

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2013 FEB 21 P 12:46

1. Minutes of the City Council Meeting, February 11, 2013.
2. CONTINUED PUBLIC HEARING On the Application for Special Permit from Crown Castle, on behalf of T-Mobile, to exchange six existing antennas on a cell tower, 445 Simarano Dr., Order No. 12/13-1005249.
3. PUBLIC HEARING On Proposed Zoning Amendment by Attorney Bergeron to Sections 650-40(F), 48(C)(1) and 47(F).
4. Communication from the Mayor re: Assessor transfer request in the amount of \$20,000.00 & \$10,000.00 which moves funds from Principal Assessor to Professional & Technical Services and from Senior Assessor to Professional & Technical Services respectively, which will fund contracted appraisal services for the 4th quarter of FY2013.
5. Communication from the Mayor re: Snow and Ice Deficit Spending Authorization, X-12-1005074A.
6. Communication from the Mayor re: Other Post-Employment Benefits (OPEB) Trust Account.
7. Communication from the Mayor re: Board of Assessors compensation, X-11-1001895A and 89-2847A.
8. Communication from the Mayor re: Proposed Ordinance Change relative to the Board of Assessors Chairman.
9. Communication from the Mayor re: Fuel Efficient Vehicle Policy Amendment.
10. Communication from the Mayor re: Public Service Internship Program.
11. Communication from the Mayor re: Notification of Hopkinton provision.
12. Communication from the Planning Board re: Acceptance of Graves Lane as a Public Way, Order No. 13-1005286.
13. Application for Special Permit, Bohler Engineering on behalf of McDonald's Restaurant, to improve the aesthetics and operational efficiencies of their restaurant which includes updates to the drive-thru at 155 Boston Post Road West.
14. Application for Special Permit from Tower 16 Inc., on behalf of AT&T Wireless LLC, to modify an existing telecommunications tower at 75 Donald Lynch Blvd, X-96/97-6754F.
15. Application for Fuel Storage License, Partners HealthCare System, Inc., off of Forest Street.
16. Minutes, Planning Board, January 28, 2013.
17. Minutes, Community Development Authority, January 29, 2013.
18. Minutes, Community Development Authority Public Hearing, January 29, 2013.
19. Minutes, Board of Assessors, February 8, 2013.
20. CLAIMS:
 - A. Robert Terrasi, 26 Thomas Drive, residential mailbox claim 2(a)
 - B. Elizabeth Krebs Paredes, 34 Nicholas Circle, residential mailbox claim 2(a)
 - C. Dan Tran, 39 Desimone Drive, residential mailbox claim 2(b)
 - D. Stephen J. & Elizabeth T. Garofalo, 33 Blake Circle, residential mailbox claim 2(b)
 - E. Erika Wilson, 41 Naugler Avenue, residential mailbox claim, 2(a)
 - F. John Cotting Realty Trust, 74 Main Street, other property damage
 - G. Michelle McCormick, 15 Loon Hill Road, Ayer, other property damage

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

21. **Order No. 13-1005297 – Transfer \$132,623.00 for Police Department.** The Finance Committee reviewed the Mayor's letter dated January 24, 2013 requesting several internal transfers within the Police Department totaling \$132,623.00 to cover shortages in the overtime, detention attendant, initial equipment issues and telephone services account. **Recommendation of the Finance Committee is to approve the transfers 4-0.**
22. **Order No. 13-1005299 – Transfer \$81,000.00 from Undesignated Funds to the Open Space Stabilization Account.** The Finance Committee reviewed the Mayor's letter dated January 24, 2013 requesting the transfer of \$81,000.00 from Undesignated Funds to the Open Space Stabilization account for monies received in the general fund from wireless antennae receipts. **Recommendation of the Finance Committee is to approve the transfers 4-0.**

From Personnel Committee

23. **Order No. 13- 1005302 -** Communication from the Mayor re: Reappointment of David Brumby as Personnel Director for a term of three years upon approval.

The Chairman read a communication from Councilor Seymour in support of the reappointment of Mr. Brumby.

Motion made by Councilor Elder, seconded by Chair, to recommend the reappointment of David Brumby as Personnel Director for a term of three years to expire on the day following his confirmation by the City Council, 2-0.



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

FEBRUARY 11, 2013

Regular meeting of the City Council held on Monday, FEBRUARY 11, 2013 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors Present: Pope, Ossing, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, and Landers. Meeting adjourned at 8:23 PM.

- ORDERED: That the City Council President recognized Boy Scout Troop 227 from Shrewsbury for their Citizenship and Community Merit Badges, **FILE**; adopted.
- ORDERED: That the minutes of the City Council Meeting FEBRUARY 11, 2013, **FILE**; adopted.
- ORDERED: That the Department of Public Works mid-year transfer request, which moves funds from and to various accounts noted on the spreadsheet, to fund line items associated with employee promotions, interim/temporary promotions due to absences and vacancies, and police overtime associated with water and sewer maintenance and repair, refer to **FINANCE COMMITTEE**; adopted.
- ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Executive Office of Public Safety and Security Grant awarded to the Fire Department in the amount of \$6,325.00 for the Student Awareness Fire Education (SAFE) program; adopted.
- ORDERED: That the Communication from the Mayor re: Boston Scientific Phase II, **FILE**; adopted.
- ORDERED: That the Communication from the Mayor re: Update on the Senior Citizen Property Tax-Workoff Program, **FILE**; adopted.
- ORDERED: That the Appointment of James Griffin to the Board of Health for a term of three years, expiring on February 1, 2016, refer to **PERSONNEL COMMITTEE**; adopted.
- ORDERED: That a quitclaim deed from George A. Parsons and Margaret W. Parsons, as husband and wife, to the City of Marlborough, executed on November 1, 1965 and recorded in the Middlesex South District Registry of Deeds on December 29, 1965 in Book 11017, Page 005, is accepted as a gift, **APPROVED**; adopted.
- ORDERED: That the Communication from City Solicitor Rider re: Special Permit, T-Mobile, 342 Lincoln Street, in proper legal form, Order No. 12-1005191C, **MOVED TO ITEM 22**; adopted.
- ORDERED: That the Updated Hazardous Materials Contingency Plan and Chemical List as required by Special Permit, Order No. 12-1005011B, **FILE**; adopted.
- ORDERED: That the Application for Junk Dealer's License, Douglas Alexander, d/b/a Dougs Big Tool Box, 197 Boston Post Road West, Unit 266, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, Conservation Commission, February 2, February 16, & March 15, 2012, **FILE**; adopted.

ORDERED: That the Minutes, Council on Aging, January 8, 2013, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, December 17, 2012 & January 7, 2013, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, December 18, 2012, **FILE**; adopted.

ORDERED: That the Communication from Amica Insurance on behalf of Kevin W. Mcpherson, 42 Jackson Circle, refer to the **LEGAL DEPARTMENT**; adopted.

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

- A. Commercial Property Management, 277 Main Street, other property damage
- B. Ann Marie George, 155 Prospect Street, other property damage

Reports of Committees:

Councilor Ossing reported the following out of Finance Committee:

Order No. 13-1005297 – Transfer \$132,623.00 for Police Department. The Finance Committee reviewed the Mayor's letter dated January 24, 2013 requesting several internal transfers within the Police Department totaling \$132,623.00 to cover shortages in the overtime, detention attendant, initial equipment issues and telephone services account. **Recommendation of the Finance Committee is to approve the transfers 4-0.**

Order No. 13-1005299 – Transfer \$81,000.00 from Undesignated Funds to the Open Space Stabilization Account. The Finance Committee reviewed the Mayor's letter dated January 24, 2013 requesting the transfer of \$81,000.00 from Undesignated Funds to the Open Space Stabilization account for monies received in the general fund from wireless antennae receipts. **Recommendation of the Finance Committee is to approve the transfers 4-0.**

Councilor Tunnera reported the following out of the Personnel Committee:

Order No.13-1005302 - Communication from the Mayor re: Reappointment of David Brumby as Personnel Director for a term of three years upon approval.

The Chairman read a communication from Councilor Seymour in support of the reappointment of Mr. Brumby.

Motion made by Councilor Elder, seconded by Chair, to recommend the reappointment of David Brumby as Personnel Director for a term of three years to expire on the day following his confirmation by the City Council, 2-0.

Suspension of Rules requested – granted

ORDERED: That the Fire Department transfer request in the amount of \$102,605.48 which moves funds from and to various accounts as noted on the spreadsheet to pay for overtime costs associated with injuries of several firefighters early in the month of December and personal long term sick leave of others over the past several months, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS									
DEPT: FIRE					FISCAL YEAR: 2013				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$143,145.61	\$8,229.88	12200001	50800	Fire Captain	\$8,229.88	12200003	51300	Overtime	\$69,504.95
Reason:		Transfer is available due to 111F payments							
\$1,509,916.63	\$50,806.85	12200001	50450	Firefighter	\$50,806.85	12200003	51300	Overtime	\$69,504.95
Reason:		Transfer is available due to 111F payments							
\$1,509,916.63	\$43,568.75	12200001	50450	Firefighter	\$43,568.75	12200003	51300	Overtime	\$69,504.95
Reason:		Transfer is available due to unfilled positions							
Reason:									
Reason:									
Reason:									

Suspension of Rules requested – granted

ORDERED: That the Building Department transfer request in the amount of \$506.00 and \$900.00 which moves funds from In-State Travel to Zoning Board Member and In-State Travel to Board Secretary respectively due to an unanticipated increase in the number of Zoning Board of Appeals hearings, **APPROVED**; adopted.

FROM:

Acct. # 12410006-57100 \$506.00
In-state Travel

TO:

Acct. # 1241003-51180 \$506.00
Zoning Board Member

FROM:

Acct. # 12410006-57100 \$900.00
In-state Travel

TO:

Acct. # 12410002-51050 \$900.00
Board Secretary

ORDERED: That the Appointment of Mr. Ronald Guest as the Parking Clerk, **APPROVED**; adopted.

ORDERED: That the Appointments of Kim Beauchemin, James David Elmore and Sandra Pirie-St. Amour to the Arts Lottery Council for terms expiring on August 23, 2015, **APPROVED**; adopted.

ORDERED: That the Reappointment of John Sahagian to the Zoning Board of Appeals for a period of five years expiring May 5, 2017 and Ralph Loftin as an alternate member for a term of two years expiring from date of City Council approval, **APPROVED**; adopted.

ORDERED: That the Application for a Fuel Storage License for TJX Companies, Inc., 300 Puritan Way – 4,000 gallon above ground; 10,000 gallon underground – No. 2 Diesel Fuel, **APPROVED**; adopted.

ORDERED: That the Application for a Fuel Storage License for TJX Companies, Inc., 400 Puritan Way – 30,000 gallon (3 x 10,000) underground – No. 2 Diesel Fuel, **APPROVED**; adopted.

**DECISION ON AN APPLICATION TO MODIFY
SPECIAL PERMIT**

T-MOBILE NORTHEAST LLC

CITY COUNCIL ORDER NO. 12/13-1005191C

Re: 342 Lincoln Street

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 97-7199B, submitted by T-Mobile Northeast LLC, having a usual place of business at 15 Commerce Way, Suite B, Norton, MA 02766 as provided in this Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is T-Mobile Northeast LLC with its principal office located at 12920 SE 38th Street, Bellevue, WA 98006 (hereinafter, “the Applicant”).
2. On November 10th, 1997, the City Council granted to Omnipoint Communications Inc. a special permit to locate and operate a wireless communications facility at the existing building located at 342 Lincoln Street, Marlborough, MA (hereinafter, “the Original Special Permit”). On June 30, 2009, Omnipoint Communications Inc. assigned its wireless markets in New England, and the assets relating thereto, including without limitation cell site and/or commercial and/or other leases under which it was a then-lessee, to Omnipoint Facilities Network 1, LLC.

Later on June 30, 2009, Omnipoint Facilities Network 1, LLC merged with and into T-Mobile Northeast LLC, Applicant herein. The Original Special Permit is recorded at the Middlesex South District Registry of Deeds in Book 27967, Page 267. The site is more particularly identified on the Assessor's Map of the City of Marlborough as Map 69, Lot 263 (hereinafter, "the Site"). The owner of record for the Site is Lilien Realty, LLC.

3. Through its Application for a Special Permit to Modify an Existing Wireless Communication Facility (WCF) (hereinafter, "the Application"), the Applicant seeks permission to allow Applicant to replace the existing (6) antennas for (6) newer models, add a GPS antenna with ½" feed mounted to an existing support pipe, replace the existing 2106 equipment cabinet with a 6102 equipment cabinet, remove the existing GSM Tower Mounted Amplifiers and lastly consolidate the existing coax cables ("the Proposed WCF Project"). Thus, the modification will actually result in a slight reduction of equipment at the Site/WCF (Wireless Communication Facility). All substantially as depicted on a set of plans entitled "Site Name: BO012/342 LINCOLN, 342 Lincoln Street, Marlboro, MA 01752, Middlesex County, Site Number: 4DE5012A" by Advanced Engineering Group, P.C., 500 North Broadway, East Providence, RI 02914, dated 7/10/12 and last revised 7/31/12, a copy of which was provided in the Special Permit Application (hereinafter, "the Plans").
4. For purposes of the Application, the Applicant is a licensee of SBA Site Management, LLC, a Florida limited liability company, whose lease agreement to use the Site, pursuant to an Antenna Site Lease Agreement executed on August 21, 1997 and amended on September 24, 1997, has been assigned by the Site's owner to T1 Unison Site Management, LLC, a Delaware limited liability company, via a Rooftop Easement and Assignment Agreement recorded at the Middlesex South District Registry of Deeds in Book 57368, Page 261.
5. The Proposed WCF Project is located in the Business Zoning District. Wireless communication devices are allowed by grant of special permit in the Business Zoning District.
6. The modification of the Original Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
7. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Building Inspector, on behalf of the City Planner, certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.

8. The Applicant has complied with all of the applicable rules of the Rules and Regulations.
9. The City of Marlborough City Council held a public hearing on the Proposed WCF Project on November 26th, 2012, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCF Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59.
11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCF Project's compliance with the applicable Special Permit criteria.
12. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

**BASED UPON THE ABOVE, THE MARLBOROUGH CITY
COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT
AND TAKES THE FOLLOWING ACTIONS**

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a Special Permit.
- B) The Site is an appropriate location for the Proposed WCF Project and the Proposed WCF Project is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this approval.
- C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCF Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.
- D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a modification of the Original Special Permit (hereinafter, "Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 9:**

- 1) The Proposed WCF Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Application, as amended during the application/hearing process, and in compliance with the conditions of the grant of this Modified Special Permit, as well as with the conditions set forth in Chapter 650-25F of the Marlborough Zoning Ordinance.
- 2) All plans, photo renderings, site evaluations, briefs and other documentation provided by Applicant as part of the Application, as amended, are herein incorporated and become a part of this Modified Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
- 3) Applicant shall comply with all rules, regulations, ordinances and statutes of the City of Marlborough, the Commonwealth of Massachusetts and the Federal Government as they may apply to the construction, maintenance and operation of the Applicant's WCF.
- 4) The issuance of this Modified Special Permit may be further subject to Site Plan Review. Any additional changes, alterations, modifications or amendments as may be required by Site Plan Review shall be further conditions attached to this Modified Special Permit.
- 5) Applicant shall minimize the visual impacts of the Proposed WCF Project by screening and/or color coordination as may be depicted on the Plans and other demonstrative evidence submitted as part of the Application.
- 6) Applicant shall pay to the City of Marlborough Open Space Account #100-2410-44515, as mitigation for the alleged impacts caused by the subject of this Modified Special Permit, the annual sum of One Thousand Five Hundred (\$1,500.00) dollars, the first payment due and payable at the time of the issuance of the building permit hereunder, or within one year of the approval of the Modified Special Permit, whichever is earlier, and the subsequent payments to be due and payable on January 2, or the first business day thereafter, of each calendar year in which the WCF referenced in this Modified Special Permit is still in operation. Failure to make the payment in a timely manner shall constitute a violation of the Modified Special Permit, and the Applicant shall pay an additional sum of \$500 per quarter or portion thereof after the payment due date that the Applicant has failed to make payment.

- 7) Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the Proposed WCF Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCF Project only in cases of power outages to the Proposed WCF Project and for purposes of routine testing and maintenance. The temporary generator shall be operated in a safe manner and the noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 431 of the City Code. Batteries used in operation of the facility shall be disposed of off-site at the expense of the Applicant. If any liquid or hazardous material is used by Applicant in conjunction with the temporary generator, Applicant must employ a secondary containment system.
- 8) As soon as practicable but in any event within one (1) month after the date when a certificate of use and occupancy has been issued to the Applicant by the City of Marlborough's Building Inspector for the Proposed WCF Project, Applicant shall submit a written report to the City Council; provided, however, that if the Proposed WCF Project has not yet become operational within the one-month period after said issuance date, then the Applicant must immediately provide the City Council with written notification as to the date when the Proposed WCF Project does become operational and, further, must submit said written report within one (1) month after said operational date. The written report to the City Council shall i) provide measurements as to the actual output of radio frequency energy emitted by the Proposed WCF Project; ii) shall include a professional opinion by a qualified third party certifying that the Proposed WCF Project fully complies with all applicable health and safety standards; and iii) shall provide measurements of the actual output of the total radio frequency energy being emitted by all Wireless Communications Facilities (as defined in Section 650-25 of the Marlborough Zoning Ordinance) then located at the Site. The Applicant agrees to operate its Proposed WCF Project in compliance with all applicable health and safety standards. In the event that there are any changes in or upgrades to the Proposed WCF Project that may increase the actual output of radio frequency energy emitted by the Proposed WCF Project, the Applicant shall submit a letter to the City Council as soon as practicable but in any event within one (1) month after the date of completion of those changes or upgrades. The letter shall i) state what the changes or upgrades are; ii) shall provide measurements specifying how the actual output of radio frequency energy emitted by the Proposed WCF Project has been increased; iii) shall provide measurements of the actual output of all radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site; and iv) shall include a professional opinion by a qualified third party certifying that the Applicant's changes or upgrades have not caused the total radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site to exceed any applicable health and safety standards.

- 9) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Modified Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Inspector for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Modified Special Permit to the Building Inspector's office when the Applicant applies for the building permit, as well as a copy to the City Council's office and to the City Solicitor's office.

Yea: 11- Nay: 0

Yea: Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Oram & Robey

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:23 PM.



IN CITY COUNCIL

JANUARY 28, 2013

Marlborough, Mass., _____

ORDERED:

That the **Public Hearing** set for January 28, 2013, on the Application for Special Permit from Crown Castle, on behalf of T-Mobile, to exchange six existing antennas on a cell tower, 445 Simarano Dr., Order No. 12/13-1005249, be and is herewith **CONTINUED UNTIL FEBRUARY 25, 2012.**

Councilors Present: Pope, Ossing, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, Clancy & Landers.

ADOPTED

ORDER NO. 12/13-1005249



IN CITY COUNCIL

JANUARY 28, 2013

Marlborough, Mass.,

ORDERED:

1) That Sec. 650-40(F) be amended by adding thereto the following new subsection 11

“(11) Bridges, walkways or passageways, enclosed or otherwise, connecting buildings located on different lots in a Limited Industrial district shall not thereby violate any lot setback provision of any building or buildings connected by said structures “

2) That Section 650-48(C)(1) be amended by adding thereto, at the end thereof, the following sentence:

“ In a Limited Industrial district, the parking shall be provided within 500 feet of the building or structure to be served, on the building lot, on any lot under the same ownership, or on any lot subject to an easement to the owner of said building to be served which, in the opinion of the Building Commissioner, causes said parking to be available for the purposes of this section.”

3) That Section 650-47(F) be amended by adding thereto the following subsection 5:

(5) In all Limited Industrial districts, the side yard landscaping requirement shall not apply to side yard or rear yard lines that bisect parking lots, if both lots are in common ownership or if there are parking easements that, in the opinion of the Building Commissioner, adequately allow for parking in one lot by persons using the other lot.

4) That the Table of Lot Areas, Yards and Height of Structures, which is referred to in Section 650-41, be amended by adding to the table of heights and their relationship to their distance from a Residential zone, the following :

“Over 500 feet from a residential zone: 85 feet”

Be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR MONDAY, FEBRUARY 25, 2013.**

ADOPTED

ORDER NO. 13-1005306



City of Marlborough

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

2013 FEB 21 A 11: 53
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

February 21, 2013

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

Re: Transfer Request – Assessors Office

Honorable President Pope and Councilors:

I respectfully submit for your approval the following transfer request totaling \$30,000.00:

- 1) Transfer in the amount of \$20,000.00 from 11410001-50160 (Principal Assessor) to 11410004-53180 (Professional & Tech Services)
- 2) Transfer in the amount of \$10,000.00 from 11410001-50170 (Senior Assessor) to 11410004-53180 (Professional & Tech Services)

This transfer will fund contracted appraisal services for the 4th Quarter of FY2013. We continue to utilize the services of Regional Resource Group who have performed extremely well in their service to our city.

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

Sincerely,

Arthur G. Vigeant
Mayor

TRANSFER REQUEST

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT			TO ACCOUNT			AMOUNT AVAIL	
		ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT DESCRIP	ACCOUNT DESCRIP	
			Assessor				Assessor		
\$ 40,344.00	\$ 20,000.00	11410001		50160 Princ Assessor	\$ 20,000.00	11410004	53180 Prof & Tech Service		\$ 3,000.00
\$ 36,433.00	\$ 10,000.00	11410001		50170 SNR Assessor	\$ 10,000.00	11410004	53180 Prof & Tech Service		\$ 3,000.00
					\$ 30,000.00				

Reason: To fund contracted appraisal services for Q4 of fiscal year 2013



 Department Head Signature



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

2013 FEB 21 A 11:53
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Marlborough, Massachusetts 01752
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www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

February 21, 2013

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

Re: Snow & Ice Deficit Spending Authorization

Honorable President Pope and Councilors:

Pursuant to City Council Order No. 12-1005074A, I have attached an order authorizing the city to further incur deficit costs in the Department of Public Works Snow and Ice Accounts not to exceed \$1,350,000.00.

As you know, the Commonwealth of Massachusetts allows municipalities to deficit spend on their snow and ice account as allowed by M.G.L. Chapter 44, section 31D. Due to this winter's severe snowstorm in addition to anticipated snowfall this weekend, I respectfully seek your approval of this order.

DPW Commissioner Ron LaFreniere will be in attendance at your meeting to answer any questions you may have.

I appreciate your attention on this matter. Thank you for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor

ORDERED:

That pursuant to Chapter 44, section 31D of the General Laws of the Commonwealth of Massachusetts, which authorizes the City to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal, the City Council of the City of Marlborough, upon the recommendation of the Mayor, approves expenditures up to \$1,350,000.00 in excess of available appropriation for snow and ice removal for fiscal year 2013.

ADOPTED
In City Council
Order No. 13-

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



IN CITY COUNCIL

JUNE 18, 2012

Marlborough, Mass., _____

ORDERED:

Suspension of the rules requested – granted

That pursuant to Chapter 44, section 31D of the General Laws of the Commonwealth of Massachusetts, which authorizes the City to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal, the City Council of the City of Marlborough, upon the recommendation of the Mayor, approves expenditures up to \$750,000 in excess of the fiscal year 13 appropriation for snow and ice removal, be and is herewith **APPROVED**.

ADOPTED

In City Council

Order No. 12-1005074A

Approved by Mayor

Arthur G. Vigeant

Date: June 22, 2012

A TRUE COPY

ATTEST:

A handwritten signature in cursive script, appearing to read "Lisa M. [unclear]", is written over the printed name of the City Clerk.

City Clerk



02/20/2013 16:12
6876dsmi

CITY OF MARLBOROUGH
SNOW & ICE BUDGET

AS OF FEBRUARY 20, 2013

PG 1
glytdbud

FOR 2013 13

ACCOUNTS FOR: 100 GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENC/REQ	AVAILABLE BUDGET	PCT USED
4000 DEPARTMENT OF PUBLIC WORKS							
0120 STREETS-SNOW & ICE							
14001203 51390 OVERTIME-SNOW & ICE	125,000	.00	125,000.00	247,532.60	.00	-122,532.60	198.0%*
14001206 52960 SNOW REMOVAL	275,000	.00	275,000.00	273,301.16	187,336.87	-185,638.03	167.5%*
14001206 57040 OPERATING EXPENSES	100,000	.00	100,000.00	310,445.26	190,488.57	-400,933.83	500.9%*
TOTAL STREETS-SNOW & ICE	500,000	.00	500,000.00	831,279.02	377,825.44	-709,104.46	241.8%
TOTAL DEPARTMENT OF PUBLIC WOR	500,000	.00	500,000.00	831,279.02	377,825.44	-709,104.46	241.8%
TOTAL GENERAL FUND	500,000	.00	500,000.00	831,279.02	377,825.44	-709,104.46	241.8%
TOTAL EXPENSES	500,000	.00	500,000.00	831,279.02	377,825.44	-709,104.46	



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
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

2013 FEB 21 A 11:53

February 21, 2013

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


Re: OPEB Trust Account

Honorable President Pope and Councilors:

I am seeking your authorization to set up a trust for the city's Other Post-Employment Benefits (OPEB). This trust will allow the city to fund its future OPEB liabilities and will ensure our credit rating remains protected.

I appreciate your attention on this vital matter. Please do not hesitate to let me know if you have any questions.

Sincerely,


Arthur G. Vigeant
Mayor

ORDERED:

That the provisions of Section 20 of Chapter 32B of the General Laws of the Commonwealth of Massachusetts, entitled Other Post-Employment Benefits Liability Trust Fund, be and is hereby accepted by the City Council for the City of Marlborough, and further, that the City Council for the City of Marlborough hereby establishes an Other Post-Employment Benefits ("OPEB") Trust under the terms and conditions provided below:

**CITY OF MARLBOROUGH
OTHER POST-EMPLOYMENT BENEFITS ("OPEB") TRUST
TRUST AGREEMENT**

This TRUST AGREEMENT is made this ___ day of _____, 2013 by and between the City of Marlborough, acting through its City Council (the "City") and the duly serving members of the Marlborough Retirement Board (the "Trustees").

WITNESSETH:

WHEREAS, the City has established certain other post-employment benefits ("OPEB"), other than pensions, for eligible former employees of the City; and

WHEREAS, the City wishes to establish an irrevocable trust (the "Trust") for the purpose of funding OPEB obligations as required to be reported under General Accounting Standards Board ("GASB") Statements 43 and 45; and

WHEREAS, the Trust is established by the City with the intention that it qualify as a tax-exempt trust performing an essential governmental function within the meaning of Section 115 of the Internal Revenue Code of 1986 and Regulations issued thereunder and as a trust for OPEB under M.G.L. c. 32B, § 20;

NOW, THEREFORE, in consideration of the foregoing promises and the mutual covenants hereinafter set forth, City and the Trustees hereby agree as follows.

ARTICLE 1 - DEFINITIONS

As used herein, the following terms shall have the following meanings:

- 1.1. "Code" means the Internal Revenue Code of 1986, as amended from time to time.
- 1.2. "ERISA" means the Employee Retirement Income Security Act of 1974, as amended from time to time and any successor statute.
- 1.3. "GASB 43 and 45," shall mean Government Accounting Standards Board, Statement No. 43 and Statement No. 45, Accounting and Financial Reporting by Employers for Post-Employment Benefits Other Than Pensions.

1.4. "Other post-employment benefits" or "OPEB," shall mean post-employment benefits other than pensions as that term is defined in GASB 43 and 45 including post-employment healthcare benefits, regardless of the type of plan that provides them, and all post-employment benefits provided separately from a pension plan, excluding benefits defined as termination offers and benefits.

1.5. "Retired Employee" means those persons who have retired from employment with the City and who are qualified to receive retirement benefits pursuant to M.G.L. c. 32 or as otherwise provided by law.

1.6. "Trust" means the Anywhere OPEB Trust as hereby established.

1.7. "Trustee" means the duly serving members of the Board of Trustees, and any successor Trustee appointed as provided pursuant to Article 5.

1.8. "Trust Fund" means all the money and property, of every kind and character, including principal and income, held by the Trustee under the Trust.

ARTICLE 2 - PURPOSE

2.1. The Trust is created for the sole purpose of providing funding for OPEB, as determined by the City, or as may be required by collective bargaining agreement, or by any general or special law providing for such benefits, for the exclusive benefit of the City's Retired Employees and their eligible dependents, and for defraying the reasonable administrative, legal, actuarial and other expenses of the Trust. The assets held in the Trust shall not be used for or diverted to any other purpose, except as expressly provided herein.

2.2. It is intended that the Trust shall constitute a so-called "Qualified OPEB Trust" according to the standards set forth in GASB 43 and 45, and that it further qualify as an Integral Part Trust for all purposes under Article 115(c) of the Code or under any comparable provision of future legislation that amends, alters, or supersedes the Code.

ARTICLE 3 - ESTABLISHMENT OF TRUST

3.1. In order to implement and carry out the provisions of M.G.L. c. 32B, § 20, the City hereby establishes this Trust which shall be known as the "City of Marlborough OPEB Trust."

3.2. The Trust shall be irrevocable, and no Trust funds shall revert to the City until all OPEB owed to retired City employees have been satisfied or defeased.

3.3. The principal location of the Trust shall be Marlborough City Hall, 140 Main Street, Marlborough, Massachusetts 01752.

3.4. The Trustees hereby accept the trusts imposed upon them by this Trust Agreement and agree to perform said trusts as a fiduciary duty in accordance with the terms and conditions of this Trust Agreement.

3.5. The Trustees shall hold legal title to all property of the Trust, and neither the City, nor any employee, official, or agent of the City, nor any individual, shall have any right, title or interest to the Trust.

3.6. The Trust shall consist of such sums of money as shall from time to time be paid or delivered to the Trustees by the City, which sums, together with all earnings, profits, increments and accruals thereon, without distinction between principal and income, shall constitute the Trust hereby created and established. Nothing in this Agreement requires the City to make contributions to the Trust to fund OPEB. Any obligation of the City to pay or fund benefits shall be determined in accordance with applicable law and any agreement to provide OPEB.

ARTICLE 4 - TRUST FUNDING

4.1 The Trust Fund shall be credited with all amounts appropriated or otherwise made available to the City and employees of the City as a construction to the Trust for the purposes of meeting the current and future OPEB costs payable by the City, or any other funds donated or granted specifically to the City for the Trust, or to the Trust directly.

4.2. The Trustees shall be accountable for all delivered contributions, but shall have no duty to determine that the amounts received are adequate to provide the OPEB Benefits determined by the City.

4.3. The Trustees shall have no duty, expressed or implied, to compel any contribution to be made by the City, but shall be responsible only for property received by the Trustees under this Trust Agreement.

4.4. The City shall have no obligation to make contributions to the Trust to fund OPEB, and the size of the Trust may not be sufficient at any one time to meet the City's OPEB liabilities. This Trust Agreement shall not constitute a pledge of the City's full faith and credit or taxing power for the purpose of paying OPEB, and no retiree or beneficiary may compel the exercise of taxing power by the City for such purposes. The obligation of the City to pay or fund OPEB obligations, if any, shall be determined by the City or applicable law. Distributions of assets in the Trust are not debts of the City within the meaning of any constitutional or statutory limitation or restriction.

4.5. Earnings or interest accruing from investment of the Trust shall be credited to the Trust. Amounts in the Trust Fund, including earnings or interest, shall be held for the exclusive purpose of, and shall be expended only for, the payment of the costs payable by the City for OPEB obligations to Retired Employees and their dependents, and defraying the reasonable expenses of administering any plan providing OPEB Benefits as provided for in this Trust Agreement.

4.6. Amounts in the Trust Fund shall in no event be subject to the claims of the City's general creditors. The Trust Fund shall not in any way be liable to attachment, garnishment, assignment or other process, or be seized, taken, appropriated or applied by any legal or equitable process, to pay any debt or liability of the City, or of retirees or dependents who are entitled to OPEB.

ARTICLE 5 - TRUSTEES

- 5.1. The Trust shall be administered by Marlborough Retirement Board (the "Board").
- 5.2. Each Board member shall, for purposes of this Trust, be deemed a trustee ("Trustee").
- 5.3. In the event a Trustee resigns, is removed or is otherwise unable to serve, the Board shall hold an election to fill the vacancy.
- 5.4. Whenever a change occurs in the membership of the Board, the legal title to property held by this Trust shall automatically pass to those duly elected successor Trustees.
- 5.5. Each future Trustee shall accept the office of Trustee and the terms and conditions of this Trust Agreement in writing.
- 5.6. Upon leaving office, a Trustee shall promptly and without unreasonable delay, deliver to the Trust's principal office any and all records, documents, or other documents in his possession or under his control belonging to the Trust.
- 5.7. The Trustees shall be special municipal employees for purposes of M.G.L. c. 268A and shall be subject to the restrictions and prohibitions set forth therein.

ARTICLE 6 - POWERS OF THE TRUSTEES

- 6.1. The Trustees shall have the power to control and manage the Trust and the Trust Fund and to perform such acts, enter into such contracts, engage in such proceedings, and generally to exercise any and all rights and privileges, although not specifically mentioned herein, as the Trustees may deem necessary or advisable to administer the Trust and the Trust Fund or to carry out the purposes of this Trust. In addition to the powers set forth elsewhere in this Agreement, the powers of the Trustees, in connection with their managing and controlling the Trust and its General Fund, shall include, but shall not be limited to, the following:
 - 6.1.1. To enter into an administrative services contract or other contracts with one or more insurance companies, nonprofit hospital, medical or dental service corporations, or with one or more health care organizations or health maintenance organizations, or with one or more third-party administrators or other entities to organize, arrange, or provide for the delivery or payment of health care coverage or services (including dental services), whereby the funds for the payment of claims of eligible persons, including appropriate service charges of the insurance carrier, third party administrator or other intermediary, shall be furnished by the Trustees from the Trust Fund for the payment by such intermediary to the health care vendors or persons entitled to such payments in accordance with the terms and provisions of said contract.
 - 6.1.2. To purchase contracts of insurance or reinsurance through such broker or brokers as the Trustees may choose and to pay premiums on such policies.
 - 6.1.3. To receive, hold, manage, invest and reinvest all monies which at any time form part of the Trust,

whether principal or income, provided however that there shall be no investment directly in mortgages or in collateral loans and further provided that the Trustees shall comply with the provisions of Article 7 of this Trust Agreement, applicable law and any investment policy adopted by the Trustees concerning the investment and management of Trust assets.

6.1.4. To borrow or raise money for the purposes of the Trust, in such amount, and upon such terms and conditions as the Trustees shall deem advisable, subject to applicable law and statutes; and for any sum so borrowed to issue the promissory note of the Trust, and to secure the repayment thereof by creating a security interest in all or any part of the Trust or the Trust Fund; and no person lending such money shall be obligated to see that the money lent is applied to Trust purposes or to inquire into the validity, expedience or propriety of any such borrowing.

6.1.5. To hold cash, uninvested, for such length of time as the Trustees may determine without liability for interest thereon.

6.1.6. To employ suitable agents, advisors and counsel as the Trustees may deem necessary and advisable for the efficient operation and administration of the Trust, to delegate duties and powers hereunder to such agents, advisors and counsel, and to charge the expense thereof to the Trust. The Trustees are entitled to rely upon and may act upon the opinion or advice of any attorney approved by the Trustees in the exercise of reasonable care. The Trustees shall not be responsible for any loss or damage resulting from any action or non-action made in good faith reliance upon such opinion or advice. All delegated authority shall be specifically defined in any by-laws adopted by the Trustees or the written minutes of the Trustees' meetings.

6.1.7. To hire employees or independent contractors as the Trustees may deem necessary or advisable to render the services required and permitted for the proper operation of the Trust, and to charge the expense thereof to the Trust.

6.1.8. To continue to have and to exercise, after the termination of the Trust and until final distribution, all of the title, powers, discretions, rights and duties conferred or imposed upon the Trustees hereunder, by any by-laws adopted by the Trustees or by law.

6.1.9. To construe and interpret this Trust Agreement and other documents related to the purposes of the Trust.

6.1.10. To maintain bank accounts for the administration of the Trust and the Trustee Fund and to authorize certain Trustees or other appropriate persons to make payments from any appropriate account for purposes of the Trust.

6.1.11. To receive and review reports of the financial condition and of the receipts and disbursements of the Trust and the Trust Fund.

6.1.12. To adopt by-laws, rules, regulations, formulas, actuarial tables, forms, and procedures by resolution from time to time as they deem advisable and appropriate for the proper administration of the Trust, including participation criteria, provided the same are consistent with the terms of this Trust Agreement.

6.1.13. To purchase as a general administrative expense of the Trust so-called director's liability insurance and other insurance for the benefit of the Trust and/or the protection of the Trustees, Trust officers, employees, or agents against any losses by reason of errors or omissions or breach of fiduciary duty or negligence.

6.1.14. To enter into any and all contracts and agreements for carrying out the terms of this Trust Agreement and for the administration and operation of the Trust and to do all acts as they, in their discretion, may deem necessary or advisable. Except as otherwise directed by the Trustees, all such contracts and agreements, or other legal documents herein authorized, shall be executed by the Chairperson, or Secretary as may be voted by the Trustees.

6.1.15. To receive contributions or payments from any source whatsoever but such contributions or payments may not be utilized for any purpose unrelated to the provision of OPEB as herein provided or properly authorized expenses.

6.1.16. To pay taxes, assessments, and other expenses incurred in the collection, care, administration, and protection of the Trust.

6.1.17. To do all acts, whether or not expressly authorized herein, which the Trustees may deem necessary or proper in connection with the administration of the Trust, although the power to do such acts is not specifically set forth herein.

6.1.18. To compromise, settle or arbitrate any claim, debt, or obligation of or against the Trust or Trust Fund; to enforce or abstain from enforcing any right, claim, debt or obligation, and to abandon any shares of stock, bonds, or other securities, or interests determined by it to be worthless; to prosecute, compromise and defend lawsuits, but without the obligation to do so, all at the risk and expense of the Trust.

6.1.19. To hire one or more consultants, actuaries, accountants, attorneys or other professionals to assist with the administration of the Trust Fund and to pay such amounts that the Trustee deems to be reasonable, including, without limiting the generality of the foregoing, third party firms to provide legal, tax, accounting and audit services to the Trust.

6.1.20. To comply with all requirements imposed by applicable provisions of law.

6.1.21. To serve as custodian with respect to Trust assets.

ARTICLE 7- LIMITATION OF TRUSTEES' POWERS, DUTIES AND RESPONSIBILITIES

7.1. Nothing contained in the Trust Agreement, either expressly or by implication, shall be deemed to impose any powers, duties or responsibilities on the Trustees other than those set forth in this Trust Agreement.

7.2. The Trustees shall have such rights, powers and duties as are provided to a named fiduciary for

the investment of assets under ERISA. The Trustees shall not be liable for the making, retention or sale of any investment or reinvestment made by the Trustees as herein provided or for any loss to or diminution of the Trust Fund or for anything done or admitted to be done by the Trustees with respect to the Trust Agreement or the Trust Fund except as and only to the extent that such action constitutes a violation of the law or gross negligence.

7.3. The Trustees, in their discretion, may purchase as an expense of the Trust Fund such liability insurance for themselves or any other fiduciary selected by the Trustees as may be reasonable. The City, in its discretion, may also purchase liability insurance for the Trustees, and as the City may select, for any person or persons who serve in a fiduciary capacity with respect to the Trust.

7.4. The City shall not assume any obligation or responsibility to any person for any act or failure to act of the Trustees, any insurance company, or any beneficiary of the Trust Fund. The Trustees shall have no obligation or responsibility with respect to any action required by this Trust Agreement to be taken by the City, any insurance company, or any other person, or for the result or the failure of any of the above to act or make any payment or contribution, or to otherwise provide any benefit contemplated by this Trust Agreement.

7.5. Neither the Trustees nor the City shall be obliged to inquire into or be responsible for any action or failure to act on the part of the other. No insurance company shall be a party to this Trust Agreement, for any purpose, or be responsible for the validity of this Trust Agreement, it being intended that such insurance company shall be liable only for the obligations set forth in the policy or contract issued by it.

7.6. The Trustees shall invest and manage Trust assets as a prudent investor would, using the judgment and care under the circumstances then prevailing that persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital, pursuant to M.G.L. c. 203C.

ARTICLE 8 - ACTIONS BY THE TRUSTEES

8.1. A majority of Trustees may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees.

8.2. The Trustees may, by instrument executed by all of the Trustees, delegate to any attorney, agent or employee such other powers and duties as they deem advisable, including the power to execute, acknowledged or deliver instruments as fully as the Trustees might themselves and to sign and endorse checks for the account of the Trustees of the Trust.

8.3. No Trustee shall be required to give bond.

ARTICLE 9 -
LIABILITY OF THE TRUSTEES

9.1. A Trustee shall not be liable for any mistake of judgment or other action made, taken or omitted by the Trustee in good faith, nor for any action taken or omitted by any other Trustee or any agent or employee selected with reasonable care, and the duties and obligations of the Trustees hereunder shall be expressly limited to those imposed upon them by this Trust Agreement.

9.2. No successor Trustee shall be held responsible for an act or failure of a predecessor Trustee.

9.3. Trustees are public employees for purposes of M.G.L. c. 258, and shall be indemnified by the City against any civil claim, action, award, compromise, settlement or judgment by reason of an intentional tort to the same extent and under the same condition as other public employees of the City.

9.4. A Trustee shall not be indemnified for violation of the civil rights of any person if he acted in a grossly negligent, willful or malicious manner, or in connection with any matter where it is shown to be a breach of fiduciary duty, an act of willful dishonesty or an intentional violation of law by the Trustee.

ARTICLE 10 -
MEETINGS OF THE TRUSTEES

10.1. The Trust may meet at such times and at such places as the Trustees shall determine.

10.2. The Trustees shall comply with the Open Meeting Law, M.G.L. c.30A, §§18-25 and its implementing regulations.

10.3. A quorum at any meeting shall be a majority of the Trustees then in office.

ARTICLE 11-
TAXES, EXPENSES, AND COMPENSATION

11.1. It is intended that the Trust will be a Code Article 115 trust. As such, it is expected that there will be no income taxes owed by the Trust. To the extent that any taxes are imposed on the Trust, the Trustee shall use the assets of the Trust Fund to pay for any taxes owed.

11.2. All reasonable costs and expenses of managing and administering the Trust and the Trust Fund, including such compensation for the Trustees as may be approved by the City Council from time to time, and reimbursement for reasonable fees incurred through the use of third party vendors or agents, shall be paid from the Trust unless the City chooses to pay the expenses directly.

ARTICLE 12 - ACCOUNTS

12.1. The Trustees shall keep complete and accurate accounts of all of the Trust's receipts, investments and disbursements under this Trust Agreement. Such records, as well as all other Trust records, shall be retained and made available for public inspection and or copying in accordance with the requirements of the Public Records Law, M.G.L. c. 66, §10 and M.G.L. c. 4, §7, clause 26th and their implementing regulations. The person or persons designated by the City shall be entitled to inspect such

records upon request at any reasonable time.

12.2. The books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices. The results of the audit shall be provided to the City at the same time as it is presented to the Trustees.

12.3. The Trust Fund shall be subject to the Commonwealth of Massachusetts Public Employee Retirement Administration Commission's triennial audit.

**ARTICLE 13 -
ANNUAL REPORTS**

13.1. The Trustees shall furnish to the City annually, or more frequently if the City so requests, a statement of account showing the condition of the Trust Funds and all investments, sales, income, disbursements and expenses of the Trust and the Trust Fund.

**ARTICLE 14 -
INVESTMENT OF TRUST FUNDS**

14.1. The Trustees hereby authorize and direct the City Treasurer to invest and reinvest the amounts in the Trust Fund not needed for current disbursement, consistent with the prudent investor rule, and as provided in the Investment Policy which is attached to this instrument and hereby incorporated.

14.2. In no event shall the funds be invested directly in mortgages or in collateral loans.

**ARTICLE 15 -
CUSTODY OF THE TRUST FUNDS**

15.1. The Trustees hereby appoint the City Treasurer as custodian of the Trust Fund and authorize the Treasurer to employ an outside custodial service to maintain custody of the Trust Funds. All funds in the Trust Fund shall be accounted for separately from all other funds of the City.

15.2. The City Treasurer, with the authorization of the Trustees, shall establish one or more checking accounts, which may be interest bearing or non-interest bearing accounts. Such checking account or accounts shall be funded solely from the Trust Funds, and the Trustees may authorize the City Treasurer to draw on such checking accounts for the payment of OPEB and for the administrative expenses of the Trust.

**ARTICLE 16 -
TERMINATION OF TRUST**

16.1. The Trust shall continue unless and until terminated pursuant to law or by an instrument in writing signed by at least three Trustees, provided, however, that continuance of the Trust shall not be deemed to be a contractual obligation of the City.

16.2. Upon termination of the Trust, subject to the payment of or making provision for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the City and held by the City Treasurer to be used exclusively for providing OPEB to Retired

Employees and their eligible dependents and for no other purpose.

16.3. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

ARTICLE 17 - AMENDMENTS

17.1. The Trust may only be amended as set forth herein. The City may amend the Trust at any time as may be necessary to comply with the requirements for tax exemption under Section 115 of the Code, to conform the Trust to the laws of the Commonwealth of Massachusetts and to meet the standards set forth in GASB 43 and GASB 45 to be treated as funded through a qualifying trust or equivalent arrangement.

17.2. This Trust Agreement may be amended, but not revoked, from time to time by the City, subject to the following limitations:

17.2.1. The assets of the Trust may not be used for or diverted to any other purposes prior to satisfaction of the City's OPEB obligations, and reasonable expenses of administering the Trust.

17.2.2. The duties and liabilities of the Trustees cannot be substantially changed without their written consent.

17.3 Any amendment to this Trust shall be executed in writing.

ARTICLE 18 - MERGER

18.1. The City may provide for the merger of the Trust with one or more other trusts established by the City or other government entities for similar purposes as may be provided by law.

ARTICLE 19 - SEVERABILITY OF INVALID PROVISIONS

19.1. If any provision of this Trust Agreement is determined invalid, illegal, or unenforceable for any reason, then the provision shall be severed from the remaining provisions of the Trust Agreement for any reason, and the remaining parts of the Agreement shall be construed to give the maximum practical effect to the purposes stated herein, as if the invalid, illegal, or unenforceable provision was never a part.

ARTICLE 20 - MISCELLANEOUS

20.1. This Trust Agreement shall be interpreted, construed and enforced, and the Trust hereby created shall be administered in accordance with and governed by the laws of the United States and of the Commonwealth of Massachusetts.

20.2. The titles to Articles of this Trust Agreement are placed herein for convenience of reference only, and the Trust Agreement is not to be construed by reference thereto.

20.3. No person shall be obliged to see to the application of any money paid or property delivered to the

Trustees, or as to whether or not the Trustees have acted pursuant to any authorization herein required, or as to the terms of this Trust Agreement. In general, each person dealing with the Trustees may act upon any advice, request or representation in writing by the Trustees, or by the Trustee's duly authorized agent, and shall not be liable to any person in so doing. The certification of the Trustees that they are acting in accordance with this Trust Agreement shall be conclusive in favor of any person relying thereon.

20.4. This Trust Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original but all of which together shall constitute but one instrument, which may be sufficiently evidenced by any counterpart.

20.5. Until advised to the contrary, the Trustees may assume this Trust is entitled to exemption from taxation under Section 115 of the Internal Revenue Code of 1986 or under any comparable section or sections of future legislation that amend, supplement or supersede one or both of those sections of the Internal Revenue Code.

IN WITNESS WHEREOF, the parties hereto have caused this Trust Agreement to be executed in their respective names by their duly authorized officers as of the day and year first above written.

Witnessed By:

MARLBOROUGH CITY COUNCIL,
By Its President,

Patricia Pope

Date:

Witnessed By:

MARLBOROUGH RETIREMENT BOARD:
By Its Chairman,

Gregory P. Brewster

Date:

ADOPTED
In City Council
Order No 13-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

2013 FEB 21 A 11: 53 140 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

February 21, 2013

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

Re: Board of Assessors Compensation

Honorable President Pope and Councilors:

After several months of research and analysis, I am recommending ordinance changes relative to the compensation of the Board of Assessors. Enclosed you will find two corresponding orders to that end.

M.G.L. Chapter 59, § 21 A1/2 allows Assessors to receive additional compensation of 10% if they receive certification from one of two professional organizations in their field. While this provision may be well intended, there are many other certifications available in the assessing field that otherwise qualified candidates may not be eligible to receive under this narrow provision. The first order repeals Order No. 08-1001895-A which allows for this 10% in additional compensation.

The second order repeals the stipend for the position of a quarter-time Assessor as adopted by Order No. 89-2847A (currently at \$9,095.93) and redirects that revenue to allow for an equal stipend of \$3,000.00 to each of the three members of the Board of Assessors.

Thank you in advance for your consideration. I'm more than happy to answer any questions you may have.

Sincerely,

Arthur G. Vigeant
Mayor

ORDERED:

Be it ordained by the City Council of the City of Marlborough that Order No. 08-1001895-A, adopted on July 1, 2008 under M.G.L. chapter 59, §21 A1/2, which concerns additional compensation in the amount of ten percent (10%) for an assessor or assistant assessor who has completed the necessary courses of study and training and has been awarded a certificate by the International Assessing Officers as a certified assessment evaluator or who has been awarded a certificate by the Association of Massachusetts Assessors as a certified Massachusetts Assessor, is hereby repealed.

ADOPTED

In City Council

Order No. 13-

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, effective July 1, 2013, that the Code of the city of Marlborough, as amended, be further amended by deleting from Chapter 125 an annual stipend for the position of Assessor, quarter-time, as adopted by Order No. 89-2847A on June 26, 1989, and that the Code of the City of Marlborough, as amended, be further amended by amending Chapter 125, Personnel, Compensation Schedule, with the following:

<u>Effective Date</u>	<u>Position</u>	<u>Annual Stipend</u>
Upon confirmation	Member, Board of Assessors	\$3,000.00

ADOPTED
In City Council
Order No. 12-

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough

RECEIVED
CITY CLERK
CITY OF MARLBOROUGH

Office of the Mayor

2013 FEB 21 A 11:53
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Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

February 21, 2013

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

Re: Board of Assessors Chairman

Honorable President Pope and Councilors:

I am seeking your approval of an ordinance change relative to the Board of Assessors and the Assessing Department that will improve the operational efficiency of the office and alter the role of the Chairman to promote greater transparency. Enclosed is an order to that effect.

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

After several personnel changes in the Assessor's Office in the last twelve months, we have been afforded the opportunity to review the configuration of this office from top to bottom. Upon much research and reflection, I strongly believe that the City is better served by having a Board Chairman that *does not* carry the status of a full-time employee or department head. I believe this change will allow the Chairman to act more independently on matters that may come before the Board.

Additionally, this ordinance change will ensure that any future appointees to the Board of Assessors will not be compensated if they are a full-time city employee or are employed by a vendor performing duties for or on behalf of the Assessor's Office.

I believe these reforms reflect a strong step towards more transparent governance. I'm more than happy to answer any questions you may have.

Sincerely,

Arthur G. Vigeant
Mayor

ORDERED:

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

1. Section 67-27 of the City Code, entitled "Chairman; status and duties," is hereby amended as follows:
 - a. By striking in its entirety Paragraph A. of said Section 67-27.
 - b. By striking the letter "B." from paragraph B. of said Section and inserting in place thereof the letter "A.," by inserting the words "as designated by the Mayor, and by striking the word "also," as follows:
 - A. The Chairman, as designated by the Mayor, shall be required to obtain evidence of all assets and income as required to be reported pursuant to all exemption and deferral programs, including certified or notarized statements, income tax returns or other verification satisfactory to the Chairman.
 - c. By inserting a new paragraph, which shall be designated as "B.," following said paragraph A., as follows:
 - B. Members of the Board of Assessors shall not receive compensation for their services if they are full-time employees of the City of Marlborough or if they are employed by any vendor or company providing contracted services to the Assessor's Office.

ADOPTED
In City Council
Order No. 13-

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

*City of Marlborough, MA
Wednesday, February 20, 2013*

Article VI. Board of Tax Assessors

§ 67-27. Chairman; status and duties.

- A. The Chairman shall assume the status of a full-time employee of the City and shall carry on his duties as head of the Tax Assessing Department or Program in a manner of practice corresponding to heads of other departments in the City.
- B. The Chairman shall also be required to obtain evidence of all assets and income as required to be reported pursuant to all exemption and deferral programs, including certified or notarized statements, income tax returns or other verification satisfactory to the Chairman.

[Added 10-7-2002 by Ord. No. 02-9778A]

§ 67-28. Term of Chairman.

The Chairman of the Board of Tax Assessors shall serve for a term of five years.



City of Marlborough

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CITY OF MARLBOROUGH
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
2013 FEB 21 AM 11:53
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610
www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

February 21, 2013

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

Re: Fuel Efficient Vehicle Policy Amendment


Honorable President Pope and Councilors:

I have enclosed for you an amendment to our Fuel Efficient Vehicle Policy as part of the Green Communities Program.

In 2010 Marlborough was certified as a "Green Community." One of the criteria to be eligible was the passage of a Fuel Efficient Vehicle Policy, which was passed by the City Council and signed by the Mayor.

However, because of the changing nature of vehicles, the Green Communities program has required that communities amend their policies by adding a minor change as follows. Instead of including the actual list of what vehicle "Miles per Gallon" MPG rating is required; the new language simply references the most recent Green Communities Division Criteria 4 as outlined on the DOER website which must be consulted before a vehicle is purchased. The amended policy reflecting this language is included for your review and approval.

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

Sincerely,

Arthur G. Vigeant
Mayor

City of Marlborough
FUEL EFFICIENT VEHICLE POLICY

POLICY STATEMENT

In an effort to reduce the City of Marlborough's fuel consumption and energy costs over the next 5 years the City hereby adopts a policy, where practicable, to purchase only fuel efficient vehicles to meet this goal.

PURPOSE

To establish a requirement that the City of Marlborough, use reasonable efforts, to purchase only fuel efficient vehicles for municipal/school use whenever such vehicles are commercially available and practicable.

APPLICABILITY

This policy applies to all divisions and departments of the City of Marlborough.

GUIDELINES

All departments / divisions shall purchase only fuel-efficient vehicles for municipal use whenever such vehicles are commercially available and practicable.

The City of Marlborough will maintain an annual vehicle inventory for ALL vehicles and a plan for replacing non-exempt vehicles with vehicles that meet, at a minimum, the fuel efficiency ratings contained in the most recent guidance for Criteria 4 published by the MA Department of Energy Resources' Green Communities Division. This Green Communities' Guidance for Criteria 4 must be checked for updates prior to ordering replacement vehicles; go to: <http://www.mass.gov/eea/docs/doer/green-communities/grant-program/gc-criterion4-guidance.pdf>.

Exemptions

Heavy-duty vehicles such as fire-trucks, ambulances, and public works trucks are exempt from this criterion

Police cruisers are exempt from this criterion. However, municipalities must use reasonable efforts to purchasing fuel efficient cruisers when they become commercially available and practicable. Police department administrative vehicles must meet fuel efficient requirements.

DEFINITIONS

Combined city and highway MPG (EPA Combined fuel economy): Combined Fuel Economy means the fuel economy from driving a combination of 43% city and 57% highway miles and is calculated as follows: $=1/((0.43/City\ MPG)+(0.57/highway\ MPG))$

Drive System: The manner in which mechanical power is directly transmitted from the drive shaft to the wheels. The following codes are used in the drive field:

AWD = All Wheel Drive: four-wheel drive automatically controlled by the vehicle powertrain system

4WD = 4-Wheel Drive: driver selectable four-wheel drive with 2-wheel drive option

2WD = 2-Wheel Drive

Heavy-duty truck: A vehicle with a manufacturer's gross vehicle weight rating (GVWR) of more than 8,500 pounds.

Arthur G. Vigeant, Mayor

Stephen Dlott

Interim Superintendent of Schools

Effective Date: _____



City of Marlborough

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Office of the Mayor

140 Main Street

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Marlborough, Massachusetts 01752
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Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

February 21, 2013

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

Re: Public Service Internship Program

Honorable President Pope and Councilors:

Last year we collaborated together on creating the City of Marlborough's first ever formal internship program for deserving college students and high school graduates. We received over twenty applicants for thirteen available paid internships throughout the city. Each intern worked approximately 30 hours per week for eight to ten weeks and was paid \$8.00 per hour.

I intend on seeking a transfer request at your next meeting to appropriate the necessary funds to allow us to have this program again this year. However, before seeking any new funding, I wanted to share with you a brief overview of why this program is worth continuing and how each participating department benefitted from this program. I have included in this correspondence brief summaries that will highlight for you the duties and responsibilities of our interns last summer.

My office graciously welcomes any feedback or questions from the Council relative to this program. Once the funding is approved, we intend on advertising this program throughout the city to hopefully grow the applicant pool and allow for students to plan ahead.

I am enormously pleased with the results this new program achieved last year and am very confident that, with your help, we can attain that success once again.

Sincerely,

Arthur G. Vigeant
Mayor



CITY OF MARLBOROUGH
140 MAIN STREET
MARLBOROUGH, MA 01752

PUBLIC SERVICE INTERNSHIP SUMMARY

DEPARTMENT: Information Technology Dept SUPERVISOR: Mark Gibbs

How many college interns did your office employ last summer? 1 through this program

1) Please provide a summary of any projects your intern(s) were involved with, what their general responsibilities were, and how your office benefitted from this program:

Interns built machines for the STEM Program, worked on Network Cabling and disassembled labs in the schools

2) Would you consider having an intern in your office again this summer? If so, would they perform similar tasks as listed above or would they be utilized differently?

Yes I would consider having interns again this year. And they would be performing the same tasks as last year

3) In your opinion, was this program a worthwhile endeavor? What are your ideas as to how the internship program can be improved?

The Program was a huge success for my department.

What I would like to see different for my department would be to have the kids on the first two weeks that school is open to help put together teacher and lab machines for the beginning of the School Year.



CITY OF MARLBOROUGH
140 MAIN STREET
MARLBOROUGH, MA 01752

PUBLIC SERVICE INTERNSHIP SUMMARY

DEPARTMENT: Mayor's Office

SUPERVISOR: Trish Bernard/Mike Berry

How many college interns did your office employ last summer? One

1) Please provide a summary of any projects your intern(s) were involved with, what their general responsibilities were, and how your office benefitted from this program:

Our intern, Alicia Redondo was adept at answering the phones and forwarding calls to appropriate departments. She also handled complaints from walk-in constituents and was especially helpful in dealing with the Spanish speaking residents. Alicia was also instrumental in assisting our department with research for the SCRPT program and creating an information package for seniors.

She also assisted with mail merges, organizing files, data input, organizing mail, wrote draft press releases and citations and attended a press conference.

2) Would you consider having an intern in your office again this summer? If so, would they perform similar tasks as listed above or would they be utilized differently?

Yes and the tasks would be similar depending upon the student's abilities.

3) In your opinion, was this program a worthwhile endeavor? What are your ideas as to how the internship program can be improved?

Our office found a tremendous benefit to this program, particularly when the student demonstrates an interest in working in the public sector. Our office interacts with constituents/customers daily and it often can be a challenging experience that will provide a solid foundation for any intern. I believe it was worthwhile for both the student and our office.



CITY OF MARLBOROUGH
140 MAIN STREET
MARLBOROUGH, MA 01752

PUBLIC SERVICE INTERNSHIP SUMMARY

DEPARTMENT: MCDA-HOUSING DIV. SUPERVISOR: Douglas M. Bushman

How many college interns did your office employ last summer? One (1)

1) Please provide a summary of any projects your intern(s) were involved with, what their general responsibilities were, and how your office benefitted from this program:

Intern assisted in the following

- Research and writing a Study about public housing regionalization
- Researching and formulating preventive maintenance policy
- Research and writing various policies and procedures
- Public affairs outreach

The summer intern was of invaluable assistance in reviewing legislation concerning public housing and helping me formulate a response. The other assistance concerned drafting a comprehensive preventive maintenance program which we did in fact implement.

If the MCDA hired a consultant to undertake the duties that the intern assumed the cost would be over \$10,000.00

2) Would you consider having an intern in your office again this summer? If so, would they perform similar tasks as listed above or would they be utilized differently?

Yes, we like to consider the program in the same capacity as last summer.

3) In your opinion, was this program a worthwhile endeavor? What are your ideas as to how the internship program can be improved?

The Intern program was an extremely worthwhile. I was able to undertake projects that I probably would just begin to undertake now.



CITY OF MARLBOROUGH
140 MAIN STREET
MARLBOROUGH, MA 01752

PUBLIC SERVICE INTERNSHIP SUMMARY

DEPARTMENT: Conservation SUPERVISOR: Priscilla Ryder

How many college interns did your office employ last summer? 1

1) Please provide a summary of any projects your intern(s) were involved with, what their general responsibilities were, and how your office benefitted from this program:

The college intern helped with monitoring and maintaining our conservation land trails and kiosks, made repairs to bridges and boardwalks, cleared trees and brush, installed signs and blazed trails. He responded to complaints about trail obstructions or trail safety issues and was able to help with monitoring these areas. In addition he surveyed and monitored catch basins and stormwater facilities to be sure they were clean as part of our annual monitoring program. He installed storm drain markers in high traffic areas where boy scouts couldn't do this work. He spent a large amount of time working on the construction of the Lake Williams Trail with the DPW. He also assisted with filling the water tank and other chores associated with the new Community Garden and helped with the removal of invasive plant species at the Desert Natural Area.

He also supervised the two high school interns who also worked with him.

2) Would you consider having an intern in your office again this summer? If so, would they perform similar tasks as listed above or would they be utilized differently?

Yes, I could use a summer intern to do similar work. It is a great help having extra hands to do trail maintenance and help with trail monitoring. We will also be working on a city wide intercommunity trail system and an intern could help with some of the background work that is needed to make that successful.

3) In your opinion, was this program a worthwhile endeavor? What are your ideas as to how the internship program can be improved?

Summer internships are very worthwhile and help to advance projects our department would otherwise not be able to tackle. We've had interns work with us over the years. We benefit from their enthusiastic help and the student gains some valuable in the field experience. So both sides win.



CITY OF MARLBOROUGH
140 MAIN STREET
MARLBOROUGH, MA 01752

PUBLIC SERVICE INTERNSHIP SUMMARY

DEPARTMENT: Legal/Procurement

SUPERVISOR: Beverly J. Sleeper

How many college interns did your office employ last summer? 1

1) Please provide a summary of any projects your intern(s) were involved with, what their general responsibilities were, and how your office benefitted from this program:

Organized cell tower files for procurement resources and contract retention as well as resource information.

Reviewed/Up-dated multi-year contract drawer to reflect current list, certificates of insurance and bonds.

Organized miscellaneous procurement/reference materials.

Provided procurement/contract administrative support including but not limited to, copying, filing and follow up on pending items.

Organized and filed policy endorsements into appropriate insurance binders.

2) Would you consider having an intern in your office again this summer? If so, would they perform similar tasks as listed above or would they be utilized differently?

Yes. They would perform some of the same tasks as well as new tasks as required. Review/closeout pending projects.

3) In your opinion, was this program a worthwhile endeavor? What are your ideas as to how the internship program can be improved?

This program was worthwhile as it provided necessary administrative assistance for a one-person procurement office. Due to the workload demand, procurement office had filing and record retention and other administrative tasks backlog.

If the City's program did not include the following items.....

- 1) Best practice for interns is to provide them with real work assignments introducing them to the workings of municipal government.
- 2) Perhaps conduct an exit interview either face-to-face or over the telephone or an exit survey to gather feedback on their experience and assess their interest in coming back.
- 3) Give opportunity to experience first-hand working with the public when possible. Handling of phone inquiries gives an opportunity. Provide intern with knowledge of the value of the work assignments that they perform.



CITY OF MARLBOROUGH
140 MAIN STREET
MARLBOROUGH, MA 01752

PUBLIC SERVICE INTERNSHIP SUMMARY

DEPARTMENT: City Clerk SUPERVISOR: Lisa Thomas

How many college interns did your office employ last summer? 1

1) Please provide a summary of any projects your intern(s) were involved with, what their general responsibilities were, and how your office benefitted from this program:

Reviewed Election (Active & Inactive) Voter Registration Filing Systems
Reconciled Voter Information Cards with Voter Registry Information Systems
Limited Customer Service Including Answering Phones
Data-entry Maintenance in Voter Registry System
Vital Record Research

2) Would you consider having an intern in your office again this summer? If so, would they perform similar tasks as listed above or would they be utilized differently?

I would entertain another Internship program.
Although the tasks would be election related, the specifics would vary. The intern would still answer phones and wait on customers in a limited capacity. He/she would update Census, process and facilitate voter registration and absentee voting.

3) In your opinion, was this program a worthwhile endeavor? What are your ideas as to how the internship program can be improved?

The internship is a valid and valued program. I understand that a college internship program has a defined time frame; however I would be amenable to increasing the time frame to include sporadic periods by which the interns have free time due to school breaks, class schedules etc.



CITY OF MARLBOROUGH
140 MAIN STREET
MARLBOROUGH, MA 01752

PUBLIC SERVICE INTERNSHIP SUMMARY

DEPARTMENT: Public Works

SUPERVISOR: Tom Cullen, Chris White & Dave Lavalley

How many college interns did your office employ last summer? 3 through this program

1) Please provide a summary of any projects your intern(s) were involved with, what their general responsibilities were, and how your office benefitted from this program:

Fleet: General equipment maintenance such as oil and filter changes

Streets: Assisted on the paving and other roadway maintenance crews

Parks: Mowing, field preparations, turf maintenance

Cemeteries: Mowing, turf maintenance, assistance with burials

Downtown Maintenance: Mulching, tree and shrub trimming, misc. plantings

Water & Sewer: Hydrant painting, crew assistance

Engineering: Assisted with the new curbside solid waste and recyclables collection program, file development for container inventory and delivery

2) Would you consider having an intern in your office again this summer? If so, would they perform similar tasks as listed above or would they be utilized differently?

The college intern program is absolutely necessary for our department to maintain the delivery of services we have historically provided over the years. Our programs have adapted over the years to address needs that have changed and some which have not.

3) In your opinion, was this program a worthwhile endeavor? What are your ideas as to how the internship program can be improved?

As I have said during every finance committee review of our budget, the college intern program is one of the most cost beneficial programs run in the city. Though I don't think the DPW college intern program needs much in the way of improvement, I think other departments in the city such as police and fire might provide opportunities to expand the program.



CITY OF MARLBOROUGH
140 MAIN STREET
MARLBOROUGH, MA 01752

PUBLIC SERVICE INTERNSHIP SUMMARY

DEPARTMENT: Marlborough Public Library

SUPERVISOR: Margaret Cardello

How many college interns did your office employ last summer? Danielle Sutherby

- 1) Please provide a summary of any projects your intern(s) were involved with, what their general responsibilities were, and how your office benefitted from this program:

Our summer intern was an English and Marketing major so the work we had for her perfectly matched her interests. She helped us promote our children's, teen and adult summer programs by writing and distributing press releases, designing program flyers and posting them inside the library and throughout the City, developing program ideas and helping staff individual events where extra help was needed. She helped keep our publicity on track so we were able to give the public ample notice of upcoming programs.

- 2) Would you consider having an intern in your office again this summer? If so, would they perform similar tasks as listed above or would they be utilized differently?

Summer is a very busy time for us. The Library's Summer Reading Programs for children, teens and adults keep people of all ages connected to reading and learning throughout the summer.

Yes, we could use the help again this year!

- 3) In your opinion, was this program a worthwhile endeavor? What are your ideas as to how the internship program can be improved?

The program was definitely a worthwhile endeavor from both the library and intern's perspective. The library certainly benefitted from the extra help. We also tried to make the projects the intern was working on relevant to their career plans. In our case our intern was planning on going into public relations so the tasks she helped us with helped build her resume.



CITY OF MARLBOROUGH
140 MAIN STREET
MARLBOROUGH, MA 01752

PUBLIC SERVICE INTERNSHIP SUMMARY

DEPARTMENT: City Council SUPERVISOR: Karen Boule
1 - Kevin McCombs
How many college interns did your office employ last summer? 1

1) Please provide a summary of any projects your intern(s) were involved with, what their general responsibilities were, and how your office benefitted from this program:

The City Council's summer intern provided a variety of clerical assistance and attended at least two City Council regular meetings. A major project undertaken involved working cooperatively with other municipal departments to replace damaged historical veterans' cemetery markers. Our intern, Kevin McCombs, working with both the Veterans' Agent and the Cemetery Division, compiled the information required for submittal to the federal government and prepared the application packages for mailing. I have been informed by Cemetery Foreman Mike Urato that all six applications were approved, and the new markers have been installed by his crew. When the weather improves, he will forward photos of the new markers for distribution to members of the City Council.

The gathering and sharing of information by municipal departments promoted the success of this project and benefitted the departments that worked together in a true spirit of cooperation. Our intern received hands-on experience in the trenches with municipal personnel. The completion of the program is of major benefit to the community, especially our veteran population, and illustrates the importance we place, as a city, on service to our country and the honor of local veterans.

2) Would you consider having an intern in your office again this summer? If so, would they perform similar tasks as listed above or would they be utilized differently?

Yes – most certainly. Similar tasks would be performed, and I would again look for a project to work in cooperative fashion with other departments.

3) In your opinion, was this program a worthwhile endeavor? What are your ideas as to how the internship program can be improved?

Yes – I believe it was a worthwhile and worthy endeavor. Several departments would have liked to keep their interns for a longer period of time. It would be worthwhile to explore the possibility of expanding the time period.



City of Marlborough

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Office of the Mayor

2013 FEB 21 A 11: 53
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Marlborough, Massachusetts 01752
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www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

February 21, 2013

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

Re: Notification of Hopkinton Provision

Honorable President Pope and Councilors:

I wish to notify you that the Board of Assessors will be utilizing the "Hopkinton Provision" as they move through the abatement process. This provision has the effect of allowing for the issuance of supplemental tax bills – which has the potential to generate substantial additional tax revenue each year. An added benefit is that it also allows the Board to issue abatements for substantially damaged or devalued properties, such as those impacted by fire, disaster, or environmental hazard.

Several years ago the City Council voted to "opt-out" of this provision, which is allowed under state law. However, the Massachusetts Department of Revenue (DOR) was never notified in writing of this vote by the city as required by statute so, in effect, the city never completed the prescribed process to opt out.

Regardless, as only a small handful of communities have actually opted out of this provision, it appears the oversight, although fortuitous, is best for our community. If you have any questions, please do not hesitate to let me know.

Sincerely,

Arthur G. Vigeant
Mayor

City of Marlborough
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Commonwealth of Massachusetts
CITY OF MARLBOROUGH



2013 FEB 12 P 2:05

PLANNING BOARD

Barbara L. Fenby, Chair
Colleen M. Hughes, Clerk
Philip J. Hodge
Edward F. Coveney
Sean N. Fay
Clyde L. Johnson
Shawn P. McCarthy

February 12, 2013

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

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

Re: Acceptance of Graves Lane as a Public Way
Council Order # 13-1005286

President Pope:

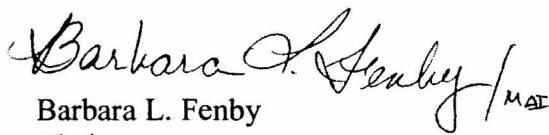
At its regular meeting on December 3, 2012, the Planning Board took the following action:

Street Acceptance:

On a motion by Mr. McCarthy seconded by Mr. Coveney it was duly voted:
To endorse the "Plan of Acceptance of Graves Lane & Municipal Easements (Sheet 1 thru 1), dates November 15, 2012; Scale 1"=40'; prepared by Foresite Engineering, 16 Gleasondale Road-Suite 1-1, Stow, MA 01775.

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

Sincerely,


Barbara L. Fenby
Chairperson

Cc: City Clerk
File



BOHLER ENGINEERING

February 20, 2013

352 Turnpike Road
Southborough, MA 01772

PHONE 508.480.9900
FAX 508.480.9080

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2013 FEB 20 P 4: 03

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

Re: McDonald's Restaurant
155 Boston Post Road
Marlborough, MA

Dear Ms. Thomas:

Enclosed, please find the following information in support of our Application for a Special Permit to allow a Drive Thru at the McDonald's located on 155 Boston Post Road West:

- Special Permit Application;
- Special Permit Summary Impact Statement;
- Site Development Plans dated 2/18/2013;
- Project Narrative in the text below.

Additionally, the City Clerk's copies include the following information:

- Filing fee, as determined by the Building Department;
- Building/Planning Certification;
- Checklist confirming receipt of submittal by other departments;
- Tax Collector's certification of applicant's good tax standing;
- One of the three copies is an original.

The owner of this McDonald's restaurant would like to invest in the site by upgrading the drive thru, and renovating the exterior and interior of the existing building. Since the existing drive thru facility pre-dated the requirement to obtain a Special Permit, this proposal requires us to obtain that Special Permit, under Section 650-17 of the City's Zoning Ordinance.

The overall site layout will remain as it is today, with one-way circulation around the building, and the existing curb cuts to remain. Parking will be almost identical with the exception of losing two spaces to allow for the new drive thru, and on-site landscaping is unchanged by the proposal. The building will be improved from both an aesthetic and operational perspective, but will maintain the existing footprint. The outward appearance will serve as a much needed update, while the interior renovations will offer greater services and products to patrons of the restaurant. In addition to the building improvements, we are proposing side-by-side drive thru order stations, which will greatly improve the efficiency of the drive thru by allowing two customers to place orders at the same time. By effectively cutting the order time in half, traffic will move more smoothly thru the queue, reducing the on-site stacking. The project is designed to maximize improvements with minimal site disturbance.

We respectfully request the Council's consideration in granting the Special Permit, which will allow McDonald's to make significant upgrades to a restaurant that has already been in use for many years. Continuation of the use will

OTHER OFFICE LOCATIONS:

- | | | | | | |
|------------------------------|----------------------------------|--------------------------------|-------------------------------------|---------------------------------------|------------------------------------|
| • Albany, NY
518.438.9900 | • Ronkonkoma, NY
631.738.1200 | • Warren, NJ
908.668.8300 | • Center Valley, PA
610.709.9971 | • Chalfont, PA
215.996.9100 | • Philadelphia, PA
267.402.3400 |
| • Towson, MD
410.821.7900 | • Bowie, MD
301.809.4500 | • Sterling, VA
703.709.9500 | • Warrenton, VA
540.349.4500 | • Fort Lauderdale, FL
954.202.7000 | • Tampa, FL
813.379.4100 |

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ENGINEERING

not result in any adverse impacts to the public health, safety, convenience, or welfare of the community. Rather, the proposed changes will offer many new conveniences, and will help rejuvenate this restaurant on one of the City's large commercial corridors. We look forward to discussing this with the Council at the next available meeting, but feel free to contact either of us if you should have any questions before that time.

Sincerely,

BOHLER ENGINEERING

Matthew D. Brook

John A. Kucich, P.E.

W122048
Ltr City Clerk 02-14-13.doc

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

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

2015 FEB 20 P 4: 03

1. Name and address of Petitioner or Applicant:

McDonald's USA, LLC c/o Bohler Engineering

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

155 Boston Post Road West - a/k/a Map 78, Lot 15

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

Applicant is Owner

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

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

Article III Section 650-17 Paragraph N/A Sub-paragraph N/A

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

Business - B

7. Specific reason(s) for seeking Special Permit

McDonald's existing drive thru on the site predates the need for a Special Permit. They are now seeking to improve the aesthetics and operational efficiencies of their restaurant, which includes updates tot he drive thru order stations. Further detail is provided on the attached cover letter.

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

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


Signature of Petitioner or Applicant

Address: 352 Turnpike Road

Southborough, MA 01772

Telephone No. (508) 480-9900

Date: _____
City Clerk's Office

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

McDonald's USA, LLC c/o Bohler Engineering

(Name of Petitioner)

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

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

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: McDonald's USA, LLC
c/o Bohler Engineering Address: 352 Turnpike Road, Southborough, MA 01772

Project Name: McDonald's Renovation Address: 155 Boston Post Road West

1. PROPOSED USE: (describe) Same as existing: Fast Food with Drive Thru

2. EXPANSION OR NEW: Renovation of Existing

3. SIZE: floor area sq. ft. 5,300 ± SF 1st floor 5,300± SF all floors 5,300 ± SF

buildings 1 # stories 1 lot area (s.f.) 51,142

4. LOT COVERAGE: 72 %Landscaped area: 28 %

5. POPULATION ON SITE: Number of people expected on site at anytime:
Normal: 30 Peak period: 60

6. TRAFFIC:
(A) Number of vehicles parked on site:
During regular hours: 15 Peak period: 30

(B) How many service vehicles will service the development and on what schedule?
One delivery truck every 4-5 days.

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

8. NOISE:
(A) Compare the noise levels of the proposed development to those that exist in the area now.
No change

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. 24 hours - no change

9. AIR: What sources of potential air pollution will exist at the development? No change

10. WATER AND SEWER: Describe any unusual generation of waste. No unusual waste generation.

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? No hazardous waste.

***Attach additional sheets if necessary**



**CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752**

City Hall

140 Main St.

Marlborough, Massachusetts 01752

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

President and Members City Council

Date: _____

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: McDonald's Renovation

Project Use Summary: Fast Food Restaurant with Drive Thru

Project Street Address: 155 Boston Post Road West

Plate: 78 Parcel: 15

Applicant/Developer Name: McDonald's USA, LLC c/o Bohler Engineering

Plan Date: 2/18/13 Revision Date: N/A

Dear President and Members:

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

Very truly yours,

Michael Mendoza

Building Commissioner

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

\$500.00

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



**Lisa M. Thomas
City Clerk**

Dear Applicant,

To ensure that each department listed below receives a copy of your completed Special Permit application, please hand-deliver to each department as instructions indicate below.

PLACE A CHECK-MARK AFTER HAND-DELIVERING THE APPLICATION TO THE FOLLOWING DEPARTMENTS AND SIGN YOUR NAME & DATE IT ACCORDINGLY. MAKE SURE THIS PAGE IS SIGNED AND RETURNED TO THE CITY CLERK'S OFFICE WITH THE COMPLETED APPLICATION. THE CITY CLERK'S OFFICE WILL NOT ACCEPT THE APPLICATION WITHOUT THE SIGNATURE OF THE APPLICANT OR PETITIONER AS INDICATED BELOW.

3 SETS	OFFICE OF THE CITY CLERK <i>[Signature]</i>
1 SET	POLICE CHIEF <i>[Signature]</i>
1 SET	FIRE CHIEF <i>[Signature]</i>
1 SET	CITY ENGINEER <i>[Signature]</i>
1 SET	CITY PLANNER <i>[Signature]</i>
1 SET	CONSERVATION OFFICER (IF WETLANDS AFFECTED) <i>[Signature]</i>
1 SET	BUILDING INSPECTOR <i>[Signature]</i>
12 SETS	OFFICE OF THE CITY COUNCIL <i>[Signature]</i>

[Signature]

Signature

2/20/13

Date

Thank you for your cooperation in this matter.

Sincerely,

Lisa M. Thomas
City Clerk



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

**Lisa M. Thomas
City Clerk**

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

Signature of Applicant

Attorney on behalf of Applicant, if applicable

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

Tax Collector

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

Tower 16, Inc., as AGENT for, AT&T Wireless PCS LLC d/b/a AT&T Mobility

(Name of Petitioner)

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

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

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: TOWER 16, INC. AGENT FOR APT WIRELESS Address: C/O CHRISTOPHER SWINIARSK, ESQ., BALZLEIT HACKETT FEINBERG P.C.
Project Name: 75 DONALD LYNCH BLVD. Address: 155 FEDERAL ST. 9TH FLOOR BOSTON, MA 02110 75 DONALD LYNCH BLVD.

1. PROPOSED USE: (describe) WCF TOWER

2. EXPANSION OR NEW: MAINTENANCE / REINFORCEMENT

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

4. LOT COVERAGE: N/A %Landscaped area: N/A %

5. POPULATION ON SITE: Number of people expected on site at anytime:
Normal: 5 Peak period: 10

6. TRAFFIC:
(A) Number of vehicles parked on site:
During regular hours: 2 Peak period: 4

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

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? N/A

8. NOISE:
(A) Compare the noise levels of the proposed development to those that exist in the area now.
N/A - NONE

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. N/A - NONE

9. AIR: What sources of potential air pollution will exist at the development? N/A NONE

10. WATER AND SEWER: Describe any unusual generation of waste. N/A - NONE

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

***Attach additional sheets if necessary**



**CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752**

City Hall
140 Main St.

Marlborough, Massachusetts 01752

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

President and Members City Council

Date: _____

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: 75 Donald C. Lynch Boulevard

Project Use Summary: WCF Tower

Project Street Address: 75 Donald C. Lynch Boulevard, Marlborough, MA

Plate: 13 Parcel: 2


Applicant/Developer Name: Tower 16, Inc., as AGENT for AT&T Wireless PCS LLC d/b/a AT&T Mobility

Plan Date: 11/02/12 Revision Date: n/a

Dear President and Members:

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

Very truly yours,


~~Stephen F. Reid~~ Michael Mendonza
Building Inspector

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

\$500.00

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



**Lisa M. Thomas
City Clerk**

Dear Applicant,

To ensure that each department listed below receives a copy of your completed Special Permit application, please hand-deliver to each department as instructions indicate below.

PLACE A CHECK-MARK AFTER HAND-DELIVERING THE APPLICATION TO THE FOLLOWING DEPARTMENTS AND SIGN YOUR NAME & DATE IT ACCORDINGLY. MAKE SURE THIS PAGE IS SIGNED AND RETURNED TO THE CITY CLERK'S OFFICE WITH THE COMPLETED APPLICATION. THE CITY CLERK'S OFFICE WILL NOT ACCEPT THE APPLICATION WITHOUT THE SIGNATURE OF THE APPLICANT OR PETITIONER AS INDICATED BELOW.

3 SETS	OFFICE OF THE CITY CLERK ✓
1 SET	POLICE CHIEF ✓
1 SET	FIRE CHIEF ✓
1 SET	CITY ENGINEER ✓
1 SET	CITY PLANNER ✓
1 SET	CONSERVATION OFFICER (IF WETLANDS AFFECTED) ✓ <i>W/A COPY DELIVERED</i>
1 SET	BUILDING INSPECTOR ✓
12 SETS	OFFICE OF THE CITY COUNCIL ✓



Signature

2/19/15

Date

Thank you for your cooperation in this matter.

Sincerely,

*Lisa M. Thomas
City Clerk*

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



**Lisa M. Thomas
City Clerk**

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

TOWER 16, INC, AGENT FOR AT&T WIRELESS PCS LLC

Signature of Applicant

A handwritten signature in black ink, appearing to be "G. J.", written over a horizontal line.

Attorney on behalf of Applicant, if applicable

A handwritten signature in black ink, appearing to be "G. J.", written over a horizontal line.

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

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

Tax Collector



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CITY OF MARLBOROUGH

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

2013 FEB 21 A 11:04

**Lisa M. Thomas
City Clerk**

FUEL STORAGE WORKSHEET TO BE COMPLETED BY APPLICANT

Company Name: Partners HealthCare System, Inc.

Company Telephone Number: (508) 929-1652 (Attorney Arthur Bergeron)

Officer's Name: Tim Pattison, Director of Real Estate

Officer's Telephone Number: (617) 724-5234

Location of Land: Off of Forest Street

Map & Parcel Number: 99/3, 110/5*, 111/12, 111/800
*depicted as Lot 5 on Map 111, but identified as MBLU 110/5 in the Assessors Database

Nearest Cross St.: Martinangelo Drive

Owner of Land: The Marlborough/Northborough Land Realty Trust

Owner's Address: c/o The Gutierrez Company, One Wall Street, Burlington, MA 01803

Number of buildings or other structures to which this application applies:

1 Building

Occupancy or use of such buildings:

Data storage center

Total capacity of tanks in gallons - Above Ground: 60,000 Underground: 0

Kind of fluid to be stored in tanks: Diesel Fuel

**MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

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CITY OF MARLBOROUGH
January 28, 2013

Call to Order

The Meeting of the Marlborough Planning Board was called to order at 7:00pm in Memorial Hall, 3rd Floor City Hall 140 Main Street, Marlborough, MA. Members present: included Barbara Fenby, Colleen Hughes, Sean Fay, Philip Hodge and Shawn McCarthy. Also in attendance were Board Secretary Melissa Irish and City Engineer Tom Cullen.

1. Meeting Minutes:

A. January 7, 2013

On a motion made by Mr. Fay, seconded by Ms. Hughes, it was voted to accept the minutes of the January 7, 2013 meeting as amended. Motion carried.

2. Chair's Business:

A. Proposed meeting calendar 2013

On a motion made by Ms. Hughes, seconded by Chairperson Fenby, it was voted to accept the meeting calendar for calendar 2013 meetings. Motion carried.

B. Notice from City Council regarding Public Hearing Proposed Zoning Amendment Sections 650-17 & 650-18A (New section to be added)

On a motion made by Mr. Fay, seconded by Mr. Hodge, it was voted to accept the communication and place it on file. Motion carried.

C. Order from City Council regarding Acceptance of roadway and easements for the subdivision "The Residence of Oak Crest".

On a motion made by Ms. Hughes, seconded by Mr. Hodge it was voted to redraft the letter in support of the acceptance from this board dated December 13, 2012 and forward direct to the City Council attention President Pope. Motion carried

3. Approval Not Required:

A. 41 Bond Street, Bruce Saluk and Associates

On a motion made by Mr. Fay, seconded by Mr. Hodge it was voted to refer the plan to the Engineering Department and contact the proponent to have a representative at the next meeting to discuss the plan on February 11, 2013. Motion carried.

4. Public Hearings: None

5. Pending Sub Division Plans: Updates and Discussion:

A. Update from City Engineer:

Mr. Cullen noted that he has no other info to report other than items B & C below.

B. Black Horse Farms Update

On a motion made by Mr. Fay, seconded by Ms. Hughes it was voted to accept the report of the Engineering Department and place on file, regarding the progress made to the cleanliness of the site, as well as the photo supplied by Ms. Hughes. Motion carried

The City Engineer was asked to provide an update at the next meeting on National Grid's progress in regards to street lights for Slocumb Lane.

C. Country Club Estates

i) Correspondence from City Engineer

On a motion made by Mr. Hodge, seconded by Mr. McCarthy it was duly voted to accept the correspondence and place it on file. As well as keeping this on subsequent agendas under unfinished business. Motion carried.

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

7. Definitive Subdivision Submission: None

8. Signs: None

9. Unfinished Business:

A. Decision to be rendered regarding zoning change for Data Storage Facilities

B. Continued discussion regarding Farm Rd signage.

Mr. Fay noted that the electronic message board sign in question on Farm Rd. appeared to be turned off at the moment.

Both items were left on the table with the request of adding continued status updates for Country Club Estates as well as continued discussion of "sandwich board" style signs on properties throughout the City such as the Vin Bin and the Sandwich Company.

Item 9C was added to the agenda.

C. Proposed letter of support from the Board to the Marlborough Economic Development Corporation/Community Development Office application for \$200,000.00 Federal Block Grant.

Mr. McCarthy offered to author the letter from the Planning Board and have it available for approval by said Board at the February 11, 2013 meeting.

10. Informal Discussions:

A. 626 Stow Rd, Attorney Doug Rowe

Attorney Rowe was delayed by weather and was unable to attend the meeting Mr. Timothy Butland was in attendance to present the plan. The location of proposed plan is currently known as 626 Stow Rad, further defined as Map 8, Parcel 3 as shown on the Maps from Assessors Office. The location is question having 82,078 sq. ft. of total area.

Mr. Butland is showing what he considers to be the 2 options for this particular lot which are:

- 1) Construction of a short cul de sac which in turn allows for enough lot frontage on an accepted City way for the creation of 2 Approval Not Required lots. If that were the option the Planning Board was to encourage Mr. Butland would be returning to the Board to apply for a "Waiver" pertaining to sidewalks.
- 2) Subdivision of the existing lot creating 2 lots both significantly deficient in the required frontage for the A1 zoning requirement for the area. That option proposes two lots with 88' linear feet of frontage each instead of the required 150' each. If that were the option the Planning Board was to encourage Mr. Butland would be returning to the Board to

apply for a "Waiver" pertaining to lot shape.

After a brief discussion it was determined that Mr. Butland will contact the Architect of record and have more detailed plans created. Mr. Butland made note that there is additional frontage that a neighbor is willing to sell to bring this lot closer to conformance however the price the neighbor is asking is much too high in their opinion. Chairperson Fenby requested Mr. Cullen drive past this location and check the sight lines and the extent of the curve of the roadway. The Board requested Mr. Butland or Attorney Rowe to appear at the next meeting February 11, 2013 and give them a status update.

11. Correspondence: None

A. DCR *Downstream* Newsletter

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

12. Public Notices of other Cities and Towns:

A. Town of Framingham, Planning Board, Public Hearing (Feb 14)

B. Town of Framingham, Planning Board, Notice of Decision (Genzyme) (2 notices)

C. Town of Sudbury, Zoning Board of Appeals, Public Hearing (Feb 4) (2 matters)

D. Town of Sudbury, Zoning Board of Appeals, Notice of Decision (2 matters)

E. Town of Berlin, Zoning Board of Appeals, Public Hearing (Feb 13)

F. Town of Hudson, Zoning Board of Appeals, Notice of Decision (2 matters)

On a motion made by Ms. Hughes, seconded by Mr. Hodge it was voted to accept all correspondence items A-F and place on file. Motion carried.

Adjournment: On a motion made by Mr. McCarthy seconded by Ms. Hughes it was voted to adjourn at 7:57pm.

Respectfully submitted,

Colleen Hughes

/mai

Marlborough Community Development Authority

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MINUTES

2013 FEB 19 P 1:03

Tuesday, January 29, 2013, 8:30 a.m.

140 Main St., Mayor's 4th FL Conference Room

Members Present: Mayor Vigeant, Lynn Faust, Eric Asman, Sally Swartz, Joyce Torelli, Steve LeDuc

Also Present: Doug Bushman, Anne Marie Blake, Linda Overing of Breezeway Farm Consulting

Absent: Steve Vigeant, Diane Smith, Tom Able

The Mayor called the meeting to order at 8:32 A.M.
The Board approved the minutes of January 3, 2013.
The Board approved the Housing bills payable.
The Board approved the CDA bills payable.

Breezeway Farm Consulting Report: Linda Overing updated the board on the progress of our FY11 grant and 57 Harrison Place. The Mayor asked about the demolition of 16 Clinton St. Lynn said she had not submitted the building permit application yet to the building dept. In order to demolish it, we must pay off the mortgage, for which we hope to use the proceeds from the Emmett Street sale.

The sale of 61 Emmett St. is still being pursued by our current buyer. The Mayor wants the house back on the market. Joyce said if we didn't have a closing date by week end she would re-list it.

Eric has agreed to be the go-to person with questions about Harrison Place. Joyce also volunteered her time. After a lengthy discussion about change orders, the Board voted to allow Eric to approve change orders up to \$1,000; 2 board members signatures would be required from \$1,000 to 9,999; anything over \$10,000 would have to have a board vote.

The board voted to approve the Breezeway Farm Consulting report.

Anne Marie discussed an emergency situation with a prospective housing rehab case. The owner has an under-water mortgage and owes the city water bills. His roof is in such dire need of replacement that his insurance company has cancelled his homeowner's insurance. His wife doesn't work as they have 2 small children, one who is disabled and she stays home to take care of him. He cannot get a loan anywhere because of his mortgage. He's been to SMOC to see about getting help at least with his water bill but hasn't heard anything back. The board approved helping him with our housing rehab funds without the usual home equity requirement, but he has to meet all other qualifications.

The meeting was suspended at 9 am for the purpose of holding a Public Hearing and resumed at 9:15.

Housing Director's Report

The Board voted to approve a part-time administrative-bookkeeper if contingencies are met in order to help with the bookkeeping that will be associated with all the upcoming construction projects.

The Board approved the 20 Front St. Construction contract with Vareika Construction.

Doug is applying for a Get the Lead Out grant. The Mayor told him to move forward on the application.

The FSS Coordinator Position that Doug has found a candidate is still on hold pending final confirmation of HUD funding.

There was a discussion of the Governor's proposal to regionalize public housing. The Board requested that Doug prepare a letter to be sent to the Governor and elected city officials explaining the damaging effects such an act would have on Marlborough.

There was a discussion about swapping the property that the CDA owns behind the public library for City owned property behind the Bolton St. senior housing for the purpose of creating more parking for residents. Lynn is to get the specifics for the next meeting.

The non-vote updates are included in the Director's Report.

The Board voted to approve the Housing Director's Report.

Meeting adjourned at 10:00 a.m.

Respectfully submitted, Anne Marie Blake

Marlborough Community Development Authority

MINUTES OF JOINT PUBLIC HEARING
HUDSON & MARLBOROUGH FY13 CDBG APPLICATION

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CITY OF MARLBOROUGH

2013 FEB 19 P 1:03

Tuesday, January 29, 2013, 9:00 a.m.
140 Main St., Mayor's 4th FL Conference Room

Mayor Vigeant opened the hearing at 9 a.m.

Linda Overing described the projects being submitted in our FY13 Joint Grant Application with Hudson. Information on the projects and summary budget was distributed. Linda explained that Hudson will be the lead community. Hudson and Marlborough will each have an infrastructure project which will be bid together in order to get a more competitive price.

The second project will be joint commercial sign and façade loans to both business owners and tenants (with approval of owner). Michelle Ciccolo, the Community Development Director of Hudson, explained how the Commercial Rehab loans will work and how successful this program has been in Hudson.

Board members asked how the loan program to business and property owners were structured and if it would encourage them to retain ownership of the property once the City made an investment. They also requested information on the specific property owners who have expressed interest in the Sign & Façade program. The public hearing was closed at 9:15.

Respectfully submitted,

Anne Marie Blake

MEETING MINUTES—February 8, 2013

1. CALL TO ORDER AT 9:20 AM
MEMBERS PRESENT
 Anthony C. Arruda, Jr., Chairman
 Bradford Dunn, Assessor
 Harald Scheid, Assessor

Also, in attendance: Paula Murphy, Principal Clerk

2. Motion by Brad Dunn, seconded by Harald Scheid to accept the minutes of the meeting minutes of December 28, 2012.
Vote: 3-0
3. PERSONAL PROPERTY APPEALS
Real Estate Research Consultants (RRC) had analyzed and investigated all the personal property appeals. There were a total of twenty; twelve were granted, seven were denied. One was held over for further investigation (Verizon New England)
(See attached list)
4. RESIDENTIAL & COMMERCIAL APPEALS
136 residential and 75 commercial appeals were received. Brad Dunn has been analyzing these and will continue to do so.
5. CLAUSE EXEMPTIONS
All Clause Exemptions have been processed. A few more Clause 18's will probably trickle in.
6. Public Input
There was no public input.
7. OLD BUSINESS
It was noted that the office has gone through a remarkable transformation— appearance wise. All files deemed to be irrelevant and useless have been discarded.
8. NEW BUSINESS
8-1 Partners Health Care has expressed interest to the Mayor about moving to Marlborough. They have indicated to the Mayor that they would be willing to donate 750 thousand dollars toward the building of a Senior Center (with no quid pro quo). However, they have indicated that PHC feels they should be exempt for real estate taxes under their charter.
Motion by Scheid, seconded by Dunn, to take this under advisement until more facts are available. VOTE; 3-0

8-2. After discussion about the so-called "Hopkinton provision" it was agreed that a letter should be sent to the Mayor recommending the adoption of such provision allowing the Board to assess construction of property occurring after January 1st of any taxable year.

9. The meeting was adjourned at 10:34AM