

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF INDIANAPOLIS

2013 SEP 19 P 12:45

1. Minutes of the City Council Meeting, September 9, 2013.
2. Minutes of the Joint Convention Meeting, September 11, 2013.
3. CONTINUED PUBLIC HEARING On the Application for Special Permit from Luiza DeMoura of Jump in with Us, Inc. to develop an inflatable playground and to accommodate birthday parties for kids and families from Tuesdays to Sundays, 10:00 AM to 7:00 PM, Order No. 13-1005482A.
4. Communication from the Mayor re: Fiscal Year 2013 Close-out.
5. Communication from the Mayor re: Building Department transfer request in the amounts of \$800.00 and \$300.00 which moves funds from Contract Services to Assistant Wiring Inspector and from Professional & Technical to Assistant Plumbing Inspector respectively due to office coverages.
6. Communication from the Mayor re: Gift Acceptance from Partners Healthcare System, Inc. in the amount of \$750,000.00 specifically earmarked for renovation and/or replacement of a Senior Center in the City.
7. Communication from City Solicitor, Donald Rider re: Application for Special Permit from Attorney Schaffer on behalf of Irene Kantor to operate a Martial Arts Studio located within an Industrial District, 38 Brigham St., in proper legal form, Order No. 13-1005483B.
8. Communication from Retirement Board Chairman Gregory Brewster, re: Acceptance of Sections 27 & 28 of Chapter 131 of the Acts of 2010.
9. Petition of NGrid and Verizon to install new Joint owned Pole #20 on the public way of Kings Grant Rd. currently the conductors between Pole 19 and Pole 2 are hanging low, and were reported by the Fire Department as a safety issue. The new pole will alleviate the low hanging wires, and help maintain proper clearances of wires over the public way.
10. Application for Special Permit from Attorney Gadbois on behalf of DBK Realty, LLC, to construct a facility at 1000 Nickerson Rd. to store and use toxic chemicals in the manufacture of small specialty parts for the medical instrument, airline and defense industries.
11. Communication from Mirick O'Connell who is representing Annmarie Riley regarding an appeal from the granting of a variance by the Zoning Board of Appeals, case #1419-2013.
12. Application for Fuel Storage License by Richem Company Inc., 111 Hayes Memorial Dr., to store flammable liquids as attached in agenda packet.
13. Minutes, Planning Board, July 22, and August 26, 2013.
14. Minutes, Recreation Commission, June 12, 2013.

REPORTS OF COMMITTEES:

## UNFINISHED BUSINESS:

**From Personnel Committee**

15. **Order No. 13-1005480A** - Reappointments of William Brewin and Rustin Kyle as Members of the Marlborough Public Library Board of Trustees.  
Rob Seymour made a motion to Approve. Seconded by the Chair.  
Approved 3-0
16. **Order No. 13-1005515** - Reappointment of Deborah Fox as City Collector to serve a term of one year to take effect on the first Monday following her appointment.  
Rob Seymour made a motion to Approve. Seconded by the Chair.  
Approved 3-0
17. **Order No. 13-1005516** - Reappointment of Diane Smith as City Auditor for a term of three years.  
Rob Seymour made motion to Approve. Seconded by the Chair.  
Approved 3-0

**From Urban Affairs Committee**

18. **Order No. 13-1005483B** - Application for Special Permit by Attorney Schaffer on behalf of Irene Kantor to operate a Martial Arts Studio at 38 Brigham Street which is located within an Industrial District where private indoor and outdoor recreation may only be allowed through a Special Permit.

The petitioners gave the Committee an overview to the plans they are submitting.

President Pope brought up concerns about possible parking issues, but the petitioners said they didn't foresee any major parking conflicts as parents drop off their children/pick them up and, for the most part, do not remain on the premises during the class.

Councilor Delano expressed his concern about the business' past practice of utilizing illegal signs, which they said they stopped using three years ago.

The Committee and Council discussed the use of CORI forms, and Councilor Seymour requested them to act according to MGL.

No department head gave a negative opinion on the project.

The Chair read the conditions and changed a few conditions, including striking language possibly prohibiting the petitioners from making changes to the building.

Councilor Clancy made a motion to approve, the motion was seconded, and the vote was 4-0 to approve the application for Special Permit by Attorney Schaffer on behalf of Irene Kantor to operate a Martial Arts Studio at 38 Brigham Street which is located within an Industrial District where private indoor and outdoor recreation may only be allowed through a Special Permit. (Robey absent)

The committee also will recommend suspending the rules at the Council's 9-9-13 meeting to send the permit to the Solicitor to put in proper legal form as well as send to the Building Commissioner to give advice on condition #1 (no changes to existing outside and parking areas and to the building), which was struck by the committee.



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

**SEPTEMBER 9, 2013**

Regular meeting of the City Council held on Monday, SEPTEMBER 9, 2013 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors Present: Pope, Ossing, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, and Landers. Meeting adjourned at 9:32 PM.

ORDERED: That the minutes of the City Council Meeting August 26, 2013, **FILE**; adopted.

ORDERED: That the Update/Discussion with Building Inspector regarding his interpretation of the zoning requirements governing recreational facilities, specifically the requirement for a special permit for certain uses, **APPROVED**; adopted.

ORDERED: That the Fire Department transfer request in the amount of \$45,279.00 which moves funds from Fringe to Sick Leave and Firefighter accounts to fund costs associated with the retirement of a member of the Fire Department, refer to **FINANCE COMMITTEE**.

FROM:

Acct. 11990006-51500 \$45,279.00

Fringe

TO:

Acct. # 12200003-51920 \$35,057.00

Sick Leave

Acct. # 12200001-50450 \$10,222.00

Firefighter

ORDERED: That the Appointment of Leslie Biggs to the Council on Aging who will fill the balance of the term of Lynn Anderson which is due to expire on May 2, 2016, refer to **PERSONNEL COMMITTEE**; adopted

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

ORDERED: That the Zoning Board of Appeals Process and Notification of resignation from James Natale and Jay Whitaker. Mr. Whitaker's resignation will be effective September 18, 2013, **FILE**; adopted

ORDERED: That the Communication from Assistant City Solicitor Cynthia Panagore Griffin re: Motion to Approve Application of TVI, Inc. d/b/a Savers for a Secondhand Dealer's License which has been placed in final legal form, **MOVE TO ITEM 13**; adopted.

ORDERED: That there being no objection thereto set **Monday, October 21, 2013** as date for a **PUBLIC HEARING** On the Application for Special Permit from Attorney Bergeron on behalf of 54 Main St., LLC to install a drive-thru service window which would be part of a new structure on the property for Dunkin Donuts restaurant, replacing the existing Dunkin Donuts restaurant structure, which does not have a drive-thru service window, refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the Application for Second Hand Article License, Mary Giorgi, Giorgi's Consignment Boutique, 266 Main St., refer to **PUBLIC SERVICES COMMITTEE**; adopted

ORDERED: That the Communication from Central Mass. Mosquito Control Project re: Mosquito Control Update, **FILE**; adopted

ORDERED: That the Minutes, Traffic Commission Minutes, June 25 and July 23, 2013, **FILE**; adopted

Councilor Tunnera reported the following out of the Personnel Committee:

**Order No. 13-1005480A** - Reappointments of William Brewin and Rustin Kyle as Members of the Marlborough Public Library Board of Trustees.

Councilor Seymour made a motion to Approve, seconded by the Chair  
Approved 3-0

**Order No. 13-1005515** - Reappointment of Deborah Fox as City Collector to serve a term of one year to take effect on the first Monday following her appointment.

Councilor Seymour made a motion to approve, seconded by the chair.  
Approved 3-0

**Order No. 13-1005516** - Reappointment of Diane Smith as City Auditor for a term of three years.

Councilor Seymour made motion to approve, seconded by the chair.  
Approved 3-0

Councilor Elder reported the following out of Urban Affairs Committee:

**Agenda Item(s) addressed: #13-1005483** - Application for Special Permit by Attorney Schaffer on behalf of Irene Kantor to operate a Martial Arts Studio at 38 Brigham Street which is located within an Industrial District where private indoor and outdoor recreation may only be allowed through a Special Permit.

Present: Chairman Elder, Councilor Clancy, Councilor Landers, Councilor Tunnera; Also Councilor Delano, President Pope, Councilor Seymour; Absent: Committee Member Robey

The petitioners gave the Committee an overview to the plans they are submitting.

President Pope brought up concerns about possible parking issues, but the petitioners said they didn't foresee any major parking conflicts as parents drop off their children/pick them up and, for the most part, do not remain on the premises during the class.

Councilor Delano expressed his concern about the business' past practice of utilizing illegal signs, which they said they stopped using three years ago.

The Committee and Council discussed the use of CORI forms, and Councilor Seymour requested them to act according to MGL.

No department head gave a negative opinion on the project.

The Chair read the conditions and changed a few conditions, including striking language possibly prohibiting the petitioners from making changes to the building.

Councilor Clancy made a motion to approve, the motion was seconded, and the vote was 4-0 to approve the application for Special Permit by Attorney Schaffer on behalf of Irene Kantor to operate a Martial Arts Studio at 38 Brigham Street which is located within an Industrial District where private indoor and outdoor recreation may only be allowed through a Special Permit. (Robey absent)

The committee also will recommend suspending the rules at the Council's 9-9-13 meeting to send the permit to the Solicitor to put in proper legal form as well as send to the Building Commissioner to give advice on condition #1 (no changes to existing outside and parking areas and to the building), which was struck by the committee.

#### **Suspension of the Rules requested – granted**

**ORDERED:** That the Application for Special Permit from Attorney Schaffer on behalf of Irene Kantor to operate a Martial Arts Studio located within an Industrial District where private indoor or outdoor recreation may only be allowed through Special Permit, 38 Brigham St. refer to **CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM AS WELL AS SEND TO THE BUILDING COMMISSIONER TO GIVE ADVICE ON CONDITION #1 (NO CHANGES TO EXISTING OUTSIDE AND PARKING AREAS AND TO THE BUILDING) WHICH WAS STRUCK BY COMMITTEE FOR THE SEPTEMBER 23, 2013 CITY COUNCIL MEETING;** adopted.

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 510-4, BUILDING SEWER CONNECTIONS

Add after Item A (7):

(8) All sewer extension and building sewer connection permits shall only be issued if in accordance with the flow allocations in the December 3, 2007 Certificate of the Secretary of Energy and Environmental Affairs on the October 2007 *Phase IV Final Recommended Comprehensive Wastewater Management Plan/Final Environmental Impact Report* (CWMP/EIR), as stipulated below.

(a) The City is divided into two sewer service areas, one tributary to the Easterly wastewater treatment facility (WWTF) and the other tributary to the Westerly WWTF, divided by a "WWTF Division Line" that runs north/south through the City, to the east of Route 495.

(b) A total of 4.15 million gallons per day (mgd) average daily flow is allocated in the CWMP/EIR Certificate to the Westerly WWTF from the City of Marlborough and the Town of Northborough as described further in items [1] and [2] below. The actual allowable flow is dependent upon the permitted value in the facility's National Pollutant Discharge Elimination System (NPDES) permit. Sewer connection or extension permits shall only be approved if the resulting total flows to the Westerly WWTF are within the permitted flow allocation in the NPDES permit and if the flows are consistent with the following allocations:

[1] Up to 2.9 mgd of the total permitted average daily flow is allocated in the CWMP/EIR Certificate to originate from the western side of the City of Marlborough tributary to the Westerly WWTF through the year 2025.

[2] The remaining allocation between 2.9 mgd and the NPDES permitted average daily flow (up to 1.25 mgd) is allocated in the CWMP/EIR Certificate to originate from the Town of Northborough tributary to the Westerly WWTF through the year 2025. Note that the City of Marlborough is required via a January 1, 1990 intermunicipal agreement to provide the Town of Northborough with 0.80 mgd of sewer capacity, however this agreement expired as of January 1, 2010.

(c) The flow limitation for the Easterly WWTF in effect on the date of the December 3, 2007 Certificate was 5.5 mgd on an average monthly basis, as permitted by the Easterly WWTF's October 19, 2006 NPDES permit. Sewer connection or extension permits through the year 2025 shall only be approved if the total flows to the Easterly WWTF are within this permitted flow allocation.

- (d) All flow allocations in the CWMP/EIR Certificate, as well as sewer connection or extension estimated flows, shall be based on average annual values.
- (e) Extensions tributary to the Easterly WWTF originating from beyond the area bounded by the town boundaries to the north, south and east, and by the WWTF Division line to the west require approval by the Mayor, the City Council, and, when applicable thresholds are exceeded, by MassDEP via a sewer extension permit. Similarly, sewer extensions tributary to the Westerly WWTF beyond the area bounded by the WWTF Division Line to the east, the town boundaries to the north and south, and the neighborhoods identified for sewerage in the CWMP/EIR in Northborough to the west require approval from the Mayor, City Council, and, as applicable, MassDEP. Flow from one side of the WWTF Division Line may be treated at the WWTF on the other side with prior City Council approval.

**APPROVED;** adopted.

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

**MOTION** made by the Councilor Delano to amend Conditions #6 & #7 of Savers License below, amended further by Councilor Landers to request each Condition amendment be addressed separately – DOES NOT CARRY.

**Councilor Ossing requested to be recorded in opposition of Conditional Amendments.**

**ORDERED:** That the City Council moves to **GRANT** a Junk and Secondhand Dealer License to TVI, Inc. d/b/a Savers for its business to be conducted and operated at 222A East Main Street in Marlborough with the following conditions and waivers:

**Conditions**

1. The license shall not be transferred without prior review and approval of the City Council.
2. The license hereby granted is issued to TVI, Inc. d/b/a Savers only and is applicable only to the 222A East Main Street location.
3. There will be no exterior storage, display or sales of merchandise, other than a recycle trailer, a cloth delivery trailer with items waiting to be processed, and a local trailer from one of Savers' charitable partners delivering merchandise to the store. No more than three such trailers and trucks shall be parked at the loading dock area in the rear of the building at any one time, and no such trailers or trucks shall be parked on any other side of the building at any time.
4. Donations shall take place only during the hours of operation which shall be 9:00 A.M to 9:30 P.M. Monday through Saturday and 10:00 A.M. to 7:00 P.M. on Sundays, and during the month of October from 9:00 A.M. to 10:00 P.M. Monday through Saturday and 10:00 A.M. to 10:00 P.M. on Sundays.

5. No Savers' donation boxes shall be permitted outside of the building.
6. No scrolling or rotating message signs shall be permitted as part of Savers' signage plans.
7. Glue boards shall be installed at locations within the business premises satisfactory to the Marlborough Board of Health and Savers, and a monthly monitoring program shall be implemented consisting of a log book for said glue boards satisfactory to the Board of Health.
8. This license shall be subject to revocation or suspension for noncompliance of the above conditions or other applicable local ordinances or state laws.
9. The waivers granted as part of this license shall no longer be applicable should Savers commence paying the general public for merchandise delivered without first obtaining the review and approval of the City Council.

### Waivers

1. The waiver of Section 377-4 of the Ordinance as requested by Savers is not granted because Section 377-4 is not applicable to Savers' operations.
2. The waiver of Section 377-5 of the Ordinance is granted with respect to the last sentence thereof requiring the City Clerk to keep a list of persons employed by Savers. All other provisions of Section 377-5, other than the duty of the City Clerk to keep a record of the name and residence of each dealer, are not applicable to Savers.
3. The provisions of Sections 377-6, 377-7 and 377-9 of the Ordinance are waived in their entirety.

Adopted

**President Pope requested to be recorded in opposition.**

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 526, ENTITLED "SIGNS," AS FOLLOWS:

Section 526-7, entitled "Prohibited signs" is hereby amended by inserting the following:

- N. Digital electronic and LED (light emitting diode) signs and message boards, any portion of which can be electronically or mechanically changed by programmable electronic or mechanical processes, excluding signs of the City of Marlborough, the commonwealth of Massachusetts, the federal government, or the agents thereof, subject to the following exception:



- (1) permanent digital electronic and LED (light emitting diode) signs and message boards that have been permitted by the Building Department and installed or erected as of August 22, 2013 shall be allowed subject to the following requirements which are supplemental to other provisions of this Code:
  - (a) the exception provided in this subsection N. shall be applicable only to current owners of existing permanent digital electronic and LED (light emitting diode) signs and message boards that have been permitted by the Building Department and installed or erected by August 22, 2013;
  - (b) said owners must provide 24/7 contact information to the Code Enforcement Officer;
  - (c) the sign or message board must transition instantaneously from one message, symbol or image to the next;
  - (d) the sign or message board must go dark in the event of a malfunction;
  - (e) the sign or message board must adjust automatically to ambient light, and may not exceed 0.3 foot candles above ambient light;
  - (f) the colors of the sign or message board must be limited to white illumination on a black background;
  - (g) the sign or message board may be lit only during the hours of business operation; and
  - (h) the exception provided in this subsection N. shall not apply to any dimensional or structural changes to, or changes in location of, the sign or message board.
- (2) The prohibitions of subsection N. regarding digital electronic and LED (light emitting diode) signs and message boards shall be in effect for 10 months from the effective date of this amendment to Chapter 26.

Adopted

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

ORDERED: That the Proposed Amendment to the Code of the City of Marlborough, Zoning, Section 650-17, entitled "Table of Uses," by regulating the business uses entitled "Power laundries and dry cleaning" so as to separate into independent categories said uses and allow Dry Cleaning establishments as of right in the Business (B) district and in the Commercial Automotive (CA) district, **TABLED UNTIL SUCH TIME THAT PLANNING BOARD PROVIDES THEIR RECOMMENDATION;** adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:32 PM.



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

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

**SEPTEMBER 11, 2013**

**JOINT CONVENTION**

**MARLBOROUGH CITY COUNCIL AND MARLBOROUGH SCHOOL COMMITTEE**

Joint Convention of the City Council and School Committee was held Monday, SEPTEMBER 11, 2013 at 7:00 PM in City Hall, Council Chambers, 140 Main St., Marlborough, MA

Mayor Arthur G. Vigeant presided over the meeting.

Councilor Elder publicly disclosed that Candidate Denise Ryan's son has participated in his youth sports league and that he has no financial interest in her appointment.

Councilors present: Ossing, Pope, Oram, Delano, Elder, Tunnera, Seymour, Clancy and Landers.  
School Committee members present: Bodin-Hettinger, Hardy, Hennessy and Matthews.

Mayor opened the meeting and called for the nomination of a Clerk to act as Clerk of the Convention.

Madame President Pope placed the name of Lisa Thomas in nomination. There being no other name placed in nomination; nomination was closed.

Motion – MOVED - Hand called; unanimously voted, Lisa M. Thomas nominated as clerk for the Joint Convention.

Clerk called roll call for attendance in alphabetical ascending order by last name. In attendance and stated present were Bodin-Hettinger, Clancy, Delano, Elder, Hardy, Hennessey, Landers, Matthews, Oram, Pope, Seymour, Tunnera and Vigeant.

Absent were: Hediger, Jenkins, Ossing and Robey.

ORDERED: The Mayor entertained a motion to accept the Rules presented to the City Council and School Committee, as presented, **APPROVED**; adopted.

ORDERED: That the City Clerk read the Notice of Meeting in Joint Convention in accordance with provisions of the City Charter, Division 1, Section 36, **FILE**; adopted.

ORDERED: That the City Clerk read the letter from the Secretary of the Marlborough School Committee, informing the Mayor that a vacancy exists on the School Committee, **FILE**; adopted.

ORDERED: That the Mayor opened nominations for the Election of a School Committee member:

Councilor Seymour nominated Earl Geary.

Mrs. Hennessy nominated Don Voner.

Councilor Delano nominated Mark Walter.

Councilor Elder nominated Denise Ryan.

And there being no further nominations, nominations are declared closed.

City Clerk read the nomination names in alphabetical order.

ORDERED: Mayor requested first ballot be called, Mark Walter received 9 votes, Denise Ryan received 2 votes, Don Voner received 1 vote and Earl Geary received 1 vote via roll call.

Madame President Pope requested second ballot be called in the spirit of unity to have a unanimous stamp of approval for Mark Walter. Mark Walter received 13 votes via roll call.

In compliance with provisions of the City Charter, Division 1, Section 36 – Charter and Related Laws – The General Code of Marlborough, and in accordance with MGL, Chapter 43, Section 36, **MARK WALTER HAVING RECEIVED 13 VOTES IS HEREBY DECLARED TO HAVE BEEN ELECTED AS A MEMBER OF THE SCHOOL COMMITTEE, APPROVED**; adopted.

ORDERED: The City Clerk administer the OATH to newly elected School Committee member Mark Walter; **APPROVED**, adopted.

ORDERED: That the meeting in Joint Convention is herewith adjourned at 7:14 PM.



# IN CITY COUNCIL

Marlborough, Mass.,

AUGUST 26, 2013

PAGE 1

ORDERED:

That the **PUBLIC HEARING** On the Application for Special Permit from Luiza DeMoura of Jump in with Us, Inc. to develop an inflatable playground and to accommodate birthday parties for kids and families from Tuesdays to Sundays, 10:00 AM to 7:00 PM., Order No. 13-1005482, be and is herewith **CONTINUED TO SEPTEMBER 23, 2013 AT THE REQUEST OF THE PETITIONER.**

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

(IN URBAN AFFAIRS COMMITTEE)

ADOPTED

ORDER NO. 13-1005482A



*City of Marlborough*  
*Office of the Mayor*

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2013 SEP 19 AM 11:47

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*Arthur G. Vigeant*  
MAYOR

*Michael C. Berry*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

September 19, 2013

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

**Re: Fiscal Year 2013 Closeout**

Honorable President Pope and Councilors:

I wish to update you on the end of the year closing for the FY13 finances. I have included in this correspondence a memorandum and timeline from City Auditor Diane Smith which will inform you of all the completed steps and planned steps leading up to the setting of the tax rate in December.

We are working with the Department of Revenue (DOR) on obtaining our free cash certification and anticipate being able to provide that to you in the near future.

Please do not hesitate to contact my office with any questions. Thank you for your consideration.

Sincerely,

**Arthur G. Vigeant**  
Mayor



## CITY OF MARLBOROUGH

Office of the City Auditor

140 Main St.

Marlborough, MA 01752

508.460.3774

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### MEMORANDUM

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TO: Mayor Arthur G. Vigeant  
FROM: Diane Smith, City Auditor  
DATE: September 17, 2013  
RE: FY13 End of Year Close Timeline

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Attached for your review please find a timeline for the necessary steps to close the FY13 books and submit all required paperwork and reports to the state for free cash certification.

As you will note all reporting of disbursements and receipts through May has been completed and the Treasurer's office is working on cash reconciliation thru June.

The remaining steps involved in closing the books will be completed as projected on the timeline and the end of year reports and paperwork will be submitted to the state for certification no later than October 11, 2013. I will be speaking with our representative at the Division of Local Services to let them know of our time frame and our tax rate hearing date so that they will work with us to get free cash certified prior to that date.

If you have any questions please feel free to contact me directly.

Cc: Brian Doheny, Comptroller/Treasurer

FY13 END OF YEAR CLOSE TIMELINE

9/17/2013

			DATE COMPLETED
			FY2013 EOY
JULY	1st	Auditor and Collector reconcile receivables thru June 2013	completed
	15th	Final FY13 Invoices submitted to Auditors Office by departments	completed
	15th	Final FY13 Accounts Payable Warrant Processed	completed
	19th	FY13 Open Purchase Order List sent to Depts	completed
	29th	Depts return Open PO List with FY13 Carryforwards	completed
		Auditor reviews carryforwards	completed
AUG	21st	Final School Accrued Summer payroll posted to ledger	completed
	28th	Treasurer's Office reports FY13 non-check (wire) disbursements and receipts for Dec 12	completed
		Treasurer's Office reconciles bank statements and Cash balances thru Oct 12	completed
SEPT	6th thru 16th	Treasurer's Office reports FY13 non-check (wire) disbursements and receipts for Jan 13 thru May 13	completed
	17th thru 30th	Treasurer's Office to reconcile bank statements and Cash balances thru June 13	
		Treasurer's Office to report FY13 non-check (wire) disbursements and receipts for June 13	
		Revenue ledger and expenditure ledger closed	
		Auditor reviews/reconciles all general ledger funds/accounts including but not limited to: payroll withholding accounts, due to/from accounts, bond payable accounts, statement of indebtedness w/Treasurer, OFU/OFS.	
		General Ledger Closed, reports prepared for State (balance sheet, detail fund balances, cash reconciliation, year end checklist info, undesignated fund balance proof, Collector/Auditor receivable reconciliation report, capital projects detail report, detail trial balance (all funds), Snow & Ice data sheet)	
OCT	1st	Statement of Indebtedness from Treasurer	
		Health Insurance Incurred but not reported from Treasurer	
	11th	Submit all paperwork to State for free cash certification	
		Once paperwork is submitted to the state they may request additional info and approval typically takes 1-2 weeks after the submission date.	
DEC	2nd	Tax Rate Hearing- City Council	



*City of Marlborough*  
*Office of the Mayor*

*Arthur G. Vigeant*  
MAYOR

*Michael C. Berry*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

RECEIVED  
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2013 SEP 19 AM 11:40  
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September 19, 2013

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

**Re: Transfer Request – Building Department**

Honorable President Pope and Councilors:

Enclosed for your approval are the following transfer requests from the Building Department:

- 1) Transfer in the amount of \$800.00 from 12410004-53140 (Contract Services) to 12410001-50970 (Assistant Wiring Inspector).
- 2) Transfer in the amount of \$300.00 from 12410004-53180 (Professional & Technical) to 12410001-50960 (Assistant Plumbing Inspector).

Both the Assistant Wiring and Plumbing Inspectors are utilized only in cases where the Electrical or Plumbing Inspectors are out of the office (i.e., sick day, vacation). On several occasions this past summer, both Assistants were providing office coverage during periods of time where the workload was significantly higher than usual.

These positions are compensated on a per inspection basis and I anticipate this transfer request to sustain these line items for the remainder of the fiscal year.

Sincerely,

**Arthur G. Vigeant**  
Mayor







*City of Marlborough*

*Office of the Mayor*

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2013 SEP 19 AM 11:40

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[www.marlborough-ma.gov](http://www.marlborough-ma.gov)

*Arthur G. Vigeant*  
MAYOR

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EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

September 19, 2013

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

**Re: Gift Acceptance**

Honorable President Pope and Councilors:

Enclosed for your acceptance is a gift award in the amount of \$750,000.00 from Partners Healthcare System, Inc. in accordance with an agreement signed this year.

The gift is specifically earmarked for the renovation and/or replacement of a Senior Center in the City of Marlborough. Enclosed for your information is a signed Memorandum of Understanding (MOU) between the City of Marlborough and Partners Healthcare.

I would ask your acceptance of this generous gift so that the funds may be utilized for its intended purposes.

Sincerely,

**Arthur G. Vigeant**  
Mayor

**CITY OF MARLBOROUGH  
NOTICE OF GRANT AWARD**

DEPARTMENT: Office of the Mayor DATE: 19-Sep-13

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Comptroller / Treasurer

NAME OF GRANT: Senior Center Facility Gift

GRANTOR: Partners Healthcare

GRANT AMOUNT: \$750,000.00

GRANT PERIOD: N / A

SCOPE OF GRANT/  
ITEMS FUNDED In accordance with a signed MOU with Partners Healthcare, Inc., the gift funds will  
be utilized solely for the purpose of renovating and/or replacement of the Marlborough  
Senior Center (COA)

IS A POSITION BEING  
CREATED: NO

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

ARE MATCHING CITY  
FUNDS REQUIRED? NO

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:  
NO

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

ANY OTHER EXPOSURE TO CITY?  
NO

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: YES ... SWIFT APPROVAL WILL ENSURE THIS  
GIFT DOES NOT CLOSE OUT AS FREE CASH

**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**

## AGREEMENT

This Agreement ("the Agreement") is made this 17<sup>th</sup> day of March, 2013 between the CITY OF MARLBOROUGH (the "City"), a Massachusetts municipality acting by and through its Mayor, and its City Council, with a mailing address of 140 Main Street, Marlborough, Massachusetts 01752, and PARTNERS HEALTHCARE SYSTEM, INC., a Massachusetts charitable corporation having its principal place of business at Prudential Center, 800 Boylston Street, 11<sup>th</sup> Floor, Boston, Massachusetts 02199 ("Partners"). Hereinafter, the City and Partners are together the "Parties," and each individually a "Party."

WHEREAS, Partners is duly organized pursuant to M.G.L. c. 180 and is exempt from state and federal income taxation under Section 501(c)(3) of the Internal Revenue Code;

WHEREAS, the City acknowledges that Partners is a "charitable organization" as that term is used in M.G.L. c. 59, § 5, Third Paragraph;

WHEREAS, Partners intends to purchase land located on the west side of Forest Street in the City consisting of approximately 22.5 acres (the "Property");

WHEREAS, Partners intends to own and occupy the Property for the purpose of maintaining a data storage facility that supports Partners' functions and those of its various health care entities and facilities;

WHEREAS, Partners has petitioned the City Council to amend the City's Zoning Ordinance in order to allow a data storage facility to be located on the Property (the "Zoning Amendment");

WHEREAS, the City acknowledges that if Partners owns and occupies the Property for the purpose of maintaining a data storage facility that supports the charitable purposes of Partners' functions and those of its various health care entities and facilities, then the Property shall be eligible for an exemption from local property taxes as a matter of use and occupancy, in accordance with M.G.L. c. 59, § 5, Third Paragraph;

WHEREAS, Partners acknowledges that the existence of its data storage facility at the Property will require the City to furnish municipal services and Partners is willing voluntarily to make a certain lump sum payment to the City;

WHEREAS, the City intends to renovate or rebuild/replace the City's senior center; and

WHEREAS, Partners finds support of the City initiative for such project consistent with the stated purpose of improving the health and welfare of all persons and desires to make a financial contribution to assist the City in its efforts to renovate or rebuild/replace the City's senior center.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Within five (5) business days after the expiration of the appeal period challenging procedural defects in the Zoning Amendment, with no such appeal having been filed, Partners shall gift to the City by lump sum payment Seven Hundred Fifty Thousand and 00/100 Dollars (\$750,000), to be used by the City towards the renovation or rebuilding/replacing of the City's senior center.

2. The Board of Assessors (the "Board") shall classify and maintain the classification of the Property as exempt from local property taxes or any similar tax or imposition promulgated in lieu thereof for so long as Partners files a timely Form 3ABC with the Board for each fiscal year and Partners (i) owns and occupies the Property for the purpose of maintaining a data storage facility that supports Partners' functions and those of its various health care entities and facilities, or (ii) owns and occupies the Property for another use consistent with the charitable purposes for which Partners is organized as that term is used in M.G.L. c. 59, § 5, Third Paragraph, or (iii) owns and provides the Property for occupation by another charitable organization for a use consistent with the purposes for which such other charitable organization is organized.

3. This Agreement shall remain in full force and effect for so long as Partners, its successors or assigns complies with the terms of Paragraph 2 herein. Pursuant to applicable law, the City may assess property taxes upon the Property on a full or proportionate basis, as appropriate if the use and occupancy of the Property or a portion thereof are converted to other commercial operations or uses.

4. In the event that Partners transfers the Property by lease or deed, or any portion of the Property, to an entity unaffiliated with Partners, Partners shall inform the Board in writing within fourteen (14) days of such transfer.

5. Partners acknowledges that it must obtain from the City all necessary permits and approvals.

6. The Parties acknowledge that this Agreement is a public record and is not exempt from disclosure under the Massachusetts Public Records Law. The Parties agree that any press releases, announcements or other public communications, with the exception of communications which may occur during public meetings, regarding this Agreement shall be jointly issued by the City and Partners.

7. Any notices and other communications required or permitted under this Agreement must be in writing signed by a duly authorized officer or representative of the City or Partners, as the case may be, and shall be (i) delivered by a nationally recognized overnight service, or (ii) mailed by certified or registered mail, return receipt requested, postage prepaid, to the Parties at the following addresses or such other addresses as each may have specified to the other by such a notice:

City: Office of the Mayor  
City of Marlborough  
140 Main Street  
Marlborough, MA 01752

Attn: Arthur G. Vigeant, Mayor

and

Board of Assessors  
City of Marlborough  
140 Main Street  
Marlborough, MA 01752

Attn: \_\_\_\_\_

Partners: Real Estate and Facilities  
Partners HealthCare System, Inc.  
101 Merrimac Street, Suite 800  
Boston, MA 02114-2740

Attn: Director of Real Estate

8. This Agreement represents the entire agreement between the Parties and supersedes and replaces any and all prior or contemporaneous agreements. All prior negotiations have been merged into this Agreement, and there are no other understandings, representations or agreements, oral or written, express or implied other than those set forth herein. The terms of this Agreement may not be changed, modified or amended except by a writing signed by both parties. The provisions of this Agreement shall be binding and inure to the benefit of the Parties hereto and their successors and assigns and may only be amended by an agreement in writing duly executed by all parties hereto or their successors.

9. The Parties agree that the provisions of this Agreement are severable. If any provision of this Agreement is held invalid or unenforceable by a court of competent jurisdiction, including but not limited to the Massachusetts Appellate Tax Board, the remaining provisions shall remain in effect.

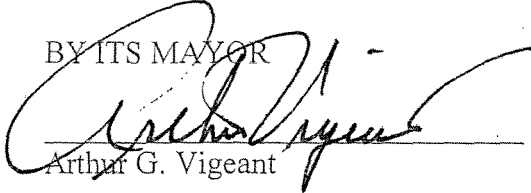
10. This Agreement is governed and construed by the laws of the Commonwealth of Massachusetts, without regard to conflict of law principles.



IN WITNESS WHEREOF, the City and Partners have caused this Agreement to be executed by their duly authorized representatives, as an instrument under seal as of the date first written above.


**CITY OF MARLBOROUGH**

BY ITS MAYOR

  
Arthur G. Vigeant

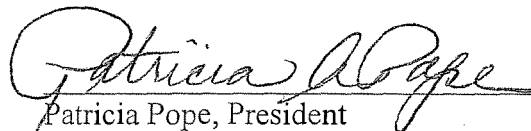
**PARTNERS HEALTHCARE SYSTEM,  
INC.**

By:


  
Name: Peter K. Markell

Title: Executive Vice President of  
Administration and Finance,  
Chief Financial Officer and  
Treasurer

BY ITS CITY COUNCIL

  
Patricia Pope, President

APPROVED AS TO FORM:

  
Donald V. Rider, Jr., City Solicitor OR  
Cynthia M. Panagore Griffin, Assistant City Solicitor



**City of Marlborough**  
**Legal Department**

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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

LEGAL@MARLBOROUGH-MA.GOV

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CITY OF MARLBOROUGH

**DONALD V. RIDER, JR.**  
CITY SOLICITOR

**CYNTHIA M. PANAGORE GRIFFIN**  
ASSISTANT CITY SOLICITOR

**ELLEN M. STAVROPOULOS**  
PARALEGAL

September 19, 2013

Patricia Pope  
President  
Marlborough City Council

RE: Order No. 13-1005483B  
Application for Special Permit  
Irene Kantor  
38 Brigham Street, Marlborough

Dear President Pope and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by Irene Kantor, seeking permission to utilize 38 Brigham Street as a family recreational establishment or facility, namely, a martial arts studio.

I have enclosed a copy of the proposed decision. I certify that that decision is in proper legal form.

Very truly yours,

Donald V. Rider, Jr.  
City Solicitor

Enclosure

cc: Jeffrey K. Schaffer, Esquire

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

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

### **FINDING OF FACTS-RULINGS AND CONDITIONS**

1. The Applicant, Irene Kantor, is a manager of KI NEMA LLC, a duly organized and existing Limited Liability Company with its principal place of business temporarily located at 257 Maple St., Unit 1, Marlborough, MA 01752.
2. Pam Realty, Inc., with a principal office located at 171 Locke Drive, #102, Marlborough, MA 01752, is the title owner of the land and building located at 38 Brigham Street, Marlborough, MA 01752 and more particularly described as Map 104, Parcel 27 on the Marlborough Assessors Maps (“the Site”).
3. The Applicant seeks permission to utilize the existing building as a family recreational establishment or facility, specifically, a martial arts studio d/b/a “New England Martial Arts.” The Applicant, either as an individual or as a nominee LLC, intends to purchase the Site from the current owner and then to lease it to KI NEMA LLC.
4. The Applicant, Irene Kantor, a manager of KI NEMA LLC, on July 3, 2013 filed with the City Clerk of the City of Marlborough, an Application for a Special Permit pursuant to Chapter 650, entitled “Zoning,” of the Code of the City of Marlborough, Article V, Section 650-17.
5. The Site was improved with parking, driveways and a building thereon in 1986 in accordance with a plan filed and approved by the Building Department at that time.
6. The location of New England Martial Arts will be within the majority of the existing vacant structure which previously housed a printer and contractor, now both closed.
7. Applicant’s Application is for a Special Permit seeking the establishment of a family recreational establishment or facility which will utilize the existing large

indoor open space for use as a Martial Arts Studio including accessory “as built” offices and lady’s and men’s bathroom facilities. The Site is situated in the Industrial zoning district. Private or commercial recreation establishments, such as proposed by Applicant, are allowable by special permit in the Industrial zoning district.

8. The City Building Inspector, on behalf of the City Planner, has certified pursuant to § 650-59.C (7) of the Rules and Regulations promulgated by the City Council for issuance of special permits, that the application is complete and conforms to said Rules and Regulations and that the site plan meets all prior referenced informational requirements of Rule 7 and that said plan conformed in all respects to the Code of the City of Marlborough as of the date of construction and improvement of the Site.
9. Pursuant to § 650-59.C(1)(c) of said Rules and Regulations, the Applicant has distributed sets of Application materials to the City officials listed therein.
10. Further, pursuant to the said Rules and Regulations and the provisions of MGL c. 40A, as amended, the City Council established a date for a public hearing for the Application, and the City Clerk caused to be advertised said date in the MetroWest Daily News, and sent written notice of said Public Hearing to those abutters entitled to notice under applicable law.
11. The Marlborough City Council pursuant to the appropriate provisions of MGL c. 40A, as amended, held a public hearing on the Application on August 26, 2013.
12. The Applicant presented evidence at the public hearing detailing the project and its limited impact upon municipal services, the neighborhood and traffic.

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

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

- A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council for application of a special permit.
- B. The use of the existing building located at the Site for a family recreational establishment or facility is an appropriate use of said property and is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough, subject to appropriate terms and conditions as hereinafter set forth.
- C. The City Council, pursuant to its authority under MGL c. 40A, as amended, **GRANTS** the Applicant a Special Permit to operate a private or commercial

recreational establishment as per its Application filed with the City Council and City Clerk, **SUBJECT TO THE FOLLOWING CONDITIONS**, which shall also be applicable to Applicant's successors and assigns, and a violation of which shall be a violation of this Special Permit:

1. Applicant may patch and repair (but not re-pave) the existing parking and driveway areas; also, Applicant may make non-structural repairs and cosmetic changes to make the lot, and exterior and interior of the premises, neat and presentable as presently constructed. To the extent Applicant wishes to make any additional changes, alterations, modifications or amendments that trigger Site Plan Review, all conditions imposed by Site Plan Approval shall be further conditions attached to this Special Permit. Site Plan Review shall be consistent with this Special Permit. Any violation of a condition of Site Plan Approval shall be a violation of this Special Permit.
2. Applicant shall comply with any and all requirements necessary to obtain a certificate of use and occupancy for the facility as it presently exists.
3. Signage. Any signage installed or erected on the premises shall meet the requirements of the Sign Ordinance of the City of Marlborough without variance and shall not include flashing signs, message boards or LED signs. All such signs shall be illuminated only during hours of operation and shall be extinguished on or before 10:00 p.m.
4. Application and Documents. All plans, drawings, site evaluations and documentation provided by the Applicant as part of this Application or later filed with the Urban Affairs Committee are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same.
5. Compliance with Local, State, and Federal Laws. The Applicant agrees to comply with all rules, regulations and ordinances of the City of Marlborough, Commonwealth of Massachusetts and the federal government as they may apply to the maintenance and operation of the facility.
6. Public Peace and Good Order. In the event that the Chief of Police determines that either the business of the Applicant is, or the clientele of the Applicant are, creating a condition that is contrary to the public peace and good order, the Chief shall, in writing, notify the Applicant and demand that corrective measures be put into effect within seven (7) calendar days. Upon failure or inability of the Special Permit holder to correct such condition, the Police Chief may require the Applicant to employ one or more police detail officers during such hours and days as the Police Chief, in the exercise of his or her sole discretion, determines to be necessary for the purpose of correcting the condition.
7. Abutter Conditions. Following publication of the notice of Applicant's Application and notices of same having been sent by certified mail to abutters as

required, no abutter has come forward on the record before, during or after the public hearing to raise any objection or to support or to question Applicant with respect to any aspect of the Application. In the interest of establishing and maintaining amicable relations with neighbors in the vicinity of the Site, Applicant agrees as follows:

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

# MARLBOROUGH RETIREMENT BOARD

140 Main Street, City Hall  
Marlborough, Massachusetts 01752-3812

Telephone (508) 460-3760

Fax (508) 481-7814

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2013 SEP 18 10 23 AM

## Board Members

*Gregory P. Brewster, Chairman*

*Thomas J. Abel*

*Diane Smith*

*Christopher M. Sandini, Sr.*

*William S. Taylor*

August 26, 2013

President and Members  
Marlborough City Council  
City Hall  
Marlborough, MA 01752

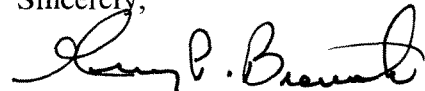
Dear President and Members:

The Marlborough Retirement Board voted to accept Sections 27 and 28 of Chapter 131 of the Acts of 2010 (FY 2011 State Budget). Sections 27 and 28 established a local option to increase the benefit paid under G.L. c.32 §101 from \$6,000 annually to \$9,000. Section 101 benefits are paid to surviving spouses of accidental disability retirees who retired before November 7, 1996 and whose deaths were unrelated to the accidents or conditions that precipitated their retirements. Accidental disability recipients who retired before November 7, 1996 were unable to choose Option C which provides a payment to a surviving spouse.

There are currently two surviving spouses who would receive an increase in their Section 101 benefits if the option is accepted by the City of Marlborough. The total annual increase for the two recipients will be approximately \$5,345.34. There are eight accidental disability retirees whose spouses may be eligible for the increased Section 101 benefit in the future.

The Marlborough Retirement Board urges you to accept Sections 27 and 28 of Chapter 131 of the Acts of 2010. A copy of the Public Employee Retirement Administration Commission's memorandum is attached. If you have questions, please do not hesitate to contact me or one of my colleagues on the Retirement Board.

Sincerely,



Gregory P. Brewster, Chairman  
Marlborough Retirement Board

Attachments

## MEMORANDUM #28, 2010

Commonwealth of Massachusetts | Public Employee Retirement Administration Commission  
Five Middlesex Avenue, Suite 304, Somerville, MA 02145

Ph 617 666 4446 | Fax 617 628 4002 | TTY 617 591 8917 | [www.mass.gov/perac](http://www.mass.gov/perac)

Domenic J. F. Russo, *Chairman* | A. Joseph DeNucci, *Vice Chairman*

Paul V. Doane | James M. Machado | Donald R. Marquis | Robert B. McCarthy | Gregory R. Mennis  
Joseph E. Connarton, *Executive Director*

### MEMORANDUM

TO: All Retirement Boards

FROM: Joseph E. Connarton, Executive Director

RE: Fiscal Year 2011 Budget Items Relating to Public Retirement, Chapter 131 of the Acts of 2010

DATE: July 15, 2010

The recently enacted FY11 State Budget (Chapter 131 of the Acts of 2010) contained several sections that impact G.L. c. 32 and public retirement systems in Massachusetts. Sections of the Budget dealing only with the State and Teachers' Systems and the Essex Regional Retirement System are not discussed. This Memorandum will deal with those sections that were signed and briefly discuss the section that was returned to the Legislature with proposed amendments. It is not a substitute for a careful reading of the statutes.

#### Cap on Pension Earnings

Section 23 establishes a cap on the amount that will be considered "regular compensation" for contributions and for calculation of the retirement allowances for persons who become members of a System after January 1, 2011. Each year PERAC will issue a Memorandum that will outline the limits, both under this section and under Chapter 46 of the Acts of 2002 (the federal limitations that are applicable to current members). When a post January 1, 2011 member's regular compensation exceeds the amount allowable, contributions must cease. This measurement is made on a calendar year basis, so Boards must take steps to identify impacted members and stop contributions in a timely manner. When these persons retire, their calculations will be based on a high three year average that includes regular compensation within the limits for the relevant years. As this provision becomes applicable to more members, further guidance will be issued.

#### Pension Funding Schedules

Section 24 amends that definition of "Retirement System Funding Schedule" and will allow the PERAC Actuary to require Boards to revise funding schedules after any actuarial valuation to reflect any increase or decrease in the projected actuarial liability that may result from a review of the actuarial, economic and demographic assumptions upon which such funding schedule is based.



### Interest Rate on Returned Retirement Deductions

Section 25 provides that effective July 1, 2010, for members who became members after January 1, 1984, the annual rate of interest that will be paid when a member voluntarily withdraws his or her contributions with less than 120 months (10 years) of creditable service will be 3%. Interest payable on all other withdrawals will be set at regular interest. This provision applies only to withdrawals by members with less than 10 years of creditable service, so the amount of interest credited to members' accounts before withdrawal remains unchanged at regular interest. Likewise, the 2 year limitation on interest remains unchanged. The interest is calculated and applied only when the member withdraws his or her funds.

### Amendment to Procedural Provisions of Appeals to CRAB

Section 26 amended G.L. c. 32, § 16(4) changing the procedural requirements for appeals to the Contributory Retirement Appeal Board. The Governor returned this section to the Legislature with amendments. G.L. c. 32, § 16(4) has not been amended as of the date of this writing.

### Supplemental Pension Allowance to Surviving Spouses of Disabled Employees

Sections 27 and 28 establish a local option to increase the benefit paid under G.L. c. 32, § 101. If the Board accepts this local option and the legislative body approves that action, the increased allowance will go into effect on the date of approval, but not earlier than January 1, 2011. The acceptances are effective upon filing of certifications of the votes with the Commission. Upon acceptance, the allowances of all individuals receiving an allowance pursuant to G.L. c. 32, § 101 will be increased to \$9,000. This provision can be accepted at any time. If the acceptances do not take place, the allowance remains payable at \$6,000 per year.

### Proration of Health Insurance Premiums Between Employers

Although Section 29 has no direct impact on PERAC or Retirement Systems, Retirement Boards will need to provide governmental units and treasurers with information to verify the amounts of creditable service from the various governmental units for post-January 1, 2011 retirees.

### Definition of Wages for Retirement - Clothing Allowance

Section 116 will allow clothing allowances upon which contributions have been made to continue to be considered regular compensation temporarily. No action will be required with respect to retirees whose allowances were calculated including amounts paid for clothing allowances. For active members, clothing allowances upon which contributions are paid will continue to be considered to be regular compensation if they are contained in a collective bargaining agreement or employment contract that was in effect on May 12, 2009. These payments will continue to be considered to be regular compensation during the term of the contract, but not after June 30, 2012.

Attachment

[Return to PERAC Home Page](#)

**nationalgrid**

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CITY OF MARLBOROUGH  
2013 SEP -9 A 10:09

August 27, 2013

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

To Whom It May Concern:

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

If you have any questions regarding this permit please contact:


Angela Birch 401-784-7726

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

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

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

Very truly yours,

  
Chris Montalto, Engineering  
Supervisor, Distribution Design

Enclosures

City Clerks  
Copy

**PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS**

Hopedale, MA 01747

February 20, 2013

RECEIVED  
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CITY OF MARLBOROUGH  
2013 SEP -9 A 10:09

To the City Clerk  
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:

**Kings Grant Road pole #20 & anchor**

**NGRID proposes the install of new Joint Owned Pole#20 on the public way of Kings Grant Road. Currently the conductors between P19 & P2 are hanging low and were reported by the Fire Dept. as a safety issue. The new pole will alleviate the low hanging wires, and help maintain proper clearance of wires public way.**

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. **15009370** Dated: **08/27/2013**

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  
Manager of Distribution Design MB

**VERIZON NEW ENGLAND, INC.**

By: Paul Scherer  
Manager, R.O.W.

**ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS**

Hopedale, MA 01747

February 20, 2013

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

Notice having been given and public hearing held, as provided by law, IT IS HEREBY ORDERED:  
**that MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.** be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the  
**27th day of August, 2013**

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

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

Plan No. **15009370** Dated: **08/27/2013** filed with this order.

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

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

**Kings Grant Road pole #20 & anchor**  
**NGRID proposes the install of new Joint Owned Pole#20 on the public way of Kings Grant Road. Currently the conductors between P19 & P2 are hanging low and were reported by the Fire Dept. as a safety issue. The new pole will alleviate the low hanging wires, and help maintain proper clearance of wires public way.**

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

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City of Marlborough, Massachusetts held on the \_\_\_\_\_ day of \_\_\_\_\_ 2013

\_\_\_\_\_  
Clerk of Council

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

Book: \_\_\_\_\_ Page: \_\_\_\_\_

\_\_\_\_\_  
City Clerk

We hereby certify that on \_\_\_\_\_ 2013 at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.  
at \_\_\_\_\_ a public hearing was held on the petition of the

**MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.**

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Council of the City of

Marlborough, Massachusetts

**CERTIFICATE**

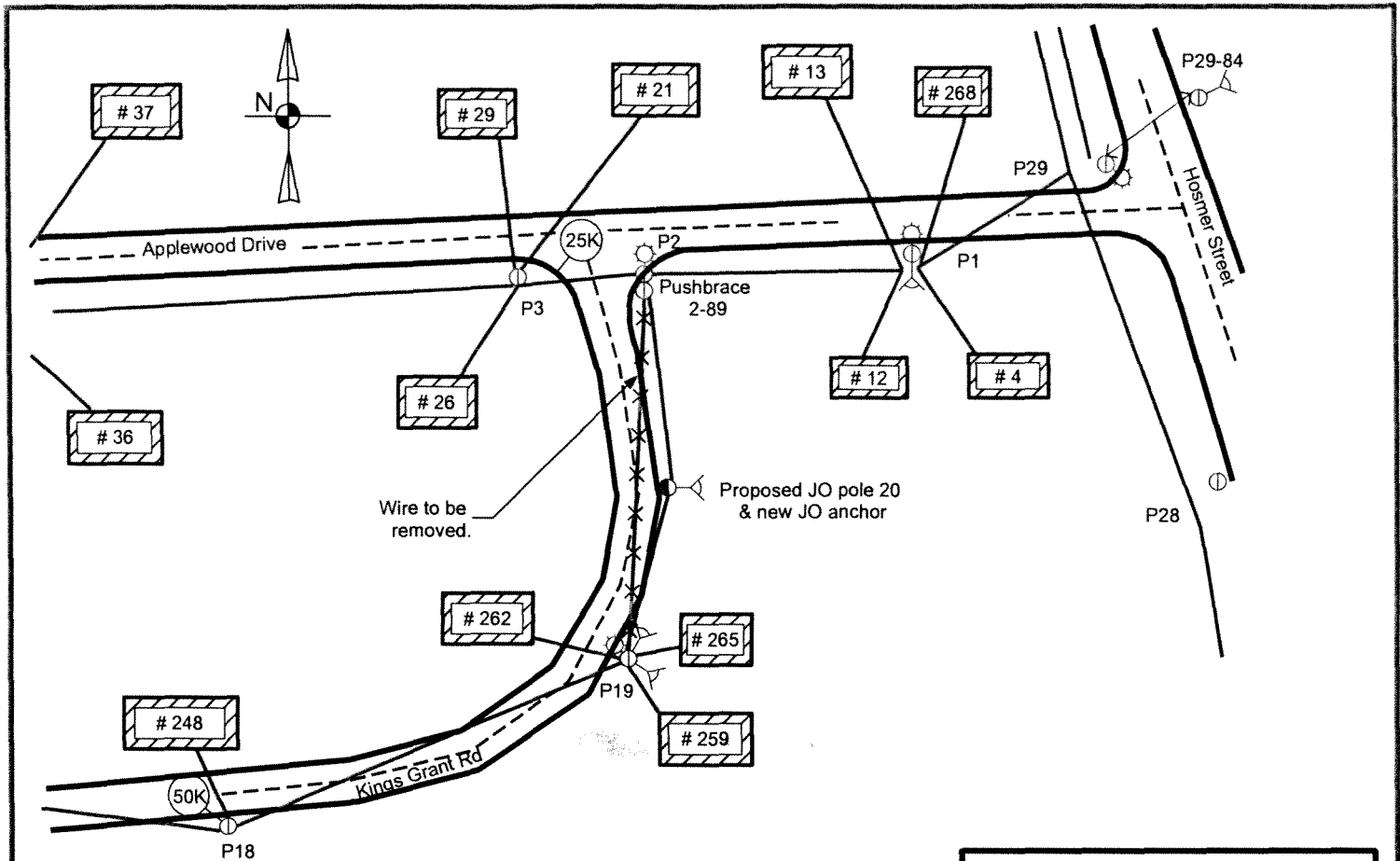
I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the City Council of the City of Marlborough, Massachusetts, on the \_\_\_\_\_ day of

\_\_\_\_\_ 2013 recorded with the records of location orders of said City,

Book \_\_\_\_\_, Page \_\_\_\_\_.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest: \_\_\_\_\_  
City Clerk



National Grid proposes the install of new Joint Owned pole #20 on the public way of Kings Grant Road. Currently the conductors between Pole 19 and Pole 2 are hanging low, and were reported by the Fire Department as a safety issue. The new pole will alleviate the low hanging wires, and help maintain proper clearances of wires over the public way.

LEGEND	
	Existing Joint Owned Pole location
	Proposed new Joint Owned Pole location
	Secondary conductor location
	Anchor location
	Streetlight location
	Pole to pole guy location

JOINT OWNED POLE PETITION		nationalgrid And Verizon New England, Inc.	
<input checked="" type="checkbox"/>	Proposed NGRID Pole Locations	Date:	8/27/13
<input type="checkbox"/>	Existing NGRID Pole Locations	Plan Number:	15009370
<input checked="" type="checkbox"/>	Proposed J.O. Pole Locations	To Accompany Petition Dated:	08/27/13
<input type="checkbox"/>	Existing J.O. Pole Locations	To The:	City Of Marlboro
<input checked="" type="checkbox"/>	Existing Telephone Co. Pole Locations	For Proposed:	TEXT Pole: Pole 20 & anchor Location: Kings Grant Rd. side of road
<input type="checkbox"/>	Existing NGRID Pole Location To Be Made J.O.	Date Of Original Grant:	TEXT
<input checked="" type="checkbox"/>	Existing Pole Locations To Be Removed		
DISTANCES ARE APPROXIMATE			

CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2013 SEP 19 AM 11:47

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:  
DBK Realty, LLC, 583 Berlin Road, Marlborough, MA 01752

---

2. Specific location of property Including Assessor's Plate & Parcel Number  
1000 Nickerson Road, a portion of Assessors Map 88 Parcel 29

---

3. Name & address of owner of land if other than petitioner or applicant:  
DBK Realty, LLC 583 Berlin Road, Marlborough, MA 01752

---

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

---

5. Specific Zoning Ordinance under which the Special Permit is sought:  
Article VI Section 650-24 Paragraph E Sub-Paragraph (2) (c) (d)

---

6. Zoning District in which property in question is located:  
Limited Industrial (LI)


---

7. Specific reason(s) for seeking the Special Permit:

Applicant's tenant, Ktron Incorporated, which currently conducts its business at 583 Berlin Road, Marlborough, MA, is primarily in the business of manufacturing specialty parts for defense, medical instrument and airline industries. Some of the manufacturing process involves the use of toxic materials and metal cleaning. Because the location of the business will be in Zone B of the Water Protection Zoning District, a Special Permit for such use is required.

8. List of names and addresses of abutters. 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: 583 Berlin Road, Marlborough, MA 01752

TEL.NO. 508 229-0919

DATE: \_\_\_\_\_  
City Clerk's Office

DAVID P. GADBOIS

*Attorney-at-Law*

2 MOUNT ROYAL AVE., SUITE 202  
MARLBOROUGH, MASSACHUSETTS 01752

PHONE (508) 481-0101

E-MAIL David@attygadbois.com

FAX (508) 484-9435

September 19, 2013

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

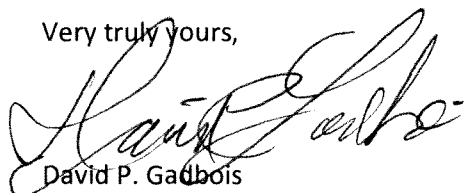
RE: Application for Special Permit  
DBK Realty, LLC  
1000 Nickerson Road

Dear President and Members:

I represent DBK Realty LLC in the Application for a Special Permit to construct a facility at 1000 Nickerson Road in which its tenant, Ktron Incorporated will be storing and using toxic chemicals in the manufacture of small specialty parts for the medical instrument, airline and defense industries.

Because the new facility will be located in the B Zone of the Water Protection District, a special permit is required to be issued for such use by the City Council. Would you kindly set a public hearing and refer the matter to the appropriate committee.

Very truly yours,



David P. Gadbois  
Attorney at Law

Encl: Application with enclosures



SPECIAL PERMIT -- SUMMARY IMPACT STATEMENT

APPLICANT'S NAME: DBK Realty, LLC ADDRESS: 583 Berlin Rd, Marlborough, MA

PROJECT NAME: Ktron Incorporated ADDRESS: 1000 Nickerson Road

1. PROPOSED USE: (describe) Light Manufacturing special metal parts
2. EXPANSION OR NEW ? (describe) New Building
3. SIZE: floor area sq. 40,800 1st floor 40,800 all floors 40,800  
# buildings 1 # stories 1 lot area (sf) 40,800
4. LOT COVERAGE: 38% landscaped area 62% (Total area = 100%)  
(Lot coverage = Area of building & parking & drive as % of lot.)
5. POPULATION ON SITE: Number of people expected on site at anytime:  
Normal: 60 Peak period: 70
6. TRAFFIC:
  - a) Number of vehicles parked on site:  
During regular hours 55 During peak hours 60
  - b) How many service vehicles will service the development?  
On what schedule? Three (3) to six (6) per day scattered throughout the day.
7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? Traditional parking lot and driveway lights. No lighting will leave the property.
8. NOISE
  - a) Compare the noise level of the proposed development to those that exist in the area now. Lot is vacant; noise will be traffic, heat and air conditioning units and venting units only.
  - b) Describe any major sources of noise generation in the proposed development and include their usual times of operation: None
9. AIR:
  - a) what sources of potential air pollution will exist at the development: None
  - b) Compare the air quality of the proposed developmental site to the air quality that exists at that location now: There will be little or no change to the air quality.
10. WATER AND SEWER: Describe any unusual generation of waste. Toxic waste will be disposed of under controlled circumstances and under a permit issued by city of Marlborough.
11. HAZRDOUS MATERIAL: List 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? See Exhibit A

\*Attach additional sheet if necessary  
City Clerk's Office

# EXHIBIT A

KTRON, INC. 583 BERLIN RD., MARLBOROUGH, MA

MURIATIC ACID 10.4%

SULFURIC ACID 66%

CAUSTIC SODE LIQUID  
SODIUM HYDROXID 50%

AQUAEASE DEGREASER SL80

ALUMINUM ETCH 1161

NITRIC ACID 70%

COLD/HOT WATER RINSE



**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: 9/18/2013

**SPECIAL PERMIT APPLICATION  
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Ktron, Incorporated

Project Use Summary: Light Manufacturing with toxic chemicals

Project Street Address: 1000 Nickerson Road

Plate: 88 Parcel: 29

Applicant/Developer Name: DBK Realty LLC

Plan Date: July 1, 2013 Revision Date: August 19, 2013

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~~ \$1,000 <sup>LM</sup>

**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.

**Company Name**

DBK Realty LLC

**Owner Name/Officer Name of LLC or Corporation**

DBK Realty LLC

**Owner/Officer Complete Address and Telephone Number**

Barry J. Kittredge, Manager

583 Berlin Road, Marlborough, MA 01752

Tel # 508-229-0919

**Signature of Applicant**

**Attorney on behalf of Applicant, if applicable**

David C. Pedersen Attorney for Applicant

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

Deborah J. Fox  
Tax Collector

---

# MIRICK O'CONNELL

A T T O R N E Y S   A T   L A W

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2013 SEP -5 P 3:05

**David L. Fine**  
Mirick O'Connell  
100 Front Street  
Worcester, MA 01608-1477  
dfine@mirickoconnell.com  
t 508.860.1504  
f 508.983.6247

## VIA HAND DELIVERY

September 5, 2013

Office of the City Clerk  
Marlborough City Hall  
140 Main Street  
Marlborough, MA 01752

Re: Disclosure Pursuant to Order #91-3822A

Dear Sir/Madam:

Pursuant to City Council Order #91-3822A, I am providing this notice that Mirick O'Connell is representing Annmarie Riley regarding an appeal from the granting of a variance by the Zoning Board of Appeals, ZBA case #1419-2013.

Very truly yours,



David L. Fine

DLF/jc

---

**MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP**

WORCESTER | WESTBOROUGH | BOSTON

[www.mirickoconnell.com](http://www.mirickoconnell.com)



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

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH, MASSACHUSETTS

2013 AUG 23 AM 11:09

**Lisa M. Thomas  
City Clerk**

**FUEL STORAGE WORKSHEET TO BE COMPLETED BY APPLICANT**

Company Name: Rinchem Company Inc.

Company Telephone Number: 508-~~88~~ 658-7000

Officer's Name: Paul Boisvert pboisvert@rinchem.com

Officer's Telephone Number: X 508-658-7004

Location of Land: 111 Hayes Memorial Dr.

Map & Parcel Number: 110<sup>0</sup> lot 5

Nearest Cross St.: Bartlett St.

Owner of Land: Atlantic Management Corporation

Owner's Address: One Pearl St. Suite 1700A Brockton, MA 02301

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

Three - Main Warehouse, exterior Freezer, gas storage shed

Occupancy or use of such buildings:

3PL Warehousing of Finished goods Chemicals

Total capacity of tanks in gallons - Above Ground: \_\_\_\_\_ Underground: \_\_\_\_\_

Kind of fluid to be stored in tanks: See attached list



Inventory is dynamic and capacity for site maintains approximately 90%

Drums	25950	NA1993
Totes	10074	UN1090
NP	2850	UN1123
CS	3996	UN1192
		UN1219
Rinchem	42870	UN1230
Dow	2588	UN1292
		UN1307
Total gallons	45458	UN1604
		UN1790
		UN1835
		UN1838
	70000	UN1866
		UN1915
		UN1992
		UN1993
		UN2031
		UN2053
		UN2245
		UN2251
		UN2749
		UN2922
		UN3286
		UN3399



PRODUCT_C	PRODUCT DESCRIPTION	UOM	QUANTITY	HAZARD_(	Hazard Description
142730	2- Propanol 4x4 (12 liters)	NP	68	UN1219	Isopropanol
143717	40:1 Buffered Oxide Etchant GS3 Surfa	DR	10	UN2922	Corrosive liquids, toxic, n.o.s.
143084	4-Methyl-2-pentanol (NTD rinse)	NP	24	UN2053	Methyl isobutyl carbinol
100121	ACETONE 0105-00 CMOS 9005-03	BT	8	UN1090	Acetone
141774-NT	Acetone Cleanroom	DR	30	UN1090	Acetone
140120	Acetone Cleanroom LP	CS	170	UN1090	Acetone
115366	Acetylacetone	DR	3	UN2310	Pentane-2,4-dione
143039	AIM7210 JN-8	NP	12	UN1866	Resin solution
100588	AZ C 265 RINSE (W/DIP)	DR	6	UN1993	Flammable liquids, n.o.s.
143952	BHD-IIIIX	CN	1	UN2251	Bicyclo 2,2,1 hepta-2,5-diene, stabilized
100731	C4 HPLC MOBILE PHASE #1	BT	16	UN1230	Methanol
139951	Cyclohexanone C1 Can 16Lb-SS Canis	CN	9	UN1915	Cyclohexanone
141803	CZFG-1026352	CN	1	UN1838	Titanium tetrachloride
118109	di(ethylene glycol) methyl ether (methyl	DR	1	NA1993	Combustible Liquid, n.o.s.
121385	DIMETHYPIPERAZINE (DMP)	DR	1	UN2924	Flammable liquids, corrosive, n.o.s.
144110	EBR 73	DR	25	UN1993	Flammable liquids, n.o.s.
139469	Ethylenediamine; EDA	DR	2	UN1604	Ethylenediamine
146401	FN-DP001 ULTRA PURE DEVELOPER	BT	27	UN1123	Butyl acetate
146848	FN-RP002 Ultra Pure Rinse	DR	12	UN2053	Methyl isobutyl carbinol
142990	GKR-4602PP	NP	50	UN1993	Flammable liquids, n.o.s.
118723	HEXAMETHYLDISILAZANE (4 x 1)	BT	44	UN3286	Flammable liquid, toxic, corrosive, n.o.s.
119699	HF 49% ACID MB (4 x 1)(428-064003)	CS	189	UN1790	Hydrofluoric acid solution
142861	HTR-D2 (CPO)	DR	20	UN2245	Cyclopentanone
139954	Isopropanol Alcohol (431-200446)	DR	350	UN1219	Isopropanol
140078	ISOPROPYL ALCOHOL LP (4 x 1)(431-	CS	851	UN1219	Isopropanol
100459	JSR KRF M73Y(9CP)	NP	16	UN1866	Resin solution
102467	LOL 2000 LIFT -OFF(QT)	BT	5	UN2245	Cyclopentanone
143954	M-Deos	CN	3	UN1993	Flammable liquids, n.o.s.
140195	Methanol Cleanroom® LP 434-200452	CS	100	UN1230	Methanol
145749	METHYL ISOBUTYL CARBINOL 2X10L	BT	340	UN2053	Methyl isobutyl carbinol
105569	MF PB 300 BN CONCENTRATE	BT	14	UN1993	Flammable liquids, n.o.s.
102468	MICROPOSIT LOL LIFT-OFF LAYER	BT	3	UN2245	Cyclopentanone
145753	NITRIC ACID 65%	TO	12	UN2031	Nitric acid
111600	OPD 4262	BT	8	UN1835	Tetramethylammonium hydroxide soluti
140145	PBR-40-QC-III tube	DR	44	UN1192	Ethyl Lactate
145415	PGME 70 PGMEA 30	NP	2164	UN1993	Flammable liquids, n.o.s.
142302	PGME/PGMEA	TO	29	UN1993	Flammable liquids, n.o.s.
118025	PMFI-OMCTS	CN	1	UN1992	Flammable liquids, toxic, n.o.s.
143939	PMFI-TEB11_2_BORON 11 ENR TRIE	CN	1	UN1176	Ethyl borate
142063	PMFI-TEOS_CMBK-055025-TEOS-L_1	CN	33	UN1292	Tetraethyl Silicate
100118	PRS 3000	TO	5	NA1993	Combustible Liquid, n.o.s.
142523	QZ 3501	NP	248	UN1123	Butyl acetate
146886	Sample	NP	31	UN1866	Resin solution
106831	SLAM 248.1500.200MM (NP) 5000445	NP	92	UN1993	Flammable liquids, n.o.s.
147755	TCX041-7	NP	12	UN1866	Resin solution
140127	TDMAT2	CN	2	UN3399	Organometallic substance, liquid, water-
140666	TDUR P5123 (500139253)	NP	46	UN1866	Resin solution
143240	TEB11 (B11 ENRICHED)	CN	17	UN1176	Ethyl borate
141627	TEOS	CN		UN1292	Tetraethyl Silicate
109767	TEOS 17700 LITER	CN		UN1292	Tetraethyl Silicate
142177	TEOS2	CN		UN1292	Tetraethyl Silicate
136789	Tetrahydrofurfuryl alcohol 99%	DR	3	UN1993	Flammable liquids, n.o.s.
101912	THMR IP-2650 HP 5CP	BT	3	UN1866	Resin solution
100213	Trans-LC 1950FNB	CN	1	UN1150	1,2-Dichloroethylene
145718	UPS PGME 70 PGMEA 30	NP	64	UN1993	Flammable liquids, n.o.s.
142714	UV(TM) 1400-2.1 POSITIVE DUV PHO	BT	29	UN1866	Resin solution
140166	XYLENE CLEANROOM LP	CS	10	UN1307	Xylenes
110382	Z4MS CVD PRECURSOR (CATOOSA)	CN	8	UN2749	Tetramethylsilane
10017598	EBR SR7 / 4 GA COR			1993	Flammable liquid, n.o.s.
10280455	TINGLO CULMO BRIGHTENER I /20 LT JER			1993	Flammable liquid, n.o.s.
10280517	RONASTAN EC PART A / 20 LT JER			1993	Flammable liquid, n.o.s.
10280532	SOLDERON LG REPLENISHER / 20 LT JER			1993	Flammable liquid, n.o.s.
10280604	SOLDERON PC CORRECTOR / 20 LT JER			1993	Flammable liquid, n.o.s.
10280606	SOLDERON BTD ADDITIVE / 20 LT JER			1993	Flammable liquid, n.o.s.
10280608	SOLDERON BT-64 ADDITIVE / 20 LT JER			1993	Flammable liquid, n.o.s.
10280620	SOLDERON BHT-90 ADDITIVE / 20 LT JER			2924	Flammable liquid, corrosive, n.o.s.
10281319	NIPOSIT 428 D STRIPPER / 10 KG COR			1325	Flammable solid, organic, n.o.s.
10325624	SOLDERON BHT-90 REPL / 5 LT COR			2924	Flammable liquid, corrosive, n.o.s.

**MARLBOROUGH PLANNING BOARD**  
**MARLBOROUGH, MA 01752**

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
July 22, 2013  
2013 SEP 10 A 9:51

**Call to Order**

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

**1. Meeting Minutes:**

**A. Site Visit July 15, 2013**

On a motion made by Ms. Hughes, seconded by Mr. Hodge, it was voted to accept the minutes of the June 17, 2013 Site Visit as amended. Motion carried.

**B. Regular Meeting July 15, 2013**

On a motion made by Ms. Hughes, seconded by Mr. Fay, it was voted to accept the minutes of the July 15, 2013 regular meeting. Motion carried.

**2. Chair's Business: None**

**3. Approval Not Required: None**

**4. Public Hearings: None**

**5. Pending Sub Division Plans: Updates and Discussion:**

**A. Engineers Report**

Mr. Cullen reported that the City is currently working on the punch list items for the Shaughnessy Estates II Subdivision completion. It is an estimated 45 days until completion.

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

**7. Definitive Subdivision Submission:**

**A. Ravenswood-Jenks Road (November 30, 2013)**

Mr. Joseph Peznola Engineer of record for the proposed subdivision presented a request to the Board for an extension of time to act of an additional 14 days to have the required public hearing.

Ms. Hughes read the request into the record.

On a motion made by Ms. Hughes seconded by Mr. Fay it was voted to accept the request and place it on file as well as set a public hearing date for September 9<sup>th</sup>. Motion carried.

Mr. Joseph Peznola presented to the new plans to the Board. Mr. Peznola read the requested waivers (3) into the record for clarity purposes.

1. A waiver to the subdivision regulations design standards section IV.B.3 (a): "The minimum width of rights-of-way shall be as follows: secondary streets: fifty feet (50)."

- A 40-foot wide right of way is proposed.
- 2. A waiver to the subdivision regulations standards of adequacy section 11.F.2 (b):  
 “Ways providing access to the streets within a subdivision...shall normally be considered adequate if...the minimum travelled width=22ft.
  - Sudbury Street has a pavement width of approximately 20 feet
- 3. A waiver to Appendix F – Typical cross sections
  - An alternative cross section is proposed reducing the R.O.W. width, pavement width and sidewalk location.

On behalf of the proponent Mr. Peznola also requested the filing fees be waived as the prior plan was withdrawn at the last meeting and this is a resubmission the only change is the directly abutting property is now included in this proposal. Mr. Peznola requested that 80% of the fees be waived due to the timing involved the prior subdivision was withdrawn and the new subdivision was filed simultaneously.

On a motion made by Mr. Coveney seconded by Ms. Hughes the request has been referred to the Legal Department. Motion carried.

## **8. Signs:**

### **A. Permitting Report 1/13-7/13**

On a motion made by Mr. Fay, seconded by Mr. Hodge this item was tabled until the next regularly scheduled meeting. Motion carried.

### **B. Off Premise Sign Request Greek Church Festival**

Mr. James Polechronis of the church council presented the request to the Board. The Greek Festival takes place the weekend of August 31 – September 3, 2013. The church is proposing to place a banner along the railing of the church as well as 12 individual “lawn” signs at various locations as noted below. The requested time frame is from August 1, 2013 through September 3, 2013.

On a motion made by Ms. Hughes seconded by Mr. Hodge, approval was given for placement of the banner along the railing of the church for the time period of August 1 through September 3, 2013. The banner must be affixed in such a way that does not allow the banner to swing freely in the wind. Motion carried.

The proposed addresses for the off-premise signs are as follows:

Family House of Pizza – 323 Maple Street – Approved  
 Commerce Bank- 322 Maple Street – Approved  
 Dairy Queen – 49 East Main Street – Approved  
 Gulf Station – 130 East Main Street – Approved  
 Dr. Kofos – 180 Bolton Street – Approved  
 Twinboro Plaza – Boston Post Rd West – Approved  
 495 Truck Centers – South Street – Approved  
 Mr. Exahupoulos – 83 Lincoln Street – Approved  
 Shawn Navin – 236 Bolton Street – Approved (However must be closer to house.)  
 Hunt’s Mobil – West Main Street – Denied  
 Art Center – 1 Boston Post Rd East – Denied

Requirement of the Board that the City Seal be affixed to each individually approved sign with the text Variance approved by Planning Board attached.

On a motion made by Mr. McCarthy, seconded by Mr. Coveney off premise signs were approved for the 9 locations listed for the time period of August 1-September 3, 2013 and denied for 2 additional locations. Motion carried.

**9. Unfinished Business:**

**A. Berlin Farms**

Mr. Fay will reach out to Mr. Freeman; there is still no movement on completion of this subdivision.

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

**B. Blackhorse Farms Estate – Condition of Site**

On a motion made by Mr. Fay, seconded by Mr. McCarthy it was voted to send a letter to the developer FRE Realty to have the site mowed and cleaned up as per the previous agreement with the Board. Motion carried.

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

**10. Informal Discussions:**

**A. Proposed Open Space Subdivision – Hudson St. – Thomas Land Surveyors**

Mr. Thomas DiPiersio Jr., presented the concept plan to the board showing both a conventional subdivision lay out as well as an Open Space layout. The Open Space would be approximately 3 acres at the rear of the proposed subdivision. The majority of the proposed open space is wetlands. There is a City Of Marlborough sewer taking that bisects the entire property in question. The conventional subdivision would require a wetland crossing for the roadway and the open space configuration would not. Both configurations require crossing the sewer taking land. Chairperson Fenby offered to contact Ms. Ryder the Conservation Officer to ask for her insight into the desirability and usability of the land in question. Chairperson Fenby will report back to the Board her findings.

**11. Correspondence:**

**A. Mass Dev., Revenue Bond Project Approval, UMASS Memorial Health Care**

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

**12. Public Notices of other Cities and Towns:**

**A. Town of Sudbury Board of Appeals, Notice of Decision June 17, 2013.**

**B. Town of Sudbury Board of Appeals, Notice of Decision June 17, 2013.**

**C. Town of Sudbury Board of Appeals, Notice of Decision June 17, 2013.**

**D. Town of Sudbury Board of Appeals, Notice of Decision June 17, 2013.**

**E. Town of Sudbury Board of Appeals, Notice of Decision June 17, 2013.**

**F. Town of Sudbury Board of Appeals, Notice of Decision June 17, 2013.**

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

**Adjournment:** On a motion made by Mr. McCarthy, seconded by Mr. Coveney it was voted to adjourn at 7:50pm.

Respectfully submitted,

Colleen Hughes

/mai

**MARLBOROUGH PLANNING BOARD  
MARLBOROUGH, MA 01752**

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
August 26, 2013

**Call to Order**

The Meeting of the Marlborough Planning Board was called to order at 7:00pm in Memorial Hall, 3<sup>rd</sup> Floor City Hall 140 Main Street, Marlborough, MA. Members present included Sean Fay, Colleen Hughes, Philip Hodge and Clyde Johnson.

Also in attendance were Board Secretary Melissa Irish and City Engineer Thomas Cullen. Barbara Fenby, Edward Coveney and Shawn McCarty were absent. Philip Hodge served as Chair Pro Tem.

**1. Meeting Minutes:**

**A. Regular meeting July 22, 2013**

On a motion made by Ms. Hughes, seconded by Mr. Fay the minutes of the July 22, 2013 meeting were tabled until the next regularly scheduled meeting. Motion carried.

**2. Chair's Business:**

**A. Notice from Chairperson regarding proposed September Site walk.**

Ms. Hughes read the communication into record.

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

**B. Information for the Board from Mr. Johnson**

Mr. Johnson wanted to update the members of the Board regarding his intention to retire from the Board itself. Mr. Johnson has indicated a wish to resign from the Board once a suitable candidate has been appointed and confirmed to take his seat. Mr. Johnson was happy with how quickly an appointment has been made and wishes the gentleman luck in the confirmation process. Mr. Johnson noted his many years in public service were a joy to him but now it is time to bring someone else into the arena. He has enjoyed his stay long enough.

**3. Approval Not Required:**

**A. 200 Forest Street (September 16, 2013)**

Ms. Hughes read the notice into record, Mr. David Gadbois Attorney for the proponent presented the plan to the Board.

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

On a made by Mr. Fay seconded by Ms. Hughes the matter was referred to the City Engineer for review. Motion carried.

**4. Public Hearings: None**

**5. Pending Sub Division Plans: Updates and Discussion:**

**A. Engineers Report**

Mr. Cullen handed out a current version of the Subdivision Status Report dated August 26, 2013. The report outlined the status of the currently 20 residential subdivisions within the City limits.

Mr. Cullen reported that the City is currently very pleased with the contractor that was chosen

for the punch list items for the Shaughnessy Estates II Subdivision completion. It is currently moving ahead. The Addition Hill Site development is moving ahead, there is a Site meeting tomorrow on the Mauro Farms site in anticipation of moving forward to the next phase of the project ie: Regin Lane.

**B. Request for Bond Reduction Mauro Farms**

On a motion made by Mr. Fay, seconded by Ms. Hughes the letter was accepted and placed on file with the matter being referred to the City Engineer, Code Enforcement Officer as well as the Tax Collector for their input. Motion carried.

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

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

**7. Definitive Subdivision Submission: None**

**8. Signs:**

Mr. Fay noted that he has been going through the existing sign ordinance section by section. In his opinion Estate tax law is easier to understand the sign ordinance in its current form.

The ordinance as a whole needs to be discussed and possibly rewritten to ensure for fairness and ease in both the application and variance processes. Mr. Fay noted that his review of the sign ordinance is an ongoing project.

It was noted that the new business Smyles frozen yogurt has an illegal A Frame sign placed on South Bolton Street and the off premise signs as approved by variance from the Board for the Greek Festival taking place on Central and Cashman Street may be missing their City Seal Indicators showing the placement is an authorized off premise sign.

**9. Unfinished Business:**

**A. Berlin Farms**

Mr. Fay will reach out to Mr. Freeman; there is still no movement on completion of this subdivision.

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

**B. Blackhorse Farms Estate – Condition of Site**

The trench placement issue for the streetlights is currently an ongoing issue that is hoped to be resolved in the next couple of weeks.

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

**10. Informal Discussions:**

**A. Discussion regarding the request to waive a portion of the fees for the new Ravenswood/Jenks Rd Definitive Subdivision application.**

In response to Mr. Peznola’s request that the Board entertain the notion of either waiving the application fees in totality or allowing for a waiving of 80% of the fees associated with the filing. The board requested input from the Legal Department and the response was that it is up to the Board to determine which if any of the fees would be paid.

A survey vote of the members present indicated how each member felt regarding this situation. It was voted unanimously to Not allow for waiving any and or all of the fees associated with the project. The fees in their entirety are due for the application.

**11. Correspondence:**

**A. dcr MA Downstream Number 29, Spring 2013**

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

**12. Public Notices of other Cities and Towns:**

**A. Town of Sudbury Board of Appeals, Notice of Decisions (5).**

**B. Town of Hudson Zoning Board of Appeals Public Hearing August 8, 2013.**

**C. Town of Southborough Planning Board Public Hearing August 8, 2013.**

**D. Town of Framingham Planning Board Public Hearings (2) Aug 8, Sept 5, 2013.**

**E. Town of Framingham Planning Board Notice of Decisions (5).**

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

**Adjournment:** On a motion made by Mr. Johnson, seconded by Ms. Hughes it was voted to adjourn at 7:55pm.

Respectfully submitted,

Colleen Hughes

/mai





**CITY OF MARLBOROUGH  
RECREATION DEPARTMENT**

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

**DIRECTOR**  
David T. Grasso

**PROGRAM MANAGER**  
Charles Thebado

**June 12, 2013**

Pursuant to notice duly filed with the City Clerk, a meeting of the Parks and Recreation Commission was held at 4:00pm., at the Recreation Commission Office.

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

**Also attending:** Recreation Director David Grasso and Recreation Program Manager, Chuck Thebado.

Chairman Kays asked Commission Long to Chair today's meeting and thanked him for the many years of service.

**Approval of minutes 05-08-2013:**

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

**VOTED:** To approve the 05-08-13 minutes.

**Recreation Report:**

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

- \*We struggled for lifeguards - we are good now. Brief discussion regarding pay rate and hours.
- \*Summer Programs and sign ups are going well.
- \*Project Summer Adventure Program: all weeks are sold out.
- \*Swimming lessons: sign ups are going slow.
- \*Pools look great. We are replacing pumps.
- \*MDC tournament went well.

The department is very busy with summer programs, field permits, and getting ready pools and beach.


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

**Old/ New Business:**

Commissioner Long thanked the Commission and the Department for all the years working together. In return the Commission and the Recreation Department thanked Commission Long for all his years of service to our Commission, Department and the City of Marlborough.

Meeting adjourned at 4:20pm

Attest to:

  
Simela Perdikomatis  
Senior Clerk/Comm. Secretary