.



Concurrently, the City of Marlborough should reorganize the fire department's management structure. The position of deputy chief should be eliminated through attrition and retirements. The captains should be reclassified as shift commanders. MRI recommends that the City of Marlborough fill the existing assistant fire chief positions, and, if necessary, increase the number of authorized positions to three for the Marlborough Fire Department. They should ensure that these positions are executive management positions that are exempt from civil service and the firefighters collective bargaining unit. The fire chief should delegate significant management responsibility and authority to the three assistant fire chiefs commensurate with their demonstrated knowledge, skills, and abilities. MRI has identified the following assignments as one possible approach, but it is not our intent to limit the flexibility of the fire chief to develop a management structure that is most appropriate for the needs of the department. From MRI's perspective, the responsibilities of the three assistant fire chiefs *could* be divided as follows:

1. Assistant Chief for Operations: Second-in-command of the department ("executive officer"), responsible for the direct supervision of the fire captains, daily operational activities, personnel management, facilities, apparatus, and equipment. He/she will directly supervise the four platoon commanders.
2. Assistant Chief for Support Services: Third-in-command of the department, responsible for administration, training (fire & EMS), and safety.
3. Assistant Chief for Fire Prevention: Fourth-in-command of the department, responsible for all fire prevention and code enforcement activities.

In order to assure that the important position of overall incident commander is filled, and that there is mission critical command continuity and consistency on the emergency scene, the Marlborough Fire Department should take whatever steps are necessary to staff the department's command vehicle on a 24/7 basis. The department should develop formal procedures for implementing an ICS system that is compliant with the National Incident Management System (NIMS). ICS procedures should be aggressively enforced so that they become a routine component of any emergency response. The department should also establish a fireground/incident safety officer program that includes mandating that all department officers receive safety officer training and obtain safety officer certification. Safety should be the highest priority for all operational policies, procedures, and training activities.

The department has sufficient overall staffing to operate and staff per recommended standards. However, an overly generous labor contract allows 50% of scheduled staff off at any time, making it difficult to maintain adequate on duty staffing. On duty staffing should be increased to fifteen from the current thirteen. A lieutenant should be assigned to Engine 1



when the captain goes into the car as the shift commander. A lieutenant should be assigned to Ladder 1 to provide supervision. This will increase staffing on this unit to three.

INCOMPLETE AND INADEQUATE DEPARTMENT POLICIES, PROCEDURES, AND RULES, RESULTING IN A LACK OF DISCIPLINE

The use of rules and regulations, operational procedures, guidelines, and various other forms of written communications are vital parts of a fire department's overall operations. Rules and regulations establish expected levels of conduct and general obligations of department members, identify prohibited activities, and provide for the good order and discipline necessary for the credible operation of a modern emergency services organization. Operational procedures and guidelines ensure the consistent, effective, efficient, and safe operation of various aspects of the department's operations, both emergency and routine.

The Marlborough Fire Department does not have a stand-alone rules and regulations document. It has adopted a limited number of standard operating procedures (SOPs) that cover certain areas concerning field operations and safety. This includes some rules and regulations interspersed throughout. The SOP manual is by no means complete, as many important procedures are missing. Many of the existing procedures are outdated. None of them appear to have been reviewed, revised, or updated. The lack of rules, regulations, and comprehensive SOPs has contributed to an overall lack of discipline within the department.

The Marlborough Fire Department should form a committee to develop a stand-alone rules and regulations document, which sets accepted standards of behavior and conduct and also identifies prohibited behaviors. The rules and regulations should then be formally adopted by the city.

A complete revision of the department's SOPs will improve operational efficiency, establish measureable performance and evaluation criterion, and will improve employee performance and morale by establishing defined expectations. An internal committee or process should be developed that includes input and participation from all levels of the department, the documented receipt by each employee, a process for regular review and updating, and training for all personnel on policies and procedures. It is important to note that it is fully appropriate to use policies and procedures from other fire departments or fire organizations as a template for Marlborough's efforts. A disciplinary policy/procedure should also be developed in conjunction with the city's personnel and legal departments. The required mandatory plans should be developed as soon as possible.



OBSOLETE AND CODE DEFICIENT FIRE STATION 2
SERVICE GAPS AND RESPONSE TIME/DISTANCE CONCERNS IN WEST END OF CITY

The adequacy, quality, and appearance of fire station facilities have a great impact on the performance of the department as a whole. Attractive, functional, clean, and well-designed quarters contribute substantially to the morale, productivity, and operational effectiveness of the agency, as well as to its public image, dignity, and prestige. Well-designed fire and EMS facilities enable staff to perform their duties efficiently and effectively. As a facility ages, it may no longer meet the needs of an evolving department, thus negatively affecting morale, efficiency, safety, security, technology, and overall efforts to provide quality fire, rescue, and emergency medical services. Old and obsolete facilities are also expensive to maintain due to inefficient energy systems.

In MRI's opinion, there are two issues that while different, are somewhat related, and share a common recommended solution. First, the current Fire Station 2 is old, and while still marginally adequate, has really outlived its usefulness. Apparatus floor space, door dimensions, and the property upon which it is situated are all barely adequate for modern-day fire apparatus and operations. Crew quarters are deficient and do not meet current fire safety codes.

The second issue is the continued significant growth in the west end of the city, which has been unmatched by the city's fire protection system. At the present time, there is no fire station located west of I-495 where there is major growth still occurring. This situation creates longer travel distances, which results in longer response times, and a corresponding lower level of service to customers in that area. Although certain response statistics were difficult to obtain, and appeared to be inconsistent, resulting in questionable accuracy, Marlborough achieves the recommended five minute response time benchmark (which includes one minute for personnel to turnout) from incident dispatch to first unit on location just 70.4% of the time, well below the NFPA recommended standard of 90%.

Short-term, the city should immediately address the most serious fire code and life safety issues in all the stations, particularly Fire Station 2. Beyond that, we strongly recommend that the city begin the process of designing and constructing a new Fire Station 2. The station should be relocated west of I-495 to provide coverage that is more effective, reduce travel distances, and improve response times. The facility should also be constructed with capabilities to serve as a training facility for the department. MRI believes the city should consider the feasibility of this being a joint police/fire facility. Patriot Ambulance would also be interested in deploying an ambulance from this location for all the same service improvement reasons that support this move for the fire department. The city should explore the possibility that developing this facility could be an excellent joint public/private partnership opportunity.



LACK OF A FORMAL TRAINING PROGRAM AND PERFORMANCE IMPROVEMENT SYSTEM

Training is, without question, one of the most important functions that a fire department should be performing on a regular basis. A department that is not well trained, prepared, and operationally ready, will be unable to effectively, efficiently, and safely fulfill its emergency response obligations and mission. A comprehensive, diverse, and on-going training program is absolutely critical to the fire department's level of success.

At the present time, the Marlborough Fire Department has no real formal training program. Other than required EMS training, very little training gets done. The chief does issue a monthly training schedule, but it was reported that compliance with it is very limited, at best. Training is nominally coordinated on a part-time basis by a fire captain who serves as the training officer as an ancillary duty. There is little overall coordination between platoons, and training is often interrupted by emergency calls. There appears to be little consistency between platoons concerning the frequency and types of training that is offered. The department has no requirement for additional training/certification beyond Firefighter I. There are currently no annual proficiency evaluations. There is clearly a need for daily, documented, training that is based on formal lesson plans.

Training needs to be designated as a high priority for the department. MRI has made a series of recommendations concerning the establishment of a comprehensive, formal training program, and a formal performance improvement program for all department operations. Training should occur every day and all training should be documented. Annual proficiency evaluations should be implemented. All officers should be required to obtain fire instructor and fire officer certifications. The proposed assistant fire chief for support services would be responsible for overseeing and coordinating these activities.

INADEQUATE FIRE PREVENTION AND PRE-FIRE PLANNING PROGRAMS

Fire prevention should be promoted as a key component of the vision of the Marlborough Fire Department and should be a major aspect of its primary mission. Aggressive fire prevention programs are the most cost efficient and cost effective way to reduce fire risks, fire loss, and fire deaths and injuries in the community. Every member of the department should have a responsibility for fire prevention.

Despite the size of the City of Marlborough, and amount of continued commercial growth and development, at the time of this assessment there is no one dedicated full-time to fire prevention activities. Deputy chiefs perform fire prevention duties in addition to their shift/operations duties. The in-service companies assist in a limited manner. However, the system seems to be primarily reactive rather than proactive. This creates a high probability of issues falling through the cracks.



One of the most effective tools the fire department has to assist them with handling fires and other emergencies in commercial and industrial facilities are pre-fire plans. The purpose of a fire pre-planning program is to allow firefighters to become familiar with buildings and/or facilities within their response area prior to an emergency, alert them to on site hazards and risks, and develop a detailed fire response plan for them that includes specific tactics that will be required to mitigate fires or other emergencies. A comprehensive pre-fire plan includes as much data about the building as possible. It was reported to the MRI study team that the Marlborough Fire Department has done some limited pre-planning on some of the major target hazards in the city. This data is accessible by use of the mobile data terminals, but the fire department does not use the ones they have to access this information on scene. Lack of a pre-fire plan was one of the contributing factors in the six alarm fire in April 2012 at the Lake Williams Condos.

Fire prevention should be a high priority for the Marlborough Fire Department especially with the current commercial and industrial base and continued development. One of the new assistant chiefs should be dedicated to fire prevention full-time. There should be at least one full-time fire inspector to assist the chief with the multitude of fire prevention activities that need to be performed. An expanded and robust fire prevention program may provide opportunities for revenue enhancements, as well as the formation of public/private partnerships.

The Marlborough Fire Department should establish a formal in-service inspection program. On duty and in-service companies should conduct regular fire safety inspections of buildings within their respective response districts. The purpose of these inspections is to: a) identify and mitigate fire hazards and fire code violations; b) enable firefighters to become thoroughly familiar with buildings, including the design, layout, structural conditions, building systems, hazards, and challenges to firefighting operations; c) educate property owners and occupants on good fire safety practices; and d) establish a positive relationship with property owners and occupants.

The department should also enhance its existing limited pre-fire planning program into a comprehensive one for all structures other than one and two family dwellings. Pre-fire plans should be reviewed, and updated, regularly. They should be tested and validated by tabletop exercises and on-site drills. Appropriate pre-planning software should be obtained and installed in mobile data terminals (MDTs) in all apparatus and command/staff vehicles.

ADDITIONAL CONCERNS

The MRI study team identified several other issues that have a significant impact on the Marlborough Fire Department and its operations, and ultimately, the city and its taxpayers. First, is a labor contract that is overly generous in certain benefits and has ceded too many management rights. The fire chief has very limited flexibility to assign personnel based upon



the needs of the department and best interests of the city. In addition to 50% of on duty staffing being permitted off on scheduled leave at any time, there is no requirement that supervisors or management approve leave requests.

The Massachusetts collective bargaining environment appears to be tilted to heavily (and unfairly) in favor of labor. As a result, chiefs and municipalities are forced to impact bargain virtually every change in policy, procedure, the way things are done, etc. The arbitration process is tilted far too heavily toward labor, rather than the stewards of public funds, management. There is too much emphasis on past practice.

The City of Marlborough needs to exercise the management rights that are already in place. They need to negotiate to regain other rights through the collective bargaining process. The city also needs to actively work with the Massachusetts Municipal Association (MMA) to lobby the state legislature to modify the arbitration process so the playing field is more level for the cities and towns. They should also work with MMA to enact legislation to eliminate or at least minimize the importance of past practice.

IN CONCLUSION

The full body of this report contains 173 recommendations in 18 chapters. The report should be studied in its entirety to gain a complete picture of MRI's recommendations. There are a large number of very significant (and some serious) issues that are confronting the Marlborough Fire Department. These areas that require attention and improvement are by no means insurmountable or beyond the city administration's ability to deal with them. However, it will require a strong commitment to changing the status quo and making necessary changes for the common good...that of the citizens of Marlborough... rather than narrowly focused special interests.

In spite of the issues identified in this report, the citizens of Marlborough should feel confident that the Marlborough Fire Department is a professional public safety organization that is capable of satisfactorily handling the majority of incidents that it is called upon to mitigate. We appreciate the high level of support and cooperation that we received from all of the department's stakeholders during our evaluation of the department. We encourage them to work cooperatively to implement the recommendations in this report. We commend Mayor Vigeant, his staff, and the city council for their willingness to address these very complex issues in an open and positive manner.





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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 J. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

November 13, 2014

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

Re: Amendment to the City of Marlborough General Code Relative to Nonunion Employee Benefits and Updates to Department and Employee Titles

Honorable President Pope and Councilors:

As part of my effort to address the city's competitive standing as it relates to Department Heads and nonunion staff compensation, I am enclosing for your approval, an amendment to the city's General Code relative to the payout of accrued sick time to nonunion employees. Our current system caps sick leave payouts to departing and/or retiring nonunion employees at \$1,000.00. In my opinion, our current policy encourages the use of sick days when they may not necessarily be warranted due to the fact that, for many employees, \$1,000.00 represents as little as one week of sick time or less. As sick time is accrued at 1.25 days per month, time can accumulate rather quickly.

My proposal increases this cap to \$5,000.00 which I believe represents a fair deal for both sides and establishes a better employer / employee balance. By comparison, as you have seen from past transfer requests, union employees are entitled to receive a substantially higher sick time payout.

Additionally, this correspondence includes a proposal to update several job titles that I believe are necessary to reflect a contemporary, progressive thinking municipal organization. Those are:

Current title: Personnel Director	→	New title: Human Resources Director
Current title: Personnel Department	→	New title: Human Resources Department
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: Legislative Aide to the City Council

I believe these titles more accurately reflect the roles and responsibilities of these positions. As is often done in the private sector, I believe it is important for the city to periodically assess itself so as to ensure it is competitively situated when it comes to attracting and retaining employees and providing a professional environment for talented professionals to grow and thrive in.

I want to thank you in advance for your consideration and I look forward to discussing this with you in greater detail.

Sincerely,

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

Arthur G. Vigeant
Mayor

Enclosures: 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 as follows:

- A. The City Code is hereby amended in its entirety by deleting the words "Personnel Director" wherever they appear throughout the City Code, and inserting in place thereof the words "Human Resources Director."
- B. The City Code is hereby amended in its entirety by deleting the words "Personnel Department" wherever they appear throughout the City Code, and inserting in place thereof the words "Human Resources Department."
- C. Paragraph F of Section 125-3, is hereby amended by deleting the words "Executive Aide" and, in its place, inserting "Chief of Staff."
- D. The City Code is hereby amended in its entirety by deleting the words "Secretary/Research Assistant to the City Council" wherever they appear throughout the City Code, and inserting in place thereof the words "Legislative Aide to the City Council."

ADOPTED
In City Council
Order No. 14-

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

ORDERED:

Be it ordained by the City Council of the City of Marlborough, acting upon a recommendation of the Mayor, that the Code of the City of Marlborough, as amended, be further amended as follows:

Section 125-27, entitled "Use of sick leave" is hereby amended by deleting paragraph C. in its entirety and inserting in place thereof the following new paragraph C.:

- C. Upon the termination of employment of a non-union employee, except where the termination is by the City for cause, or upon the death of a non-union employee, the City shall pay to said employee or said employee's beneficiary or estate, whichever is applicable, the value of the employee's accumulated and unused sick leave, not to exceed the amount of \$5,000.00.

ADOPTED
In City Council
Order No. 14-

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

Mayor's Offices

Staff Titles and Office Configurations

Mayor of Beverly

FTE: 2

Chief of Staff, Secretary

Mayor of Braintree

FTE: 3.5 (.5 is shared with Legal Dept.)

Chief of Staff and Operations, Assistant to the Mayor, Services Coordinator, Grant Writer

Mayor of Everett

FTE: 7

Chief of Staff; Legislative Aide; Office Manager; Secretary (2); Constituent Services Aide (2)

Mayor of Fitchburg

FTE: 3

Confidential Assistant, Assistant to the Mayor, Director of Economic Development & Marketing

Mayor of Holyoke

FTE: 3

Chief of Staff, Mayoral Aide (2)

Mayor of Leominster

FTE: 3

Mayoral Aide (2), Administrative Assistant

Mayor of Methuen

FTE: 2

Executive Assistant to the Mayor, Administrative Assistant to the Mayor

Mayor of Salem

FTE: 4

Chief Administrative Aide; Director of Constituent Services & Special Projects; Executive Secretary; Latino Affairs Coordinator

Mayor of Westfield

FTE: 2.5

Administrative Assistant, City Advancement Officer, Executive Secretary

Mayor of Woburn

FTE: 1

Administrative Assistant



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City of Marlborough
Office of the Mayor

140 Main Street
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Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

November 13, 2014

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

Re: Municipal Aggregation Program

Honorable President Pope and Councilors:

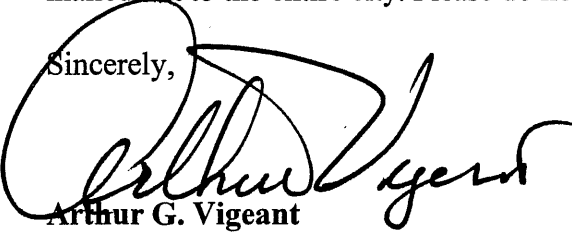
As you know, there is serious concern over the increase in electricity rates from National Grid. Recently, the Department of Public Utilities (DPU) ruled that National Grid will not be required to recalculate their rates which mean a substantial increase for the residents and ratepayers of the Marlborough community.

I am pleased to report that the City of Marlborough selected Hampshire Power as the supplier under a municipal aggregation for its Community Choice Power Supply Program ("City's Program") Hampshire Power will provide electric power supply for all National Grid Basic Service consumers in Marlborough. This plan means that through the city's bulk purchasing power our customers will pay a rate of \$.12858/kWh instead of the National Grid rate of \$.16273/kWh.

Councilors Joe Delano and Ed Clancy were intimately involved in helping craft a fair and transparent deal for the city and have worked with our team to ensure our residents have access to accurate information so that they may make the best decisions for their households. To that end, we have created a link on the city's homepage that details how residents can opt out of the program and why this deal is best for our residents. It will also include periodic updates throughout the term of the program.

Enclosed for your information is the ruling from DPU as well as the correspondence that has been mailed out to the entire city. Please do not hesitate to let me know if you have any questions.

Sincerely,


Arthur G. Vigeant
Mayor



THE CITY OF MARLBOROUGH'S COMMUNITY CHOICE POWER SUPPLY PROGRAM CONSUMER NOTIFICATION FORM

Dear Marlborough National Grid Basic Service Consumer:

The City of Marlborough is pleased to announce that it has selected Hampshire Power as the supplier under a municipal aggregation for its Community Choice Power Supply Program ("City's Program"). Hampshire Power will provide electric power supply for all National Grid Basic Service consumers in Marlborough. This letter is intended to tell you about this program for electric power supply. The savings to be realized under the City's Program is provided in the chart below. In accordance with state law, it also informs you of your rights and options if you choose not to participate in the Program.

YOU WILL NOT NOTICE ANY CHANGE. The only difference you will see is that Hampshire Power will be printed under the "Supply Services" section of your monthly bill. You will continue to receive one bill from National Grid. You will continue to send your payments to National Grid for processing. National Grid will continue to respond to emergencies, read meters and maintain the distribution and transmission lines. Reliability and quality of service will remain the same. Furthermore, you will continue to have all existing consumer rights and protections.

GUARANTEE OF SAVINGS. As you may know, National Grid's Basic Service rates are set to rise significantly on November 1, 2014. The City's Program is designed to offset this rise in rates, stabilize rates for one year, and guaranteed savings during the period from November 1, 2014 to April 30, 2015.

COMPARATIVE RATES AND TERMS

	City's Program (Supplier Services Only)	National Grid Basic Service (Supply Services Only)
Rate Residential Commercial/Streetlight Industrial	\$.12858/kWh \$.12858/kWh \$.12858/kWh	\$.16273/kWh \$.15228/kWh \$.17488/kWh
Duration	December 2014– December 2015 <i>(Rates apply to service beginning and ending on the days of the month that your meter is read in your service area.)</i>	November 1, 2014 – April 30, 2015 <i>(Residential and Small Commercial rates change every 6 months, Large Commercial and Industrial rates change every 3 months)</i>
Exit Terms	NO PENALTY CHARGE	May receive a reconciliation charge or credit

YOU DO NOT NEED TO TAKE ANY ACTION to participate in the City's Program.

ALL BASIC SERVICE CONSUMERS will automatically be enrolled in the City's Program and start benefiting from the lower rate beginning on the day of the month in December 2014 that your meter is read. This date varies by service area. Your meter reading date is shown on your bill.

CONSUMERS SHOULD MONITOR RATES in March when new National Grid's rates will be set for the May 2015 – November 2015 period. Consumers can opt-out of the City's Program with no penalty charge at any time and return to National Grid's Basic Service.

PROGRAM ANNOUNCEMENTS, UPDATES, AND RATE CHANGES will be posted on the City's website at www.marlbrough-ma.gov under News & Announcements and the Municipal Aggregation Directory Tab and/or Quick Links.

BUDGET PLAN OR ELIGIBLE LOW-INCOME DELIVERY RATE CONSUMERS will continue to receive those benefits from National Grid.

IF YOU HAVE ALREADY CHOSEN A COMPETITIVE SUPPLIER ON YOUR OWN you will not be enrolled in the City's Program. You will continue to get your electricity from that Competitive Supplier. If you wish to enroll in the City's Program, you will need to opt-out of the program you have chosen by following that Competitive Supplier's opt-out instructions and then opt-in to the City's Program.

IF YOU DO NOT WISH TO PARTICIPATE IN THE CITY'S PROGRAM you may: 1) Opt-out and continue paying National Grid's Basic Service rate; or 2) Opt-out and choose your own Competitive Supplier (if one is available to you).

HOW TO OPT-OUT

Fill out, sign, and return the enclosed postage paid card **OR** visit www.colonialpowergroup.com/marlborough/ and click the opt-out button, then fill out and submit the Opt-Out Form. You may also call Colonial Power Group, Inc. at 508-485-5858, or Hampshire Power at 413-584-1300 to opt-out of the program.

ANY TIME AFTER ENROLLMENT you can still opt-out with **NO PENALTY CHARGE**. If you choose to opt-out after the initial enrollment, you may submit an Opt-Out form at www.colonialpowergroup.com/marlborough/ **OR** call us toll-free at (866) 485-5858 **OR** call Hampshire Power at [\(413\) 584-1300](tel:413-584-1300) and ask to be placed on National Grid Basic Service

IF YOU FAIL TO PAY YOUR BILL IN A TIMELY MANNER consistent with the requirements of Massachusetts law, you may be switched back to the National Grid Basic Service.

Basic Service consumers in the City of Marlborough will receive further notification of this Program on their December 2014 bill from National Grid.

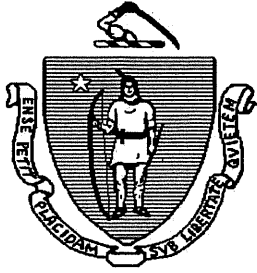
BEWARE OF OTHER ENERGY OFFERS You may receive direct mail, phone calls, or even visits to your door from energy marketers. These companies are **NOT** associated with the City's Program or with National Grid. If you have questions about any offers you receive, please call 508-485-5858.

FOR FURTHER INFORMATION regarding the City's Program you can visit our website at www.colonialpowergroup.com/marlborough/ or call us toll-free at (866) 485-5858. To learn more about Hampshire Power visit: <http://www.hampshirecog.org/programs-and-services/electricity-services/hampshire-power>

Colonial Power Group, Inc. is an energy broker chosen by the City of Marlborough to facilitate the Community Choice Power Supply Program.

Este es un aviso importante. Por favor asegure que se traduce.

Este é um aviso importante. Queira mandá-lo traduzir.



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

D.P.U. 14-BSF-D3-A

November 6, 2014

Petition of Massachusetts Electric Company and Nantucket Electric Company to Department of Public Utilities for approval of standard Basic Service rates for: (1) November 1, 2014 through April 30, 2015, for its residential, street lighting, and small commercial and industrial customers; and (2) November 1, 2014 through January 31, 2015, for its medium and large commercial and industrial customers.

ORDER ON MITIGATING THE IMPACT OF THE INCREASE OF STANDARD BASIC
SERVICE RATES OF MASSACHUSETTS ELECTRIC COMPANY
AND NANTUCKET ELECTRIC COMPANY

I. INTRODUCTION

Under the Electric Industry Restructuring Act,¹ bundled retail electric service has been restructured so that retail generation service can be provided by competitive suppliers, while the delivery of electricity is still provided by electric distribution companies as a regulated monopoly service. G.L. c. 164, § 1B(d). Electric distribution companies, however, are required to provide basic service to any customer not taking generation service from a competitive supplier.

G.L. c. 164, § 1B(d). Each electric distribution company procures its basic service supply through a competitive solicitation. G.L. c. 164, § 1B(d). The basic service rate is set to pass through the market costs of electricity supply to customers.² See G.L. c. 164, § 1B(d).³ The Department of Public Utilities (“Department”) reviews an electric distribution company’s basic service solicitation to ensure that it is competitive and that the resulting rates are appropriately market based. D.T.E. 02-40-C at 22-23. Based on market conditions, the cost of electricity in the New England region has substantially increased for the upcoming winter months.

Over the last few years, the Department has implemented numerous initiatives to enhance the reliability of electricity service, reduce electricity costs, and empower customers to more

¹ Act Relative to Restructuring the Electric Utility Industry in the Commonwealth, Regulating the Provision of Electricity and Other Services, and Promoting Enhanced Consumer Protections Therein. St. 1997, c. 164 (“Restructuring Act”).

² Electric distribution companies do not earn a return on or derive a profit from providing basic service.

³ See also, Pricing and Procurement of Default Service, D.T.E. 99-60-B (2000); Default Service Procurement, D.T.E. 02-40-B at 22-23 (2003); Default Service Procurement, D.T.E. 02-40-C at 22-23 (2003).

efficiently manage their use of electricity.⁴ Together with the electric distribution companies, the Attorney General of the Commonwealth (“Attorney General”), the Department of Energy Resources (“DOER”), and other stakeholders, the Department continues to work to further these goals.

The Department recognizes, however, that higher winter electric rates continue to be a challenge for electric distribution companies’ customers, particularly posing a difficult financial burden for electric space heating customers. Thus, in this Order, the Department directs electric distribution companies to take actions to mitigate the financial effects of large increases to basic service rates this winter. Specifically, the Department directs the electric distribution companies to promote and allow residential customers to enroll in budget billing programs throughout the winter months, which will allow customers to spread their total electricity costs evenly over a specified period of time. In addition, the Department directs the electric distribution companies

⁴ Examples include removing financial disincentives for electric and gas utilities to utilize demand resources through revenue decoupling; enhancing our energy efficiency guidelines; fostering the development of distributed generation through the promulgation of net metering regulations; overseeing the implementation of electric utility smart grid pilot programs; approving utility-owned solar generating facilities; working to update distributed generation interconnection standards; approving long-term contracts for renewable power; and working to modernize the electric grid. See, e.g., D. P.U. 07-50 (2007); Energy Efficiency Guidelines, D.P.U. 08-50-B (2009); Energy Efficiency Guidelines, D.P.U. 11-120 (2011); 220 C.M.R. § 18.00 et seq. (rules governing net metering); Massachusetts Electric Company and Nantucket Electric Company, D.P.U. 11-129 (2012) (smart grid pilot program); Smart Grid Pilot Evaluation Working Group, D.P.U. 10-82 (2011); Western Massachusetts Electric Company, D.P.U. 09-05 (2009) (solar generating facility program); Massachusetts Electric Company and Nantucket Electric Company, D.P.U. 09-38 (2009) (solar generating facility program); Interconnection of Distributed Generation, D.P.U. 11-75 (2011); Massachusetts Electric Company and Nantucket Electric Company, D.P.U. 10-54 (2010) (long-term renewable energy contracts); NSTAR Electric Company, D.P.U. 11-05/06/07 (2011) (long-term renewable energy contracts); Modernization of the Electric Grid, D.P.U. 12-76 (2012).

to continue their ramped up efforts to increase education regarding the competitive supply market, and to implement targeted energy efficiency programs, particularly for low-income and electric space heating customers, in order to assist customers in reducing their electric bills, especially during the winter months.

II. PROCEDURAL HISTORY

On September 16, 2014, pursuant to D.T.E. 99-60-B, D.T.E. 02-40-C, and G.L. c. 164, § 1B(d), Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid (“National Grid”), requested that the Department approve rates based on the results of the Company’s most recent basic service supply solicitation for: (1) November 1, 2014 through April 30, 2015, for its residential, street lighting, and small commercial and industrial (“C&I”) customers; and (2) November 1, 2014 through January 31, 2015, for its medium and large C&I customers. As a result of National Grid’s basic service solicitation, the fixed residential basic service rate for November 1, 2014 through April 30, 2015 is 16.182 cents per kilowatt hours, which is approximately 37 percent higher than the fixed basic service residential rate in effect November 1, 2013 through April 30, 2014. On September 23, 2014, the Department approved National Grid’s standard basic service rates for effect November 1, 2014.

On October 2, 2014, the Attorney General submitted a letter to the Department requesting, among other things, that we investigate whether the impact of National Grid’s residential basic service rates could be mitigated by deferring a portion of cost recovery to a future residential basic service term. The Attorney General also requested that the Department consider allowing National Grid to defer a portion of its C&I basic service cost recovery.

On October 3, 2014, the Department issued a Notice and Request for Comments⁵ seeking written comments from interested stakeholders addressing (1) whether and how any portion of National Grid's standard basic service cost recovery should be deferred to a later basic service term; and (2) other possible means to mitigate the effect on customers of the standard basic service rate increase. On October 10, 2014, the Department issued an Additional Request for Comments seeking written comments addressing a proposed method to calculate National Grid's standard basic service rates for its residential and small C&I customers over the twelve-month period November 1, 2014 through October 31, 2015.⁶ (This proposal and the Attorney General's deferral proposal are referred to herein as the "Basic Service Proposals.")

⁵ Apart from this proceeding, on October 2, 2014, the Department directed National Grid, Western Massachusetts Electric Company ("WMECo"), NSTAR Electric Company ("NSTAR"), and Fitchburg Gas and Electric Light Company, d/b/a Unitil ("Unitil"), to provide information on their (a) customer outreach and education regarding competitive supply market options; and (b) program offerings to help customers mitigate the impacts of the basic service rate increases (e.g., budget billing, energy efficiency programs). On October 10, 2014, each company submitted its responsive information (collectively, "October 10, 2014 Letters"). Because of their relevance to this proceeding, we incorporate the companies' responses into this docket.

⁶ Under the proposed method, National Grid would calculate the standard basic service rates for the six-month period November 1, 2014 through April 30, 2015 based on the weighted average of: (1) the standard basic service rate for the period November 1, 2014 through April 30, 2015 approved by the Department on September 23, 2014; and (2) a proxy weighted average standard basic service rate for the period May 1, 2015 through October 31, 2015, using the monthly bids submitted by the winning suppliers selected by National Grid in its most recent basic service solicitation to provide 50 percent of its basic service supply for that six-month period. At the time that the results of National Grid's next solicitation are known (i.e., National Grid solicits the remaining 50 percent of its basic service supply requirement for that period), National Grid would calculate the standard basic service rates effective May 1, 2015 according to the method described above, replacing the proxy rate described above with the actual rates that otherwise would go into effect on May 1, 2015.

Between October 14, 2014 and October 17, 2014, the Attorney General, Associated Industries of Massachusetts (“AIM”), Cape Light Compact (“Compact”), Colonial Power Group, Inc. (“CPG”), Conservation Law Foundation (“CLF”), Mass Energy Consumers Alliance (“Mass Energy”),⁷ Consolidated Edison Solutions, Inc. (“ConEdison Solutions”), Direct Energy, DOER, the Low-Income Weatherization and Fuel Assistance Program Network and the Massachusetts Energy Directors Association (“LEAN”), Town of Nantucket (“Nantucket”), National Consumer Law Center (“NCLC”), National Grid, NextEra Energy Power Marketing, LLC (“NextEra”), Exelon Corporation (“Exelon”),⁸ NSTAR, WMECo,⁹ Retail Energy Supply Association (“RESA”), Transcanada Power Marketing Ltd. (“Transcanada”), Unitil, and 47 Coffin Street Ratepayer Advocates filed comments.

On October 22, 2014, the Attorney General filed a Motion for Leave to File Reply Comments (“Attorney General Motion”) and submitted Reply Comments. On October 23, 2014, National Grid filed a Motion for Leave to Reply to the Attorney General’s Reply Comments and submitted Reply Comments (“National Grid Motion”).¹⁰

⁷ CLF and Mass Energy jointly submitted comments on behalf of CLF, Mass Energy, the Appalachian Mountain Club, Berkshire Environmental Action Team, Cape Wind Associates, Clean Water Action, Environmental League of Massachusetts, Green Justice Coalition, Health Care Without Harm, Mass Audubon, MassPLAN, Mother Out Front, and National Wildlife Federation.

⁸ NextEra and Exelon submitted joint comments.

⁹ WMECo and NSTAR, which are affiliated companies within the Northeast Utilities holding company system, submitted joint comments (together referred to as “Northeast Utilities”).

¹⁰ Both the Attorney General Motion and National Grid Motion address the carrying charges applicable to deferral balances. As discussed in Section IV.A, below, the

III. SUMMARY OF COMMENTS

A. Introduction

The comments generally address: (1) whether National Grid's basic service rates should be recalculated; (2) what other steps can be taken to mitigate the impact of the increase in basic service rates; and (3) whether the Department should open broader investigations into (i) revising the pricing and procurement of basic service; and (ii) promoting greater customer access to the competitive supply market. Below, the Department provides a general summary of the comments addressing these three topics. The Department appreciates all of the commenters' thorough and thoughtful comments.

B. Recalculation of Basic Service Rates

Nantucket is the only commenter to expressly support the Basic Service Proposals. Nantucket and the Attorney General state that the magnitude of the increase in basic service rates may implicate the Department's rate structure goal of continuity (Attorney General Comments at 2; Nantucket Comments at 2). Nantucket and the Attorney General contend that the Basic Service Proposals may minimize the immediate impact of the increased rate affording additional time for customers to adjust their consumption and budgets, or find a suitable competitive supplier (Attorney General Comments at 2; Nantucket Comments at 2).

No other commenters support the Basic Service Proposals (see, e.g., CPG Comments at 1; DOER Comments at 2; NextEra and Exelon Comments at 3; National Grid Comments at 1). These commenters state that, if implemented, the Basic Service Proposals would result in higher

Department does not defer or recalculate National Grid's standard basic service rates. Therefore, the Department does not address either Motion in this Order.

customer costs because they would include carrying charges on deferrals.¹¹ In addition, in the long term, the Basic Service Proposals would result in higher basic service rates from the additional risk premiums factored into bids in subsequent basic service procurements (see, e.g., Direct Energy Comments at 15-17; DOER Comments at 5; National Grid Comments at 7-8, 11; Northeast Utilities Comments at 3, 5; Unitil Comments at 3; TransCanada Comments at 4-5). According to several commenters, the Basic Service Proposals likely would have unintended consequences negatively affecting distribution rates,¹² the competitive supply market, and non-basic service customers, such as municipal aggregation customers (see, e.g., 47 Coffin Street Ratepayer Advocates Comments at 3; AIM Comments at 2-5; Attorney General Comments at 2; Compact Comments at 2; National Grid Comments at 2, 7, 11; RESA Comments at 5-7; TransCanada Comments at 4-5). Moreover, the commenters assert that the Basic Service Proposals might violate the Electric Industry Restructuring Act and Department precedent that requires basic service to be competitively procured and priced at the market price of electricity, with a uniform rate for periods of up to six months (see, e.g., Direct Energy Comments at 4-6; National Grid Comments at 2, 5, 10; Northeast Utilities Comments at 2; Unitil Comments at 2; citing G.L. c. 164, § 1B(d)). Finally, some commenters argue that there is no factual or legal basis for the claim that the basic service rate increases violates the Department's rate structure goal of continuity because supply rates are not subject to the Department's ratemaking standards

¹¹ If either of the Basic Service Proposals is adopted, National Grid estimates that the deferral balance would be between \$168 million and \$372 million at the end of the six-month basic service period (National Grid at 3).

¹² AIM notes that due to differences in solar generation output during winter and summer months, under the Basic Service Proposals distribution customers may bear significantly higher costs due to net metering payments (AIM Comments at 4).

for distribution rates (i.e., efficiency, simplicity, fairness, and continuity) (see, e.g., CPG Comments at 1; DOER Comments at 4; RESA Comments at 8-9).

C. Customer Education, Expansion of Existing Budget Billing¹³ and Energy Efficiency Programs

To mitigate the impact of National Grid's basic service rate increases, several commenters recommend customer education, expansion and promotion of the electric distribution companies' existing budget billing programs, and utilization of energy efficiency measures. The commenters assert that customer education regarding the basic service rate increases would assist in the mitigation strategies described below¹⁴ (see, e.g., AIM Comments at 5; Attorney General Comments at 4; Compact Comments at 2; ConEdison Solutions Comments at 3-4; DOER Comments at 7; RESA Comments at 14). For example, some commenters recommend additional customer outreach and education about competitive supply options (see, e.g., CLC Comments at 2; ConEdison Solutions Comments at 3; RESA Comments at 10, 12; Direct Energy Comments at 22; TransCanada Comments at 6). Several commenters recommend active promotion of National Grid's budget billing program to mitigate the impact of the basic service rate increases (see, e.g., Attorney General Comments at 4; ConEdison Solutions Comments at 3; Direct Energy Comments at 20; DOER Comments at 7; National Grid Comments at 15; NCLC Comments at 1; RESA Comments at 7-8). Some commenters assert

¹³ A budget billing plan is an equalized payment arrangement whereby the customer's electric usage is projected for a period, equal monthly charges are calculated and billed for that period, and said charges are reconciled with actual usage in the final billing for said period. 220 C.M.R. § 25.01(2).

¹⁴ DOER suggests a coordinated educational outreach with its Green Communities Division, Chambers of Commerce, Community Development Corporations, and municipal "main streets" initiatives (DOER Comments at 7).

that the electric distribution companies should expand budget billing programs by:

(1) restructuring the programs as opt-out; (2) allowing small business customers to enroll; (3) including competitive supplier charges; and (4) allowing flexible repayment terms and “down payment” requirements, particularly for low-income customers (see, e.g., ConEdison Solutions Comments at 3, n.3; Direct Energy Comments at 20-21; LEAN Comments at 2; NCLC Comments at 1). Regarding energy efficiency, some commenters suggest that the electric distribution companies should more actively promote participation in residential energy efficiency programs, specifically to electric space heating and low-income customers, through targeted mailings and direct outreach (see, e.g., DOER Comments at 6; RESA Comments at 15). Finally, the commenters support increasing investment in energy efficiency to mitigate price volatility and lower electricity consumption in the long term (see, e.g., CLF and Mass Energy Comments at 7; Direct Energy Comments at 22; Northeast Utilities Comments at 5).

D. Basic Service Procurement and Competitive Supply Market

Several commenters recommend that the Department initiate an investigation into revising the manner in which electric distribution companies procure and price basic service supply for residential and small C&I customers, including, but not limited to, changes in the length and timing of basic service supply solicitations (see, e.g., AIM Comments at 5; CPG Comments at 2; LEAN Comments at 3; NextEra and Exelon Comments at 6-7; Town of Nantucket Comments at 2). Some commenters also recommend that the Department take steps to (i) raise awareness of the supply options offered by the competitive market, and (ii) facilitate the ability of customers to switch to competitive supply (see, e.g., ConEdison Solutions Comments at 3; RESA Comments at 13; TransCanada Comments at 6).

IV. ANALYSIS AND FINDINGS

A. Recalculation of Basic Service Rates

The Restructuring Act requires that basic service be competitively procured and priced at the market price of electricity. G.L. c. 164 § 1B(d). In D.T.E. 99-60-B, the Department established a six-month fixed price¹⁵ option as the customary default service pricing option for residential and small C&I customers. D.T.E. 99-60-B at 5; see also D.T.E. 02-40-B. Basic service rates are already designed to mitigate price volatility for customers by averaging six monthly prices into one flat rate. The Department agrees with the majority of the commenters that changing National Grid's basic service rates by deferring costs from the current basic service term to another term, or by calculating a weighted average basic service rate over a twelve-month period, would not be in the ratepayers' best interests, would disrupt the competitive market, might result in higher basic service bid prices in the future, could shift costs to non-basic service customers, and would be contrary to Department precedent.

As almost all commenters discussed, the Basic Service Proposals would not reduce the cost of basic service for customers, but instead would spread the cost recovery over a longer period of time, which would increase carrying charges and distort price signals. If the Department adopted either Basic Service Proposal, customers would pay below market prices in the winter months and above market prices in the summer months. Overall, basic service price signals and seasonal price variability would be disguised and potentially increase customer

¹⁵ The Department has found that setting fixed pricing options for a longer term is inconsistent with keeping default service prices at market-based levels. D.T.E. 02-40-B at 44.

migration risk for basic service suppliers. See Massachusetts Electric Company, D.T.E. 99-60, Letter Order at 3 (April 3, 2001).

While we recognize that higher basic service rates in winter may pose a financial challenge for many customers, the Department finds that its current approach to basic service ratemaking strikes an appropriate balance between two objectives – price stability and efficient price signals (i.e., aligning basic service rates with prevailing market prices). See D.T.E. 02-40-B at 44-45. An appropriate price signal promotes efficient demand levels and further assures an adequate and reliable supply of electricity. D.T.E. 99-60, Letter Order at 3. Further, the Department notes that no commenter asserts that National Grid’s basic service solicitation was inconsistent with the applicable statutory and regulatory requirements or yielded prices above the average monthly market price for electricity.

For the reasons discussed above, the Department declines to recalculate National Grid’s basic service rates that were effective November 1, 2014. Instead, as discussed below, the Department directs National Grid, and the other electric distribution companies, to continue their ramped up efforts to educate customers about the increasing basic service rates and to promote programs that will assist customers in managing their energy use and electricity costs.

B. Customer Education, Expansion of Existing Budget Billing and Energy Efficiency Programs

The comments emphasize that all electric distribution companies should increase customer education efforts and implement programs to assist customers in mitigating the impact of higher basic service rates. The Department fully agrees that higher winter electric rates are a challenge for all electric distribution customers. Therefore, the Department discusses below

ways that National Grid, NSTAR, Unitil, and WMECo can continue to assist customers in managing their energy use and bills.

The Department agrees with several commenters that encouraging customers to take advantage of the electric distribution companies' budget billing programs will help some customers mitigate the effects of the increases in basic service rates. Therefore, we direct the electric distribution companies to more actively promote and allow customers to enroll in budget billing programs on a rolling twelve-month basis. At this time, we do not require electric distribution companies to offer budget billing programs to any customer class other than residential customers. However, while we recognize that there may be implementation limitations, the Department encourages the electric distribution companies to explore the possibility of allowing low-income customers who participate in an arrearage management program and small C&I customers to participate in budget billing or similar program. The Department also directs the electric distribution companies to include a discussion of the possibility of enrolling customers participating in arrearage management programs into budget billing programs in the companies' next arrearage management program filings.

The Department agrees that directing the electric distribution companies to encourage customers, especially electric space heating and low-income customers, to participate in energy efficiency programs will help mitigate the effects of high electricity prices. The Department recognizes that a number of initiatives in that regard are already underway. The electric distribution companies continue to collaborate with the Executive Office of Energy and Environmental Affairs, DOER, the Massachusetts Clean Energy Center ("Mass CEC"), LEAN, and the Massachusetts Energy Efficiency Advisory Council ("EEAC") on a number of energy

efficiency initiatives, including providing enhanced rebates for qualifying heating systems, light-emitting diode (“LED”) lighting, and wireless thermostats, to assist customers in lowering their energy use this winter. DOER recently provided \$5.1 million for residential renewable energy and energy efficiency improvements for the winter season.¹⁶ Moreover, the electric distribution companies and DOER, independently, maintain websites with information on winter energy resources, including energy efficiency, financing options, fuel assistance, and rebates. The Department encourages all electric customers to take advantage of these programs and directs the electric distribution companies to continue to coordinate with their vendors to ensure that customers can implement energy efficiency measures throughout the winter. The Department also encourages the companies to continue to collaborate with LEAN, DOER, and the EEAC to develop energy efficiency initiatives that will help lower electric space heating and low-income customers’ winter energy costs.

As stated above, each electric distribution company has outlined and documented measures it has implemented to ensure that customers are fully informed in order to respond to the basic service price increases this winter. Each electric distribution company has and plans to continue a broad education campaign through bill inserts, websites, social media, radio, and television to inform customers about ways to mitigate the impact of higher electric rates (see October 10, 2014 Letters). Specifically, the companies have promoted budget billing, energy efficiency, and low-income assistance programs, and have provided customers with information

¹⁶ DOER awarded: \$1.6 million to the Mass CEC to expand the rebate program for air source heat pumps; \$2.5 million to Mass Save for bonus rebates for efficient natural gas boilers and furnaces; \$0.3 million to the Department of Housing and Community Development for air source heat pumps for public housing; and \$0.7 million to the low-income heating assistance program administrators for wood pellet stoves and air source heat pumps.

about the competitive supply market (see October 10, 2014 Letters). National Grid, in particular, issued press releases and began these initiatives prior to filing its petition for approval of the basic service rates effective November 1, 2014 (see National Grid October 10, 2014 Letter, Att. B). In addition to other directives herein, the Department directs the electric distribution companies to continue their efforts to educate customers about impending basic service rate increases, including educating customers about competitive electricity supply options.

C. Investigations into Basic Service Procurement and Competitive Supply Market

Several commenters urge the Department to revise the manner in which electric distribution companies procure and price basic service. While the Department recognizes that the increase in basic service rates presents challenges for ratepayers, an investigation into restructuring basic service rates would not mitigate the basic service cost impacts this winter. Further, the Department notes that our ongoing investigation into the implementation of time varying rates also may affect the structure of basic service procurement and pricing – in addition to giving electric customers more tools with which to control their electricity bills. See Time Varying Rates, D.P.U. 14-04-C (November 5, 2014). Therefore, the Department will defer to a future date a decision on whether to open an investigation into revisiting the Department's established rules regarding the procurement and pricing of basic service.

As noted above, some commenters recommend that the Department take steps to facilitate the development of the retail competitive supply market. The Department recognizes that providing customers with a robust set of competitive supply options is a key component of ensuring that customers are well positioned to respond to increases in market prices. As such,

the Department plans to open an investigation in the near future into improving access to the competitive supply market, particularly for residential and small C&I customers.

V. CONCLUSION

After review and due consideration of the comments, the Department finds that it is not in the public interest to adopt either of the Basic Service Proposals. Specifically, the Department finds that recalculating National Grid's basic service rate might have unintended consequences, including increasing the price of future basic service bids due to increased regulatory risk for suppliers, and increasing costs to non-basic service customers. Also, the Department finds that recalculating National Grid's basic service rates would result in higher costs for National Grid ratepayers by adding carrying costs. Therefore, the Department will not recalculate National Grid's basic service rates that were effective November 1, 2014.

The Department directs all the electric distribution companies to continue their ramped up efforts to educate customers about the competitive supply market and to mitigate the impact of the increases in basic service rates through promoting customers' participation in budget billing and energy efficiency programs. Further, the Department directs National Grid, NSTAR, WMECo and Unitil to comply with all directives contained in this Order.

By Order of the Department,

/s/
Ann G. Berwick, Chair

/s/
Jollette A. Westbrook, Commissioner

/s/
Kate McKeever, Commissioner



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2014 NOV 13 A

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

November 13, 2014

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

Re: "Boroughs Trail" Conceptual Plan

Honorable President Pope and Councilors:

Enclosed for your approval is a draft conceptual plan of the "Boroughs Community Trail Loop," an exciting proposal that creates a 30 mile recreational trail link between Marlborough and the towns of Northborough, Southborough and Westborough.

This plan has been a few years in the making and its success is largely owed to a group of dedicated volunteers across our region as well as the persistence of Conservation Officer Priscilla Ryder. When completed, this trail will be heavily promoted across all communities and will hopefully attract a number of competitive marathoners looking to test their abilities in our own backyard.

Ms. Ryder will be happy to discuss this innovative concept with you in greater detail. For your information I have included in this correspondence a map of the trail as well as a written narrative from Ms. Ryder.

Thank you in advance for your consideration.

Sincerely,


Arthur G. Vigeant
Mayor



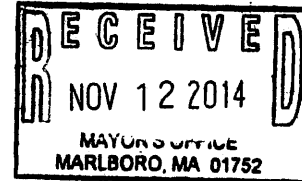
City of Marlborough Conservation Commission

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

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

November 12, 2014

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



RE: Proposed Borough's trail loop in Marlborough, Northborough, Westborough and Southborough

Dear Mayor Vigeant,

As you may be aware in 2012 the City of Marlborough Economic Development Corp was able to secure a 'District Local Technical Assistance' grant from the regional planning agencies to determine the feasibility of creating a "boroughs community trail loop". The result of this effort was the Boroughs Trail Feasibility Study completed in January 2013. This prompted the development of the enclosed Borough's trail concept plan. The plan is to create a regional trail that links existing and proposed trail systems in Marlborough, Northborough, Westborough and Southborough into one regional 30+ mile walking trail loop. See attached plan with the proposed vision. As a group we are pleased to submit this concept plan to you for your review and endorsement. The vision of the trail as noted on the plan is as follows:

The Boroughs Loop Trail connects the hiking trail networks of Marlborough, Northborough, Southborough and Westborough to create a regional trail that encourages the exploration, enjoyment, and protection of the Borough's natural resources. The Boroughs Loop Trail will show case the region's natural beauty; provide ecological and economic health for the region; and promote a positive outdoor experience for all.

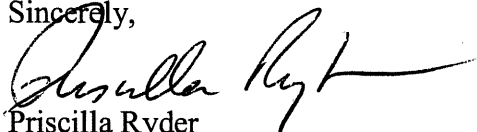
The plan is that each community will work to make the trail connections a reality. Once the trail segments are all connected together signage and other way finding features will be coordinated among each community and incorporated into the existing trail system. Volunteers from community groups, trail committees and land trusts are eager to work on this plan to make it a reality.

At this time we wanted to share our planning efforts with you and get your approval of this regional trail concept plan. We will be looking for your help and support in the future as we work with state agencies and legislators when seeking grant funding and for easements/permission to connect trails across roadways, railroads and through parkland.

A large group of volunteers, organizations and municipal staff have worked together on this concept including the following key contacts in each community and participating organization: Kathy Joubert Northborough Town Planner; Bob Mihalek Chairman, Northborough Trails Committee; Dan Gilford, Chairman of Southborough Trails Committee; Jim Robinson, Westborough Town Planner; Priscilla Ryder Marlborough Conservation Officer; Dan Stimson Sudbury Valley Trustees.

We hope you will look favorably upon this plan and we will keep you posted on our progress as we move this concept forward.

Sincerely,

A handwritten signature in cursive script, appearing to read "Priscilla Ryder", with a long horizontal flourish extending to the right.

Priscilla Ryder
Conservation Officer

e-mail: Planning Board; Conservation Commission; Recreation Commission
Borough's trail committee

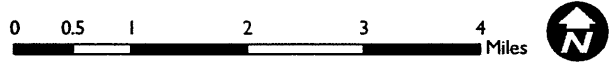


Boroughs Loop Trail

Marlborough, Northborough, Southborough, Westborough

- Boroughs Loop Trail, Existing
- Boroughs Loop Trail, Conceptual
- Other Trail
- Open Space
- River, Stream
- Pond, Lake
- Wetland
- Submerged Wetland

The Boroughs Loop Trail connects the hiking trail networks of Marlborough, Northborough, Southborough and Westborough to create a regional trail that encourages the exploration, enjoyment, and protection of the Boroughs' natural resources. The Boroughs Loop Trail will showcase the region's natural beauty; provide ecological and economic health for the region; and promote a positive outdoor experience for all.



Map produced by Sudbury Valley Trustees. Portions of the data Provided by Office of Geographic and Environmental Information (MassGIS), Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs. This Map should be used for reference only. Boundaries and trail locations are approximate.

Sudbury Valley Trustees - 18 Wolbach Road - Sudbury, MA
 978-443-5588 - web@svtweb.org - www.svtweb.org Sept. 2014



City of Marlborough Legal Department

140 MAIN STREET

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

LEGAL@MARLBOROUGH-MA.GOV

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

ELLEN M. STAVROPOULOS
PARALEGAL

November 13, 2014

Patricia Pope
President
Marlborough City Council

RE: Executive Session Request –
Wireless Special Permit Dispute Involving Two Properties on Boston Post Road

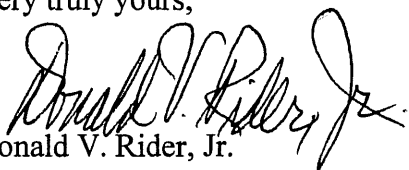
Honorable President Pope and Councilors:

As a follow-up to a similar request I made last month, I respectfully request an executive session with the Council on Monday evening for the purpose of discussing litigation strategy in a wireless special permit dispute involving two properties on Boston Post Road.

I have enclosed a proposed motion for this request.

Thank you for your attention to this matter.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure (Motion)

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2014 NOV 13 A 10:46

MOTION:

It is moved, in conformance with the provision of section 21(a)(3) of Chapter 30A of the General Laws of the Commonwealth, that the Marlborough City Council conduct an executive session for the purpose of discussing litigation strategy in a wireless special permit dispute involving two properties on Boston Post Road, as an open meeting may have a detrimental effect on the litigating position of the City of Marlborough and the City Council, and the chair hereby declares that an open meeting may have that effect.

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



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2014 NOV 12 P 3:08

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

November 7, 2014

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

**RE: CHAPTER 40 SECTION 6-C
PLOWING OF PRIVATE WAY**


Dear President and Members,

Below please find one private way being submitted for your approval under the above-Massachusetts General Law. The private ways is:

Reagin Lane – Mauro Farms Subdivision, off Cook Lane

I have attached herewith a draft council order which, if approved, would permit the removal of snow and ice from this private way. Should you have any questions, please do not hesitate to contact me.

Very truly yours,


John L. Ghiloni
Commissioner of Public Works

cc: Mayor Arthur G. Vigeant
Donald Rider, City Solicitor
Thomas P. Temple, Assistant Commissioner - Operations
Evan Pilachowski, P.E. - City Engineer

ORDERED:

That the Department of Public Works be authorized to plow and remove snow from the following way, in accordance with the provisions of Massachusetts General Law Chapter 40, Section 6-C, provided, that said way be of such construction and condition that, in the opinion of the Commissioner of Public Works, said plowing can be safely and conveniently accomplished:

Reagin Lane – Mauro Farms Subdivision, off Cook Lane



CAPITAL GROUP

P R O P E R T I E S

October 30, 2014

Ronald M. LaFreniere, P.E.
Commissioner of Public Works
City of Marlborough
135 Neil Street
Marlborough, MA 01752

Re: Mauro Farms – Reagin Lane

Mr. LaFreniere:

I am writing to request that the Marlborough DPW begin plowing Reagin Lane in the Mauro Farms subdivision on Cook Lane. The binder course of asphalt has been applied, the granite curbing has been installed, and all roadway structures have been brought to binder grade. If you have any questions, please feel free to contact me at (508) 229-1808.

Sincerely,

Martin E. Loiselle, Jr.
Permitting/Development Manager
Capital Group Properties

City of Marlborough
Commonwealth of Massachusetts

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CITY OF MARLBOROUGH



PLANNING BOARD P 1:52

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

November 6, 2014

City Council Order No. 14-1005947

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

President Pope:

At its regular meeting on November 3, 2014, the Planning Board discussed the proposed Order to amend Chapter 650 of the Zoning Code of the City of Marlborough and the creation of a new downtown district to be known as the Marlborough Village. The Board voted unanimously in favor of the Purpose and Vision of the Order and to provide a positive recommendation with the following suggested edits and comments:

1. Provide clarification of certain definitions and terms to remove ambiguity. For example: Pedestrian Design, Pedestrian Oriented, and Pedestrian Friendly should all be defined clearly and used consistently throughout the text.
2. Limit as much as possible the uses that require Special Permits to provide potential developers with more certainty. Whenever possible, control uses currently designated as SP with definitions that clearly set forth acceptable parameters for that use. Specific suggestions appear below in the Table of Uses paragraph.
3. With regard to the Roof form, Section 650-33 D (b) the Board suggests requiring that a developer must demonstrate how the adverse effect is minimized.
4. With regard to illumination of signs (I Signage, Projecting Blade signs page 7), the Board suggests clarification as to whether signs will be internally or externally illuminated.
5. With regard to safety/entrance lighting (D, Entrances, page 3), the Board suggests clarification of whether entranceways and directional signs must be illuminated in the evening when businesses are closed.
6. The Board suggests that all references to Granger Street are changed to Granger Boulevard (Landscaping and Sidewalk Amenities, page 3).

7. With regard to use of the term "Open Space,"(Useable Open Space, page 6) the Board suggests using another term to avoid confusion with how that term is used in other portions of the City Code and Planning Board Rules. Further, the issue of privately owned public space versus common space for building requires further clarification.

8. With regard to Additional Reduction in Parking Requirements (page 5), the Board suggests making a provision for and definition of Electric Vehicle charging/docking stations.

9. The Board suggests making additional provisions for handicap parking/access designations on Main Street.

10. With regard to Other Business Signs Page 7, the Board suggests designating a maximum size for valet signs and designation of a process for annual licensing, with a requirement that the sign owner affixes a sticker issued by the City signifying that the license is current.

11. With regard to the Table of Uses, the Board makes the following recommendations:

a. (Page 1) Change artists' studios to a Y instead of SP, and add the term "music recording studio" to same line.

b. (Page 5) Separate Transportation Terminal from Freight Depot and change the designation for Transportation Terminal to SP instead of N.

c. Change the designation for Bed and Breakfast from SP to Y as the use is closely controlled in the definitions section.

Further, with regard to allowed, to foster the intended benefits of certainty for investors, review each SP designation to determine whether additional by right uses could be added with carefully designed definitions.

12. With regard to Definitions, the Board makes the following recommendations:

a. Add definition for Music Recording Studio.

b. Add definition for both Transportation Terminal and Freight Depot.

c. Add definition for Electric Vehicle charging/docking station.

13. The Board noted some accuracy issues with the Zoning Map that require further amendment. The Board makes the additional recommendations:

a. District boundaries that follow parcel / lot lines should be avoided whenever possible. Using these lines as district lines invites the possibility of future "split zoned" parcels.

b. Present the entire Zoning Map to City Council for amendment, with the creation of the Downtown Village instead of using an not simply an inset map showing the affected area.

Respectfully,

Barbara L. Fenby

Barbara L. Fenby

Chairperson

PERAC

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

COMMONWEALTH OF MASSACHUSETTS | PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION

JOSEPH E. CONNARTON, Executive Director

Auditor SUZANNE M. BUMP | PHILIP Y. BROWN, ESQ. | JOHN B. LANGAN | JAMES M. MACHADO | DONALD R. MARQUIS | ROBERT B. McCARTHY

MEMORANDUM

TO: Marlborough Retirement Board
FROM: *Joseph E. Connarton*
Joseph E. Connarton, Executive Director
RE: Appropriation for Fiscal Year 2016
DATE: November 6, 2014

Required Fiscal Year 2016 Appropriation: **\$7,945,580**

This Commission is hereby furnishing you with the amount to be appropriated for your retirement system for Fiscal Year 2016 which commences July 1, 2015.

Attached please find summary information based on the present funding schedule for your system and the portion of the Fiscal Year 2016 appropriation to be paid by each of the governmental units within your system.

If your System has a valuation currently in progress, you may submit a revised funding schedule to PERAC upon its completion. The current schedule is/was due to be updated by Fiscal Year 2016.

If you have any questions, please contact PERAC's Actuary, Jim Lamenzo, at (617) 666-4446 Extension 921.

JEC/jrl
Attachments

cc: Office of the Mayor
City Council
c/o City Clerk

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Marlborough Retirement Board

Projected Appropriations

Fiscal Year 2016 - July 1, 2015 to June 30, 2016

Aggregate amount of appropriation: **\$7,945,580**

Fiscal Year	Estimated Cost of Benefits	Funding Schedule (Excluding ERI)	ERI	Total Appropriation	Pension Fund Allocation	Pension Reserve Fund Allocation	Transfer From PRF to PF
FY 2016	\$8,674,633	\$7,945,580	\$0	\$7,945,580	\$7,945,580	\$0	\$729,053
FY 2017	\$8,989,813	\$8,197,942	\$0	\$8,197,942	\$8,197,942	\$0	\$791,871
FY 2018	\$9,316,489	\$8,458,340	\$0	\$8,458,340	\$8,458,340	\$0	\$858,149
FY 2019	\$9,655,078	\$8,727,028	\$0	\$8,727,028	\$8,727,028	\$0	\$928,050
FY 2020	\$10,006,015	\$9,004,273	\$0	\$9,004,273	\$9,004,273	\$0	\$1,001,742

The Total Appropriation column shown above is in accordance with your current funding schedule and the scheduled payment date(s) in that schedule. Whenever payments are made after the scheduled date(s), the total appropriation should be revised to reflect interest at the rate assumed in the most recent actuarial valuation. Payments should be made before the end of the fiscal year.

For illustration, we have shown the amount to be transferred from the Pension Reserve Fund to the Pension Fund to meet the estimated Cost of Benefits for each year. If there are sufficient assets in the Pension Fund to meet the Cost of Benefits, this transfer is optional.

Marlborough Retirement Board
Appropriation by Governmental Unit

Fiscal Year 2016 - July 1, 2015 to June 30, 2016

Aggregate amount of appropriation: **\$7,945,580**

UNIT	Percent of Aggregate Amount	Funding Schedule (excluding ERI)	ERI	Total Appropriation
City of Marlborough	69.98%	\$5,560,317	\$0	\$5,560,317
School Department	28.92%	\$2,297,862	\$0	\$2,297,862
Housing & Community Devel. Authority	1.10%	\$87,401	\$0	\$87,401
UNIT TOTAL	100%	\$7,945,580	\$ 0	\$7,945,580

The Total Appropriation column shown above is in accordance with your current funding schedule and the scheduled payment date(s) in that schedule. Whenever payments are made after the scheduled date(s), the total appropriation should be revised to reflect interest at the rate assumed in the most recent actuarial valuation. Payments should be made before the end of the fiscal year.

nationalgrid

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 NOV -5 A 10:08

October 24, 2014

City of Marlborough
City Clerks Office
140 Main Street
Marlborough, MA 01752

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID and VERIZON, covering joint NATIONAL GRID-VERIZON pole locations

If you have any questions regarding this permit please contact:

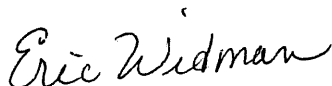
Ann Adduci 781-907-3484

Please notify National Grid's Angela Birch of the hearing date / time at 401-784-7726 or angela.birch@us.ngrid.com

If this petition meets with your approval, please return an executed copy to each of the above named Companies.

National Grid Contact: Angela Birch; 280 Melrose Street; Providence, RI 02907

Very truly yours,



Eric Widman, Engineering
Supervisor, Distribution Design

Enclosures

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

City Clerk

February 20, 2013

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 NOV -5 A 10:44

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

MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.

request permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary to be owned and used in common by your petitioners, in the following public way or ways:

Ames Street P20-50

NGRID petitions to install new primary riser P20-50 to be located 23' off road in between existing P20 & P21 Ames St. Install 2-4" conduits encased in concrete, 1 primary pull box & underground primary cable along Ames St. Conduit system will be installed 3' back of curb on the north side of roadway. Provide service multifamily development.

Wherefore they pray that after due notice and hearing as provided by law, it be granted joint or identical locations for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked: **MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.**

Plan No. 16934805 Dated: 10/21/2014

Also for permission to lay and maintain underground laterals, cables and wires 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 Wedman *EW*
Manager of Distribution Design

VERIZON NEW ENGLAND, INC.

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

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

February 20, 2013

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

Notice having been given and public hearing held, as provided by law, IT IS HEREBY ORDERED:
that MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC. be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed 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
24th day of October, 2014

All construction under this order shall be in accordance with the following conditions:-

Poles shall be of sound timber, and reasonably straight, and shall be set substantially at the points indicated upon the plan marked--

Plan No. **16934805** Dated: **10/21/2014** filed with this order.

There may attached to said **MASSACHUSETTS ELECTRIC COMPANY** not to exceed twenty wires and by said **VERIZON NEW ENGLAND, INC.** not to exceed forty wires and four aerial cables, and all of said wires and cables shall be placed at a height of not less than eighteen feet from the ground.

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:--

Ames Street P20-50

NGRID petitions to install new primary riser P20-50 to be located 23' off road in between existing P20 & P21 Ames St. Install 2-4" conduits encased in concrete, 1 primary pull box & underground primary cable along Ames St. Conduit system will be instaled 3' back of curb on the north side of roadway. Provide service multifamily development.

Also for permission to lay and maintain underground laterals, cables and wires 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.

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

Received and entered in the records of location orders of the City of Marlborough, Massachusetts

Book: _____ Page: _____

City Clerk

We hereby certify that on _____ 2013 at _____ o'clock, _____ M.
at _____ a public hearing was held on the petition of the
MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.

for permission to erect the poles, wires, cables, fixtures and connections described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Companies are permitted to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

Council of the City of

Marlborough, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the City Council of the City of Marlborough, Massachusetts, 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 Marlboro WR # 16934805 (circle one)

Install 1 (quantity) SO (JO) Poles on Ames Street (circle one) (street name)

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

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

Beginning at a point approximately 23' feet North of the centerline (distance) (compass heading) of the intersection of Glen Street (street name)

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

Install underground facilities:

Street(s) Ames Street

Description of Work:

National Grid petitions to install new primary riser P20-50 to be located 23' off roadway in between existing P20 and P21 Ames Street. Install 2 - 4" conduits encased in concrete, 1 primary pull box and underground primary cable along Ames Street. Conduit system will be installed 3' back of curb on the north side of roadway. This installation is required to provide electrical service to new multifamily residential development - The Preserve at Ames

ENGINEER Bruce Kut

DATE 10/21/14

**ABUTTERS LISTING for Ames St (Reilly Way to Nickerson)
MARLBOROUGH, MA**

Map	Block	Lot	Unit	Owner-s Name	Co Owner-s Name	Address	City	ST Zip	Parcel Location
89	3			320-330 MIDDLESEX AVENUE LLC	C/O JOHN DEVRIES	85 AMES ST	MARLBOROUGH	MA 01752	85 AMES ST
89	4			NORMANDY NICKERSON ROAD LLC	C/O NORMANDY REAL ESTATE PARTNERS	53 MAPLE ST	MORRISTOWN	NJ 07960	400 NICKERSON RD
89	6			NORMANDY NICKERSON ROAD LLC	C/O NORMANDY REAL ESTATE PARTNERS	PO BOX 7540	HICKSVILLE	NY 11802-7540	200 NICKERSON RD
89	3B			GUTIERREZ ARTURO J TR	N/O FAIRFIELD MARLBOROUGH LIMITED P	7301 N SH-161 SUITE 260	IRVING	TX 75039	AMES ST
89	80			GUTIERREZ ARTURO J TR	JOHN A CATALDO TR	1 WALL ST	BURLINGTON	MA 01803	11 ATKINSON DR
89	98			GUTIERREZ ARTURO J TR	JOHN A CATALDO TR	1 WALL ST	BURLINGTON	MA 01803	6 ATKINSON DR
89	9A			LEBLANC ROGER J	EMMA H LEBLANC	244 GLEN ST	MARLBOROUGH	MA 01752	244 GLEN ST
100	11			NORMANDY NICKERSON ROAD LLC	C/O NORMANDY REAL ESTATE PARTNERS	ATT JOSEPH ADAMO	MORRISTOWN	NJ 07960	100 NICKERSON RD

MARLBOROUGH ASSESSORS

Anthony P. Caruso, Jr.
Paul J. ...
...

89
320-330 MIDDLESEX AVENUE LLC
C/O JOHN DEVRIES
85 AMES ST
MARLBOROUGH, MA 01752

89
NORMANDY NICKERSON ROAD LLC
C/O NORMANDY REAL ESTATE PARTNEF
53 MAPLE ST
ATTN JOSEPH ADAMO
MORRISTOWN, NJ 07960

89
NORMANDY NICKERSON ROAD LLC
C/O NORMANDY REAL ESTATE PARTNEF
PO BOX 7540
BB#01-366-4200
HICKSVILLE, NY 11802-7540

89
GUTIERREZ ARTURO J TR
N/O FAIRFIELD MARLBOROUGH LIMITEF
7301 N SH-161 SUITE 260
IRVING, TX 75039

89
GUTIERREZ ARTURO J TR
JOHN A CATALDO TR
1 WALL ST
BURLINGTON, MA 01803

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GUTIERREZ ARTURO J TR
JOHN A CATALDO TR
1 WALL ST
BURLINGTON, MA 01803

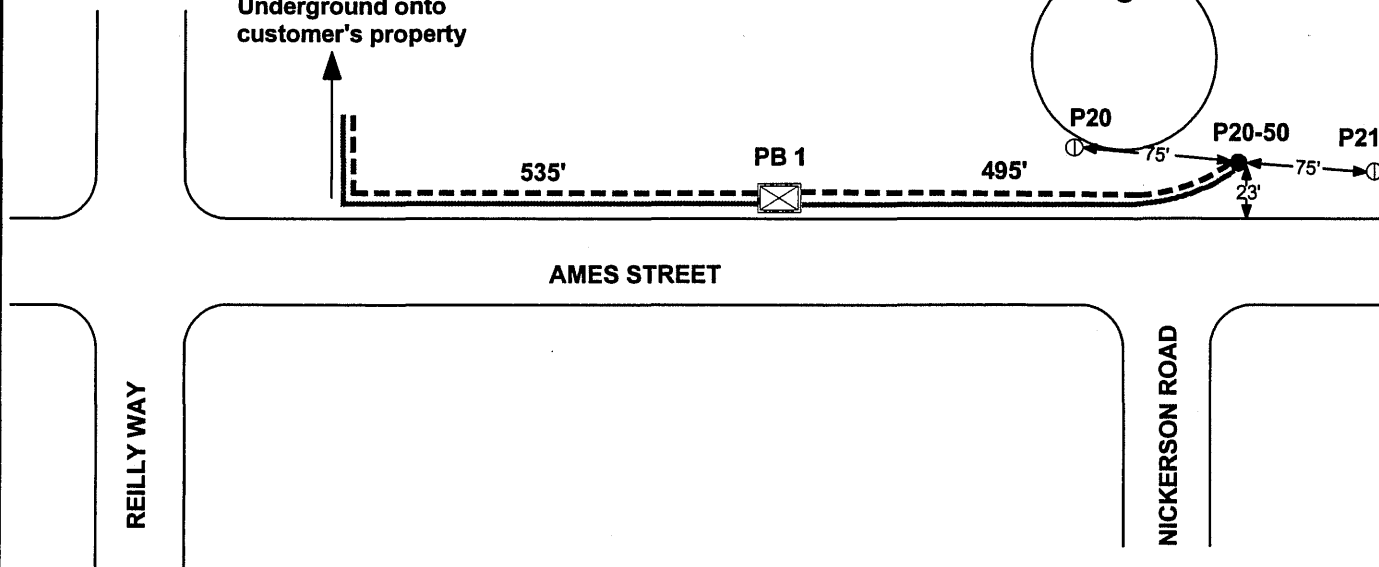
89
LEBLANC ROGER J
EMMA M LEBLANC
244 GLEN ST
MARLBOROUGH, MA 01752

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NORMANDY NICKERSON ROAD LLC
C/O NORMANDY REAL ESTATE PARTNEF
ATT JOSEPH ADAMO
53 MAPLE ST
MORRISTOWN, NJ 07960






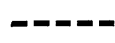







ENTRANCE ROAD TO THE PRESERVE AT AMES

Underground onto customer's property



National Grid petitions to install new primary riser P20-50 to be located 23' off roadway in between existing P20 and P21 Ames Street. Install 2 - 4" conduits encased in concrete, 1 primary pull box and underground primary cable along Ames Street. Conduit system will be installed 3' back of curb on the north side of roadway. This installation is required to provide electrical service to new multifamily residential development - The Preserve at Ames

UNDERGROUND AND POLE PETITION		nationalgrid	
 Urd Pole	 3-Phase Pad		
 Manhole	 Xfmr Foundation		
 Pull Box	 Underground Primary Cable	Date: 10/21/14	
 Hand Hole	 Conduit System	Plan Number: 16934805	
	 Existing JO Pole	To Accompany Petition Dated: 10/21/14	
 Single Phase Pad	 Proposed JO Pole	To The: City Of Marlboro	
DISTANCES ARE APPROXIMATE		For Proposed: Pole & Undgrd Cable Location: Ames Street	
		Date Of Original Grant: 10/21/14	

Tuesday, November 04, 2014

To Marlborough City Counsel:

My name is Kristin Regan and attached is the letter for a parking permit that I submitted October and the prevision letter I submitted November of 2012. Please review the letter and license approvals. I would like once again for City Council to consider a longer term and request a provision to No.1, as it refers to a one-year license. Thank you for your time, please call 774-245-2206 if you have any further questions.

Sincerely,



Kristin Regan

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 NOV -4 P 4:15

Minutes of the License Board Meeting Held September 24, 2014

2014 OCT 30 P 3:40

There was a regular monthly meeting of the License Board held on Wednesday, September 24, 2014 at 7:30 pm, City Hall, 3rd floor, Memorial Hall.

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

- 1: Masonic Corp. – Tasty Home Cooking - 7 - One Day ALL Alcohol Permits
Motion made to approve by James Riessle, seconded by Gregory Mitrakas.
Motion carried 3-0
- 2: Marlboro Moose Outdoor Pavilion - 5 - One Day ALL Alcohol Permits
Motion made to approve by James Riessle, seconded by Gregory Mitrakas.
Motion carried 3-0
- 3: Special Olympics - 1 - One Day Beer/Wine Permit
Motion made to approve by Gregory Mitrakas, seconded by James Riessle.
Motion carried 3-0
- 4: CSF - @ Employment Options - 1 - One Day Beer/Wine Permit
Motion made to approve by James Riessle, seconded by Gregory Mitrakas.
Motion carried 3-0
- 5: Horseshoe Pub - 1 - One Day Beer/Wine Permit - Mall Event
Motion made to approve by Gregory Mitrakas, seconded by James Riessle.
Motion carried 3-0
- 6: Westender Restaurant - Live Entertainment - Outdoor Patio

Board received a complaint stating that Live Entertainment was occurring on the Outdoor Patio. Which was confirmed by Chairman.

Matthew LeDuc owner/manager of restaurant was present and did agree there was very low keyed background music. He went about it the wrong way, and apologized to Board. It was very quiet, no louder than a radio that is usually playing.

Board discuss with Matthew Leduc that he does not have an entertainment license for the patio if he wishes to add entertainment he must make application and get approval for such license.

Matthew LeDuc agreed and will return to the Board in the Spring and make application to extend his entertainment license to include the outdoor patio. It is

just too quite with the high fence, etc. People are afraid to talk, seems like people are listening to your conversation, etc.

Board will discuss when application is filed. Motion carried 3-0

7: Extended Sunday Hours – Opening @ 10:00 AM – Package Stores

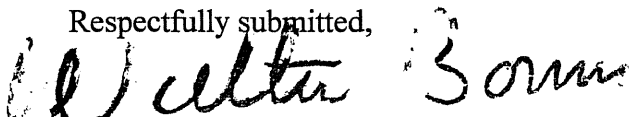
Marlboro Country Convenience Store – 286 West Main St.
Marlboro Square Wine & Spirits – 44 Boston Post West
Post Road Pantry – 21 Boston Post East
Westside Convenience Store – 505 Boston Post West
Pleasant Street Market – 354 Pleasant Street
Sperry's – 531 Lincoln Street
Sperry's – 17 East Main Street
Plaza Liquors of Marlborough, LLC
Vin Bin – 91 Main Street

Effective October 23, 2014 licensed package stores may open at 10:00 a.m. on Sundays. The above mentioned license holders applied to extend there Sunday hours with sales beginning at 10:00 a.m. Motion made to approve by James Riessle, seconded by Gregory Mitrakas. Motion carried 3-0

OLD BUSINESS:

- 8: Minutes– Previous Meeting August, 2014
Motion made to accept and place on file. Motion made by Gregory Mitrakas, seconded by James Riessle. Motion carried 3-0

Respectfully submitted,


Walter Bonin, Chairman

**MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Call to Order

October 20, 2014
2014 NOV -4 A 9:10

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, Barbara Fenby, Philip Hodge, Edward Coveney, Shawn McCarthy & Brian DuPont.

Colleen Hughes, 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 October 6, 2014

On a motion made by Mr. Fay, seconded by Mr. Hodge, it was voted to accept and place on file the minutes of the October 6, 2014 regular meeting as amended. Motion carried with Mr. Coveney abstaining.

2. Chair's Business: None

3. Approval Not Required:

A. 33 Boston Post Rd West, Merrimack Engineering Services (Resubmittal)

Mr. DuPont read the favorable recommendation from the Engineering Department into the record.

On a motion made by Mr. Fay, seconded by Mr. DuPont it was voted to accept and endorse the plan of land believed to be Approval Not Required, Titled: Plan of Land in Marlborough, Massachusetts 33 Boston Post Rd West, Owned By: BPR Equity Partners, Prepared By: Merrimack Engineering Services, 66 Park Street, Andover, MA 01810. Motion carried

4. Public Hearings: 8:00pm Joint Public Hearing with City Council in Council Chambers.

Note The Public Hearing Minutes will follow after item 12.

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report:

City Engineer Pilachowski handed out to the Board an updated and revamped Subdivision Status Report. Remaining bond amounts are listed as well as As-Built submission dates and or acceptance dates. The report notes there are 6 subdivisions currently under construction, 1 new subdivision under review by the Engineering Department, 14 Awaiting Acceptance and 9 Subdivisions that the City has pulled the bonds to complete the construction. Of note there are no subdivisions currently within the 1 year maintenance period. The Engineering Department is trying to bring the outstanding older subdivisions to completion.

City Engineer Pilachowski also discussed at length the email pertaining to the Costs associated with Development Standards, it would appear that the feeling of the Board is to update the

current standards to increase the sidewalk requirements to the following: Requirement of Vertical Granite Curbing with a 3 inch MHA sidewalk. Other alternatives were discussed but the sense was that this combination had the best durability for the expense.

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

7. Definitive Subdivision Submission: None

8. Signs: None

9. Unfinished Business:

A. Berlin Farms Update

City Engineer Pilachowski noted that the same equipment that has been on site for the clearing of the detention basin is still on site, not much progress has been made if any since the last report.

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

B. Blackhorse Farms Update

City Engineer Pilachowski reported that there has been some progress made, sod has been laid in one area, dead trees as noted have been removed there is continued contact between the Engineering Department and the developer.

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 a new construction schedule has been received. There is still attention needed in both segment I and now segment II of the development. Areas needing attention include sidewalks, street lighting and trees.

The developer is being held to the sidewalk installation requirement that was instituted after the commencement of segment I. The installation of at least a demarking line indicative of where the sidewalk will be installed is currently required.

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

D. Proposed changes to Subdivision Rules and Regulations Submitted by City Engineer. (Information from Legal Department)

Mr. DuPont read the email from City Solicitor Rider into the record.

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

10. Informal Discussions: None

11. Correspondence: None

12. Public Notices of other Cities and Towns:

**A. Town of Framingham, Planning Board Public Hearings October 16, 2014 (2)
October 27, 2014 (1)**

B. Town of Framingham, Planning Board Notice of Decision (5)

C. Town of Sudbury, Zoning Board of Appeals Public Hearing November 3, 2014

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

Public Hearings: 8:00pm Joint Public Hearing with City Council in Council Chambers.

On a motion made by Mr. Fay seconded by Mr. McCarthy it was voted to recess until the opening of the Joint Public Hearing with the City Council scheduled for 8:00pm. Meeting recessed at 7:44pm, motion carried.

On a motion made by Mr. Fay, seconded by Mr. Hodge the regular meeting of the Planning Board was reconvened at 8:00pm.

The Joint Public Hearing was opened at 8:02pm City Council President Pope declared the stages of the hearing.

Presentation

Those speaking in favor

Those speaking in opposition

Questions for the Board/Council Members

Presentation:

Mr. Mark Racicot, Director of Land Use Planning at MAPC as well as Ms. Cynthia Wall, Senior Planner at MAPC presented to the Joint Committee/Board the overview and intention of the proposed zoning amendment which will in turn create the new Marlborough Village District.

(An electronic version of the presentation is available on the MEDC website.)

Major changes to the Zoning Elements of the proposed new Marlborough Village District include but are not limited to:

Expand the definition of “retail” to broaden the list of goods and services.

Expand the “by right uses” inclusion of hotels, brew pubs, conversion of existing structures to offices.

The allowance of mixed use development, (commercial and residential combined)

Site Plan Review will be performed by the City Council for “by right” projects.

Major parking modifications specific to the Downtown Village District

Major changes proposed for both the dimensional allowances and design standards specific to the Downtown Village District.

Alternative zoning proposed, including the possibilities for parking off site.

Ms. Cynthia Wall presented an overview of the full changes to the current zoning ordinance that would be required due to an undertaking of this magnitude. The drafted zoning amendment is broken down into 4 sections:

A new section in the Zoning Ordinance: "Special provisions for the Marlborough Village District" (MV)

The Marlborough Village (MV) District added to the Table of Use Regulations with the new uses added into the table.

The Marlborough Village (MV) District added to the Table of Lot Area, Yards and Heights.

Changes to other miscellaneous sections of the Marlborough Zoning Ordinance; reflecting the new Marlborough Village District.

It was noted that Hotels/Motels will require City Council AND Site Plan technical review.

Speaking in Favor:

Ms. Suzanne Morreale-Leeber, representing the Marlborough Chamber of Commerce.

The Chamber feels that this is a fantastic proposal to bring people into Marlborough. She encourages all Board members and Councilors to vote in favor of the proposal.

Mr. Arthur Bergeron, resident 27 Prospect Street, Marlborough.

Mr. Bergeron feels very strongly about this proposal. This affects him as a resident seeing as he lives in the downtown district. Mr. & Mrs. Bergeron love everything about living in the downtown but they do wish there was more. As an Urban inclined couple they look forward to the positive changes that this proposal would bring. Mr. Bergeron is highly involved in the MEDC and believes this plan will bring much needed growth to the assessed values of the downtown area in turn broadening and strengthening the tax base to the City. Mr. Bergeron finds this proposal very exciting and he is so proud to live in Marlborough.

Ms. Laurie Fitzgerald, resident 23 Prospect Street, Marlborough.

Ms. Fitzgerald noted that she was part of the working groups during the initial phase of this proposal. She thinks of this proposal as a growth strategy and business support proposal for the City. People need the ability to live work and play in the community; she feels that recreation should be a focal point. Ms. Fitzgerald also feels that the proposal should support small business development.

Mr. Randy Scott, Proprietor of the Main Street Café, Main St, Marlborough.

Mr. Scott agrees whole heartily with Mr. Bergeron's previous comments. There used to be diversity on Main Street in years past however there are simply not as many people downtown as there used to be. Mr. Scott cautions that attention must be paid to what is here now maintaining the current businesses must be considered. Mr. Scott would love to see this proposal move forward.

Questions from the Public: None

Speaking in Opposition: None

Questions from the Planning Board/City Council members:

At Large Councilor Oram questioned the affordability as well as the possibility of smaller sized dwelling units. He also questioned if any thought had been given to what the younger generation is looking for in an urban setting? Another question was if any thought had been put into shadows that may cast off from new higher buildings?

Ward 3 Councilor Elder questioned the allowance of counting "rooftop" areas in the calculation of "open space". He feels that goes against the intention of open space in general.

At Large Councilor Robey noted she was pleased with the level of participation. Ms. Robey questioned the development density as well as why the maximum allowed number of developments within a year as discussed in the planning meetings was dropped from the final presentation. Additionally there was an interest in affordability.

Planning Board Member Brian DuPont wanted to echo Councilor Elders comments regarding the calculation of open space. Mr. DuPont also noted there was a lot of fantastic work that eventuated for the meetings. Mr. DuPont questioned when the changes to the zoning map for the City would be presented and also questioned the legal description of the boundaries for the proposed new district.

Ward 7 Councilor Landers questioned how much land was actually available to be developed currently? He questioned if Granger Boulevard could be built over spanning the roadway?

Ward 6 Councilor Clancy Stated unequivocally that he knows what Marlborough downtown looked like in the past seeing as he grew up haunting it in his youth.

The mixed use style of development needs to be brought back. Mr. Clancy questioned whether in the discussions of there was any thought as to the continuity of design to incorporate existing facades with the new facades to be built. The answer was "yes:" the design standards are currently under development. Mr. Clancy also mentioned the Sign Ordinance would have to be amended to reflect the creation of the new district. He also questioned allowance of awning and canopies along Main Street again.

Ward 1 Councilor Delano Wanted to note that this has been a great process there have been many people involved. There are more steps to take this is the start to creating a roadmap to turn dreams into realities for the City. Mr. Delano made note that this proposed change is to be discussed further at the Urban Affairs Sub-Committee meeting scheduled for 10-28-14, 5:30pm.

Mr. Cummings the Director of MEDC noted to all participating members that the answers to their questions will be forthcoming at the sub-committee meeting.

The joint public hearing was closed by Chairperson Fenby at 9:20pm

Adjournment: On a motion made by Mr. DuPont, seconded by Mr. McCarthy it was voted to adjourn at 9:20pm. Motion carried.

Respectfully submitted,

Brian DuPont
Acting Clerk

/mai

**Marlborough High
School Council Meeting
October 1, 2014**

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CITY OF MARLBOROUGH

2014 NOV 10 A 8: 22

Present: David Friess, Sue Gordon, Dr. Wendy Jack, Ann Kinslow, Julianna Heather Kohn,
Marlene Manell, Deb McCarthy, Darren McLaughlin, Cathy Mogavero, Rita Smith,
Sheldon Vigent, Gail Yosca

Absent: Lauren Fay, Martin Levins, George Whapheim

Welcome and Introductions: Dr. Wendy Jack

Role of the School Council: School Improvement Plan
Budgetary Support- School Committee Level

What's New at Marlborough High School?

Issues Presented by Staff and Faculty

Reestablish order in the building:

Students in halls between classes

Student Tardy issues

Electronics and Bells sounding too frequently

Solutions

Revised Bell schedule

Address behavior in the halls regarding ear buds

1. No Cell Phone

Teacher Leaders – interpreted current language in handbook

“when classes begin”

“Educational use only allowed- Chromebook use 9th grade

And during lunches

2. Chinese Students – 8 Chinese Students – 2 Seniors attending for the year.

3. Teacher Evaluation System- Teachpoint

Self-Evaluation leading to SMART goals

10 minute unannounced evaluations

4. Data Management System – ASPEN

PD first attendance/grading

Parent Portal access 1st group end of Nov

2nd group Jan

Taking the roll out slowly

Moving ahead and planning together:

1. Concerns: Commencement Exercises Book

A. Pamphlet – designate #m and Art honor society students

B. Program

President of the class should speak earlier in the program

Diploma should be last thing done

Double check all information on students

2. Open House

Schedule was confusing- Hard to know where to go without homeroom

Teachers were unsure when to start and end class.

3. School Council Issues

Out of Balance- need more teachers and students

Should we be voting on membership?

Members need to be more diverse to represent the community

Vote on a Co-chair – will wait until next meeting to see if more members attend.

4. Cafeteria Food- Running out of the best choices quickly

5. Dress code enforcement

6. Suggestions for future meetings- Assistant Principal conducts/hosts a meeting; Team leaders come and inform council as it relates to budget, so council can support budget at School Committee

NEWS: Marlborough High has moved from a level 3 to a level 2 school

Reality Fair Friday October 31, 2014 7:45-11:30

**Marlborough High
School Council Meeting
November 5, 2014**

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 NOV 10 A 8:22

Present: David Friess, Sue Gordon, Dr. Wendy Jack, Ann Kinslow, Marlene Manell, Deborah McCarthy, Darren McLaughlin, Rita Smith, Gail Yosca

Absent: Lauren Fay, Martin Levins, Heather Kohn, Sheldon Vigeant, Laruren Beishline, George Whapheim

New Members

Nominate and Vote Co-Chair- Deborah McCarthy

1. Updates from last month

A. Graduation- in favor of recognizing Tri M, National Honor Society as well
National honor society

Program adjustment- Diplomas will be handed out last, speakers will speak early
Procession – on stage process first
Offers of the junior class led in the senior

B. Unconference – Ed CampBos .org

Very successful

Two questions on anything you could have PD on and the PD evolved
from requests.

Will report out next month

C. ASPEN Parent Portal- open the library 4:30- 8:30 11/13/14

11/5/14 was bit busy at the high school

Middle school log on went quickly

Limited availability- progress reports grades only

D. Open House- electronic appointments available 11/6/14

2. Engenuity- 25 seats pilot program, on-line learning came about due to change in suspension law.

Regain credit- credit recovery

Can be customized for long term illness/absence

Current seats are 37 h ¾ out on suspension

Pretest and test through different modules

Needed for students who have conflicts with music and gym

May create an inequity with students

3. Scheduling – after school gym is inequitable 40 % after school gets the same credit
Taking courses that are causing conflicts, allow course that will not impact the weighed GPA

Look at the schedule next year

Drop requirements that are not state driven – MASS Core

Creating Flex day for teachers to offer more courses

4. School Improvement Plan- to be complete around Dec 25, 2014

Send to each member a copy –December meeting one agenda topic

District and school goals related to one another

This will drive the budgetary need

5. Increase Camera needs?

More security

6. Cafeteria Food – putting out a certain amount of food, is the food being held for other lunches

7. Calendars – Gail's large room use calendar is not in synch with the High school calendar on the school website.

8. Grounds- Benches from the area of the tennis court are missing and it was an Eagle Scout project.

9. Reality Fair- Should target the sophomores