

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2013 OCT -3 P 12:50

1. Minutes of the City Council Meeting, September 23, 2013.
2. PUBLIC HEARING On the Petition of NGrid and Verizon to install 1-Joint owned Pole #47-25 approximately 56' from Pole #47 and 4-6" Conduits on Forest Dr., Order No. 13-1005523.
3. PUBLIC HEARING On the Petition of NGrid and Verizon to install of approximately 1100' of 4-5" Conduits and two manholes on Forest St. and 1-Joint owned Pole #P2-50 on Bartlett Dr., Order No. 13-1005524.
4. PUBLIC HEARING On the Petition of NGrid and Verizon to install new Joint owned Pole #20 on the public way of Kings Grant Rd. currently the conductors between Pole #19 and Pole #2 are hanging low, and were reported by the Fire Department as a safety issue. The new pole will alleviate the low hanging wires, and help maintain proper clearances of wires over the public way, Order No. 13-1005554.
5. CONTINUED PUBLIC HEARING On the Application for Special Permit from Luiza DeMoura of Jump in with Us, Inc. to develop an inflatable playground and to accommodate birthday parties for kids and families from Tuesdays to Sundays, 10:00 AM to 7:00 PM, Order No. 13-1005482A.
6. Communication from the Mayor re: Executive Office of Public Safety and Security grant in the amount of \$99,805.00 awarded to the Police Department to be utilized to offset personnel costs in the dispatching center as well as to cover fire alarm related equipment purchases.
7. Communication from the Mayor re: Executive Office of Elder Affairs grant in the amount of \$53,624.00 awarded to the Council on Aging to be utilized in many ways including but not limited to senior transportation, programming activities and enrichment, and a weekly wellness clinic staffed by a licensed nurse.
8. Communication from the Mayor re: Bi-Directional/Unidirectional Antenna Specifications Ordinance.
9. Communication from the Mayor re: Appointment of Dr. John Curran to the Board of Health for a term of three years to expire February 1, 2016.
10. Communication from Asst. Solicitor Panagore Griffin:
 - a) Application for Junk Dealer License, Bernard Novitch;
 - b) Order No. 13-1005522: Referral to Legal Department and Code Officer;
 - c) Report from City Solicitor Panagore Griffin – Bernard Novitch Matter Regarding a Secondhand Shop License (AKA “Junk Dealers License)
11. Communication from Planning Board re: Favorable Recommendation of Proposed Zoning Amendment, Section 650-17, entitled "Table of Uses" by regulating the business uses entitled “Power laundries and dry cleaning” so as to separate into independent categories said uses and allow Dry Cleaning establishments as of right in the Business (B) district and in the Commercial Automotive (CA) district, Order No. 13-1005481B.
12. Communication from Paul Brodeur re: Proposed Placement of Senior Center at Ward Park.

13. Petition of NGrid to install P#13-50 across the street from 11 Houde St. to solve the sag issue from P#13 to P#14. This puts a line angle on P#13 which needs to be supported by an anchor & guy on the property of 11 Houde St. Branches and limbs near service wires to House 11 are to be cleared as well.
14. Petition of NStar to install 75' of 4" plastic gas main as a system improvement to a new duplex on Crescent St. from 34 Crescent St. southeasterly for 75'.
15. Petition of NStar to install 85' of 2" plastic main as a system improvement to supply 463 Stow Rd. as follows:
Simpson Rd.-From the end of Simpson Rd. (at the intersection with Stow Rd.) easterly to the eastern side of Stow Rd. (23').
Stow Rd.-From the intersection with Simpson Rd. southerly on the eastern side of Stow Rd. towards 463 Stow Rd. (62').
16. Communication from NGrid, Notice of Public Filing, Public Hearing, Procedural Conference and Request for Comments.
17. Communication from NGrid, Notice of Public Hearing and Request for Comments.
18. Minutes, Planning Board, September 9, 2013.
19. Minutes, Traffic Commission, August 27, 2013.
20. Communication from Hanover Insurance, re: James Severin, 21 Barrett Rd.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From City Council Committee

21. **Order No. 13-100555** - Application for Special Permit from Attorney Gadbois on behalf of DBK Realty, LLC, to construct a facility at 1000 Nickerson Rd. to store and use toxic chemicals in the manufacture of small specialty parts for the medical instrument, airline and defense industries. **Recommendation of the City Council is to table until next City Council meeting.**



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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SEPTEMBER 23, 2013

Regular meeting of the City Council held on Monday, SEPTEMBER 23, 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 9:10 PM.

ORDERED: That the minutes of the City Council Meeting September 9, 2013, **FILE AS AMENDED**; adopted.

ORDERED: That the minutes of the Joint Convention Meeting SEPTEMBER 11, 2013, **FILE AS AMENDED**; adopted.

ORDERED: That the **CONTINUED PUBLIC HEARING** On the Application for Special Permit from Luiza DeMoura of Jump in with Us, Inc. to develop an inflatable playground and to accommodate birthday parties for kids and families from Tuesdays to Sundays, 10:00 AM to 7:00 PM, Order No. 13-1005482A, **TABLED UNTIL NEXT CITY COUNCIL MEETING, APPROVED**; adopted.

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

ORDERED: That the Communication from the Mayor re: Fiscal Year 2013 Close-out, **FILE**; adopted.

ORDERED: That the Building Department transfer request in the amounts of \$800.00 and \$300.00 which moves funds from Contract Services to Assistant Wiring Inspector and from Professional & Technical to Assistant Plumbing Inspector respectively due to office coverages, **APPROVED**; adopted.

FROM:

Acct. 12410004-53140	\$800.00
Contract Services	
Acct. 12410004-53180	\$300.00
Professional and Technical	

TO:

Acct. # 12410001-50970	\$800.00
Assistant Wiring Inspector	
Acct. # 12410001-50960	\$300.00
Assistant Plumbing Inspector	

ORDERED: That the Communication from the Mayor re: Gift Acceptance from Partners Healthcare System, Inc. in the amount of \$750,000.00 specifically earmarked for renovation and/or replacement of a Senior Center in the City, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Communication from City Solicitor, Donald Rider re: Application for Special Permit from Attorney Schaffer on behalf of Irene Kantor to operate a Martial Arts Studio located within an Industrial District, 38 Brigham St., in proper legal form, Order No. 13-1005483B, **MOVED TO ITEM 18**; adopted.

ORDERED: WHEREAS the General Court enacted into law the FY11 State Budget (Chapter 131 of the Acts of 2010), and

WHEREAS, the provisions of Section 27 and 28 of Chapter 131 of the Acts of 2010 amend Section 101 of Chapter 32 by striking out in line 8 the words "six thousand" and inserts in place thereof the following words: - either \$6,000.00 or in a retirement system accepting the supplemental allowance as provided in this section, \$9,000.00, and

WHEREAS the Marlborough Retirement Board has voted to accept the supplemental allowance provisions of Sections 27 and 28 of Chapter 131 of the Acts of 2010, and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Marlborough that the City Council for the City of Marlborough hereby **APPROVES** the aforesaid acceptance by the Marlborough Retirement Board of Sections 27 and 28 of Chapter 131 of the Acts of 2010; adopted.

ORDERED: That there being no objection thereto set **MONDAY, OCTOBER 7, 2013** as date for a **PUBLIC HEARING** on the Petition of NGrid and Verizon to install new Joint owned Pole #20 on the public way of Kings Grant Rd.; currently the conductors between Pole 19 and Pole 2 are hanging low, and were reported by the Fire Department as a safety issue. The new pole will alleviate the low hanging wires, and help maintain proper clearances of wires over the public way, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Application for Special Permit from Attorney Gadbois on behalf of DBK Realty, LLC, to construct a facility at 1000 Nickerson Rd. to store and use toxic chemicals in the manufacture of small specialty parts for the medical instrument, airline and defense industries, **TABLED UNTIL NEXT CITY COUNCIL MEETING**; adopted.

ORDERED: That the Communication from Mirick O'Connell who is representing Annmarie Riley regarding an appeal from the granting of a variance by the Zoning Board of Appeals, case #1419-2013, **FILE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, OCTOBER 21, 2013** as date for a **PUBLIC HEARING** Application for Fuel Storage License by Rinchem Company Inc., 111 Hayes Memorial Dr., to store flammable liquids, refer to **PUBLIC SERVICES COMMITTEE, AND ADVERTISE**; adopted.

ORDERED: That the Minutes, Planning Board, July 22, and August 26, 2013, **FILE**; adopted.

ORDERED: That the Minutes, Recreation Commission, June 12, 2013, **FILE**; adopted.

Councilor Elder orally reported the following out of the Urban Affairs Committee:

Order No. 13-1005455 - Communication from Tim Cummings re: Mass Development Urban Land Institute's Technical Assistance Program. The Committee listened to various members of the Urban Land Institute. Urban Land institute members provided their opinions and insight as to what they learned during their brief visit to the City. President Pope and several councilors asked the presenters various questions.

Suspension of the Rules requested – granted

ORDERED: That the appointment of Thomas Golden to the Zoning Board of Appeals to fill the balance of the term of John Sahagian which is due to expire on May 5, 2017, **APPROVED;** adopted.

Suspension of the Rules requested – granted

ORDERED: That the appointment of Robert Levine as an Alternate member of the Zoning Board of Appeals to serve a two year term beginning from his date of confirmation by City Council, **APPROVED;** adopted.

Suspension of the Rules requested – granted

ORDERED: That the Application for Secondhand Article Dealer's License, Theresa Denoncourt Smith, Hint of Class Consignment, 72B Hosmer St. with following conditions:

- 1) The license shall not be transferred without prior City Council approval.
- 2) The license is hereby issued to Theresa Denoncourt Smith, d/b/a Hint of Class Consignment only and is applicable only to the 72B Hosmer Street location.
- 3) There shall be no exterior storage, no outdoor displays or outdoor sales of merchandise.
- 4) The hours of operation are Monday through Friday from 10AM to 6PM and Saturday from 10AM to 6PM and Sunday 10AM to 4PM
- 5) The applicant shall contract in writing with a licensed pest management company to install glue boards at locations within the business premises satisfactory to the Marlborough Board of Health and implement a monthly monitoring program consisting of a log book for said glue boards satisfactory to the Board of Health
- 6) The license shall be subject to revocation for noncompliance of the above conditions or other applicable local ordinances or state laws.

APPROVED; adopted.

Suspension of the Rules requested – granted

ORDERED: That the Petition of NGrid to install a Pull Box in the sidewalk at the intersection of Daniels Rd. and Graves Lane and to install 2-3" PVC duct bank in the sidewalk from existing Riser Pole to Pull Box with the following conditions:

- 1) Any necessary easements are to be obtained from affected property owners.
- 2) Street opening permit must be applied for by the proposed contractor performing the work.
- 3) The contractor performing the work must obtain a street opening bond with the City of Marlborough.

- 4) The contractor shall provide the Engineering Division preconstruction photos of driveways, sidewalks, lawn areas, wooden retaining wall, and roadway areas impacted by all construction activities.
- 5) The contractor shall coordinate with the affected residents to have irrigation systems flagged before trenching begins and provide them a timetable of the proposed work.
- 6) A proper staging area is to be located/acquired before work commences – material and equipment is not to be parked/stockpiled within the city right of way.
- 7) The contractor is to ensure residents are always able to enter and exit their driveways (have necessary steel plating on site and accessible).
- 8) Ensure construction safety controls are established (signage, drums, police details, etc...) and are in accordance with the latest MUTCD standards.
- 9) Trench backfilling, compacting, temporary, and final paving are to be done in accordance with the City of Marlborough standard trenching details.
- 10) Trenches are to be paved or completely backfilled and compacted at the end of each work day. Trenches are never to be left unattended.
- 11) Post construction loaming and seeding are to be done in accordance with the 1995 MHD Standard Specifications sections 751 & 765.
- 12) Entire width of sidewalk (from back of curb to back of sidewalk) is to be included in final trench paving – any disturbed curbing is to be replaced.
- 13) All work shall be completed on or before November 30, 2013.

APPROVED; adopted.

Suspension of the Rules requested – granted

ORDERED: That the application of AvalonBay Communities, Inc. (hereinafter “Avalon”), of 51 Sleeper Street, Suite 750, Boston, MA, for a Sewer Connection Permit with the following conditions:

1. The Avalon project shall consist of 350 luxury apartment (rental) units and appurtenant infrastructure as shown on Exhibit A, which is comprised of C5, 6, 7, & 9 of Site Plan amended 09/18/13, attached herewith. The breakdown of apartment units is as follows;
 - 144 one-bedroom units
 - 206 two-bedroom units
2. In accordance with the sewer connection permit application submitted by Avalon, the volume of sewage hereby authorized to be connected to the city’s sewerage system is 61,160 gallons per day.
3. All sewer lines, including mains and building services, shall be installed as shown on Exhibit A. No other sewer lines, including mains or building services, are hereby authorized.
4. All sewer lines, including mains and building services, shown on Exhibit A shall remain in private ownership. Maintenance and repairs to these lines shall remain the responsibility of Avalon and/or its heirs and assigns, in perpetuity.
5. In order to install all sewer lines, including mains and building services, shown on Exhibit A, Avalon shall be responsible for legally securing any and all private sewer easements and/or rights-of-way over property not under its control.

6. Any modification of the approved site plan for the Avalon project which otherwise reduces or increases the number of apartment units shown on Exhibit A or the breakdown of bedroom units provided in Condition 1 above, shall require Avalon and/or its heirs and assigns, to file amended sewer permit applications to both the City of Marlborough and MADEP.
7. This permit shall lapse for any individual building shown on Exhibit A, which has not been physically built and connected to the sewer lines also shown on Exhibit A within thirty (30) months after the date of final site plan approval of this project.

APPROVED; adopted.

Yea: 11- Nay: 0

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

Suspension of the Rules requested – granted

Site Plan Approval Final Conditions

Site Plan Permit # SC 2013-0012

Location: AvalonBay Communities Inc., Results Way Mixed Use Overlay District

The following Site Plan Approval Final Condition are based on the plans titled:

Avalon Marlborough sheets TO.1 to TO.2, CO to C27, L1.1 to L1.6, L2.0, D1 to D2, A4.00 to A4.11 and A4.00A, dated 5/15/2013, last revised on 9/18/2013

Preconstruction meeting & Information:

1. Prior to construction the applicant, site contractor and erosion control expert shall meet with the City staff members of the Site Plan Review Committee at a regularly scheduled meeting to discuss: the construction phasing and sequencing, traffic issues, haul routes etc. to make sure everyone is on the same page before any construction work on the site begins.
2. Prior to construction a preconstruction meeting shall be held on site with the Building Commissioner, City Engineer, Conservation Officer and site contractor responsible for doing the work. At this meeting the City departments will review the plans, conditions, exchange contact information including emergency contact numbers and inspect erosion controls.
3. Prior to construction the applicant and site contractor will provide to the Chief of Police a map showing the defined haul routes for the large amounts of materials to be removed from the site. The Chief of Police will determine what, if any details or restrictions need to be placed on this plan.

Stormwater/erosion control:

4. The Applicant shall comply with the Order of Conditions issued by the Conservation Commission permit # DEP 212-1115.

5. The developer is required to hire an independent "Erosion Control Expert" to oversee the site work on the site. This individual(s) shall have a proven record of controlling sites of equal size and equal material type. The Conservation Officer and the City Engineer shall evaluate whether the individual(s) to be hired by the applicant has adequate experience before they are hired to work on this project. This erosion control expert shall be hired prior to construction and shall be an integral part of the preconstruction meeting.
6. This is a large project and the City Council wants to ensure that it can be controlled during construction. As such, only one phase can be developed at a time. One phase must be substantially stabilized prior to Applicant being granted permission to move to the next phase. Substantially stabilized means the following:

"All roadways shall be paved, with a binder course, and all other areas outside of the planned building pads (inclusive of a 10' perimeter of each pad), which are rough graded, must have erosion control measures in place (ex. tackifier, hay, mulch or some other device) to assure that storm water draining out of the detention basins is clean and clear of sediment. A site meeting with the City Engineer and Conservation Officer is required. This is to confirm that Phase 1 is stable and is held prior to any work commencing on Phase 2."
7. Dust from the construction site and dirty stormwater runoff MUST be controlled at all times.

Contaminated soils:

8. A small portion of the proposed sewer line connection at the corner of Simarano Drive and Forest Street goes through an undisturbed apple orchard area. As such the soils may be contaminated with arsenic and lead pesticide residues and must be tested by developer to determine if this is the case. Results of the soil test shall be provided to the Board of Health and Conservation Officer prior to doing any of the sewer work to determine if additional testing is needed. If it is determined that the soil is contaminated, then the following shall be provided to the City Engineer, Board of Health and Conservation Officer for review and approval prior to construction of the sewer line:
 - a. Soil management plan prepared by a Licensed Site Professional, including dust control and proper handling of contaminated soils.
 - b. A construction sequencing plan provided by the site engineer that is based on the soil management plan requirements to help guide construction accordingly and protect both construction workers and the public during construction.

Building Permit issuance and review:

9. Applicant shall pay the City of Marlborough, in addition to any permit fees or costs, seventy five thousand (\$75,000.00) dollars for the purpose of the Building Commissioner engaging the services of a third party consultant to review the building permit application, review reports and associated reviews incidental to the building permit, and to conduct inspections of the work performed under the building permit, and to report findings to the Building Commissioner.

10. Prior to the issuance of the building permit for the construction of a residential dwelling unit, the Applicant shall make a one-time payment of three hundred fifty thousand (\$350,000.00) dollars (as the "Residential Development Contribution") to assist the City in the identification and implementation of zoning, economic and other strategies to foster professional, retail and commercial development incentives; all in accordance with paragraph numbered 4. of the Development Agreement dated May 7, 2013 between Atlantic-Marlboro Realty LLC and the City of Marlborough.

School Bus pick up and drop off:

11. The school bus pick up and drop off will be on the premises internal to the site as shown on the approved plans and will not be on Simarano Drive. In the event the "bus pick up and drop off" location changes, Applicant will construct a weather shelter for children to occupy during inclement weather events.

Landscaping:

12. All modifications to the Landscape Plan related to changes to the kind, size and placement of plant material shall receive the prior written approval of the Director of Planning (or designee).
13. Prior to the final signoff, a registered landscape architect shall certify to the Director of Planning (or designee) in writing that the planting has been installed according to the approved landscape plan, or a revision of the landscape plan previously approved by the Director of Planning (or designee).
14. All landscaped areas shall be served by subsurface irrigation, or other means to ensure that the plants planted will survive. An irrigation plan shall be submitted to the Director of Planning (or designee) within 60 days of the date of the Site Plan Permit.
15. Following 18 months of the final signoff of the site work, any plant material that has died or is dying shall be replaced with a species of the same kind and size.
16. Any large rocks or boulders encountered while excavating the site shall be disposed of properly off site.
17. Installation of mulch at the time of planting and thereafter shall be placed so that the mulch is not in contact with the trunk of newly planted trees and shrubs.

Prior to issuance of Occupancy Permit:

18. Prior to requesting the final Certificate of Occupancy, the Applicant or its agent shall clean the detention basin, all drainage pipes and catch basins of accumulated sediment and debris. All infiltration systems and water quality structures, rain gardens etc. shall also be inspected and cleaned as necessary. A site meeting with the Conservation Officer to inspect these structures is required before the Conservation Officer will provide a final signoff.
19. Interim as-built plans shall be submitted to the City Engineer prior to the issuance of an occupancy permit on a building and at the completion of each phase of the Project showing the critical utility connections to ensure that in the interim the City Engineer has all the utility tie information available.
20. When the Project is complete an as-built plan must be submitted to the City Engineer for review prior to issuance of a final Certificate of Occupancy (or temporary occupancy permit). The as-built plan shall be prepared in accordance with the As-Built Plan standards established by the City Engineer which can be found on the City's web site.

21. Prior to the issuance of the final Certificate of Occupancy, the applicant shall provide the City Engineer and the Conservation Officer with the final Stormwater Management Maintenance Plan, as outlined in the Project's drainage report. The name, address and phone number of the contact person who will be in charge of authorizing the annual maintenance shall be provided to the Conservation Officer.
22. An annual maintenance report shall be provided to the City Engineer and the Conservation Officer by June 1st of each year reporting on the maintenance and operation procedures, outlined in the Stormwater Management Maintenance Plan, which have been met for that year. This reporting requirement will follow the issuance of the occupancy permit.
23. The approved site plan shall be carried into effect and completed within three (3) years after the date of this issuance, except for good cause or unless the City Council has granted an extension in writing.
24. The approved site plan permits 350 multifamily residential units and 635 surface and enclosed parking spaces, along with a swimming pool, fitness center, and any various other uses accessory to the multifamily residential use permitted under Section 650-17 and Section 650-33(E) of the Code of the City of Marlborough (the "Code"), all substantially as shown on the approved site plan. Any material deviations from the approved site plan shall receive prior approval of the City Council. Any material modifications to the planting related to changes in the kind, size and placement of plant material shall receive prior approval of the Director of Planning (or designee).
25. This project shall comply with the Sign Ordinance without a variance.
26. No easement areas for bike and/or pedestrian recreation activities are required to be located on the property subject to the approved site plan, pursuant to the terms of that certain Development Agreement, dated as of May 7, 2013, by and between the City of Marlborough, Massachusetts and Atlantic Realty Marlboro LLC.

APPROVED; adopted.

Yea: 11- Nay: 0

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

Suspension of the Rules requested – granted

ORDERED: That the Communication from Attorney Lombardo regarding the Fuel Storage Permit be removed from Committee as requested by the City Solicitor at this City Council meeting for Cumberland Farms, 412 & 418 Maple St., **APPROVED;** adopted.

MOTION made by Councilor Elder to **DENY** the Special Permit.

Councilor Ossing mentioned that the conditions are not in proper legal form.

Councilor Clancy remarked that this is a Fuel Storage Permit not a Special Permit, which does not necessitate that the document be in proper legal form. He also noted that this requires a simple majority vote to approve or deny.

Councilor Jenkins, Ward Councilor for the proposed location commented that he supports the neighborhood's opposition to this project for several reasons; the near proximity to a watershed area, proposed installation of diesel pumps, hours of operations, public safety concerns and no sidewalks to mention a few.

Councilor Oram clarified that if the vote is in the affirmative, it is to deny. He also requested a roll call vote.

Councilor Delano believes that the Council has made their will known pertinent to this matter through the public meetings, votes, and questions raised. This is not something that residents or Council wants. The two Ward Councilors for which this projects borders are opposed to it. The proposal would be located in an oddly aligned area in the City. The left hand turn into the gas station is a problem.

Councilor Elder remarked that although he is not the Ward Councilor, his ward abuts the proposed location. He has received negative input from his constituents. He also commented that the proposed conditions do not reveal whether the insurance the company will carry will be claims based or occurrence based.

Councilor Elder voiced that he will deny the Fuel Storage Permit, which will be in the affirmative.

ORDERED: That the Fuel Storage Permit with proposed conditions drafted by Attorney Lombardo for Cumberland Farms, 412 & 418 Maple St, **DENIED**; adopted.

Yea: 8- Nay: 3

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

Nay: Clancy, Ossing, & Robey

ORDERED: That the Reappointments of William Brewin and Rustin Kyle as members of the Marlborough Public Library Board of Trustees expiring two years from date of City Council approval, **APPROVED**, adopted.

ORDERED: That the Reappointment of Deborah Fox as City Collector to serve a term of one year to take effect on the first Monday following her appointment, **APPROVED**; adopted.

ORDERED: That the Reappointment of Diane Smith as City Auditor for a term of three years, **APPROVED**; adopted.

**DECISION ON A SPECIAL PERMIT
CITY COUNCIL ORDER NO. 13-1005483C**

The City Council of the City of Marlborough hereby GRANTS the application for a special permit of Irene Kantor, 28 Angelica Drive, Framingham, MA 01701, as follows:

FINDING OF FACTS-RULINGS AND CONDITIONS

1. The Applicant, Irene Kantor, is a manager of KI NEMA LLC, a duly organized and existing Limited Liability Company with its principal place of business temporarily located at 257 Maple St., Unit 1, Marlborough, MA 01752.
2. Pam Realty, Inc., with a principal office located at 171 Locke Drive, #102, Marlborough, MA 01752, is the title owner of the land and building located at 38 Brigham Street, Marlborough, MA 01752 and more particularly described as Map 104, Parcel 27 on the Marlborough Assessors Maps ("the Site").

3. The Applicant seeks permission to utilize the existing building as a family recreational establishment or facility, specifically, a martial arts studio d/b/a “New England Martial Arts.” The Applicant, either as an individual or as a nominee LLC, intends to purchase the Site from the current owner and then to lease it to KI NEMA LLC.
4. The Applicant, Irene Kantor, a manager of KI NEMA LLC, on July 3, 2013 filed with the City Clerk of the City of Marlborough, an Application for a Special Permit pursuant to Chapter 650, entitled “Zoning,” of the Code of the City of Marlborough, Article V, Section 650-17.
5. The Site was improved with parking, driveways and a building thereon in 1986 in accordance with a plan filed and approved by the Building Department at that time.
6. The location of New England Martial Arts will be within the majority of the existing vacant structure which previously housed a printer and contractor, now both closed.
7. Applicant’s Application is for a Special Permit seeking the establishment of a family recreational establishment or facility which will utilize the existing large indoor open space for use as a Martial Arts Studio including accessory “as built” offices and lady’s and men’s bathroom facilities. The Site is situated in the Industrial zoning district. Private or commercial recreation establishments, such as proposed by Applicant, are allowable by special permit in the Industrial zoning district.
8. The City Building Inspector, on behalf of the City Planner, has certified pursuant to § 650-59.C (7) of the Rules and Regulations promulgated by the City Council for issuance of special permits, that the application is complete and conforms to said Rules and Regulations and that the site plan meets all prior referenced informational requirements of Rule 7 and that said plan conformed in all respects to the Code of the City of Marlborough as of the date of construction and improvement of the Site.
9. Pursuant to § 650-59.C(1)(c) of said Rules and Regulations, the Applicant has distributed sets of Application materials to the City officials listed therein.
10. Further, pursuant to the said Rules and Regulations and the provisions of MGL c. 40A, as amended, the City Council established a date for a public hearing for the Application, and the City Clerk caused to be advertised said date in the MetroWest Daily News, and sent written notice of said Public Hearing to those abutters entitled to notice under applicable law.
11. The Marlborough City Council pursuant to the appropriate provisions of MGL c. 40A, as amended, held a public hearing on the Application on August 26, 2013.
12. The Applicant presented evidence at the public hearing detailing the project and its limited impact upon municipal services, the neighborhood and traffic.

**REASONS FOR APPROVAL OF APPLICATION FOR
SPECIAL PERMIT**

The Marlborough City Council, having caused to be established a detailed record of its Conditions and Reasons for granting the Special Permit, makes the following findings:

- A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council for application of a special permit.
- B. The use of the existing building located at the Site for a family recreational establishment or facility is an appropriate use of said property and is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough, subject to appropriate terms and conditions as hereinafter set forth.
- C. The City Council, pursuant to its authority under MGL c. 40A, as amended, **GRANTS** the Applicant a Special Permit to operate a private or commercial recreational establishment as per its Application filed with the City Council and City Clerk, **SUBJECT TO THE FOLLOWING CONDITIONS**, which shall also be applicable to Applicant's successors and assigns, and a violation of which shall be a violation of this Special Permit:
 1. Applicant shall comply with any and all requirements necessary to obtain a certificate of use and occupancy for the facility as it presently exists.
 2. Signage. Any signage installed or erected on the premises shall meet the requirements of the Sign Ordinance of the City of Marlborough without variance and shall not include flashing signs, message boards or LED signs. All such signs shall be illuminated only during hours of operation and shall be extinguished on or before 10:00 p.m.
 3. Application and Documents. All plans, drawings, site evaluations and documentation provided by the Applicant as part of this Application or later filed with the Urban Affairs Committee are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same.
 4. Compliance with Local, State, and Federal Laws. The Applicant agrees to comply with all rules, regulations and ordinances of the City of Marlborough, Commonwealth of Massachusetts and the federal government as they may apply to the maintenance and operation of the facility.
 5. Public Peace and Good Order. In the event that the Chief of Police determines that either the business of the Applicant is, or the clientele of the Applicant are, creating a condition that is contrary to the public peace and good order, the Chief shall, in writing, notify the Applicant and demand that corrective measures be put into effect within seven (7) calendar days. Upon failure or inability of the Special Permit holder to correct such condition, the Police Chief may require the Applicant to employ one or more police detail officers during such hours and days as the Police Chief, in the exercise of his or her sole discretion, determines to be necessary for the purpose of correcting the condition.

6. Abutter Conditions. Following publication of the notice of Applicant's Application and notices of same having been sent by certified mail to abutters as required, no abutter has come forward on the record before, during or after the public hearing to raise any objection or to support or to question Applicant with respect to any aspect of the Application. In the interest of establishing and maintaining amicable relations with neighbors in the vicinity of the Site, Applicant agrees as follows:
- a. In the absence of prior written authorization from the City of Marlborough, no additional lighting will be erected or additional wattage added by the Applicant to the existing outdoor parking lot lighting, except for security lighting required by the City of Marlborough Police Department.
 - b. No delivery vehicles are required or will be needed by the Applicant in the operation of the business.
 - c. The operation of the business does not require the maintenance of a dumpster or other outside trash receptacle.
 - d. All martial arts activity shall take place inside the facility between the hours of 8:00 a.m. and 10:00 p.m., Monday through Saturday only, and all noise created by the operation of the business will at all times be in compliance with the City's noise ordinance.
 - e. All completed CORI forms shall be kept and maintained by Applicant and in accordance with Massachusetts law.
 - f. Accommodations for overflow parking shall be provided off-site for large competitions, tournaments and other like events, if any. A copy of the formalized agreement with any third party for off-site parking, if any, shall be provided to the Marlborough City Clerk. In the event the permit holder is unable to obtain a formalized off-site parking agreement with any third party, large competitions, tournaments and other like events requiring overflow parking shall not be held on the premises.
 - g. No on-street parking shall be permitted on Brigham Street or any other abutting side street or public way.
 - h. No alcoholic beverages shall be served on the premises.
7. Recordation. In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Inspector for any permits concerning the family recreational facility. When the Applicant applies for its certificate of use and occupancy, Applicant shall provide a copy of the recorded Special Permit to the Building Inspector's office, as well as a copy to the City Council's office and to the City Solicitor's office

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:10 PM.



IN CITY COUNCIL

Marlborough, Mass., AUGUST 26, 2013

ORDERED:

That there being no objection thereto set **Monday, October 7, 2013** as date for a **PUBLIC HEARING** on the Petition of NGrid and Verizon to install 1-Joint owned Pole #47-25 approximately 56' from Pole #47 and 4-6" Conduits on Forest Dr., be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 13-1005523



IN CITY COUNCIL

Marlborough, Mass., _____ AUGUST 26, 2013

ORDERED:

That there being no objection thereto set **Monday, October 7, 2013** as date for a **PUBLIC HEARING** on the Petition of NGrid and Verizon to install of approximately 1100' of 4-5" Conduits and two manholes on Forest St. and 1-Joint owned Pole #P2-50 on Bartlett Dr., be and is herewith refer to **PUBLIC SERVICES COMMITTEE**

ADOPTED

ORDER NO. 13-1005524



IN CITY COUNCIL

SEPTMBER 23, 2013
Marlborough, Mass., _____

ORDERED:

That there being no objection thereto set **Monday, October 7, 2013** as date for a **PUBLIC HEARING** on the Petition of NGrid and Verizon to install new Joint owned Pole #20 on the public way of Kings Grant Rd.; currently the conductors between Pole 19 and Pole 2 are hanging low, and were reported by the Fire Department as a safety issue. The new pole will alleviate the low hanging wires, and help maintain proper clearances of wires over the public way, be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 13-1005554



IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 23, 2013

ORDERED:

That the CONTINUED PUBLIC HEARING On the Application for Special Permit from Luiza DeMoura of Jump in with Us, Inc. to develop an inflatable playground and to accommodate birthday parties for kids and families from Tuesdays to Sundays, 10:00 AM to 7:00 PM, Order No. 13-1005482A, be and is herewith **TABLED UNTIL NEXT CITY COUNCIL MEETING.**

ADOPTED

ORDER NO. 13-1005482A



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CITY OF MARLBOROUGH
2013 OCT -3 A 11:27

City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

October 3, 2013

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

Re: Police Department Grant Acceptance

Honorable President Pope and Councilors:

I am pleased to inform you that the Marlborough Police Department has been awarded a grant in the amount of \$99,805.00 by the Executive Office of Public Safety and Security.

These funds will be utilized to offset personnel costs in the dispatching center as well as to cover fire alarm related equipment purchases.

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

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough POLICE DEPARTMENT

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

MARK F. LEONARD
Chief of Police

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

October 2, 2013

Dear Mayor Vigeant:

The Marlborough Police Department has been awarded a grant in the amount of \$99,805 from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, FY2014 State 911 Department Support and Incentive Grant Program. The grant is a reimbursement grant, which will be used to offset personnel costs in the Public Safety Dispatching center, to purchase fire alarm repeater equipment, and to purchase some new dispatch chairs.

Attached is a copy of the Notice of Grant Award, grant approval letter, and signed grant contract. I am requesting that the grant award be forwarded to the City Council for approval. Should you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark F. Leonard".

Mark F. Leonard
Chief of Police

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Police Department DATE: August 13, 2013

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Chief Mark F. Leonard

NAME OF GRANT: FY 2014 State 911 Dept. Support and Incentive Grant Program

GRANTOR: Commonwealth of Massachusetts

GRANT AMOUNT: \$99,805.00

GRANT PERIOD: Present to June 30, 2014

SCOPE OF GRANT/
ITEMS FUNDED To provide for personnel costs in the public safety
dispatching center. To purchase Fire Alarm
Repeater Equipment which is associated with
providing enhanced Fire alarm service. Purchase of two new
Dispatch chairs.

IS A POSITION BEING
CREATED: No

CAN FRINGE BENEFITS BE PAID FROM GRANT?

IF YES: No

ARE MATCHING CITY
FUNDS REQUIRED? None

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

IF MATCHING IS
MONETARY PLEASE
GIVE ACCOUNT None

ANY OTHER EXPOSURE TO CITY? No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: Approval needed asap to begin
the use of the grant.

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



The Commonwealth of Massachusetts
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
STATE 911 DEPARTMENT
1380 Bay Street, Building C ~ Taunton, MA 02780-1088
Tel: 508-828-2911 ~ TTY: 508-828-4572 ~ Fax: 508-828-2585
www.mass.gov/e911



DEVAL L. PATRICK
Governor

ANDREA J. CABRAL
Secretary of Public Safety
and Security

FRANK POZNIAK
Executive Director

SEP 20 2013
- CC
- clerk

September 19, 2013

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

Dear Mayor Vigeant,

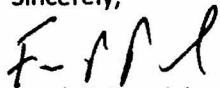
The Commonwealth of Massachusetts, State 911 Department would like to thank you for participating in the **FY 2014 State 911 Department Support and Incentive Grant** program.

For your files, attached please find a copy of the executed contract. Please note your contract start date is **September 19, 2013** and will run through June 30, 2014. Please keep in mind that there shall be no reimbursement for costs incurred prior to the effective date of the contract and all goods and services **MUST** be received on or before June 30, 2014.

Reimbursement requests should be submitted to the Department within **thirty (30) days** of the date on which the cost is incurred. We have made the request for payment forms available on our website www.mass.gov/e911. For any questions related to this process, please contact Michelle Hallahan at 508-821-7216. Please note that funding of reimbursement requests received more than six (6) months after the close of the fiscal year under which costs were incurred cannot be guaranteed.

If, in the future, you would like to make any changes to the authorized signatory, the contract manager, and/or the budget worksheet, please e-mail those proposed changes to 911DeptGrants@state.ma.us. Grantees are strongly encouraged to submit final, year-end budget modification requests on or before May 15, 2014.

Sincerely,


Frank P. Pozniak
Executive Director

cc: FY 2014 Support and Incentive Grant File



COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM.

CONTRACTOR LEGAL NAME: <u>City of Marlborough</u> (and d/b/a): <u>Marlborough Police Department</u>	COMMONWEALTH DEPARTMENT NAME: State 911 Department MMARS Department Code: EPS
Legal Address: (W-9, W-4,T&C): 140 Main St., Marlborough, Mass 01752	Business Mailing Address: 1380 Bay Street, Building C, Taunton, MA 02780
Contract Manager: Chief of Police Mark F. Leonard	Billing Address (if different):
E-Mail: mleonard@marlborough-ma.gov	Contract Manager: Marilyn Godfrey
Phone: 508-624-6970 Fax: 508-624-6938	E-Mail: 911DeptGrants@state.ma.us
Contractor Vendor Code: <u>VC600019211</u>	Phone: 508-821-7299 Fax: 508-828-2585
Vendor Code Address ID (e.g. "AD001"): <u>AD001</u> (Note: The Address ID must be set up for EFT payments.)	MMARS Doc ID(s): CT SUPG
<p style="text-align: center;"><u>X</u> NEW CONTRACT</p> PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> <u>Statewide Contract</u> (OSD or an OSD-designated Department) <input type="checkbox"/> <u>Collective Purchase</u> (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> <u>Department Procurement</u> (includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> <u>Emergency Contract</u> (Attach justification for emergency, scope, budget) <input type="checkbox"/> <u>Contract Employee</u> (Attach Employment Status Form, scope, budget) <input type="checkbox"/> <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification, scope and budget)	<p style="text-align: center;"><input type="checkbox"/> CONTRACT AMENDMENT</p> Enter Current Contract End Date <u>Prior</u> to Amendment: _____, 20____. Enter Amendment Amount: \$ _____. (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> <u>Amendment to Scope or Budget</u> (Attach updated scope and budget) <input type="checkbox"/> <u>Interim Contract</u> (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> <u>Contract Employee</u> (Attach any updates to scope or budget) <input type="checkbox"/> <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification and updated scope and budget)
RFR/Procurement or Other ID Number: FY2014 SUPG	
The following COMMONWEALTH TERMS AND CONDITIONS (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract. <input checked="" type="checkbox"/> <u>Commonwealth Terms and Conditions</u> <input type="checkbox"/> <u>Commonwealth Terms and Conditions For Human and Social Services</u>	
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> <u>Rate Contract</u> (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> <u>Maximum Obligation Contract</u> Enter Total Maximum Obligation for total duration of this Contract (or <u>new Total</u> if Contract is being amended). \$ <u>99,805.00</u>	
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting <u>accelerated</u> payments must identify a PPD as follows: Payment issued within 10 days ___ % PPD; Payment issued within 15 days ___ % PPD; Payment issued within 20 days ___ % PPD; Payment issued within 30 days ___ % PPD. If PPD percentages are left blank, identify reason: <input checked="" type="checkbox"/> <u>agree to standard 45 day cycle</u> ___ <u>statutory/legal</u> or <u>Ready Payments (G.L. c. 29, § 23A)</u> ; ___ <u>only initial payment</u> (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)	
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) For disbursement of funds under the State 911 Department FY 2014 PSAP and Regional Emergency Communication Center Support and Incentive Grant as authorized and awarded in compliance with program guidelines and grantee's approved application.	
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input checked="" type="checkbox"/> 1. may be incurred as of the <u>Effective Date</u> (latest signature date below) and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . <input type="checkbox"/> 2. may be incurred as of _____, 20____, a date <u>LATER</u> than the <u>Effective Date</u> below and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . <input type="checkbox"/> 3. were incurred as of _____, 20____, a date <u>PRIOR</u> to the <u>Effective Date</u> below, and the parties agree that payments for any obligations incurred prior to the <u>Effective Date</u> are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.	
CONTRACT END DATE: Contract performance shall terminate as of <u>June 30, 2014</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.	
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached <u>Contractor Certifications</u> (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence: the applicable <u>Commonwealth Terms and Conditions</u> , this Standard Contract Form including the <u>Instructions and Contractor Certifications</u> , the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 815 CMR 21.07. Incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.	
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: _____ Date: <u>8/13/13</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Arthur Vigeant</u> Print Title: <u>Mayor of Marlborough</u>	AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: _____ Date: <u>8/19/13</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Frank Pozniak</u> Print Title: <u>Executive Director</u>



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CLERK'S OFFICE
OF MARLBOROUGH

OCT -3 A 11: 27

City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

October 3, 2013

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

Re: Council on Aging Grant Acceptance

Honorable President Pope and Councilors:

I am pleased to inform you that the Marlborough Council on Aging (COA) has been awarded a grant in the amount of \$53,624.00 by the Executive Office of Elder Affairs.

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

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

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough

Council on Aging and Senior Center

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



October 1, 2013

To: Mayor Arthur G. Vigeant

I would like to submit a grant award for the amount of \$53,624.00 from the Executive Office of Elder Affairs. This essential funding will allow our COA to provide exercise classes, a weekly Wellness Clinic staffed by a VNA nurse once a week, transportation as well as additional enrichment, programmatic and administrative support.

Sincerely,

Jennifer Claro

Marlborough Senior Center Director

CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: Council on Aging DATE: 9-30-13

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Jennifer Claro

NAME OF GRANT: 2013-2014 Program Funding

GRANTOR: Executive Office of Elder Affairs

GRANT AMOUNT: \$53,624.⁰⁰

GRANT PERIOD: July 1, 2013 - June 30, 2014

SCOPE OF GRANT/
ITEMS FUNDED Program and administrative support
Transportation, Exercise classes, Wellness Clinic
Staffed by a VNA nurse once a week, Postage,
Social services and other supportive program needs.

IS A POSITION BEING
CREATED: NO

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

ARE MATCHING CITY
FUNDS REQUIRED? NO

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

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

ANY OTHER EXPOSURE TO CITY?
NO

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

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

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



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

CONTRACTOR LEGAL NAME: CITY OF MARLBOROUGH		COMMONWEALTH DEPARTMENT: Executive Office of Elder Affairs	
Legal Address: 140 MAIN ST MARLBOROUGH, MA 01752		HMARS Department Code: ELD	
Contract Manager: Jenni Claro		Business Mailing Address: One Ashburton Place, 5 th Floor Boston, MA 02103	
E-Mail: klaroc@marlborough.ma.gov		Billing Address (if different):	
Phone: 508-486-6492	Fax:	Contract Manager: Emmett Schmarow	
Contractor Vendor Code: V06000192112		E-Mail: Emmett.schmarow@state.ma.us	
Vendor Code Address ID: A0001 (Note: The Address ID Must be set up for EET payments.)		Phone: 617-222-7471	Fax: 617-727-9389
		HMARS Doc ID(s): CTELD 1400A17000000002014	
		RFRR Procurement or Other ID Number:	
XX NEW CONTRACT		— CONTRACT AMENDMENT	
PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department) <input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget) <input type="checkbox"/> Department Procurement (includes State or Federal grants §15 CMR 200) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget) <input type="checkbox"/> Contract Employee (Attach Employment Status Form, scope, budget) XX Legislative/Legal or Other: COA FORMULA GRANT		Enter Current Contract End Date <u>Prior</u> to Amendment: _____ 20____. Enter Amendment Amount: \$ _____ (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> Amendment to Scope or Budget (Attach updated scope and budget) <input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> Contract Employee (Attach any updates to scope or budget) <input type="checkbox"/> Legislative/Legal or Other (Attach authorizing language/justification and updated scope and budget)	
The following COMMONWEALTH TERMS AND CONDITIONS (T&C) has been executed, filed with GTR and is incorporated by reference into this Contract. XX Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services			
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> Rate Contract (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) XX Maximum Obligation Contract Enter Total Maximum Obligation for total duration of this Contract (or new Total if Contract is being amended). \$63,624.00			
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EET 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days <input type="checkbox"/> % PPD; Payment issued within 15 days <input type="checkbox"/> % PPD; Payment issued within 20 days <input type="checkbox"/> % PPD; Payment issued within 30 days <input type="checkbox"/> % PPD. If PPD percentages are left blank, identify reason: XX agree to standard 45 day cycle <input type="checkbox"/> statutory/legal or Ready Payments (G.L.c. 23, § 23A); <input type="checkbox"/> only initial payment (subsequent payments scheduled to support standard EET 45 day payment cycle. See Prompt Pay Discounts Policy)			
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: This contract is to locally distribute a formula grant award to the Councils on Aging of the municipalities of the Commonwealth. The award amount is determined by a census-based allocation of available grant funding. Funds may support Council on Aging activities as identified in the annually published COA Formula Grant Guide. The activity performance period for this award is 7/1/2013-6/30/2014. The municipality will complete a final fiscal report accounting for how these grants/funds were applied. Ongoing eligibility for formula grant funding is contingent on satisfactory prior year performance.			
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor/Party for this Contract, or Contract Amendment, that Contract obligations: <input type="checkbox"/> 1. may be incurred as of the <u>Effective Date</u> (latest signature date below) and no obligations have been incurred prior to the <u>Effective Date</u> . <input type="checkbox"/> 2. may be incurred as of _____, 20____, a date LATER than the <u>Effective Date</u> below and no obligations have been incurred prior to the <u>Effective Date</u> . XX 3. were incurred as of JULY 1st 2013, a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments hereafter releases the Commonwealth from further claims related to these obligations.			
CONTRACT END DATE: Contract performance shall terminate as of JUNE 30 th 2014, with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.			
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contractor or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contractor or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached <u>Contractor Certifications</u> (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable <u>Commonwealth Terms and Conditions</u> , this Standard Contract Form including the <u>Instructions and Contractor Certifications</u> , the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.			
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: <u>Arthur G. Wigant</u> Date: <u>9/30/13</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Arthur G. Wigant</u> Print Title: <u>Mayor</u>		AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>PETER J. TIERNAN</u> Print Title: <u>Director of Administration and Finance</u>	



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CITY OF MARLBOROUGH

2013 OCT -3 A 11: 27

City of Marlborough
Office of the Mayor

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

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

October 3, 2013

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

Re: Bi-Directional/Unidirectional Antenna Specifications Ordinance


Honorable President Pope and Councilors:

Enclosed for your approval is an ordinance designed to enhance the City of Marlborough's emergency communications in buildings that could be subject to communications breakdown due to size, building materials, design, geography and other impediments to radio communications.

The Marlborough Fire Department has developed specifications in conjunction with the requirements set forth in the 2009 International Building Code and the Massachusetts Building Code 8th Edition.

As always, please do not hesitate to let me know if you have any questions.

Sincerely,


Arthur G. Vigeant
Mayor



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

**Marlborough Fire Department Bi Directional/Unidirectional Antenna Specifications
For In Building Fire Department Radio Coverage in Buildings or Structures.**

Emergency communications have been proven to be the lifeline for firefighters, police officers and EMS personnel inside of large structures. Research and investigations into Line of Duty Deaths (LODDs) and injuries to Fire, Police and EMS personnel show that the loss of reliable communications inside of such buildings is a contributing factor in death and injuries to emergency personnel.

Reliable in-building communications is a paramount requirement for the safety of emergency personnel as well as that of the public and is major factor in the successful outcome of emergency operations inside of large buildings.

This policy is to enhance the City of Marlborough's emergency communications in buildings that could be subject to communications breakdown due to size, building materials, design, geography and other impediments to radio communications.

The Marlborough Fire Department has developed these specifications in conjunction with the requirements of the International Building Code (IBC 2009) and the Massachusetts Building Code, 8th edition (effective 01/07/2011).

New buildings or structures or portions of existing buildings or structures undergoing renovations or rehabilitation (25% or more) that constitutes new construction shall be equipped with in building radio systems as an integral component of the life safety equipment of the building or structure. Any building built in phases must have the in building system installed as if the construction were 100 % complete. Any underground construction other than for storage or parking shall be equipped with an in building radio system.

The system installed must comply with all applicable sections of FCC rules (Parts 22.90 and 101).

Exceptions:

Buildings that have sufficient levels of radio coverage to satisfy the requirements of this specification may **request a waiver with the following constraints:**

- a. A radio survey as described in this specification must be submitted and signed by a qualified radio technician. *(All interior partitions must be completed prior to the survey)*

- b. A permit must be submitted with proper signatures
- c. If approved, the waiver will only be valid for a 5 year period at which time a new radio survey must be submitted.
- d. At any time it is determined that radio coverage does not meet this specification, the waiver will be withdrawn and the property owner is then required to provide radio coverage as required by this specification.
- e. The building owner is responsible for the costs of the radio coverage survey.

- One and Two Family dwellings as defined in the Massachusetts State Building Code, 780 CMR;
- Buildings constructed of wood frame with no metal construction nor any underground storage or underground parking areas;
- Buildings or structures or portions of buildings or structures where the fire department has performed radio tests for signal reception and determined radio coverage is adequate.

Adequate radio coverage shall include a minimum signal level of DAQ 4 (Delivered Audio Quality 4 [speech easily understood; occasional noise/distortion]). This standard shall be assessed utilizing hand held radio units used by the Marlborough Fire Department.

The in-building radio system shall provide signal strength as follows:

- A minimum of -95 dBm available in 95% of the floor area of each floor of the building and 100% communications in any stairwells and at fire alarm control panels when transmitted from the Fire Department dispatch center.
- A minimum of -95 dBm received at the Fire Department dispatch center from 95% of the area of each floor of the building and 99% communications from the following critical areas:
 - stairwells
 - emergency command centers
 - fire alarm control rooms
 - sprinkler rooms/fire pump rooms
 - elevator lobbies/control rooms
 - any other areas deemed critical by the Marlborough Fire Department.

- Required in-building radio systems shall be FCC certified Bi-Directional UHF Amplifier(s) as needed. This amplifier shall contain a 10 Mg window/filter to assure only MFD and MPD frequencies pass through the amplifier.
- Assembly and installation of the Bi-Directional Amplification System shall be in accordance with the Massachusetts Electrical Code as applicable.
- The radio system may utilize a radiating cable system or an internal multiple antenna system.
- Transmission lines used in this system shall be type CATVR for all applications except for those run in ducts, plenums or environmental air spaces, they shall be CATVP. Equivalents are allowed as in article 820 of the National Electrical Code (NFPA 70) is acceptable.
- Cables other than radiating coaxial cables shall be run in Electrical Metallic Tubing (EMT) or as otherwise approved by the fire chief or his designee.

Public Safety Frequencies

The Marlborough Fire Department transmits and receives on the following frequencies:

- Channel 1 (operations and dispatch)
 - Transmit: 858.4625 MHz
 - Receive: 813.4625 MHz
 - PL23
- Channel 16 (fireground frequency)
 - Transmit: 854.3875 MHz
 - Receive: 809.3875 MHz
 - PL174

The Marlborough Police Department transmits and receives on the following frequencies:

- Police Channel 1
 - Transmit: 856.4625
 - Receive: 811.4625
 - PL: 23

- Police Channel 2
- Transmit: 857.4625
- Receive: 812.4625
- PL: 23

Power Supplies

- Monitoring the integrity of power supplies shall be in accordance with NFPA 72, National fire alarm code, 2010 edition.
- At least 2 independent and reliable power supplies shall be provided.
- The primary power source shall be supplied from a dedicated twenty (20) ampere branch circuit and comply with NFPA 72, National Fire Alarm Code, 2010 edition.
- The in-building radio system shall be capable of operating on a battery dedicated to the system with at least 12 hours of 100% system operation capacity.
- The battery system shall automatically charge in the presence of external power input. The battery system shall be contained in 1 NEMA 4 or 4X type enclosure.

System Monitoring

- The In-Building Radio system shall include automatic supervisory and trouble signals for malfunctions of the signal booster(s) and power supplies that are annunciated by the fire alarm system. Trouble signals must be immediately reported to the radio service provider.
- The integrity of the circuit monitoring the signal booster(s) and power supply (ies) shall comply with NFPA 72, National Fire Alarm Code, 2010 edition.
- System and Signal booster supervisory signals shall include Antenna Malfunction and Signal booster failure.
- Power supply supervisory signals shall include loss of normal AC power, Failure of battery charger, and Low battery capacity (alarming at 70% of battery capacity)
- The system shall be capable of operating on an independent battery, UPS and/or generator system for a period of at least 12 hours without external power input. The battery system shall automatically charge in the presence of external power input.
- Amplifiers shall be installed in secured areas in watertight NEMA 4 steel cabinets. The cabinets will be painted red and The words “Marlborough Fire/Police Department Radios” shall be marked on the cabinet as well as the BDA permit number, the maintenance vendor and vendor phone number.

- The BDA/UDA and any other active amplifiers must be located in an area with a 2 hour fire rating or in an enclosure with a 2 hour fire rating.
- All external antennas shall be provided with appropriate lightning protection in accordance with the National Electrical Code.

Dedicated Monitoring Panel

- A dedicated monitoring panel shall be provided within the emergency command center to annunciate the status of all signal booster locations. The monitoring panel shall provide visual and labeled indication of the following for each signal booster:
 - (1) Normal AC power
 - (2) Signal booster trouble
 - (3) Loss of normal AC power
 - (4) Failure of battery charger
 - (5) Low battery capacity
- A sign will be located at the dedicated monitoring panel with the name and telephone number of the radio service provider indicating that they shall be notified of any alarm.
- The Marlborough Fire Department must be notified of any failures that extend past two (2) hours.

Radio Survey

- The building owner shall have the in-building radio system tested to insure that two-way radio coverage on each floor of the building meets or exceeds the required 95%.
- Each floor of the building shall be divided into a grid of approximately twenty (20) equal areas. A maximum of one (1) area will be allowed to fail the test per floor. A spot located approximately in the center of a grid area will be selected for the test. Once the spot has been selected, prospecting for a better spot within the grid area will not be permitted. Field strength testing instruments are to be recently calibrated (1 year) and of the frequency selective type incorporating a flexible antenna similar to the ones used on the hand held transceivers.
- RF plots indicating the initial assessment of radio coverage and the enhanced coverage shall be submitted at the time of acceptance testing.
- All compliance testing to be done with 50 ohm loads in place of the donor antenna to avoid interference to the MFD/MPD radio system. The MFD Communications Section (508-624-6984 extension 15 and MPD 508-485-1212) is to be notified prior to any testing.
- Unattended operation of the in-building radio system is not permitted until the completion of acceptance testing.

Annual Tests

- When an in building radio system is installed The building owner shall be responsible for testing all active components of the system, including but not limited to amplifier, power supplies and back up batteries a minimum of once every 12 months from the date of the installation.
- Amplifiers shall be tested to insure that the gain is the same as it was upon initial installation and acceptance.
- Backup batteries and power supplies shall be tested under load for a period of one (1) hour to verify that they will operate during an actual power outage.
- Active components shall be checked to determine that they are operating within the manufacturer's specifications for their intended purpose.

Five Year Test

- In addition to the annual test, the building owner shall perform a radio coverage survey test a minimum of once every five (5) years to insure that the in building radio system continues to meet the requirements of this ordinance.

Documentation

- Documentation of all testing all testing, maintenance and repairs shall be kept on site and a copy forwarded to the Marlborough Fire Department. Electronic submissions of these reports are preferred.
- The building owner will also have maintenance contract with a competent technical support organization who can respond 24/7/365 with a response time of no more than 6 hours. The cost of this contact is the responsibility of the property owner.
- All testing shall be conducted, documented and signed by a person with a current FCC General Radiophone Operator License as defined in Title 47 of the Federal Code of Regulations or its equivalent.
- The costs of the annual and five (5) year tests are the responsibility of the building owner.

Fire Department Inspections

- The building owner shall provide reasonable access to the Marlborough Fire Department and Marlborough Police Department personnel to conduct field-testing of the radio systems to determine if the required radio coverage is adequate.

ORDERED:

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

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

§ 270–10. Incorporation by reference: Specifications and Permit of the Marlborough Fire Department, Bi-Directional/Unidirectional Antenna For In-Building Fire Department And Police Department Radio Coverage In Buildings:

- A. The Marlborough Fire Department requires that, in accordance with 780 CMR 915.1, et seq., of the Code of Massachusetts Regulations, as amended, all new buildings and all existing buildings undergoing renovations or rehabilitation constituting new construction, herein defined as 25% or more of gross square footage, provide reliable radio communications for fire fighters, EMS, and police officers within the building based upon the existing coverage levels of the Marlborough Fire Department and the Marlborough Police Department communication systems at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.
- B. The installation and operation of radio-based fire department communication systems must comply with the document entitled “Marlborough Fire Department Bi-Directional/Unidirectional Antenna Specifications For In-Building Fire Department Radio Coverage In Buildings,” which document may be obtained at the Marlborough Fire Department and is incorporated herein by reference. The Marlborough Fire Department is authorized to promulgate and amend, from time to time, said regulations. No radio-based fire department communication systems shall be installed or operated without first filing with the Marlborough Fire Department a written application and obtaining a permit therefor. No occupancy permit shall be issued by the Building Department without said permit, or a written waiver therefrom by the Marlborough Fire Department.
- C. Each permit issued by the Marlborough Fire Department under this section is subject to the fee for installation and maintenance of a Fire Department and Police Department communications system which is listed in Section 328-2 of Chapter 328.

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

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

ADOPTED
In City Council
Order No 13-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY

ATTEST:



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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2013 OCT -3 AM: 27

City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

October 3, 2013

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

Re: Board of Health Appointment

Honorable President Pope and Councilors:


I am pleased to submit for your approval the appointment of Dr. John R. Curran to the Board of Health for a term of three years to expire February 1, 2016.

Dr. Curran will be replacing John Tselikis, who will be submitting his resignation to take effect upon the approval of his successor by the City Council. John served as the Sanitarian in the City of Marlborough for 25+ years and was on the Board of Health for more than a decade. I hope that you will join me in thanking Mr. Tselikis for his years of service and dedication.

Dr. Curran has operated a private medical practice in the City of Marlborough for over 26 years specializing in gastroenterology. Dr. Curran's appointment will fulfill the requirement of M.G.L. Chapter 111, Section 26 that requires each local Board of Health to have a physician.

Thank you in advance for your consideration.

Sincerely,


Arthur G. Vigeant
Mayor



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

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CITY OF MARLBOROUGH

2013 AUG -8 PM 14:34

**Lisa M. Thomas
City Clerk**

MARLBOROUGH, MA

DATE: 8-8-13

To the City Council:

Owner Name: BERNARD NOVITCH

Residential Address: 141 HOWE ST. MARLBORO

Telephone Number: 508-485-3891

Business Name: COLLECTORS PARADISE

Business Address: 771 BOSTON POST RD. EAST #7

Business Telephone Number: 508-485-9800

Owner Signature: Bernard Novitch

The above signed BERNARD NOVITCH respectfully requests that he/she be granted a JUNK DEALER license.

In City Council



IN CITY COUNCIL

Marlborough, Mass., AUGUST 26, 2013

ORDERED:

That the Application for Junk Dealer's License, Bernard Novitch, Collector's Paradise, 771 Boston Post Rd. E. #7, be and is herewith refer to **LEGAL DEPARTMENT AND CODE ENFORCEMENT OFFICER.**

ADOPTED

ORDER NO. 13-100522

MEMO

T0: City Council
FROM: Cynthia Panagore Griffin and Pamela Wilderman
DATE: September 25, 2013
RE: Bernard Novitch Matter Regarding A Secondhand Shop License (AKA "Junk Dealers License)

I. SUMMARY

In June of 2009, Bernard Novitch (Mr. Novitch) was granted a junk dealers or secondhand shop license by the City Council under chapter 377 of the City Code, subject to revocation within 3 months if he failed to clean-up his residence at 249 Pleasant Street. Mr. Novitch failed to clean-up his residence within the 3 month period. Despite efforts by the Code Enforcement Officer to force Mr. Novitch to shut down his business, known as Collectors Paradise and located in the plaza at 771 Poston Post Road East, he continued to operate. In May of 2010, the license which had been issued in June of 2009 expired (all licenses under chapter 377 are annual, and expire on May 1st). Thereafter, Mr. Novitch continued to operate without a license, and the Code Enforcement Officer continued to issue fines to him.

In May of 2011, Mr. Novitch filed an application for a new license, which license was denied by the City Council based on Mr. Novitch's failure to comply with City ordinances. Nonetheless, Mr. Novitch continued to operate his business. In August of 2012, the Fire Department investigated a report of problems with a fire alarm control panel at 771 Boston Post Road East. During their search for the cause of the problem, the Fire Department observed that Mr. Novitch had blocked the rear fire exit of his with various materials and had destroyed a fire alarm. He was ordered to shut down and remove the materials, but it is believed that he reopened his store so as to not miss the tax free weekend. The Code Enforcement Officer ticketed Mr. Novitch for operation in violation of a Fire Department order, and she renewed ticketing for operation of a secondhand shop without a license. In December of 2012, the Legal Department filed a complaint against Mr. Novitch for operating a secondhand shop without a license.

Mr. Novitch has a number of past due fines for tickets which were issued by the Code Enforcement Officer, including \$9,400 for violations of the blight ordinance at his residence at 249 Pleasant Street in 2009 and 2010; \$1,000 for operating his secondhand shop without a license in 2010 - 2012, \$700 for operating his secondhand shop without a special permit in 2011; and \$600 for violating an order from the Fire Department to maintain a clear exit and exit aisles and for destruction of a fire alarm device in 2012. As of August 21, 2013, Mr. Novitch also owes to the City a total of \$1,227.09, with interest, for past due personal property taxes (\$418.07 for 2013, \$97.30 for 2014, \$181.71 for 2012, and \$530.01 for 2011). Mr. Novitch also owes to the City past due excise taxes for 2011 in the amount of \$102.97, and for 2013 in the amount of \$163.36.

By order of the court dated August 7, 2013, Mr. Novitch is prohibited from operating his business without a license. On August 8, 2013, Mr. Novitch applied to the City Council for a new license. To date, it is our understanding that he has complied with the court order of injunction.

II. CHRONOLOGY

- April 6, 2009 Order No. 09-1002137 Recommendation of Public Services Committee
To table application pending clean-up of property at 249 Pleasant Street
- June 8, 2009 License granted subject to revocation within 3 months

Legally, the City may exercise its discretion to condition a license:

- it is implicit in M.G.L. c. 140, s. 54;
- there must be a reasonable relationship between the condition and a public interest;
- purpose of license is (1) to determine what person shall engage in business, and (2) to make possible the trace and return of stolen goods;
- actions must be calculated to achieve the above objectives; and
- City may not act arbitrarily, unreasonably or capriciously

City has also conditioned other junk or secondhand dealers' licenses on compliance with the state building code and the city ordinances

August 25, 2009	Notification to Mr. Novitch by Code Enforcement that no further clean-up has occurred at 249 Pleasant Street, thus will not recommend continuation of license
October 21, 2009	Warning of pending suspension by Code Enforcement
October 26, 2009	Suspension of license by Code Enforcement
January 20, 2010	Order To Close issued by Code Enforcement
August 25, 2010	Cease and desist issued by Code Enforcement
August 31, 2010	Cease and desist issued by Legal Dept.
October 21, 2010	Cease and desist issued by Code Enforcement
October 26, 2010	Notice of license suspension issued by Code Enforcement
May 1, 2010	License issued in June 2009 terminates by operation of law (City Code)
June 24, 2010	Letter from Code Enforcement to City Council re: storage of materials at 249 Pleasant Street for use in sales at Collectors Paradise location, 771 Boston Post Road East
June 28, 2010	City Council votes to "revoke" the license <ul style="list-style-type: none"> • License had already terminated (by operation of law, all junk dealer/secondhand shop license expire on May 1st)
March 17, April 11, May 2, May 5, May 26, May 27, May 31, June 1, June 2, June 3, 2011	Notice (fines) by Code Enforcement (operating without license)
May 1, 2011	Cease and desist issued by Code Enforcement
May 6, 2011	Mr. Novitch applies for new license
May 23, 2011	City Council denies Mr. Novitch a new license

- Ch. 377-1 states that City *may* grant licenses; grant of license is permissive, not mandatory, therefore no fundamental property interest in an application for a new license;
- Reason for denial was because Mr. Novitch had not paid tickets issued over past several years for property clean-up, and demonstrated inability to comply with City ordinances;
- Mr. Novitch is quoted in Metrowest News article that he should be “grandfathered” under “old rules” (however, even under the “old rules” he would have had to apply for an annual license).

August 4, 2012	Code Enforcement response to Fire Department call at 771 Boston Post Rd. East <ul style="list-style-type: none"> • Fire Department investigation of source of problem with fire alarm control panel, they find that Collectors Paradise is open and overrun with material. Rear fire exit is blocked with considerable material including auto transmission, large piles of material and trash, material hanging from sprinklers, etc. Store is closed per order of Fire Chief.
August 6, 2012	Notice (fine) by Code Enforcement (store is open in violation of Fire Department order)
August 6, 2012	Notice (fine) by Code Enforcement (operating without a license)
August 13, 2012	Notice (fine) by Code Enforcement (operating without a license)
August 20, 2012	Notice (fine) by Code Enforcement (operating without a license)
August 29, 2012	Notice (fine) by Code Enforcement (operating without a license)
December 2012	City files complaint for an injunction prohibiting Mr. Novitch from operating his store without a license
April 2013	Court hearing on City’s motion for preliminary injunction
May 8, 2013	Court allows City’s motion for a preliminary injunction prohibiting operation of store without a license
June 2013	City files complaint for contempt because Mr. Novitch has continued operating store after court allowed motion for preliminary injunction
August 2013	Hearing on contempt complaint – Mr. Novitch admits he has been operating store after City’s motion for preliminary injunction was allowed by the court in May 2013. Court, based on its own failure to issue an “order” relating to the injunction in May 2013, does not find Mr. Novitch in contempt, but corrects earlier omission by issuing an order for an injunction prohibiting operation of store without a license.
August 7, 2013	Preliminary injunction issues by court order
August 8, 2013	Mr. Novitch applies for a new license

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City of Marlborough
Commonwealth of Massachusetts

2013 SEP 26 A 9 24



September 25, 2013

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

PLANNING BOARD

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

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

Re: Favorable Recommendation of proposed Zoning Amendment. Section 650-17, entitled "Table of Uses," is hereby amended by regulating the business uses entitled "Power laundries and dry cleaning" so as to separate into independent categories said uses and allow Dry Cleaning establishments as of right in the Business (B) district and in the Commercial Automotive (CA) districts.

City Council Order #13-1005481

President Pope:

At its regular meeting on September 23, 2013, the Planning Board took the following action:

On a motion by Mr. Fay, seconded by Ms. Hughes it was duly voted that

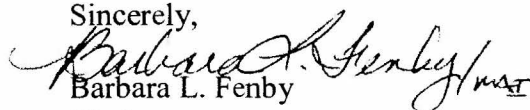
The Planning Board recommends removal from the table of Use all reference to the CA zone.

The Planning Board recommends favorable adoption to the Zoning Ordinance as amended to the City Council regarding changes to the City of Marlborough Zoning Ordinance as defined by City Council Order #13-1005481.

The motion carried by a vote of 6-0-0.

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

Sincerely,


Barbara L. Fenby

Chairperson

Paul Brodeur
41 Hayden St
Marlborough MA 01752
9/30/13

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2013 OCT -3 A 8:33

City Council President Patricia Pope
Marlborough City Council
140 Main St
Marlborough MA 01752

Honorable President Pope and Councilors:

I write to you with all due respect for the sacred trust afforded you as members of the primary ruling body of the city of Marlborough. Before you, for your consideration, is a proposal to place a new Senior Center at Historic Ward Park. I suspect that you will be voting on it soon and so I write to you now. There are three issues to be addressed and I hope that you will give these matters full attention in your deliberations.

The Legal Issue

The entire legal matter can be reduced to a single issue: Is the Senior Center a 'recreation center'? This is at the heart of the city's legal position. In a court of law, legal counsel will only have to prove that the Senior Center is not a 'recreation center' and the city will be forced into the alternative of properly following the EOEEA land disposition policy. This policy mandates that a municipality must show that there is no alternative site available (monetary considerations notwithstanding), and that the municipality must purchase other land to ensure 'no net loss' of parkland.

Furthermore, any legal action is likely to delay any Senior Center proposal by many months, perhaps years. It will force the city to pay legal expenses to defend what I believe is an indefensible position. In a court of law, here is what I would argue:

1. The Marlborough Council on Aging Mission Statement gives no indication that they are running a 'recreation center'.

'It is the mission of the Council on Aging and Senior Center to promote healthy, successful aging and to enhance the quality of life for Marlborough's senior citizens 60 years of age or older. To that end, we strive to provide comprehensive services and programs for older adults and their families.'

2. Marlboro City Code expressly mandates that the Parks and Recreation Commission 'has the power and duty to manage, direct, equip and care for playgrounds and all areas known as "parks," "playfields," "commons" or "recreation centers", ... (quoted from City Solicitor Rider's memo to the Mayor concerning use of Ward Park).

Since the present Senior Center is not now, nor has it ever been under the care and control of the Parks and Recreation Commission, by definition, it cannot be a recreation center.

3. The City Schools

No entity in the city conducts more recreational activities than the school system; far, far more than the Senior Center. Most land disposition in Massachusetts is for new schools and they 'never' get a free pass to avoid the disposition policy because they do recreational things. Neither should a Senior Center.

4. The following is a list of Session Acts of the Mass Legislature that allowed disposition of Parkland or Conservation land for the purpose of building/expanding Senior Centers since 1997:

2002 Chapter 249, Sharon, Senior Center on parkland

2005 Chapter 135, Dedham, Senior Center on parkland

2006 Chapter 239, Westford, Easement on conservation land for Senior Center septic system

2006 Chapter 236, Hanover, Senior Center on parkland

2007 Chapter 89, Westford, Use of conservation land for expansion of Senior Center

2007 Chapter 202, Needham, Use of conservation land for Senior Center

2012 Chapter 184, Rockland, Senior Center on parkland

2012 Chapter 228, Cohasset, Use of water supply land for Senior Center

None of these proposals were allowed to avoid the Massachusetts EOEEA disposition policy. To my knowledge, Marlborough would be the first and only Senior Center proposal to use the 'recreation center' argument. If by chance they are successful, it will result in hundreds of acres of parkland lost across the Commonwealth by other municipalities following Marlborough's lead. Is this something the courts would entertain?

In your deliberations, you may consider, in a worst case scenario, whether a sharp lawyer or a lowly neighbor might make the argument: "The Senior Center is not a recreation center". If you cannot convince yourself that it is, with all the evidence to the contrary, you will be committing taxpayer money to legal expenses with little hope of success.

The Size Issue

There is an elephant in the Senior Center room. The obvious problem is that the proposed Center is far too small for Marlborough and far too large for Ward Park. Would we even consider building a High School for less than half the high school population? Yet we are building a Senior Center that is less than half the recommended size for our senior population as determined by the Massachusetts Department of Elderly Affairs. Both Northborough and Hopkinton were able to build to that standard. Why are we shortchanging the seniors in Marlborough with a proposal that simply will not suit their needs?

There is general agreement, even among the proponents, that normal parking requirements for a building of the proposed size are not being met. The problem will be greatly exacerbated when the certain expansion to the upper level becomes necessary. There is absolutely no prudence whatsoever in the proposed parking. It is simply too big for Ward Park.

The Mayor has gone back and forth on the issue of the hours of operation. In his initial desire to placate neighbors, he insisted that there would be no evening hours at the Senior Center so as not to create undue conflict with youth sports. When it became obvious that this would be unacceptable and unfair to seniors, he reversed his position. We are left with the more than likely probability that evening youth activities will compete for parking with senior activities.

The Philosophical Issue

At the heart of Marlborough's dilemma is the great demographic shift that has occurred in our society. When the present Senior Center was first opened during the post war 'baby boom', the needs of our youth were great and the needs of our seniors less so. Schools were opening, youth activities were expanding. Senior Centers were service organizations with limited budgets.

But the aging of our population has brought with it tremendous stress. Our school space goes unused and the needs of seniors have skyrocketed. Our health and welfare systems were simply not designed to handle the current elder population. The 'service' model currently being used to fund senior services will likewise be incapable of handling the increasing demands. When the economy goes bad, senior services are among the first to get cut because they are unprotected by state mandate. Schools, and fire and police departments, on the other hand, are protected services. Where will municipalities cut? The senior budget! Indeed, during the economic crisis, this is exactly what happened in many cities and towns.

So if the 'service' model doesn't work, is there an option? I believe that there is. In the area Senior Centers that I visited, some were able to generate substantial funds for their programming needs. Not surprisingly, these were the centers that were built to the Department of Elderly Affairs specifications. They were large enough to create money

making opportunities for their elder services. The Gift Shop in Hopkinton and the Kitchen in Northborough both generate income.

We have a great opportunity here, and a great need outside the scope of just the Senior Center. The city has been struggling to find an idea which will bring the visitor population from the hotels to the downtown area. The Senior Center, if configured properly, is that idea.

I propose a mini convention/King Philip's War Museum/theatre/Senior Center as near to the downtown area as possible, but certainly not in Ward Park. The convergence of need is there. It should be big enough and flexible enough to be different things at different times. The center would be run by a board of seniors thus ensuring that the senior needs would come first. The board would be responsible, in time, to turn a profit thus ensuring that senior services would be maintained and that the initial outlay of funding is returned to the taxpayers. In addition, such a center would certainly become the gathering place for seniors across the state.

The first step in the process would be to defeat the present illegal, inadequate, and shortsighted plan that robs our children of needed park space. I welcome the opportunity to speak privately with any and all councilors concerning these matters.

Sincerely,


Paul Brodeur

nationalgrid

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CITY OF MARLBOROUGH

2013 SEP 30 A 10:15

September 26, 2013

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

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID, covering NATIONAL GRID pole location(s)

If you have any questions regarding this permit please contact:

Angela Birch 401-784-7726

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

If this petition meets with your approval, please return an executed copy to:

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

Very truly yours,

Chris Montalto 

Chris Montalto, Engineering
Supervisor, Distribution Design

Enclosures

PETITION FOR POLE LOCATIONS

Hopedale

September 26, 2013

To The City Clerks Office

MASSACHUSETTS ELECTRIC COMPANY requests permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said company may deem necessary, in the following public way or ways;

Millham Street

NGRID proposes P13-50 installed across the street to solve the sag issue from P13 to P14. This puts a line angle on P13 which needs to be supported by an anchor & guy on the property of 11 Houde Street. Branches & Limbs near service wires to house 11 are to be cleared as well.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain pole and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked:

MASSACHUSETTS ELECTRIC COMPANY

Plan No. **15043090** Dated **07/01/2013**

Your petitioner agrees to reserve space for one crossarm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used exclusively for municipal purposes.

MASSACHUSETTS ELECTRIC COMPANY

By: Chris Montalto *CM*
Manager of Distribution Design

ORDER FOR POLE LOCATIONS

Hopedale, MA

September 26, 2013

To the City Clerks Office

Notice having been given and public hearing held, as provided by law, IT IS HEREBY ORDERED: that **MASSACHUSETTS ELECTRIC COMPANY** be and they are hereby granted locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the **26th day of September, 2013**

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

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

MASSACHUSETTS ELECTRIC COMPANY

Plan No. **15043090** Dated **07/01/2013** filed with this order

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

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

Millham Street

NGRID proposes P13-50 installed across the street to solve the sag issue from P13 to P14. This puts a line angle on P13 which needs to be supported by an anchor & guy on the property of 11 Houde Street. Branches & Limbs near service wires to house 11 are to be cleared as well.

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

I hereby certify that the foregoing order was adopted at a meeting of the

_____, 2013

Clerk of Selectmen

Received and entered in the records of location orders

Book: _____ Page: _____

Attest: _____
Town Clerk

I hereby certify that on _____, _____, at _____ o'clock, _____ M.,
at _____ a public hearing was held on the petition of

MASSACHUSETTS ELECTRIC COMPANY

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

And that thereupon said order was duly adopted.

Selectmen of the Town of

0

CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the _____ of the Town of _____, Massachusetts, on the _____ day of _____, _____, and recorded with the records of location orders of provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest: _____

Town Clerk



One NSTAR Way
Westwood, Massachusetts 02090

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2013 SEP 25 A 10:19

September 18, 2013

Ms. Lisa M. Thomas
City Clerk
City Hall
140 Main Street
Marlborough, MA 01752

Marlborough City Council:

Please approve for Grant purposes the following plan:

To install 75' of 4.00" plastic gas main as a system improvement to a new duplex on Crescent Street in Marlborough as follows:

Crescent Street – From 34 Crescent Street southeasterly for 75'

Respectfully,

A handwritten signature in cursive script that reads "Brian Blood".

Brian Blood
Manager of Construction
NSTAR Gas
157 Cordaville Rd.
Southborough, MA. 01772



One NSTAR Way
Westwood, Massachusetts 02090

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2013 SEP 25 A 10:19

September 18, 2013

Ms. Lisa M. Thomas
City Clerk
City Hall
140 Main Street
Marlborough, MA 01752

Marlborough City Council:

Please approve for Grant purposes the following plan:

To install 85' of 2.00" plastic gas main as a system improvement to supply 463 Stow Road in Marlboro as follows:

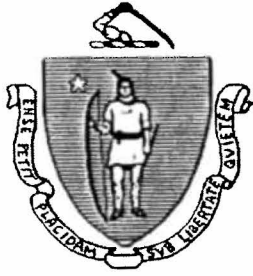
Simpson Road – From the end of Simpson Road (at the intersection with Stow Road) easterly to the eastern side of Stow Road (23')

Stow Road – From the intersection with Simpson Road southerly on the eastern side of Stow Road towards 463 Stow Road (62')

Respectfully,

A handwritten signature in black ink that reads "Brian Blood". The signature is written in a cursive style with a large, stylized "B" at the beginning.

Brian Blood
Manager of Construction
NSTAR Gas
157 Cordaville Rd.
Southborough, MA. 01772



The Commonwealth of Massachusetts

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2013 SEP 30 A 10:15

DEPARTMENT OF PUBLIC UTILITIES

NOTICE OF FILING, PUBLIC HEARING, PROCEDURAL CONFERENCE AND REQUEST FOR COMMENTS

D.P.U. 13-147

September 25, 2013

Petition of Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid for approval by the Department of Public Utilities of: (1) six long-term contracts for procurement of renewable energy and renewable energy credits from six individual wind projects, pursuant to St. 2012, c. 209, § 36, and 220 C.M.R. § 21.00 et seq.; and (2) a renewable energy recovery provision tariff, M.D.P.U. No. 1222.

On September 20, 2013, Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid ("National Grid" or "Company") filed a petition with the Department of Public Utilities ("Department") seeking approval, pursuant to Section 83A of An Act Relative to Green Communities, St. 2008, c. 169, § 83A ("Section 83A")¹ and 220 C.M.R. § 21.00 et seq., of six long-term contracts to purchase wind power and associated renewable energy certificates ("RECs"). The proposed contracts between National Grid and Iberdrola Renewables LLC ("Iberdrola"), Evergreen Wind Power II, LLC ("Evergreen"), Blue Sky West, LLC ("Blue Sky"), Passamaquoddy Wind, LLC ("Passamaquoddy"), and Peskotmuhkati Wind, LLC ("Peskotmuhkati") are for the output of the following facilities: (a) Wild Meadows in Merrimack and Groton Counties, New Hampshire (Iberdrola); (b) Fletcher Mountain in Somerset City, Maine (Iberdrola); (c) Oakfield Wind in Oakfield, Maine (Evergreen); (d) Bingham Wind in Mayfield Township, Maine (Blue Sky); (e) Passamaquoddy Wind in Columbia Falls, Maine (Passamaquoddy); and (f) Peskotmuhkati Wind in Columbia Falls, Maine (Peskotmuhkati). The Company also seeks approval of a proposed tariff, M.D.P.U. No. 1222, which provides for the recovery of costs associated with long-term contracts for renewable energy procured pursuant to Section 83A.

Section 83A requires each electric distribution company to jointly solicit proposals for long-term contracts of 10 to 20 years in duration from renewable energy developers at least twice during the period from January 1, 2013 through December 31, 2016, and, if the proposals received are reasonable, to enter into cost-effective long-term contracts to facilitate the financing of renewable energy generation. St. 2012, c. 209, § 36; 220 C.M.R. §§ 21.00 et seq. A long-term contract must be approved by the Department before it can become effective. St. 2012,

¹ Section 83A was added to the Green Communities Act by An Act Relative to Competitively Priced Electricity in the Commonwealth, St. 2012, c. 209, § 36.

c. 209, § 36; 220 C.M.R. § 21.03(3). The Department must take into consideration both the potential costs and benefits of such contracts and shall approve a contract only upon a finding that it is a cost-effective mechanism for procuring low-cost renewable energy on a long-term basis taking into account the factors outlined in Section 83A. St. 2008, c. 169, § 83A; 220 C.M.R. § 21.05.

In accordance with Section 83A, the electric distribution companies and the Department of Energy Resources jointly developed a request for proposals (“RFP”) for the supply of renewable electric energy and RECs. On March 29, 2013, the Department approved the method of soliciting and executing long-term contracts, as well as the timetable, contained in the jointly proposed RFP. Fitchburg Gas and Electric Light Company et al., D.P.U. 13-57 (March 29, 2013). On April 1, 2013, the electric distribution companies jointly issued the RFP. The electric distribution companies state that the six projects compare favorably on price and non-price factors to the range of renewable energy resources available in the marketplace today and are thus, low-cost, cost-effective contracts. The electric distribution companies have requested approval of the Oakfield Wind project contracts on or before December 6, 2013.

The proposed contracts anticipate the following commercial operation dates: (a) Wild Meadows: December 31, 2016; (b) Fletcher Mountain: December 31, 2016; (c) Oakfield Wind: December 31, 2015; (d) Bingham Wind: December 31, 2016; (e) Passamoquoddy Wind: November 30, 2015; and (f) Peskotmuhkati Wind: November 30, 2104. Under the proposed contracts, National Grid will purchase 753,371,388 kilowatt-hours annually. Pursuant to Section 83A and 220 C.M.R. § 21.07, the Company proposes to collect an annual remuneration equal to 2.75 percent of the annual payments under the contract to compensate the Company for accepting the financial obligation of the long-term contract.

The Company projects that the costs to customers of the contract payments and remuneration to the Company will be below the projected market value of the products purchased under the contract. According to the Company, if its petition is approved, the bill of an average residential customer (R-1 rate class) using 600 kilowatt-hours of electricity per month will decrease by \$1.01, which is a 1.1 percent decrease relative to current rates.

The Department will conduct a public hearing to receive comments on the Company’s filing on **Wednesday, October 23, 2013** at 3:00 p.m. at the Department’s offices, One South Station, 5th Floor, Boston, Massachusetts. Persons interested in commenting on the Company’s filing may do so at the public hearing or may file written comments by the close of business (5:00 p.m.) on **Wednesday, October 23, 2013**. A procedural conference will be held on **Wednesday, October 9, 2013** at 3:00 p.m. at the Department’s offices, One South Station, 5th Floor, Boston, Massachusetts.

Persons interested in participating in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department no later than the close of business (5:00 p.m.) on **Monday, October 7, 2013**. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 C.M.R. § 1.01(4). Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition

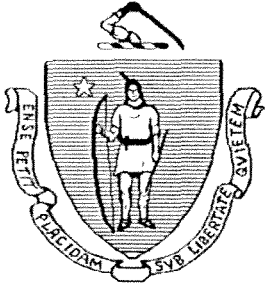
for leave to intervene must satisfy the substantive requirements of 220 C.M.R. § 1.03. To be allowed, a petition under 220 C.M.R. § 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10. Responses to petitions to intervene must be filed with the Department no later than the close of business (5:00 p.m.) on **Tuesday, October 8, 2013**.

The original of all documents must be filed with Mark D. Marini, Secretary, Department of Public Utilities, One South Station, 5th Floor, Boston, Massachusetts, 02110. In addition, two (2) copies of all documents filed with the Department must be sent to Jessica Buno, Hearing Officer, and Selma Urman, Hearing Officer, Department of Public Utilities, One South Station, 5th Floor, Boston, Massachusetts 02110. One (1) copy of all documents filed with the Department must also be sent to: (1) National Grid's counsel, Brooke E. Skulley, Esq., 40 Sylvan Road, Waltham, Massachusetts 02451, and John K. Habib, Esq., Keegan Werlin LLP, 265 Franklin Street, Boston, Massachusetts 02110, and (2) the service list.

All documents must also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dpu.efiling@state.ma.us and the Hearing Officers, jessica.buno@state.ma.us and selma.urman@state.ma.us or (2) on a CD-ROM. The text of the e-mail, or CD-ROM must specify: (1) the docket number of the proceeding (D.P.U. 13-147); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. All documents submitted in electronic format will be posted on the Department's website: <http://www.mass.gov/dpu>.

Copies of the filing are available for inspection during regular business hours at 40 Sylvan Road, Waltham, Massachusetts 02451, and on the Company's website: www.nationalgrid.com. Copies are also available for inspection during regular business hours at the Department's offices, One South Station – 5th Floor, Boston, Massachusetts 02110, and on the Department's website, <http://www.mass.gov/dpu>, by accessing the File Room link.

For further information regarding the Company's filing, please contact the Company's counsel, Brooke Skulley (781) 907-1846 or John K. Habib at (617) 951-1400. For further information regarding this notice, please contact the Department Hearing Officers assigned to this case, Jessica Buno, at (617) 305-3527 or Selma Urman, at (617) 305-3500.



The Commonwealth of Massachusetts

RECEIVED
CITY OF BOSTON
2013 SEP 23 A 8:24

DEPARTMENT OF PUBLIC UTILITIES

NOTICE OF PUBLIC HEARING AND REQUEST FOR COMMENTS

D.P.U. 12-126-F

September 12, 2013

Investigation by the Department of Public Utilities, pursuant to Chapter 209, Section 51 of the Acts of 2012, An Act Relative to Competitively Priced Electricity in the Commonwealth, to establish a cost-based rate design for Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid.

On August 26, 2013, in compliance with Investigation by the Department of Public Utilities Pursuant to Chapter 209, Section 51 of the Acts of 2012, an Act Relative to Competitively Priced Electricity in the Commonwealth, D.P.U. 12-126 (August 16, 2013), Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid ("National Grid" or "Company") filed a proposed cost-based rate design with the Department of Public Utilities ("Department"). The Department docketed this filing as D.P.U. 12-126F.

Section 51 of An Act Relative to Competitively Priced Electricity in the Commonwealth, St. 2012, c. 209 ("Section 51") requires the Department to commence a proceeding for each gas and electric distribution company to establish a cost-based rate design for costs that are currently recovered from distribution customers through a reconciling factor. Section 51 provides that the Department shall approve the redesigned reconciliation factors, after a public hearing comment period, not later than January 1, 2014. The Company proposes to implement the changes during 2014 on the date that the factor would otherwise be updated pursuant to its tariffs.

If Massachusetts Electric Company's rate design is approved as proposed, the Company calculates that it will have the following effects on total annual bills for a typical customer in the following rate classes:

- total annual bills will increase for the following residential customer classes: R-1 – residential regular (1.1% to 1.3%); R-2 – residential low income (0.7% to 1.4%); R-4 – residential time-of-use (0.0% to 0.01%).
- total annual bills will increase for G-1 – general service small commercial and industrial ("C&I") class (1.4% to 3.3%), and will decrease for the following

classes: G-2 – general service demand (-1.3% to -1.5%); G-3 – time-of-use (-2.6% to -2.8%); and street and area lighting (0.0% to -0.2%).

If Nantucket Electric Company's rate design is approved as proposed, the Company calculates that it will have the following effects on total annual bills for a typical customer in the following rate classes:

- total annual bills will increase for the following residential customer classes: R-1 – residential regular (1.0% to 1.2%); R-2 – residential low income (0.9% to 1.3%); Rate E – electric space heating (1.3%).
- total annual bills will increase for G-1 – general service small C&I class (1.3% to 2.9%) and will decrease for the following classes: G-2 – general service demand (-1.1% to -1.2%); G-3 – time-of-use (-2.2% to -2.4%); and street and area lighting (0.0% to -0.2%).

The Department will conduct a public hearing in this investigation on **October 10, 2013, at 10:00 a.m.**, at the Department's offices, One South Station, 5th Floor, Boston, Massachusetts 02110. Any person who desires to comment may do so at the time and place noted above or submit written comments no later than the close of business (5:00 p.m.) on **October 10, 2013**.

Any person who desires to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department not later than the close of business on **September 24, 2013**. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 C.M.R. § 1.03. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 C.M.R. § 1.01(4). To be allowed, a petition under 220 C.M.R. § 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10.

The Department will conduct a procedural conference in this investigation on **September 26, 2013, at 2:00 p.m.**, at the Department's offices, One South Station, 5th Floor, Boston, Massachusetts 02110.

An original and one (1) copy of all written comments must be filed with Mark Marini, Secretary, Department of Public Utilities, One South Station, 5th Floor, Boston, Massachusetts 02110. One copy of all written comments should also be sent to the service list for this proceeding, available on the Department's website, <http://www.mass.gov/dpu>.

All documents should also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dpu.efiling@state.ma.us and alison.lackey@state.ma.us; or (2) CD-ROM. The text of the e-mail or CD-ROM must specify: (1) the docket number of the proceeding (D.P.U. 12-126-F); (2) the name of the

person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. All documents submitted in electronic format will be posted on the Department's website: <http://www.mass.gov/dpu>.

The Company's filing is available for inspection during regular business hours at the Department's offices, One South Station, 5th Floor, Boston, Massachusetts 02110 and on the Department's website, <http://www.mass.gov/dpu>.

Any person desiring further information regarding the Company's filing should contact the Company's attorney, Camal O. Robinson, Esq. at (781) 907-3336. Any person desiring further information regarding this notice may contact Alison Lackey, Hearing Officer, Department of Public Utilities, One South Station, Boston, Massachusetts 02110, telephone, 617-305-3694.

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

Call to Order

September 9, 2013

2013 SEP 24 A 11:09

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

1. Meeting Minutes:

A. Regular meeting July 22, 2013

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to approve the minutes of the July 22, 2013 meeting. Motion carried with Mr. Johnson abstaining.

B. Regular meeting August 26, 2013

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to approve the minutes of the August 26, 2013 meeting. Motion carried with Chairperson Fenby abstaining.

2. Chair's Business: None

3. Approval Not Required: None

4. Public Hearings:

**A. 7:15pm: Zoning Amendment, Section 650-17 entitled Table of Uses
City Council Order #13-1005481.**

(Amendment pertaining to Dry Cleaning and Power Laundry Establishments)

The Public Hearing was opened at 7:15pm Ms. Hughes read the notice into the record. The hearing was taken in the traditional 4 stages:

Presentation

Those speaking in Favor

Those speaking in Opposition

Questions from the Board Members

Presentation: Ward 1 City Councilor Joseph Delano presented the proposed changes to the Board. Regarding the addition of Dry Cleaning and Power Laundry establishments as a "By right use" in both the Business (B) and Commercial Automotive (CA) zones.

In Favor – No one spoke.

In Opposition – No one spoke

Questions from the Board Members:

Ms. Hughes asked if there was a definition of Power Laundries. Councilor Delano did not believe there was.

The Public Hearing was tabled at 7:23pm pending clarification from the Legal Department regarding verbiage used in the Public notice on the hearing.

B. Jenks Rd Subdivision

The Public Hearing was opened at 7:23pm Ms. Hughes read the notice into the record. The hearing was taken in the traditional 4 stages:

Presentation

Those speaking in Favor

Those speaking in Opposition

Questions from the Board Members

Presentation: Mr. Joseph Peznola of Hancock Associates presented the proposed plan. Consisting of 3 requested waivers:

1. Waiver of the Right of Way width from 50' to 40'.
2. Waiver of the adequacy of way proving access to the subdivision.
3. Waiver of the typical cross section allowing for sidewalks on one side of the roadway only.

The proposal calls for approx. 700' roadway with 2 new house lots and reconfiguration of an additional 2 existing lots. Driveway relocation from 637 Sudbury St to the newly proposed roadway, proposed roadway width 26'. Two fire hydrants are proposed along with underground utilities, street trees and private sewer systems with easements in place for future connection to the City sewer service.

Ms. Hughes read into the record the letter as submitted by Hancock Associates regarding the sight line distances and the fact that the distances meet with the City requirements.

On a motion made by Ms. Hughes, seconded by Mr. Fay the information was accepted and placed on file. Motion carried.

In Favor – No one spoke

In Opposition –

Ms. Monica Cunningham of 602 Sudbury St. spoke regarding her concerns for the area in general, the traffic and the speed of the traffic, safety of the cyclists and snow removal issues. She wanted the Board to note she is strongly opposed.

Councilor Joseph Delano of 10 Harper Circle, Ward 1 City Councilor spoke regarding his concerns for safety and traffic as well as he does not believe this subdivision benefits anyone and residents will lose the enjoyment of their property.

Mr. Paul Mager of 671 Sudbury St. spoke about his concerns for the integrity of the neighborhood. He made note that the previous owner of this property had tried and not been successful at developing this lot.

Mr. William Magner of 79 Mosher Lane spoke regarding the poor visibility especially when there is snow on the ground. He feels this is a bad situation.

Mr. Benjamin Resnikoff of 1061 Concord Rd spoke of the potential mosquito problems with the catch basins and he agrees with all the other comments so far.

Mr. Zachary Shapiro of 1039 Concord Rd spoke regarding the drainage issues and overall safety of Sudbury Street.

Ms. Katherine McCabe of 11 Jackson Circle spoke to agrees with the others that there are safety issues on Sudbury Street.

Mr. Michael Dragone 593 Sudbury Street spoke regarding the sight lines and safety concerns.

Mr. Frank Collins of 54 Hanlon Drive spoke regarding the difficulty to see on Sudbury St during inclement weather and safety issues in general.

Mr. Matthew Scola 621 Sudbury Street spoke regarding drainage issues, the elevating of the new roadway creates proposed privacy issues for his enjoyment of his pool area, He considers the land locked parcels as his buffer for privacy. Mr. Scola also intends to widen his existing driveway to the full extent allowed for safety reasons.

Mr. Hugues Francois-Saint Cyr of 196 Blanchette Dr. spoke regarding his major concerns are traffic and safety for his children.

Ms. Mary Anne Tunnera of 209 Blanchette Dr. spoke the narrow width of the road, her concerns regarding school bus stops, trash can and recycling container placement mailboxes and the overall aesthetics of the project. Making note that she is strongly against the waiver requested for road width.

Mr. Neil Kunycky of 70 Jackson Circle spoke regarding his perception that this proposed project does not fit with the character of the neighborhood. He made specific note that no one other than the engineer spoke in favor of this project.

Ms. Laurie Ashton of 621 Sudbury St spoke to safety concerns as well.

Questions from Board members:

Note Mr. Pezznola was called away to another meeting, Mr. John Boardman of Hancock Engineering stepped in.

Mr. Fay asked if both 661 and 663 Sudbury Street were owned in common ownership? Mr. Boardman replied that they were.

Mr. Fay asked then asked what the petitioner could build as a matter of right, in other words, what would the subdivision look like with no waivers? Mr. Boardman stated that that was a

question that would be best answered in writing.

Chairperson Fenby closed the Public Hearing at 8:10pm

On a motion made by Mr. Fay seconded by Ms. Hughes a 4 minute recess was called.

The meeting reconvened at 8:13pm

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report

Mr. Cullen had nothing new to report to the Board at this time.

B. Request for Tri Partite Agreement Change/Update Mauro Farms

Ms. Hughes read the request from Attorney William Garrahan into the record.

On a motion made by Mr. Fay, seconded by Ms. Hughes the request was accepted and placed on file as well as referred to the Legal Department to ensure the agreement is in proper legal form. Motion carried.

Ms. Hughes read the response from the City Engineer into record regarding the request to reduce the current bond.

On a motion by Mr. Fay, seconded by Mr. Hodge it was duly voted to accept the correspondence and reduce the current bond from \$850,000.00 to \$750,000.00, in agreement with the City Engineers recommendation, regarding the Mauro Farms Subdivision.

Note* Mr. Fay reminded the Board of previously disclosed conflict and that his appointing authority has authorized him to act.

6. Preliminary/Open Space Submissions/Limited Development Subdivisions:

A. Open Space Development Submission Hudson St

Ms. Hughes read the submission into the record, as well as a request from the Attorney David Gadbois for an extension in the time allowance to set a Public hearing until December 3, 2013. The reasons stated for the extension request were that he was just brought on board by the developer and needed additional time to come up to speed on the project.

On a motion made by Mr. Fay, seconded by Mr. Hodge the correspondence was accepted and placed on file along with the acceptance of the time allowance and setting of the Public Hearing for December 2, 2013. Motion carried.

Ms. Hughes read into record a letter from the Engineering Department (Tim Collins) to the developer regarding the impending reconstruction of Hudson St, and the timelines associated with any future disturbance to Hudson St.

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

Attorney Gadbois informed the Board of the developers' intention to completely at their own risk

bring the utilities required for the subdivision to the site. It is understood that in no way this action obligates or infers that the subdivision will be approved.

Mr. Cullen noted that if that were the case the City once it removes the existing curbing would leave an opening sufficient in width for a roadway opening, once again noting that action is completely at the developers risk and if the subdivision were to fail to gain approval the curbing would have to be completed.

7. Definitive Subdivision Submission: None

8. Signs: None

9. Unfinished Business:

A. Berlin Farms

Mr. Fay has reached out to Mr. Freeman. In response, Mr. Fay read into record the response he received via electronic communication. Mr. Freeman has noted that within the next 2 weeks it is his intention to have loam brought in to go over the access road and repair the slope at house #20 Long Dr. He is in process of installing all catch basin hoods as well as he has spoken with the engineer of record to submit all final plans needed for approval and sign off on Long Dr. The detention basin will receive attention as well.

Request of the Board is to have Mr. Freeman appear at an October meeting to update the Board on his progress.

It was noted to keep this item for reporting purposes on the next Planning Board agenda as well.

B. Blackhorse Farms Estate – Condition of Site

Mr. Cullen will be in touch with the developer via writing regarding the condition of the site and the required mowing that is not taking place on a regular basis.

It was noted to keep this item for reporting purposes on the next Planning Board agenda as well.

C. Map 101 Parcel 2 Simarano Dr & Forest St ANR Decision

Attorney David Gadbois was in attendance to answer any questions regarding changes to the plan as required by the City Engineer.

Ms. Hughes read the City Engineer's decision into record.

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to accept the recommendation of the City Engineer and place it on file.

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to endorse the Plan of Land as amended. The plan titled Plan of Land, Marlborough Massachusetts, prepared by: The BSC Group, Inc. 33 Waldo Street, Worcester, MA, Dated: September 6, 2013.

Land location Assessors Map 101, Parcel 2; Lots 1A and 1B on Simarano Drive and Forest Street.

10. Informal Discussions: None

11. Correspondence:

A. Chapter 40B: Re-emerging in a recovering market

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 Southborough Planning Board, Public Hearing September 16, 2013

B. Town of Hudson Zoning Board of Appeals, Public Hearing September 12, 2013.

C. Town of Hudson Zoning Board of Appeals, Decision August 8, 2013.

D. Town of Sudbury Zoning Board of Appeals, Public Hearing September 16, 2013.

E. Town of Framingham Planning Board, Public Hearing September 26, 2013.

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

Adjournment: On a motion made by Mr. Johnson, seconded by Mr. Hodge it was voted to adjourn at 8:40pm.

Respectfully submitted,

Colleen Hughes

/mai

August 27, 2013
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2013 SEP 27 A 8:27



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

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held on Tuesday, August 27th, 2013 at 10:00 a.m. in the City Council Committee Room, City Hall. Members present: Chairman - Police Chief Mark Leonard, DPW Commissioner Ronald LaFreniere, Fire Chief James Fortin and City Clerk Lisa Thomas. Also present: City Engineer Thomas Cullen and local resident Mr. Lee Thompson. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Tuesday, July 25th, 2013.

MOTION was made, seconded, duly VOTED:
TO APPROVE

2-New Business

2a) Parking Concerns – Highland St. @ Fremont St.

Chief Leonard received a call from a resident of Highland Street on this issue. Tom Cullen provided a photo of the area for reference. The resident said that vehicles have been parking where they shouldn't; however, she did also note that there is construction in the area and that maybe the vehicles belong to the construction crew (Dumas Construction). Chief Leonard advised that he drove by this morning. He asked about the possibility of a sign indicating "No Parking Here to Corner". Commissioner LaFreniere said that the standard is no parking 20 feet from the intersection. He is reluctant to install this type of sign as it would then set a precedent for other areas. He would prefer to speak to Mr. Dumas and ask him to be aware of the parking situation. Chief Leonard advised that he would send an officer up to find out who owns the vehicles in question. Maybe it is a temporary situation. Tom Cullen thinks there is a no parking restriction on the easterly side.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to look into the matter further.

2b) Whitcomb School parking lot – One-Way and No Parking

Tom Cullen provided a large scale diagram of the parking lot. He explained that the parking lot improvements are part of a capital appropriation that started off as curbing replacement. At John Ghiloni's request, the center island was removed. They ended up going with a layout similar to that at the high school where the buses enter and circle around the parking lot and into the designated bus parking area angled at the curb. The buses then pull out one by one without having to back up. Some signs had been installed but for some reason they were removed. Tom Cullen said that John Ghiloni is happy with the layout and finds that it works.

Chief Leonard's concern is if another vehicle is leaving the lot at the same time as the buses. The only exit is to pass behind the area where the buses are parked. Most of the staff parking appears to be behind the school near the bus area. Commissioner LaFreniere said that "fundamentally, from a traffic situation, he has major issues with the layout". The only way out for ALL traffic is behind the buses. He also said that the parking spaces are inconsistent with one way traffic. They should be angled. There should also be a separate exit for all other traffic so that cars do not have to exit behind the buses. The Commissioner also noted that the area where the buses park has a sign that says Do Not Enter – Buses Only, however, it doesn't make sense because it is NOT a bus entrance. It should just say Do Not Enter.

Chief Leonard asked if there was room for cars to exit in the other direction. The Commissioner said that the current entrance had always allowed for two way traffic. Chief Leonard doesn't think it would be that difficult to reverse traffic in the other direction in order to keep exiting traffic out of the bus lane. The Commissioner said that there is no likelihood of changing the bus parking; however, changing the direction of exiting traffic could work. He advised that there also needs to be stop lines, clear directional signs, fire lane signs and buses only signs. His suggestion is that everyone enter the same way, however, all cars then exit by the center lane (i.e. center lane would handle two way traffic). This would then keep cars out of the bus lane.

As school is starting tomorrow, the Commissioner will work with Engineering to get temporary signs in place.

MOTION was made, seconded, duly VOTED to REFER to Commissioner LaFreniere and Engineering to set up temporary signs for the first day of school and to work with John Ghiloni on a permanent plan.

2c) Communication from Councilor Tunnera, Re: Speed limit signs on East Dudley St.

Chief Leonard advised that he has sent radar patrols to this area. He noted that there do not appear to be any specific speed limit signs here; however, he is not sure that we really want them. Tom Cullen advised that Tim Collins went out there and said that they already have "thickly settled" signs on the street. He said that a traffic study was done here a few years ago and the average speed was found to be 29mph. He noted that East

Dudley has a paved width of 22 feet. It was discussed that enforcement would be the best course of action.

MOTION was made, seconded, duly VOTED to REFER to the POLICE DEPARTMENT for enforcement.

3-Old Business

3g) Communication from Councilor Clancy, re: request for signage on Bolton Street.

Mr. Lee Thompson was in attendance to follow up on this issue. Tim Collins was not present but had sent an e-mail to the Traffic Commission (copy attached) with the results of his review and his recommendation (attached also includes aerial photo and diagram). Tom Cullen also provided three photos of the area from three different angles. The main concern, as outlined in Tim Collins's e-mail, is that there is a conflict as to who has the right of way when traveling "(1) from Bolton Street, northbound bearing right onto Reservoir and (2) from Bolton Street, southbound traffic turning left onto Reservoir". He has determined that a yield sign here is, in fact, warranted. He is now trying to determine the proper placement according to the rules of the MUTCD.

All agreed that this was an appropriate location for a yield sign. Chief Leonard advised that he would work with Tim Collins on the wording for the new regulation. While conducting his review, Tim Collins found several other locations with yield signs but no formal regulation on file. Chief Leonard advised that he would also discuss this with Tim Collins. He then explained to Mr. Thompson that the traffic commission has to vote to approve the regulation for a yield sign at this location, than it is advertised to the public and then it can be installed.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to create the regulation for the yield sign. A vote can then be taken at the next meeting.

3e) Request to restrict parking on Kirby St.

Tom Cullen advised that we were not awarded the grant for this project so there is currently no funding available. He again presented the large diagram indicating the potential parking spaces available. It was determined that the flow seems to be to enter on Elm Street and flow down Kirby. There is currently two way traffic on this street, however, if vehicles were to park on both sides it would be nearly impossible to travel down the roadway. Commissioner LaFreniere said that the driveways are long and there should be plenty of parking available for residents. Chief Leonard said that he has not heard of any concerns during the No Parking Ban in the winter. The group agreed that if parking were to be restricted to one side, it would make sense to restrict parking on the West side. Chief Leonard noted that there is supposed to be 10 feet of roadway in both directions for parking to be allowed. As this is not the case, technically there should be no parking on either side.

Ron LaFreniere said that the main thing is to let the residents know as they are the ones who would be impacted. The initial request came from Councilor Oram; however, this

may be Councilor Tunnera's ward. Chief Leonard advised that he would let both councilors know what the Traffic Commission is thinking and ask for their opinion before any changes are made.

MOTION was made, seconded, duly VOTED to REFER to CHIEF LEONARD to discuss with Councilor Oram and Councilor Tunnera. This item will be left on Agenda for now.

3f) Parking restriction on Causeway St. Extension.

This item should have been removed from the Agenda. Revised regulation was voted on and approved at last month's meeting. Copy of regulation was sent to Lisa Thomas for advertisement.

3a) Municipal off street parking regulation.

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

3b) High School parking regulations.

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

3c) Stop signs on Bigelow Street.

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

3d) Traffic Commission rules and regulations update.

MOTION was made, seconded, duly VOTED:
To TABLE (as Tim Collins not at meeting).

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:55 am.

Respectfully submitted,

Karen L. Lambert
Records Clerk
Marlborough Police Department

List of documents and other exhibits used at the meeting:

- Meeting Agenda for Tuesday, August 27, 2013 (Including City of Marlborough Meeting Posting)
- Draft of Minutes from meeting on June 25, 2013

-E-mail from Councilor Tunnera to Chief Leonard, dated 7/29/14, re: Speed limit signs on Dudley and Chief's reply.

-E-mail from Tom Cullen to Chief Leonard, dated 7/25/13, re: Middle School Parking Lot (Including diagram).

-E-mail from Tim Collins to Traffic Commission members, dated 8/13/13, re: Reservoir Street, including aerial photo and diagram.

Additional Handouts

-3 photos of the intersection of Bolton St. & Reservoir St. (3 different views)

-Photo of the intersection of Highland St. & Fremont St.



The Hanover Insurance Company
Citizens Insurance Company of America

Property Unit
PO Box 15147
Worcester MA 01615-0147
Telephone: 508-816-4973 Ext:
Fax Number: 508-926-5660

RECEIVED
CITY CLERK
CITY OF MARLBOROUGH

September 16, 2013

2013 SEP 16 AM 10:06

CITY CLERK'S OFFICE
140 MAIN ST
MARLBOROUGH MA 01752

Re: Our Insured: James Severin
Policy Number: HPN 4791717
Claim Number: 15-00149696 001
Date of Loss: 03/01/2013
Property Address: 21 BARRETT RD MARLBOROUGH MA

To whom it may concern :

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

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

Sincerely,
Thomas Gorski

Thomas Gorski
Property Adjuster
Citizens Insurance Company of America



The Hanover Insurance Company
Citizens Insurance Company of America

Property Unit
PO Box 15147
Worcester MA 01615-0147
Telephone: 508-816-4973 Ext:
Fax Number: 508-926-5660

September 16, 2013

RECEIVED
CITY CLERK
CITY OF MARLBOROUGH

2013 SEP 27 10:06

CITY CLERK'S OFFICE
140 MAIN ST
MARLBOROUGH MA 01752

Re: Our Insured: James Severin
Policy Number: HPN 4791717
Claim Number: 15-00136073 001
Date of Loss: 06/15/2013
Property Address: 21 BARRETT RD MARLBOROUGH MA

To whom it may concern :

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

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

Sincerely,

Thomas Gorski

Thomas Gorski
Property Adjuster
Citizens Insurance Company of America