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CITY OF MARLBOROUGH

2013 JAN -3 P 12:38

1. Organizational Meeting.
2. Minutes of the City Council Meeting, December 17, 2012.
3. PUBLIC HEARING On the Application for Special Permit, Hancock Associates, on behalf of CMS Inc. for construction of a new 2,400 sq. ft. office building on nonconforming property at 379 South St., Order No. 12-1005236A.
4. Communication from the Mayor re: Recognition of Newly Appointed Police Officers.
5. Communication from the Mayor re: Open Space transfer request in the amount of \$147,363.53 which moves funds from Open Space Stabilization to Open Space Acquisition to pay outstanding loan balance for purchase of Mount Ward/Ward Hill.
6. Communication from the Mayor re: Commonwealth's Executive Office of Public Safety and Security Grant awarded to the Police Department in the amount of \$6,000.00 which will be used primarily for targeted drunk driving checks and enforcement.
7. Communication from the Mayor re: Grant awarded to the City in the amount of \$3,500.00 by the Foundation for MetroWest's "MetroWest Hunger Relief Fund" to help the neediest of our citizens through the Mayor's Charity Relief Fund.
8. Communication from the Mayor re: Appointment of Chief Leonard as Keeper of the Lockup for a period of one year.
9. Communication from the Mayor re: Clarification of Appointment of Ron Guest as Parking Clerk.
10. Communication from Council President Pope re: Appointment of Councilor Elder to the Design Selection Committee and Appointments of Councilor Robey and Landers to the Senior Center Advisory Committee.
11. Communication from Congressman McGovern re: Congressional Redistricting.
12. Application for Fuel Storage License, The TJX Companies Inc., 300 Puritan Way.
13. Application for Fuel Storage License, The TJX Companies Inc., 400 Puritan Way
14. Petition form NGrid to install six new heavy duty hand holes in the area of Bigelow Heights, URD, Bergeron Rd, Ahlgren Circle, Duca Dr., Rodgers Ave., Evelina Dr. and Houde St.
15. Communication from John Bresloun, President of JBS Development LLC, re: Acceptance of roadway and easements for the subdivision entitled "The Residence of Oak Crest".
16. Minutes, Traffic Commission, November 27, 2012.
17. Minutes, Community Development Authority, November 29, 2012.
18. Minutes, Council on Aging, December 11, 2012.
19. Minutes, Recreation Commission, January 25, March 8, April 12, October 11, November 8, 2011, January 10, February 14, March 13, April 10, & October 9, 2012.
20. Minutes, Planning Board, November 26 & December 3, 2012.

REPORTS OF COMMITTEES:



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
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DECEMBER 17, 2012

Regular meeting of the City Council held on Monday, DECEMBER 17, 2012 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Ossing, Pope, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, and Landers. Meeting adjourned at 10:45 PM.

ORDERED: That Council President Pope held a moment of silence for the Newtown CT. Victims; **FILE**; adopted.

ORDERED: That the Minutes of the City Council Meeting, DECEMBER 3, 2012, **FILE**; adopted.

ORDERED: That the **CONTINUED JOINT TAX CLASSIFICATION PUBLIC HEARING** with the Board of Assessors on Monday, DECEMBER 17, 2012 at 8:00 p.m. in Council Chambers, 2nd Floor, City Hall, 140 Main Street, Marlborough, MA to determine the percentage of the local tax levy to be borne by each class of property for Fiscal Year 2013. Massachusetts General Laws Chapter 40, Section 56 sets forth the procedures and responsibilities under the law, all were heard who wish to be heard, hearing recessed at 8:32 p.m.; adopted.

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

ORDERED: That the **PUBLIC HEARING** On Proposed Zoning Amendments as follows: Adding to Section 650-5.B a definition for "Data Storage/Telecommunications Facility", Adding to the Table of Use Regulations, Section 650-17, a category for "Data Storage/Telecommunications Facilities" under "Industrial Uses", and Adding to Section 650-48.A a new item (15), Order No. 12-1005235, all were heard who wish to be heard, hearing recessed at 8:40 p.m.; adopted.

ORDERED: That the **PUBLIC HEARING** On the Application for Special Permit from Cumberland Farms Inc., 412 & 418 Maple St. and Walker St. to construct a convenience store with gasoline sales on the subject parcels and to operate new facility from 5:00 AM to midnight, Order No. 12-1005220, X-12-1005081, all were heard who wish to be heard, hearing recessed at 9:50 p.m.; adopted.

ORDERED: That the transfer of \$34,850.00 (thirty four thousand eight hundred fifty dollars) from Sale of Graves to Reduce the FY2013 Tax Levy, **APPROVED**; adopted.

FROM:

Acct. # 27000-33020 \$34,850.00

Sale of Graves

TO:

To Reduce 2013 Tax Levy \$34,850.00

Yea: 11 - Nay: 0

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

ORDERED: That the transfer of \$376,801.00 (three hundred seventy six thousand eight hundred and one dollars) from Acquirer Protection to Reduce the FY2013 Tax Levy, **APPROVED**; adopted.

FROM:

Acct. # 61000-31200 \$376,801.00

Acquirer Protection

TO:

To Reduce 2013 Tax Levy \$376,801.00

Yea: 11 - Nay: 0

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

ORDERED: That the Residential Shift Factor of 1.47, **APPROVED**; adopted.

Yea: 10 - Nay: 1

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

Nay: Oram

ORDERED: That the following percentage of FY2013 Tax Levy, **APPROVED**; adopted.

Residential 52.3493 (Residential Property Valuation 67.5824% of total valuation)

Yea: 11 - Nay: 0

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

ORDERED: That the following percentage of FY2013 Tax Levy, **APPROVED**; adopted.

Commercial, Industrial, Personal 47.6507 (CIP Valuation 32.4176% of total valuation)

Yea: 11 - Nay: 0

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

ORDERED: That the Inter-Municipal Agreement-Town of Sudbury to staff their Veteran's Services office, X-12-1005212, **FILE**; adopted.

ORDERED: That the Municipal Aggregation Program, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

Councilor Ossing abstained

ORDERED: At President Pope's request to recess at 10:05 PM and returned to open meeting at 10:10 PM, **APPROVED**; adopted.

ORDERED: That the Marlborough Economic Development Corporation (MEDC) Master Plan., refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED: That the Sign Ordinance, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Appointment of Ron Guest as Parking Clerk effective January 2, 2013, **FILE**; adopted.

ORDERED: That item #11, Proposed Results Way Mixed Use Overlay District Zoning Ordinance in proper legal form, Order No. 12-1005154B, **MOVED TO ITEM 20**; adopted.

ORDERED: That Request for Proposals for Wireless Telecommunications Leasing Project at Fairmount Hill Water Tank, 115 Onamog St., refer to **WIRELESS COMMUNICATIONS COMMITTEE**; adopted.

ORDERED: That Communication from Attorney Bergeron re: Notice of Representation, 630 Forest Realty LLC, Verizon, and Partners Healthcare Systems regarding various zoning matters, **FILE**; adopted.

ORDERED: That Chapter 650 of the Code of the City of Marlborough, being the zoning ordinance, as most recently amended, be further amended as follows:

1) By adding to Section 650-17, Table of Use Regulations, an additional use, "Utility Service Vehicle Maintenance," said use to be allowed only in the Industrial zones; and

2) By adding to Chapter 650, Section 650-18(A) the following new section (41), as follows:

(41) Utility Service Vehicle Maintenance

(a) A utility company in the business of operating and maintaining a transmission system for the provision of telephone, internet, electric, or other utility systems and maintaining utility service vehicles for that purpose may provide a place for undertaking minor mechanical servicing for said vehicles in a building used by said utility company for other purposes, provided that:

(i) all said motor vehicle service shall be conducted indoors

(ii) any motor vehicle bays or doors providing access to said indoor area, shall be located so as to face away from all existing streets

(iii) the size of said motor vehicle service area shall not constitute more than 10% of the total space in said building used by said utility or more than 10,000 square feet, whichever amount of space is smaller

Refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE PUBLIC HEARING FOR THE SECOND MEETING IN JANUARY, 2013**; adopted.

ORDERED: That the Communication from David Renzi and Linda Senecal re: Proposed Senior Center/Renzi Shoe Repair Shop Museum, refer to the **MAYOR**; adopted.

ORDERED: That the Minutes, Council on Aging, November 13, 2012, **FILE**; adopted.

ORDERED: That the Communication from Amica on behalf of Philip Lioio re: Sewer Backup, refer to **LEGAL DEPARTMENT**; adopted.

Reports of Committees:

Councilor Clancy reported the following out the Urban Affairs Committee:

Order No. 12-1005219 – The Urban Affairs Committee met on 12/5/12 at 6:07 PM reviewed Council Order No. 12-1005219: Communication from Attorney Arthur Bergeron with request by Breazzano Properties Corp, seeking permission for the transfer of ownership of Real Estate referred to as Old Lakeside Ave.

Members Present: Councilors Clancy, Landers, Robey and Tunnera; Councilor Elder absent due to illness

Also: Councilor Jenkins and City Solicitor Donald Rider

Applicants Present: Atty. Arthur Bergeron, Bruce Saluk, Mark Breazzano and Atty. Douglas Rowe

The land in question, containing 8,813 sq. ft., is often referred to as Old Lakeside Avenue and currently bisects other land belonging to Breazzano Properties Corp. on which are located both Allora Restaurant and Weichert Realtors. A similar request was made to the City of Marlborough in 2006 and was voted by the City Council not to convey the property to Breazzano Properties until a determination was made by the Commonwealth of Massachusetts addressing its legal interest in the property. In a memorandum by MassDOT Highway Division on 10/14/12 it was determined that the MassDOT did not own the subject parcels in Marlborough, Massachusetts based on the Discontinuance of Route 20, Chapter 151, Section 567 of the Acts of 1996, and the City of Marlborough is the owner of the subject parcels of land with authority to convey the ownership of the parcels. With that understanding, the applicant is willing to offer the sum of, not less than, \$15,000 for the transfer of ownership from the City of Marlborough to Breazzano Properties Corp. This offer is based on the assessed value of \$10,491, determined by the 8,816 sq. ft. at \$1.19. The transfer of ownership will have conditions similar to those attached by the City Council on the transfer of ownership of nearby property on 1/18/2001 to Gerald Seymour. These conditions are stated in the two orders which must be adopted by the City Council for the conveyance of the property. The City Solicitor will provide the orders in proper legal form for the City Council's action.

The first order declares that by a simple majority vote, the City's right, title and interest is available for disposition by sale, subject to restrictions, as determined, for the Discontinuance Area.

The second order authorizes the Mayor, by a two-thirds vote, to convey the City's right, title and interest, with restrictions to the Discontinuance Area, to Breazzano Properties Corp. of 193 Dutton Rd. Sudbury, MA for the sum of no less than \$15,000.

Motion to approve the transfer, made by Councilor Tunnera, seconded by the Chair and the Request was approved 4-0.

The Urban Affairs Committee is requesting that a Suspension of the Rules be granted, so as to act on the conveyance at the December 17, 2012 regular meeting. By acting on it in this year, the conveyance, upon approval by the Mayor with a Release Deed, will then be placed on the tax roles for this coming year.

Suspension of Rules requested – granted

ORDERED: That the DPW transfer request in the amount of \$52,725.22 which moves funds from Reserve for Salaries to various accounts as noted below to fund the Marlborough Public Works Equipment Operators Association Contract, refer to **FINANCE COMMITTEE**; adopted.

TRANSFER REQUEST									
DPW LABOR CONTRACT									
FROM ACCOUNT					TO ACCOUNT				
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DISCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DISCRIP	AMOUNT AVAIL
\$ 624,992.00	\$ 52,725.22	11990006	57820	Resrv Salaries	\$ 16,111.00	14001301	50740	OPERATORS	\$ 392,845.00
					\$ 510.00		51430	LONG	\$ 363.49
					\$ 401.00		51920	SLBB	\$ 34,150.00
					\$ 3,362.00	14001403	50745	MOTOR OPS	\$ 84,087.00
					\$ 1,146.00		50760	WORKING FORE	\$ 29,351.00
					\$ 11.00		51430	LONG	\$ 1.00
					\$ 14,565.00	14001503	50740	OPERATORS	\$ 310,752.00
					\$ 241.00		51920	SLBB	\$ 14,412.00
					\$ 224.00		51430	LONG	\$ 4,606.00
					\$ 1,120.38	60081001	50750	OPERATORS	\$ 29,021.00
					\$ 10.42		51430	LONG	\$ 901.00
					\$ 1,120.38	60085001	50750	OPERATORS	\$ 28,020.00
					\$ 68.04		51430	LONG	\$ 2,955.84
					\$ 1,120.00	61090001	50460	WR READERS	\$ 28,020.00
					\$ 12,325.00	61090001	50740	OPERATORS	\$ 333,247.00
					\$ 200.00		51430	LONG	\$ 1,126.00
					\$ 190.00		51920	SLBB	\$ 33,637.00
				Total	\$ 52,725.22				\$ 1,327,495.33
Reason:	To fund DPW Labors Contract								

Suspension of Rules requested – granted

ORDERED: That the City Council of the City of Marlborough,

having determined, pursuant to M.G.L. c. 40, § 15, that the City’s right, title and interest, if any, in a portion of property discontinued by the Commonwealth of Massachusetts Department of Public Works as a state highway in 1972, held for general municipal purposes, and discontinued by the City Council as a public way in 2006 (Order No. 06100-1204A), which portion of property is located off Lakeside Avenue and is identified and described as a portion of the land shown as Parcel 40A on Map 80 of the Marlborough Assessors Map,

and being more particularly shown as “Discontinuance Area” on a plan entitled “Discontinuance Plan of Land in Marlborough, MA; Prepared for: David Breazzano, 193 Dutton Road, Sudbury, MA 01776; Prepared by: Bruce Saluk & Associates, Inc., Civil Engineers & Land Surveyors, 576 Boston Post Road East, Marlborough, MA 01752; Date: October 7, 2005; Revised: April 20, 2006; Revised May 17, 2006; Scale: 1” = 30’ ” (the “Plan”), said Plan to be recorded in the Middlesex South District Registry of Deeds,

is no longer needed for such purposes,

hereby declares, by a simple majority vote pursuant to M.G.L. c. 30B, § 16(a), that the City’s right, title and interest, if any, in said Discontinuance Area is available for disposition by sale, with the following restrictions on the subsequent use of said Discontinuance Area:

1. the City of Marlborough shall retain a perpetual utility easement right, consistent with said Order No. 06100-1204A, to access, repair and maintain certain stormwater drainage, water and sewer mains or other pipes and structures on or beneath portions of said Discontinuance Area and over land of Breazzano Properties, Corp. adjacent to said Discontinuance Area;
2. the use of the said Discontinuance Area shall be restricted to the provision of parking spaces, and, in light of the utility easement right retained by the City, said use shall be subject to the express approval of the Commissioner of the City’s Department of Public Works; and
3. the said Discontinuance Area shall not be considered a separate buildable lot.

APPROVED; adopted.

Suspension of Rules requested – granted

ORDERED: That the City Council of the City of Marlborough,

having declared in Order No. 12-1005219A that the City’s right, title and interest, if any, in said Discontinuance Area is available for disposition by sale,

now hereby authorizes the Mayor, by a two-thirds vote pursuant to M.G.L. c. 40, § 15, to convey the City’s right, title and interest, if any, in said Discontinuance Area to Breazzano Properties, Corp., of 193 Dutton Road, Sudbury, Middlesex County, Massachusetts, for at least the minimum amount of Fifteen Thousand and 00/100 (\$15,000.00) Dollars, and upon such other terms as the Mayor shall consider proper consistent with the intent of this Order.

APPROVED; adopted.

Yea: 11 - Nay: 0

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

Suspension of Rules requested – granted

ORDERED: That the Agreement to Extend Time Limitations on the Application for Special Permit from Logical Partners, LLC to extend time limitations for construction of three Townhouse Condominium Units at 126 Pleasant St. to February 28, 2012, until 5:00 PM, **APPROVED**; adopted.

Councilor Tunnera abstained

ORDERED: That the Marlborough Economic Development Corporation transfer request in the amount of \$277,099.00 which moves funds from Economic Development to MEDC Funding to fund their operations and special projects for the remainder of the fiscal year, **APPROVED**; adopted.

FROM:

Acct. # 27000099-42440	\$277,099.00
Economic Development	

TO:

Acct. # 11740006-53950	\$277,099.00
MEDC Funding	

ORDERED: That the School Department Supplemental Budget Request in the amount of \$2,581,967.00 for additional FY13 funding, **APPROVED**; adopted.

FROM:

Acct. # 10000-35900	\$2,581.967.00
Undesignated Funds	

TO:

Acct. # 13000006-57000	\$2,581,967.00
School Budget	

Yea: 10 - Abstain: 1

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

Abstain: Oram

ORDERED:

ARTICLE VI

§650-33 – RESULTS WAY MIXED USE OVERLAY DISTRICT

A. **Purpose and Objectives**

The Results Way Mixed Use Overlay District (herein, also a “RWMUOD”) allows the application of supplemental land use controls within the boundaries of a certain overlay district, subject to City Council approval (hereinafter any reference to City approval shall be deemed to mean approval by the City Council) as an alternative to land use controls that exist in the underlying district(s). The establishment goals of the Results Way Mixed Used Overlay District are to enhance land use development and encourage desired growth patterns for the benefit of the public health, safety and welfare, by promoting integrated, pedestrian friendly, mixed use development to allow for the development of housing, retail and workplaces within close proximity of each other consistent with the stated economic development objectives of the City (collectively, herein “Mixed Use Developments” or “MUD”).

For the purposes of this section, the RWMUOD shall be superimposed on the other districts existing at the time that any land in any said underlying district is also included in the RWMUOD. The RWMUOD district is adjacent to Simarano Drive to the west, Forest Street to the north, and Puritan Way and Results Way to the east as indicated on the City Zoning Map and more particularly described in Exhibit "A" annexed hereto and incorporated by reference herein.

For the purposes of the Zoning Ordinance, a "Mixed Use Development" or "MUD" shall include any eligible use set forth in Section E, below, which may be commingled into a single structure or structures with other eligible uses or may be located in separate structures on the site subject to any restrictions and/or limitations set forth in the Development Agreement described in Section C(2) below. Accordingly, Mixed Use Developments shall benefit the public health, safety and welfare, through the sharing of parking lots and driveway curb cuts, to minimize the amount of impervious paved parking areas, to reduce traffic congestion, to reduce automobile trips, and accordingly to improve air quality.

B. Authority of Permit Granting Authority

The City Council shall be the Permit Granting Authority for Special Permit and Site Plan Approval in the RWMUOD. In all instances, a development which proceeds under the RWMUOD overlay is subject to Site Plan Approval in accordance §270-2 of the Marlborough City Code, with the exception that the City Council shall be the Permit Granting Authority for Special Permit and Site Plan approval in the RWMUOD.

The City Council may elect to vary the dimensional and parking requirements of this Section by Special Permit if, in their opinion, such change shall result in a substantially improved project and will not nullify or substantially derogate from the intent or purpose of this section. This authority continues subsequent to occupancy.

C. Master Concept Plan

- (1) The property owner/developer of the RWMUOD shall, prior to or simultaneously with, the first application for approval of a site plan and/or special permit for the RWMUOD, file the following with the City Council for approval:
 - (a) A Master Concept Plan ("Master Plan") which shall in a general manner show:
 - (i) The location and areas of proposed development;
 - (ii) Proposed open space (usable or natural);
 - (iii) Proposed site access curb cuts off of Simarano Drive and Forest Street; and
 - (iv) Proposed building "envelope(s)" where construction is anticipated to occur (excluding internal site driveways).

- (b) A table showing approximate acres and calculations of the following:
 - (i) Total land area of each development area (building envelope area);
 - (ii) Total development limitations, if any, of uses in any developable area;
 - (iii) Total maximum development (square footage/use limitations); and
 - (iv) Approximate number of parking spaces for the entire RWMUOD District.

The Master Plan shall be approved by a super majority (2/3) vote of the City Council at a public meeting and shall thereafter become the general development plan governing development at the RWMUOD. The Master Plan may be amended from time to time by a super majority vote (2/3) of the City Council by application from the property owner/developer to reflect changing development conditions.

- (2) A Development Agreement in recordable form binding upon the developer/property owner. The Development Agreement shall be approved by a super majority (2/3) vote of the City Council prior to the issuances of the first permit/site plan approval for development within the RWMUOD, which shall contain, without limitation:
 - (a) Required mitigation (including traffic demand management initiatives) to address the impacts arising out of the use and occupancy of the proposed project, or if at the time of execution such impacts are not known, the methodology for assessing and addressing such impacts as the development of the RWMUOD progresses.
 - (b) Restrictions on development areas and such other development limitations as may be agreed upon.
 - (c) Proposed phasing of the development of the RWMUOD.
 - (d) Obligations with respect to pedestrian and vehicular interconnectivity within the RWMUOD to facilitate pedestrian access and parking efficiencies.
 - (e) The authority of the City Council to retain the necessary professionals to assist in their review of development applications.

- (f) An agreement by the property owner/developer of the residential component of the property to make a one-time financial contribution to the City per residential unit developed at the RWMUOD for which a building permit is issued. This payment shall be due at the time of the issuance of the building permit for the unit(s). This amount to be used by the City acting by and through the City Council to assist in the identification and implementation of zoning, economic and other strategies to foster professional, retail and commercial development initiatives as well as the development of affordable housing which may include, without limitation, the preparation of a Housing Production Plan in accordance with the rules and regulations of the Massachusetts Department of Housing and Community Development (760 CMR 56.03(4)) and the funding of the implementation of the goals and objectives set forth in such plan.

The Development Agreement shall govern the implementation of the Master Plan and development at the RWMUOD.

D. Exclusivity/Control

Except as specifically provided herein, uses and provisions of Article V of Chapter 650 (Zoning) relating to the underlying zoning district not otherwise impacted by this Section (§650-33 et. seq.) shall continue to remain in full force and effect, provided however that the City Council shall be the Special Permit Granting and Site Plan Approval Authority, if applicable. This Section (§650-33 et. seq.) of the Zoning Ordinance exclusively controls the establishment, development, and design of any MUD undertaken in the RWMUOD and supersedes any other provision of the Zoning Ordinance (except the provisions of the Water Supply Protection District, provided that the maximum total impervious surface coverage for the RWMUD shall be 60% calculated on the entire land area of the RWMUOD and not on an individual lot basis). In the event of any conflict between the provisions of this Section (§650-33 et. seq.) and any other provision of the Zoning Ordinance, the provisions of this Section shall govern and control.

E. Eligible Uses

Except as specifically set forth below, all uses permitted in the Industrial and Limited Industrial Districts either as of right or by special permit in accordance with §650-17 of the Zoning Ordinance are permitted in the RWMUOD. If a use requires a special permit under §650-17, Table of Use Regulations, such use shall continue to require a special permit under this Section.

- (1) The following additional uses are also permitted BY-RIGHT in the RWMUOD:
- (a) Research and experimental labs (33)¹ research and development includes, without limitation, laboratories engaged in research, experimental and testing activities including, but not limited to, the fields of biology, chemistry, electronics, engineering, geology, pharmaceuticals, medicine and physics
 - (b) Medical office and diagnostic medical laboratories appurtenant to offices of physicians and dentists
 - (c) Associated/accessory research uses (35)¹
 - (d) Advanced manufacturing which shall include high technology manufacturing such as, but not limited to, laser technology, robotics, nanotechnology and computer associated design and software development
 - (e) Multi-family dwelling – up to 350 dwelling units within the entire RWMUOD Zoning District including, without limitation, age restricted dwelling units
 - (f) Retail sales and services – up to 75,000 square feet of total gross floor area, up to 10,000 square feet of gross floor area per establishment
 - (g) Hotels and motels
 - (h) Hotels with conference facilities and commercial uses
 - (i) Car parking lots, garages - a structure or a group of structures that facilitate the parking of vehicles at ground level, above or below grade and shall include area for the parking vehicles at, above and/or below grade under a building or otherwise integrated into another structure
 - (j) Consumer service establishments complimentary to the other principal uses at the property
 - (k) Restaurant, café with or without table service (including outside seating and service)
 - (l) Health, sports and fitness clubs (indoor and/or outdoor) and related facilities
 - (m) Self-service laundry

¹ Numbers in parentheses correspond to subsection numbers in §650-18, Conditions for Uses, as noted in §650-17, Table of Use Regulations.

- (n) Dry Cleaning (pick up and drop off only)
- (2) The following additional uses are also permitted BY-SPECIAL PERMIT in the RWMUOD:
- (a) Multifamily dwelling – more than 350 dwelling units within the entire RWMUOD Zoning District including, without limitation, age restricted dwelling units
 - (b) Drive through facilities associated with retail (e.g. banks; pharmacies) and food services
- (3) The foregoing Sections notwithstanding, the uses set forth as follows are expressly PROHIBITED in the RWMUOD:
- (a) Adult entertainment including an adult bookstore, video store, paraphernalia store, movie theatre, or live entertainment establishment
 - (b) Tattoo and body piercing parlors and shops
 - (c) Dye Works
 - (d) Biosafety Level 4 laboratories, as defined by the United States Center for Disease Control and Prevention
 - (e) Establishments for construction in such services as, but not limited to, building, building maintenance, plumbing, landscaping, electrical, masonry, carpentry, well drilling
 - (f) Electroplating, metal finishing except by special permit as an accessory use to an otherwise permitted principal use
 - (g) Hazardous and toxic chemical manufacturing
 - (h) Trucking terminal and distribution center
 - (i) Automotive sales and/or service
 - (j) Retail gasoline, oil and lubrication stations
 - (k) Commercial bakeries
 - (l) On site sales and rental of heavy machinery and vehicles
 - (m) Laundry and dry cleaning establishment, except drop off and pick up operations and facilities designed to service residents of Multi-family dwelling

- (n) Any activity or use directly or indirectly involving, without limitation, the dispensing, use, sale, growing, storage or transportation of medical marijuana, including any medical marijuana treatment center
- (o) Any on-site facility or clinic devoted to the treatment of substance addiction, including any narcotic detoxification and/or maintenance facility.

F. Dimensional Requirements

The RWMUOD shall be subject to the dimensional standards in accordance with Article VII of the Marlborough Zoning Ordinance with the following exceptions:

- (1) The RWMUOD shall consist of one or more lots. There is no minimum acreage requirement for a lot to be a part of the Results Way Mixed Use Overlay District.
- (2) Minimum Lot Frontage measurement shall be no less than fifty (50) feet for any lot wholly located within the boundaries of the RWMUOD.
- (3) Minimum Front Yard measurement shall be no less than thirty (30) feet for any lot wholly located within boundaries of a RWMUOD.
- (4) No less than fifteen (15) feet shall separate the structural side wall of any two or more MUD Structures. No less than fifteen (15) feet shall separate any area behind and or between structures, and fire suppression vehicles shall have clear and adequate access to all structures.
- (5) Maximum building height in RWMUOD shall not exceed 80 feet, provided: (i) residential structures shall not exceed 70 feet; and (ii) no structure located within 120 feet from the centerline of Forest Street shall exceed 50 feet.
- (6) Maximum Lot Coverage shall be calculated on the entire land area of the RWMUOD and not on an individual lot basis, and shall not exceed 60 percent of the total area of the RWMUOD.

G. Parking and Curb Cut Requirements.

Except as otherwise provided in this section, parking and circulation requirements shall conform with the provisions of Section §650-48 and §650-49 of the Zoning Ordinance.

- (1) General - In the RWMUOD adequate off-street parking shall be provided. The City Council and the applicant shall have as a goal for the purposes of defining adequate off-street parking, making the most efficient use of the parking facilities to be provided and minimizing the area of land to be paved for this purpose. In implementing this goal the City Council shall consider complementary or shared use of parking areas by activities having different peak demand times, and the applicant shall locate adjacent uses in such a manner as will facilitate the complementary use of such parking areas. Implementation of such complementary use of parking areas may result in permitted reductions in the parking requirements.
- (2) Parking Locations - Parking may be provided at ground level, underground or in a parking garage. Parking garages can be free standing or as part of buildings dedicated to other permitted uses.
- (3) Parking Spaces for Each Dwelling Unit - There shall be a minimum of 1.5 parking spaces for each dwelling unit.
- (4) Granting of Relief from Parking Regulations - The City Council may waive any of the foregoing requirements or the requirements of Section §650-48 if it makes a finding that to do so will enhance the overall design of the RWMUOD.

H. Signage

Except as otherwise provided in this Mixed Use Ordinance, signage shall conform with the provisions of Chapter 526 of the Marlborough City Code – the Sign Ordinance.

- (1) Granting of Relief from Signage Regulations - The City Council may waive any of the requirements of the Sign Ordinance if it makes a finding that to do so will enhance the overall design of the RWMUOD.

I. Application

An application for a Special Permit for a use in the Mixed Use Development in the RWMUOD shall comply with the requirements of §650-59 et. seq. of the Zoning Ordinance. In the matter of a Site Plan Approval, the application shall comply with the requirements of the City Code, Article II, Permits and Approvals, §270-2 et. seq.

The City Council in connection with a Special Permit and/or Site Plan application shall review such applications with respect to the following design criteria:

- (i) Compliance of sidewalks with Americans with Disabilities Act (ADA) Design Standards;
- (ii) Street façade and exterior walls visible from public ways;
- (iii) Public space;

- (iv) Scale of buildings; and
- (v) External Lighting

Concurrent with any public hearing/meeting associated with a special permit and/or site plan filing, the applicant shall make a presentation to the City Council to present the proposed architectural design and shall consider the comments and input from the City Council. A final building elevation shall be submitted prior to the close of the public hearing/meeting.

J. Standards for Roadways and Drainage

- (1) Roadways – Internal RWMUOD roadways shall be private ways and shall be maintained by the owners/developers of the RWMUOD and portions thereof. Private ways within the RWMUOD, to the extent feasible, shall be constructed using the methods and materials prescribed in the Rules and Regulations for the Subdivision of Land in the City, but shall not be required to conform to the dimensional requirements thereof, provided that those private roadways shall be adequate for the intended vehicular and pedestrian traffic and shall be maintained by the owner/developer or an association of owners.
- (2) Storm Water Management System - The RWMUOD shall have a storm water management system designed in accordance with the Rules and Regulations for the Subdivision of Land in the City and the Department of Environmental Protection's Storm Water Management Guidelines, as amended.

K. Amendments

After approval, the owner/developer may seek amendments to the approved permits. Minor amendments to a Special Permit and major or minor amendments to a site plan approval may be made by a super majority (2/3) vote of the City Council. It shall be a finding of the City Council, not subject to dispute by the applicant, whether a requested amendment is deemed to be a major amendment or a minor one. In general, a minor modification shall not produce more than a material increase in the scale of a project nor produce more than a material increase in impact on City services, the environment or the neighborhood. If it is determined that revisions to a Special Permit are not minor, per Section 650-59 of the Zoning Ordinance, an application for a revised Special Permit shall be filed, and a public hearing shall be held in the same manner as required for a new application, subject to the fee schedule under Subsection C(3)(f) of Section 650-59.

APPROVED; adotped.

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

ORDERED: That the City Council of the City of Marlborough,

having been notified by the Commissioner of Public Works, pursuant to M.G.L. c. 40, § 15, that the City's fee interest in a portion of municipal property taken for sewer purposes and located in part off Framingham Road, and identified and described as a portion of the land shown as Parcel 93A on Map 93 of the Marlborough Assessors Map,

and being more particularly shown as "Parcel 'D'" on a plan entitled "Plan of Land in Marlborough, MA, Owner: Celeste Walker, Executrix, 990 Center Street, Apt. #2, Jamaica Plain, MA 02130-3029, Prepared for: Melanson Development Group, Inc., P.O. Box 564, Woburn, MA 01801; Prepared by: Bruce Saluk & Associates, Inc., Civil Engineers & Land Surveyors, 576 Boston Post Road East, Marlborough, MA 01752; Date: November 29, 2010; Scale: 1" = 40'," containing 24,032 square feet (0.55 acres), more or less, said plan to be recorded in the South Middlesex Registry of Deeds,

is no longer needed for such purposes,

hereby declares, by a simple majority vote pursuant to M.G.L. c. 30B, § 16(a), that the fee interest in said Parcel D is available for disposition by sale, with the following restrictions on the subsequent use of said Parcel D:

1. the City reserves to itself a perpetual public sewer easement in, under, upon and through said Parcel D, for the purposes of maintenance, repair, construction or reconstruction of public sewer lines; for the installation, repair or replacement of additional sewer pipes or any other municipal utilities or services; and for passive recreation purposes; and
2. the City also reserves the right to excavate or disturb ground without responsibility for repairing the surface, whether with loam or seed, and hereby prohibiting the grantee, its heirs, successors or assigns from planting, installing or maintaining any bushes, plants, trees or a structure of any kind in or about said Parcel D, unless approved in advance by written approval of the Commissioner of Public Works of the City of Marlborough.

The above declaration shall be null and void unless, on or before January 1, 2014, the Marlborough Planning Board, pursuant to Chapter 650-28 of the Marlborough zoning ordinance, has granted to Melanson Development Group, Inc. an open space development special permit which incorporates said Parcel D as described above.

NOT APPROVED; adopted.

ORDERED: That the City Council of the City of Marlborough,

having declared in Order No. 12-1005149A, that the fee interest in said Parcel D is available for disposition by sale, with the use restrictions recited in said Order,

now hereby authorizes the Mayor, by a two-thirds vote pursuant to M.G.L. c. 40, § 15, to convey the City's fee interest in said Parcel D to Melanson Development Group, Inc., of 5 Robertson Way, Woburn, Middlesex County, Massachusetts, for at least the minimum amount of Thirty-Six Thousand and 00/100 (\$36,000.00) Dollars, and upon such other terms as the Mayor shall consider proper and consistent with the intent of this Order and at a sales price that would maximize the total economic return to the City.

NOT APPROVED; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 10:45 PM.



IN CITY COUNCIL

NOVEMBER 26, 2012

Marlborough, Mass., _____

ORDERED:

That there being no objection thereto set **MONDAY, JANUARY 7, 2013**, as date for a **PUBLIC HEARING** for the Application of Hancock Associates, on behalf of CMS Inc. for construction of a new 2,400 sq. ft. office building on nonconforming property at 379 South St., refer to **URBAN AFFAIRS COMMITTEE PLANNING BOARD, AND ADVERTISE.**

ADOPTED

ORDER NO. 12-1005236



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

Arthur G. Vigeant
MAYOR

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

2013 JAN -3 A 11: 56

January 3, 2013

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

RE: Recognition of Newly Appointed Police Officers

Honorable President Pope and Councilors:

In keeping with past practice, I would ask that the City Council recognize and congratulate the following six individuals who have been appointed to the Marlborough Police Department in 2012.

Scott Carey graduated from the Boston Police Academy on July 24, 2012. He completed Field Training and is assigned to the midnight shift.

Paul McCarthy transferred here from the Oxford Police Department on August 20, 2012. He has completed Field Training and is assigned to the midnight shift.

Rafael Faria graduated from the Boylston Police Academy on December 7, 2012 and is currently in Field Training.

Christopher Bradley is scheduled to graduate from the Reading Police Academy on January 15, 2013 and will begin Field Training for the next ten weeks.

Tyler McElman and **Alyssa Stetson** are scheduled to begin the Springfield Police Academy in February 2013. Their expected Academy graduation date is late July 2013.

I am enormously pleased with the caliber of these men and women and ask that you join me in wishing them a long and successful career serving and protecting our community.

Sincerely,

Arthur G. Vigeant
Mayor



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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2013 JAN -3 A 11:5

Arthur G. Vigeant

MAYOR

Michael C. Berry

EXECUTIVE AIDE

Patricia Bernard

EXECUTIVE SECRETARY

January 3, 2013

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

RE: Transfer Request – Open Space Acquisition

Honorable President Pope and Councilors:

In the year 2000, the City of Marlborough purchased a parcel of land in the Route 20 East section of our city that is known to some as Mount Ward and Ward Hill to others. The cost of this acquisition amounted to \$834,246.00. The loan is not scheduled to be paid off until 12/7/16.

We have now arrived at a point where I believe it is prudent for us to pay off the outstanding loan balance in full. To that end, I am seeking your approval for the following transfer request:

- 1) Transfer in the total amount of \$147,363.53 from 83600-11520 (Open Space Stabilization) to 19300006-58170 (Open Space Acquisition).

By paying this off in full, we will realize a savings of \$12,037.43. I respectfully seek your approval for this request. For your edification, I have enclosed the relevant backup information that will detail for you the history of this particular acquisition.

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

Sincerely,

Arthur G. Vigeant
Mayor

TRANSFER REQUEST

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT		TO ACCOUNT			AMOUNT AVAIL		
		ORG C	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	
				Open Space Stabilization			Capital Outlay		
\$ 823,422.57	\$ 147,363.53	83600	11520	Open Space Stabilization	\$ 147,363.53	19300006	58170	Open Space Acquisition	\$ -

Reason: To Fund The Total Land Purchase Payment for Mt. Ward

Dept Head Signature

Ward Mountain
782 Boston Post Road
Marlborough, MA 01752
508-229-2488
Fax: 508-624-7054

December 11, 2012

INVOICE

Mr. Tom Able
City of Marlborough
140 Main Street
Marlborough, MA 01752

Dear Mr. Able:

On December 7th, 2011, the annual payment of **\$39,850.24** was due to Ward Mountain, per our agreement. If you choose to payoff this loan, the payoff due on December 7th, 2012 was \$147,363.53.

The daily rate of interest on this note is \$21.05. Current unpaid principal is \$139,681.06.

Please mail the check to the above address. Thank you in advance for your attention in this matter.

Sincerely,



Korina Z. Peltak
Office Manager

Loan Amortization Schedule

Enter values	
Loan amount	\$ 400,000.00
Annual interest rate	5.50 %
Loan period in years	15
Number of payments per year	1
Start date of loan	12/7/2001
Optional extra payments	

Loan summary	
Scheduled payment	\$ 39,850.24
Scheduled number of payments	15
Actual number of payments	15
Total early payments	\$ -
Total interest	\$ 197,753.59

Lender name: Ward Mountain LLC

Pmt. No.	Payment Date	Beginning Balance	Scheduled Payment	Extra Payment	Total Payment	Principal	Interest	Ending Balance	Cumulative Interest
1	12/7/2002	\$ 400,000.00	\$ 39,850.24	\$ -	\$ 39,850.24	\$ 17,850.24	\$ 22,000.00	\$ 382,149.76	\$ 22,000.00
2	12/7/2003	\$ 382,149.76	\$ 39,850.24	\$ -	\$ 39,850.24	\$ 18,832.00	\$ 21,018.24	\$ 363,317.76	\$ 43,018.24
3	12/7/2004	\$ 363,317.76	\$ 39,850.24	\$ -	\$ 39,850.24	\$ 19,867.76	\$ 19,982.48	\$ 343,450.00	\$ 63,000.71
4	12/7/2005	\$ 343,450.00	\$ 39,850.24	\$ -	\$ 39,850.24	\$ 20,960.49	\$ 18,889.75	\$ 322,489.51	\$ 81,890.46
5	12/7/2006	\$ 322,489.51	\$ 39,850.24	\$ -	\$ 39,850.24	\$ 22,113.32	\$ 17,736.92	\$ 300,376.19	\$ 99,627.39
6	12/7/2007	\$ 300,376.19	\$ 39,850.24	\$ -	\$ 39,850.24	\$ 23,329.55	\$ 16,520.69	\$ 277,046.64	\$ 116,148.08
7	12/7/2008	\$ 277,046.64	\$ 39,850.24	\$ -	\$ 39,850.24	\$ 24,612.67	\$ 15,237.57	\$ 252,433.97	\$ 131,385.64
8	12/7/2009	\$ 252,433.97	\$ 39,850.24	\$ -	\$ 39,850.24	\$ 25,966.37	\$ 13,883.87	\$ 226,467.60	\$ 145,269.51
9	12/7/2010	\$ 226,467.60	\$ 39,850.24	\$ -	\$ 39,850.24	\$ 27,394.52	\$ 12,455.72	\$ 199,073.08	\$ 157,725.23
10	12/7/2011	\$ 199,073.08	\$ 39,850.24	\$ -	\$ 39,850.24	\$ 28,901.22	\$ 10,949.02	\$ 170,171.86	\$ 168,674.25
11	12/7/2012	\$ 170,171.86	\$ 39,850.24	\$ -	\$ 39,850.24	\$ 30,490.79	\$ 9,359.45	\$ 139,681.07	\$ 178,033.70
12	12/7/2013	\$ 139,681.07	\$ 39,850.24	\$ -	\$ 39,850.24	\$ 32,167.78	\$ 7,682.46	\$ 107,513.29	\$ 185,716.16
13	12/7/2014	\$ 107,513.29	\$ 39,850.24	\$ -	\$ 39,850.24	\$ 33,937.01	\$ 5,913.23	\$ 73,576.28	\$ 191,629.39
14	12/7/2015	\$ 73,576.28	\$ 39,850.24	\$ -	\$ 39,850.24	\$ 35,803.54	\$ 4,046.70	\$ 37,772.74	\$ 195,676.09
15	12/7/2016	\$ 37,772.74	\$ 39,850.24	\$ -	\$ 37,772.74	\$ 35,695.24	\$ 2,077.50	\$ -	\$ 197,753.59

IN CITY COUNCIL

NOVEMBER 27, 2000

Marlborough, Mass. _____ 20

ORDERED:

Pursuant to MGL C.40 §14, the City Council of the City of Marlborough hereby authorizes the Mayor to purchase certain parcels of land containing 74.65 acres± of land on the northerly side of Boston Post Road East, Route 20, in Marlborough, Massachusetts, known as Ward Hill and Mount Ward, and identified as a portion of Parcel 1 of Map 48 of the Assessor's Maps, and more particularly described and shown as Parcel "B-1" on a plan of land entitled "Compiled Plan of Land in Marlborough, Mass. (Middlesex County), Prepared For: W.M. Associates Realty Trust, Scale 1" = 200', Jan. 12, 1988, The BSC Group-Bedford, Inc., Land Surveyors, Civil Engineers, 18 North Road, Bedford, Mass." recorded with the Middlesex South District Registry of Deeds as Plan No..370 of 1988 in Book 18944, Page 468; and subject to a 20' wide easement for Tennessee Gas Pipeline Company, and a utility & drainage easement, all as shown on said Plan, with a title reference of February 11, 1999, Registry of Deeds, Book 29886, Page 335.

The purchase price is Eight Hundred Thirty Four Thousand Two Hundred Forty Six Dollars (\$834,246.00), same to be paid by a payment of Four Hundred Thirty Four Thousand Two Hundred Forty Six Dollars (\$434,246.00), in the first year, and fifteen annual payments thereafter of Thirty Nine Thousand Eight Hundred Fifty Dollars and Twenty Five Cents (\$39,850.25) each. The person having a beneficial interest pursuant to MGL C.7 §40J, is Guenter Zisler, Ward Mountain, LLC, a Massachusetts Limited Liability Company.

ADOPTED
In City Council
Order No. 00-8838-1A
Adopted November 27, 2000

Approved by Mayor
William J. Mauro, Jr.
Date: November 30, 2000



A TRUE COPY
ATTEST:

City Clerk



PROPERTY ADDRESS: 782 BOSTON POST ROAD, MARLBOROUGH, MASSACHUSETTS 01752

MSD 12/12/00 12:39:59 914 10.00



NOTE

\$400,000.00

Marlborough, Massachusetts
December 7, 2000.

FOR VALUE RECEIVED, The City of Marlborough, a Municipal corporation, with an address of 140 Main Street, Marlborough, Massachusetts 01752, (jointly and severally if more than one), promises to pay to Ward Mountain, LLC, a Massachusetts limited liability company, with an address of 782 Boston Post Road, Marlborough, Massachusetts, 01752, or order, the sum of FOUR HUNDRED THOUSAND AND 00/100 (\$400,000.00) DOLLARS, with interest thereon at the rate of five and one-half (5.50%) percent per annum, payable in annual installments of principal and interest in the amount of Thirty-nine Thousand Eight Hundred Fifty And 24/100 (\$39,850.24), commencing on December 7, 2001, and annually thereafter on December 7th until December 7, 2016, on which date the entire balance of principal and interest thereon shall become due and payable.

The entire unpaid balance of this note, together with any interest due thereon, shall become immediately due and payable at the option of the holder hereof upon the happening of any of the following events:

(a) failure of the undersigned to make any interest or principal payment required to be paid hereunder when due; or

(b) in the event that any of the terms, conditions, covenants or provisions of the mortgage(s) given as collateral security for this note are not fully performed; or

(c) upon the death of any maker, comaker, endorser or guarantor hereof, if an individual; or

(d) upon the dissolution or termination of existence of an corporate or partnership or trust maker, comaker, endorser or guarantor hereof; or

(e) upon the appointment of a receiver for any part or all of the property of, or an assignment for the benefit of creditors by, or upon the execution of a trust mortgage by, or the commencement of any proceedings under any bankruptcy or insolvency laws by or against the maker, comaker, endorser or guarantor hereof; or

(f) upon the admission by any maker, comaker, endorser or guarantor hereof of their inability to meet their obligations as they mature, or upon the business failure of any maker, comaker, endorser or guarantor hereof.

If any payment due hereunder, or any part hereof, shall remain unpaid for a period exceeding seven (7) days from the time it shall become due under the terms hereof, there shall become due, at the option of the holder hereof, a Late Charge of five (5.00%) percent per month on each dollar of principal and interest of the then current monthly payment or any part thereof so overdue.

Each maker, comaker, endorser or guarantor of this note hereby waives presentment for payment, demand, notice of dishonor, notice of protest, and any other defense, legal or equitable, except payment, which might otherwise be available, and expressly consents to and waives notice of (a) any extension or postponement of the time for payment or any other indulgence and to the addition or release (whether by operation of law or otherwise) of any other party or person primarily or secondarily liable hereunder; and (b) any and all

impairment, release, substitution or exchange by the holder hereof of any property securing this obligation. In the event of any default hereunder, the holder hereof may, at its option, set off against the payment of this note any sums due from the holder to any such maker, comaker, endorser or guarantor hereof, and may hold, as additional security for the payment of this note any property, real or personal, of any such maker, comaker, endorser or guarantor in the possession of the holder.

This note shall, at the option of the holder hereof, become due and payable without notice or demand in the event of the insolvency of, or the filing of a petition in bankruptcy by or against any such maker, comaker, endorser or guarantor hereof. In addition to all other rights, the holder shall have the rights and remedies of a secured party under the Uniform Commercial Code of Massachusetts.

In the event that the ownership of the real estate mortgaged as security for this note, or any part thereof, becomes vested in anyone other than the mortgagor or mortgagors named in said mortgage, the whole sum of principal and interest then remaining unpaid shall be come immediately due without notice at the option of the holder hereof.

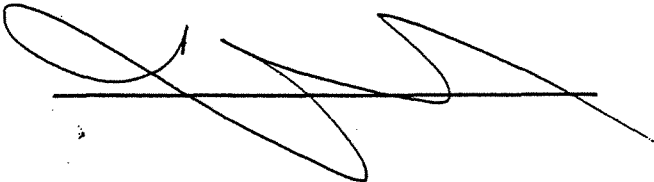
Each maker, comaker, endorser or guarantor of this note hereby agrees to pay all costs, charges and expenses of collection, including reasonable attorney's fees in the event this note is placed into the hands of any attorney(s) for collection or enforcement hereof.

A record of all payments of principal or interest may be kept by the holder hereof on an individual liability card, which is hereby incorporated into this note by this reference and made a part hereof, and no such record of payments need be made or kept on this note.

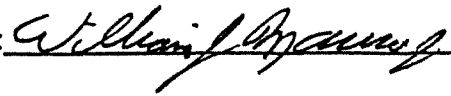
The rights and obligations hereunder shall be governed by the laws of the Commonwealth of Massachusetts. In the event that any provision or clause of this note or the mortgage given as security herefor conflicts with applicable law, such conflict shall not affect other provisions of this note or said mortgage which can be given effect without the conflicting provision, and to this end the provisions of this note and said mortgage are declared severable.

EXECUTED as an instrument under seal.

Signed in the Presence of:



The City of Marlborough

By: 

This Note is secured by a mortgage on the property at Parcel B-1 Boston Post Road, Marlborough, Middlesex County, MA.

64



Ward Mountain, LLC, a Massachusetts limited liability company,
 with an address of 782 Boston Post Road, Marlborough, Middlesex County, Massachusetts,
 in full consideration paid of-----\$500,000.00-----Dollars
 grant(s) to The City of Marlborough, a Municipal corporation,
 with an address of 140 Main Street, Marlborough, Middlesex County, Massachusetts,

WITH QUITCLAIM COVENANTS

That certain parcel of land situated off of the Northerly side of Boston Post Road,
 also known as Ward Hill, in Marlborough, Middlesex County, Massachusetts, and being
 shown as Parcel B-1 on Plan entitled "Compiled Plan of Land in Marlborough, Mass.
 (Middlesex County), Prepared For: W. M. Associates Realty Trust, Scale : 1" = 200', Jan.
 12, 1988, The BSC Group-Bedford, Inc., Land Surveyors, Civil Engineers, 18 North Road,
 Bedford, Mass." recorded with the Middlesex South District Registry of Deeds as Plan No.
 370 of 1988 in Book 18944, Page 468.

Reference is made to said Plan for a more particular description of said Parcel B-1.

Containing 3,251,482± S.F. (74.65± AC.), all according to said Plan.

Subject to 20' Wide Easement for Tennessee Gas Pipeline Company, as shown on
said Plan.

Subject to Utility & Drainage Easement, as shown on said Plan.

For title reference see deed dated February 11, 1999, and recorded with said
Registry of Deeds in Book 29886, Page 335.

PROPERTY ADDRESS: 782 BOSTON POST ROAD, MARLBOROUGH, MASSACHUSETTS 01752
 MSB 12/12/98 12:39:59 915 25.00

65

WITNESS its hand and seal this 7th day of December, 2000.

Ward Mountain, LLC

By: Janice Meyers
Janice Meyers, Authorized Agent

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

December 7, 2000.

Then personally appeared the above-named Janice Meyers, Authorized Agent, and acknowledged the foregoing instrument to be the free act and deed of Ward Mountain, LLC,

Before me,

Michael J. Norris Notary Public

My commission expires: April 15, 2005.

PROPERTY ADDRESS: 782 BOSTON POST ROAD, MARLBOROUGH, MASSACHUSETTS 01752



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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2013 JAN -3 A 11:51

Arthur G. Vigeant
MAYOR
Michael C. Berry
EXECUTIVE AIDE
Patricia Bernard
EXECUTIVE SECRETARY

January 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:

The Marlborough Police Department has been awarded a grant in the amount of \$6,000.00 by the Commonwealth's Executive Office of Public Safety and Security. This is a reimbursement grant which will be used primarily for targeted drunk driving checks and enforcement. Enclosed you will find the relevant backup information provided by Chief Mark Leonard.

I respectfully seek your acceptance of this worthy grant. Please do not hesitate to contact my office with any questions or concerns.

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

December 14, 2012

Dear Mayor Vigeant:

The Marlborough Police Department has been awarded a grant in the amount of \$6,000 from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security. The grant is a reimbursement grant and will be used for high visibility traffic enforcement, specifically targeting drunk drivers.

Attached is a copy of the grant approval e-mail, Notice of Grant Award form, and copy of the 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,

Mark F. Leonard
Chief of Police



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

One Ashburton Place
Boston, Massachusetts 02108

Tel: (617)727-7775
TTY Tel: (617) 727-6618
Fax: (617) 727-4764
www.mass.gov/eops

Mary Elizabeth Heffernan
Secretary

December 13, 2012

Chief Mark Leonard
Marlborough Police Department
355 Bolton Street
Marlborough, MA 01752

Dear Chief Leonard:

I am pleased to inform you that your FFY 2013 Traffic Enforcement Grant Application has been approved for funding. The Marlborough Police Department has been awarded \$6,000, which represents three mobilizations at \$2,000 each. The required minimum In-Kind Match (25% of your total grant award) is \$1,500, and must be met no later than the close of the federal fiscal year on September 30, 2013.

The official start date of your grant award is December 14, 2012 for the *Drive Sober or Get Pulled Over* Mobilization. You will not be reimbursed for any costs incurred in advance of this date nor any costs incurred after the conclusion of the September mobilization.

If you have any questions, please contact Deborah Firlit, the grant program manager, at 617.725.3356 or by email at deborah.firlit@state.ma.us. Congratulations on your award.

Sincerely,

Mary Elizabeth Heffernan
Secretary of Public Safety and Security

Timothy Naze

From: Firlit, Deborah (EPS) [deborah.firlit@state.ma.us]
Sent: Wednesday, December 12, 2012 2:10 PM
To: Mark Leonard
Cc: Timothy Naze
Subject: Marlborough - FFY 2013 Traffic Enforcement Grant Program - Signed Contract
Attachments: TE Scope of Services 2013.doc; Budget B (\$2,000).doc; Marlborough.PDF

Importance: High

Good afternoon Chief,

Please find the attached signed contract which serves as authorization to proceed with the FFY 2013 Traffic Enforcement Grant Program, effective December 14, 2012. *(You will not be reimbursed for any costs incurred in advance of this date nor any costs incurred after the conclusion of the September mobilization.)*

Also attached are the Scope of Services and Budget Sheet for your information and records. A formal letter from Secretary Mary Elizabeth Heffernan will follow.

All reporting forms for the first *Drive Sober or Get Pulled Over* Mobilization are posted on our website, www.mass.gov/highwaysafety under the 'FFY 2013 Traffic Enforcement Grant Program' link as well as a Sample News Release for your convenience.

We look forward to working with you during this grant year.

Thank you.
Deb Firlit

KINDLY CONFIRM RECEIPT OF THIS EMAIL.

Deborah Firlit

Program Coordinator, Highway Safety Division
EOPSS, Office of Grants & Research
10 Park Plaza, Suite 3720 Boston, MA 02116
T:617.725.3356 F:617.725.0260



**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Police Department DATE: 12/14/2012

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Captain Timothy Naze

NAME OF GRANT: Traffic Enforcement and Equipment Grant

GRANTOR: Executive Office of Public Safety Highway Safety Div

GRANT AMOUNT: \$6,000.00

GRANT PERIOD: 12/14/2012-09/3/2013

SCOPE OF GRANT/ High visibility Traffic Enforcement

ITEMS FUNDED Traffic enforcement patrols

IS A POSITION BEING
CREATED: No

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

ARE MATCHING CITY
FUNDS REQUIRED? 25% in-kind match of total project cost \$1,500

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:
approx 10 Man hours for administration of grant
Vehicle/Fuel

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

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: ASAP

**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**

FFY 2013 Traffic Enforcement Grant

Budget B (\$2,000 per mobilization)

**First Mobilization Drive Sober or Get Pulled Over.
December 14, 2012 – January 1, 2013**

**Second Mobilization Click It or Ticket.
May 20, 2013 – June 2, 2013**

**Third Mobilization Drive Sober or Get Pulled Over.
August 16, 2013 – September 2, 2013**

Maximum obligation for three mobilizations = \$6,000

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 Police Department (and d/b/a):	COMMONWEALTH DEPARTMENT NAME: Executive Office of Public Safety & Security, Office of Grants & Research MMARS Department Code: EPS
Legal Address: (W-9, W-4,T&C): 355 Bolton Street, Marlborough, MA 01752	Business Mailing Address: 10 Park Plaza, Suite 3720, Boston, MA 02116
Contract Manager: Capt. Timothy Naze	Billing Address (if different):
E-Mail: tnaze@marlborough-ma.gov	Contract Manager: Diane Perrier
Phone: 508-624-6867 Fax: 508-624-6938	E-Mail: Diane.Perrier@state.ma.us
Contractor Vendor Code: VC6000192112	Phone: 617-725-3301 Fax: 617-725-0260
Vendor Code Address ID (e.g. "AD001"): AD001 (Note: The Address ID must be set up for EFT payments.)	MMARS Doc ID(s): RFR/Procurement or Other ID Number: Application
<input checked="" type="checkbox"/> NEW CONTRACT 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 <u>815 CMR 2.00</u>) (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 <u>Employment Status Form</u> , scope, budget) <input type="checkbox"/> <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification, scope and budget)	<input type="checkbox"/> CONTRACT AMENDMENT Enter Current Contract End Date <u>Prior</u> to Amendment: _____, 20____. Enter Amendment Amount: \$ _____ (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> <u>Amendment to Scope or Budget</u> (Attach updated scope and budget) <input type="checkbox"/> <u>Interim Contract</u> (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> <u>Contract Employee</u> (Attach any updates to scope or budget) <input type="checkbox"/> <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification and updated scope and budget)
The following COMMONWEALTH TERMS AND CONDITIONS (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract. <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services	
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input checked="" 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 type="checkbox"/> <u>Maximum Obligation Contract</u> Enter Total Maximum Obligation for total duration of this Contract (or <u>new</u> Total if Contract is being amended). \$ _____.	
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ___% PPD; Payment issued within 15 days ___% PPD; Payment issued within 20 days ___% PPD; Payment issued within 30 days ___% PPD. If PPD percentages are left blank, identify reason: <input checked="" type="checkbox"/> agree to standard 45 day cycle ___ statutory/legal or Ready Payments (G.L. c. 29, § 23A); ___ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)	
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) Highway Safety Traffic Enforcement Grant Program - Award Amounts to be identified annually as funding allows during the next 5 years CFDA# 20.600	
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>09/30</u> , 2017, 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 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: Date: <u>12/7/2012</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>MARK F. LEONARD</u> Print Title: <u>CHIEF OF POLICE</u>	AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: x: Date: <u>12-11-12</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Ellen J. Frank</u> Print Title: <u>Executive Director</u>

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



INSTRUCTIONS AND CONTRACTOR CERTIFICATIONS

The following instructions and terms are incorporated by reference and apply to this Standard Contract Form. Text that appears underlined indicates a "hyperlink" to an Internet or bookmarked site and are unofficial versions of these documents and Departments and Contractors should consult with their legal counsel to ensure compliance with all legal requirements. Using the Web Toolbar will make navigation between the form and the hyperlinks easier. Please note that not all applicable laws have been cited.

CONTRACTOR LEGAL NAME (AND D/B/A): Enter the Full Legal Name of the Contractor's business as it appears on the Contractor's W-9 or W-4 Form (Contract Employees only) and the applicable Commonwealth Terms and Conditions If Contractor also has a "doing business as" (d/b/a) name, BOTH the legal name and the "d/b/a" name must appear in this section.

Contractor Legal Address: Enter the Legal Address of the Contractor as it appears on the Contractor's W-9 or W-4 Form (Contract Employees only) and the applicable Commonwealth Terms and Conditions, which must match the legal address on the 1099I table in MMARS (or the Legal Address in HR/CMS for Contract Employee).

Contractor Contract Manager: Enter the authorized Contract Manager who will be responsible for managing the Contract. The Contract Manager should be an Authorized Signatory or, at a minimum, a person designated by the Contractor to represent the Contractor, receive legal notices and negotiate ongoing Contract issues. The Contract Manager is considered "Key Personnel" and may not be changed without the prior written approval of the Department. If the Contract is posted on Comm-PASS, the Contract Manager must be listed on the Vendor Section tab.

Contractor E-Mail Address/Phone/Fax: Enter the electronic mail (e-mail) address, phone and fax number of the Contractor Contract Manager. This information must be kept current by the Contractor to ensure that the Department can contact the Contractor and provide any required legal notices. Notice received by the Contract Manager (with confirmation of actual receipt) through the listed address, fax number(s) or electronic mail address will meet any written legal notice requirements.

Contractor Vendor Code: The Department must enter the MMARS Vendor Code assigned by the Commonwealth. If a Vendor Code has not yet been assigned, leave this space blank and the Department will complete this section when a Vendor Code has been assigned. The Department is responsible under the Vendor File and W-9s Policy for verifying with authorized signatories of the Contractor, as part of contract execution, that the legal name, address and Federal Tax Identification Number (TIN) in the Contract documents match the state accounting system.

Vendor Code Address ID: (e.g., "AD001") The Department must enter the MMARS Vendor Code Address ID identifying the payment remittance address for Contract payments, which MUST be set up for EFT payments PRIOR to the first payment under the Contract in accordance with the Bill Paying and Vendor File and W-9 policies.

COMMONWEALTH DEPARTMENT NAME: Enter the full Department name with the authority to obligate funds encumbered for the Contract.

Commonwealth MMARS Alpha Department Code: Enter the three (3) letter MMARS Code assigned to this Commonwealth Department in the state accounting system.

Department Business Mailing Address: Enter the address where all formal correspondence to the Department must be sent. Unless otherwise specified in the Contract, legal notice sent or received by the Department's Contract Manager (with confirmation of actual receipt) through the listed address, fax number(s) or electronic mail address for the Contract Manager will meet any requirements for legal notice.

Department Billing Address: Enter the Billing Address or email address if invoices would be sent to a different location. Billing or confirmation of delivery of performance issues should be resolved through the listed Contract Managers.

Department Contract Manager: Identify the authorized Contract Manager who will be responsible for managing the Contract, who should be an authorized signatory or an employee designated by the Department to represent the Department to receive legal notices and negotiate ongoing Contract issues.

Department E-Mail Address/Phone/Fax: Enter the electronic mail (e-mail) address, phone and fax number of the Department Contract Manager. Unless otherwise specified in the Contract, legal notice sent or received by the Contract Manager (with confirmation of actual receipt) through the listed address, fax number(s) or electronic mail address will meet any requirements for written notice under the Contract.

MMARS Document ID(s): Enter the MMARS 20 character encumbrance transaction number associated with this Contract which must remain the same for the life of the Contract. If multiple numbers exist for this Contract, identify all Doc Ids.

RFR/Procurement or Other ID Number or Name: Enter the Request for Response (RFR) or other Procurement Reference number, Contract ID Number or other reference/tracking number for this Contract or Amendment and will be entered into the Board Award Field in the MMARS encumbrance transaction for this Contract.

NEW CONTRACTS (left side of Form):

Complete this section ONLY if this Contract is brand new. (Complete the CONTRACT AMENDMENT section for any material changes to an existing or an expired Contract, and for exercising options to renew or annual contracts under a multi-year procurement or grant program.)

PROCUREMENT OR EXCEPTION TYPE: Check the appropriate type of procurement or exception for this Contract. Only one option can be selected. See State Finance Law and General Requirements, Acquisition Policy and Fixed Assets, the Commodities and Services Policy and the Procurement Information Center (Department Contract Guidance) for details.

Statewide Contract (OSD or an OSD-designated Department). Check this option for a Statewide Contract under OSD, or by an OSD-designated Department.

Collective Purchase approved by OSD. Check this option for Contracts approved by OSD for collective purchases through federal, state, local government or other entities.

Department Contract Procurement. Check this option for a Department procurement including state grants and federal sub-grants under 815 CMR 2.00 and State Grants and Federal Subgrants Policy, Departmental Master Agreements (MA). If multi-Department user Contract, identify multi-Department use is allowable in Brief Description.

Emergency Contract. Check this option when the Department has determined that an unforeseen crisis or incident has arisen which requires or mandates immediate purchases to avoid substantial harm to the functioning of government or the provision of necessary or mandated services or whenever the health, welfare or safety of clients or other persons or serious damage to property is threatened.

Contract Employee. Check this option when the Department requires the performance of an Individual Contractor, and when the planned Contract performance with an Individual has been classified using the Employment Status Form (prior to the Contractor's selection) as work of a Contract Employee and not that of an Independent Contractor.

Legislative/Legal or Other. Check this option when legislation, an existing legal obligation, prohibition or other circumstance exempts or prohibits a Contract from being competitively procured, or identify any other procurement exception not already listed. Legislative "earmarks" exempt the Contract solely from procurement requirements, and all other Contract and state finance laws and policies apply. Supporting documentation must be attached to explain and justify the exemption.

CONTRACT AMENDMENT (Right Side of Form)

Complete this section for any Contract being renewed, amended or to continue a lapsed Contract. All Contracts with available options to renew must be amended referencing the original procurement and Contract doc ids, since all continuing contracts must be maintained in the same Contract file (even if the underlying appropriation changes each fiscal year.) "See Amendments, Suspensions, and Termination Policy."

Enter Current Contract End Date: Enter the termination date of the Current Contract being amended, even if this date has already passed. (Note: Current Start Date is not requested since this date does not change and is already recorded in MMARS.)

Enter Amendment Amount: Enter the amount of the Amendment increase or decrease to a Maximum Obligation Contract. Enter "no change" for Rate Contracts or if no change.

AMENDMENT TYPE: Identify the type of Amendment being done. Documentation supporting the updates to performance and budget must be attached. Amendment to Scope or Budget. Check this option when renewing a Contract or executing any Amendment ("material change" in Contract terms) even if the Contract has lapsed. The parties may negotiate a change in any element of Contract performance or cost identified in the RFR or the Contractor's response which results in lower costs, or a more cost-effective or better value performance than was presented in the original selected response, provided the negotiation results in a better value within the scope of the RFR than what was proposed by the Contractor in the original selected response. Any "material" change in the Contract terms must be memorialized in a formal Amendment even if a corresponding MMARS transaction is not needed to support the change. 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.

Interim Contracts. Check this option for an Interim Contract to prevent a lapse of Contract performance whenever an existing Contract is being re-procured but the new procurement has not been completed, to bridge the gap during implementation between an expiring and a new procurement, or to contract with an interim Contractor when a current Contractor is unable to complete full performance under a Contract.

Contract Employee. Check this option when the Department requires a renewal or other amendment to the performance of a Contract Employee.

Legislative/Legal or Other. Check this option when legislation, an existing legal obligation, prohibition or other circumstance exempts or prohibits a Contract from being competitively procured, or identify any other procurement exception not already listed. Legislative "earmarks" exempt the Contract solely from procurement requirements, and all other Contract and state finance laws and policies apply. Attach supporting documentation

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



to explain and justify the exemption and whether Contractor selection has been publicly posted.

payments require justification and must be under same encumbrance and object codes as the Contract payments. Performance dates are subject to G.L. c.4, § 9.

COMMONWEALTH TERMS AND CONDITIONS

Identify which Commonwealth Terms and Conditions the Contractor has executed and is incorporated by reference into this Contract. This Form is signed only once and recorded on the Vendor Customer File (VCUST). See Vendor File and W-9s Policy.

COMPENSATION

Identify if the Contract is a Rate Contract (with no stated Maximum Obligation) or a Maximum Obligation Contract (with a stated Maximum Obligation) and identify the Maximum Obligation. If the Contract is being amended, enter the new Maximum Obligation based upon the increase or decreasing Amendment. The Total Maximum Obligation must reflect the total funding for the dates of service under the contract, including the Amendment amount if the Contract is being amended. The Maximum Obligation must match the MMARS encumbrance. Funding and allotments must be verified as available and encumbered prior to incurring obligations. If a Contract includes both a Maximum Obligation component and Rate Contract component, check off both, specific Maximum Obligation amounts or amended amounts and Attachments must clearly outline the Contract breakdown to match the encumbrance.

PAYMENTS AND PROMPT PAY DISCOUNTS

Payments are processed within a 45 day payment cycle through EFT in accordance with the Commonwealth Bill Paying Policy for investment and cash flow purposes. Departments may NOT negotiate accelerated payments and Payees are NOT entitled to accelerated payments UNLESS a prompt payment discount (PPD) is provided to support the Commonwealth's loss of investment earnings for this earlier payment, or unless a payments is legally mandated to be made in less than 45 days (e.g., construction contracts, Ready Payments under G.L. c. 29, s. 23A). See Prompt Pay Discounts Policy. PPD are identified as a percentage discount which will be automatically deducted when an accelerated payment is made. Reduced contracts rates may not be negotiated to replace a PPD. If PPD fields are left blank please identify that the Contractor agrees to the standard 45 day cycle; a statutory/legal exemption such as Ready Payments (G.L. c. 29, § 23A); or only an initial accelerated payment for reimbursements or start up costs for a grant, with subsequent payments scheduled to support standard EFT 45 day payment cycle. Financial hardship is not a sufficient justification to accelerate cash flow for all payments under a Contract. Initial grant or contract payments may be accelerated for the first invoice or initial grant installment, but subsequent periodic installments or invoice payments should be scheduled to support the Payee cash flow needs and the standard 45 day EFT payment cycle in accordance with the Bill Paying Policy. Any accelerated payment that does not provide for a PPD must have a legal justification in Contract file for audit purposes explaining why accelerated payments were allowable without a PPD.

BRIEF DESCRIPTION OF CONTRACT PERFORMANCE

Enter a brief description of the Contract performance, project name and/or other identifying information for the Contract to specifically identify the Contract performance, match the Contract with attachments, determine the appropriate expenditure code (as listed in the Expenditure Classification Handbook) or to identify or clarify important information related to the Contract such as the Fiscal Year(s) of performance (ex. "FY2012" or "FY2012-14"). Identify settlements or other exceptions and attach more detailed justification and supporting documents. Enter "Multi-Department Use" if other Departments can access procurement. For Amendments, identify the purpose and what items are being amended. Merely stating "see attached" or referencing attachments without a narrative description of performance is insufficient.

ANTICIPATED START DATE

The Department and Contractor must certify WHEN obligations under this Contract/Amendment may be incurred. Option 1 is the default option when performance may begin as of the Effective Date (latest signature date and any required approvals). If the parties want a new Contract or renewal to begin as of the upcoming fiscal year then list the fiscal year(s) (ex. "FY2012" or "FY2012-14") in the Brief Description section. Performance starts and encumbrances reflect the default Effective Date (if no FY is listed) or the later FY start date (if a FY is listed). Use Option 2 only when the Contract will be signed well in advance of the start date and identify a specific future start date. Do not use Option 2 for a fiscal year start unless it is certain that the Contract will be signed prior to fiscal year. Option 3 is used in lieu of the Settlement and Release Form when the Contract/Amendment is signed late, and obligations have already been incurred by the Contractor prior to the Effective Date for which the Department has either requested, accepted or deemed legally eligible for reimbursement, and the Contract includes supporting documents justifying the performance or proof of eligibility, and approximate costs. Any obligations incurred outside the scope of the Effective Date under any Option listed, even if the incorrect Option is selected, shall be automatically deemed a settlement included under the terms of the Contract and upon payment to the Contractor will release the Commonwealth from further obligations for the identified performance. All settlement

CONTRACT END DATE

The Department must enter the date that Contract performance will terminate. If the Contract is being amended and the Contract End Date is not changing, this date must be re-entered again here. A Contract must be signed for at least the initial duration but not longer than the period of procurement listed in the RFR, or other solicitation document (if applicable). No new performance is allowable beyond the end date without an amendment, but the Department may allow a Contractor to complete minimal close out performance obligations if substantial performance has been made prior to the termination date of the Contract and prior to the end of the fiscal year in which payments are appropriated, provided that any close out performance is subject to appropriation and funding limits under state finance law, and CTR may adjust encumbrances and payments in the state accounting system to enable final close out payments. Performance dates are subject to G.L. c.4, § 9.

CERTIFICATIONS AND EXECUTION

See Department Head Signature Authorization Policy and the Contractor Authorized Signatory Listing for policies on Contractor and Department signatures.

Authorizing Signature for Contractor/Date: The Authorized Contractor Signatory must (in their own handwriting and in ink) sign AND enter the date the Contract is signed. See section above under "Anticipated Contract Start Date". Acceptance of payment by the Contractor shall waive any right of the Contractor to claim the Contract/Amendment is not valid and the Contractor may not void the Contract. Rubber stamps, typed or other images are not acceptable. Proof of Contractor signature authorization on a Contractor Authorized Signatory Listing may be required by the Department if not already on file.

Contractor Name /Title: The Contractor Authorized Signatory's name and title must appear legibly as it appears on the Contractor Authorized Signatory Listing.

Authorizing Signature For Commonwealth/Date: The Authorized Department Signatory must (in their own handwriting and in ink) sign AND enter the date the Contract is signed. See section above under "Anticipated Start Date". Rubber stamps, typed or other images are not accepted. The Authorized Signatory must be an employee within the Department legally responsible for the Contract. See Department Head Signature Authorization. The Department must have the legislative funding appropriated for all the costs of this Contract or funding allocated under an approved Interdepartmental Service Agreement (ISA). A Department may not contract for performance to be delivered to or by another state department without specific legislative authorization (unless this Contract is a Statewide Contract). For Contracts requiring Secretariat signoff, evidence of Secretariat signoff must be included in the Contract file.

Department Name /Title: Enter the Authorized Signatory's name and title legibly.

CONTRACTOR CERTIFICATIONS AND LEGAL REFERENCES

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, subject to any required approvals. The Contractor makes all certifications required under this Contract under the pains and penalties of perjury, and 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:

Commonwealth and Contractor Ownership Rights. The Contractor certifies and agrees that the Commonwealth is entitled to ownership and possession of all "deliverables" purchased or developed with Contract funds. A Department may not relinquish Commonwealth rights to deliverables nor may Contractors sell products developed with Commonwealth resources without just compensation. The Contract should detail all Commonwealth deliverables and ownership rights and any Contractor proprietary rights.

Qualifications. The Contractor certifies it is qualified and shall at all times remain qualified to perform this Contract; that performance shall be timely and meet or exceed industry standards for the performance required, including obtaining requisite licenses, registrations, permits, resources for performance, and sufficient professional, liability; and other appropriate insurance to cover the performance. If the Contractor is a business, the Contractor certifies that it is listed under the Secretary of State's website as licensed to do business in Massachusetts, as required by law.

Business Ethics and Fraud, Waste and Abuse Prevention. The Contractor certifies that performance under this Contract, in addition to meeting the terms of the Contract, will be made using ethical business standards and good stewardship of taxpayer and other public funding and resources to prevent fraud, waste and abuse.

Collusion. The Contractor certifies that this Contract has been offered in good faith and without collusion, fraud or unfair trade practices with any other person, that any actions to avoid or frustrate fair and open competition are prohibited by law, and shall be grounds for rejection or disqualification of a Response or termination of this Contract.

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



Public Records and Access The Contractor shall provide full access to records related to performance and compliance to the Department and officials listed under Executive Order 195 and G.L. c. 11, s. 12 seven (7) years beginning on the first day after the final payment under this Contract or such longer period necessary for the resolution of any litigation, claim, negotiation, audit or other inquiry involving this Contract. Access to view Contractor records related to any breach or allegation of fraud, waste and/or abuse may not be denied and Contractor can not claim confidentiality or trade secret protections solely for viewing but not retaining documents. Routine Contract performance compliance reports or documents related to any alleged breach or allegation of non-compliance, fraud, waste, abuse or collusion may be provided electronically and shall be provided at Contractor's own expense. Reasonable costs for copies of non-routine Contract related records shall not exceed the rates for public records under 950 C.M.R. 32.00.

Debarment. The Contractor certifies that neither it nor any of its subcontractors are currently debarred or suspended by the federal or state government under any law or regulation including, Executive Order 147; G.L. c. 29, s. 29F; G.L. c. 30, s. 39R; G.L. c. 149, s. 27C; G.L. c. 149, s. 44C; G.L. c. 149, s. 148B and G.L. c. 152, s. 25C.

Applicable Laws. The Contractor shall comply with all applicable state laws and regulations including but not limited to the applicable Massachusetts General Laws; the Official Code of Massachusetts Regulations; Code of Massachusetts Regulations (unofficial); 801 CMR 21.00 (Procurement of Commodity and Service Procurements, Including Human and Social Services); 815 CMR 2.00 (Grants and Subsidies); 808 CMR 1.00 (Compliance, Reporting and Auditing for Human And Social Services); AICPA Standards; confidentiality of Department records under G.L. c. 66A; and the Massachusetts Constitution Article XVIII if applicable.

Invoices. The Contractor must submit invoices in accordance with the terms of the Contract and the Commonwealth Bill Paying Policy. Contractors must be able to reconcile and properly attribute concurrent payments from multiple Departments. Final invoices in any fiscal year must be submitted no later than August 15th for performance made and received (goods delivered, services completed) prior to June 30th, in order to make payment for that performance prior to the close of the fiscal year to prevent reversion of appropriated funds. Failure to submit timely invoices by August 15th or other date listed in the Contract shall authorize the Department to issue an estimated payment based upon the Department's determination of performance delivered and accepted. The Contractor's acceptance of this estimated payment releases the Commonwealth from further claims for these invoices. If budgetary funds revert due to the Contractor's failure to submit timely final invoices, or for disputing an estimated payment, the Department may deduct a penalty up to 10% from any final payment in the next fiscal year for failure to submit timely invoices.

Payments Subject To Appropriation. Pursuant to G.L. c. 29 § 26, § 27 and § 29, Departments are required to expend funds only for the purposes set forth by the Legislature and within the funding limits established through appropriation, allotment and subsidiary, including mandated allotment reductions triggered by G.L. c. 29, § 9C. A Department cannot authorize or accept performance in excess of an existing appropriation and allotment, or sufficient non-appropriated available funds. Any oral or written representations, commitments, or assurances made by the Department or any other Commonwealth representative are not binding. The Commonwealth has no legal obligation to compensate a Contractor for performance that is not requested and is intentionally delivered by a Contractor outside the scope of a Contract. Contractors should verify funding prior to beginning performance.

Intercept. Contractors may be registered as Customers in the Vendor file if the Contractor owes a Commonwealth debt. Unresolved and undisputed debts, and overpayments of Contract payments that are not reimbursed timely shall be subject to intercept pursuant to G.L. c. 7A, s. 3 and 815 CMR 9.00. Contract overpayments will be subject to immediate intercept or payment offset. The Contractor may not penalize any state Department or assess late fees, cancel a Contract or other services if amounts are intercepted or offset due to recoupment of an overpayment, outstanding taxes, child support, other overdue debts or Contract overpayments.

Tax Law Compliance. The Contractor certifies under the pains and penalties of perjury tax compliance with Federal tax laws; State tax laws including but not limited to G.L. c. 62C, G.L. c. 62C, s. 49A; compliance with all state tax laws, reporting of employees and contractors, withholding and remitting of tax withholdings and child support and is in good standing with respect to all state taxes and returns due; reporting of employees and contractors under G.L. c. 62E, withholding and remitting child support including G.L. c. 119A, s. 12; TIR 05-11; New Independent Contractor Provisions and applicable TIRs.

Bankruptcy, Judgments, Potential Structural Changes, Pending Legal Matters and Conflicts. The Contractor certifies it has not been in bankruptcy and/or receivership within the last three calendar years, and the Contractor certifies that it will immediately notify the Department in writing at least 45 days prior to filing for bankruptcy and/or receivership, any potential structural change in its organization, or if there is any risk to the solvency of the Contractor that may impact the Contractor's ability to timely fulfill the terms of this Contract or Amendment. The Contractor certifies that at any time during the period of the Contract the Contractor is required to affirmatively disclose in writing to the Department Contract Manager the details of any judgment, criminal conviction, investigation or litigation

pending against the Contractor or any of its officers, directors, employees, agents, or subcontractors, including any potential conflicts of interest of which the Contractor has knowledge, or learns of during the Contract term. Law firms or Attorneys providing legal services are required to identify any potential conflict with representation of any Department client in accordance with Massachusetts Board of Bar Overseers (BBO) rules.

Federal Anti-Lobbying and Other Federal Requirements. If receiving federal funds, the Contractor certifies compliance with federal anti-lobbying requirements including 31 USC 1352; other federal requirements; Executive Order 11246; Air Pollution Act; Federal Water Pollution Control Act and Federal Employment Laws.

Protection of Personal Data and Information. The Contractor certifies that all steps will be taken to ensure the security and confidentiality of all Commonwealth data for which the Contractor becomes a holder, either as part of performance or inadvertently during performance, with special attention to restricting access, use and disbursement of personal data and information under G.L. c. 93H and c. 66A and Executive Order 504. The Contractor is required to comply with G.L. c. 93I for the proper disposal of all paper and electronic media, backups or systems containing personal data and information, provided further that the Contractor is required to ensure that any personal data or information transmitted electronically or through a portable device be properly encrypted using (at a minimum) Information Technology Division (ITD) Protection of Sensitive Information, provided further that any Contractor having access to credit card or banking information of Commonwealth customers certifies that the Contractor is PCI compliant in accordance with the Payment Card Industry Council Standards and shall provide confirmation compliance during the Contract, provide further that the Contractor shall immediately notify the Department in the event of any security breach including the unauthorized access, disbursement, use or disposal of personal data or information, and in the event of a security breach, the Contractor shall cooperate fully with the Commonwealth and provide access to any information necessary for the Commonwealth to respond to the security breach and shall be fully responsible for any damages associated with the Contractor's breach including but not limited to G.L. c. 214, s. 3B.

Corporate and Business Filings and Reports. The Contractor certifies compliance with any certification, filing, reporting and service of process requirements of the Secretary of the Commonwealth, the Office of the Attorney General or other Departments as related to its conduct of business in the Commonwealth; and with its incorporating state (or foreign entity).

Employer Requirements. Contractors that are employers certify compliance with applicable state and federal employment laws or regulations, including but not limited to G.L. c. 5, s. 1 (Prevailing Wages for Printing and Distribution of Public Documents); G.L. c. 7, s. 22 (Prevailing Wages for Contracts for Meat Products and Clothing and Apparel); minimum wages and prevailing wage programs and payments; unemployment insurance and contributions; workers' compensation and insurance, child labor laws, AGO fair labor practices; G.L. c. 149 (Labor and Industries); G.L. c. 150A (Labor Relations); G.L. c. 151 and 455 CMR 2.00 (Minimum Fair Wages); G.L. c. 151A (Employment and Training); G.L. c. 151B (Unlawful Discrimination); G.L. c. 151E (Business Discrimination); G.L. c. 152 (Workers' Compensation); G.L. c. 153 (Liability for Injuries); 29 USC c. 8 (Federal Fair Labor Standards); 29 USC c. 28 and the Federal Family and Medical Leave Act.

Federal And State Laws And Regulations Prohibiting Discrimination including but not limited to the Federal Equal Employment Opportunity (EEO) Laws the Americans with Disabilities Act; 42 U.S.C. Sec. 12,101, et seq., the Rehabilitation Act, 29 USC c. 16 s. 794; 29 USC c. 16 s. 701; 29 USC c. 14, 623; the 42 USC c. 45; (Federal Fair Housing Act); G.L. c. 151B (Unlawful Discrimination); G.L. c. 151E (Business Discrimination); the Public Accommodations Law G.L. c. 272, s. 92A; G.L. c. 272, s. 98 and 98A, Massachusetts Constitution Article CXIV and G.L. c. 93, s. 103; 47 USC c. 5, sc. II, Part II, s. 255 (Telecommunication Act; Chapter 149, Section 105D, G.L. c. 151C, G.L. c. 272, Section 92A, Section 98 and Section 98A, and G.L. c. 111, Section 199A, and Massachusetts Disability-Based Non-Discrimination Standards For Executive Branch Entities, and related Standards and Guidance, authorized under Massachusetts Executive Order or any disability-based protection arising from state or federal law or precedent. See also MCAD and MCAD links and Resources.

Small Business Purchasing Program (SBPP). A Contractor may be eligible to participate in the SBPP, created pursuant to Executive Order 523, if qualified through the SBPP SmartBid subscription process at: www.comm-pass.com and with acceptance of the terms of the SBPP participation agreement.

Limitation of Liability for Information Technology Contracts (and other Contracts as Authorized). The Information Technology Mandatory Specifications and the IT Acquisition Accessibility Contract Language are incorporated by reference into Information Technology Contracts. The following language will apply to Information Technology contracts in the U01, U02, U03, U04, U05, U06, U07, U08, U09, U10, U75, U98 object codes in the Expenditure Classification Handbook or other Contracts as approved by CTR or OSD. Pursuant to Section 11. Indemnification of the Commonwealth Terms and Conditions, the term "other damages" shall include, but shall not be limited to, the reasonable costs the Commonwealth incurs to repair, return, replace or seek cover (purchase of comparable substitute commodities and services) under a Contract. "Other damages" shall not include

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



damages to the Commonwealth as a result of third party claims, provided, however, that the foregoing in no way limits the Commonwealth's right of recovery for personal injury or property damages or patent and copyright infringement under Section 11 nor the Commonwealth's ability to join the contractor as a third party defendant. Further, the term "other damages" shall not include, and in no event shall the contractor be liable for, damages for the Commonwealth's use of contractor provided products or services, loss of Commonwealth records, or data (or other intangible property), loss of use of equipment, lost revenue, lost savings or lost profits of the Commonwealth. In no event shall "other damages" exceed the greater of \$100,000, or two times the value of the product or service (as defined in the Contract scope of work) that is the subject of the claim. Section 11 sets forth the contractor's entire liability under a Contract. Nothing in this section shall limit the Commonwealth's ability to negotiate higher limitations of liability in a particular Contract, provided that any such limitation must specifically reference Section 11 of the Commonwealth Terms and Conditions. In the event the limitation of liability conflicts with accounting standards which mandate that there can be no cap of damages, the limitation shall be considered waived for that audit engagement. These terms may be applied to other Contracts only with prior written confirmation from the Operational Services Division or the Office of the Comptroller. The terms in this Clarification may not be modified.

Northern Ireland Certification. Pursuant to G.L. c. 7 s. 22C for state agencies, state authorities, the House of Representatives or the state Senate, by signing this Contract the Contractor certifies that it does not employ ten or more employees in an office or other facility in Northern Ireland and if the Contractor employs ten or more employees in an office or other facility located in Northern Ireland the Contractor certifies that it does not discriminate in employment, compensation, or the terms, conditions and privileges of employment on account of religious or political belief; and it promotes religious tolerance within the work place, and the eradication of any manifestations of religious and other illegal discrimination; and the Contractor is not engaged in the manufacture, distribution or sale of firearms, munitions, including rubber or plastic bullets, tear gas, armored vehicles or military aircraft for use or deployment in any activity in Northern Ireland.

Pandemic, Disaster or Emergency Performance. In the event of a serious emergency, pandemic or disaster outside the control of the Department, the Department may negotiate emergency performance from the Contractor to address the immediate needs of the Commonwealth even if not contemplated under the original Contract or procurement. Payments are subject to appropriation and other payment terms.

Consultant Contractor Certifications (For Consultant Contracts "HH" and "NN" and "U05" object codes subject to G.L. Chapter 29, s. 29A). Contractors must make required disclosures as part of the RFR Response or using the Consultant Contractor Mandatory Submission Form.

Attorneys. Attorneys or firms providing legal services or representing Commonwealth Departments may be subject to G.L. c. 30, s. 65, and if providing litigation services must be approved by the Office of the Attorney General to appear on behalf of a Department, and shall have a continuing obligation to notify the Commonwealth of any conflicts of interest arising under the Contract.

Subcontractor Performance. The Contractor certifies full responsibility for Contract performance, including subcontractors, and that comparable Contract terms will be included in subcontracts, and that the Department will not be required to directly or indirectly manage subcontractors or have any payment obligations to subcontractors.

EXECUTIVE ORDERS

For covered Executive state Departments, the Contractor certifies compliance with applicable Executive Orders (see also Massachusetts Executive Orders), including but not limited to the specific orders listed below. A breach during period of a Contract may be considered a material breach and subject Contractor to appropriate monetary or Contract sanctions.

Executive Order 481. Prohibiting the Use of Undocumented Workers on State Contracts. For all state agencies in the Executive Branch, including all executive offices, boards, commissions, agencies, Departments, divisions, councils, bureaus, and offices, now existing and hereafter established, by signing this Contract the Contractor certifies under the pains and penalties of perjury that they shall not knowingly use undocumented workers in connection with the performance of this Contract; that, pursuant to federal requirements, shall verify the immigration status of workers assigned to a Contract without engaging in unlawful discrimination; and shall not knowingly or recklessly alter, falsify, or accept altered or falsified documents from any such worker

Executive Order 130. Anti-Boycott. The Contractor warrants, represents and agrees that during the time this Contract is in effect, neither it nor any affiliated company, as hereafter defined, participates in or cooperates with an international boycott (See IRC § 999(b)(3)-(4), and IRS Audit Guidelines Boycotts) or engages in conduct declared to be unlawful by G.L. c. 151E, s. 2. A breach in the warranty, representation, and agreement contained in this paragraph, without limiting such other rights as it may have, the Commonwealth shall be entitled to rescind this Contract. As used herein, an affiliated company shall be any business entity of which at least 51% of the ownership interests are directly or indirectly owned by the Contractor or by a person or persons or business entity or entities directly or indirectly owning at least 51% of the ownership interests of the Contractor, or which directly or indirectly owns at least 51% of the ownership interests of the Contractor.

Executive Order 346. Hiring of State Employees By State Contractors. Contractor certifies compliance with both the conflict of interest law G.L. c. 268A specifically s. 5 (f) and this order; and includes limitations regarding the hiring of state employees by private companies contracting with the Commonwealth. A privatization contract shall be deemed to include a specific prohibition against the hiring at any time during the term of Contract, and for any position in the Contractor's company, any state management employee who is, was, or will be involved in the preparation of the RFP, the negotiations leading to the awarding of the Contract, the decision to award the Contract, and/or the supervision or oversight of performance under the Contract.

Executive Order 444. Disclosure of Family Relationships With Other State Employees. Each person applying for employment (including Contract work) within the Executive Branch under the Governor must disclose in writing the names of all immediate family related to immediate family by marriage who serve as employees or elected officials of the Commonwealth. All disclosures made by applicants hired by the Executive Branch under the Governor shall be made available for public inspection to the extent permissible by law by the official with whom such disclosure has been filed.

Executive Order 504. Regarding the Security and Confidentiality of Personal Information. For all Contracts involving the Contractor's access to personal information, as defined in G.L. c. 93H, and personal data, as defined in G.L. c. 66A, owned or controlled by Executive Department agencies, or access to agency systems containing such information or data (herein collectively "personal information"), Contractor certifies under the pains and penalties of perjury that the Contractor (1) has read Commonwealth of Massachusetts Executive Order 504 and agrees to protect any and all personal information; and (2) has reviewed all of the Commonwealth Information Technology Division's Security Policies. Notwithstanding any contractual provision to the contrary, in connection with the Contractor's performance under this Contract, for all state agencies in the Executive Department, including all executive offices, boards, commissions, agencies, departments, divisions, councils, bureaus, and offices, now existing and hereafter established, the Contractor shall: (1) obtain a copy, review, and comply with the contracting agency's Information Security Program (ISP) and any pertinent security guidelines, standards, and policies; (2) comply with all of the Commonwealth of Massachusetts Information Technology Division's "Security Policies"; (3) communicate and enforce the contracting agency's ISP and such Security Policies against all employees (whether such employees are direct or contracted) and subcontractors; (4) implement and maintain any other reasonable appropriate security procedures and practices necessary to protect personal information to which the Contractor is given access by the contracting agency from the unauthorized access, destruction, use, modification, disclosure or loss; (5) be responsible for the full or partial breach of any of these terms by its employees (whether such employees are direct or contracted) or subcontractors during or after the term of this Contract, and any breach of these terms may be regarded as a material breach of this Contract; (6) in the event of any unauthorized access, destruction, use, modification, disclosure or loss of the personal information (collectively referred to as the "unauthorized use"): (a) immediately notify the contracting agency if the Contractor becomes aware of the unauthorized use; (b) provide full cooperation and access to information necessary for the contracting agency to determine the scope of the unauthorized use; and (c) provide full cooperation and access to information necessary for the contracting agency and the Contractor to fulfill any notification requirements. Breach of these terms may be regarded as a material breach of this Contract, such that the Commonwealth may exercise any and all contractual rights and remedies, including without limitation indemnification under Section 11 of the Commonwealth's Terms and Conditions, withholding of payments, Contract suspension, or termination. In addition, the Contractor may be subject to applicable statutory or regulatory penalties, including and without limitation, those imposed pursuant to G.L. c. 93H and under G.L. c. 214, § 3B for violations under M.G.L. c. 66A. Executive Orders 523, 524 and 526. Executive Order 526 (Order Regarding Non-Discrimination, Diversity, Equal Opportunity and Affirmative Action which supersedes Executive Order 478). Executive Order 524 (Establishing the Massachusetts Supplier Diversity Program which supersedes Executive Order 390). Executive Order 523 (Establishing the Massachusetts Small Business Purchasing Program.) All programs, activities, and services provided, performed, licensed, chartered, funded, regulated, or contracted for by the state shall be conducted without unlawful discrimination based on race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status (including Vietnam-era veterans), or background. The Contractor and any subcontractors may not engage in discriminatory employment practices; and the Contractor certifies compliance with applicable federal and state laws, rules, and regulations governing fair labor and employment practices; and the Contractor commits to purchase supplies and services from certified minority or women-owned businesses, small businesses, or businesses owned by socially or economically disadvantaged persons or persons with disabilities. These provisions shall be enforced through the contracting agency, OSD, and/or the Massachusetts Commission Against Discrimination. Any breach shall be regarded as a material breach of the contract that may subject the contractor to appropriate sanctions.



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

Arthur G. Vigeant
RECEIVED MAYOR
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Michelle C. Berry
EXECUTIVE AIDE
2013 JAN -3 A 11: 56
Patricia Bernard
EXECUTIVE SECRETARY

January 3, 2013

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

RE: Grant Acceptance – “Heat & Eat” Program

Honorable President Pope and Councilors:

The City of Marlborough was recently awarded a grant in the amount of \$3,500.00 by the Foundation for MetroWest’s “MetroWest Hunger Relief Fund.” This generous grant will supplement our efforts to help the neediest of our citizens through the Mayor’s Charity Relief Fund.

I respectfully seek your acceptance of this grant with the utmost gratitude. Please do not hesitate to contact my office with any questions or concerns.

Sincerely,

Arthur G. Vigeant
Mayor

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: MAYOR'S OFFICE DATE: 2-Jan-13

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: MAYOR VIGEANT

NAME OF GRANT: METRO WEST HUNGER RELIEF FUND

GRANTOR: FOUNDATION FOR METRO WEST NATICK, MA

GRANT AMOUNT: \$3,500.00

GRANT PERIOD: FISCAL YEAR 2013

SCOPE OF GRANT/
ITEMS FUNDED THIS GRANT WILL BE UTILIZED FOR THE "HEAT & EAT PROGRAM" THROUGH
THE MAYOR'S CHARITABLE RELIEF FUND. THIS GRANT WILL HELP US MEET
THE NEEDS OF ASSISTING OUR RESIDENTS DURING TIMES OF STRUGGLE
OR EMERGENCY.

IS A POSITION BEING
CREATED: NO

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

ARE MATCHING CITY
FUNDS REQUIRED? NO

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

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS
TO BE USED:
NO

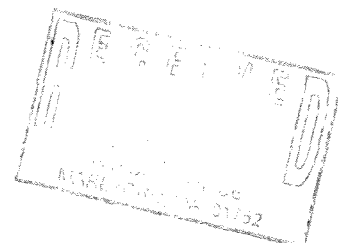
ANY OTHER EXPOSURE TO CITY?
NO

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: _____
NO

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



FOUNDATION FOR METROWEST



December 28, 2012

Ms. Kate LaRose
Mayors Office
City of Marlborough Heat & Eat Program
City Hall
140 Main Street 4th Floor
Marlborough, MA 01752

Dear Ms. LaRose:

At the suggestion of the donors of the MetroWest Hunger Relief Fund, the trustees of Foundation for MetroWest have approved a grant in the amount of \$3,500.00. This grant is for your organization to purchase food to meet the needs of the population you serve.

Please identify this grant in the following way in any listing or publication of donors:
MetroWest Hunger Relief Fund of the Foundation for MetroWest

You may wish to express your appreciation to the person who suggested the grant:

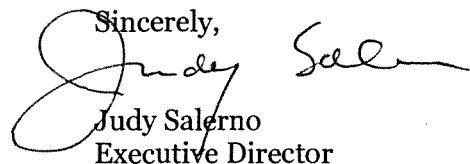
MetroWest Hunger Relief Fund
Foundation for MetroWest
3 Eliot Street
Natick, MA 01760

Please sign and return the enclosed acknowledgment form.

The donor received a federal charitable tax deduction at the time the gift was made to Foundation for MetroWest. This grant does not represent a current deduction for the donor. In your acknowledgment, please make no indication of a tax deduction as this would be duplication. Further, this grant cannot legally qualify for any benefits or other services to the donor who suggested it.

Please acknowledge this contribution by signing and returning the enclosed form. If you have any questions about this grant, please do not hesitate to call me at (508) 647-2260. Thank you.

Sincerely,


Judy Salerno
Executive Director



FOUNDATION FOR METROWEST

**MetroWest Hunger Relief Fund
Donor Advised Fund
GRANT ACKNOWLEDGMENT FORM**

Organization: City of Marlborough Heat & Eat Program

Grant Amount: \$3,500.00 Grant Date: 12/28/2012
Grant Purpose: To purchase food.

I hereby acknowledge receipt from Foundation for MetroWest of the grant described above. Furthermore, I attest that no goods and services were provided as a result of this gift.

It is understood that any portion of this grant not needed for the designated purpose will be repaid to Foundation for MetroWest unless permission to do otherwise is expressly given by the Trustees.

Please sign and return one copy of this acknowledgment within 30 days of receipt.

Accepted and Agreed:

Signature: _____ Date: _____

Name: _____ Title: _____



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

Arthur G. Vigeant
MAYOR

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Michael C. Berry
EXECUTIVE AIDE

2013 JAN - 3 A 11: 56

Patricia Bernard
EXECUTIVE SECRETARY

January 3, 2013

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

RE: Appointment of the Keeper of the Lockup

Honorable President Pope and Councilors:

Massachusetts General Laws, Chapter 40, Section 35 requires that "The mayor of each city ... required to maintain a lockup shall annually, by a writing recorded with the town clerk, appoint a keeper of the lockup, who shall have the care and custody thereof and of persons committed thereto."

Therefore I am submitting for your approval and confirmation the reappointment of Chief of Police Mark Leonard as Keeper of the Lockup for a period of one year.

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

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough

Arthur G. Vigeant
MAYOR

Office of the Mayor

RECEIVED
CLERK'S OFFICE
CITY OF MARLBOROUGH

Michael C. Berry
EXECUTIVE AIDE

140 Main Street

Marlborough, Massachusetts 01752

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

Patricia Bernard
EXECUTIVE SECRETARY

January 3, 2013

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

RE: Appointment of the Parking Clerk (clarification)

Honorable President Pope and Councilors:

On your December 17, 2012 agenda, I sent down a communication informing you of my appointment of Mr. Ron Guest as the Parking Clerk. After some historical research was brought to my attention by City Council Chief Researcher Karen Boule, it was shown that this appointment does indeed require the approval of City Council.

To that end, I am again submitting the name of Mr. Ron Guest for the Parking Clerk position.

I also wish to inform you that I have instructed the Legal Department to review all board, committee, and department head appointments to ensure that all information is accurate, up to date, and is in keeping with any applicable state laws or city codes.

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

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Office of the City Council
2012 DEC 28 P 2:55 140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3711 Facsimile (508) 460-3710 TDD (508) 460-3610
Email citycouncil@marlborough-ma.gov

Patricia A. Pope
PRESIDENT

Edward J. Clancy
VICE-PRESIDENT

Karen A. Boule
CITY COUNCIL ASSISTANT

December 28, 2012

Marlborough City Council
City Hall, 140 Main Street
Marlborough, Massachusetts 01752

Reference: Appointments – Senior Center Design, Building and Advisory Committees

Dear Councilors:

I am pleased to submit the following appointments in connection with the new Senior Center proposal currently underway in the City of Marlborough.

Design Selection Committee: Councilor Matt Elder –

As Ward Three Councilor, I believe that Mr. Elder's participation will ensure that the concerns of the folks in the nearby neighborhoods will be closely observed and mitigated.

Senior Center Advisory Committee: Councilor Katie Robey –

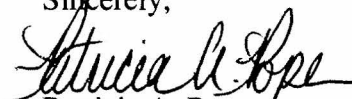
As the Chair of the Human Services Committee, Councilor Robey is looking forward to working closely with the Director of the Council on Aging as well as other members of the committee. I know their cooperative efforts will result in a new Senior Center for which we'll all be proud.

Senior Center Advisory Committee: Councilor Don Landers –

As elder statesman, Councilor Landers has expressed his keen desire to be a member of the Senior Center Advisory Committee. Upon discussions with Mayor Vigeant, it has been determined that the committee will benefit by two participating city councilors. I am certain that Councilors Robey and Landers will be key members of the committee. I will ask that they periodically update the body on the progress of the eagerly awaited new center.

I will serve as the City Council's representative on the Senior Center Building Committee. For the past few months, I have visited various senior centers together with the Mayor and his staff. I believe this presents a unique opportunity to put together the very best of the projects we have seen in other communities, and I welcome the opportunity to share with other members of the Mayor's Senior Center Building Committee the information gathered as a result of our ongoing community visits.

Sincerely,


Patricia A. Pope
City Council President

JAMES P. McGOVERN
3RD DISTRICT, MASSACHUSETTS

COMMITTEE ON RULES

COMMITTEE ON AGRICULTURE

SENIOR DEMOCRATIC WHIP

438 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-2103
(202) 225-6101

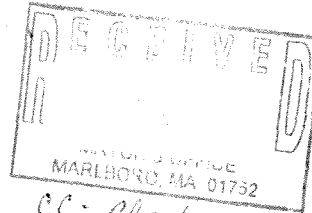
DISTRICT OFFICES:
34 MECHANIC STREET
WORCESTER, MA 01608
(508) 831-7356

ATTLEBORO OFFICE:
8 NORTH MAIN STREET, ROOM 200
ATTLEBORO, MA 02703
(508) 431-8025

FALL RIVER OFFICE:
371 SOUTH MAIN STREET, #102
FALL RIVER, MA 02721
(508) 677-0140

MARLBOROUGH OFFICE:
255 MAIN STREET, ROOM 104
MARLBOROUGH, MA 01752
(508) 460-9292

Congress of the United States
House of Representatives
CITY OF MARLBOROUGH
Washington, DC 20515-2103
2012 DEC 28 P 3:38
<http://www.mcGovern.house.gov>



December 17, 2012

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

Dear Mayor Vigeant,

It has been an honor to represent Marlborough in the United States Congress. Due to congressional redistricting, I will no longer represent your community, and many other portions of the existing 3rd Congressional District as of January 3, 2013. Therefore, my offices in Marlborough, Attleboro and Fall River will close at the end of 2012.

Effective January 3, 2013, Marlborough will be represented by Congresswoman Tsongas. In an effort to assure continuity of representation, my staff has been working closely with Congresswoman Tsongas' office with regard to the transfer of information and casework.

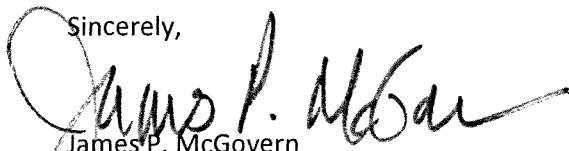
I know that both Congresswoman Tsongas and her staff look forward to representing Marlborough going forward, and that we are all committed to assuring a smooth transition for you and your community.

For your reference, as of January 3, 2013, Congresswoman Tsongas' staff can be reached at her Marlborough office as follows:

11 Kearney Square, 4th Floor
Lowell, MA 01852
978-459-0101

Although I will no longer officially represent Marlborough, please do not hesitate to stay in touch, and please know how much I have enjoyed representing Marlborough in the United States Congress.

Sincerely,


James P. McGovern
Member of Congress

1/2/13 pd. \$100⁰⁰



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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2013 JAN -2 P 4:01

**Lisa M. Thomas
City Clerk**

FUEL STORAGE WORKSHEET TO BE COMPLETED BY APPLICANT

Company Name: THE TJX COMPANIES INC.

Company Telephone Number: 508-390-1000

Officer's Name: JAMES F. BLACQUIER

Officer's Telephone Number: 781-953-8783

Location of Land: 300 PURITAN WAY, MARLBOROUGH, MA

Map & Parcel Number: Map 112 - Block 6

Nearest Cross St.: RESULTS WAY OR SIMARANO DR.

Owner of Land: THE TJX COMPANIES INC.

Owner's Address: 400 PURITAN WAY, MARLBOROUGH, MA.

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

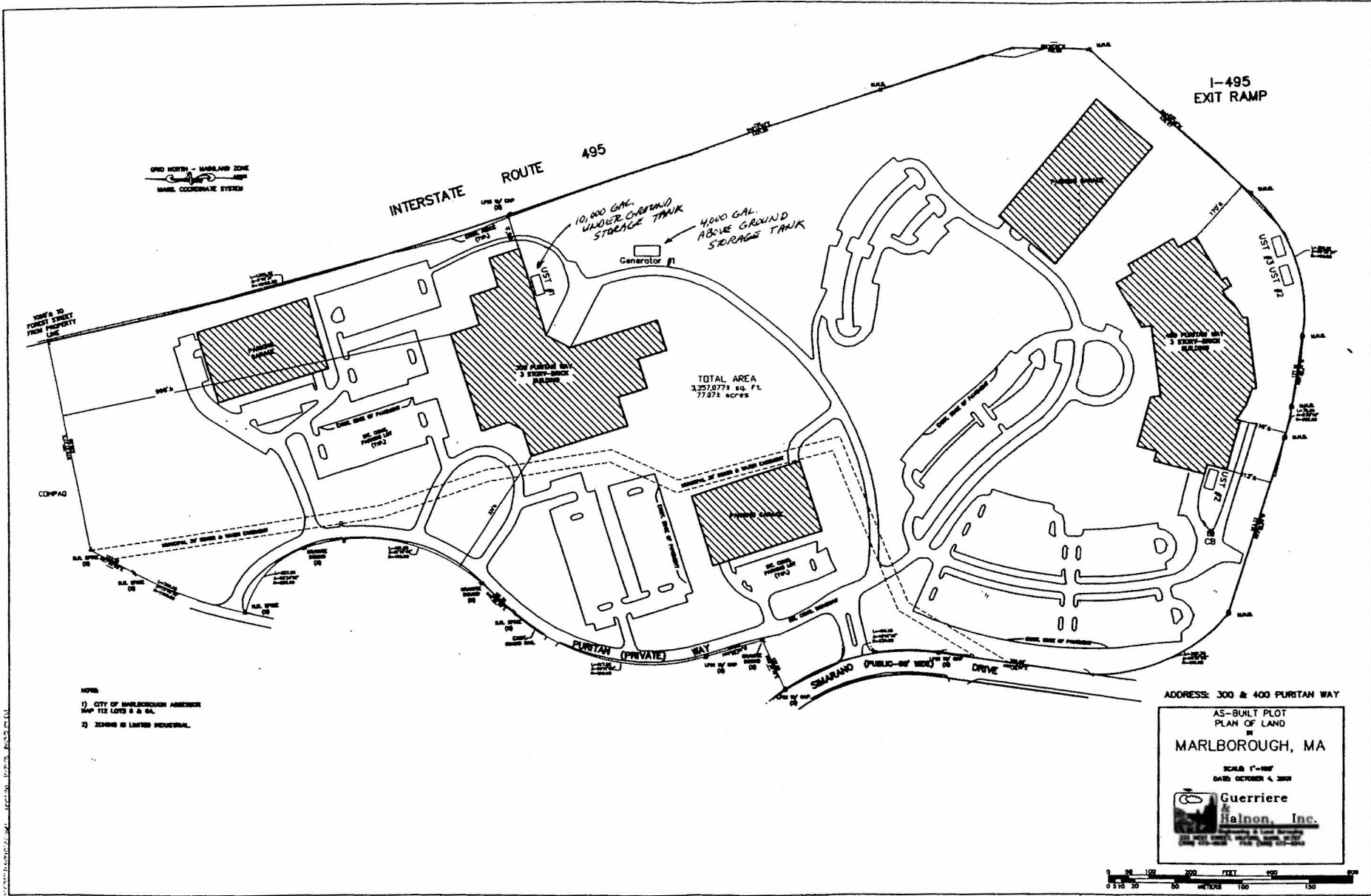
ONE(1) 300 PURITAN WAY

Occupancy or use of such buildings:

COMMERCIAL OFFICE SPACE

Total capacity of tanks in gallons - Above Ground: 4,000 Underground: 10,000

Kind of fluid to be stored in tanks: NO. 2 DIESEL FUEL



GRID NORTH - MARLBOROUGH ZONE
 MASS. COORDINATE SYSTEM

INTERSTATE ROUTE 495

I-495
 EXIT RAMP

10,000 GAL. UNDER-GROUND STORAGE TANK
 4000 GAL. ABOVE-GROUND STORAGE TANK
 Generator #1

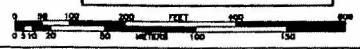
TOTAL AREA
 3,257,077 sq. ft.
 77.071 acres

ADDRESS: 300 & 400 PURITAN WAY

AS-BUILT PLOT
 PLAN OF LAND
 IN
 MARLBOROUGH, MA

SCALE: 1"=100'
 DATE: OCTOBER 4, 2001

Guerriere
 &
Halnon, Inc.



1/2/13 pd. \$100⁰⁰.



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City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT

2013 JAN -2 P 4:00

Lisa M. Thomas
City Clerk

FUEL STORAGE WORKSHEET TO BE COMPLETED BY APPLICANT

Company Name: THE TJX COMPANIES, INC.

Company Telephone Number: 508-390-1000

Officer's Name: JAMES F. BLACQUIER

Officer's Telephone Number: 781-953-8783

Location of Land: 400 PURITAN WAY, MARLBOROUGH, MA.

Map & Parcel Number: Map 112 - Block LA

Nearest Cross St.: RESULTS WAY OR SIMARANO DR.

Owner of Land: THE TJX COMPANIES, INC.

Owner's Address: 400 PURITAN WAY, MARLBOROUGH, MA.

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

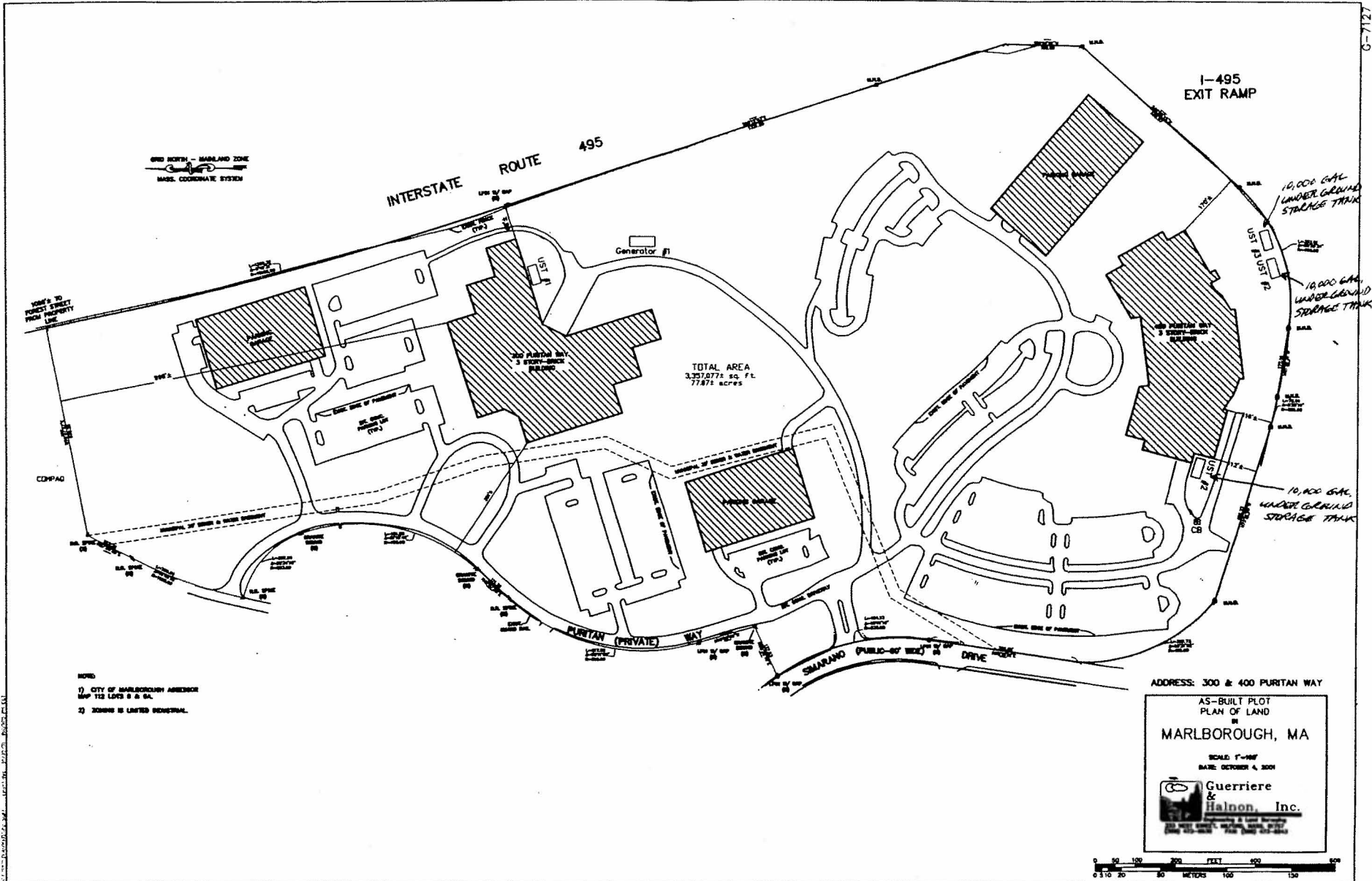
ONE (1) - 400 PURITAN WAY

Occupancy or use of such buildings:

COMMERCIAL OFFICE SPACE

Total capacity of tanks in gallons - Above Ground: _____ Underground: 30,000

Kind of fluid to be stored in tanks: NO. 2 DIESEL FUEL



GRID NORTH - MARLBORO ZONE
MAG. COORDINATE SYSTEM

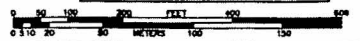
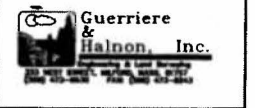
INTERSTATE ROUTE 495

I-495 EXIT RAMP

TOTAL AREA
3,257,077 sq. ft.
77.8± acres

ADDRESS: 300 & 400 PURITAN WAY
AS-BUILT PLOT
PLAN OF LAND
IN
MARLBOROUGH, MA

SCALE: 1"=100'
DATE: OCTOBER 4, 2001



- NOTES:
- 1) CITY OF MARLBOROUGH AGREES TO MAP THE LOTS B & C.
 - 2) ZONING IS LIMITED INDUSTRIAL.

nationalgrid

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2012 DEC 18 A 9:55

December 13, 2012

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 the installation of underground facilities.

If you have any questions regarding this permit please contact:

Jeff Richard 508-935-1809

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, Engineering
Supervisor, Distribution Design

Enclosures

PETITION FOR MANHOLE AND DUCT LOCATIONS

Hopedale, MA 01747

December 13, 2012

To the City Council
of the City of Marlborough, Massachusetts

MASSACHUSETTS ELECTRIC COMPANY requests permission to locate manholes, wires, and ducts, including the necessary sustaining and protecting fixtures, along and across the following public way:

Various Streets-Bigelow Heights

**NGRID install 6 new heavy duty hand holes
in the area of Bigelow Heights URD
Bergeron Rd, Ahlgren Circle, Duca Dr,
Rodgers Avenue, Evelina Drive, Houde Street**

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

MASSACHUSETTS ELECTRIC COMPANY

Plan No. **14066406** Dated: **10/22/2012**

MASSACHUSETTS ELECTRIC COMPANY

By: Chris Montalto
Manager of Distribution Design *CM*

ORDER FOR MANHOLE AND DUCT LOCATIONS

Hopedale, MA 01747

December 13, 2012

By the City Council
of the City of Marlborough, Massachusetts

Notice having been given and a public hearing held, as provided by law,
IT IS HEREBY ORDERED:

that **MASSACHUSETTS ELECTRIC COMPANY** be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, 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 **13th day of December, 2012**

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

Manholes and ducts shall be set substantially at the points indicated upon the plan marked--

MASSACHUSETTS ELECTRIC COMPANY

Plan No. **14066406**

Dated: **10/22/2012**

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

Various Streets-Bigelow Heights

**NGRID install 6 new heavy duty hand holes
in the area of Bigelow Heights URD
Bergeron Rd, Ahlgren Circle, Duca Dr,
Rodgers Avenue, Evelina Drive, Houde Street**

I hereby certify that the foregoing order was adopted at a meeting of the City Council
of the City of Marlborough, Massachusetts
held on the _____ day of _____ 2012

Clerk of Council

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

Book: _____ Page: _____

City Clerk

12/28/12

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CITY OF MARLBOROUGH

2012 DEC 28 P 2:30

JSB Development LLC
P.O. Box 572
Acton, MA 01720

Marlborough City Council
City Hall - 140 Main Street
Marlborough, MA 01752

Attn: Patricia Pope, City Council President c/o Lisa Thomas, City Clerk

RE: Acceptance of roadway and easements for the subdivision entitled "The Residence of Oak Crest".

Dear Patricia Pope,

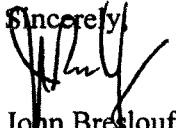
I would like to request that the City Council vote to accept, as a Public Way, the street known as Graves Lane and the municipal Drainage Easement and Flowage Easement associated with the subdivision – The Residence of Oka Crest as shown on the following plan:

Plan of Acceptance of Graves Lane and Municipa Easements
Marlborough, Massachusetts
Dated: November 28, 2012 Scale: 1 Inch = 40 Feet
Prepared by: Foresite Engineering
126 Gleasondale Road, Suite I-1
Stow, Massachusetts 01775

I am of the understanding that City Council will refer back to the planning board and the City Solicitor for a more detailed application to be filled out by myself and representation.

Thanks for your consideration.

Sincerely,



John Breslough
President

City of Marlborough
Commonwealth of Massachusetts



December 13, 2012

John Breslouf
P.O. Box 572
Acton, MA 01720

PLANNING BOARD

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

Carrie Lizotte, Board Secretary
Phone: (508) 460-3769
Fax: (508) 460-3736
Email: CLizotte@marlborough-ma.gov

RE: The Residences at Oak Crest
Subdivision Acceptance

Dear Mr. Breslouf:

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

Correspondence:

On a motion by Ms. Hughes, seconded by Mr. Coveney, it was duly voted:

To accept and file all correspondence.

Street Acceptance:

On a motion by Mr. McCarthy, seconded by Mr. Coveney, it was duly voted:

To endorse the "Plan of Acceptance of Graves Lane & Municipal Easements (Sheets 1 thru 1), dates November 15, 2012; Scale 1"=40"; prepared by Foresite Engineering, 16 Gleasondale Road-Suite 1-1, Stow, MA 01775.

Remaining Bond:

On a motion by Ms. Hughes, seconded by Mr. Hodge, it was duly voted:

To reduce the existing bond of \$41,000.00 to \$27,000.00 and hold the remaining bond in place until acceptance and recording through the City Council.

You may now take the Planning Board's acceptance and start the process of City Council Acceptance. Once accepted through City Council and all easements and documents recorded, please then ask for the return of the bond monies.

Sincerely,

Barbara L. Fenby

Barbara L. Fenby
Chairperson

Cc: City Engineer
File



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CITY OF MARLBOROUGH
2012 DEC 20 P 3 31

**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 November 27, 2012 at 10:00 a.m. in the City Council Committee Room, City Hall. Members present: Chairman - Police Chief Mark Leonard, Vice Chairman – DPW Commissioner Ronald LaFreniere and City Clerk Lisa Thomas. Also present: City Engineer Thomas Cullen, Asst. City Engineer Tim Collins. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Tuesday, October 23, 2012.

MOTION was made, seconded, duly VOTED:
TO APPROVE

2-New Business

2a) Traffic concerns in the vicinity of 31 Lincoln Street.

Chief Leonard reviewed the current concerns at this location. When traveling west bound on Lincoln Street from East Main Street there is a sharp curve in the road. There have been numerous accidents here over the years. The residents of 31 Lincoln Street were planning to attend the meeting to discuss their concerns. Chief Leonard was hoping to speak with them in regard to the bus stop in this area. The bus stop is currently at Ryan Court, however, the children wait on the opposite side of the street for the driver to stop and open the door and then they run across. Chief Leonard said that it is not as easy to move the bus stop location as it sounds. Tim Collins advised that reflective tape is now on the poles to highlight the curve. There is no room for a guardrail. Commissioner LaFreniere advised that he was looking into what could be done relative to moving the center line. There is currently parking allowed on the opposite side; however, no one actually parks here because it is too dangerous. This is why the lane is so much larger on one side. There is a 16 foot lane on the east bound side and an 11 ½ foot lane on the westbound side. It is currently not a proper curve to negotiate. If parking was formally

restricted the center line could be relocated and possibly help without making actual physical changes to the curve. Commissioner LaFreniere would like to do more research on moving the center line. All agreed that additional warning signs could also be helpful and can go up right away. The DPW can install a series of chevron signs to highlight the curve. Chief Leonard advised that he would contact the residents of 31 Lincoln Street to discuss the bus stop issue and update them on the meeting.

MOTION was made, seconded, duly VOTED: 1) to REFER to the DPW to install the proper warning signs on the curve. 2) to REFER to Commissioner LaFreniere to do further research on moving the center line and 3) to REFER to Chief Leonard to contact the residents of 31 Lincoln Street.

2b) Pedestrian crossing at Jaworek School driveway.

Chief Leonard received a phone call about this issue. When he went to the school some of the pedestrians also stopped him to talk about how difficult it can be to cross the driveway. They asked if there was a better way to highlight the crosswalk. It currently consists of two strips. A crosswalk cone can't be used because the buses also need to cross this area. Commissioner LaFreniere recalled that the city had created a public way internal to the school and at one time there was a pedestrian crossing project planned there, however, he has not heard anything about it in over a year. He suggested that the current crosswalk be filled in to make it stand out more. All agreed this was a good idea.

MOTION was made, seconded, duly VOTED to REFER to the DPW to take care of filling in the crosswalk.

2c) Forest Street speed limits

Chief Leonard received an e-mail from Councilor Elder on this issue. It was initiated by a resident of Forest Street at the time of the new HP project. The resident referred to the "speed limit debacle on Forest Street". He mentioned the lack of speed limit signs in certain areas and conflicting signs in others, with the eastbound lane marked as 30 mph and the westbound lane marked as 35 mph for the same stretch of roadway. His hope is to have a traffic study done and ultimately to see the "entire length of Forest Street from Williams to Ames be 30 mph" and to see it properly posted as such.

Tim Collins advised that one of the issues is that the speed zone for the school (AMSA) was voted on and approved; however, AMSA never executed any of the signs. The expectation was that AMSA would take care of this piece. At the time, they weren't sure if they were going to put up school zone lights or signs. He thinks that we put up the school zone crosswalk signs. Commissioner LaFreniere said that it looks like we need to follow up with AMSA on this issue. There is a new person heading the school and they may not be aware that it was up to them to install the proper signage. Chief Leonard asked if Tim Collins could forward an electronic version of the map showing the school zone.

Tom Cullin said that prior to any construction being done there were speed signs here and Tim Collins had also mentioned the different speeds posted on each side. Tim Collins and Commissioner LaFreniere advised that they would look into the signage issue again. If something is missing they will take care of it immediately. Commissioner LaFreniere

reiterated that the DPW has been advised not to erect any signs unless they have specific instructions from him to do so. In the past, signs have gone up incorrectly. Advisory signage can certainly be installed; however, the roadway was reconstructed for industrial zone traffic.

Chief Leonard said that the problem with a speed study is that it would probably result in a higher speed limit than what is currently in place. A small stretch of the road may qualify as a “thickly settled” zone. Thickly settled signage is probably the best option. The issue is then enforcement with the question of where the thickly settled area ends.

Chief Leonard advised that he would communicate with Councilor Elder and AMSA and bring them up to speed.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING and the DPW to review the signage currently in place and to REFER to Chief Leonard to contact AMSA and Councilor Elder and bring them up to speed.

2d) School Zone – Marlborough High School

Tim Collins forwarded an e-mail to Chief Leonard on this issue. He indicated that one of the minimum requirements for a school zone (according to the 2009 Manual on Uniform Traffic Control Devices) is relative to grade level. It must involve “one or more grades between Grade 1 and Grade 8”. MHS no longer includes the 8th grade and as such the Traffic Commission should re-evaluate the issue.

Commissioner LaFreniere said that the MUTCD is a federal directive. There is also a set of state amendments that attempts to address MA laws as they relate to the MUTCD. He is in the process of reviewing this document and has read the preface and is having trouble determining who has the ultimate authority. There seem to be several disconnects between what they are citing. Tim Collins and Tom Cullen recently attended a conference where this manual was brought to their attention. Prior to this, the Commissioner was unaware of its existence. It is unclear as to where to draw the line when changes occur. The school zone was established properly at the time. He noted that Tim Collins would have to spend all of his time rechecking regulated areas for any changes. The Commissioner would like to get a better handle on this first. He said that the School Zone on Stevens Street is not a bad idea. His preference would be to “let sleeping dogs lie.”

MOTION was made, seconded, duly VOTED to TABLE until the next meeting so the issue can be further reviewed.

Suspension of rules to add additional item not included on agenda. Engineering had sent an e-mail to Chief Leonard on this issue and it should have been included.

Long queues for left turn from South Street onto Route 20 in westerly direction.

Tom Cullen brought up this issue as he has received complaints from DPW employees. Chief Leonard said that there is a protected left turn for a short period at this location and he thought it was better than it was before. Commissioner LaFreniere advised that at peak hours it does back up here. They can possibly “tweak the timing sequence”,

however, if they give more time to the left turn they are losing time somewhere else. He suggested that maybe they could “steal some time from the movement at another light.” This would allow the actual interval to remain the same. He suggested starting with “baby steps”, possibly five seconds and seeing what happens. He would need to get a baseline first and see where queues are going for a week. Right now the left turn is protected for 10 seconds. This is a local issue and the City has the authority to control the lights. However, some regulations should be prepared for the January meeting.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING for further review.

3-Old Business

3e) Silver St. parking concerns.

Tim Collins drafted a letter to Silver Street residents (including a diagram) outlining the new parking restrictions on the roadway. There are currently no parking restrictions in place. Chief Leonard asked the number of residents involved. Tim Collins advised that there are nine. Discussion followed to clarify the wording on the letter and the proper wording to be used on the regulation. Chief Leonard will prepare the regulation and forward the wording by e-mail for a quick vote and he will coordinate with Tim Collins to sign the letter for residents. Chief Leonard also advised that he would let Councilor Tunnera know as he is the Ward Councilor for this area.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to prepare the regulation for the parking restriction and to notify Councilor Tunnera.

3g) Communication from Meagan McLean, re: crosswalk sight distance concerns near 655 Farm Road.

Tom Cullen and Tim Collins went to this location again to view the parking situation. They found 6 cars parked on the street and 5 open spots in the lot. The lot may be at maximum capacity. Perhaps internal parking may be an issue, however, with the winter parking ban beginning next week there is no overnight parking allowed on the street anyways. Chief Leonard said that there is already no parking allowed in front of the airport. If parking is only restricted on one side, it may cause cars to jump to the other side. All agreed that it would be a good idea to restrict parking on both sides.

Tim Collins passed out diagrams showing the proposed parking restriction on both the south side and the north side of Farm Road at this location. Chief Leonard advised that he would prepare the regulation for the next meeting. He asked Tim Collins to forward the specifics on the linear feet.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to prepare the regulation for the next meeting.

3f) Communication from Shawn Butland, re: truck exclusion on Ferrecchia Drive.

Tim Collins advised that the traffic counters are in place; however, they require a sunny day to charge the battery.

MOTION was made, seconded, duly VOTED:

To TABLE until results are available.

3h) Communication from Christian Dumais, re: Parking concerns on High Street.

MOTION was made, seconded, duly VOTED:

To TABLE – Still under review.

3d) Traffic Commission rules and regulations update.

The Commission reviewed another group of streets from the alphabetical listing on the “conflict list” at the direction of Tim Collins. The streets discussed were Church Street, Donald Lynch Blvd., East Main Street, Edinboro Street, Elm Street and Emmett Street. The purpose of this review is to be sure that the specific regulations in the manual match what is truly in existence at the street location. Final regulations for each street will be able to be viewed in the rules and regulations manual upon completion.

MOTION was made, seconded, duly VOTED to REFER to ENGEINEERING to make approved revisions and TABLE for discussion at next meeting.

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.

3i) Problems with Parking on Newton Street.

This item was not listed on agenda – but Tim Collins had asked that it be added on again for further discussion.

MOTION was made, seconded, duly VOTED:

To TABLE.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 11:39 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, November 27, 2012 (Including City of Marlborough Meeting Posting)

-E-mail from Councilor Elder to Commission LaFreniere and Chief Leonard, dated 11/8/12, re: Concerns on HP project.

-E-mail from Tim Collins to the Traffic Commission, dated 11/13/12, re: Traffic Commission agenda item.

-E-mail from Tim Collins to the Traffic Commission, dated 10/25/12, re: Stop signs on Conrod Road at Boston Post Road East.

Additional Handouts

-Diagram of Farm Road – Proposed No Parking Regulation, South Side

-Diagram of Farm Road – Proposed No Parking Regulation, North Side

-Draft of letter to residents re: Silver Street – No Parking Regulation (with diagram).

Marlborough Community Development Authority

MINUTES

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Thursday, November 29, 2012, 8:30 a.m.
140 Main St., Mayor's 4th FL Conference Room

Members Present: Mayor Vigeant, Steve Vigeant, Lynn Faust, Eric Asman, , Sally Swartz, Joyce Torelli, Diane Smith, Tom Abel

Also Present: Doug Bushman, Anne Marie Blake, Linda Overing and John Ryan of Breezeway Farm Consulting, press

Absent: Steve LeDuc

Mayor called the meeting to order at 8:30 A.M.
The Board approved the minutes of October 25, 2012.
The Board approved the Housing bills payable.
The CDA bills payable were tabled to next meeting.

Breezeway Farm Consulting Report: Linda Overing presented the Breezeway Farm Consulting Report. A notice of award has been issued to the low bidder at \$181,830 for 57 Harrison Place. The bidder needs to provide bonds and other requested documentation to proceed with the contract.

Linda reported on activities related to the FY11 CDBG. Preston Street is finished with the exception of final seeding. Three Housing Rehab cases are now underway, which meets the goal of the CDBG grant. Lynn asked that when we discuss housing rehab cases that we refer to the case numbers or addresses. Steve suggested holding a training class for local contractors to encourage participation in the Housing Rehabilitation Program. Lynn described a Home Depot program to supply free materials to veterans in need of home improvements that might be helpful to Housing Rehab clients. A grant extension request to June 2013 and a budget amendment will be submitted in December to move unused administrative funds to Housing Rehabilitation.

Lynn will proceed with requesting a zoning variance to locate a new home at 16 Clinton Street (after the demolition of the existing structure) in a different location on the building lot.

The Community Development Strategy to be submitted with the FY13 grant application was reviewed. The CDS summarizes the City's goals, ongoing initiatives and priority projects. The draft was approved with the addition of the Affordable Housing Production Plan to the list of projects under Affordable Housing.

Linda and Eric have been doing outreach to businesses in the French Hill area to find business and property owners interested in participating in a Commercial Rehab program as part of the FY13 grant application. MEDC has been doing similar outreach in the downtown.

Lynn talked about the Housing Production Plan that is underway through MEDC, which has contracted with the MAPC for \$10,000 to complete Phase I, a gathering of data on housing issues in Marlborough. She suggested that CDA request another \$10,000 from MEDC to complete Phase II, which would

develop the actual plan for affordable housing production through a public input process. The Mayor is investigate further and advise at the next meeting.

Housing Director's Report: The Housing Directors Report was accepted and is attached as reference.

The Board approved the motion to award the contract for 20 Front St. to Vareika Construction for \$79,700.

The board reduced the proposed 3% pay increases to 2% and approved other increases for the 2012-2013 fiscal year budget..

Doug said that they have a draft MOU with GMPI for approval that is very good for both sides and will bring it to the next Board meeting for the Board's review.

With regard to Doug formulate a response to Sen. Eldridge's letter regarding legislation to regionalize housing authorities. Board members were asked to send comments to Doug for the letter, as he didn't receive anything he could write a response letter. There was further discussion on the regionalization and Steve V. said there were some meetings coming up next week at the NAHRO MA Conference that he was going to attend, Lynn and Doug may also go and in January they will discuss their opinions.

Doug will still discuss bonding at the Dec. meeting with an updated CIP being prepared by John G.

The March 6 fire restoration is almost complete.

DHCD is pushing the Pleasant St. boiler project forward and work should being in March. There will be no interruption of heating for the tenants.

The Bolton St. alarm system is being address by Option B, Item 9, in Doug's report

The Section 8 Audit found several files not in compliance. Steps have been taken to improve the filing system.

The next board meeting will be on Thursday, January 3, 2013 at 8:30 a.m.

Motion to move to Executive Session and adjourn from there for the reason of discussing real estate negotiations: Steve Vigeant, yea; Eric Asman, yea; Joyce Torelli, yea; Sally Swartz, yea; Lynn Faust, yea; Mayor, yea. Meeting adjourned at 9:30 a.m.

Respectfully submitted, Anne Marie Blake

Marlborough Council on Aging Board

Minutes: Tuesday, December 11, 2012 Meeting

Location: Mayor's Conference Room, City Hall, Marlborough, MA

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CITY OF MARLBOROUGH

2013 JAN -2 P 4:26

Attendees: Sheila Brecken, Jennifer Claro, Richard Collins, Jim Confrey, Rita Connors, Brenda Costa, Marie Elwood, Jeanne McGeough

I. Call to Order at 8:44 am.

II. November minutes were reviewed and approved by the board.

III. Director's Update

Jennifer is working on the new proposed newsletter publisher. Legal is looking at the New Hampshire publisher. The new newsletter from the New Hampshire publisher will not have staples in the spine. Several volunteers read through the newsletter and had no problems with the binding not being stapled. The contract with the new publisher would be for 2 years. There is no charge for the newsletter and have been told the turnaround time is 5 days. The publisher does the Westborough COA's newsletter. The newsletters are not in color, but can use colored paper. The Northborough publisher didn't get in the RFP and relayed to Jennifer that they don't need the business at this time.

Jennifer is setting up a meeting with the MWRTA regarding a grant for a van. Jim and Jennifer met yesterday on grant from Cummings from the Mayor. Elder Community Collaborative (ECC) has arranged a meeting regarding transportation with the key players, including ITN, an ECC representative, Janice Long, Jennifer and FISH. The goal is collaboration between all the different facets of transportation.

The Marlborough Downtown Village requested participation in holiday decorating. Sheila Brecken, Judy Jewett and Peg Cahill did a wonderful job decorating the Council on Aging window.

IV. Board Updates

A. BayPath - no update

V. Old Business

1. Nothing new on appointments or reappointments.

2. The Coats System has 607 names in system. Rita Connors is weeding out deceased members. Rita would like to be notified when someone passes away, so she can keep the list up to date.

3. Party Committee

Rita Connors is going to Jakes to confirm the menu and cost. Currently Rita is doing some prep work before the party. Intel volunteers will be serving from the Council on Aging kitchen. One Intel employee will be assigned to each table. Gingerbread house winners will be drawn at the event. The flowers on each table will be given away to one person at each table. Richard Collins is donating grocery gift certificates for a free raffle to attendees.

The St. Patrick's Day party will be March 12th at 12:30 pm at the Marlborough Marriott. The McMurphy's will begin playing at 1:15 pm. The ticket price will be \$10.00, with a meal of traditional corned beef and cabbage.

4. By-Law Committee Update – the board members had no objections or changes to the draft bylaws. Jim will present the proposed by-laws to the mayor after the holidays.

5. New Newsletter publisher status - see director's report.

VI. New Business

A. New Senior Center discussion – The process for preferred items for the new Senior Center will be requested by Jennifer to the Friends from the new building fund.

Meeting adjourned at 9:48 am.

The next board meeting will be 1/8/13 at 8:45am in Mayor's conference room, City Hall.

Respectfully submitted,

Brenda Costa
Marlborough Council on Aging Board Secretary



CITY OF MARLBOROUGH RECREATION DEPARTMENT

239 Concord Road
Marlborough, Massachusetts 01752
Tel (508) 624-6925 FAX (508) 624-6940 TTY (508) 460-36

COMMISSIONERS
Brenda Calder
Thomas Evangelous
Craig Hunt
Robert Kays: Chairman
Nelson Lambert
Jeffrey Long
Annis Zilembo

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CITY OF MARLBOROUGH

2013 JAN - 2 A 10 30
DIRECTOR
David T. Grasso

PROGRAM MANAGER
Charles Thebado

January 25, 2011

Pursuant to notice duly filed with the City Clerk, a meeting of the Parks and Recreation Commission was held at 3:00p.m., at the Recreation Commission Office.

Present were Commission Members:

Chairman Kays, Commissioner Long, Commissioner Calder, Commissioner Hunt, Commissioner Evangelous and Commissioner Zilembo

Also attending were: Recreation Director Grasso, Recreation Program Manager Thebado, Eagle Scout Nigel Smith, Tom Moore Boy Scout Leader, and Judith Smith

APPROVAL OF MINUTES 1-11-11

On a motion duly made and seconded, it was unanimously:

VOTED: To approve the 1-11-11 minutes.

RECREATION REPORT:

- Mr. Grasso welcomed Eagle Scout Nigel Smith to present his plan to revitalize the Ward Park Track as his Eagle Scout Project. Mr. Smith explained to the Recreation Commission that he would resurface the track and fill in the holes with stone dust and edge the sides of the track to define it better. He asked the city to help him by perhaps raising some funds and to have city equipment on hand to help move the stone dust around. Mr. Grasso informed Mr. Smith that the city may have some funds available to help out and would contact Chris White to help coordinate the city's involvement with the necessary equipment. Mr. Smith also stated he will be holding a fundraiser to offset costs. Mr. Smith thanked the Commission for their time and help for completing his Eagle Scout Project.
- The Recreation Commission at this point proceeded to outline the Commission's position on what plan to use for the Memorial Beach project. The Commission after much discussion of the pros and cons of both Plan A and Plan B decided to go with Plan B with some minor tweaks. The Commission voted to go with Plan B with two items from Plan A to be incorporated into Plan B. They are as follows:
 1. Have Entrance on Lakeshore Extension from Plan A rather than Hosmer street as outlined in Plan B
 2. Have concrete pathway steps installed to existing entrance as outlined in Plan A

Questions raised by the Commission on the Memorial Beach Project were:

1. Gate Issue: What type of gate would be appropriate and how much would it cost
2. Bike Rack to be installed
3. Possibility of a Tennis Court

The Commission thanked Mr. Grasso and accepted his report.

Meeting adjourned at 4:05pm.



**CITY OF MARLBOROUGH
RECREATION DEPARTMENT**

239 Concord Road
Marlborough, Massachusetts 01752
Tel (508) 624-6925 FAX (508) 624-6940 TTY (508) 460-1111

COMMISSIONERS

Brenda Calder
Thomas Evangelous
Jeffrey Hunt
Kays, Chairman
Jeffrey Long
Dennis Zilembo

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2013 JAN -2 A 10:30

DIRECTOR

David T. Grasso

PROGRAM MANAGER

Charles Thebado

March 08, 2011

Pursuant to notice duly filed with the City Clerk, a meeting of the Parks and Recreation Commission was held at 3:00pm, at the Recreation Commission Office.

Present were Commission Members:

Chairman Kays, Commissioner Long, Commissioner Hunt, Commissioner Zilembo and Commissioner Calder.

Also attending were: Recreation Director Grasso, Program Manager Thebado, and General Foreman White.

APPROVAL OF MINUTES 01-25-11.

On a motion duly made and seconded, it was unanimously:

VOTED: To approve the 01-25-22 minutes.

PARKS REPORT:

General foreman White gave the following updated report:

- Field closed signs are up.
- Park crew started early field clean ups.
- Currently getting quotes for playground maintance.
- Some snow mold – no frost damage yet.
- Snow damage issues will be taken care by parks.
- Capital Budget will include upgrade work at Kelleher Field.
- Met with the school superintendent and the HS Athletic Director regarding the need of more fields for the MS athletics.
- Ms. Rear field might be closed for the season.

After a brief discussion regarding an outdoor ice rink and location. The Commission suggested Mr. Grasso and Mr. White looking into cost and the following locations:

- Felton Conservation
- Camp Marian
- Ward Park

The Commission thanked Mr. White and accepted his report.

RECREATION REPORT:

Recreation Director Grasso gave the following updated report:

*Mr. Grasso presented the Commission with the T& G article regarding the City of Marlborough ranked first in state for affordability in children's activities.

*Clean sweep flyer is ready. The flyer was designed by Chuck.

There was a brief discussion regarding youth league fees or give some financial support towards field maintenance. The Commission asked Mr. Grasso to contact all youth organizations and speak to them individually regarding their thoughts about sponsorship fees.

- Budget is the same as the previous year and is due on Friday.
- Mr. Kissida is on vacation and will be back for the next Commission meeting with his Memorial Beach Project presentation.
- Ski Club ends this Thursday. 55 participants this year and one bus.
- Project Summer Adventure sign ups will be in the beginning of next month.
- Swim sign ups will start in May.
- So far we have 25 sports camps.
- Currently our department is working to complete spring and summer programs for children and adults.
- Summer Concert are booked and starting June 23rd, every Thursday.

Program Manager Thebado gave a brief description of all summer programs and also stated a training will be held for all swim instructors.

The Commission thanked Mr. Grasso and Mr. Thebado and accepted their report.

Meeting adjourned at 4:22pm

Attest to:



Simela Perdikomatis
Senior Clerk/Comm.Secretary



**CITY OF MARLBOROUGH
RECREATION DEPARTMENT**

239 Concord Road
Marlborough, Massachusetts 01752
Tel (508) 624-6925 FAX (508) 624-6940 TTY (508) 460-3816

COMMISSIONERS

Brenda Calder
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Craig Hunt
Robert Kays, Chairman
Jeffrey Long
Dennis Zilembo

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2013 JAN -2 A 10:30

DIRECTOR
David T. Grasso

PROGRAM MANAGER
Charles Thebado

April 12, 2011

Pursuant to notice duly filed with the City Clerk, a meeting of the Parks and Recreation Commission was held at 3:00pm, at the Recreation Commission Office.

Present were Commission Members:

Chairman Kays, Commissioner Long, Commissioner Hunt, and Commissioner Calder.

Also attending were: Recreation Director Grasso, Program Manager Thebado, and General Foreman White.

APPROVAL OF MINUTES 03-08-11.

On a motion duly made and seconded, it was unanimously:

VOTED: To approve the 03-08-11 minutes.

PARKS REPORT:

General foreman White gave the following updated report:

- Working on fields daily, preparing them for the upcoming season.
- Within the next couple of weeks we will start mowing.
- Due to weather and men power we are couple of weeks behind.
- Fence repair was done at memorial beach.
- Graffiti at ward park got really bad this year.
- Working on playground maintenance- minor damages.
- Kelleher Field looks very nice.

There was a brief discussion regarding field fees. The Commission will revisit the issue again at the next Commission meeting.

The Commission thanked Mr. White and accepted his report.

RECREATION REPORT:

Recreation Director Grasso gave the following updated report:

- Sign ups for PSA are slow. Same as last year, it will sell again before camp starts.
- All program information is available and on line.
- All summer programs are ready and will be adding more.
- Memorial Beach will be open on weekend in the beginning and towards the end of June will open seven days.
- We still working on Bus rates. Rates are very high this year.
- Working on Staff and pools.
- We have between 45-55 summer employees.
- There was a brief discussion regarding adding a sliding water pool in one of our location. Cost will be high. Chuck stated he will check into it.
- Budget is this Thursday at 1pm. Budget is same as last year no changes.
- Dave is attending the MDAC meeting with other Department Heads
- Met with Don Ryder/legal dept. regarding liability insurance for leagues/teams and organizations.
- We are getting central air at Jericho. Recreation Department will pay for the central air and John Ghiloni's department will take care of the installation.
- Clean sweep is April 30th.
- A brief discussion was held regarding raising field permit fees.


The Commission thanked Mr. Grasso and Mr. Thebado and accepted their report.

OLD/NEW BUSINESS:

A brief discussion was held regarding Mr. Dandeneau's proposal to conduct business at Memorial Beach. Tailgaters Wood Grill is a mobile food service. After viewing Mr. Dandeneau's proposal to conduct business at Memorial Beach for the 2011 summer season, the Commission stated the following: Great proposal and great idea. Must likely it will have to go to bid. They need to check further. The Commisison also stated they definitely think it's a great idea to have a concession run by the Recreation Department or a non profit organization.

Meeting adjourned at 4:25pm

Attest to:



Simela Perdikomatis
Senior Clerk/Comm.Secretary



**CITY OF MARLBOROUGH
RECREATION DEPARTMENT**

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COMMISSIONERS
Brenda Calder
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Craig Hunt
Robert Kays, Chairman
Jeffrey Long
Dennis Zilembo

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CITY OF MARLBOROUGH

2013 JAN - 2 A 10:30
DIRECTOR
David T. Grasso

PROGRAM MANAGER
Charles Thebado

October 11, 2011

Pursuant to notice duly filed with the City Clerk, a meeting of the Parks and Recreation Commission was held at 3:15pm, at the Recreation Commission Office.

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

Also attending: Recreation Program Manager Thebado and Parks, Forestry and Cemetery General Foreman Chris White.

RECREATION REPORT:

Recreation Program Manager Thebado gave the following updated report:

- *Memorial Beach and Wading Poolsvery busy this summer.
 - * Swim lessons; the numbers went up to 40%.
 - *PSA went very well.....every week was sold out.
 - * Golf Camp did also very well.
 - *Mike Burns soccer camp program went great.
 - * Busy summer with field permits...no major problems.
 - *Kept youth and adult leagues off the fields for nearly 4 weeks....per Chris White's request.
 - *Sports Camps: Minimum sign ups not as good as the previous years.
 - * Labor Day and summer concerts went great.
 - * A young man volunteer his time with the skate park project.
 - * Working on our fall/winter programs.
 - *Ft; Meadow will be drained down on November 1st.
 - *Hoops will be placed in Jaworek school in the near future.
- The Commission thanked Mr. Thebado, and accepted his report.

PARKS REPORT:

General Foreman Chris White gave the following updated report:

*Very busy summer for the Parks.

*Ward Park project will cost approximately \$3 million dollars. The project looks great.

Brief discussion and wishing thoughts by the Commission to add a new pool for the city.

* Memorial Beach project is funded and looks very nice.

The Commission stated that both projects look great.

- There was a brief discussion regarding field fees. Will revisit the decision on the next Commission meeting.

The Commission thanked Mr. White for his report.


OLD/NEW BUSINESS:

Commissioner Zilembo suggested Memorial Beach to remain open until Labor Day. Program Manager Thebado stated that will be very difficult since the lifeguards are back to college by the end of August. After a brief discussion it was suggested to revisit the issue again on the next commission meeting.

Commissioner Calder informed the Commission of her appointment and date of oath: October 11,2011.

Motion adjourned at 4:00pm.

Attest to:



Simela Perdikomatis

Senior Clerk/Comm. Secretary



**CITY OF MARLBOROUGH
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COMMISSIONERS
Brenda Calder
Thomas Evangelous
Craig Hunt
Robert Kays, Chairman
Jeffrey Long
Dennis Zilembo

2013 JAN -2 A 10:30
DIRECTOR
David T. Grasso

PROGRAM MANAGER
Charles Thebado

November 08, 2011

Pursuant to notice duly filed with the City Clerk, a meeting of the Parks and Recreation Commission was held at 3:15pm, at the Recreation Commission Office.

Present were Commission Members: Commissioner Long, Commissioner Zilembo, Commissioner Hunt, and Chairman Kays.

Also attending: Recreation Director David Grasso and Recreation Program Manager Charles Thebado.

RECREATION REPORT:

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

- Mr. Kevin Cormier will be heading the 2012 ski program.
- We are in the process to complete all winter programs.
- There was a brief discussion regarding ice skating at Ward Park.
- Commission would like the Ward Park master plan to include ice skating.
- Holts Grove.....maintenance a priority for ice skating.

Motion adjourned at 4:00pm



CITY OF MARLBOROUGH RECREATION DEPARTMENT

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2013 JAN -2 A 10:30

COMMISSIONERS
Brenda Calder
Thomas Evangelous
Robert Kays, Chairman
Jeffrey Long
David Zilembo
DIRECTOR
David T. Grasso

PROGRAM MANAGER
Charles Thebado

January 10, 2012

Pursuant to notice duly filed with the City Clerk, a meeting of the Parks and Recreation Commission was held at 3:20pm, at the Recreation Commission Office.

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

Also attending: Recreation Director David Grasso, Recreation Program Manager Charles Thebado and Parks Cemetery and Forestry General Foreman Chris White.

APPROVAL OF MINUTES:

On a motion made by Commissioner Zilembo and seconded by Commissioner Hunt, it was unanimously:
VOTED: To approve the 10-11-11 and 11-8-11 minutes.

PARKS REPORT:

General Foreman Chris White gave the following updated report:

- Holts Grove was cleaned up and ready for ice skating.
- Ice line was put on Kelleher Field, if freezes it will need maintenance.
- Ward Park outdoor skating rink 100x200, the cost for the kit was \$4,600.00 plus shipping. This cost will be passed on to the Recreation Department and Parks Division would take care of installation. It will take approximately four to five weeks to deliver the unit.
- Brief discussion regarding the annual cost for an outdoor skating, new liner needs to be purchased every year, cost approximately \$250.00. The Commission suggested to also include a sign with public skating hours.
- A brief discussion was held regarding Mr. Steve LeDuc/ MYBA field issues. Mr. Grasso will contact Mr. LeDuc and explain the field schedule. All baseball fields are used by MYBA during their season.
- Due to the nice weather we are noticing people are using the fields without a permit.

The Commission thanked Mr. White for the updated parks report.

RECREATION REPORT:

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


- Winter programs are on line and ready for people to register.
- Working on Project winter Adventure.
- Meeting tomorrow with Mark Gibbs to check how soon can we start online registration.
- The city will soon start to accept credit cards as a form of payment.
- Ski Club started last week. Everything went well. Numbers are a little bit down this year due to the economy.
- Home for the Holidays, was very successful. Lots of people attended.
- The Department thanked Mrs. Patti Zilembo and her kids for helping with the event.
- The Department also thanked Chairman Kays for his help and donation of cocoa.
- Commission of disability supported the design of Memorial Beach.
- There is no power at Holts Grove for ice skating. Not an easy thing to do per John Ghiloni. Mr. Ghiloni will have Ed Larose look into it.
- Ice still not safe for skating.
- All trees cleaned up and removed the next day!
- Splash Parks: The cost approximately will be \$150,000.00
The town of Northborough 10 years ago, their splash park installation was \$100,000, water expense annually is \$6,000.00 and recycled water \$60,000.

The town of Hampton recently installed by O'Brien and Sons their cost was \$150,000.

The Commission stated they will further discuss the splash park on their next Commission meeting.

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

Meeting adjourned at 3:55pm.

Attest to: 
Simela Perdikomatis
Senior Clerk/Comm. Secretary



**CITY OF MARLBOROUGH
RECREATION DEPARTMENT**

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Marlborough, Massachusetts 01752
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COMMISSIONERS

Brenda Calder
Thomas Evangelous
Robert Kays: Chairman
Jeffrey Long
Dennis Zilembo

DIRECTOR

David T. Grasso

PROGRAM MANAGER

Charles Thebado

Parks & Recreation Commission Minutes
February 14, 2012

Pursuant to notice duly filed with the City Clerk, a meeting of the Parks and Recreation Commission was held at 3:00pm, at the Recreation Department office; 239 Concord Rd., Marlboro, MA 01752

Present were Commission Members: Chairman Bob Kays, Commissioner Brenda Calder, Commissioner Jeff Long, and Commissioner Tom Evangelous

Also in attendance were Recreation Director David T. Grasso, Program Manager, Charles Thebado, and General Foreman of Forestry, Parks, & Cemeteries, Chris White

The Recreation Department's Ski Club program concludes its final week on March 8, 2012

Mr. Grasso attended the January 30 Finance Meeting where Mayor Vigeant announced the City did not receive the PARC Grant for the Memorial Beach Project. The Mayor and the Finance Committee agreed to advance the design phase of the project but not to exceed \$100,000. The City will reapply for the PARC Grant in June, 2012.

There's been no outdoor ice skating this season as the weather has been one of the mildest winters on record. The portable rink designated for Ward Park will be constructed next season. Minimum ice thickness for outdoor ice skating requires three inches. Four to six inches of thickness is preferred.

The manmade rink at Kelleher was dismantled as the liner was compromised.

A mitt-mutt dispenser for dog waste was requested for the Jericho Recreation facility. A dispenser was installed by the Parks Department shortly thereafter the request.

Manmade bike ramps were dismantled at the Jericho site deep in the woods. Appropriate signage was installed for law enforcement purposes.

Fence repair at Kelleher Field was completed.

Chris White recommended that the SMOC playground, which was dissembled by the Parks Department, be reused and installed at Memorial Beach.

Chris white is working with the Dutchka family to install a memorial bench at Ghiloni Park in Jonathan Dutchka's memory.

Motion made to adjourn at 4:15pm



CITY OF MARLBOROUGH RECREATION DEPARTMENT

239 Concord Road
Marlborough, Massachusetts 01752
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COMMISSIONERS
Brenda Calder
Thomas Evangelous
Robert Kays, Chairman
Jeffrey Long
Dennis Zilembo

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CITY OF MARLBOROUGH

2013 JAN -2 A 10:30

DIRECTOR
David T. Grasso

PROGRAM MANAGER
Charles Thebado

March 13, 2012

Pursuant to notice duly filed with the City Clerk, a meeting of the Parks and Recreation Commission was held at 3:15pm, at the Recreation Commission Office.

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

Also attending: Recreation Director David Grasso, Recreation Program Manager Charles Thebado and Parks Cemetery and Forestry General Foreman Chris White.

APPROVAL OF MINUTES:

On a motion made by Commissioner Zilembo and seconded by Commissioner Long, it was unanimously:
VOTED: To approve the 02-14-12 minutes.

PARKS REPORT:

General Foreman Chris White gave the following updated report:

Recent weather conditions have been great. The Parks Department started to prepare the fields for the season. If good weather continues, we should be ready to release the fields by April 7th. Playground inspections are in the process. We're making sure if any equipment or parts need to be replaced. There was a brief discussion of the possibility of closing a few fields due to field conditions. Parks will advise the Recreation Department if poor field conditions dictate. There was a discussion regarding field fees for all leagues and whether or not fees will increase for this upcoming season. Parks Budget is level funded.

The Commission thanked Mr. White for the updated parks report.

RECREATION REPORT:

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

*The following spring programs are offered and are on line: April Vacation Camp for kids 6-12, Babysitting Course, CPR/FA course, Fencing Program, Horseback Riding Lessons, Golf Lessons, Ice Skating Lessons, Sports Programs, Reading & Math Program, Dance Lessons, Champion Youth Outreach, Aquacise Class, Deep Water Workout, and Home Alone Safety Class.

* Spring Registrations are ongoing.

* Flyers went to all public schools and a press release was issued to local media.

* We are in the process of hiring our summer staff.

There was a brief discussion regarding the need of a Gymnasium in order to provide additional affordable programs to all residents.

- Checked with the legal department and we were advised that we're not obligated to put signs on obvious dangers with respects to outdoor ice skating at Holt's Grove.
- Communication from Conservation was to thank the department from the boys scouts.
- Budget is level funded.
- Chairman Kays informed the Commission there might be an interest for a Circus event and suggested to look into the City's obligations and details of hosting the event.
- The Commission suggested to Mr. Grasso and fellow Commission members to think about what projects to consider for upgrading and then as a group, prepare a five year capital project plan. They also suggested we work with DPW/Engineering and Mr. White to prioritize the list.
- Capital budget usually has to be presented to the Finance Committee by August.

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

Meeting adjourned at 4:35pm.

Attest to:

Simela Perdikomatis

Senior Clerk/Comm. Secretary





**CITY OF MARLBOROUGH
RECREATION DEPARTMENT**

239 Concord Road
Marlborough, Massachusetts 01752
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MARLBOROUGH

COMMISSIONERS
Brenda Calder
Thomas Evangelous
Robert Kays, Chairman
Jeffrey Long
Dennis Zilembo

2013 JAN -2 A 10 30

DIRECTOR
David T. Grasso

PROGRAM MANAGER
Charles Thebado

April 10, 2012

Pursuant to notice duly filed with the City Clerk, a meeting of the Parks and Recreation Commission was held at 3:15pm, at the Recreation Commission Office.

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

Also attending: Recreation Director David Grasso, Recreation Program Manager Charles Thebado and Parks Cemetery and Forestry General Foreman Chris White.

APPROVAL OF MINUTES:

On a motion duly made and seconded, it was unanimously:

VOTED: To approve the 03-13-12 minutes.

PARKS REPORT:

General Foreman Chris White gave the following updated report:

- *Fields are officially opened for the season.
- * Cutting grass started last week.

Inspected the locations below with the following recommendation:

STEVENS PARK:

- *Irrigation – needs booster pump due to low pressure due to its location close to the tank.
- *Concession stand/restrooms
- *Drainage on the field and perimeter areas to address ongoing drainage issue since filling in the old standpipe reservoir.

Court Area:

- Rehab the court areas large cracking in playing surface.
- Lighting upgrades
- Reduce court area to create additional parking.

Lower Field/Martin St.

- Field renovation or realignment – short right field safety issues.
- Walls (current first baseline area) to correct field grading issues for proper drainage.
- Upgrade concession stand and bathrooms.
- Irrigation upgrade (currently only has two zones that do infield areas only) this would also need booster pump.
- Playground – it's the second oldest in the City.

KELLEHER FIELD:

Realign field –put in compliance with MIAA for tournament play.
Make a turf field- more playability and longer seasons.

Lighting
Stands
Locker Rooms
Fencing
Total Rehab of site

WARD PARK:

Currently in master planning stage
Lighting
Field
Courts
Pool
Parking
Concession Stand/Restrooms

HILDRETH/FARRELL FIELD:

Baldelli Field:

Lighting upgrade
Irrigation
Fencing

Farrell Pool:

Pool upgrade
Splash pad
Pavilion or Canopy for shade
Pump house upgrade

JOHN STREET PLAYGROUND:

Playground – the oldest in the city.
Court area rehab- painting, backboards.

GHILONI PARK:

The park has had no major upgrades besides the playground in twenty years.

Road repairs
Sidewalks
Drainage
Walking track- pave 10 foot wide area along the entire half mile track.
Lighting
Rehab both multipurpose fields to increase the depth of the seed bed for better rooting to assist in reducing wear due to use.
Concrete floor in equipment storage barn
Materials storage facility on rear access road

COMMUNITY CENTER FIELD:

New Backstop with team bench area
Dugouts
Lights upgrades

Memorial Beach looks pretty good.
Playground was donated by the bank.
Tree work is in the process.

Mr. White provided the list to the Commission and stated that it will be up to the Commission to prioritize the list.

The Commission thanked Mr. White for his good job and for providing the report with items/work need to be done on various locations.

There was a brief discussion regarding the tower funds and if they can use those funds for summer help and capital projects.

The Commission also stated they would like to put together a projecting list and invite Mayor Vigeant to attend one of our meetings.

The Commission will be visiting the following locations:

Stevens Park: April 24th at 10am

Kelleher Field: April 24th at 10:30am

Hildreth Field/Baldelli: May 1st at 10:30am

John St. : May 1st, at 11am

Ghiloni Field: May 8th at 10am

Community Center: May 8th at 10:30am

The Commission thanked Mr. White again for the updated parks report.

RECREATION REPORT:

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

- Spring program flyer was distributed to all of the elementary schools a couple of weeks ago. There are 30 program offerings highlighted by the spring vacation week program.
- Spring sign ups are going great.
- As of Monday, April 9th, there are 33 registered for the Spring Adventure Program. It's definitely a go program.
- We have Clean Sweep Press announcement this Friday morning.
- The Eagles Egg Hunt went very well.
- Mr. Grasso provided the Commission the Kelly Circus information they requested.
- Mr. Grasso provided the Commission with a mock draft of a potential 5 year capital plan.

Question marks next to some of the figures denote importance to commission. Figures came from the Engineering Dept. several year ago. He also stated that he tried to line up the years as realistically as he could. All projects are subject to discussion.

There was a discussion regarding the Revised-April 2012, 5 Year Capital Plan, construction projects:

Landfill-Old Dump Site

Memorial Beach

Ghiloni Park

Ward Park

Kelleher Field

High School Fields

Stevens Park

Korean Veterans Park

Jaworek School

Mr. Grasso also stated that it will be a great idea for the Commission to visit all Parks and Recreation locations.

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

Attest to:

A handwritten signature in black ink, appearing to read 'Simela Perdikomatis', written over a horizontal line.

Simela Perdikomatis

Senior Clerk/Comm. Secretary



CITY OF MARLBOROUGH RECREATION DEPARTMENT

239 Concord Road
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Tel (508) 624-6925 FAX (508) 624-6940 TTY (508) 624-6940

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

2013 JAN -2 A 10:30

DIRECTOR
David T. Grasso

PROGRAM MANAGER
Charles Thebado

October 09, 2012

Pursuant to notice duly filed with the City Clerk, a meeting of the Parks and Recreation Commission was held at 3:00pm, at the Recreation Commission Office.

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

Also attending: Recreation Director David Grasso and Recreation Program Manager Charles Thebado.

RECREATION REPORT:

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

*Mr. Grasso met with Ms. Deb Williams/MEDC regarding Memorial Day Weekend Sporting Event.

* Issues with the Kelleher scoreboard. Will purchase a new scoreboard for Kelleher Field.

*New basketball hoops at Kelleher and Kane.

*Pools are winterized.

* Working to finalized all details for Home for the Holidays, December 7, 2012.

* Buses all set for Ski Club.

* Working with Ski Ward for Recreation Ski Lesson available to all Marlborough Youth.

* The following programs are finalized and available to our residents:

Introduction to Archery, Champion Youth Outreach, Fitness Boot Camp, Home Alone Safety Class,

Introduction to Kayak, Kayaking Trip, Pre-K T-Ball, Ice Skating Lessons for children and adults, Babysitting

Class, Olympic Fencing Class, Heartsaver Pediatric FA and CPR, Mommy/Daddy & Me Kayaking,

Introduction to Lacrosse, and Pre-K Mini- Sports.

There was a brief discussion regarding the following suggesting park/field updates :

Stevens Park:

1. Irrigation – Needs booster pump due to low pressure because of its location close to tank.
2. Concession Stand w/restrooms
3. Drainage on the field and perimeter areas to address ongoing drainage issue since filling in the old standpipe reservoir.

Court Area: Rehab the court areas large cracking in playing surface. Lighting upgrades and reduce court area to create additional parking.

Lower Field: Field renovation or realignment. Walls to correct field grading issues for proper drainage.

Upgrade Concession Stand and bathrooms. Irrigation upgrade, this would also need booster pump.

Playground – this is the second oldest in the City.

Kelleher Field:

1. Realign Field.
2. Make a turf field.
3. Lighting
4. Stands
5. Locker Rooms
6. Fencing
7. Total Rehab of site.

Ward Park:

1. Currently in master planning stage.
2. Lighting
3. Field
4. Courts
5. Pool
6. Parking
7. Concession Stand and Restrooms

Hildreth Farrell Field:

Baldelli Field:

Lighting

Irrigation

Fencing

Farrell Pool:

Pool upgrade

Splash Pad

Pavilion or Canopy

Pump House upgrade

John Street Playground:

1. Playground – oldest in city
2. Court area rehab
3. Fencing

Ghiloni Park:

The park has had no major upgrades besides the playground in twenty years.

1. Road repairs
2. Sidewalks
3. Drainage
4. Walking Track
5. Lighting
6. Rehab both multipurpose fields
7. Concrete floor in equipment storage barn
8. Materials storage facility on rear access road.

Community Center:


1. New Backstop with team bench area
2. Dugouts
3. Lights Upgrades.

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

Old/New Business:

- Communications from Mr. Chris White/General Foreman, regarding Recreation Sites Capital Request.
- Communications from Priscilla Ryder, regarding Memorial Beach –proposed dedication vote.
- Communications from Adam Matthews/MYSA President, regarding Marlborough Youth Soccer Field Issues.
- Communications from MYBA Board of Directors, regarding request for permission and assistance in helping their league transition their current playing.

Meeting adjourned at 3:55pm.

Attest to: 
Simela Perdikomatis
Senior Clerk/Comm. Secretary

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City of Marlborough

Commonwealth of Massachusetts

2012 DEC 19 P 1:15



November 26, 2012
7:00 PM

PLANNING BOARD

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

Carrie Lizotte, Board Secretary

Phone: (508) 460-3769

Fax: (508) 460-3736

Email: CLizotte@marlborough-ma.gov

The Planning Board for the City of Marlborough met on Monday, November 26, 2012 in Memorial Hall, 3rd Floor, City Hall 140 Main Street, Marlborough, MA 01752. Members present: Barbara Fenby, Colleen Hughes, Sean Fay, Edward Coveney and Shawn McCarthy. Also present: City Engineer Thomas Cullen.

The Planning Board welcomed their newest member, Mr. Shawn McCarthy to the Board.

MINUTES

November 5, 2012

On a motion by Ms. Hughes, seconded by Mr. Coveney, it was duly voted:

To accept and file the meeting minutes.

CHAIRS BUSINESS

*Results Way Mixed Overlay District
Findings*

The Planning Board is sending to the City Council a favorable recommendation to endorse the addition of the Results Way Mixed Used Overlay District. They all agreed that the proposal of a location for this zone will provide many significant economic advantages as well as a quality of lifestyle without creating any additional burdens on the exiting residents or businesses.

On a motion by Mr. Coveney, seconded by Ms. Hughes, it was duly voted:

To accept and file the correspondence, to send the finding to the City Council for their review.

City Council Correspondence
Westridge Estates, Dufrense Drive

The City Council is asking if the Planning Board has accepted the subdivision known as "Westridge Estates, Dufrense Drive". The Planning Board accepted the subdivision on July 23, 2012 and can give a favorable recommendation to the Council to accept the street.

On a motion by Mr. Coveney, seconded by Mr. McCarthy, it was duly voted:

To accept and file correspondence, to send a favorable recommendation to the City Council to endorse the street.

Data and Telecomm Zone Change
Attorney Bergeron

Attorney Bergeron asked the Board if they could authorize the Planning Board Secretary to prepare and advertise a proposed zoning amendment public hearing to coincide with the City Council public hearing schedule. The matter was just placed on tonight's City Council schedule, which means that it would not be to the Planning Board until the next meeting. By not advertising prior to the referral, the Board's public hearing would be on a different night than the City Council's public hearing. The matter was not placed on the Board's agenda for this meeting which poses a potential Open Meeting Law issue that would preclude further discussion. The City Solicitor advised the Board that granting Attorney Bergeron's request would result in technical non-compliance with the rigid requirements of the law. Solicitor discussed various solutions to the issue including holding a special meeting. None of the proposed solutions would have resulted in public hearings being held on the same day.

Mr. Fay asked the Solicitor if his understanding was correct that by advertising a public hearing that the Board would be risking a violation of the Open Meeting Law, even though the violation would result in published public notice. The solicitor answered in the affirmative.

A motion was made Mr. Coveney to authorize the advertisement, seconded by Mr. Fay and supported by Dr. Fenby. The motion was opposed by Ms. Hughes and Mr. McCarthy, and lacking a super majority, the motion was denied.

APPROVAL NOT REQUIRED PLAN

Highland Street
Submittal

Mr. Donald Morris is presenting a plan that added an additional line to subdivide the property he owns on Highland Street. He stated the property is in the midst of being sold, with him to keep the remaining portion for his own use.

On a motion by Mr. Coveney, seconded by Ms. Hughes, it was duly voted:

To accept and file correspondence, to have the City Engineer review the plan and report back to the Planning Board prior to the next regular scheduled meeting.

***Pleasant Street
Submittal***

Mr. Thomas Dipersio, Sr. presented the Plan to take a portion of land to create one buildable lot.

On a motion by Ms. Hughes, seconded by Mr. Coveney, it was duly voted:

To accept and file correspondence, to have the City Engineer review the plan and report back to the Planning Board prior to the next regular scheduled meeting.

PUBLIC HEARING

SUBDIVISION PROGRESS REPORTS

City Engineer Update

Mr. Cullen stated he has spoken to the Engineer for Berlin Farms and only has minor adjustments being made to the acceptance plans prior to him writing the endorse recommendation. He stated that Blackhorse Farms has the curbing in place and the roadside trees are planted. Ms. Hughes asked if the bond certificate was in correct entity on the subdivision, the Secretary will check with the developer. Mr. Cullen also stated that Mauro Farms is near completion of their first phase with rough sidewalks in place and are looking to release more lots to start the next phase of the project.

***Country Club Estates
Proposed Agreement***

The City Solicitor and Attorney Falk have rewritten the agreement to include the 6 month cushion to section 9 paragraph A. Mr. Fay raised a concern about the timeframe if all of the required work was not completed in a timely manner. Specifically Mr. Fay asked what would happen if the City Council could not act before the current council expired in December of 2013. Mr. Fay asked if it would be possible to include a clause that would automatically extend the agreement if the matter was pending when the current counsel expired. 1. Attorney Falk is going back to his client and if it's approved by his client, he will add that stipulation to the agreement.

***Mauro Farms
Bond Reduction and Lot Release request***

Mr. Fay reminded that he has a conflict with this subdivision and that his appointing authority granted relief.

Mr. Martin Loiselle, project manager for the developer, is requesting a suitable bond reduction and for the release of lots 26, 27, 28 and 29. Mr. Loiselle also stated that he believed the date for the tri-partite has lapsed, however upon the Secretary checking, the extension date is June 1, 2014.

On a motion by Mr. Coveney, seconded by Ms. Hughes, it was duly voted:

To accept and file correspondence, to refer the bond request to the City Engineer.

The Residences of Oak Crest
Bond Reduction Request

The Developer, John Breslouf, is asking for a bond reduction and an acceptance of the subdivision. The City Engineer stated he is close to having the subdivision completed and his endorsement to accept the subdivision is awaiting a few minor changes to the acceptance plans.

Mr. Fay asked when the current extension is scheduled to expire. Mrs. Lizotte confirmed that the subdivision is in compliance until June 2013.

On a motion by Ms. Hughes, seconded by Mr. Coveney, it was duly voted:

To accept and file correspondence, to refer the request to the City Engineer.

PENDING SUBDIVISION PLANS: Updates and Discussion

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

Ravenswood (January 9, 2013)

The Developer and his Engineer have received the comments that were discussed by the Planning Board at their last meeting. Mr. Hamor stated that he has reviewed comments and wanted to clarify a few points with the Board. He stated that they did have the permission from Avidia Bank to cross onto their land to connect to the sewer and they are still in discussion with the neighbors about access through their land for the connection. Mr. Hamor stated that if they are not able to make a connection, then the two new homes would be using septic tanks.

Mr. Hamor stated that he spoke to the Fire Chief and that with the reduced road width; they were able to move their apparatus within the roadway. Mr. Hamor also discussed

that they were in front of the Conservation Board identifying the location of the wetlands and are looking for the determination from the Board in the next few weeks.

Mr. Hamor also showed the Board the conception plan that would only require a waiver for the road width.

Mr. Hamor discussed the future of the low impact subdivisions, where less of the natural state would be affected. He also stated he thought that between the informal meetings and the public hearings that the Board was willing to consider these waivers to create a low impact subdivision. He could not understand the Boards reluctance in granting the waivers.

Mr. Fay stated that Mr. Hamor should have been well aware that the Board was not in favor of multiple waiver requests connected to the current plan. He reminded Mr. Hamor of Mr. Hodge's comments from the last meeting that drastic departure from the current subdivision regulations to include low impact developments should not be made on a case by case basis but by a comprehensive modification of the rules and regulations. Mr. Fay stated that approving the current plan with the requested would be setting a bad precedent. He referenced another similar subdivision, Padula Drive that is the exact same number of houses and the same concept that was required to be built following the rules and regulations without significant waivers.

Dr. Fenby stated that the Board cannot consider anything that would hinder the public's safety and interest, nor are they willing to consider the required waivers. Dr. Fenby stated that if they would like to introduce a conventional subdivision plan, a public hearing would have to be advertised. In doing so, the developer would have to re-advertise for a public hearing and possibly creating a time issue for approval. It was suggested that the developer withdraw without prejudice.

Mr. Hamor verbally requested to withdraw without prejudice.

On a motion by Ms. Hughes, seconded by Mr. Coveney, it was duly voted:

To accept the verbal request to withdrawal without prejudice; with the understanding that Mr. Hamor will provide the request in writing.

SIGNS

Mr. Fay stated it was time for a sweep again of the signs. All members agreed and will send the list to the secretary.

UNFINISHED BUSINESS

The members discussed sending a thank you letter to the Building Commissioner for attending the last meeting and to summarize the discussion. The letter will address the following:

- Sign Enforcement
- Collection Bins
- Requirement for Civic organizations to apply for a variance for their temporary signs
- Ways to improve the code enforcement fines and ticketing system.

INFORMAL DISCUSSION

COMMUNICATIONS/CORRESPONDENCE

On a motion by Ms. Hughes, seconded by Mr. Coveney, it was duly voted:

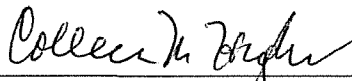
To accept all of the items listed under communications and/or correspondence.

On a motion by Mr. Coveney, seconded by Ms. Hughes was duly voted:

To adjourn at 8:50 p.m.

A TRUE COPY

ATTEST:



Colleen Hughes, Clerk

City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Commonwealth of Massachusetts

2012 DEC 19 P 1:15



PLANNING BOARD

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

Carrie Lizotte, Board Secretary

Phone: (508) 460-3769

Fax: (508) 460-3736

Email: CLizotte@marlborough-ma.gov

December 3, 2012

7:00 PM

The Planning Board for the City of Marlborough met on Monday, December 3, 2012 in Memorial Hall, 3rd Floor, City Hall 140 Main Street, Marlborough, MA 01752. Members present: Barbara Fenby, Philip Hodge, Colleen Hughes, Sean Fay, Edward Coveney, Clyde Johnson and Shawn McCarthy. Also present: City Engineer Thomas Cullen.

MINUTES

November 26, 2012

On a motion by Ms. Fay, seconded by Mr. Coveney, it was duly voted:

To table the meeting minutes until the next meeting.

CHAIRS BUSINESS

City Solicitor Correspondence

Westridge Estates, Dufresne Drive

The City Solicitor, Donald Rider, is asking the Board to wait upon sending their acceptance decision for Dufresne Drive due to a Drainage Easement that is not owned by the West Hill, LLC. He stated that the easement is on Parcel A is owned by MG realty Trust and not West Hill, LLC and West Hill will need to secure the easement prior to the City taking ownership. Mr. Rider will provide an update as soon as he has one to provide.

On a motion by Mr. Fay, seconded by Mr. Coveney, it was duly voted:

To accept and file the City Solicitors correspondence and ask the City Solicitor to update the Board when one is available.

City Council Correspondence
Zoning Amendment Data and Telecomm Zone Change

The Planning Board set a public hearing date of January 7, 2013 at 7:15PM.

APPROVAL NOT REQUIRED PLAN

Highland Street
Decision

Mr. Cullen has reviewed the ANR known as "76-78 Highland Street" and can a favorable recommendation to the Planning Board to endorse the plan.

On a motion by Ms. Hughes, seconded Mr. Johnson it was duly voted:

To accept and file correspondence; to accept and endorse a plan of land believed to be Approval Not Required of "76-78 Highland Street" owned by Donald C. Morris, Trust, 1047 Pikes Falls Road, Jamaica, VT. Name of Engineer: Connorstone Engineering, 10 Southwest Cutoff, Suite 7, Northborough, MA 01532. Deed of property recorded in South Middlesex Registry Deeds Book 8071 Pages 326.

Mt. Pleasant Street
Submittal

Mr. Thomas Dipersio presented to the Board the ANR known as Mt. Pleasant Street and he explained that they are moving the lot line to create a conforming buildable lot.

On a motion by Mr. Fay, seconded by Mr. Coveney, it was duly voted:

To accept and file correspondence, to have the City Engineer review the plan and report back to the Planning Board prior to the next regular scheduled meeting.

Pleasant Street
Decision

Mr. Cullen has reviewed the ANR known as "710 Pleasant Street" and can a favorable recommendation to the Planning Board to endorse the plan.

On a motion by Mr. Coveney, seconded Mr. Fay it was duly voted:

To accept and file correspondence; to accept and endorse a plan of land believed to be Approval Not Required of "710 Pleasant Street" owned by Lewis F. Clark, Jr., 710 Pleasant Street, Marlborough, MA 01752. Name of Engineer: Thomas Land Surveyors, 265 Washington Street, Hudson, MA 01549. Deed of property recorded in South Middlesex Registry Deeds Book 15168 Pages 513.

PUBLIC HEARING

SUBDIVISION PROGRESS REPORTS

City Engineer Update

Mr. Cullen discussed the grading of the sidewalks at Blackhorse Farms. He also stated he has been in contact with the Engineers for the Berlin Farms subdivision pertaining to corrections on the As-builds.

Mauro Farms

Mr. Fay reminded the Board of his conflict and it's duly noted through his appointing authority.

Correspondence from Developer

Martin Loiselle, project manager for the developer, is asking to delay any action on the bond release or reduction until the first meeting in January.

Correspondence from City Engineer

After review, Mr. Cullen has recommended that the current bond at \$1,241,000.00 be reduced to \$942,000.00. He then followed up with the remaining work to be completed for the remaining streets that includes: fencing, finish roadway paving's, setting bounds and roadside trees.

On a motion by Ms. Hughes, seconded by Mr. Coveney, it was duly voted:

To accept and file correspondence and to table the matters until the January 7, 2013 meeting.

The Residences of Oak Crest

After a full review, The City Engineer can send a favorable recommendation to the Planning to accept the acceptance of the following:

- As-Built Plan and Profile of Graves Lane (Sheet 1 of 1), for the Residence of Oak Crest Subdivision, dated November 9, 2012. Note the plan was prepared by Foresite Engineering, 16 Gleasondale Road-Suite 1-1, Stow, MA 01775.
- Plan of Acceptance of Graves Lane and Municipal Easements (Sheet 1 of 1), dated November 25, 2012. Note that the plan was prepared by Foresite Engineering, 16 Gleasondale Road-Suite 1-1, Stow, MA 01775.
- The latest legal descriptions.

Mr. Cullen also recommended to reduce the current bond of \$41,000.00 to \$27,000.00 and to remain in place until final acceptance and recording.

Correspondence:

On a motion by Ms. Hughes, seconded by Mr. Coveney, it was duly voted:

To accept and file all correspondence.

Street Acceptance:

On a motion by Mr. McCarthy, seconded by Mr. Coveney, it was duly voted:

To endorse the "Plan of Acceptance of Graves Lane & Municipal Easements (Sheets 1 thru 1), dates November 15, 2012; Scale 1"=40'; prepared by Foresite Engineering, 16 Gleasondale Road-Suite 1-1, Stow, MA 01775.

Remaining Bond:

On a motion by Ms. Hughes, seconded by Mr. Hodge, it was duly voted:

To reduce the existing bond of \$41,000.00 to \$27,000.00 and have the bond remain in place until acceptance and recording through the City Council.

PENDING SUBDIVISION PLANS: Updates and Discussion

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

Ravenswood (January 9, 2013)

The Planning Board did not receive written confirmation of a withdrawal from the developer. The Secretary will send a reminder notice to the Developer or the Planning Board will deny without prejudice at the next meeting.

SIGNS

The Board discussed the signs including the multitude of the Festival of Trees signs throughout the City. They will once again discuss with the Building Commissioner and discuss with certain members of the City Council regarding all the illegal signs.

UNFINISHED BUISNESS

Correspondence to the Building Commissioner

Collectively the Members agreed to send the following points to the Building Commissioner in efforts to thank him for meeting with them and to remind him what was discussed at their meeting:

-That sign enforcement was important, especially with habitual offenders and those businesses that were denied variances;

-That Property owners and Collection bin owners should both be fined now under the off-premise sign rules as non-permitted off-premise signs to deal with the proliferation of the illegal bins, and that we should not wait until the City Council takes action on a more comprehensive approach;

-That we should work with the City Council to come up with a more comprehensive approach to address collection bins;

-That civic organizations need to seek a variance to advertise their community events, no matter how worthy the cause;

-That Ms. Wilderman should have the authority to cut chains that are securing temporary signs to public property, especially those signs belonging to habitual offenders such as the Red Cross;

-That the planning Board should work to assist Ms. Wilderman in her enforcement efforts whenever possible by sending photos of obvious violations;

-That increasing efficiency will lead to greater enforcement, and that you will look into requesting a hand held ticketing system that Ms. Wilderman can use to ticket offenders on site with a ticket and a photo that is simultaneously sent to her by e-mail for record keeping; and,

-That as you stated, the primary role of the Planning Board secretary was to support the Planning Board, and that Building Department duties were secondary.

Secretary's Position

As previously discussed, Mrs. Lizotte has taken another position with the City and has been covering the position of the secretary since August. Without any delay, the Planning Board stated that Mrs. Lizotte's last meeting with the Board will be December 17, 2012 with the meeting minutes to be completed.

On a motion by Mr. Fay, seconded by Mr. Coveney, it was duly voted:

Mrs. Lizotte last meeting with the Planning Board will be on December 17, 2012.

INFORMAL DISCUSSION

COMMUNICATIONS/CORRESPONDENCE

On a motion by Ms. Hughes, seconded by Mr. Coveney, it was duly voted:

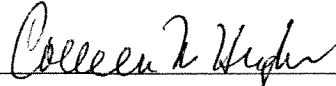
To accept all of the items listed under communications and/or correspondence.

On a motion by Mr. Johnson, seconded by Mr. Coveney, it was duly voted:

To adjourn at 8:15 p.m.

A TRUE COPY

ATTEST:



Colleen Hughes, Clerk