

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2013 OCT 31 P 1:20

1. Honorary Citizen Citations for visiting students from Akiruno Japan.
2. Minutes of the City Council Meeting, October 21, 2013.
3. Communication from the Mayor re: Comptroller's Office transfer request in the amount of \$1,800.00 from Finance Assistant to Longevity to fund the longevity payment associated with the transfer of a School Department employee to the Comptroller's Office.
4. Application for Renewal of Junk Dealer's License, Jean Rabelo, Post Road Used Auto Parts of Marlboro, Inc., 785 Boston Post Road.
5. Communication from Bohler Engineering on behalf of VNG Co. re: request to extend Time Limitations on Application for Special Permit, 413 Lakeside Ave. to propose construction of a new compressed natural gas (CNG) facility with one new dispenser including minor site modifications and piping to February 28, 2014 until 5:00 PM, Order No. 13-1005581.
6. Communication from Attorney Bergeron, Mirick O'Connell, re: Representation of Sky High Studios, Inc. and Anthony and Sandra Antico Real Estate LLC.
7. Minutes, Marlborough High School Council, October 2, 2013.
8. Minutes, Planning Board, October 7, 2013.
9. Minutes, Traffic Commission, September 24, 2013.
10. Minutes, Community Development Authority, September 26, 2013.
11. CLAIMS:
 - A. H. Theresa D'Angelo, 18 Airport Road, North Grafton, pothole or other road defect
 - B. Wilson Chu, 132 Stevens St., other property damage

REPORTS OF COMMITTEES:

12. That the Marlborough City Council hereby accepts Massachusetts General Law Chapter 64L, s.2 Local Option Meals Excise which imposes a local sales tax upon the sale of restaurant meals originating within the City of Marlborough by a vendor at a rate of .75 per cent of the gross receipts of the vendor from the sale of restaurant meals. No excise shall be imposed if the sale is exempt under section 6 of chapter 64H. The vendor shall pay the local sales tax imposed under this section to the Commissioner at the same time in the same manner as the sales tax due to the Commonwealth.Submitted by Councilors Pope and Delano
13. That the City of Marlborough establish in the city treasury a special revenue account to be known as the Parks and Fields Development Special Revenue Fund in the City of Marlborough, into which account shall be deposited a) certain receipts comprising a portion of the total restaurant meals tax received annually by the city; and b) any grants and monetary gifts or donations made to the city in furtherance of the purposes of this act. The purposes of this act, and of the Parks and Fields Development Special Revenue Fund, shall be to promote and to sustain the development of sports tourism through the development of parks and fields in the City of Marlborough and the local economy in the City of Marlborough; it is further ordered, that the City Solicitor be requested to draft *An Act Establishing A Parks and Fields Development Special Revenue Fund in the City of Marlborough* for adoption by the City Council, approval by the Mayor and petition to the Massachusetts Legislature. Submitted by Councilors Pope and Delano

UNFINISHED BUSINESS:

From Finance Committee**14. Order No. 13-1005538 – Transfer \$45,279.00 to Fund Firefighter Retirement.**

The Finance Committee reviewed the Mayor's letter dated September 5, 2013 requesting two transfers totaling \$45,279.00 to fund the costs associated with the retirement of a member of the Fire Department. The Finance Committee voted 4 – 0 (Councilor Seymour not present) to approve following two transfers:

- Transfer \$35,057.00 from the Fringe account to the Firefighter sick leave buy back account
- Transfer \$10,222.00 from the Fringe account to the Firefighter salary account

15. Order No. 13-1005489 – Capital Bond Request for FY14 for \$12,910,120.00.

The Finance Committee reviewed the Mayor's letter dated July 18, 2013 requesting the approval of 11 bonds totaling \$12,910,120.00. The bonds were all properly advertised in July 2013.

The FINANCE COMMITTEE took the following actions:

- Bond #1 – \$1,513,720.00 Department Equipment 5 Year Bond – The Finance Committee voted 5 – 0 to approve the bond amount of \$1,484,720.00. This represents a reduction of \$29,000.00 for the Fire Department repeaters which are being covered by the FY14 Police Department grant. The Finance Committee will evaluate using Undesignated funds to reduce the amount of the bond when the Undesignated Funds are certified in November.
- Bond #2 – \$1,510,000.00 Building Renovations 20 Year Bond – The Finance Committee voted 5 – 0 to approve the bond. The Mayor was requested to evaluate adding roofs to the Newton Street and Granger Boulevard parking garages as well as any potential garage expansion.
- Bond #3 – \$7,470,000.00 Street Construction 10 Year Bond – The Finance Committee voted 5 – 0 to approve the bond. Councilor Pope abstained from discussion on the bond. The Mayor indicated that the City should be receiving a \$1.6 million grant to offset the costs of the Simarano Street upgrade project. The Mayor will submit a bond for the reconstruction of the High School driveway (estimated at \$484,000) after the grant is received.
- Bond #4 - \$100,000.00 Sidewalk Construction 5 Year Bond – The FINCOM voted 5 – 0 to approve the bond. This bond would be a candidate to offset with Undesignated Funds.
- Bond #5 – \$200,000.00 Sewer Construction 30 Year Bond – The Finance Committee voted 5 – 0 to approve the bond.
- Bond #6 – \$835,000.00 Water Project 40 Year Bond – The Finance Committee recommended using the \$241,124.00 in the Capital Outlay Account for Robin Hill water project to offset the bond. The DPW Commissioner stated that the trench work road construction was performed extremely well and eliminated the need to resurface the road at this point in time. Councilor Pope expressed her extreme disappointment with not resurfacing the road. The Finance Committee voted 5 – 0 to approve a bond for \$593,876.00.

- Bond #7 – \$200,000.00 Water Meter 10 Year Bond – The Finance Committee expressed concern that the \$1,835,000 bond approved in 2012 has not been implemented. This bond was to install commercial/industrial water meters in 2012 and save \$500,000 per year. The Mayor indicated that there was concern with the type of water meters being used for the commercial facilities. Issues have been addressed and the request for proposals is being prepared. Current plan is to complete the commercial/industrial water meter installation project in 2014. The Mayor committed to provide the Council with a plan for the remaining residential water meters and commercial water meters. The Finance Committee voted 5 – 0 to deny the bond.
- Bond #8 – \$300,000.00 Land Cap and Drainage System 30 Year Bond – The Mayor indicated that there is a 75% reimbursement grant that is currently pending before MEMA. This grant can be used to reduce the amount of the bond. The DPW Commissioner indicated that the work on capping the landfill would be completed in the Spring of 2014. The Finance Committee voted 5 – 0 to approve the bond.
- Bond #9 – \$595,000.00 Recreational Facilities 15 Year Bond – The Finance Committee approved using the \$50,000 in the Capital Outlay account for the Evergreen Cemetery design to reduce the bond amount. The Finance Committee voted 5 – 0 to approve a bond of \$545,000.00 for Recreational Facilities.
- Bond #10 – Evergreen Cemetery Irrigation – 5 Year Bond – The Finance Committee voted 5 – 0 to deny the bond and request the Mayor use Undesignated funds to complete this project.
- Bond #11 – \$165,800.00 Computer Hardware 10 Year Bond – The Finance Committee voted 5 – 0 to approve.

From Legislative and Legal Affairs Committee

16. **Order No. 13-1005466** – This was the second meeting to address this issue. Solicitor Rider corrected the previously identified inconsistencies regarding the square footage. The Committee asked the Solicitor to secure the total amount of funding from Toll Brothers that would be owed to property owners regarding the proposed takings. **The Committee voted 2-0 to approve the proposed takings conditional upon receipt of the lump sum payment from Toll Brothers.**

From City Council

17. **Order No. 12/13-1005153D** – That the Communication from City Solicitor, Donald Rider, re: Acceptance of Dufrense Drive as a Public Way. **Tabled until the next City Council Meeting.**
18. **Order No. 13-1005466A** – That the Communication from City Solicitor, Donald Rider, re: Proposed Taking of Permanent Easements, Country Club Estates Division. **Tabled until the next City Council Meeting.**

19. **Order No. 13-1005581** – That the Application for Special Permit from Bohler Engineering on behalf of VNG Co. to propose construction of a new compressed natural gas (CNG) facility with one new dispenser including minor site modifications and product piping at 413 Lakeside Avenue. **Tabled until the next City Council Meeting.**

20. **Order No. 13-1005509A** – Communication from Mayor Vigeant with request for appropriation, Loan Order/Bond in the amount of Three Million (\$3,000,000) Dollars for the reconstruction of municipal outdoor recreational facilities, payable in not more than fifteen (15) years from its date of issue. (Note: Ward Park). **Recommendation of the City Council was to advertise the bond.**

21. **Order No. 13-1005508A** – Communication from the Mayor with request for appropriation, Loan, Order/ Bond in the amount of Six Million five Hundred Thousand (\$6,500,000.00) Dollars for the construction of a Senior Center, payable in not more than twenty (20) years from its date of issue. **Recommendation of the City Council was to advertise the bond.**



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

OCTOBER 21, 2013

Regular meeting of the City Council held on Monday, OCTOBER 21, 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 10:02 PM.

ORDERED: That the minutes of the City Council Meeting OCTOBER 7, 2013, **FILE AS AMENDED**; adopted.

ORDERED: That the **PUBLIC HEARING** on the Petition of NGrid to install P#13-50 across the street from 11 Houde Street to solve the sag issue from P#13 to P#14. This puts a line angle on P#13 which needs to be supported by an anchor & guy on the property of 11 Houde Street. Branches and limbs near service wires to House 11 are to be cleared as well, Order No. 13-1005567, all were heard who wish to be heard, hearing recessed at 8:06 p.m.; adopted.

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

ORDERED: That the **PUBLIC HEARING** on the Petition of NStar to install 75' of 4" plastic gas main as a system improvement to a new duplex on Crescent Street from 34 Crescent Street southeasterly for 75', Order No. 13-1005568, all were heard who wish to be heard, hearing recessed at 8:18 p.m.; adopted.

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

Councilor Oram abstained

ORDERED: That the **PUBLIC HEARING** on the Petition of NStar to install 85' of 2" plastic main as a system improvement to supply 463 Stow Rd. as follows:

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

Stow Road – From the intersection with Simpson Road southerly on the eastern side of Stow Road towards 463 Stow Road (62'), Order No. 13-1005569, all were heard who wish to be heard, hearing recessed at 8:20 p.m.; adopted.

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

MOTION made by Councilor Delano to move Item 6 before Item 5 – Carries.

ORDERED: That the **PUBLIC HEARING** on the Application for Fuel Storage License by Rinchem Company Inc., 111 Hayes Memorial Drive, to store flammable liquids, Order No. 13-1005557, all were heard who wish to be heard, hearing recessed at 8:26 p.m.; adopted.

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

ORDERED: That the **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, Order No. 13-1005542, all were heard who wish to be heard, hearing recessed at 9:20 p.m.; adopted.

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

ORDERED: That the **CONTINUED PUBLIC HEARING** on the Application for Special Permit from Luiza DeMoura of Jump in with Us, Inc. to develop an inflatable playground and to accommodate birthday parties for kids and families from Tuesdays to Sundays, 10:00 AM to 7:00 PM, Order No. 13-1005482A, all were heard who wish to be heard, hearing recessed at 9:27 p.m.; adopted.

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

ORDERED: That the Communication from the Mayor re: Update of Order submitted by Councilors Elder and Pope regarding Feasibility of Locating a Satellite Fire Station on Parcel 89-3C on Glen Street, refer **BACK TO THE MAYOR**; adopted.

ORDERED: That the City Council hereby authorizes Mayor Arthur G. Vigeant to sign a Disclaimer of Interests In The Life Insurance Policy On The Life Of James N. Metivier in order to allow the proceeds of the life insurance policy owned by James N. Metivier to pass, not to the City, but instead to beneficiary Tina R. Metivier, **APPROVED**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, DECEMBER 2, 2013**, as date for a **PUBLIC HEARING** on the Proposed Amendment to the Code of the City of Marlborough, Zoning, Section 650-17 as follows:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- I. Section 650-17, entitled "Table of Uses," is hereby amended by regulating the business use entitled "Medical and dental clinic" so as to delete in its entirety "Medical and dental clinics" and to insert in its place the following two separate sections which will allow dental clinics as of right in the Business (B) district, as follows:

Medical clinics	RR A1 A2 A3 RB RC RCR B CA LI I
	SP SP SP SP SP Y Y N N N N
Dental clinics	RR A1 A2 A3 RB RC RCR B CA LI I
	SP SP SP SP SP Y Y Y N N N

- II. A. Section 650-5, entitled "Definitions; word usage," is hereby amended by inserting after the definition for "CUSTOMARY HOME OCCUPATION" the following definition:

DENTAL CLINIC – Buildings or portions thereof used by licensed dentists to provide dental care services on less than a 24-hour basis to persons who are not rendered incapable of self-preservation by the services provided, and at which are employed not more than three (3) dentists with necessary support staff.

- B. Section 650-5, entitled "Definitions; word usage," is hereby amended by deleting from the heading "MEDICAL AND DENTAL CLINIC" the words "AND DENTAL" and by deleting from the definition of "MEDICAL AND DENTAL CLINIC" the comma which precedes the word "dental" and by deleting the word "dental" as follows:

MEDICAL CLINIC – An institution licensed under MGL c. 111, § 51 for the purpose of providing medical, surgical or mental health services on an outpatient basis.

Refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD AND ADVERTISE**; adopted.

ORDERED:

**RESOLUTION DESIGNATING
MARLBOROUGH, MASSACHUSETTS
A PURPLE HEART CITY**

WHEREAS, the people of the City of Marlborough have great admiration and the utmost gratitude for all men and women who have selflessly served their country and this community in the Armed Forces; and

WHEREAS, veterans have paid a high price for freedom by leaving their families and communities and placing themselves in harm's way for the good of all; and

WHEREAS, the contributions and sacrifices of the men and women from Marlborough who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

WHEREAS, many men and women in uniform have given their lives while serving in the Armed Forces; and

WHEREAS, our community has a proud tradition of military service and many of our citizens have earned the Purple Heart Medal as a result of being wounded while engaged in combat with an enemy force, construed as a singularly meritorious act of essential service; now therefore be it

RESOLVED, that the Mayor and City Council hereby proclaim, Marlborough, Massachusetts as a Purple Heart City, one of many communities in Massachusetts so designated, honoring the service and sacrifice of our nation's men and women in uniform that were wounded or killed by the enemy while serving to protect the freedoms enjoyed by all Americans.

APPROVED; adopted.

ORDERED: That the Communication from City Clerk, Lisa Thomas, re: Municipal Election Call, **FILE**; adopted.

ORDERED: That the Communication from City Solicitor, Donald Rider, re: Acceptance of Dufrense Drive as a Public Way, **TABLED UNTIL NEXT CITY COUNCIL MEETING**; adopted.

ORDERED: That the Communication from City Solicitor, Donald Rider, re: Proposed Taking of Permanent Easements, Country Club Estates Division, **TABLED UNTIL NEXT CITY COUNCIL MEETING**; adopted.

ORDERED: That the Application for Special Permit from Bohler Engineering on behalf of VNG Co. to propose construction of a new compressed natural gas (CNG) facility with one new dispenser including minor site modifications and product piping at 413 Lakeside Avenue, **TABLED UNTIL NEXT CITY COUNCIL MEETING**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, DECEMBER 16, 2013** as date for a **PUBLIC HEARING** on the Application for Special Permit from Attorney Bergeron on behalf of Sandra & Anthony Antico Real Estate LLC and Sky Studios, Inc. to open commercial recreation establishment at the property, specifically an exercise and fitness facility at 289 Elm Street, refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the Communication from Michael Frias, President of F & C Construction Corporation re: Sewer Extension for proposed dwelling at 44/46 Crescent Street, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

Councilor Oram abstained

ORDERED: That the Minutes, Planning Board, September 23, 2013, **FILE**; adopted.

ORDERED: That the Minutes, Board of Assessors, March 29, 2013, **FILE**; adopted.

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

- A. Joshua Clement, 265 West Hill Road, other property damage

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

Present: Chairman Ossing; Finance Committee members Councilors Seymour, Delano, Oram and Jenkins. Councilors Pope, Clancy, Landers and Robey were also in attendance. The meeting convened at 7:04 PM.

1. Order #13-1005538 – Transfer \$45,279.00 to Fund Firefighter Retirement: The FINCOM reviewed the Mayor's letter dated September 5, 2013 requesting two transfers totaling \$45,279.00 to fund the costs associated with the retirement of a member of the Fire Department. The FINCOM voted 4 – 0 (Councilor Seymour not present) to approve following two transfers:

- Transfer \$35,057.00 from the Fringe account to the Firefighter sick leave buy back account
- Transfer \$10,222.00 from the Fringe account to the Firefighter salary account

2. Order #13-1005489 – Capital Bond Request for FY14 for \$12,910,120.00: The FINCOM reviewed the Mayor's letter dated July 18, 2013 requesting the approval of 11 bonds totaling \$12,910,120.00. The bonds were all properly advertised in July 2013.

The FINCOM reviewed the impact of the bond request on the current debt service. If the full amount of the bonds were to be approved, the bonds would become part of the debt service in FY17. The impact to the debt service would be an increase of \$2.2 million dollars initially and gradually reduce as the bonds are paid down.

The Mayor and Council discussed the potential to use Undesignated funds (Free Cash) towards the reduction of the bonds. Undesignated Funds are scheduled to be certified in November. The Mayor recommended the following:

- Maintain \$3,000,000 to cover city purchases in FY14 including offsetting the tax levy and snow and ice
- Transfer \$1,000,000 to continue to fund the OPEB account
- The balance can be used to reduce the bond payments with the target to fund the 5 year bonds.

Reports of Committees cont'd:

The FINCOM took the following actions:

- Bond #1 – \$1,513,720.00 Department Equipment 5 Year Bond – The FINCOM voted 5 – 0 to approve the bond amount of \$1,484,720.00. This represents a reduction of \$29,000.00 for the Fire Department repeaters which are being covered by the FY14 Police Department grant. The FINCOM will evaluate using Undesignated funds to reduce the amount of the bond when the Undesignated Funds are certified in November.
- Bond #2 – \$1,510,000.00 Building Renovations 20 Year Bond – The FINCOM voted 5 – 0 to approve the bond. The Mayor was requested to evaluate adding roofs to the Newton Street and Granger Boulevard parking garages as well as any potential garage expansion.
- Bond #3 – \$7,470,000.00 Street Construction 10 Year Bond – The FINCOM voted 5 – 0 to approve the bond. Councilor Pope abstained from discussion on the bond. The Mayor indicated that the City should be receiving a \$1.6 million grant to offset the costs of the Simarano Street upgrade project. The Mayor will submit a bond for the reconstruction of the High School driveway (estimated at \$484,000) after the grant is received.
- Bond #4 – \$100,000.00 Sidewalk Construction 5 Year Bond – The FINCOM voted 5 – 0 to deny the bond. This bond would be a candidate to offset with Undesignated Funds.
- Bond #5 – \$200,000.00 Sewer Construction 30 Year Bond – The FINCOM voted 5 – 0 to approve the bond.
- Bond #6 – \$835,000.00 Water Project 40 Year Bond – The FINCOM recommended using the \$241,124.00 in the Capital Outlay Account for Robin Hill water project to offset the bond. The DPW Commissioner stated that the trench work road construction was performed extremely well and eliminated the need to resurface the road at this point in time. Councilor Pope expressed her extreme disappointment with not resurfacing the road. The FINCOM voted 5 – 0 to approve a bond for \$593,876.00.
- Bond #7 – \$200,000.00 Water Meter 10 Year Bond – The FINCOM expressed concerned that the \$1,835,000 bond approved in 2012 has not been implemented. This bond was to install commercial/industrial water meters in 2012 and save \$500,000 per year. The Mayor indicated that there was concern with the type of water meters being used for the commercial facilities. Issues have been addressed and the request for proposals is being prepared. Current plan is to complete the commercial/industrial water meter installation project in 2014. The Mayor committed to provide the Council with a plan for the remaining residential water meters and commercial water meters. The FINCOM voted 5 – 0 to deny the bond.
- Bond #8 – \$300,000.00 Land Cap and Drainage System 30 Year Bond – The Mayor indicated that there is a 75% reimbursement grant that is currently pending before MEMA. This grant can be used to reduce the amount of the bond. The DPW Commissioner indicated that the work on capping the landfill would be completed in the Spring of 2014. The FINCOM voted 5 – 0 to approve the bond.

Reports of Committees cont'd:

- Bond #9 – \$595,000.00 Recreational Facilities 15 Year Bond – The FINCOM approved using the \$50,000 in the Capital Outlay account for the Evergreen Cemetery design to reduce the bond amount. The FINCOM voted 5 – 0 to approve a bond of \$545,000.00 for Recreational Facilities.
- Bond #10 – Evergreen Cemetery Irrigation – 5 Year Bond – The FINCOM voted 5 – 0 to deny the bond and request the Mayor use Undesignated funds to complete this project.
- Bond #11 – \$165,800.00 Computer Hardware 10 Year Bond – The FINCOM voted 5 – 0 to approve.

The FINCOM adjourned at 10:20 PM.

Councilor Seymour reported the following out of the Legislative and Legal Affairs Committee:

September 24, 2013

Present: Chairman Seymour and Committee Members Delano and Robey. City Solicitor Rider, Planning Board Member Sean Fay, and Brian Falk representing Toll Brothers were also in attendance. Meeting called to order at 6:01pm.

ORDER #13-1005466 – Communication from Planning Board re: Country Club Estates Subdivision (Stow Road, Robert Road and Country Club Circle), Proposed Taking of Permanent Easement.

The Committee reviewed the letter dated June 12, 2013 from Barbara Fenby, Chair of the Planning Board explaining the circumstances surrounding the subdivision and the agreement that the Planning Board and Toll Brothers have developed. More specifically, as a condition of the approval by the Planning Board of the subdivision 25 years ago, the developer should have conveyed to the City the fee interest to certain properties on or abutting Stow Road for the purposes of widening the roadway at some future date. This never occurred yet the Planning Board is holding onto a bond for the subdivision totaling \$246,000.

The Planning Board and Toll Brothers have been working jointly to bring this issue to resolution. An agreement was drafted and approved between the two parties. If the City Council approves, Toll Brothers will pay for the costs associated with the proposed taking which impacts 15 lots. Upon execution, the Planning Board will release the bond.

Solicitor Rider explained that, in drafting the order, he identified some inconsistencies in the reported square footage of the taking for some of the respective lots. He asked that the Committee Table the matter until the figures could be confirmed.

Reports of Committees cont'd:

October 15, 2013

This was the second meeting to address this issue. Solicitor Rider corrected the previously identified inconsistencies regarding the square footage. The Committee asked the Solicitor to secure the total amount of funding from Toll Brothers that would be owed to property owners regarding the proposed takings.

The Committee voted 2-0 to approve the proposed takings conditional upon receipt of the lump sum payment from Toll Brothers.

ORDERED: That the Petition of NGrid and Verizon to install-Joint owned Pole #47-25 approximately 56' from Pole #47 and 4-6" Conduits on Forest Street, **APPROVED WITH CONDITIONS**; adopted.

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

ORDERED: That the Petition of NGrid and Verizon to install approximately 1100' of 4-5" conduits and two manholes on Forest Street and 1-Joint owned Pole #P2-50 on Bartlett Drive, **APPROVED WITH CONDITIONS**; adopted.

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

ORDERED: That the Communication from Historical Commission Chair, Gary Brown re: Historical Preservation Restriction – 197 Stow Road, **FILE**; adopted.

ORDERED: That the Communication from Attorney David Gadbois for his client 197 Stow Road Realty Trust, seeking a Historic Preservation Restriction pursuant to Massachusetts General Law Chapter 184 Section 31 for its property located at 197 Stow Road, Marlborough, as a condition of the a Special Permit that was approved for Limited Development Subdivision by the Marlborough Planning Board, **APPROVED**; adopted.

ORDERED: That the Communication from Mayor Vigeant with request for appropriation, Loan Order/Bond in the amount of Three Million (\$3,000,000) Dollars for the reconstruction of municipal outdoor recreational facilities, payable in not more than fifteen (15) years from its date of issue. (Note: Ward Park), **ORDERED ADVERTISED**; adopted.

ORDERED: That the Communication from the Mayor with request for appropriation, Loan Order/ Bond in the amount of Six Million Five Hundred Thousand (\$6,500,000) Dollars for the construction of a Senior Center, payable in not more than twenty (20) years from its date of issue, **ORDERED ADVERTISE**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 10:02 PM.



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2013 OCT 31 A 11:28
City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

October 31, 2013

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

Re: Transfer Request – Comptroller's Office

Honorable President Pope and Councilors:

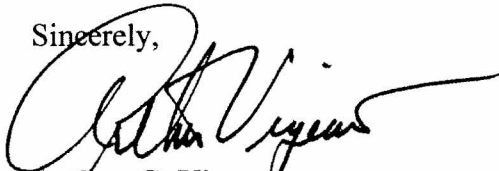
Enclosed for your approval are the following transfer requests from the Comptroller's Office:

- 1) Transfer in the amount of \$1,800.00 from 11330002-50062 (Finance Assistant) to 11330003-51430 (Longevity).

This transfer is needed to fund the longevity payment associated with the transfer of a School Department employee to the Comptroller's Office who is due a larger payment than that of her predecessor. The transition in staffing allows this transfer to be made within the existing budget.

Please do not hesitate to let me know if you have any questions.

Sincerely,


Arthur G. Vigeant
Mayor



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

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

2013 OCT 29 P 12:03

**Lisa M. Thomas
City Clerk**

MARLBOROUGH, MA

DATE: 10/28/13

To the City Council:

Owner Name: Jean RABELO

Residential Address: 195 Vega Road, MARLBORO

Telephone Number: 508-485-1538

Business Name: POST ROAD USED AUTO PARTS of MARLBORO, INC.

Business Address: 785 BOSTON POST RD

Business Telephone Number: 508-485-1414

Owner Signature: Jean El Rabelo

The above-signed JEAN RABELO respectfully requests that he/she be
granted a JUNK DEALER'S License license.

In City Council

**AGREEMENT TO EXTEND
TIME LIMITATIONS**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2013 OCT 31 A 11:49

Date: October 31, 2013

Order No. # 13-1005581

Application for Special Permit from VNG.CO

Applicant's Name

for SPECIAL PERMIT FOR INSTALLATION OF CNG FACILITIES

Purpose

at 413 LAKESIDE AVENUE - MAP #79, LOTS #6B & #10A

Location

REFER TO _____

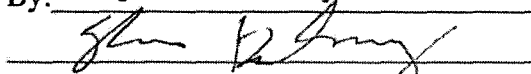
Committee

PUBLIC HEARING: _____

Date of Public Hearing

The decision of the special permit granting authority shall be made within ninety days following the date of such public hearing. The required time limits for a public hearing and said action may be extended by written agreement between the petitioner and the special permit granting authority. A copy of such agreement shall be filed in the office of the City Clerk.

Pursuant to Mass. General Laws, c.40A, s.9, as amended, the required time limits for action by the Marlborough City Council, as it is the special permit granting authority in the above referenced matter, is hereby extended, by agreement, until 5:00 p.m. on February 28, 2014.

By: BOHLER ENGINEERING
Stephen DeCoursey


Acting on behalf of, and at the direction of,
Petitioner:

By: _____
Patricia A. Pope City Council President,
acting on behalf of, and at the direction of,
the special permit granting authority:
Marlborough City Council

MIRICK O'CONNELL

ATTORNEYS AT LAW

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2013 OCT 30 P 3:44

Arthur P. Bergeron
Mirick O'Connell
100 Front Street
Worcester, MA 01608-1477
abergeron@mirickoconnell.com
t 508.929.1652
f 508.463.1385

October 30, 2013

Councilor Patricia Pope, President
Marlborough City Council
City Hall
Marlborough, MA 01752

Re: City Council Order No. 91-3822A

Dear Councilor Pope:

Please note that pursuant to City Council Order No. 91-3822A, I am notifying the City Clerk that Mirick O'Connell is representing Sky High Studios, Inc. and Anthony and Sandra Antico Real estate LLC regarding certain permitting matters related to the operation of Sky High Studios, Inc.

Very truly yours,



Arthur P. Bergeron

APB/alm

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

**Marlborough High School: School Council
Meeting Notes: October 2, 2013**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2013 OCT 21 A 8:16

Attendance: Rachel Dass, , David Friess, Sue Gordon, John Grace, Craig Hardimon, Ann Kinslow, Heather Kohn, Linda Layer, Marlene Manell, Deb McCarthy, Darren McLaughlin, Cathy Mogavero, , Rita Smith, George Whapham, Gail Yosca

Absent: Lauren Fay

1. **Welcome and Introductions-** Self Introduction
2. **School Council process and procedures**
 - A. Help with School Improvement Plan (SIP)
 - B. Help meet the needs of the school
 - C. Help with the budget

Handout Number 1= School Council Part One: Vision

Handout Number 2= School Council Part Two: Legal Responsibility: General

Handout Number 3 = School Council Part Two: Legal Responsibility: SIP

D. Discussion Points:

Rules of Voting and Presenting- "Robert's" Formal vs. Informal

Council voted informal

Election of a Co-Chair-Student Rachel Dass nominated, vote tabled for further consideration with vote next meeting

Ratio of Parent Members to staff members must be one to one and represent the High School Community were presented for consideration

Members being elected to the Council and Terms- also mentioned, to be determined as council develops procedures throughout the year

3. **School Update**

Level 3 Status- explanation of how the status is determined

Combination of 7 factors: On target in 5 of 7 factors

2 factors: dropout rate and graduation rate need more work.

Information on this will be presented at a later meeting.

4. **Tasks for the year**

School Improvement Plan review

Subcommittee to be formed to look closely at the Student Handbook and submit a spotless copy to the school committee.

5. **Data Coaching Program** presentation detailing the idea of implementing a specific process for using data to support the Marlborough High community. Council members' participated in a data activity design to illustrate phase 2 of making data visual Follow up discussion centered on beginning to ask question around data, discussed what surprise us about the data and begin to observe patterns and trends without using the term BECAUSE.

Handout Number 4= Data- Driven Dialogue Detail (S2.8)

Handout Number 5= The Using Data Process Components and Tasks (H1.2)

MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

October 7, 2013
2013 OCT 22 A 9 47

Call to Order

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

1. Meeting Minutes:

A. Regular Meeting September 23, 2013

On a motion made by Mr. Fay, seconded by Mr. Hodge it was voted to approve the minutes of the September 23, 2013 meeting. Motion carried.

2. Chair's Business:

Mr. McCarthy read into record the formal resignation of Mr. Johnson.

In his resignation letter Mr. Johnson makes note of how much he has enjoyed his tenure on the Board as well as his numerous years of both elected and appointed service to the City of Marlborough.

On a motion made by Mr. McCarthy, seconded by Mr. Fay the resignation letter of Mr. Johnson was accepted and placed on file. Motion carried.

3. Approval Not Required: None

4. Public Hearings: None

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report

Mr. Cullen reported to the Board that the Mauro Farms Subdivision is progressing and has started working on the Northerly phase of the project. Water service has been brought to the Cook Lane lots as well as work has started on the newest roadway.

Mr. Cullen continued his report with information that the Blackhorse Farms subdivision has cleaned up and mown the unimproved lots, as well as filled the open utility trench. There are still no light poles however.

B. Jenks Rd Subdivision (November 30, 2013)

Mr. McCarthy read into record the letter from Hancock Associates that accompanied the "as of right" plan (no waivers) as requested by the Board. This plan is presented as a direct request of the Board only. There is no intent to amend or change the subdivision application as it stands before the Board.

On a motion made by Mr. Hodge, seconded by Mr. Johnson the correspondence was accepted and placed on file. Motion carried.

Mr. McCarthy read into record the current findings from the Engineering Department. On a motion made by Mr. Hodge, seconded by Mr. Johnson the report was accepted and placed on file as well as forwarded to the Engineer of record. Motion carried.

Mr. Fay noted that in his estimation the plan as presented does not answer the question posed to the developer. This plan assumes that Sudbury St has already been widened. Mr. Peznola noted that in this rendition the developer would be responsible for widening the roadway along a 500' stretch for sight lines. Mr. Hodge asked if the developer would be willing to widen the road way? Mr. Peznola responded that the developer did not truly want to do that.

Councilor Delano reiterated to the Board that it is his opinion that no one in the neighborhood wants this development.

Attorney Aykanian (representing the developer) wanted to remind the Board the both the rights of the Landowner and Public Safety have to be taken into account. Attorney Aykanian stated that a balance needs to be reached in response to both. If you add one house or multiple houses it is a fact that more traffic will follow.

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

7. Definitive Subdivision Submission: None

8. Signs:

A. Rotary Club, Off Premise Signs

Mr. Charles Enright – Board of Managers and Mr. David Walton – President of the Rotary Club presented to the Board the request for three (3) off premise signs to advertise the upcoming Community Recycling Event that the Rotary Club is sponsoring. The Rotary Club is proposing the placement of three (3) off premise signs. The requested time frame is October 19, 2013-October 26, 2013. With removal taking place the afternoon of the 26th.

The proposed locations for the off premise signs are as follows:

- 133 East Main St – TD Bank Driveway entry
- 87 Mill St – Al Brodeurs Auto Body
- 2 South Bolton St – Marshall Insurance

Mr. Enright and Mr. Walton assured the Board they have secured permission from each landowner for placement of the event signs.

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

On a motion made by Mr. Fay seconded by Mr. Hodge it was voted to approve the variance allowing for the placement of three (3) temporary off premise signs at the following locations:

- 133 East Main St,
- 87 Mill St
- 2 South Bolton St

For the time frame of October 19- October 26, 2013.
Motion carried.

The Board is understanding of the Public Service nature of the event and supports the Rotary in the recycling efforts for the betterment of the Community as a whole.

9. Unfinished Business:

A. Berlin Farms

Mr. Fay has been in touch with Mr. Freeman. Work is progressing and Mr. Freeman hopes to have the majority completed within the next week. The punch list for the subdivision will be forwarded to Mr. Freeman. The Board requests to have Mr. Freeman appear at the next meeting to give a progress report.

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

Attorney Paul Beattie representing FRE Builders (Development Company) was in attendance at the request of the Board.

Mr. McCarthy read email correspondence between Attorney Beattie and Mr. Collins Assistant City Engineer into record. On a motion made by Mr. Fay, seconded by Mr. McCarthy the correspondence was accepted and placed on file.

Mr. McCarthy read into record a letter that was presented to the Board from Attorney Beattie in response to various items/concerns as perceived by the Board regarding the condition of the Subdivision. On a motion made by Mr. Fay, seconded by Mr. McCarthy the correspondence was accepted and placed on file.

Mr. Fay acknowledged that this Site currently looks better than it did 2 years ago. FRE has worked with the City as issues have arisen. It is requested that FRE does not wait until the last minute to appeal to the Board for an extension to allow for additional time to complete the subdivision. The current expiration date is December 31, 2013.

Attorney Beattie assured the Board that requesting the extension would become a priority, and he hopes to have the request before them in a timely manner.

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

10. Informal Discussions: None

11. Correspondence:

A. Dhcd Fall 2013 Workshops

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

12. Public Notices of other Cities and Towns:

A. Town of Hudson, Zoning Board of Appeals Notice of Decision 9-13-13

- B. Town of Sudbury, Zoning Board of Appeals Public Hearing 10-21-13**
- C. Town of Sudbury, Zoning Board of Appeals Decision 9-16-13**
- D. Town of Sudbury, Board of Appeals Decision 9-16-13**
- E. Town of Sudbury, Board of Appeals Decision 9-16-13**
- F. Town of Sudbury, Board of Appeals Decision 9-16-13**
- G. Town of Sudbury, Board of Appeals Decision 9-16-13**
- H. Town of Sudbury, Board of Appeals Decision 9-16-13**
- I. Town of Sudbury, Board of Appeals Decision 9-16-13**

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

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

Respectfully submitted,

Shawn McCarthy
Acting Clerk

/mai

September 24, 2013

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2013 OCT 24 P 4: 02



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

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held on Tuesday, September 24th, 2013 at 10:00 a.m. in the City Council Committee Room, City Hall. Members present: Chairman - Police Chief Mark Leonard, DPW Commissioner Ronald LaFreniere and Fire Chief James Fortin. Also present: City Engineer Thomas Cullen and Asst. City Engineer Tim Collins. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Tuesday, August 27th, 2013.

MOTION was made, seconded, duly VOTED:
TO APPROVE

2-New Business

2a) Request for parking restriction on Madison St.

Tim Collins included a copy of the current No Parking Regulation and diagram in the agenda packet as he was unsure of the exact issue. There was no letter or e-mail in the agenda packet. Chief Leonard advised that this issue was forwarded to the Traffic Commission by Karen Boule, (City Council Secretary). It involves a resident who was having difficulty pulling out of his driveway due to cars parked on the street. He believes it came from the resident of 21 Madison Street. The driveway for 21 Maple Street in not included on the diagram provided by Tim Collins. The resident was requesting a no parking sign near his home. Tim Collins advised that the current No Parking Regulation only includes a small section of Madison Street, 125 feet in from Maple Street. Fire Chief Fortin advised he has not had any problems here. Chief Leonard will call the resident back and find out more information.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to call the resident back for more information on the issue.

2b) Speed limit signs on Wilson St. and Hemenway St.

Tim Collins included a copy of the wording and diagrams for the Special Speed Zones on Wilson Street and Hemenway Street in the agenda packet. He was unsure on the exact issue as there was no letter or e-mail in the packet. The speed is shown as 25mph on Wilson Street and areas of 30mph and 20mph on Hemenway Street. Chief Leonard advised the he received an e-mail from a local resident who said she had worked with her Ward Councilor years ago to get the speed zones approved but that signs were never put up. Tim Collins believes that there are signs here. He said they can go out and check on the signs. If the signs are there but faded they can be replaced if necessary. Tim Collins also said that the regulation needs to be revised as it is not worded properly. Chief Leonard will call the resident back to advise that Engineering is checking on the signs and revising the regulation.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to call the resident back to ENGINEERING to check on the signs and revise the wording for the regulation.

Two New Business Items were included in the agenda packet but not listed on the Agenda.

Traffic Issues at AMSA School

Chief Leonard sent an officer out to this area to do speed zone enforcement. Tim Collins noted that AMSA was supposed to have put up the speed zone signs; however, they have not done so. A local resident has called several times on this issue. Officer Insani was in this area (stationed at the intersection of Forrest St. and Results Way) on Monday, Sept. 16th from about 2:30 to 3:30. He wrote up an incident report with photos showing the traffic backup on Forrest Street at pick-up time for AMSA. He noted that the traffic was backed up easterly from Results Way over the 495 bridge and the westerly side of Forrest Street was backed up past the curved hill, down to Sandini Road. Several vehicles stopped in this traffic made U-turns as they were presumably not school traffic.

Chief Leonard was really just looking for feedback. Officer Insani was sent there because of speed but noticed the back-up in both directions. Commissioner LaFreniere asked if there were any opportunities at the HP site for parking to assist AMSA. Tom Cullen said that parking will be a premium at the new HP site, which is now under construction. AMSA used to use the vacant lot across the street but it's not vacant anymore. It was discussed that this is a constant issue and there is talk of the school moving to a new location but nothing has come before the site plan at this point.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to discuss the issue with AMSA again.

Issues with the Rail Trail Crossing at Fitchburg Street

Tom Cullen has been working with the DOT on this intersection. They are trying to improve pedestrian flow. He presented an aerial photo of the intersection (Crowley Drive, Fitchburg Street and Sasseville Way). He also outlined the three main issues to

the Traffic Commission in an e-mail, dated 9/23/13 (copy in agenda packet), 1) Using a Splitter Island, 2) Moving the Stop Line on Crowley Drive, 3) Revising Lane configuration on Sassesville. It currently has a lane with a left turn arrow and a lane with a right turn arrow. He has also requested a “draft plan” from the Engineering Consultant so that he can discuss it with the appropriate parties. Tom advised that the best example of a splitter island is in Hudson at Broad and South Street, however, he has asked the Consultant for specifics.

Tom Cullen also asked who has actual control of the Rail Trail. Commissioner LaFreniere advised that it is still with the City Council. It is not under the care, custody or control of anyone else. Access for emergency vehicles to the Rail Trail was also discussed.

MOTION was made, seconded, duly VOTED to REFER to Tom Cullen get back to the consultant with the results of the discussion.

3-Old Business

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

Chief Leonard advised that he and Tim Collins were not able to get together on the language for the yield sign regulations. Chief Leonard will prepare them for the next meeting.

MOTION was made, seconded, duly VOTED to keep this item on the Agenda so a vote can be taken on the yield regulations at the next meeting.

3g) Whitcomb School parking lot – One-Way and No Parking

Tom Cullen advised that they are waiting to meet with John Ghiloni on this issue. There is no further update at this time.

MOTION was made, seconded, duly VOTED to keep this item on the Agenda.

3e) Request to restrict parking on Kirby St.

Chief Leonard advised that he is waiting to hear back from Councilor Tunnera and Councilor Oram on this issue.

MOTION was made, seconded, duly VOTED to keep this item on the Agenda.

3d) Traffic Commission rules and regulations update.

The Commission reviewed another group of streets from the alphabetical listing on the “conflict list” at the direction of Tim Collins. The streets discussed were **Prospect Street, Simarano Drive, Spring Street, Union Street, Warren Avenue, Washington Court, Washington Street, Weed Street, West Hill Road, West Main Street, Westboro Road, Williams Street, Wilson Street, Windsor Street, Winter Street,**

Winthrop Street and Witherbee Street. The purpose of this review is to be sure that the specific regulations in the manual match what is truly in existence at the street location. Final regulations for each street will be able to be viewed in the rules and regulations manual upon completion.

MOTION was made, seconded, duly VOTED to keep this item on the Agenda.

3a) Municipal off street parking regulation.

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

3b) High School parking regulations.

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

3c) Stop signs on Bigelow Street.

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

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 11:40 am.

Respectfully submitted,

Karen L. Lambert
Records Clerk
Marlborough Police Department

List of documents and other exhibits used at the meeting:

- Meeting Agenda for Tuesday, September 24th, 2013 (Including City of Marlborough Meeting Posting)
- Draft of Minutes from meeting on August 27th, 2013.
- Copy of Parking Regulation for Madison Street along with diagram.
- Copy of letter from L.T. Perkins, Traffic Engineer to Rita Lapine, City Clerk, dated 8/24/76, re: Speed Control on Wilson Street along with a copy of the Speed Zone Regulation and a map of the special speed zone.
- Copy of letter from Robert Shea, Traffic Engineer, to City Clerk Lillian Haddad, dated June 8, 1997, re: Speed Control on Hemenway Street along with a copy of the Speed Zone Regulation, photos and a map of the special speed zone.
- Copy of MPD Incident Report No. 13-4170-OF, re: Directed Patrol at AMSA School along with several photos.
- Copy of an e-mail from Tom Cullen to Ron Muller, of Muller Associates, dated 9/23/13, re: Fitchburg Street Trail Crossing.

Additional Handouts

-Aerial photo of the intersection of Fitchburg Street, Crowley Drive and Sasseville Way.

MINUTES

2013 OCT 25 P 3:31

**Thursday, September 26, 2013, 8:30 a.m.
140 Main St., Mayor's 4th FL Conference Room**

Members Present: Joyce Torelli, Lynn Faust, Steve Vigeant, Eric Asman, Sally Swartz, Brian Doheny

Also Present: Doug Bushman, Linda Overing

Absent: Mayor Vigeant, Steve LeDuc, Diane Smith

The meeting was opened at 8:30 by Vice Chairman Lynn Faust.

Minutes of last meeting were accepted.

Housing and CDA bills payable were approved.

Breezeway Farm Consulting:

The FY11 CDBG grant has been extended by DHCD until to March 31, 2014.

The closing for the sale of 57 Harrison Place is tentatively scheduled for next Monday, Sept. 30. The proceeds from selling the property will most likely not be sufficient to purchase and repair another foreclosed property. Linda is investigating options for demolishing abandoned properties in the NSP target Area. Steve suggested the Board may wish to consider bank financing in addition to NSP money in order to undertake a purchase/repair project.

Linda distributed an updated budget that reflects an increase to the demolition costs from police details, the inclusion of the site work and foundation in the scope of the modular home contractor, and the addition of \$5,500 for a Clerk of the Works.

The Breezeway Farm's report was accepted.

The Board voted to extend Breezeway Farm Consulting's contract thru October 31, 2013.

The Board voted not to exercise the right of first refusal to purchase a foreclosed LIP unit at the Pleasant Gardens Condominium complex.

Housing Director, Douglas M. Bushman:

The Housing Director reported on the results of a RFQ for accountant services; there were three responses. The Board voted to approve a three year contract for Fee Accounting Services with Milne, Shaw & Robillard, P.C., at the Housing Director's recommendation.

The Housing Director reported that he continues to work to identify options for supporting elderly 667 tenants with assistance with their basic activities of daily living in order to reduce the calls for assistance to 911.

A summary of ongoing capital projects at the Housing Authority properties was reviewed. Highlights include the completion of the Pleasant Street Boiler and GMPI bathrooms on 9/20/13. The Bolton Street Flooring project is scheduled to begin this week. Design delays associated with the Bolton Street Parking project make it unlikely that it will be constructed this fall.

The Liberty Hill Courtyard bids were opened on September 23 and are still under review by DHCD. The Board voted to authorize the Mayor/CDA Chairman to approve the lowest responsive bidder recommended by the project architect and DHCD.

DHCD submitted to the Housing Director Amendment #2 to the MCDA's Capital Improvement Plan. The Board voted to accept such amendment and authorized the Housing Director to secure the proper signatures for the amendment.

The Board voted to approve the 2012 Revised Income Limits for Admission to State-Aided Public Housing for Marlborough, as updated by DHCD.

The Housing Director distributed a draft of the Updated Section 8 Plan for Board review. Steve Vigeant will take the lead to review on behalf of Board members, a public hearing will be scheduled and the Housing Director anticipates bringing the final version to the Board for approval at its December 2013 meeting.

The Housing Director discussed the finding of the recent HUD audit. There were issues with three of the twenty sample files that were reviewed. The problems identified were associated with documentation, not inappropriate use of funds. MCDA Staff continues to undergo training on the Section 8 program and is conducting a review of all cases back to January 2013 in order to reduce errors.

The Housing Director's Report was accepted.

The meeting adjourned at 9:20 a.m.

Respectfully submitted,

Linda Overing
Clerk pro tem

**PART I** ADMINISTRATION OF THE GOVERNMENT
(Chapters 1 through 182)**TITLE IX** TAXATION**CHAPTER 64L** LOCAL OPTION MEALS EXCISE**Section 2** Local sales tax upon restaurant meals; distribution; effective date upon acceptance by municipality; reports

Section 2. (a) A city or town which accepts this section in the manner provided in section 4 of chapter 4 may impose a local sales tax upon the sale of restaurant meals originating within the city or town by a vendor at a rate of .75 per cent of the gross receipts of the vendor from the sale of restaurant meals. No excise shall be imposed if the sale is exempt under section 6 of chapter 64H. The vendor shall pay the local sales tax imposed under this section to the commissioner at the same time and in the same manner as the sales tax due to the commonwealth.

(b) All sums received by the commissioner under this section shall, at least quarterly, be distributed, credited and paid by the state treasurer upon certification of the commissioner to each city or town that has accepted this section in proportion to the amount of the sums received from the sales of restaurant meals in that city or town. Any city or town seeking to dispute the commissioner's calculation of its distribution under this subsection shall notify the commissioner, in writing, not later than 1 year from the date the tax was distributed by the commissioner to the city or town.

(c) This section shall take effect in a municipality on the first day of the calendar quarter following 30 days after its acceptance by the municipality or on the first day of a later calendar quarter that the city or town may designate.

(d) Notwithstanding any provisions in section 21 of chapter 62C to the contrary, the commissioner may make available to cities and towns any information necessary for administration of the excise imposed by this section including, but not limited to, a report of the amount of local option sales tax on restaurant meals collected in the aggregate by each city or town under this section in the preceding fiscal year, and the identification of each individual vendor collecting local option sales tax on restaurant meals collected under this chapter.