

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2013 MAY 30 P 1:10

1. Minutes of the City Council Meeting, May 20, 2013.
2. PUBLIC HEARING On the Petitions from National Grid and Verizon to :
 - a) Locate manholes, wires, and ducts, including the necessary sustaining & protecting fixtures, along and across the following public way: Houde St. and Peltier St. Approximately 535 ft. north of the center line of the intersection of Houde St. and Peltier St. and continuing approximately 515 ft. in a southerly direction.
 - b) Locate manholes, wires, and ducts, including the necessary sustaining fixtures along the following public way: Houde St. and Duca Dr. Approximately 150 ft. west of the centerline and continuing approximately 130 ft. in a east direction. Heavy duty hand holes #12, 11 and conduit on Duca Dr. and Houde St.
 - c) Erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said companies may deem necessary to be owned and used in common by your petitioners, in the following public way or ways: Evelina Dr. and Peltier St. Petition to install two new heavy duty hand holes on Bergeron Rd. between houses 64 & 56 and between houses 34 and 20. This petition is also to install 2-3" conduits to the souther side on Bergeron Rd. from Evelina Dr. to 20 Bergeron Rd.
 - d) Locate manholes, wires, and ducts, including the necessary sustaining & protecting fixtures, along and across the following public way: Houde St. and Rogers Ave. Approximately 195 ft. west of the centerline of the intersection of Houde St. and Rogers Ave. Heavy duty hand holes #10, #5 Rogers Ave. and 2-3" conduits on Rogers Ave. and Houde St., Order No. 13-1005447.
3. Communication from the Tim Cummings, Executive Director of the Marlborough Economic Development Corporation re: Mass Development/Urban Land Institute's Program.
4. Communication from Assabet Valley Regional Vocational School District Building Committee re: Permitting Fees Pertinent to the Repair Project.
5. Application for Special Permit from Attorney Mitrakas on behalf of 587 Bolton St., Inc. to serve food outdoors as the Bolton St. Tavern is located in an LI zone, 587 Bolton St.
6. Minutes, Planning Board, May 6, 2013.
7. Minutes, Traffic Commission, April 30, 2013.
8. CLAIMS:
 - A. Donna Eanuzzo, 11 Thomas Dr., residential mailbox claim 2(a)

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

9. **Order No. 13-1005418** - Transfer \$499,000.00 to Fund the MEDC for FY14. The Finance Committee reviewed the Mayor's letter dated May 2, 2013 requesting the transfer of \$499,000.00 from Economic Development to the MEDC account. This transfer will fully fund MEDC activities for FY14. **Recommendation of the Finance Committee is to approve the transfer 5-0.**

10. **Order No. 13-1005380** - Transfer \$96,569.40 for Employee Retirements. The Finance Committee reviewed the Mayor's letter dated April 4, 2013 requesting the transfer of \$96,569.40 from the Fringes account to fund the retirement of three employees from the Assessor's Office, Collector's Office, and Police Department. **Recommendation of the Finance Committee is to approve the transfers 5-0.**
11. **Order No. 13-1005420** - Transfer \$28,834.20 for Employee Retirement. The Finance Committee reviewed the Mayor's letter dated May 2, 2013 requesting the transfer of \$28,834.20 from the Fringes account to fund the retirement of an employee in the Comptroller's Office. **Recommendation of the Finance Committee is to approve the transfer 5-0.**
12. **Order No. 13-1005417** - Comptroller Salary Ordinance. The Finance Committee reviewed the Mayor's letter dated May 2, 2013 requesting the approval of the Comptroller's salary ordinance effective 7/1/13 with a minimum salary of \$101,695.70. **Recommendation of the Finance Committee is to approve the salary ordinance effective 7/1/13, 4-0. Councilor Seymour abstained.**
13. **Order No. 13-1005416A** - The Finance Committee met for over 10 hours on the following dates to review the FY14 budget submitted by Mayor Vigeant in a letter dated May 2, 2013.
 - May 7, 2013 – 6:07 PM to 9:15 PM
 - May 8, 2013 – 6:03 PM to 9:20 PM
 - May 13, 2013 – 6:06 PM to 9:50 PM

A summary of the Finance Committee recommendations as a result of these meetings is presented in Attachment 1.

Attachment 2 contains the projected tax implications based on the Mayor's FY14 budget. Based on the Finance Committee's recommended reduction, the typical average house tax bill will increase by less than \$69.00. It should be noted that this is only an estimate based on the projections. Actual values will be finalized in December 2013.

Attachment 3 contains the projections for the state and local revenues for FY14 that were used in developing the tax implications.

Attachments 1-3 are available for viewing in the City Clerk's Office.

The Finance Committee voted 4 – 0 (Councilors Delano, Jenkins, Oram and Ossing) to approve a \$741,549.00 reduction to the proposed Mayor's FY14 budget of \$132,923,877.00. The Finance Committee voted 4 – 0 (Councilors Delano, Jenkins, Oram and Ossing) to approved a FY14 budget of \$132,182,328.00. This represents a 4.3% increase from the FY13 budget or an increase of \$5,452,474.00.

From Operations and Oversight Committee

14. Order No. 13-1005338 - **Communication from Mayor Vigeant with proposed Fuel Efficient Vehicle Policy Amendment as part of the Green Communities Program.**
-REFER TO OPERATIONS AND OVERSIGHT
Motion made, and seconded, to recommend approval as requested. 2-1 (Elder opposed)

15. Order No. 13-1005335A - **Communication from Mayor Vigeant requesting authorization to establish a trust for the City's Other Post-Employment Benefits (OPEB) under certain terms and conditions as provided under the proposed "City of Marlborough Other Post-Employment Benefits (OPEB) Trust" Trust Agreement.**
-REFER TO OPERATIONS AND OVERSIGHT
Motion made, and seconded, to recommend approval as amended. City Solicitor Panagore Griffin will prepare a final draft of the OPEB Trust in proper legal form for the City Council's agenda. 3-0. Recommendation of the Committee Chair is to table Item 13, Communication from Assistant City Solicitor, Cynthia Panagore Griffin regarding Revised OPEB Acceptance and Agreement Order until June 3, 2013.



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

MAY 20, 2013

Regular meeting of the City Council held on Monday, MAY 20, 2013 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors Present: Pope, Ossing, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, and Landers. Meeting adjourned at 8:37 PM.

ORDERED: That the minutes of the City Council Meeting MAY 6, 2013, **FILE**; adopted.

ORDERED: That the **PUBLIC HEARING** on the Petition from National Grid to install conduit from manhole 15-22 to pole 50, Simarano Dr. and pole 50, D'Angelo Dr. and two pole installations on Simarano and D'Angelo Dr, Order No. 13-1005406, all were heard who wish to be heard, hearing recessed at 8:04 p.m.; adopted.

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

ORDERED: That the **PUBLIC HEARING** on the proposed FY2014 budget as submitted by Mayor Vigeant in the amount of \$132,923,877.00 in which this spending plan reflects an overall increase of 4.89% over the approved Fiscal Year 2013 budget, all were heard who wish to be heard, hearing recessed at 8:10 p.m.; adopted.

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

ORDERED: That the Snow and Ice transfer request in the amount of \$1,580,000.00 which moves funds from Undesignated to Overtime-Snow & Ice, Snow Removal and Operating Expenses, refer to **FINANCE COMMITTEE**; adopted.

DEPT:	DPW			FISCAL YEAR:			2013	
FROM ACCOUNT:				TO ACCOUNT:				Available
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$1,580,000.00	10000	35900	Undesignated Fund	\$235,655.44	14001203	51390	Overtime-Snow & Ice	-\$235,655.44
Reason:	To fund the snow & ice deficit for FY13							
				\$603,556.13	14001206	52960	Snow Removal	-\$603,556.13
Reason:								
				\$740,788.43	14001206	57040	Operating Expenses	-\$737,520.73

ORDERED: That Various Year-End Intra-Department transfer requests in the amount of \$403,105.70 which moves funds from and to various accounts as noted on the attached spreadsheets to cover expenses and balance accounts for FY13, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:					FISCAL YEAR:				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$3,162.00	\$2,000.00	14001503	51920	Sick Leave Buy Back -F/P/C	\$2,000.00	14001503	51470	Interim Foreman-F/P/C	\$2,586.00
				Reason: Entitled employee ineligible for payment				Funds needed for contractual coverage for remainder of FY 13	
\$52,990.00	\$1,000.00	60081001	50850	Sewer Tr. Plt. Operator	\$1,000.00	60081003	51310	Overtime-Regular	\$1,371.00
				Reason: Due to vacancy				Higher than anticipated system repairs/storm event cost	
\$16,053.00	\$1,000.00	60085006	55980	West Waste Water Tr.	\$1,000.00	60085003	51310	Overtime-Regular	\$1,688.00
				Reason: Due to reduction in chemical use				Higher than anticipated system repairs/storm event cost	

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT: Police					FISCAL YEAR: FY2013				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$23,881.00	\$1,000.00	12100003	51920	Sick Leave Buy Back	\$1,000.00	12100003	51490	Holiday	\$26,981.00
				Reason: Surplus due to less buy back than anticipated				Anticipate needing funds based on remaining holiday avg. pay	
\$23,881.00	\$1,500.00	12100003	51920	Sick Leave Buy Back	\$1,500.00	12100006	55882	Meals for Prisoners	\$23.48
				Reason: Surplus due to less buy back than anticipated				More long term prisoners than anticipated	

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT: Public Facilities					FISCAL YEAR: 2013				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$122,057.27	\$80,000.00	11920006	52200	Natural gas	\$80,000.00	11920006	52120	Electricity	\$210,193.87
				Reason: Warm temperature/lower them rate				insufficient budget	
\$39,915.48	\$8,000.00	11920001	50560	Custodian	\$8,000.00	11920006	53420	Telephone	\$36,783.07
				Reason: open position					
\$39,915.48	\$1,116.55	11920001	50560	custodian	\$1,116.55	11920002	50520	Principal clerk	\$1,996.24
				Reason: open position					
\$39,915.48	\$14,367.15	11920001	50560	Custodian	\$14,367.15	11920001	50292	Bldg Maint Craftsmen	\$14,621.25
				Reason: open position					

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:					FISCAL YEAR:				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$454,218.00	\$200,000.00	*11990006	51500	Fringe	\$200,000.00	11960006	51710	Workers Comp	\$0.00
	Reason:	Funds available due to fewer employees retiring				More injuries then projected			
\$454,218.00	\$10,000.00	*11990006	51500	Fringe	\$10,000.00	*11330006	53460	Postage	\$23,463.47
	Reason:	Funds available due to fewer employees retiring				Required to mail FY 14 tax bills in June			
\$454,218.00	\$7,400.00	*11990006	51500	Fringe	\$7,400.00	*13102006	53080	Audit Services	\$0.00
	Reason:	Funds available due to fewer employees retiring				Audit services exceeded budgeted amount			
\$454,218.00	\$29,722.00	*11990006	51500	Fringe	\$29,722.00	*17110006	59964	2012 Multi Bond Pmt	\$474,833.00
	Reason:	Funds available due to fewer employees retiring				Bond Payments exceeded forecasted amount on new bond			
\$454,218.00	\$46,000.00	*11990006	51500	Fringe	\$46,000.00	*13100003	51753	Medicare Pmts	\$54,491.00
	Reason:	Funds available due to fewer employees retiring				More employees paying Medicare taxes			

ORDERED: That the Public Facilities transfer request in the amount of \$100,000.00 which moves funds from Hurricane Sandy and Sewer-Loan Origination Fee to Electricity to cover increased utility costs for the remainder of the fiscal year, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:					FISCAL YEAR:				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$35,093.17	\$35,000.00	*11990006	53023	Hurricane Sandy	\$100,000.00	*11920006	52120	Electricity	\$210,193.87
	Reason:	Excess funds				Insufficient budget			
\$153,315.00	\$65,000.00	*60019906	58891	Sewer-Loan Origination Fee					
	Reason:	Excess funds							

ORDERED: That the Building Department transfer request in the amount of \$17,500.00 which moves funds from Stabilization-Building Department and Stabilization-Inspectional Services to Inspections-Contract Services to allow the Building Commissioner to hire professional consultants to assist his office in completing several complex design reviews so that building permits may be issued in a timely manner, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:					FISCAL YEAR:				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$17,000.00	\$17,000.00	*83600	32703	Stabilization-Building Dept	\$17,500.00	*12410004	53140	Inspections-Contract Services	\$0.00
	Reason:	To fund additional inspections							
\$500.00	\$500.00	*83600	32717	Stabilization-Inspectional Services					
	Reason:	To fund additional inspections							

ORDERED: That pursuant to Chapter 44, section 31D of the General Laws of the Commonwealth of Massachusetts, which authorizes the City to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal, the City Council of the City of Marlborough, upon the recommendation of the Mayor, approves expenditures in excess of available appropriation for snow and ice removal for fiscal year 2014, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2014, re-authorize the revolving fund utilized by the Public Facilities Department. It is further ordered that:

(a) departmental receipts credited to the fund shall be limited to lease payments and fees due the City from owners of antennae and related telecommunications equipment on property that is maintained by, or assigned or transferred to be maintained by, the Public Facilities Department, unless otherwise directed by the General Laws; and

(b) expenditures from said fund shall be limited to the maintenance and related expenses for Sligo Hill and Stevens Park; and

(c) the Director of Public Facilities shall be the only officer authorized to approve expenditures from the same; and

(d) no more than three hundred thousand dollars shall be expended during Fiscal Year 2014, unless otherwise authorized by the City Council and Mayor; and

(e) the Director of Public Facilities shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and

(f) no provisions of this order shall be changed unless approved by the Mayor and City Council.

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does hereby authorize a revolving fund during fiscal year 2014 for park and recreational facility maintenance and improvement purposes to be administered through the Department of Public Works. It is further ordered that:

- (a) departmental receipts credited to the fund, unless otherwise directed by the General Laws, shall be limited to: 1) payments, fees and/or rental income due the City from owners of antennae and related telecommunications equipment located or co-located at the wireless communications facility situated on property under the care, custody, management and control of the Department of Public Works at the Easterly Wastewater Treatment Plant at 860 Boston Post Road in Marlborough or any land adjacent thereto; and 2) lease payments and fees due the City from owners of antennae and related telecommunications equipment located on Fairmount Hill; and
- (b) that expenditures from said fund shall be limited to the maintenance and improvement of municipal parks and municipal recreational facilities; and
- (c) that the Commissioner of Public Works shall be the only officer authorized to approve expenditures from the fund; and
- (d) no more than \$50,000.00 shall be expended during fiscal year 2014, unless otherwise authorized by the City Council and Mayor; and
- (e) the Commissioner of Public Works shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (f) no provisions of this order shall be changed unless approved by the Mayor and City Council.

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2014, re-authorize a revolving fund to be utilized by the Mayor. It is further ordered that:

- (a) receipts credited to the fund shall be limited to an emergency dispatch fee due the City pursuant to its contract with Patriot Ambulance, unless otherwise directed by the General Laws; and
- (b) expenditures from said fund shall be limited to public safety training; and
- (c) the Mayor shall be the only officer authorized to approve expenditures from the same; and
- (d) no more than forty-five thousand dollars shall be expended during Fiscal Year 2014, unless otherwise authorized by the City Council and Mayor; and
- (e) the Mayor shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (f) no provisions of this order shall be changed unless approved by the Mayor and City Council.

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Executive Office of Health and Human Services (EOHHS) Grant in the amount of \$2,000.00 awarded to the Fire Department to further train and enhance the department's readiness as a contributing member of the Massachusetts Decontamination Unit during times of public emergency; adopted.

ORDERED: That the Communication from Assistant City Solicitor, Cynthia Panagore-Griffin re: **Revised** Proposed Other Post-Employment Benefits (OPEB) Acceptance and Agreement Order, Order No. 13-1005335, **MOVED TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the Communication from Attorney Gadbois re: Site Plan Review Application AvalonBay Communities, Inc. – Results Way Mixed Use Overlay District, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from Andy Candiello, Agent for MetroPCS Massachusetts, LLC. Re: Withdrawal Without Prejudice, Application for Special Permit, 98 Pleasant St., Order No. 12/13-1005122F, **APPROVED**; adopted.

Councilor Tunnera abstained

ORDERED: That there being no objection thereto set **Monday, June 3, 2013** as date for a **PUBLIC HEARING** on the Petition from National Grid and Verizon to:

1. Locate manholes, wires, and ducts, including the necessary sustaining & protecting fixtures, along and across the following public way: Approximately 535 ft. north of the center line of the intersection of Houde St. and Peltier St. and continuing approximately 515 ft. in a southerly direction.
2. Locate manholes, wires, and ducts, including the necessary sustaining fixtures along the following public way: approximately 150 ft. west of the centerline and continuing approximately 130 ft. in a east direction. Heavy duty hand holes #12, 11 and conduit on Duca Dr. and Houde St.
3. Erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said companies may deem necessary to be owned and used in common by your petitioners, in the following public way or ways: Petition to install two new heavy duty hand holes on Bergeron Rd. between houses 64 & 56 and between houses 34 and 20. This petition is also to install 2-3" conduits to the souther side on Bergeron Rd. from Evelina Dr. to 20 Bergeron Rd.
4. Locate manholes, wires, and ducts, including the necessary sustaining & protecting fixtures, along and across the following public way: Approximately 195 ft. west of the centerline of the intersection of Houde St. and Rogers Ave. Heavy duty hand holes #10, #5 Rogers Ave. and 2-3" conduits on Rogers Ave. and Houde St.

Refer to **PUBLIC SERVICES COMMITTEE**; adopted.

Councilor Pope abstained

ORDERED: That the Application by Robert Hoglund, CFO TVI, Inc. d/b/a Savers, 222A East Main St. for Junk Dealer's License, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, Planning Board, March 25 and April 22, 2013, **FILED**; adopted.

ORDERED: That the Minutes, Council on Aging, April 9, 2013, **FILED**; adopted.

ORDERED: That the Minutes, Recreation Commission, April 17, 2013, **FILED**; adopted.

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

A. Ellen Smith, 97 Worster Dr., residential mailbox claim 2(a)

B. Rob Veneziano, 233 Church St., other property damage

Reports of Committees:

Councilor Ossing reported the following out of Finance Committee:

Present: Chairman Ossing; Finance Committee members Councilors Delano, Seymour, Oram and Jenkins. Councilors Pope, Clancy, Landers, Robey, and Elder were also in attendance. The Finance Committee took up 5 orders during the FY14 Budget Hearings conducted on May 7 and 8, 2013.

Order No. 13-1005418 - Transfer \$499,000.00 to Fund the MEDC for FY14. The Finance Committee reviewed the Mayor's letter dated May 2, 2013 requesting the transfer of \$499,000.00 from Economic Development to the MEDC account. This transfer will fully fund MEDC activities for FY14. **Recommendation of the Finance Committee is to approve the transfer 5-0.**

Order No. 13-1005380 - Transfer \$96,569.40 for Employee Retirements. The Finance Committee reviewed the Mayor's letter dated April 4, 2013 requesting the transfer of \$96,569.40 from the Fringes account to fund the retirement of three employees from the Assessor's Office, Collector's Office, and Police Department. **Recommendation of the Finance Committee is to approve the transfers 5-0.**

Order No. 13-1005420 - Transfer \$28,834.20 for Employee Retirement. The Finance Committee reviewed the Mayor's letter dated May 2, 2013 requesting the transfer of \$28,834.20 from the Fringes account to fund the retirement of an employee in the Comptroller's Office. **Recommendation of the Finance Committee is to approve the transfer 5-0.**

Order No. 13-1005417 - Comptroller Salary Ordinance. The Finance Committee reviewed the Mayor's letter dated May 2, 2013 requesting the approval of the Comptroller's salary ordinance effective 7/1/13 with a minimum salary of \$101,695.70. **Recommendation of the Finance Committee is to approve the salary ordinance effective 7/1/13, 4-0. Councilor Seymour abstained.**

Councilor Ossing reported the following out of Finance Committee:

Order No. 13-1005406 - The Finance Committee met for over 10 hours on the following dates to review the FY14 budget submitted by Mayor Vigeant in a letter dated May 2, 2013.

- May 7, 2013 – 6:07 PM to 9:15 PM
- May 8, 2013 – 6:03 PM to 9:20 PM
- May 13, 2013 – 6:06 PM to 9:50 PM

A summary of the Finance Committee recommendations as a result of these meetings is presented in Attachment 1.

Attachment 2 contains the projected tax implications based on the Mayor's FY14 budget. Based on the Finance Committee's recommended reduction, the typical average house tax bill will increase by less than \$69.00. It should be noted that this is only an estimate based on the projections. Actual values will be finalized in December 2013.

Attachment 3 contains the projections for the state and local revenues for FY14 that were used in developing the tax implications.

Attachments 1-3 are available for viewing in the City Clerk's Office.

The Finance Committee voted 4 – 0 (Councilors Delano, Jenkins, Oram and Ossing) to approve a \$741,549.00 reduction to the proposed Mayor's FY14 budget of \$132,923,877.00. The Finance Committee voted 4 – 0 (Councilors Delano, Jenkins, Oram and Ossing) to approved a FY14 budget of \$132,182,328.00. This represents a 4.3% increase from the FY13 budget or an increase of \$5,452,474.00.

Councilor Delano reported the following out of Operations and Oversight Committee:

Order No. 13-1005338 - Communication from Mayor Vigeant with proposed Fuel Efficient Vehicle Policy Amendment as part of the Green Communities Program.

-REFER TO OPERATIONS AND OVERSIGHT

Motion made, and seconded, to recommend approval as requested. 2-1 (Elder opposed)

Order No. 13-1005335 - Communication from Mayor Vigeant requesting authorization to establish a trust for the City's Other Post-Employment Benefits (OPEB) under certain terms and conditions as provided under the proposed "City of Marlborough Other Post-Employment Benefits (OPEB) Trust" Trust Agreement.

-REFER TO OPERATIONS AND OVERSIGHT

Motion made, and seconded, to recommend approval as amended. City Solicitor Panagore Griffin will prepare a final draft of the OPEB Trust in proper legal form for the City Council's agenda. 3-0. Recommendation of the Committee Chair is to table Item 13, Communication from Assistant City Solicitor, Cynthia Panagore Griffin regarding Revised OPEB Acceptance and Agreement Order until June 3, 2013.

Suspension of Rules requested – granted

ORDERED: That the Fire Department transfer request in the amount of \$46,931.99 which moves funds from and to various accounts as noted below to fund overtime costs incurred due to injuries and other medical absences in the department and upgrades and repairs needed for some of the older equipment and vehicles in the Fire Department's fleet, **APPROVED**; adopted.

DEPT: FIRE		BUDGET TRANSFERS --					FISCAL YEAR: FY13			
Available Balance	Amount	FROM ACCOUNT:			Amount	TO ACCOUNT:			Available Balance	
		Org Code	Object	Account Description:		Org Code	Object	Account Description:		
\$66,461.25	\$6,055.02	12200001	50800	Fire Captain	\$6,055.02	12200006	52560	Vehicle repair & maint.	\$2,895.49	
	Reason:	Transfer is available due to 111F payments				Aging fleet requiring more repairs				
\$615,771.24	\$13,944.98	12200001	50450	Firefighter	\$13,944.98	12200006	52560	Vehicle repair & maint.	\$2,895.49	
	Reason:	Transfer is available due to 111F payments				Aging fleet requiring more repairs				
\$615,771.24	\$26,931.99	12200001	50450	Firefighter	\$26,931.99	12200003	51300	Overtime	\$79,087.62	
	Reason:	Transfer is available due to 111F payments								

Suspension of Rules requested – granted

ORDERED: That the Grant of Easement to National Grid for Easterly Wastewater Treatment Plant, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 10:06 PM.



IN CITY COUNCIL

MAY 20, 2103

Marlborough, Mass., _____

ORDERED:

That there being no objection thereto set **Monday, June 3, 2013** as date for a **PUBLIC HEARING** on the Petition from National Grid and Verizon to :

1. Locate manholes, wires, and ducts, including the necessary sustaining & protecting fixtures, along and across the following public way: Houde St. and Peltier St. Approximately 535 ft. north of the center line of the intersection of Houde St. and Peltier St. and continuing approximately 515 ft. in a southerly direction.
2. Locate manholes, wires, and ducts, including the necessary sustaining fixtures along the following public way: Houde St. and Duca Dr. Approximately 150 ft. west of the centerline and continuing approximately 130 ft. in a east direction. Heavy duty hand holes #12, 11 and conduit on Duca Dr. and Houde St.
3. Erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said companies may deem necessary to be owned and used in common by your petitioners, in the following public way or ways: Evelina Dr. and Peltier St. Petition to install two new heavy duty hand holes on Bergeron Rd. between houses 64 & 56 and between houses 34 and 20. This petition is also to install 2-3" conduits to the souther side on Bergeron Rd. from Evelina Dr. to 20 Bergeron Rd.
4. Locate manholes, wires, and ducts, including the necessary sustaining & protecting fixtures, along and across the following public way: Houde St. and Rogers Ave. Approximately 195 ft. west of the centerline of the intersection of Houde St. and Rogers Ave. Heavy duty hand holes #10, #5 Rogers Ave. and 2-3" conduits on Rogers Ave. and Houde St.

Be and is herewith refer to **PUBLIC SERVICES COMMITTEE.**

Councilor Pope abstained

ADOPTED

ORDER NO. 13-1005447

PETITION FOR MANHOLE AND DUCT LOCATIONS

Hopedale, MA 01747

May 2, 2013

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:

Houde Street and Peltier Street

Approximately 535 ft north of the centerline of the intersection of Houde Street and Peltier Street and continuing approximately 515 ft in a souther direction.

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. **14066426** Dated: **04/19/2013**

MASSACHUSETTS ELECTRIC COMPANY

By: Chris Montalvo
Manager of Distribution Design

PHOTOCOPY

PETITION FOR MANHOLE AND DUCT LOCATIONS

Hopedale, MA 01747

May 2, 2013

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:

Houde Street and Duca Drive

Approximately 150 ft west of the centerline and continuing approximately 130 ft in a east direction. Heavy duty hh #12,11 and conduit on Duca Drive and Houde Street.

COUNCIL COPY

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. **14066426** Dated: **04/19/2013**

MASSACHUSETTS ELECTRIC COMPANY

By: Chris Montalto *CM*
Manager of Distribution Design

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

Hopedale, MA 01747

February 20, 2013

To the City Council
of the City of Marlborough, Massachusetts

MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.

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

Evelina Dr and Peltier Street

Petition to install 2 new heavy duty hh on Bergeron Rd between houses 64& 56 and between houses 34 and 20. This petition is also to install 2-3" conduits to the souther side on Bergeron Road from Evelina Drive to 20 Bergeron Road in the city of Marlborough, MA.

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

Plan No. **14066406** Dated: **04/09/2013**

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

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

MASSACHUSETTS ELECTRIC COMPANY

By: Chris Montalto *CM*
Manager of Distribution Design

VERIZON NEW ENGLAND, INC.

By: _____
Manager, R.O.W.

CITY OF MARLBOROUGH

PETITION FOR MANHOLE AND DUCT LOCATIONS

Hopedale, MA 01747

May 2, 2013

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:

Houde Street and Rogers Avenue

**Approximately 195 ft west of the centerline
of the intersection of Houde Street and Rogers
Avenue. Heavy Duty hh#10,#5 Rogers Av and
2-3 conduit on Rogers Ave and 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. **14066426** Dated: **04/19/2013**

MASSACHUSETTS ELECTRIC COMPANY

By: Chris Montalto
Manager of Distribution Design *AB*



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2013 MAY 29 P 3: 25

May 24, 2013

Madam President
City Council
Marlborough City Hall
140 Main Street
Marlborough, MA 01752

RE: MassDevelopment/ULI Program

Dear President Pope & Distinguished Councilors:

I wanted to take this opportunity to inform you that MassDevelopment has granted us \$5,000 to go towards the Urban Land Institute's one day Technical Assistance Panel.

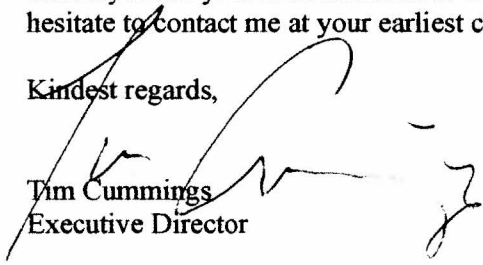
During this one-day program, a panel of six to 12 ULI members provide local stakeholders with the information and tools needed to move projects from the backburner to full steam ahead. Master plans, achieving a broader tax base, market feasibility, and financial structuring are just a few examples of how a Technical Assistance Panel can help a community tackle land use issues.

As you may know, this group of technical experts will come out and spend the day in the City then they will present their findings to the City's policymakers. I am writing to secure a date, in which this group can present its findings to the Urban Affairs Subcommittee, whatever date you deem most appropriate MassDevelopment/ULI will make it work, but some lead time will be needed to organize the forum.

It is entirely up to the Council as to when you would like to hear from these distinguished experts. MassDevelopment/ULI will need a time to coordinate schedules and have asked that we solidify the date for when they can come to the City as quickly as possible, which is why I am turning to you on this matter. Please advise on how best to proceed.

Thank you for your kind attention to this letter and should you have any questions please do not hesitate to contact me at your earliest convenience.

Kindest regards,


Tim Cummings
Executive Director

Enclosure
Cc: Mayor Arthur Vigeant



Assabet Valley Regional Vocational School District

215 Fitchburg Street
Marlborough, Massachusetts 01752-1288

Mary Jo Nawrocki
Superintendent - Director

Mark R. Hollick
Principal

Patrick C. Collins
Assistant Superintendent

May 20, 2013

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2013 MAY 29 P 4: 02

Dear Ms. Pope and City Councilors,

It is our understanding that on Tuesday May 6, 2013 the City Council voted to reverse the August 2011 decision of Mayor Stevens and Building Inspector Stephen Reid to waive permitting fees on the Assabet Valley Regional Vocational-Technical School District's repair project. The purpose of this letter is to request your re-consideration of your action and allow a dialogue on this important issue. Please allow us to meet with you or a sub-committee to provide pertinent information that was not weighed into your decision.

On May 8, 2013 Mr. Michael Berry, the Mayor Vigeant's Executive Assistant, indicated that the fees total \$433,165. The project's Owner's Contingency account is \$522,659, and it was developed relying upon the City's previous commitment not to charge permitting fees. Thus, this unanticipated cost for permitting fees will consume 83% of Owner's Contingency funds.

The Building Committee is cognizant of the professional staff time required to conduct plan reviews and inspections and it is understandable that the City would want to recover these costs. Perhaps there is a way we could prevent cost to the City without depleting the project's contingency account.

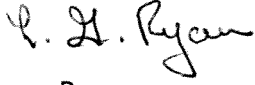
Like other municipalities, the City (Inspector's Office) has a history of waiving fees for public projects because it is often financially wise to do so rather than finance this cost over 30 years and paying back much more in principal and interest.

In closing, we think it is both financially prudent to the City and equitable to other member communities that the City Council re-consider this issue with a direct dialogue involving representatives from the Building Committee. We believe a compromise resolution might be

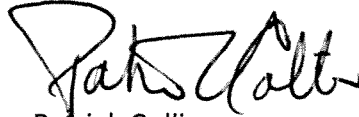


one in which the City is compensated for all of its plan review and inspection costs and minimizes unexpected costs to the project.

On behalf of the Building Committee,



Lynn Ryan
Chairperson



Patrick Collins
Secretary

Cc: Thomas Kazmowski, Massachusetts School Building Authority

CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2013 MAY 29 P 3:13

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

587 Bolton St., Inc., by its Attorney, Gregory G. Mitrakas, 297 E. Main St
Marlboro, MA 01752

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

587 Bolton Street, Marlboro, MA MBLU 30/7

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

JHK Enterprises, LLC, 21 Central St., W. Boylston, MA 01587

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

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

Article 650 Section 18 Paragraph 31 Sub-paragraph (a)

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

Limited Industrial

7. Specific reason(s) for seeking Special Permit

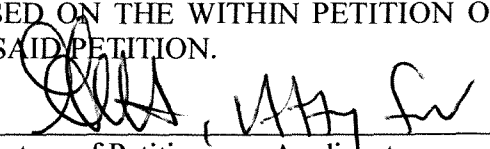
Chapter 650-18, Attachment of Uses 1:3 (31) requires any

restaurant in a LI zone which is to serve food outdoors first

obtain a Special Permit from the Marlboro City Council.

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

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


Signature of Petitioner or Applicant

Address: 297 E. Main Street

Marlboro, MA 01752

Telephone No. 508-481-4544

Date: _____

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: 587 Bolton St. Inc. Address: c/o 297 E. Main St. Marlboro

Project Name: Outdoor deck Sp. Permit Address: 587 Bolton St Marlborough MA 01

1. PROPOSED USE: (describe) Construct an outdoor deck per attached deck plan of Patrick J. Slattery, Architect, dated 3-17-13.

2. EXPANSION OR NEW: EXPANSION

3. SIZE: floor area sq. ft. _____ 1st floor 6130 all floors 6130 TOTAL
buildings 1 # stories 1 lot area (s.f.) _____

4. LOT COVERAGE: 37 % Landscaped area: 43 %

5. POPULATION ON SITE: Number of people expected on site at anytime:
Normal: 60-75 Peak period: 150-170

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 35-40 Peak period: 75

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

2 AT MOST AND FOR APPROXIMATELY 10 DAYS

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? The lighting will NOT CHANGE AT

ALL. EXISTING LIGHT ON BUILDING IS ALREADY THERE

8. NOISE:

(A) Compare the noise levels of the proposed development to those that exist in the area now.

Minimal noise levels now and slight if any increase

(B) Describe any major sources of noise generation in the proposed development and include their usual times of operation. Not Applicable

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

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

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

***Attach additional sheets if necessary**



**CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752**

City Hall

140 Main St.

Marlborough, Massachusetts 01752

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

President and Members City Council

Date: _____

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Special Permit application of 587 Bolton St., Inc.

Project Use Summary: Construction of outdoors deck

Project Street Address: 587 Bolton Street, Marlboro, MA

Plate: 30 Parcel: 7

Applicant/Developer Name: 587 Bolton St., Inc.

Plan Date: 3/17/13 Revision Date: _____

Dear President and Members:

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

Very truly yours,

Michael Mendoza
Building Commissioner

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

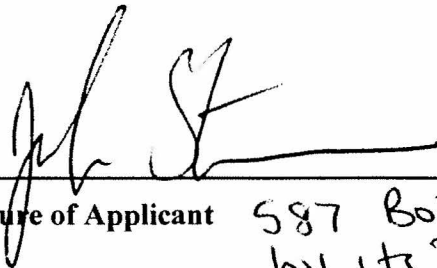
\$500.00



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

**Lisa M. Thomas
City Clerk**

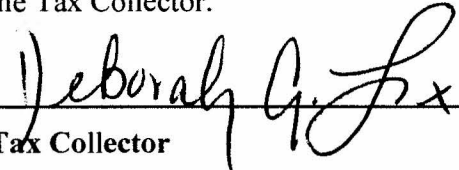
I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all Municipal tax returns and paid all Municipal taxes required under law.

x 

Signature of Applicant 587 Bolton St. Inc,
by its President, John Stournaras

Attorney on behalf of Applicant, if applicable

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


Tax Collector

PATRICK J. SLATTERY

ARCHITECT

May
Second
2013

Michael Mendoza
Building Commissioner
The City of Marlborough
140 Main Street
Marlborough, MA 01752

RE: New Exterior Deck for Bolton St. Tavern – 587 Bolton Street, Marlborough, MA


Construction Control

Firm Name: Patrick J. Slattery Architect
Responsible Person: Patrick J. Slattery
Address: 139 Leominster Road, Lunenburg, MA 01462-2053
Telephone: 978-582-4310
Fax No: 978-582-9678

Required Reports and Notices to the Building Official

As required under Section 107.6.2 MSBC – 8th edition, the Designer of Record shall inspect and submit reports on all tests and inspections as outlined in the program of inspections submitted for the Building Permit for projects of Controlled Construction

I shall submit a written statement of work completion that is under my control as required by Section 107.6.2 of the Massachusetts State Building Code 8th Edition for this project


Patrick J. Slattery Architect



Seal

PATRICK J. SLATTERY

ARCHITECT

May
Second
2013

Michael Mendoza
Building Commissioner
The City of Marlborough
140 Main Street
Marlborough, MA 01752

RE: New Exterior Deck for Bolton St. Tavern – 587 Bolton Street, Marlborough, MA

Dear Sir:

Please be advised that the above referenced building project is ready to be initiated and I am attaching for your files Construction Control affidavits to enable same.

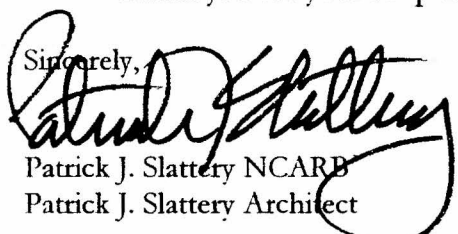
I will be the Architect of Record for the project and I have advised Mr. John Stounaras, the Owner to notify your office as the work related to the project is scheduled to proceed.

The scope of work for this project calls for the addition of new wood deck and railing. The attached plans indicate the full scope of alteration. The work does not affect egress and the Use Group shall remain the same. The existing building is a fully sprinklered, Type VB facility. The new deck shall meet the requirements of the eighth edition of 780 CMR where applicable and all of the components related to length of egress travel, finishes and heights shall be compliant with all applicable requirements.

I trust this completes the documentation required to enable the filing and review for issuance of a permit which will allow the full construction of the project to begin. If other questions remain, please feel free to contact me directly at your convenience.

Thank you for your cooperation, and feel free to contact me if questions arise.

Sincerely,


Patrick J. Slattery NCARB
Patrick J. Slattery Architect



PATRICK J. SLATTERY

ARCHITECT

May
Second
2013

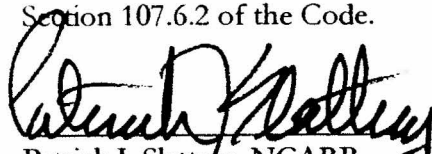
Michael Mendoza
Building Commissioner
The City of Marlborough
140 Main Street
Marlborough, MA 01752

RE: New Exterior Deck for Bolton St. Tavern – 587 Bolton Street, Marlborough, MA

Dear Sir:

In accordance with Section 107. of the Commonwealth of Massachusetts State Building Code, eighth edition, I, Patrick J. Slattery representing Patrick J. Slattery Architect, being a registered professional Architect, certify that I have directly prepared, reviewed and certified the drawing for the project titled "New Exterior Deck for Bolton St. Tavern – 587 Bolton Street, Marlborough, MA". The attached layout drawings indicate the scope of construction related to the new work at the existing building.

To the best of my knowledge the scope of work as outlined on the drawings shall conform to the provisions of said Code, all acceptable engineering practices and all applicable laws of the Commonwealth. Supervision and inspection of the construction as specified in Section 107.6.2 shall be done and a final inspection report shall be submitted by the Architect of record as required by Section 107.6.2 of the Code.


Patrick J. Slattery NCARB
Patrick J. Slattery Architect



Project Title: New Exterior Deck for Bolton St. Tavern
 Project Location: 587 Bolton Street, Marlborough, MA 01752
 Name of Building: Bolton Street Tavern
 Nature of Project: New exterior wood deck and rails

In accordance with Section 107.6 of the Mass. State Building Code – eighth edition, I, Patrick J. Slattery, Registration No. 4552 being a registered professional architect, representing Patrick J. Slattery Architect, hereby certify that I have reviewed, annotated and directly supervised the preparation of all design plans, computations and specifications concerning:

Entire Project XX Architectural Structural Mechanical
 Fire Protection Electrical Other *Sprinkler plan by Others when required*

for the above named project and that, to the best of my knowledge, such plans, computations and specifications shall meet the applicable provisions of the Massachusetts State Building Code, all acceptable engineering practices and all applicable laws and ordinances for the proposed use and occupancy.

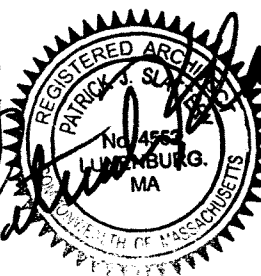
I further certify that I shall perform the necessary professional services and be present on the construction site on a regular and periodic basis to determine that the work is proceeding in accordance with the documents approved for the building permit and shall be responsible for the following as specified in Section 107.6.2:

1. Review of shop drawings, samples and other materials of the contractor as required by the construction contract documents as submitted for building permit, and approval for conformance to the design concept.
2. Review and approval of the quality control procedures for all code-required controlled materials.
3. Special architectural or engineering professional inspection of critical construction component requiring controlled materials or construction specified in the accepted engineering practice standards.

Pursuant to Section 107.6.2, I shall submit periodically, a progress report together with pertinent comments to the local Building Official as required

Upon completion of the work, I shall submit a final report as to the satisfactory completion and readiness of the project for occupancy.

Patrick J. Slattery
 Patrick J. Slattery NCARB
 Patrick J. Slattery Architect



**MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

May 6, 2013 10:29

Call to Order

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

1. Meeting Minutes:

A. March 25, 2013

On a motion made by Ms. Hughes, seconded by Mr. Johnson, it was voted to accept minutes of the March 25, 2013 meeting as amended. Motion carried.

B. April 22, 2013

On a motion made by Ms. Hughes, seconded by Mr. Johnson, it was voted to accept minutes of the April 22, 2013 meeting. Motion carried.

2. Chair's Business:

A. Communication from City Council Acceptance of Bouffard Drive

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

B. Communication from City Council Proposed Zoning Amendment Section 650-5 "Definitions; Word Usage" As well as Addition of new section 650-32 Temporary Moratorium on Medical Marijuana Treatment Centers.

On a motion made by Ms. Hughes, seconded by Mr. Coveney it was voted to accept the communication and place it on file, advertise and set a public hearing date for June 3, 2013. Motion carried.

Ms. Hughes read the proposed definition of Medical Marijuana Treatment Center into the record. On a motion made by Ms. Hughes, seconded by Mr. Hodge it was voted to accept the proposed definition and place it on file. Motion carried.

3. Approval Not Required: None

4. Public Hearings: None

5. Pending Sub Division Plans: Updates and Discussion:

A. Ravenswood (June 19) Hancock Associates

At the request of the proponent this was moved to the next regularly scheduled meeting agenda (May 20)

B. Boston Scientific Amended Covenant

On a motion made by Ms. Hughes, seconded by Mr. Coveney it was voted to approve and sign the Amended Covenant. Motion carried.

C. Request for extension Walker Brook Estates to June 17, 2013 (Preliminary Plan)

Ms. Hughes read the request into the record.

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

On a motion made by Ms. Hughes, seconded by Mr. Coveney it was voted to approve the requested extension. Motion carried.

D. City Engineers Report

Mr. Cullen had no additional information to share at this time.

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

7. Definitive Subdivision Submission: None

8. Signs:

A. United Brethren Lodge “Downtown Car Show” Variance Request

Ms. Hughes read the variance request into the record.

Mr. Chris Willis was in attendance to represent the proponent, United Brethren Lodge.

After much discussion on a motion made by Ms. Hughes, seconded by Mr. Coveney it was voted to approve the requested directional signs to be placed at the following locations on the day of the show only (June 2, 2013). Motion carried.

- Corner of Bolton Street and Granger Boulevard
- Corner of Bolton Street and Main Street
- Corner of West Main Street and Mechanic Street
- At the Route 20 Exits of Route 495

Directional signs with arrows will be placed at all the above locations

On a motion made by Mr. Fay, seconded by Ms. Hughes it was voted to allow placement of the following five (5) signs for the dates of May 26, 2013- June 2, 2013.

- Maple Street and Walker Street near Gold’s Gym Parking lot readable from both directions.
- Traffic Island at intersection of West Main Street and Mechanic Street readable when approaching from the West.
- Corner of Newton Street and Granger Boulevard readable from both directions
- Corner of Newton Street and Main Street readable when approaching from the West.
- Intersection of Concord Road and Boston Post Road readable when approaching from the East.

On a motion made by Ms. Hughes, seconded by Mr. Coveney it was voted to require the proponent to affix an indicator comprised of the City Seal and the date 2013, to each approved sign. Only by virtue of the indicator (City Seal) is the sign to be acknowledged as an approved placement. Motion carried.

On a motion made by Ms. Hughes, seconded by Mr. Hodge it was voted to allow for the same series of signs to be placed for the same amount of time (Directional signs – day of the event) All other signs (1 week prior to event) in the case of inclement weather which postpones the “Car show” to the rain date of June 23, 2013.

B. Olde Marlborough, Inc. “Taste of Marlborough” Variance Request

Ms. Hughes read the variance request into the record.

Attorney Douglas Rowe was in attendance to represent the proponent Olde Marlborough, Inc.

After much discussion, on a motion made by Mr. Fay, seconded by Ms. Hughes it was voted to allow placement of the following five (5) signs for the dates of May 28, 2013 – June 11, 2013, Proper land owner approval is required to be in place prior to the installation of any of the listed signs.

- 2- 2 sided sandwich board style signs 1 each located at:
St. Mary’s Credit Union on West Main Street.
Intersection of Farm Road and Boston Post Rd East

- 3- 2 sided lawn style signs 1 each to be located at:
Intersection of Maple Street and Brigham Street
Intersection of Bolton Street and Union Street
Front Lawn of 377 Elm Street (Historical Society)

On a motion made by Ms. Hughes, seconded by Mr. Coveney it was voted to require the proponent to affix an indicator comprised of the City Seal and the date 2013, to each approved sign. Only by virtue of the indicator (City Seal) is the sign to be acknowledged as an approved placement. Motion carried.

Additional discussion revolved around the proposal of banners to be placed on participating businesses as indication of their participation. The Board could not act formally upon the request due to a technical error in the denial from the Building Commissioner; however in a show of good faith the Board offered the following suggestion to Attorney Rowe.

Reconsider the orientation of the banner from a horizontal design to a vertical design to alleviate some of the “flapping” and disconnection of the banners moorings as has been evident at past events.

Resize the proposed 3’ X 6’ banners to a smaller allocation to allow them to be hung from the inside of the establishment showing out the front windows, thereby alleviating the need for a permit variance. As long as the total amount of window space is not covered by more than 30%. Reappear before the Board at the next regularly scheduled meeting (May 20, 2013) with a new list of requested locations as well as the reissued denial from the Building Commissioner, for continued discussion.

C. Firefly’s Restaurant Signage discussion

Mr. Fay recused himself from the discussion due to a possible conflict of interests.

Ms. Hughes read the request to appear into record. After discussion it was determined that the

Board was trying to convey to Mr. Uliss the need for discussion with the Building Commissioner regarding the signage for his restaurant during and after the reconstruction of the East Main St, Route 20 intersection in front of his establishment. It was also requested that Mr. Uliss remove the currently unpermitted portable sign located atop the stone wall in the front of the restaurant. To which Mr. Uliss agreed.

9. Unfinished Business:

A. Blackhorse Farms Estate

Mr. Cullen noted that work is progressing with the curb setting and cul de sac repairs. It was noted to keep this item for reporting purposes on the next Planning Board agenda as well.

B. Country Club Estates

A brief update was given by Mrs. Irish on behalf of Solicitor Rider; all work is progressing and should be available to the Board for the June 3, 2013 meeting as previously discussed. It was noted to keep this item for reporting purposes on the next Planning Board agenda as well.

C. Berlin Farms Completion

Ms. Hughes read the request to appear into the record. On a motion made by Mr. Coveney, seconded by Ms. Hughes it was voted to accept the communication and place it on file. Mr. Freeman of Freeman Builders appeared in front of the Board at the Boards request, to discuss completion of the Berlin Farms subdivision. It was agreed that the project Engineer would be in touch with Mr. Cullen to finalize requirements for finishing the project. It was noted that this project is very close to completion.

10. Informal Discussions:

A. Ms. Madeline Sheldon-Dante to discuss proposed single home development

0 Woodcock Lane aka: Map 36, Parcel 84.

Ms. Hughes read the request for an informal discussion into the record.

On a motion made by Mr. Hughes, seconded by Mr. Coveney it was voted to accept the communication and place it on file.

After much discussion it was questioned by the Board if the particular parcel of land is legally saleable.

On a motion made by Ms. Hughes, seconded by Mr. Coveney it was voted to refer this to the Legal Department for clarification of the following questions.

- Is this land actually available to be sold or is it a part of the adjoining subdivision?
- If it is part of the subdivision can it currently be built on?
- If it is part of the subdivision and gets taken by the City for Tax Title Purposes can it be sold and developed by an outside entity?

11. Correspondence:

A. Mass Development Notice of Revenue Grant Award STEM Soaring Eagles Foundation, Inc.

B. Directions, Woodard & Curran Spring 2013 Issue

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

12. Public Notices of other Cities and Towns:

A. City of Marlborough Zoning Board of Appeals Notice of Decision (April 9, 2013)

B. Town of Sudbury Zoning Board of Appeals, Notice of Decision (March 27, 2013)

C. Town of Sudbury Zoning Board of Appeals, Public Hearing (May 20, 2013)

D. Town of Sudbury Zoning Board of Appeals, Public Notice

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

Adjournment: On a motion made by Mr. Johnson seconded by Mr. Coveney it was voted to adjourn at 8:10pm.

Respectfully submitted,

Colleen Hughes

/mai



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2013 MAY 30 A 11:33

**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 March 26, 2013 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, Fire Chief James Fortin. Also present: City Engineer Thomas Cullen, City Councilor Joe Delano and local resident John Shelales. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Tuesday, March 26, 2013.

MOTION was made, seconded, duly VOTED:
TO APPROVE – Accept and place on file.

2-New Business

2a) Parking restrictions in vicinity of 620 Farm Rd.

The resident of 620 Farm Road, Mr. John Shelales, and Councilor Delano were in attendance to discuss this issue. Chief Leonard began by outlining the current restrictions and explaining how they were prompted by safety concerns near the apartments across from Trombetta's. The decision was made to restrict parking in the entire area knowing that the intersection of Farm Road and Broadmeadow is set to be signalized. Parking would need to be restricted at this intersection later anyways. All were in agreement that this impacts the resident at 620 Farm Road as his property is located directly across from Broadmeadow. His property will be right on the intersection when it is signalized.

Councilor Delano said that he feels this puts a hardship on the resident and wanted to know what could be done to help him. Chief Leonard said that he would have to defer to Tom Cullen on this issue; however, he did note that there are very specific standards that need to be met at an intersection. Commissioner LaFreniere went on to explain that

there are certain restrictions that must be imposed with a new signalized intersection. There will be specific lane assignments with a dedicated left turn lane for Broadmeadow and a lane for through movement continuing into the intersection. If Mr. Shelales were to park in front of his home there would be no ability to process traffic through the intersection. The permit associated with this intersection requires no parking within certain limits. This is a given and there is no way to accommodate a parking condition for the benefit of a specific resident. However, the Commissioner questioned how could we help? How could we make the resident whole? Councilor Delano asked if there was anything that could be done on the property itself. He also expressed concern that the homeowner was going to have trouble getting out of his property.

Commissioner LaFreniere advised that they can look at the timing phases for the light. If they were all red at the same time for a specific period of time (3 to 4 seconds), the homeowner would then be able to proceed out of his driveway when everyone else is stopped. The problem occurs when there is a queue with several vehicles at the light. The homeowner explained that it is already very difficult to get out of his driveway. His driveway entrance is right on the curve of the road and it is difficult to see in both directions. Chief Leonard asked about the possibility of installing a pressure pad or something on his property that would trigger the lights. Commissioner LaFreniere advised that they are trying to come up with something that might work and that "the experts are on it". If a presence detector is allowed on the homeowner's property, the homeowner "is at the top of the list."

Councilor Delano asked if it was possible to open up his driveway. If the homeowner had enough room in his driveway he would not have to park in the street. Mr. Shelales asked about the possibility of a circular driveway. This would address the parking needs and make it easier for him to get out of the driveway.

Commissioner LaFreniere advised that this is an unusual situation and is a "perfect hardship case". A circular driveway would require a zoning variance for a second curb cut. This type of situation is the reason for a variance. Tom Cullen suggested that Tim Collins go out to the site and meet with the homeowner to discuss the options. Mr. Shelales and Councilor Delano agreed that this would be the best idea at this point.

MOTION was made, seconded, duly VOTED to refer to ENGINEERING. It was agreed that Tim Collins would meet with Mr. Shelales on site to discuss the options and present them at the next meeting.

2b) Request for crosswalk on Hager St.

This request was made by a Hager Street resident with regard to his children and the bus stop location. His concern is that his children have to cross Hager Street to get to their side of the road. He is requesting a "a painted crosswalk from where the sidewalk ends to the other side of Hager St. and a sign/light alerting motorists that this is a school crossing." Tom Cullen provided a diagram and aerial photo of the area. It was unclear as to whether or not there was a sidewalk at this location. Chief Leonard questioned if a crosswalk could be installed without a sidewalk.

Commissioner LaFreniere said that it would be best to go out to the site and see exactly what the issue is. School bus law was discussed and whether the children could cross

when the bus had the stop sign out? If the bus stop were to move to the other side of the road, the children could get on and off on their own side of the road with the bus blocking the roadway. Chief Leonard advised that he would contact the resident and discuss the issue in more detail. Tom Cullen noted that this could be a very unique situation due to the layout of the roadway.

MOTION was made, seconded, duly VOTED to refer to ENGINEERING to take a look at the area and bring options to the next meeting and to refer to CHIEF LEONARD to speak with the homeowner.

NOTE: Chief Leonard requested a suspension of rules to discuss an additional item not on the Agenda – All in Favor.

Parking Concerns on West Main Street.

This request was made by Councilor Seymour by e-mail. He had received a complaint from the resident of 103 West Main Street about neighbors parking near and in front of her home causing sight distance concerns and blocking her trash barrels on trash pick-up day. Chief Leonard thought that the Commission had looked into this issue before and had extended the no parking area past #103 but it does not appear to be signed that way.

Tim Collins was not in attendance but had replied previously by e-mail that he had taken a drive by the area at 7:20 am on trash pick-up day and did not see a problem. There was one car legally parked in front of #103 and none of the trash containers were blocked. Commissioner LaFreniere said that he does not see a sight distance concern here as the property is elevated. He also said the trash pick-up is a “non-issue” as the trash containers can be put on the “grassy area”. He did note, however, that if this 10 foot area continued to be a problem it would not be a big deal to extend the no parking area another 10 feet. Chief Leonard thinks it is actually more than 10 feet and he questioned that restricting parking would also effect the doctor’s office near this location.

MOTION was made, seconded, duly VOTED to REFER to CHIEF LEONARD to get back to Councilor Seymour and advise that the issue was discussed, however, the Commission did not see a need for traffic changes. The Commission did not see a sight distance concern and felt there was another option for placement of the trash containers. Chief Leonard did advise that he could continue to monitor the issue from an enforcement standpoint.

3-Old Business

3f) Parking concerns/signage on Hayden Street.

Tim Collins sent an e-mail to Chief Leonard providing the specifics on extending the no parking area on Hayden Street through the curve in the road. He suggested that the existing condition be repealed and a new regulation added that would include the additional area in the restriction. Chief Leonard had prepared the amendments for a vote. The first amendment was to DELETE the existing regulation.

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

The second amendment was the revised regulation that now includes the extended no parking area.

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

(Note: There were also two minor typos on the regulations that were to be revised by Chief Leonard and submitted to Lisa Thomas for advertising.

(Follow-up to Item missing from Agenda under Old Business)

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

Tom Collins asked for clarification on exactly what type of signage we were requesting from the State. It was a little confusing after the last meeting. It was discussed that the Commission was attempting to divert truck traffic away from Ferrecchia when traveling on to Elm Street or Locke Drive. The Commission wanted a way to get the attention of trucks coming off Rte. 495. Tom Cullen presented a photo and description of the area of Felton Street and Lakeside Ave. He indicated that Felton Street should be used to access Elm Street and Locke Drive and noted that the existing sign post for Felton Street would “accommodate a sign for Locke Drive Traffic (with an arrow)”.

MOTION was made, seconded, duly VOTED to REFER to back to ENGINEERING to put together a sign layout for the 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.

3d) Traffic Commission rules and regulations update.

No new streets discussed as Tim Collins was unable to attend the meeting. 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 TABLE.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:51 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, April 30, 2013 (Including City of Marlborough Meeting Posting)
- E-mail from Doug Stanczak to Chief Leonard, dated 4/16/13, re: New School Crosswalk.
- E-mail from Tim Collins to Chief Leonard, dated 3/28/13, re: Hayden Street – No Parking Extension.
- Two amended regulations for review by Traffic Commission – Re: Revised Hayden Street Parking Restrictions.

Additional Handouts

- E-mail chain from Councilor Seymour, dated 4/19/13 through 4/26/13, Re: West Main Street.
- Photo of intersection of Felton Street and Lakeside Ave with descriptive information of the area.
- Aerial photo of intersection of Hager Street and Boston Post Road East including surrounding area.
- Diagram of Hager Street relative to Request for Crosswalk at this location.