

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2012 MAR 22 P 7:01

1. Minutes of the City Council Meeting, March 12, 2012.
2. CONTINUED PUBLIC HEARING On the Petition from National Grid to replace and relocate existing utility P.61 24' south east of present location toward property line of house 522 on Pleasant St. Along with this pole, P. 61-89 will be relocated to new location on private property, Order No. 12-1004065A. **\*Please see e-mail from NGrid requesting to withdraw petitions.**
3. PUBLIC HEARING On the Application for Special Permit from Attorney Sem Aykanian, on behalf of Marlborough Savings Bank, to modify Special Permit, Order No.09-1002152C, to allow operation of the drive-through teller from 8:00 AM to 8:00 PM seven days per week, and operation of the drive-through ATM 24 hours per day, seven days per week, Order No. 12-1004081.
4. Communication from the Mayor re: Fire Department transfer request in the amount of \$238,322.84 which moves funds from Reserve for Salaries to various Firefighter accounts to fund Firefighters' Contract as noted on the spreadsheet.
5. Communication from the Mayor re: Public Works transfer request from and to various accounts as noted on the spreadsheets to cover several expenses related to contractual obligations, equipment repair and upgrades, building maintenance, and higher than anticipated disposal costs due to weather related events.
6. Communication from the Mayor re: Public Facilities transfer request in the amount of \$100,000.00 which moves funds from Multi-Purpose Bond to Electricity and \$50,000.00 which moves funds from Natural Gas to Electricity to fund higher than anticipated electricity costs.
7. Communication from the Mayor re: Fire Department transfer request in the amount of \$2,500.00 which moves funds from Educational Incentive to Meal Allowance to fund unexpected expenses in meal allowances.
8. Communication from the Mayor re: Marlborough Economic Development Corporation transfer request in the amount of \$200,000.00 which moves fund from Economic development to MEDC funding to fund operations and special projects for the remainder of the calendar year.
9. Communication from the Mayor re: Service Incentive Grant in the amount of \$2,000.00 awarded to the Council on Aging to increase transportation access to programs and services for Latino and Brazilian senior citizens.
10. Communication from the Mayor re: Summer Jobs/Internship Initiative.
11. Communication from the Assistant City Solicitor Cynthia Panagore-Griffin re: Special Permit, Marlborough Nissan, in proper legal form, Order No. 12-1004033B.
12. Application for Special Permit from Xcellerex Inc., 150-170 Locke Dr., as a requirement to operate in compliance with specific Zoning Ordinance (Water Supply Protection District).
13. Communication from Maguerite Sawyer re: damages occurring at her property, 33 Teller St.
14. Application for Junk Dealer's License, Sergey Yeghiyan, d/b/a C.T.C. Gold & Diamond Refinery, 149 Main St.
15. Minutes, Planning Board, February 27, 2012.
16. Minutes, Conservation Commission, October 6 & 20, November 3, December 1, 2011, & January 5, 2012.
17. Minutes, Community Development Authority, January 5, 26 & February 23, 2012.
18. CLAIMS:
  - A. John Mahan, 21 O'Malley Rd., residential mailbox claim 2(a)
  - B. Fernanda Tavares, 45 Highgate Rd., residential mailbox claim 2(a)
  - C. Scott Garner, 32 Forbes Ave., residential mailbox claim 2(a)

## REPORTS OF COMMITTEES:

## UNFINISHED BUSINESS:

From Finance Committee

19. **Order No. 11/12-1003016 – Capital Bond Request for FY12 for \$16,508,995.00.** The Finance Committee reviewed the Mayor's letter dated September 7, 2011 requesting the approval of 10 bonds totaling \$16,508,995.00. The Finance Committee took the following actions:
- Bond #1 - \$1,980,000.00 Department Equipment 5 Year Bond – The Finance Committee voted 5 – 0 to deny the bond because \$1,480,000.00 was approved from the Undesignated funds (City Council Meeting 11/21/11 approved \$298,000 for two bombardiers and City Council Meeting 12/5/11 approved \$1,182,000 for the balance of the Department equipment) and the \$500,000 for the Fire Department Pumper Truck was not approved.
  - Bond #2 - \$3,043,833.00 Street Construction 10 Year Bond – The Finance Committee voted 4 - 1 (Councilor Ossing opposed) to approve the bond.
  - Bond #3 - \$200,000.00 Sidewalk Construction 5 Year Bond – The Finance Committee voted 5 – 0 to deny the bond.
  - Bond #4 - \$5,205,000 Sewer Construction 30 Year Bond – The Finance Committee reduced the bond amount per the recommendation of the DPW Commissioner by \$175,000 for the Primary Clarifies for the EWWTP. The Finance Committee voted 3 -2 (Councilor's Seymour and Ossing opposed) to approve the revised bond amount of \$5,030,000.
  - Bond #5 - \$1,835,000.00 Water Meter 10 Year Bond – This bond will install water meters in the 497 industrial/commercial facilities by the end of 2012 and expected to increase city revenue by over \$500,000 per year. The Finance Committee approved the bond 5 – 0.
  - Bond #6 - \$3,172,600 Water Project 40 Year Bond – The Finance Committee took up two votes. First, the Finance Committee approved \$720,000 for upgrades to the Millham Water Treatment Plant 5 – 0. Second, the Finance Committee approved the various water projects in the amount of \$2,452,600.00 3 – 2 (Councilors Seymour and Ossing opposed).
  - Bond #7 - \$492,562 Building Renovations 20 Year Bond – The Finance Committee voted 5 – 0 to deny the bond and request the Mayor send a \$492,562.00 transfer from the Undesignated Fund to cover the building renovations. The Finance Committee recommended suspending the rules at the next meeting to approve the transfer. The Public facilities Director noted that the School Department will be supplying \$150,000 to supplement the renovations to the Whitcomb school auditorium.
  - Bond #8 - \$100,000 Design 5 Year Bond - The Finance Committee voted 5 – 0 to deny the bond and request the Mayor send a \$100,000.00 transfer from the Undesignated Fund to cover design activities.
  - Bond #9 - \$300,000.00 Land Cap and Drainage System 30 Year Bond - The Finance Committee voted 5 – 0 to deny the bond and request the Mayor send a \$300,000.00 transfer from the Undesignated Fund to cover land cap and drainage system repairs.
  - Bond #10 - \$180,000.00 Computer Hardware 10 Year Bond – The Finance Committee voted 5 – 0 to deny the bond. The Finance Committee approved the Mayor's letter dated February 22, 2012 requesting a \$180,000.00 transfer from Undesignated Funds to purchase computer hardware. The Finance Committee voted 5 – 0 to approve the transfer and recommend suspending the rules at the next City Council meeting.

Attachment 1 summarizes the Finance Committee recommendations. **The Finance Committee voted 5 – 0 recommend suspending the rules to request Bonds #2, 4, 5 and 6 be advertised. Bonds were advertised on Friday, March 16, 2012.**

**Attachment 1: FY12 Capital Bonds  
Summary of Finance Committee Recommendation**

<b>Bond Number Description</b>	<b>Bond Amount (\$)</b>	<b>Finance Committee Recommendation (\$)</b>	<b>Reduction (\$)</b>	<b>Comments</b>
<b>1. Department Equipment</b>	1,980,000	0 Denied 5 - 0	1,980,000	Used undesignated funds to purchase \$1,480,000 of equipment. The pumper truck for \$500,000 was not approved
<b>2. Street Construction</b>	3,043,833	\$3,043,833 4 - 1(Councilor Ossing opposed)	0	
<b>3. Sidewalk Construction</b>	200,000	0 Denied 5 - 0	200,000	\$180,000 funds still available from previous bonds
<b>4. Sewer Construction</b>	5,205,000	5,030,000 Approved 3 – 2 (Councilors Seymour and Ossing opposed)	175,000	Eliminated the Primary Clarifier per the DPW Commissioner
<b>5. Water Meters</b>	1,835,000	1,835,000 Approved 5 - 0		Installation for industrial facilities
<b>6. Water</b>	3,172,600	\$720,000 – Approved 5 – 0 \$2,452,600 Approved 3 – 2 (Councilors Seymour and Ossing opposed)	0	The \$720,000 is for the Millham treatment plant upgrades. The \$2,452,600 is for the water projects in various locations.
<b>7. Buildings</b>	492,562	0 Denied 5 - 0	492,562	Recommend the Mayor fund these renovations using the Undesignated Funds
<b>8. Design</b>	100,000	0 Denied 5 - 0	100,000	Recommend the Mayor fund these renovations using the Undesignated Funds
<b>9. Landfill Cap</b>	300,000	0 Denied 5 - 0	300,000	Recommend the Mayor fund these renovations using the Undesignated Funds
<b>10. Computers</b>	180,000	0 Denied 5 - 0	180,000	Approved 5 – 0 the transfer from Undesignated in the mayor letter dated 2/22/12.
<b>Total</b>	<b>16,508,995</b>	<b>13,081,433</b>	<b>3,427,562</b>	

**From Urban Affairs Committee**

20. **Order No. 12-100403 - Special Permit, Marlborough Nissan.** Urban Affairs met on Tuesday, February 8<sup>th</sup> to discuss Order # 12-1004033, Special Permit of Marlborough Nissan to expand their showroom. Attorney Sandra Austin and Jeff Batta, owner of Marlborough Nissan, spoke to the Committee to address the reason for the additional floor as well as where they stood regarding the neighbors' concerns. The abutters had a few concerns.

-Mr. Batta informed the Committee they addressed lighting concerns by shutting off the lights at night  
-He also showed the Committee Nissan's plans regarding snow storage, which was essentially storing it in the parking lot so it won't impact the neighbors.

-Marlborough Nissan will close the shop doors while they paint

-Regarding the driveway, Marlborough Nissan proposed expanding the driveway on the western side of the property, which will essentially give the neighbor's one driveway and Marlborough Nissan the other.

-Attorney Austin is working with the owners of the property and the legal department to finalize the driveway plan before our next meeting. The conservation commission will review the plan at its Thursday meeting.

Councilor Clancy made a motion to approve the permit, which was seconded by the chair, and the committee voted to approve the permit 5-0.

**Urban Affairs Committee recommended a Suspension of the Rules at the March 12, 2012 City Council meeting to refer to the City Solicitor to place in proper legal form.**

**From City Council**

21. **Order No. 12-1004089** - Evergreen Cemetery transfer request in the amount of \$50,000.00 which moves funds from Undesignated to Evergreen Cemetery to fund expansion design for the cemetery. **Recommendation of the City Council is to table until the March 26, 2012 City Council Meeting.**





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

**MARCH 12, 2012**

Regular meeting of the City Council held on Monday, MARCH 12, 2012 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Ossing, Pope, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, and Landers. Meeting adjourned at 8:45 PM.

**ORDERED:** Minutes of the City Council Meeting, FEBRUARY 27, 2012, **FILE**; adopted.

**ORDERED:** That the **PUBLIC HEARING** On the Petition from National Grid to replace and relocate existing utility P.61 24' south east of present location toward property line of house 522 on Pleasant St. Along with this pole, P. 61-89 will be relocated to new location on private property, Order No. 12-1004065, **CONTINUED UNTIL MARCH 26, 2012**; adopted.

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

**ORDERED:** That the **PUBLIC HEARING** On the Application for Special Permit from Rossella Mercuri, on behalf of Sprint, for modification of a wireless facility located at 115 Onamog St, Order No. 12-1004032B, hearing recessed at 8:02 p.m.; adopted.

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

**ORDERED:** That the **PUBLIC HEARING** On the Application for Special Permit from Rossella Mercuri, on behalf of Sprint, for modification of a wireless facility located at 2 Mount Royal Dr., Order No. 12-1004064, , hearing recessed at 8:07 p.m.; adopted.

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

**ORDERED:** That the School transfer request in the amount of \$492,562.00 which moves funds from Undesignated to Building Repair and Maintenance to fund Whitcomb School auditorium renovations and energy upgrades, move to **REPORTS OF COMMITTEE**; adopted.

**FROM:**

Acct. # 1000-35900

\$492,562.00

Undesignated Fund

**TO:**

Acct. # 19300006-54310

\$492,562.00

Build Repair and Maintenance

ORDERED: That the Evergreen Cemetery transfer request in the amount of \$50,000.00 which moves funds from Undesignated to Evergreen Cemetery to fund expansion design for the cemetery, **TABLED UNTIL MARCH 26, 2012**; adopted.

FROM:

Acct. # 10000-35900 \$50,000.00  
Undesignated

TO:

Acct. # 19300006-58316 \$50,000.00  
Evergreen Cemetery

ORDERED: That the Legal Services transfer request in the amount of \$45,000.00 which moves funds from Long Term Debt Principal-Multi Purpose Bond to Legal Services to fund contracted legal services for the remainder of FY2012, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 60071106-59963 \$45,000.00  
Multi Purpose Bond

TO:

Acct. # 11510004-53110 \$45,000.00  
Legal Services

ORDERED: That the City Council's opinion of Line Item Budget presentation, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Approval of Draft Tax Increment Financing (TIF) from TJX Companies, Inc., refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Communication from the Mayor re: City Collector Deborah Puleo's retirement, **FILE**; adopted.

ORDERED: That the Communication from the Mayor re: appointment of Councilor Robert Tunnera to the Commission on Disabilities, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Communication from Helen Downey re: Disclosure of Financial Interest by Special Municipal Employee and Approval, **APPROVED**; adopted.

ORDERED: That the Application for Taxi License, Asia Rowland, d/b/a Marlborough Taxi, 225 Cedar Hill St., Suite 200, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Application for Junk Dealer's License, Jason Deni, d/b/a/ Fifth Avenue Jewelry, 601 Donald Lynch blvd., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, Traffic Commission, January 31, 2012, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, February 13, 2012, **FILE**; adopted.

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

- A. Theresa Venzina, 60 Grant St., other property damage
- B. Christopher Eddy, 20 Beauregard Circle, other property damage
- C. Najat Sandabad, 294 South St., residential mailbox claim 2(a)
- D. John Farley, 352 Simpson Rd., residential mailbox 2(a)

## Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Order No. 12-1004037 – Transfer \$878,045.70 to Purchase Containers for Trash Collection.**

The Finance Committee continued the review of the Mayor's letter dated January 18, 2012 requesting two transfers totaling \$878,045.70 to purchase the containers for the automated curbside collection of solid waste and recyclables. The Finance Committee previously discussed and tabled this Order at the January 30, 2012 Finance Committee meeting. The Finance Committee voted 5 – 0 to approve following two transfers:

- Transfer \$303,805.00 from Sewer Department Long Term Debt Interest to Curb Containers Capital Outlay account
- Transfer \$574,240.70 from Sewer Multi Purpose Bonds to Curb Containers Capital Outlay account

**The Finance Committee recommended supporting a suspension of the rules at the March 12, 2012 City Council meeting.**

**2. Order No. 12-1004078 – Two Grants Totaling \$105,000 to Promote and Offset Curbside Containers for Trash Collection.** The Finance Committee reviewed the Mayor's letter dated February 22, 2012 requesting the approval of two grants to promote and offset the curbside container system for trash collection. The Finance Committee voted 5 - 0 to approve the following grants:

- \$105,000 to offset the purchase of containers and educational materials
- 80 hours of technical assistance to promote the container system

**The Finance Committee recommended supporting a suspension of the rules at the March 12, 2012 City Council meeting.**

**3. Order No. 11/12-1003016 – Capital Bond Request for FY12 for \$16,508,995.00.** The Finance Committee reviewed the Mayor's letter dated September 7, 2011 requesting the approval of 10 bonds totaling \$16,508,995.00. The Finance Committee took the following actions:

- Bond #1 - \$1,980,000.00 Department Equipment 5 Year Bond – The Finance Committee voted 5 – 0 to deny the bond because \$1,480,000.00 was approved from the Undesignated funds (City Council Meeting 11/21/11 approved \$298,000 for two bombardiers and City Council Meeting 12/5/11 approved \$1,182,000 for the balance of the Department equipment) and the \$500,000 for the Fire Department Pumper Truck was not approved.
- Bond #2 - \$3,043,833.00 Street Construction 10 Year Bond – The Finance Committee voted 4 - 1 (Councilor Ossing opposed) to approve the bond.
- Bond #3 - \$200,000.00 Sidewalk Construction 5 Year Bond – The Finance Committee voted 5 – 0 to deny the bond.

- Bond #4 - \$5,205,000 Sewer Construction 30 Year Bond – The Finance Committee reduced the bond amount per the recommendation of the DPW Commissioner by \$175,000 for the Primary Clarifiers for the EWWTP. The Finance Committee voted 3 -2 (Councilor's Seymour and Ossing opposed) to approve the revised bond amount of \$5,030,000.
- Bond #5 - \$1,835,000.00 Water Meter 10 Year Bond – This bond will install water meters in the 497 industrial/commercial facilities by the end of 2012 and expected to increase city revenue by over \$500,000 per year. The Finance Committee approved the bond 5 – 0.
- Bond #6 - \$3,172,600 Water Project 40 Year Bond – The Finance Committee took up two votes. First, the Finance Committee approved \$720,000 for upgrades to the Millham Water Treatment Plant 5 – 0. Second, the Finance Committee approved the various water projects in the amount of \$2,452,600.00 3 – 2 (Councilors Seymour and Ossing opposed).
- Bond #7 - \$492,562 Building Renovations 20 Year Bond – The Finance Committee voted 5 – 0 to deny the bond and request the Mayor send a \$492,562.00 transfer from the Undesignated Fund to cover the building renovations. The Finance Committee recommended suspending the rules at the next meeting to approve the transfer. The Public facilities Director noted that the School Department will be supplying \$150,000 to supplement the renovations to the Whitcomb school auditorium.
- Bond #8 - \$100,000 Design 5 Year Bond - The Finance Committee voted 5 – 0 to deny the bond and request the Mayor send a \$100,000.00 transfer from the Undesignated Fund to cover design activities.
- Bond #9 - \$300,000.00 Land Cap and Drainage System 30 Year Bond - The Finance Committee voted 5 – 0 to deny the bond and request the Mayor send a \$300,000.00 transfer from the Undesignated Fund to cover land cap and drainage system repairs.
- Bond #10 - \$180,000.00 Computer Hardware 10 Year Bond – The Finance Committee voted 5 – 0 to deny the bond. The Finance Committee approved the Mayor's letter dated February 22, 2012 requesting a \$180,000.00 transfer from Undesignated Funds to purchase computer hardware. The Finance Committee voted 5 – 0 to approve the transfer and recommend suspending the rules at the next City Council meeting.

Attachment 1 summarizes the Finance Committee recommendations.

The Finance Committee voted 5 – 0 recommend suspending the rules to request Bonds #2, 4, 5 and 6 be advertised.

The Finance Committee adjourned at 9:56 PM.

**Attachment 1: FY12 Capital Bonds****Summary of Finance Committee Recommendation**

<b>Bond Number Description</b>	<b>Bond Amount (\$)</b>	<b>Finance Committee Recommendation (\$)</b>	<b>Reduction (\$)</b>	<b>Comments</b>
<b>1. Department Equipment</b>	1,980,000	0 Denied 5 - 0	1,980,000	Used undesignated funds to purchase \$1,480,000 of equipment. The pumper truck for \$500,000 was not approved
<b>2. Street Construction</b>	3,043,833	\$3,043,833 4 - 1(Councilor Ossing opposed)	0	
<b>3. Sidewalk Construction</b>	200,000	0 Denied 5 - 0	200,000	\$180,000 funds still available from previous bonds
<b>4. Sewer Construction</b>	5,205,000	5,030,000 Approved 3 - 2 (Councilors Seymour and Ossing opposed)	175,000	Eliminated the Primary Clarifier per the DPW Commissioner
<b>5. Water Meters</b>	1,835,000	1,835,000 Approved 5 - 0		Installation for industrial facilities
<b>6. Water</b>	3,172,600	\$720,000 – Approved 5 - 0 \$2,452,600 Approved 3 - 2 (Councilors Seymour and Ossing opposed)	0	The \$720,000 is for the Millham treatment plant upgrades. The \$2,452,600 is for the water projects in various locations.
<b>7. Buildings</b>	492,562	0 Denied 5 - 0	492,562	Recommend the Mayor fund these renovations using the Undesignated Funds
<b>8. Design</b>	100,000	0 Denied 5 - 0	100,000	Recommend the Mayor fund these renovations using the Undesignated Funds
<b>9. Landfill Cap</b>	300,000	0 Denied 5 - 0	300,000	Recommend the Mayor fund these renovations using the Undesignated Funds
<b>10. Computers</b>	180,000	0 Denied 5 - 0	180,000	Approved 5 - 0 the transfer from Undesignated in the mayor letter dated 2/22/12.
<b>Total</b>	<b>16,508,995</b>	<b>13,081,433</b>	<b>3,427,562</b>	

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

**Urban Affairs met on Tuesday, February 8<sup>th</sup> to discuss Order # 12-1004033, Special Permit of Marlborough Nissan to expand their showroom.**

Attorney Sandra Austin and Jeff Batta, owner of Marlborough Nissan, spoke to the Committee to address the reason for the additional floor as well as where they stood regarding the neighbors' concerns.

The abutters had a few concerns.

-Mr. Batta informed the Committee they addressed lighting concerns by shutting off the lights at night

-He also showed the Committee Nissan's plans regarding snow storage, which was essentially storing it in the parking lot so it won't impact the neighbors.

-Marlborough Nissan will close the shop doors while they paint

-Regarding the driveway, Marlborough Nissan proposed expanding the driveway on the western side of the property, which will essentially give the neighbors one driveway and Marlborough Nissan the other.

-Attorney Austin is working with the owners of the property and the legal department to finalize the driveway plan before our next meeting. The conservation commission will review the plan at its Thursday meeting.

Councilor Clancy made a motion to approve the permit, which was seconded by the chair, and the committee voted to approve the permit 5-0.

I'd like to request a suspension tonight to refer the matter to the legal department so we can have a final draft on the next agenda.

**Suspension of Rules requested – granted**

ORDERED: That the transfer request in the amount of \$303,805.00 which moves funds from Long Term Debt Interest to Curb Containers and \$574,240.70 which moves funds from Multi Purpose Bond to Curb Containers for the purpose of purchasing the containers for automated curbside collection of solid waste and recyclables, **APPROVED**; adopted.

FROM:

Acct. # 60075106-58964	\$303,805.00
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Long Term Debt Interest

Acct. # 60071106-59963	\$574,240.70
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Multi Purpose Bond

TO:

Acct. # 19300006-58100	\$303,805.00
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Curb Containers

Acct. # 19300006-58100	\$574,240.70
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Curb Containers

**Councilors Pope, Clancy, and Elder opposed**

**Suspension of Rules requested – granted**

ORDERED: That the Massachusetts Department of Environmental Protection (Mass DEP) Grants awarded to DPW of which the first grant is for \$105,000.00 to offset the purchase of containers and educational materials, and the second grant is to provide 80 hours of technical assistance to promote the container system, **APPROVED**; adopted.

**Suspension of Rules requested – granted**

ORDERED: That the sum of \$3,043,833.00 (three million forty three thousand eight hundred thirty three) dollars be and is hereby appropriated for street construction. That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$3,043,833.00. Pursuant to the provisions of Chapter 44, Section 7 (5) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than ten (10) years from its date of issue, **ADVERTISED**; adopted.

**Suspension of Rules requested – granted**

ORDERED: That the sum of \$5,030,000.00 (five million thirty thousand) dollars be and is hereby appropriated for sewer construction. That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$5,030,000.00. Pursuant to the provisions of Chapter 44, Section 8 (15) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than thirty (30) years from its date of issue, **ADVERTISED**; adopted.

**Suspension of Rules requested – granted**

ORDERED: That the sum of \$1,835,000.00 (one million eight hundred thirty five thousand) dollars be and is hereby appropriated for water meters. That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$1,835,000.00. Pursuant to the provisions of Chapter 44, Section 8 (7A) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than ten (10) years from its date of issue, **ADVERTISED**; adopted.

**Suspension of Rules requested – granted**

ORDERED: That the sum of \$3,172,600.00 (three million one hundred seventy two thousand six hundred) dollars be and is hereby appropriated for water main construction. That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$3,172,600.00. Pursuant to the provisions of Chapter 44, Section 8 (5) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than forty (40) years from its date of issue, **ADVERTISED**; adopted.

**Suspension of Rules requested – granted**

ORDERED: That the \$492,562.00 (four hundred ninety two thousand five hundred sixty two) dollars be appropriated for building renovations, **DENIED BY A ROLL CALL VOTE OF 11-0** as noted below, and that the School transfer request in the amount of \$492,562.00 which moves funds from Undesignated to Building Repair and Maintenance to fund Whitcomb School auditorium renovations and energy upgrades, **APPROVED**; adopted.

**Yea: 11- Nay: 0**

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

**Suspension of Rules requested – granted**

ORDERED: That the \$180,000.00 (one hundred eighty thousand) dollars be appropriated for computer hardware, be and is herewith **DENIED BY A ROLL CALL VOTE OF 11-0** as noted below, and that IT transfer request in the amount of \$180,000.00 which moves funds from Undesignated to Capital Outlay-IT Equipment for the purpose of upgrades throughout the IT network, Order No. 12-1004073, **APPROVED**; adopted.

**Yea: 11- Nay: 0**

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

FROM:

Acct. # 1000-35900	\$180,000.00
Undesignated Fund	

TO:

Acct. # 19300006-58618	\$180,000.00
IT Equipment	

**Suspension of Rules requested – granted**

ORDERED: Application for Special Permit from Nissan Automobiles of Marlborough, Inc. to modify of a portion of its building which includes its showroom, customer service, and offices to add a second story, refer to **CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM PER INSTRUCTIONS FROM THE URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Operations and Oversight Committee invite Police Chief Leonard to attend a committee meeting affording him the opportunity to publicly discuss the details leading to the voluntary separation from employment with the City of Marlborough by former Police Detective Derek Johnson, refer to **OPERATIONS AND OVERSIGHT**; adopted.

**Councilor Oram opposed**

ORDERED: That the appointment of Patricia Carlson and Cheryl Soucy to the Commission on Disabilities for a term of three years from date of approval, **APPROVED**; adopted.

ORDERED: That the appointment of Stephen P. Leduc and Sally Swartz to the Community Development Authority for a term of three years from date of approval, **APPROVED**; adopted.



ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY ADDING TO SECTION 7-13 OF CHAPTER 7 OF ARTICLE II THE FOLLOWING NEW PARAGRAPH:

Any written claim presented to the City of Marlborough alleging that a residential mailbox has been damaged by the operation of a snow plow shall be granted upon written confirmation provided by the Department of Public Works to the Legal Department that City of Marlborough snow plow operations were in effect during the date when, and on the street where, the claimed mailbox damage occurred; provided, however, that such claim must be accompanied both by an auto-dated photograph(s) of the damaged mailbox as well as by a paid receipt showing the actual cost of the mailbox's repair or replacement; and provided, further, the maximum amount of reimbursement shall be set at Seventy-Five and 00/100 (\$75.00) Dollars, except that in the absence of such photograph(s) and/or such paid receipt, the maximum amount of reimbursement shall be set at Thirty and 00/100 (\$30.00) Dollars. This paragraph shall be applicable to only those mailbox claims accruing on or after March 1, 2012, **APPROVED**; adopted.

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

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:45 p.m.



# IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ MARCH 12, 2012

## ORDERED:

That the PUBLIC HEARING On the Petition from National Grid to replace and relocate existing utility P.61 24' south east of present location toward property line of house 522 on Pleasant St. Along with this pole, P. 61-89 will be relocated to new location on private property, Order No. 12-1004065, be and is herewith **CONTINUED UNTIL MARCH 26, 2012.**

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

(IN PUBLIC SERVICES COMMITTEE)

ADOPTED

ORDER NO. 12-1004065A

**Thomas, Lisa**

---

**From:** Birch, Angela A. [ANGELA.BIRCH@us.ngrid.com]  
**Sent:** Tuesday, March 13, 2012 10:25 AM  
**To:** Thomas, Lisa  
**Subject:** FW: town hearing pleasant street and robin hill st marlboro

11-1004012 Robin Hill  
12-1004065 Pleasant Street

Per Mike Roberts this work has been cancelled per the customer request. Customer is not moving forward with this site project. No petitions is needed at this time. Please withdraw our petitions.

thanks  
ab

---

**From:** Tognazzi, Crystal  
**Sent:** Tuesday, March 13, 2012 10:09 AM  
**To:** Montalto, Christopher J.  
**Cc:** Birch, Angela A.; Roberts, Michael W. (Hopedale)  
**Subject:** RE: town hearing pleasant street marlboro

Per Mike Roberst this work request is cancelled per the customers request. Customer is not moving forward with this site. No petition is needed at this time.

Thanks,

*Crystal Tognazzi*  
Design Assistant I  
**National Grid**  
245 South Main Street  
Hopedale, MA 01747  
Office# 508-482-1054  
Fax# 508-482-1206

---

**From:** Montalto, Christopher J.  
**Sent:** Tuesday, March 13, 2012 9:58 AM  
**To:** Tognazzi, Crystal  
**Cc:** Birch, Angela A.  
**Subject:** FW: town hearing pleasant street marlboro

Please assign

---

**From:** Birch, Angela A.  
**Sent:** Tuesday, March 13, 2012 9:46 AM

**To:** Montalto, Christopher J.  
**Cc:** 'lthomas@marlborough-ma.gov'  
**Subject:** town hearing pleasant street marlboro

petition 11783854 Pleasant Street Marlboro Monday March 26, 2012 at 8pm will be a continuance of this petition.

Thankyou

ab

\*\*\*\*\*

This e-mail and any files transmitted with it, are confidential to National Grid and are intended solely for the use of the individual or entity to whom they are addressed. If you have received this e-mail in error, please reply to this message and let the sender know.



# IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 27, 2012

## ORDERED:

That there being no objection thereto set **MONDAY, MARCH 26, 2012**, as date for a **PUBLIC HEARING** for the Application for Special Permit from Attorney Sem Aykanian, on behalf of Marlborough Savings Bank, to modify Special Permit, Order No.09-1002152C, to allow operation of the drive-through teller from 8:00 AM to 8:00 PM seven days per week, and operation of the drive-through ATM 24 hours per day, seven days per week, be and is herewith refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE.**

**Councilor Delano abstained**

ADOPTED

ORDER NO. 12-1004081



*City of Marlborough*

*Office of the Mayor*

*Arthur G. Vigeant*  
MAYOR

*Michael C. Berry*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

RECEIVED  
CITY CLERK'S OFFICE  
MARLBOROUGH  
140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610  
[www.marlborough-ma.gov](http://www.marlborough-ma.gov)  
2012 MAR 22 P 5:00

March 22, 2012

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

**Re: Transfer Request – Funding of Firefighters Contract**

Honorable President Pope and Councilors:

I am submitting for your approval the following transfer request to fund the recently signed contract between the city and the International Association of Firefighters Local 1714, AFL-CIO for Fiscal Years 2010, 2011, and 2012. I have included in this correspondence a signed copy of the contract in addition to an itemized breakdown of the line item transfers.

I wish to thank the firefighters of Local 1714 as well as their leadership for working with me to bring this matter to resolution. As always, do not hesitate to contact my office with any questions.

Sincerely,

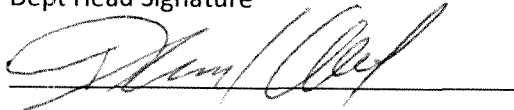
**Arthur G. Vigeant**  
Mayor

	From Account			
	<b>General Gov't</b>			
Available	Amount	ORG	OBJECT	Account Disc
\$ 416,172.00	\$ 238,322.84	11990006	57820	Reserve for Salaries

	TO Account			
	<b>FIRE DEPARTMENT</b>			
Amount	Description	Org	Object	Available
\$ 11,777.47	Dpty Chiefs	12200001	50335	104056
\$ 120,707.43	Firefighter	12200001	50450	973486
\$ 10,373.89	Fire Capitan	12200001	50800	82161
\$ 19,015.97	Fire Lieutenant	12200001	50810	156300
\$ 3,291.82	First Respond	12200003	51226	12653
\$ 15,869.41	Fire OT	12200003	51300	84011
\$ 1,341.72	Fire OT Veh	12200003	51324	7134
\$ 2,775.80	Fire Call OT	12200003	51328	23098
\$ 6,766.53	Longevity	12200003	51430	23494
\$ 12,129.52	Educ Inct	12200003	51440	72682
\$ 4,695.41	Night Shift	12200003	51450	18620
\$ 7,869.68	EMT	12200003	51480	31946
\$ 15,071.01	Holiday	12200003	51490	101048
\$ 6,637.20	Sick Leave	12200003	51920	5.58
\$ 238,322.84				

Reason: To fund Firefighters Labor Contract.

Dept Head Signature



Date: 3/9/12



MEMORANDUM OF AGREEMENT  
BETWEEN  
CITY OF MARLBOROUGH  
AND  
INTERNATIONAL ASSOCIATION OF FIREFIGHTERS,  
LOCAL 1714, AFL-CIO

*(FY 2010 Firefighters Negotiations)*

WHEREAS, the Collective Bargaining Agreement (the "Agreement") between the City of Marlborough (the "City") and the International Association of Firefighters, Local 1714, AFL-CIO (the "Union") was scheduled to expire June 30, 2009;

WHEREAS, the City and the Union have reached an Agreement for a successor agreement for the period July 1, 2009, through June 30, 2012;

NOW, THEREFORE, the City and the Union agree the new Agreement shall consist of the prior Agreement as modified herein:

1. **ARTICLE II, Management Rights**

The parties agree that Section 1 shall be deleted in its entirety and replaced with the following language:

The City will not be limited in any way in the exercise of the functions of management and will have retained and reserved unto itself the right to exercise, without bargaining with the Union, all the powers, authority, and prerogatives of management, including, but not limited to, (with the exception of specific terms and conditions covered by this agreement), the following;

A. the determination of employee classification;



- B. the increase, diminishment, change or discontinuation of operations in whole or in part;
- C. the alteration, addition, or elimination of existing methods of fire equipment, fire facilities, or programs;
- D. the determination of the location, organization, number and training of personnel;
- E. the granting and scheduling of leaves;
- F. the scheduling and enforcement of working hours;
- G. the assignment and requirement of overtime;
- H. the determination of whether goods should be leased, contracted, or purchased;
- I. the hiring of employees, including the determination of qualifications and requirements for the position;
- J. the demotion, suspension, discipline, or discharge of permanent employees for just cause;
- K. the relief of a firefighter from his / her shift due to the incapacity of the firefighter to perform duties;
- L. the lay-off or relief of employees due to lack of funds, or work, and
- M. the making, amendment, and enforcement of rules and regulations and operating and administrative procedures from time to time as the department deems necessary.

WST

2. **Article 5, Hours and Overtime**

- (A) Amend this Article to reflect the following agreed upon changes by the parties:
  - (i) Amend this Section to reflect Twenty-Four (24) Hour Shift;

✓

- (ii) One year review period, effective July 1, 2012;
- (iii) 1/2/1/4 configuration;
- (iv) Sick and vacation leave may be used in ten (10) and/or fourteen (14) hour segments;
- (v) Parties agree, between execution date of this Agreement, and April 30, 2012, the Mayor (or his designee) and the Union representatives shall meet to discuss changes in the contract that are related to the 24-hour work shifts;

(vi) On or before July 15, 2013, the City and the Union will meet to discuss any issues related to this new work schedule. On or before July 15, 2013 either side may provide the other of its decision to unilaterally discontinue the twenty-four (24) hour shift, with sixty (60) days notice to the other party;

(vii) If the City elects to revert back to its previous work schedule, items 1, 2(B), 4(C), and 6 of this Agreement shall also return to pre-Agreement status quo;

(viii) The Union agrees that it is not its intention to create unintended "windfalls" or benefits for its members as a result of the new work schedule, and, as a result, agrees any irregularities or unexpected consequences under the new work schedule shall not be the subject of grievance, arbitration or charge; and

(ix) The Union agrees that the City will be relieved of any overtime obligations that might otherwise be incurred because of the change to the 24 hour schedule or reverted back to previous schedule at Union's request and will secure waivers from its individual members; if, however, the City gives notice of its intention to revert back to previous schedule, it will be responsible for paying any overtime obligation that may be incurred because of the change to the previous schedule.

(B) Revise the agreement to reflect the elimination of 1/2 day and/or 1/2 night tours off as currently allowed.

(C) Amend Section 2 by adding new language as follows:

Deputy Chief schedules and job descriptions may be modified so as to provide better continuity in service to the public, provided that the Chief of the Department give no less than five (5) days notice and specific reason for said schedule change.

3. **ARTICLE 6, Clothing Allowance**

(A) The parties agree effective June 30, 2012, that the annual clothing allowance shall \$1050 and shall be implemented on July 1, 2012.

(B) The parties agree to amend Section 2, subparagraph B, to reflect return to previous system of direct payment to vendors effective July 1, 2012.

4. **ARTICLE VII, Vacation**

(A) Effective January 1, 2013, all annual vacation time shall be allotted in January. Accordingly, the City will get the Union a firm concept and/or direction on or before June 30<sup>th</sup> for the January 1, 2013 implementation of this change to vacation allotment.

(B) Add new subsection as follows:

“Upon annual notice, to be given by November 1, an employee shall be able to buy back up to two (2) weeks of vacation time. The so-called buy back shall be paid by the first pay period in December.”

(C) Add new subsection as follows:

“No more than five (5) members, firefighters and/or officers, excluding Deputy Chiefs, may use vacation time simultaneously.”

5. **ARTICLE XII, Salary Schedule**

(a) The Parties agree to amend Section 1 of this Article, as follows:

July 1, 2009	0% base wage increase
July 1, 2010	1% base wage increase
January 1, 2011	1% base wage increase
July 1, 2011	1.5% base wage increase
January 1, 2012	1.5% base wage increase

6. ARTICLE XVIII, Personal Days

Parties agree the language in Article shall be either revised to reflect no more than two (2) members (excluding Deputy Chiefs) shall be out on each type of "personal" or "additional personal" day per tour for a total of four (4) total or, in the alternative, revised to reflect all "personal days", no more than a total of four (4), shall be allowed off on any tour. (City will provide Union with preference and implementation date on or before June 30, 2012.)

7. ARTICLE XXI, Duration of Agreement

The parties agree that the first sentence of this Article shall be amended, as follows:

"Except as specifically provided herein, this Agreement shall be in full force and effect from July 1, 2009, through June 30, 2012, . . ."

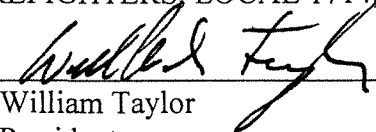
THIS AGREEMENT is subject to ratification by the Mayor of the City of Marlborough and the Union's membership and cost items are subject to appropriation by the Marlborough City Council.

THIS AGREEMENT has been duly executed by the authorized representatives of the City of Marlborough and the International Association of Firefighters, Local 1714, AFL-CIO.

CITY OF MARLBOROUGH

INTERNATIONAL ASSOCIATION OF  
FIREFIGHTERS LOCAL 1714 AFL-CIO

By: \_\_\_\_\_  
David Brumby  
Personnel Director

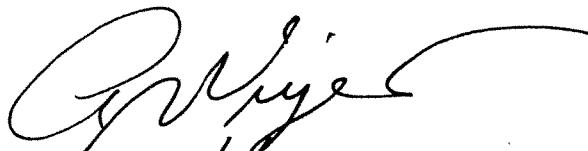
By:  \_\_\_\_\_  
William Taylor  
President

By: \_\_\_\_\_  
Nicholas Anastasopoulos  
Labor Counsel

By: \_\_\_\_\_

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

  
3/4/12

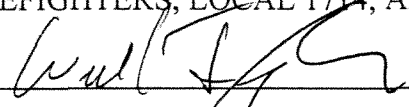


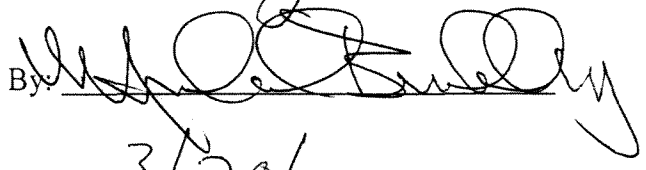
**RATIFIED:**  
CITY OF MARLBOROUGH

By: \_\_\_\_\_  
Arthur Vigeant  
Mayor

Dated: \_\_\_\_\_

**RATIFIED:**  
INTERNATIONAL ASSOCIATION OF  
FIREFIGHTERS, LOCAL 1714, AFL-CIO

By:  \_\_\_\_\_

By:  \_\_\_\_\_

Dated: 3/20/12 \_\_\_\_\_



*City of Marlborough*

*Arthur G. Vigeant*  
MAYOR

*Office of the Mayor*

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
*Michael C. Berry*  
EXECUTIVE AIDE

140 Main Street

Marlborough, Massachusetts 01752

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

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

2012 MAR 22 P 5:00  
*Patricia Bernard*  
EXECUTIVE SECRETARY

March 22, 2012

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

**Re: Transfer Request – Department of Public Works**

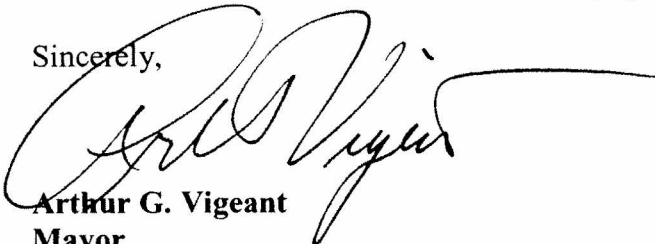
Honorable President Pope and Councilors:

I am submitting for your approval the enclosed transfer requests from the Department of Public Works. The funds are needed at this time to cover several expenses related to contractual obligations, equipment repair and upgrades, building maintenance, and higher than anticipated disposal costs due to weather related events.

Enclosed you will find an itemized breakdown of the line item transfers as submitted by Commissioner LaFreniere.

Please do not hesitate to contact me with any questions.

Sincerely,



**Arthur G. Vigeant**  
Mayor

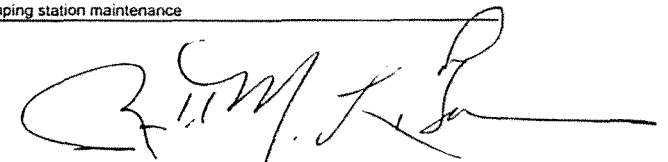
CITY OF MARLBOROUGH  
 --BUDGET TRANSFERS --

DEPT:		PUBLIC WORKS				FISCAL YEAR:		2012	
FROM ACCOUNT:		TO ACCOUNT:							
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$34,665	\$1,327	14001101	50700	Grade 2 Engineer	\$1,327	14001101	50108	GIS Administrator	\$18,506
		Reason: Funds available due to prior vacancy				Increase needed to fund MOA			
\$34,665	\$1,578	14001101	50700	Grade 2 Engineer	\$1,578	14001301	50660	Assistant City Engineer	\$22,085
		Reason: Funds available due to prior vacancy				Increase needed to fund MOA			
\$34,665	\$1,400	14001101	50700	Grade 2 Engineer	\$1,400	14001403	51470	Interim Foreman-Fleet	\$0
		Reason: Funds available due to prior vacancy				Funds needed for contractual coverage for remainder of FY 12			
\$67,060	\$5,000	14001101	50710	Junior Civil Engineer	\$5,000	14001303	51310	Overtime-regular	\$12,431
		Reason: Funds available due to prior vacancy				Based on historical data to complete FY 12			
\$67,060	\$4,021	14001101	50710	Junior Civil Engineer	\$4,021	14001503	51470	Interim Foreman- F/P/C	\$0
		Reason: Funds available due to prior vacancy				Funds needed for contractual coverage for remainder of FY 12			
\$35,797	\$9,071	14001101	50705	Asst Civil Engineer	\$9,071	14001305	55310	Highway Constr Mater-St's	\$7,295
		Reason: Funds available due to prior vacancy				Repair of roadway deficiencies throughout city			
\$35,797	\$3,726	14001101	50705	Asst Civil Engineer	\$3,726	61090001	50780	Chief Pumping Station Operator	\$15,612
		Reason: Funds available due to prior vacancy				Increase needed to fund MOA			
\$35,797	\$1,603	14001101	50705	Asst Civil Engineer	\$1,603	61090001	50680	General Foreman	\$22,039
		Reason: Funds available due to prior vacancy				Increase needed to fund MOA			
\$46,091	\$10,000	60080001	50570	Chemist	\$10,000	14001406	54810	Rep/Maint Supplies -Fleet	\$5,998
		Reason: Money available due to retirement				Additional parts and supplies needed for remainder of FY 12			
\$46,091	\$4,200	60080001	50570	Chemist	\$4,200	60080001	50580	Assistant Chemist	\$11,988
		Reason: Money available due to retirement				Increase needed to fund MOA			
\$46,091	\$500	60080001	50570	Chemist	\$500	60081003	51470	Interim Foreman-EWTP	\$404
		Reason: Money available due to retirement				Funds needed for contractual coverage for remainder of FY 12			
\$46,091	\$125	60080001	50570	Chemist	\$125	60085003	51470	Interim Foreman-WWTP	\$830
		Reason: Money available due to retirement				Funds needed for contractual coverage for remainder of FY 12			

*[Handwritten Signature]* 3/22/12

CITY OF MARLBOROUGH  
 -BUDGET TRANSFERS -

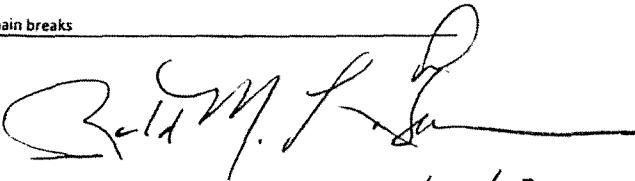
DEPT:		PUBLIC WORKS			FISCAL YEAR:		2012		
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$46,091	\$2,000	60080001	50570	Chemist	\$2,000	60085003	51310	Overtime-Regular	\$4,852
		Money available due to retirement				Higher than anticipated system repairs/storm event cost			
\$46,091	\$1,800	60080001	50570	Chemist	\$1,800	60085003	51315	West Plant Const. OT	\$0
		Reason: Money available due to retirement				Higher than expected cost associated with plant upgrades			
\$46,091	\$2,200	60080001	50570	Chemist	\$2,200	60086006	58654	Hazmat Collection DA	\$0
		Reason: Money available due to retirement				Additional funds needed to cover remaining fiscal year			
\$46,091	\$5,000	60080001	50570	Chemist	\$5,000	61090006	55750	Water Service Constr.	\$450
		Reason: Money available due to retirement				Anticipated funds needed to cover materials/breaks			
\$37,858	\$6,000	60081001	50910	Chief Treatment Plant Op.	\$6,000	60080006	55650	Sewer Maintenance	\$242
		Reason: Money available due to WC case				Anticipated cost to complete FY 12 sewer breaks/blockages			
\$37,858	\$2,000	60081001	50910	Chief Treatment Plant Op.	\$2,000	60081005	55014	Lab/Testing Supplies	\$628
		Reason: Money available due to WC case				Additional supplies needed for testing requirements			
\$37,858	\$9,000	60081001	50910	Chief Treatment Plant Op.	\$9,000	60086006	52920	Rubbish Collection	\$0
		Reason: Money available due to WC case				Anticipated cost to complete FY 12 solid waste collection			
\$37,858	\$2,800	60081001	50910	Chief Treatment Plant Op.	\$2,800	61090003	51240	Temporary Part-Time-W&S	\$1,020
		Reason: Money available due to WC case				Funds needed to cover water billing office			
\$37,858	\$1,000	60081001	50910	Chief Treatment Plant Op.	\$1,000	61090006	55750	Water Service Constr.	\$450
		Reason: Money available due to WC case				Anticipated funds needed to cover materials/breaks			
\$41,597	\$20,000	60080001	50630	Assistant Commissioner	\$20,000	60080006	55660	Pumping Station Maint.	\$6,095
		Reason: Money available due to retirement				Anticipate funds needed to maint./repair pumping stations for the remaining fiscal year.			
\$41,597	\$7,000	60080001	50630	Assistant Commissioner	\$7,000	61090006	55730	Water Pumping Sta Ma	\$136
		Reason: Money available due to retirement				Additional funds needed for pumping station maintenance			

  
 3/22/12



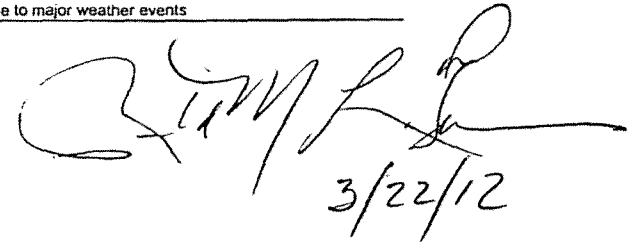
CITY OF MARLBOROUGH  
--BUDGET TRANSFERS--

DEPT:		PUBLIC WORKS				FISCAL YEAR:		2012		
Available Balance	Amount	FROM ACCOUNT:			Amount	TO ACCOUNT:			Available Balance	
		Org Code	Object	Account Description:		Org Code	Object	Account Description:		
\$114,850	\$7,000	60085001 (West)	50850	Sewer Tr Pll Operators	\$7,000	60080006	55640	Sewer Service Const.	\$622	
		Reason: Money available due to WC case				Additional funds needed to cover emergency repair/upgrades				
\$224,187	\$5,000	14001303	50740	Equipment Operators	\$5,000	14001303	51470	Interim Foreman-Si's	\$103	
		Reason: Money available due to WC case				Funds needed for contractual coverage				
\$224,187	\$300	14001303	50740	Equipment Operators	\$300	61090005	54220	Office Supply/Expense	\$138	
		Reason: Money available due to WC case				Additional office supplies needed to get through FY 12				
\$208,978	\$1,578	14001503	50740	Equipment Operators	\$1,578	14001401	50692	Supt. Of Auto Maintenance	\$22,004	
		Reason: Money available due to WC case				Increase needed to fund MOA				
\$208,978	\$3,200	14001503	50740	Equipment Operators	\$3,200	14001403	51240	Temp. Part-time/Co-op.-Fleet	\$1,120	
		Reason: Money available due to WC case				Additional funds needed to complete Co-op Program with				
\$208,978	\$1,578	14001503	50740	Equipment Operators	\$1,578	14001501	50680	General Foreman-F/PIC	\$22,004	
		Reason: Money available due to WC case				Increase needed to fund MOA				
\$208,978	\$2,800	14001503	50740	Equipment Operators	\$2,800	14001503	51470	Interim Foreman- F/PIC	\$0	
		Reason: Money available due to WC case				Funds needed for contractual coverage for remainder of FY 12				
\$208,978	\$190	14001503	50740	Equipment Operators	\$190	14001503	51940	Clothing Allowance-F/PIC	\$0	
		Reason: Money available due to WC case				New employee				
\$208,978	\$150	14001503	50740	Equipment Operators	\$150	14001506	57340	Dues and Subscriptions	\$45	
		Reason: Money available due to WC case				Funds needed to cover increase of state license renewals				
\$208,978	\$5,000	14001503	50740	Equipment Operators	\$5,000	61090006	55710	Water Maintenance	\$0	
		Reason: Money available due to WC case				Higher than normal water main breaks				

  
 3/22/12

CITY OF MARLBOROUGH  
 -BUDGET TRANSFERS -

DEPT:		PUBLIC WORKS				FISCAL YEAR:		2012	
FROM ACCOUNT:					TO ACCOUNT:				
<u>\$202,728</u>	<u>\$10,000</u>	<u>61090001</u>	<u>50740</u>	<u>Equipment Operators</u>	<u>\$10,000</u>	<u>60085006</u>	<u>55980</u>	<u>West Waste Water Treat</u>	<u>\$7,872</u>
Reason: <u>Money available due to WC case</u>					Funds needed due to increase in chemical costs				
<u>\$202,728</u>	<u>\$4,000</u>	<u>61090001</u>	<u>50740</u>	<u>Equipment Operators</u>	<u>\$4,000</u>	<u>61090006</u>	<u>55750</u>	<u>Water Service Constr.</u>	<u>\$450</u>
Reason: <u>Money available due to WC case</u>					Anticipated funds needed to cover materials/breaks				
<u>\$202,728</u>	<u>\$1,000</u>	<u>61090001</u>	<u>50740</u>	<u>Equipment Operators</u>	<u>\$1,000</u>	<u>61090006</u>	<u>55750</u>	<u>Water Service Constr.</u>	<u>\$450</u>
Reason: <u>Money available due to WC case</u>					Anticipated funds needed to cover materials/breaks				
<u>\$3,380</u>	<u>\$1,803</u>	<u>61090003</u>	<u>51940</u>	<u>Clothing Allowance</u>	<u>\$1,803</u>	<u>14001101</u>	<u>50660</u>	<u>Assistant City Engineer</u>	<u>\$22,103</u>
Reason: <u>Funds available due to prior vacancy</u>					Increase needed to fund MOA				
<u>\$3,380</u>	<u>\$400</u>	<u>61090003</u>	<u>51940</u>	<u>Clothing Allowance</u>	<u>\$400</u>	<u>61090006</u>	<u>55750</u>	<u>Water Service Constr.</u>	<u>\$450</u>
Reason: <u>Money available due to WC case</u>					Anticipated funds needed to cover materials/breaks				
<u>\$40,977</u>	<u>\$30,000</u>	<u>60081006</u>	<u>55950</u>	<u>East Waste Water Treatment</u>	<u>\$30,000</u>	<u>60086006</u>	<u>52935</u>	<u>Solid Waste Disposal</u>	<u>\$89,989</u>
Reason: <u>Money available due to lower than anticipated use of additional chemicals</u>					Unusually high disposal volumes due to major weather events				

  
 3/22/12



# City of Marlborough

*Arthur G. Vigeant*  
MAYOR

## Office of the Mayor

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

*Michael C. Berry*  
EXECUTIVE AIDE

140 Main Street

Marlborough, Massachusetts 01752

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

*Patricia Bernard*  
EXECUTIVE SECRETARY

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

March 22, 2012

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

### **Re: Transfer Request – Public Facilities Department**

Honorable President Pope and Councilors:

I am submitting for your approval the following transfer requests to fund higher than anticipated electricity costs:

- 1) Transfer in the amount of \$100,000 from 60071106-59963 (2011 Multi-Purpose Bond) to 11920006-52120 (Electricity).
- 2) Transfer in the amount of \$50,000 from 11920006-52200 (Natural Gas) to 11920006-52120 (Electricity).

Funding for this transfer is available thanks to this year's relatively mild winter. Included in this correspondence is a support letter from Department Head John Ghiloni.

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

Sincerely,

Arthur G. Vigeant  
Mayor

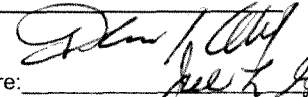
CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

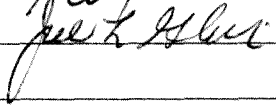
DEPT: Public Facilities

DATE: 20-Mar-12

FY: 2012

		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
<u>\$231,051</u>	<u>\$100,000.00</u>	<u>60071106</u>	<u>59963</u>	<u>2011 Multi Purpose Bond</u>	<u>\$100,000.00</u>	<u>11920006</u>	<u>52120</u>	<u>Electricity</u>	<u>\$416,893</u>	
	Reason:	_____				Electricity costs				
<u>\$159,368</u>	<u>\$50,000.00</u>	<u>11920006</u>	<u>52200</u>	<u>Natural gas</u>	<u>\$50,000</u>	<u>11920006</u>	<u>52120</u>	<u>Electricity</u>	<u>\$416,893</u>	
	Reason:	<u>Less gas consumption due to temepratures</u>				Electricity costs				
_____	Reason:	_____				_____				_____
_____	Reason:	_____				_____				_____
_____	Reason:	_____				_____				_____
_____	Reason:	_____				_____				_____
_____	Reason:	_____				_____				_____

Dept Head signature: 

Mayor signature: 



*City of Marlborough*  
**Public Facilities Department**

85 SAWIN STREET  
MARLBOROUGH, MASSACHUSETTS 01752  
TEL. (508) 460-3521 FACSIMILE (508) 460-3565

*JOHN L. GHILONI*  
DIRECTOR

*ANDREW J. WHITE*  
ASSISTANT DIRECTOR

March 21, 2012

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

RE: Transfers


Dear Mayor Vigeant:

I am requesting the transfer of \$50,000.00 from Natural Gas (account # 11920 006 52200) to Electricity (account # 11920 006 52120). These funds are in excess in this account due to the above normal winter temperatures.

In addition, I am requesting the transfer of \$100,000.00 to Electricity (account # 11920 006 52120) from undesignated funds to cover the remaining deficit for Fiscal Year 2012.

Please contact me if you need any additional information.

Sincerely,

  
John L. Ghiloni  
Director



*City of Marlborough*

*Arthur G. Vigeant*  
MAYOR

*Office of the Mayor*

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
*Michael C. Berry*  
EXECUTIVE AIDE

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Marlborough, Massachusetts 01752  
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610  
[www.marlborough-ma.gov](http://www.marlborough-ma.gov)

2012 MAR 22 P

*Barbara Bernard*  
EXECUTIVE SECRETARY

March 22, 2012

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

**Re: Transfer Request – Fire Department**

Honorable President Pope and Councilors:

I am submitting for your approval the following transfer request for the Fire Department:

- 1) Transfer in the amount of \$2500.00 from 12200003-51440 (Educational Incentive) to 12200006-51990 (Meal Allowance).

The funds are available due to retirements and are needed to fund the unexpected increases in meal allowances due to these vacancies.

Please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant  
Mayor

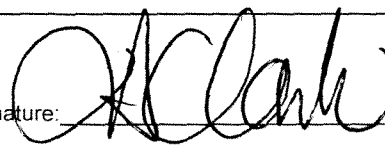
CITY OF MARLBOROUGH  
BUDGET TRANSFERS

DEPT: FIRE

FISCAL YEAR: 2012

Available Balance	FROM ACCOUNT:				TO ACCOUNT:				Available Balance
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	
<u>\$70,198.82</u>	<u>\$2,500.00</u>	<u>12200003</u>	<u>51440</u>	<u>Educational Incentive</u>	<u>\$2,500.00</u>	<u>12200006</u>	<u>51990</u>	<u>Meal allowance</u>	<u>\$418.00</u>
	Reason:	<u>Funds available due to retirements/vacancies</u>				Reason: <u>Funds needed to cover unexpected increase in meal allowances due to retirements/vacancies</u>			
	Reason:	_____				_____			
	Reason:	_____				_____			
	Reason:	_____				_____			
	Reason:	_____				_____			

Department Head signature: \_\_\_\_\_



Mayor's signature: \_\_\_\_\_



# City of Marlborough

*Arthur G. Vigeant*  
MAYOR

## Office of the Mayor

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

*Michael C. Berry*  
EXECUTIVE AIDE

140 Main Street

Marlborough, Massachusetts 01752

Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3640

*Patricia Bernard*  
EXECUTIVE SECRETARY

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

March 22, 2012

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

### Re: MEDC Funding

Honorable President Pope and Councilors:

The Marlborough Economic Development Corporation (MEDC) has submitted to my office a budget request in the amount of \$477,099 that would fund their operations and special projects for the remainder of the calendar year. I will be happy to provide the details of that budget request to the Finance Committee.

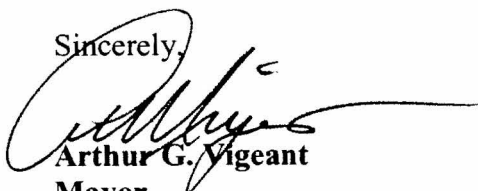
At this current time, there is not sufficient funding to meet the full request of the MEDC. For that reason, I submit for your approval the following transfer request with the understanding that the remaining funds will be requested as the rooms tax funding becomes available:

- 1) Transfer in the amount of \$200,000.00 from 27000099-42440 (Economic Development) to 11740006-53950 (MEDC Funding).

In recent weeks, the MEDC has again demonstrated their value to the City of Marlborough through their tireless efforts in helping to attract The TJX Companies, Inc. to move their operations to our city, bringing some 1,600 jobs with them. In the coming weeks and months, the MEDC will be again relied on to work with you, TJX, the Massachusetts Office of Business Development, and the Economic Assistance Coordinating Council to help shepherd our anticipated Tax Increment Financing (TIF) agreement to a successful conclusion.

Already underway at the MEDC is a jobs fair initiative which I hope will serve as a bridge that will connect our residents to our businesses. Our work is paying dividends for our city and I look forward to future economic success stories through our collective efforts.

Sincerely,

  
Arthur G. Vigeant  
Mayor





March 22, 2012

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

**Re: Request for Funds**

Dear Mayor Vigeant:

On behalf of the Marlborough Economic Development Corporation, I am requesting that you ask the City Council to transfer the sum of \$477,099 from the recently received rooms tax funds to the Marlborough Economic Development Corporation (MEDC) for the purpose of allowing the MEDC to continue its work in promoting the economic development of the City.

It is my hope that, once this matter has been referred to the Finance Committee, I will be able to present to the Finance Committee a summary of the recently completed Economic Development Master Plan along with MEDC's strategy for implementing the plan.

It is anticipated that the \$477,099 in funds will be expended by MEDC as follows:

• Salary	\$296,078
• General Operations Expenses	\$44,021
• Special Accounts	\$137,000
TOTAL	\$477,099

I would anticipate that, once this transfer has been approved, you will be authorized to release the funds for operations and execution of special projects and grant matching abilities that will allow for our city to deploy a high functioning economic development delivery of service.

The MEDC is in the early stages of implementing the Master Plan and executing a comprehensive strategy to stabilize the residential tax base.

We hope to have the implementation plan, together with the related budget request, ready for presentation to the Mayor and City Council over the next couple of months.

Very truly yours,

Arthur P. Bergeron, Chairman

TRANSFER REQUEST

Mayor's Office

FISCAL YEAR: 2012

Available Balance	FROM ACCOUNT:				TO ACCOUNT:			Available Balance			
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object		Account Description:		
<u>\$205,390.67</u>	<u>\$200,000.00</u>	<u>27000099</u>	<u>-</u>	<u>42440</u>	<u>Economic Development</u>	<u>\$200,000.00</u>	<u>11740006</u>	<u>-</u>	<u>53950</u>	<u>MEDC Funding</u>	<u>\$0</u>

Reason: To allow the MEDC to continue it's work in promoting the economic development of the City

Dept Head Signature: 



*City of Marlborough*

*Arthur G. Vigeant*  
MAYOR

*Office of the Mayor*

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
*Michael C. Berry*  
EXECUTIVE AIDE

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

2012 MAR 22 P 5:00  
*Patricia Bernard*  
EXECUTIVE SECRETARY

March 22, 2012

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

**Re: COA Grant Acceptance**

Honorable President Pope and Councilors:

The Marlborough Council on Aging was recently awarded a Service Incentive Grant in the amount of \$2000.00 by the Executive Office of Elder Affairs. This grant will be utilized to increase transportation access to programs and services for Latino and Brazilian senior citizens and will be of great benefit to our city.

At this time, I respectfully seek your acceptance of this grant. Please do not hesitate to contact me with any questions.

Sincerely,

**Arthur G. Vigeant**  
Mayor



# City of Marlborough

## Council on Aging and Senior Center

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

March 14, 2012

To: Mayor Arthur G. Vigeant

I would like to submit a grant award for the amount of \$2000 from the Executive Office of Elder Affairs for your approval. We have been told once we complete this approval/denial process we could have access to funding in a few days. This grant award is designated to assist seniors that struggle with transportation to access the Senior Center's programs, social services and to outside referral agencies, especially the Latino and Brazilian populations.

Sincerely,

Jennifer C. Claro

Director of Marlborough Senior center

**CITY OF MARLBOROUGH  
NOTICE OF GRANT AWARD**

DEPARTMENT: Council on Aging DATE: 14-Mar-12

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Jennifer Claro, Executive Director

NAME OF GRANT: Service Incentive Grant for Marlborough Seniors

GRANTOR: Executive Office of Elder Affairs

GRANT AMOUNT: \$2,000

GRANT PERIOD: Fiscal Year 2012

SCOPE OF GRANT/  
ITEMS FUNDED Make programs, social services and referral accessible to underserved seniors  
Transportation

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: ASAP

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



*The Commonwealth of Massachusetts*  
*Executive Office of Elder Affairs*  
*One Ashburton Place, Boston, MA 02108*

DEVAL L. PATRICK  
Governor

TIMOTHY P. MURRAY  
Lieutenant Governor

ANN L. HARTSTEIN  
Secretary

SANDRA K. ALBRIGHT  
Undersecretary

Tel: (617) 727-7750  
Fax: (617) 727-9368  
TTY/TTD 1-800-872-0166  
[www.mass.gov/elder](http://www.mass.gov/elder)

March 2, 2012

Jennifer Claro, Director  
Marlborough Council on Aging  
250 Main St.  
Marlborough, MA 01752

**RE: Council on Aging Service Incentive Grant-- Fiscal Year 2012.**

The Executive Office of Elder Affairs is pleased to announce a Service Incentive Grant award of \$2,000 for Fiscal Year 2012.

This grant will be used to increase transportation access to programs and services for Latino and Brazilian seniors.

This grant is subject to the Additional Terms and Conditions, the Service Incentive Attachment EB and the Standard Contract.

Please submit any required material to the Executive Office of Elder Affairs, 1 Ashburton Place, 5th floor, Boston, MA 02108-1518, ATTN: COA Program Manager, no later than March 19, 2012. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann L. Hartstein".

Ann L. Hartstein

**COA Service Incentive Grant ATTACHMENT A -- FY2012**

Executive Office of Elder Affairs, 1 Ashburton Place, Boston, MA 02108-1518

Marlborough Council on Aging \$2000.00  
PRINT -- Name of (Lead) Council (Amount Requested)

250 Main St. Marlborough, Ma. 01752 6,703  
(Mailing Address) (Total # of elders in  
community/ies)

Jennifer Claro, Director (508) 485-6492 JCLARO@MARBOROUGH-MA.GOV  
(Director -- or Chair, if no staff) (Daytime Telephone) (e-mail address)

---

(Additional Applicant Communities, if a Consortium)

Is this a multiple year request? ( X ) No; ( ) Yes

A. Funding category requested:  F  (see announcement)

B Please *summarize* your request, noting the major goal/s (purpose/s) and targeted priorities of your proposal.

The goal of our proposal is to increase our outreach to our seniors especially the Brazilian, Latino communities who want to come to the Senior Center but do not have access to reliable and affordable transportation. We would do this in partnership through our public transportation provider, the MetroWest Regional Transit Authority. We would purchase Charlie Cards through this COA Service Incentive Grant and give them to our seniors as an incentive to increase our outreach as well as provide travel training to our seniors. This travel training would allow our COA Outreach Coordinator and volunteer C.O.A. Board Members to educate our seniors on how to access our public transportation as well as be a companion on their introductory trips to the Senior Center to instill comfort and familiarity with our community's good public transportation.

C. How was this need determined? This need was highlighted even greater when we began our Multicultural Outreach Initiative through our recent BayPath grant to the Brazilian and Latino seniors of Marlborough. We learned that these cultures rely on their younger family members for transportation and this is a challenge due to the majority of their family members work during the day and of course this is when we typically provide programs, services and classes at our senior center. Also, due to the language barrier many of our Brazilian and Latino seniors experience driving is not an option. Unfortunately, since our Council on Aging does not provide our own transportation this is a quite challenge for A LOT of our seniors who don't have transportation or have a limited amount of extra disposable income to pay for this critical need. There is not a day that goes by that we do not here "I would like to come to the Senior Center tomorrow for this program but I don't have transportation (or the whereabouts to pay for an additional trip). With the access of a Charlie Card our seniors would only pay 70 cents per bus trip and have access to reliable and affordable transportation which is desperately needed for our Council on Aging and more importantly our seniors.

D. Note **measurable** outcomes, grant money use, unduplicated counts and units of service for each Objective. Cite **Obj. #s** in the appropriate column/line item on **Att. B**.

<p><b>Obj. #1 (measurable outcome)</b>          To introduce and educate seniors on Marlborough's good public transportation service with a special emphasis on underserved minority populations who are participating in our new multicultural initiative for Brazilian and Latino populations. especially</p> <p><b>Grant money use:</b>  <i>Purchase 100 twenty dollar Charley Cards to provide transportation to Council on Aging and other support destinations as well as provide travel training</i></p>	<p>unduplicated count: 200</p> <p>units of service: 200</p>
<p><b>Obj. #2 (measurable outcome)</b></p> <p>Provide travel training to seniors who do not use Marlborough public transportation service and would like to come to the senior center from their residence as well as become more comfortable with Marlborough good public transportation service.</p> <p><b>Grant money use:</b>  <i>Same as written in Objective #1.</i></p>	<p>unduplicated count: 200</p> <p>units of service: 240</p>
<p><b>Obj. #3 (measurable outcome)</b></p> <p>Provide an opportunity for all seniors to participate in multiple opportunities at the Council on Aging from Wellness Clinic, social services, multi-cultural sensitive programs such as ESL, socials, exercise classes and tax preparation/ with interpreter, etc..</p> <p><b>Grant money use:</b>  <i>Same as written in Objective #1.</i></p>	<p>unduplicated count: 200</p> <p>units of service: 800 units+</p>
<p><b>Obj. #4 (measurable outcome)</b></p> <p>Provide field trips utilizing Marlborough's public transportation service so seniors and especially our underserved minorities can learn all the routes and locations that would be helpful in meeting their daily needs, following up on referral resources from the COA as well as allow them greater independence and quality of life.</p>	<p>unduplicated count: 200</p> <p>units of service: 140</p>





# City of Marlborough

## Office of the Mayor

140 Main Street

Marlborough, Massachusetts 01752

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

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

*Arthur G. Vigeant*  
MAYOR

*Michael C. Berry*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

MAR 22 5:00  
TDD (508) 460-3610

March 22, 2012

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

### **Re: Summer Jobs / Internship Initiative**

Honorable President Pope and Councilors:

Since I began my term I have been exploring various opportunities for our city to provide employment and public service opportunities for high school and college aged students. After meeting with various community stakeholders and listening to their input, I am pleased to submit for your approval a request to fund the City of Marlborough's Youth Employment Program and Public Service Internship Program.

The Youth Employment Program is a joint venture of my office, District Attorney Gerald Leone's office, and Partnerships for a Skilled Workforce, which serves as the regional workforce Investment Board for our area. In what I believe is a welcome departure from other summer job initiatives, this program is tailored towards students from families whose household income does not exceed our median area family income of \$64, 509. In addition, all students will be required to attend five hours of mandatory unpaid job readiness training that will help better prepare them as they advance beyond high school. Students will be paid \$8.00 and will work approximately 20 hours per week. I have enclosed for you a summary of this particular initiative that was put together by Partnerships for a Skilled Workforce.

An added unique feature of the Youth Employment Program is that it will also be a public-private partnership involving Marlborough businesses. The program will carry a maximum of twenty students however only ten to twelve students will be employed by the city. The remaining students will work for and be paid by local companies who have stepped up to the plate to become part of this program.

The Public Service Internship Program is designed for area college students who have demonstrated an interest in public service and related career fields. After doing extensive outreach to our department heads, it is clear that several of our city's operations will benefit from those students willing to roll up their sleeves and make a difference. Students will be paid \$8.00 per hour, work approximately 25-40 hours per week, and may be eligible to receive academic credit at their institution of higher education.

Both programs will involve a competitive application process and accepted students will be CORI checked in a manner consistent with those of full time employees. The Youth Employment Program will be limited strictly to Marlborough residents and the internship program will have residential preference.

At this time, I submit for your approval the following transfer request:

- 1) Transfer in the amount of \$15,000.00 from 17520006-59254 (Short Term debt interest) to 11210003-51250 (Summer Employment Initiative).

I will be seeking to fully fund this program for the remainder of the summer in my FY2013 budget proposal. I look forward to partnering with you in sponsoring these worthy programs – the first of their kind in our city. Please do not hesitate to contact me with any questions or comments you may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arthur G. Vigeant', with a long, sweeping horizontal line extending to the right.

**Arthur G. Vigeant**  
**Mayor**

## **Proposed Marlborough Youth Summer Jobs Program**

### ***Programming Questions from the City of Marlborough***

#### **What will be the criteria for youth to be selected for the program?**

1. Youth must be a Marlborough resident, have legal documentation to work and submit an application
  - Proof of residency can be a valid driver's license, MA Id card, or Marlborough Public School ID
  - Social Security card or Unexpired Alien Certification/documents indicating authorization to work
  - Agree to a CORI check in a manner consistent with that of full time city employees
2. Since it is the mission of the Young Adult Employment Initiative to give priority to youth of lower family incomes, we ask that one criterion be that family income must be below the City of Marlborough median income level of \$64, 509
  - Documentation can be head of household tax returns, bank direct deposit, statements, employer statement, Housing Authority verification, pay stubs, social security benefits, or Parents signing a form testifying they make less than the median income if approved by the City of Marlborough
3. Youth must have a workers permit if under the age of 18 years old
4. Youth must attend 5 hours of mandatory unpaid job readiness training.
  - Job readiness includes, resume writing, interviewing skills and employer expectations. Employer expectations will be defined by The City of Marlborough and each private company participating in the program

The career specialist will make the final pick of youth based on one-on-one meetings, youth showing up on time, fit for the job, completing the job readiness and making sure there is a diversity of applicants.

#### **What will be included in the job readiness training?**

1. Youth will be expected to write a resume and attend workshops on interviewing skills and employer expectations.

#### **What support services will the career specialist do while youth are on the job?**

1. Each youth will have a MA Work Based Learning Plan which is an evaluation tool developed by the Department of Elementary and Secondary Education to identify skill gain from work experience. The evaluation will identify 3 skills including foundational work skills that the youth will be rated on. Two evaluations will take place. The first evaluation after a week at the job to get a baseline and second will be at the last week of the program.
2. The career specialist will be available during youth working hours for supervisors and youth to handle any issues that come up including a youth not showing or calling in, chronic lateness, or behaviors unacceptable on the job. The Career specialist will also make periodic visits to employer sites.

#### **Will there be after summer follow-up for youth?**

1. Unfortunately, there are no additional funds to staff follow-up for youth after the summer. Youth will leave with a certificate of completion, work experience, skill gains and references to further pursue a job. Many times, private employers who can accommodate part time schedules year round may hire the youth to continue in the job.

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: Short Term Debt Interest


FISCAL YEAR: 12


Mayor

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$112,500</u>	<u>\$15,000.00</u>	<u>17520006</u>	<u>59254</u>	<u>Short Term debt Interest</u>	<u>\$15,000.00</u>	<u>11210003</u>	<u>51250</u>	<u>Sum. Employ. Initiative</u>	<u>\$0</u>
	Reason:	_____							
	Reason:	_____							
	Reason:	_____							
				<u>Total</u>	<u>\$15,000.00</u>				
	Reason:	<u>To fund the City of Marlborough's Summer Employment Initiative till the end of FY 12</u>							

Department Head signature: 

Mayor's signature: 



*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](mailto:LEGAL@MARLBOROUGH-MA.GOV)

*DONALD V. RIDER, JR.*  
CITY SOLICITOR

*CYNTHIA M. PANAGORE GRIFFIN*  
ASSISTANT CITY SOLICITOR

*BEVERLY J. SLEEPER*  
CHIEF PROCUREMENT OFFICER

*ELLEN M. STAVROPOULOS*  
PARALEGAL

March 21, 2012

Matt Elder, Chairman  
Urban Affairs Committee  
Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

RE: Order No. 12-1004033  
Special Permit Application  
Nissan Automobiles of Marlborough, Inc./Marlboro Nissan, 740 Boston Post Road  
Marlborough, MA.

Dear Chairman Elder and Members:

Pursuant to Chapter 650-59 C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed findings on the special permit application submitted by Nissan Automobiles of Marlborough, Inc.

I have enclosed a copy of the proposed decision which incorporates conditions that were discussed at Urban Affairs Committee meeting. I certify that the proposed decision is in proper legal form.

Very truly yours,

  
/s/ Cynthia Panagore Griffin

Cynthia Panagore Griffin  
Assistant City Solicitor

Enclosure

cc: Sandra Rennie Austin, Esquire

# IN CITY COUNCIL

Marlborough, MA, March \_\_\_\_, 2012

ORDERED:

## DECISION FOR SPECIAL PERMIT

### IN CITY COUNCIL

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Special Permit  
Nissan Automobiles of Marlborough, Inc.  
Marlboro Nissan  
Order No. 12-1004033

### DECISION FILED:

The decision of the City Council was filed in the office of the City Clerk of the City of Marlborough on the \_\_\_\_\_ day of March, 2012.

### APPEALS

Appeals, if any, shall be made pursuant to Massachusetts General Laws, Chapter 40A, Section 17 and shall be filed within twenty (20) days after the filing of this Notice of Decision in the Office of the City Clerk of the City of Marlborough, MA.

## DECISION ON AN APPLICATION FOR SPECIAL PERMIT

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to Nissan Automobiles of Marlborough, Inc., having a usual place of business at 740 Boston Post Road, Marlborough, Massachusetts 01752 as provided in the Decision and subject to the following Procedural Findings, Findings of Facts and Conditions:

### PROCEDURAL FINDINGS

1. Nissan Automobiles of Marlborough, Inc. is a corporation organized and existing under laws of the Commonwealth of Massachusetts having a usual place of business at 740 Boston Post Road, Marlborough, Massachusetts 01752, hereinafter referred to as the "Applicant."
2. 740-744 Boston Post Road LLC, with a usual place of business at 740 Boston Post Road, Marlborough, Massachusetts 01752, is the owner of property located at 740 Boston Post Road, Marlborough, Massachusetts 01752 (the "Site"). Said

property is further described as Assessor's Map 61 Parcel 28 and Parcel 28A and in a deed recorded in the Middlesex South District Registry of Deeds in Book 44617 Page 149.

3. The Applicant, on or about December 28, 2011, filed with the City Clerk of the City of Marlborough, an Application to City Council for the Issuance of a Special Permit (the "Application") under Section 650-12 B of the Code of the City of Marlborough to modify the front portion of its building within the current footprint by adding a second story of approximately 1,775 s.f. (the "Project").
4. The Application consisted of an original and two copies of the following: (a) Application to the City Council for Issuance of Special Permit; (b) Special Permit-Summary Impact Statement; (c) Filing Fee in the amount of \$500.00; (d) Plan Delivery Certification; (e) Tax Payment Certification; (f) Abutters List; (g) Preliminary Site Plan; and (h) Planning Department Certification (collectively, the "Documents") which Documents are incorporated herein and become a part of this Decision. Eleven sets of documents were delivered to the City Council and one set each to the Police Chief, Fire Chief, Building Commissioner, and City Engineer, all in accordance with Section 650-59 of the Code of the City of Marlborough.
5. The Applicant filed with the Application a Certificate of Completeness of Application on a form signed by the Building Commissioner, for the City Planner for the City of Marlborough, as having complied with the provisions of Section 650-59 C(7) of the Code of the City of Marlborough.
6. In accordance with the Rules and Regulations of the City Council and Massachusetts General Laws Chapter 40A, Sections 9 and 11, the City Council established a date for a public hearing on the Application and caused to be advertised notice of said hearing and the date thereof in the MetroWest Daily News and mailed said notice to those entitled thereto.
7. The Marlborough City Council held a public hearing on the Application on February 13, 2012 in accordance with the published notice (the "Public Hearing"). The Public Hearing, following the completion of testimony, was closed on that same date.
8. The Applicant presented written and oral testimony at the Public Hearing and at the following Urban Affairs Committee detailing the Project, its impact on the neighborhood, and such issues as the City Council and members of the public deemed appropriate. Members of the public had the opportunity to testify at the Public Hearing. Subjects of concern were snow storage, outdoor lighting, closure of garage doors during painting, trash, and shared driveway use with Applicant's neighbor to the rear.

BASED UPON THE ABOVE, THE CITY COUNCIL OF THE CITY OF  
MARLBOROUGH MAKES THE FOLLOWING FINDINGS:

- A. The City Council finds that it may grant a Special Permit (the "Special Permit") subject to such terms and conditions as it deems necessary and reasonable to

protect the citizens of the City of Marlborough (the "City").

- B. The City Council finds the Application for the Special Permit does not derogate from the intent or purpose of the Zoning Ordinance of the City of Marlborough, or Massachusetts General Laws Chapter 40A, et seq.
- C. The City Council finds that the use of the Site for the Project is an appropriate use, and is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough.
- D. The Site Plan, shown on a plan entitled "Site Plan, Prepared For Marlboro Nissan, 740 Boston Post Road, Marlborough, MA, Date: December 19, 2011, prepared by Bruce Saluk & Assoc., Inc., Civil Engineers & Land Surveyors, 576 Boston Post Road East, Marlborough, MA 01752, tel: (508) 485-1662, Scale 1" = 20' (the "Site Plan") as submitted to the City Council and the Urban Affairs Committee, will not be in conflict with the public health, safety, convenience and welfare and will not be detrimental or offensive and the conditions imposed will enhance the quality of life for the residential community abutting the Project. The City Council makes this determination subject to the completion and adherence by the Applicant to the conditions more fully set forth herein.
- E. The Applicant has complied with all the procedural rules and regulations of the City Council of the City of Marlborough and Section 650 of the Code of the City of Marlborough and Massachusetts General Laws Chapter 40A, Sections 9 and 11.

### **GRANT OF SPECIAL PERMIT WITH CONDITIONS**

The City Council of the City of Marlborough, pursuant to its authority under Section 650 of the Code of the City of Marlborough and Massachusetts General Laws Chapter 40A, GRANTS to the Applicant a Special Permit to construct the Project to improve the front portion of the Nissan building, located at 740 Boston Post Road, Marlborough, Massachusetts 01752, by constructing a second story as per the Application materials submitted to the City Council and the Urban Affairs Committee, and subject to the following conditions:

1. Construction. Construction of the structure on the Site is to be in accordance with all building codes and zoning regulations in effect in the City of Marlborough and Commonwealth of Massachusetts and shall be built according to the Site Plan filed with the Permit Application. The Applicant's Site Plan indicates an existing footprint of the building within which the new building is to be located.
2. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review, in accordance the City of Marlborough Code, prior to issuance of the Building Permit. Any additional changes, alterations, modifications, or amendments as required by Site Plan Review to plans reviewed and approved by the City Council as the Special Permit granting



authority shall be further conditions attached to the Special Permit, and no Occupancy Permit shall be issued until all conditions are complied with by Applicant. 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.

3. Hazardous Waste. The Applicant shall comply with all directives by the Department of Environmental Protection of the Commonwealth of Massachusetts relative to the existence of any hazardous waste which may be located on the Site, compliance of the provisions of Massachusetts General Laws Chapter 21E and any other applicable government codes and as they relate to the authority of the Fire Chief of the City of Marlborough.
4. Compliance with Local, State and Federal Laws. The Applicant shall comply with all applicable rules, regulations and ordinances of the City of Marlborough, Commonwealth of Massachusetts and Federal Agencies as they may apply to the construction, maintenance, and operation of the Project and Site, including, without limitation, compliance with local Conservation Commission Orders, the Massachusetts Environmental Policy Act (MEPA), Massachusetts General Laws Chapter 30, Section 61, and the Massachusetts State Building Code. The terms and conditions of such decisions and findings will become a part of this decision.
5. Snow Plowing and Storage. The Applicant, its affiliates, successors and/or assigns shall provide a snow plowing and storage plan to its snow removal personnel and shall not plow or discharge snow on the easterly neighboring land. The Applicant shall provide for snow storage on-site along the easterly portion of its land according to the Snow Plowing and Storage Plan attached hereto. Applicant shall direct snowmelt runoff toward the southeasterly portion of the Site.
6. Construction Traffic. During construction of the Project, the Applicant, its affiliates, successors and/or assigns shall impose on each of its contractors a requirement that all heavy equipment accessing the Site shall not block shared driveway along the west abutting the Project.
7. Parking Lot Lighting. The Applicant shall install lighting shields so as to minimize glare and light spillage onto adjacent properties. All parking lot lighting shall be turned off at 10:00 PM except that necessary for site security.
8. Painting of Vehicles. All painting of motor vehicles shall occur indoors and the Applicant shall keep garage doors shut during painting.
9. Common Driveway. The Applicant shall construct an expansion of the currently shared driveway adjacent to the westerly side of its building on the City property. The expanded driveway shall be consistent with the plan entitled "Driveway Concept for Marlboro Nissan, 740 Boston Post Road East, Marlborough, MA, Date: December 18, 2008, Revised: 4/27/09, 2/28/12,

Scale: 1"=30', prepared by Bruce Saluk & Assoc., Inc." (the "Driveway Concept Plan") as presented to the City Council and license from the City for such use. Compliance with this condition shall occur provided the City obtains a release of the covenants in the deed from the Grantor as required for such use and provided that the City agrees to grant a license for said use. Applicant shall comply with this condition prior to the issuance of an occupancy permit.

10. Recording of Special Permit. This Special Permit shall be recorded at the Middlesex South Registry of Deeds in accordance with the provisions of Massachusetts General Laws Chapter 40A, Section 11, within 20 days after the expiration of the appeal period for the granting of the Special Permit. The Applicant shall be responsible for the recording of this Special Permit and the cost thereof and shall present evidence to the City Council and City Solicitor of compliance.
11. Requirements. All Plans, photo renderings, site evaluations, briefs, and other documentation provided by the Applicant as part of this Special Permit Application as amended during the application process and hearings before the City Council and/or Urban Affairs Committee are herein incorporated and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
12. Incorporated by Reference. The Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Applicant's Special Permit Application, as amended during the application/hearing process before the City Council and/or the Urban Affairs Committee, and in compliance with the Conditions of the Grant of Special Permit. All plans, applications and submissions to the City Council as part of the Special Permit Application are hereby incorporated by reference.

Yea:-    Nay:-    Absent:-

ADOPTED  
In City Council  
Order No.  
Adopted

Approved by Mayor  
Date:

A TRUE COPY  
ATTEST:

## Snow Plow and Storage Plan

- Marlboro Nissan will not push any snow over the bank so as to adversely affect the Property of Hureau or Hayes. The snow in the service parking section will be stored in the Area "A" section of the lot.
- Snow accumulated in the vehicle display section of the lot will be stored on the lot in Area "B" and over the bank in the highlighted area.
- Marlboro Nissan will plow the right of way area on the west side of the property. Care will be taken so as not to block any access to the Hureau property.

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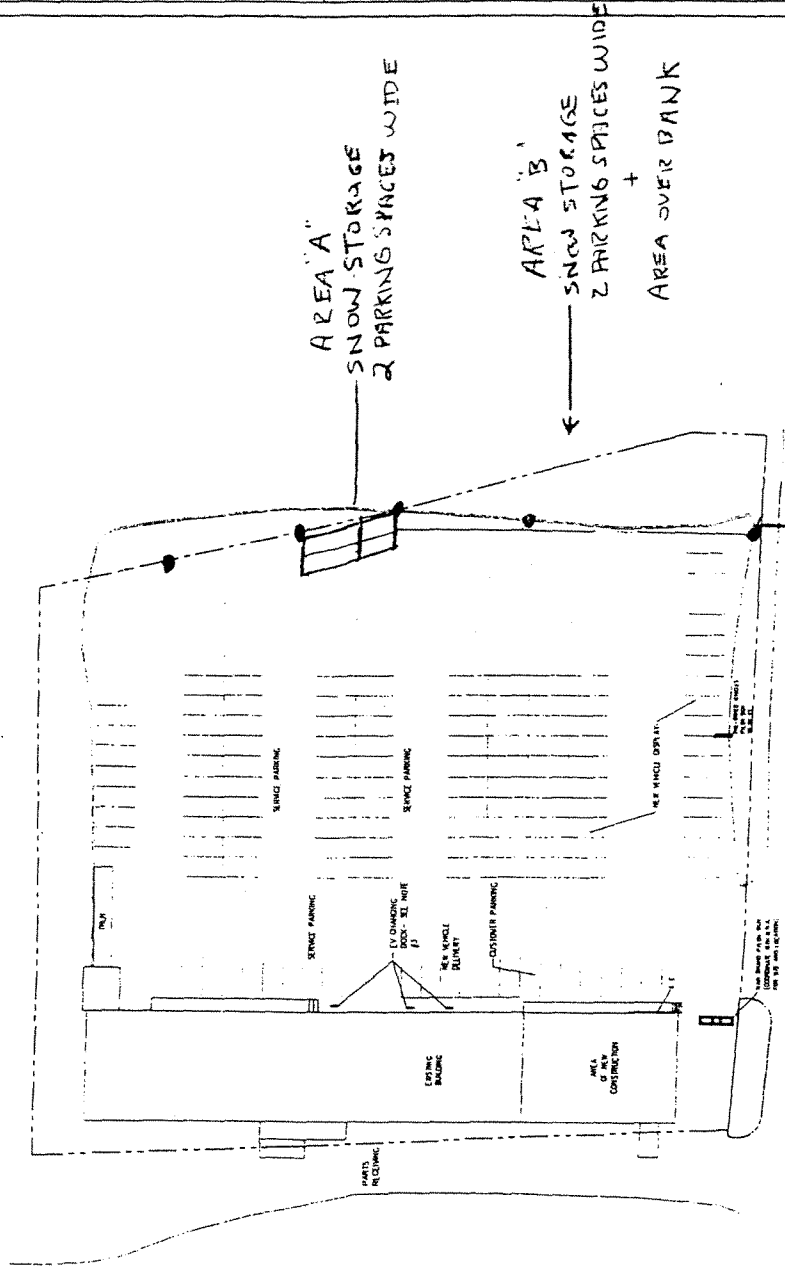
Jeffrey J. Batta

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February 21, 2012

DATE	NO.	BY
10/11/01	1	JAC
10/11/01	2	JAC
10/11/01	3	JAC
10/11/01	4	JAC
10/11/01	5	JAC
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10/11/01	19	JAC
10/11/01	20	JAC

01



Last two parking spaces

Note:  
 1. Site layout must comply with ADA and local accessibility requirements.  
 2. All site improvements must comply with local zoning requirements and NMA standards.  
 3. A minimum of 20% of the site must be reserved for facilities with a PV of 400 or greater. A minimum of two level 2 electric vehicle charging facilities with a PV of less than 400. Total locations for Electric Vehicle charging facilities determined by Assessment during the site assessment. Please consult with your Region Electric Vehicle Operations Manager (EVOM) and your Regional Construction Consultant (RCC) to set up this site assessment.

## CONSENT TO LICENSE

WHEREAS Kensington Woods Limited Partnership, a Massachusetts limited partnership with a place of business at 250 Gibraltar Road, Horsham, Pennsylvania 19044 (“Kensington Woods”) for consideration of One Dollar (\$1.00) granted to the City of Marlborough, Massachusetts, a municipal corporation with its principal place of business at 140 Main Street, City Hall, Marlborough, Middlesex County, Massachusetts 01752 (“City”) the land in Marlborough, Middlesex County, Massachusetts more fully described in a deed to the City recorded in the Middlesex South Registry of Deeds in Book 29588 Page 257 recorded on December 29, 1998 (“Subject Parcel”); and

WHEREAS the City desires to provide a license for vehicular traffic and parking over a portion of the Subject Parcel to Nissan Automobiles of Marlborough, Inc., a corporation registered to do business in the Commonwealth of Massachusetts having its offices at 740 Boston Post Road, Marlborough, Massachusetts, its successors and/or assigns (“Nissan”), and for vehicular traffic over a portion of the Subject Parcel to Richard and Kathleen B. Hureau, of 744 Boston Post Road, Marlborough, Massachusetts and their successors and/or assigns (“Hureau”); and

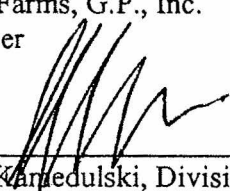
WHEREAS Kensington Woods desires to consent to the City’s License with Nissan and Hureau over a portion of the Subject Parcel identified as “License A,” “License B,” and “License C” as shown on a plan entitled “Driveway Concept for Marlboro Nissan, 740 Boston Post Road East, Marlborough, MA, Date: December 18, 2008, Revised: 4/27/09, 2/28/12, Scale: 1”=30’, prepared by Bruce Saluk & Assoc., Inc. attached hereto and incorporated herein;

NOW THEREFORE, Kensington Woods hereby consents to the City permitting the use of the portion of the Subject Parcel for travel as identified in the License Agreement and Plan as identified above.

[Separate signature page to follow]

Executed under seal as of the 14<sup>th</sup> day of March, 2012.


Kensington Woods Limited Partnership  
By: Franklin Farms, G.P., Inc.  
General Partner

  
\_\_\_\_\_  
By: Gregory Kamedulski, Division President

COMMONWEALTH OF MASSACHUSETTS

Worcester County

On this 14<sup>th</sup> day of March, 2012, before me, the undersigned notary public, personally appeared Gregory Kamedulski, as Division President of Franklin Farms, G.P., Inc., General Partner of Kensington Woods Limited Partnership, personally known to me and acknowledged to me that he signed the foregoing document voluntarily on behalf of Kensington Woods Limited Partnership, for its stated purpose.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 3/8/13



82

FRANKLIN FARMS G.P., INC.  
CERTIFICATE OF VOTE

I, Mark J. Warshauer, Vice President of Franklin Farms G.P., Inc., a Delaware corporation (the "Corporation"), do hereby certify and confirm that:

1. The Corporation is the sole general partner (the "General Partner") of the following Massachusetts limited partnerships (collectively, the "Partnerships");

- The Bird Estate Limited Partnership
- CC Estates Limited Partnership
- Eagle Farm Limited Partnership
- Huckins Farm Limited Partnership
- Kensington Woods Limited Partnership
- Toll MA Land Limited Partnership



Bk: 58238 Pg: 831 Doc: VOTE  
Page: 1 of 2 01/06/2012 09:07 PM

2. The Corporation was duly qualified to do business in the Commonwealth of Massachusetts on October 14, 1987.

3. On January 2, 2010, the following resolution was duly adopted by the Board of Directors of the Corporation, and that said resolution remains in full force and effect as of the date hereof:

RESOLVED, that the Chief Executive Officer, the President, any Executive Vice President, any Regional President, any Group President, any Division President, any Senior Vice President and Division Senior Vice President, any Vice President and Division Vice President, the Treasurer and the Secretary (individually, a "Principal Officer" and collectively, the "Principal Officers") are hereby individually authorized, empowered and directed to (i) deliver on behalf of such Corporation and on behalf of any Partnership in which such Corporation is a general partner, without the need for a separate resolution of the Board, any and all agreements, bonds, contracts, certificates, deeds, instruments, mortgages, notes, guarantees, record plats, applications and any and all other documents and (ii) to take any such actions as deemed necessary or appropriate to carry on the business of such Corporation and any Partnership in which such Corporation is a general partner, including, but not limited to, the following transactions (the "Transactions");

- a) acquisition of direct or indirect interests in real property
- b) approvals or permits relating to real property
- c) development or improvement of real property
- d) financing or refinancing in connection with real property
- e) sale of direct or indirect interests in real property
- f) acquisition of interests in corporations, limited liability companies, or partnerships
- g) sale of interests in corporations, limited liability companies, or partnerships
- h) financing or refinancing in connection with matters unrelated to real property
- i) sale or conveyance of homes, units or lots
- j) application or renewal of licenses
- k) formation, qualification, conversion, merger or

Return to:  
M.A. Kablack & Associates, PC  
95A Turnpike Road, Westborough, MA 01581

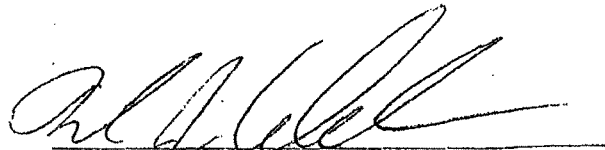
dissolution of corporations, limited liability companies,  
and partnerships

FURTHER RESOLVED, that each Principal Officer is hereby authorized and empowered, without the need for a separate resolution of the Board, (i) to authorize any other Officer to execute and deliver, on behalf of the Company, any and all agreements, bonds, contracts, certificates, deeds, instruments, mortgages, notes, guarantees, record plats, applications and any and all other documents, and (ii) to take any such actions as deemed necessary or appropriate relating to the Transactions, all as may be set forth in a written delegation of authority executed by a Principal Officer. Any person or entity engaging in a transaction or otherwise conducting business with the Company may conclusively presume that any Officer specified in such a written delegation of authority who executes an agreement, bond, contract, certificate, deed, instrument, mortgage, note, guarantee, record plat, application or any and all other documents on behalf of the Company has the full power and authority to do so and each such document shall, for all purposes, be duly authorized, executed and delivered by the Company, upon execution of such Officer.

4. The following individuals are duly appointed officers of the Corporation:

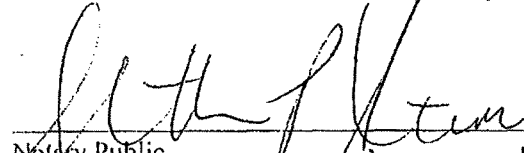
Robert Parahus	Regional President
Gregory E. Kamedulski	Division President
Daniel C. Zalinsky	Division President
Michael I. Snyder	Senior Vice President & Secretary
Kathryn L. Yates	Vice President
David Bauer	Division Vice President

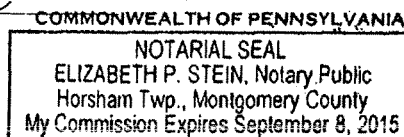
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Corporation this  
3<sup>rd</sup> day of January, 2012.



Mark J. Warshauer  
Vice President

Sworn and subscribed before me this 3<sup>rd</sup> day of January, 2012.

  
Notary Public  
My Commission expires: 9/8/2015





LICENSE AGREEMENT  
AND GRANT OF LICENSE

This License Agreement and Grant Of License is entered into this 22<sup>nd</sup> day of March, 2012, by and between the City of Marlborough (hereinafter "City"), a Massachusetts municipal corporation, acting by and through its Mayor with offices at Marlborough City Hall, 140 Main Street, Marlborough, Massachusetts, and Nissan Automobiles of Marlborough, Inc., a corporation registered to do business in the Commonwealth of Massachusetts having its offices at 740 Boston Post Road, Marlborough, Massachusetts (hereinafter "Nissan") (collectively, the "Parties"). This License Agreement and Grant Of License also provides consent from the City of Marlborough to Richard and Kathleen Hureau of 774 Boston Post Road, Marlborough, Massachusetts (collectively, hereinafter "Hureau") for the use by Hureau of certain City-owned land which is the subject, as described herein, of this License Agreement and Grant Of License.

Whereas, the City holds the fee interest in a certain parcel of land located on the north side of Boston Post Road and described on a deed recorded with Middlesex South District Registry of Deeds in Book 29588, Page 257, a portion of which is designated as "License A," "License B," and "License C" (collectively, the "License Area"), on a plan entitled "Driveway Concept for Marlboro Nissan, 740 Boston Post Road East, Marlborough, MA," Date: December 18, 2008, Revised: 4/27/09, 2/28/12, Scale: 1"=30', prepared by Bruce Saluk & Assoc., Inc.," attached hereto and incorporated herein (the "Plan"); and

Whereas, Nissan is the lessee of adjoining land owned by 740-744 Boston Post Road, LLC on the north side of Boston Post Road, described on a deed

recorded with Middlesex South District Registry of Deeds in Book 44617, Page 149 (the "Nissan Property"), a portion of said License Area Nissan alleges to have been using for twenty (20) years prior to City ownership; and

Whereas, Hureau owns adjoining land on the north side of Boston Post Road, described on a deed recorded with Middlesex South District Registry of Deeds in Book 26134, Page 35 (the "Hureau Property"); and

Whereas, Nissan desires to improve the License Area so as to provide suitable access to the Nissan Property and to the Hureau Property, respectively, on Boston Post Road as shown on the Plan; and

Whereas the City desires to grant a license, with conditions and limitations, for use of the License Area to Nissan and to Hureau;

NOW THEREFORE, in consideration of the mutual covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the City and by Nissan, it is agreed by and between the City and Nissan, and also accepted by Hureau as manifest by Hureau's exercise of the license granted herein, as follows:

1. The City hereby grants to Nissan and its agents, representatives, employees and contractors a License (the "License") for entry to and use of License Area as shown on the Plan for the purpose of installing, maintaining, repairing, and replacing improvements, including but not limited to bituminous pavement, bituminous curbs, crushed stone, bark mulch, and signs, and for the purposes of passing, repassing and parking by Nissan over and on the portion of the License Area designated as

License A on the Plan, and for the purpose of passing and repassing by Nissan the portion of the License Area designated as on License C on the Plan.

2. The City hereby grants to Hureau a License for the purpose of passing and repassing by Hureau over and on the areas designated as License B and License C on the Plan.
3. Nissan agrees that it shall be solely responsible for the installation of said improvements in, on and to the License Area as shown on the Plan. After the initial installation of the pavement, signs and other improvements in the License Area by Nissan, Nissan shall exclusively plow and maintain in good condition all improvements, including signs, in the portions of the License Area designated as License A and License C on the Plan.
4. After Nissan installs the pavement, signs and other improvements in License B, neither the City nor Nissan shall be responsible for plowing and maintaining in good condition all improvements by Nissan in said License B, but Hureau shall be responsible for said plowing and maintaining in good condition all improvements in said License B.
5. Nissan agrees that it shall not maintain or repair any motorized vehicles, including but not limited to automobiles and trucks, on the License Area.
6. Hureau shall not maintain or repair any motorized vehicles, including but not limited to automobiles and trucks, on the License Area.

7. Nissan agrees that it shall not use, store, or dispose of hazardous materials, as defined by federal statute, M.G.L. c. 21E, and federal and state regulations on the License Area.
8. Hureau shall not use, store, or dispose of hazardous materials, as defined by federal statute, M.G.L. c. 21E, and federal and state regulations on the License Area.
9. Nissan agrees to pay One Dollar (\$1.00) to the City for the right to improve the License Area as provided in Section 1 above.
10. The Licenses granted under this License Agreement and Grant Of License shall commence on the date hereof, and shall continue until such time, if ever, as an Easement or other interest is approved by the City of Marlborough and executed in a form mutually acceptable to Nissan and the City, such Easement or other interest intended to supersede and replace this License Agreement and Grant Of License. This License Agreement and Grant Of License shall otherwise remain in full force and effect unless revoked pursuant to the terms thereof.
11. Nissan hereby covenants to indemnify and hold harmless the City, its employees, officials, agents, representatives and affiliated governmental boards and agencies from any and against all liability, loss, costs, claims, demands, causes of action, suits, damages, judgments, executions, claims of personal injury or property damage and demands, whatsoever, including reasonable attorney's fees, which may be imposed upon, incurred by, or asserted against the City by reason of (a) any failure on the part of the Nissan to comply with any provision or term required to be

performed or complied with by Nissan under this License Agreement, (b) for the death, injury or property damage suffered by any person on account of or based upon the act, omission, fault, negligence or misconduct by Nissan and their successors and assigns and their agents, contractors, representatives, and employees while performing or complying with the terms of this License Agreement, or (c) the release, emission, storage, transportation or maintenance by Nissan of any hazardous material. The provision of this Section shall survive the termination of this License Agreement.

12. Hureau, by manifesting his and her acceptance of this Grant Of License from the City through his and her use thereof, agrees to indemnify and hold harmless the City, its employees, officials, agents, representatives and affiliated governmental boards and agencies from any and against all liability, loss, costs, claims, demands, causes of action, suits, damages, judgments, executions, claims of personal injury or property damage and demands, whatsoever, including reasonable attorney's fees, which may be imposed upon, incurred by, or asserted against the City by reason of (a) any failure on the part of Hureau to comply with any provision or term required to be performed or complied with by Hureau under this License Agreement and Grant of License, (b) for the death, injury or property damage suffered by any person on account of or based upon the act, omission, fault, negligence or misconduct by Hureau and his successors and assigns and their agents, contractors, representatives, and employees while performing or complying with the terms of this License Agreement and Grant of License, or (c) the release, emission, storage, transportation or maintenance by Hureau of any hazardous material. The provision of this Section shall survive the termination of this License Agreement.

13. Prior to the commencement of any work in the License Area, Nissan will add the City as an additional insured on its liability insurance policy in the amount of One Million (\$1,000,000.00) Dollars per claim and Two Million (\$2,000,000.00) Dollars per occurrence for any and all claims which may arise, for any reason, out of this License or Nissan's improvement of the entire License Area and Nissan's maintenance of the areas designated as License A and License C on the Plan. Nissan's liability shall be limited to the areas designated as License A and License C on the Plan. Prior to the commencement of any work on the License Area, Nissan shall provide the City with a certificate of insurance in each case indicating the City is an additional insured on the policies and showing compliance with the foregoing provisions. Nissan shall also require the insurer to give at least thirty (30) days written notice of termination, reduction or cancellation of the policies to the City.
  
14. To the extent required by law, Nissan's contractors shall maintain worker's compensation insurance, from the commencement of the work until the completion thereof. Nissan agrees that any contractor performing work on its behalf in the License Area shall carry worker's compensation insurance, liability insurance, and automobile liability insurance in amounts reasonably acceptable to the City and shall name the City as an additional insured party. Prior to the commencement of any work in the License Area, Nissan shall provide City with a copy of the contractor's insurance certificate indicating liability insurance coverage as herein specified, and copies of any approvals, including any permits, necessary or obtained to conduct said construction. The required insurance coverages hereinbefore specified shall be placed with insurance companies licensed by the Massachusetts Division of Insurance to do

business in the Commonwealth of Massachusetts.

15. Nissan agrees to exclusively use the areas designated as License A on the Plan and to refrain from use of the area designated as License B on the Plan.
16. In those locations where License A and License B intersect, which locations are designated on the Plan as License C, Nissan agrees that it will not knowingly, intentionally, or materially block the such common areas or in any manner knowingly, intentionally, or materially impede the free flow of traffic so that Nissan and Hureau may have access to their respective properties at all times.
17. The License Area is not exclusive to Nissan or Hureau. The City reserves the right to enter upon said License Area at any time for the purpose of inspecting the same and for all other reasonable public uses, provided that the City's activities shall not disrupt the activities of Nissan or Hureau which are allowable under this License Agreement and Grant Of License.
18. The City may revoke this License at its absolute discretion at any time for any reason whatsoever, including but not limited to Nissan's failure to perform any of its obligations under this License Agreement. Nissan agrees to peaceably surrender the License Area upon notice from the City that the License has been revoked.
19. The City may revoke this License at its absolute discretion at any time for any reason whatsoever, including but not limited to the assignment or transfer of this License by Hureau without prior written consent of the

City, knowing, intentional, or material blockage of the common areas, which are designated as License C on the Plan, by Hureau, any manner of knowing, intentional, or material impedece of the free flow of traffic in the License Area by Hureau, or failure of Hureau to maintain the improvements or snowplow the area designated as License B on the Plan. Hureau shall peaceably surrender the License Area upon notice from the City that the License has been revoked.

20. Nissan's promises set forth above shall be construed as a covenant which runs with the land, the burden and benefit of which shall pass to any successor or assign of the Nissan Property and to the City.
21. Nissan shall not assign this License Agreement and Grant of License to a subsequent owner, heir, successor, assignee, leaseholder, or other transferee of the Nissan Property without prior written consent of the City, which shall not be unreasonably delayed or withheld, and said subsequent owner, heir, successor, assignee, leaseholder, or other transferee shall assume all obligations of Nissan under the License Agreement and Grant of License.
22. A subsequent owner, heir, successor, assignee, leaseholder, or other transferee of the Hureau Property will not be allowed by the City to exercise the grant of license from the City to Hureau under this License Agreement and Grant of License without prior written consent of the City, and said subsequent owner, heir, successor, assignee, leaseholder, or other transferee shall assume all obligations of Hureau under the License Agreement and Grant of License.



23. This License Agreement and Grant of License shall be enforceable by the City against the current owner of the Nissan and/or Hureau Properties and subsequent owners, heirs, successors, assignees, leaseholder, or other transferees.
  
14. Nissan acknowledges that the City holds the fee interest in the License Area, and that the License shall not be construed as granting, creating or vesting any estate or interest interest in the License Area or any other portion of City property. By grant of this License, the City does not waive its rights to defend any claim or lawsuit by Nissan, Hureau or subsequent owners, heirs, successors, assignees, leaseholder, or other transferees, on any cause of action including but not limited to adverse possession or prescriptive easement.
  
15. The Parties agree that this License Agreement and Grant of License shall be recorded at the Middlesex South Registry of Deeds at Nissan's expense.
  
16. Modifications or amendments to this License Agreement shall be in writing and duly executed by all Parties hereto to be effective.

IN WITNESS WHEREOF, the parties hereto have executed this License Agreement under seal on the date first written above.


Arthur Vigeant, Mayor  
CITY OF MARLBOROUGH

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. \_\_\_\_\_, 2012

On this \_\_\_\_\_ day of March, 2012, before me, the undersigned notary public, then personally appeared Arthur, proved to me through satisfactory evidence of identification which was a driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he or she signed it voluntarily and for its stated purposes.

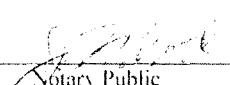
Notary Public  
My commission expires:

  
Jeffrey Batta  
Nissan North America, Inc. of Marlborough, Inc.

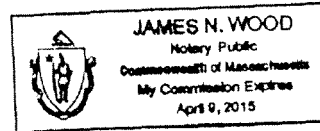
COMMONWEALTH OF MASSACHUSETTS

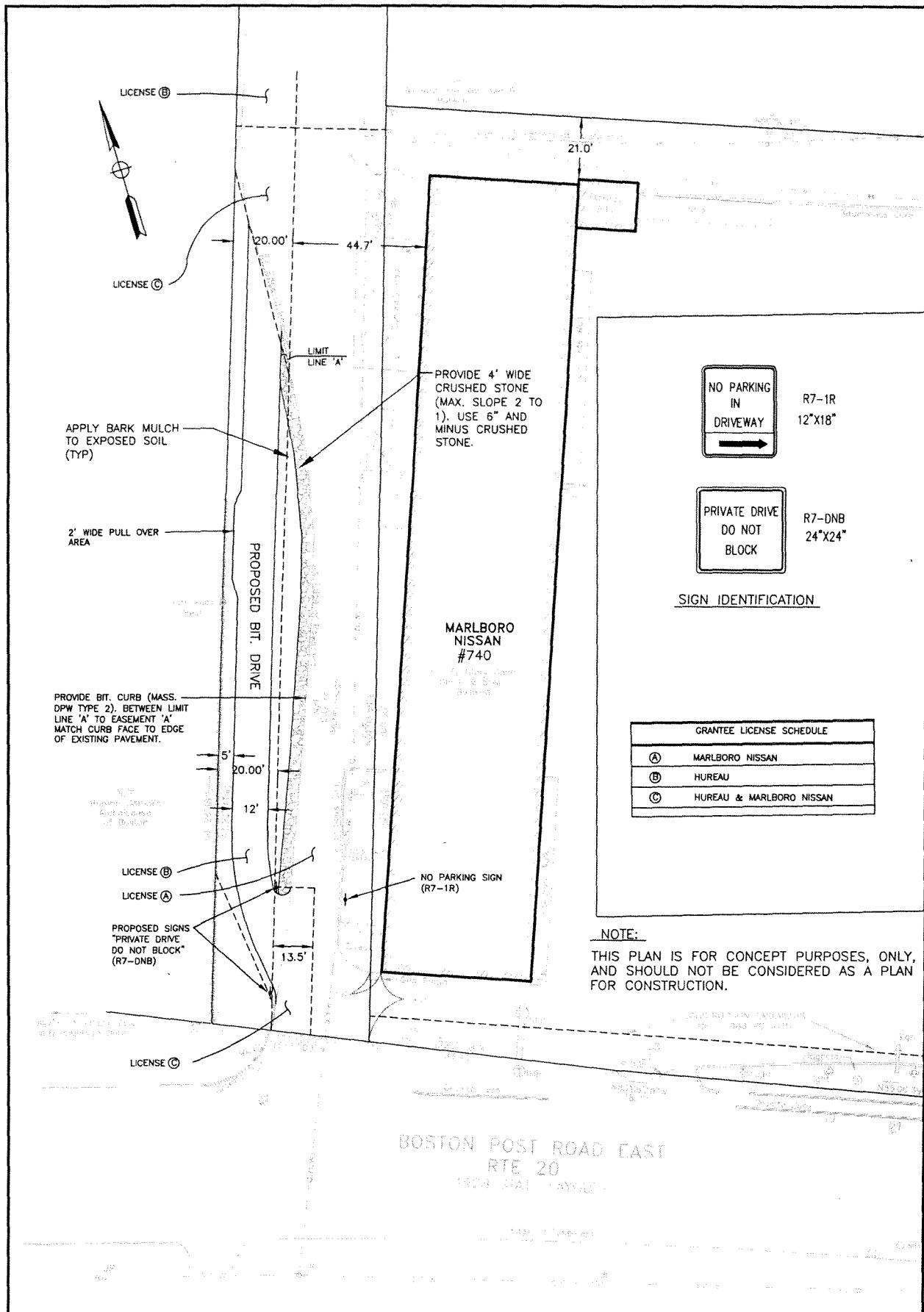
Middlesex, ss. April 22, 2012

On this 22 day of April, 2012, before me, the undersigned notary public, then personally appeared Jeffrey Batta, proved to me through satisfactory evidence of identification which was a driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he or she signed it voluntarily and for its stated purposes.

  
Notary Public  
My commission expires:

10





R7-1R  
12"x18"



R7-DNB  
24"x24"

SIGN IDENTIFICATION

GRANTEE LICENSE SCHEDULE	
(A)	MARLBORO NISSAN
(B)	HUREAU
(C)	HUREAU & MARLBORO NISSAN

NOTE:  
THIS PLAN IS FOR CONCEPT PURPOSES, ONLY,  
AND SHOULD NOT BE CONSIDERED AS A PLAN  
FOR CONSTRUCTION.

PREPARED BY:  
BRUCE SALUK & ASSOC., INC.  
576 BOSTON POST ROAD EAST  
MARLBOROUGH, MA 01752  
  
PHONE: (508) 485-1662  
FAX: (508) 481-9929

**DRIVEWAY CONCEPT**  
FOR  
**MARLBORO NISSAN**  
740 BOSTON POST ROAD EAST  
MARLBOROUGH, MA

PREPARED FOR:  
MARLBORO NISSAN  
740 BOSTON POST ROAD  
MARLBOROUGH, MA. 01752  
DATE: DECEMBER 18, 2008  
REV'D: 4/27/09, 2/28/12  
SCALE: 1" = 30'

Fee \$250. -  
Filed 3/21/12

CITY OF MARLBOROUGH  
OFFICE OF THE CITY CLERK

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

2012 MAR 22 P 2:42  
Name and address of Petitioner or Applicant:

Xcellerex Inc.

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

150-170 Locke Dr, Map 53 Lot 86

3. Name and address of owner of land if other than Petitioner or Applicant: 1270 Soldiers Field Road

USREIF III Locke Drive Massachusetts LLC Boston, MA. 02135

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

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

Article 650 Section 24 Paragraph E Sub-paragraph 2(c)(d)

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

Light Industrial - Zone B

7. Specific reason(s) for seeking Special Permit

Xcellerex Inc. has been an operating company at this location for more than eight years and have recently discovered the requirement to have a Special Permit for our business. In order to continue to operate in compliance of specific zoning ordinance (Water Supply Protection District) we are seeking this special permit.

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

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

[Signature]  
Signature of Petitioner or Applicant

Address: 170 LOCKE DRIVE

MARLBOROUGH MA 01752

Telephone No. 508-683-2239

Date: 3/22/12  
City Clerk's Office

**SPECIAL PERMIT-SUMMARY IMPACT STATEMENT**

Applicant's Name: Xcellerex, Inc. Address: 150-170 Locke Dr.

Project Name: Same Address: Same

1. PROPOSED USE: (describe) Consistant with existing use

2. EXPANSION OR NEW: Existing

3. SIZE: floor area sq. ft. 100,000 +/- 1<sup>st</sup> floor N/A all floors N/A  
# buildings 3 # stories 1 lot area (s.f.) 435,600 +/-

4. LOT COVERAGE: No Change % Landscaped area: No Change %

5. POPULATION ON SITE: Number of people expected on site at anytime:  
Normal: No Change Peak period: No Change

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: No Change Peak period: No Change

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

No Change

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? No Change

8. NOISE:

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

N/A

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. N/A

9. AIR: What sources of potential air pollution will exist at the development? No Change

10. WATER AND SEWER: Describe any unusual generation of waste. No Change

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? \* See attached "Xcellerex Chemical List"

**\*Attach additional sheets if necessary**



**CITY OF MARLBOROUGH  
MARLBOROUGH, MASSACHUSETTS 01752**

City Hall  
140 Main St.  
Marlborough, Massachusetts 01752

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

President and Members City Council

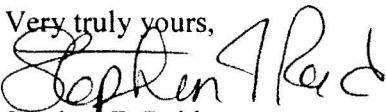
Date: 21 MAR 12

**SPECIAL PERMIT APPLICATION  
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Xcellerex, Inc.  
Project Use Summary: Existing use - Special Permit for use and storage of chemicals in Zone B of Water Supply Protection District  
Project Street Address: 150-170 Locke Dr.  
Plate: Map 53 Parcel: Lot 86  
Applicant/Developer Name: Xcellerex, Inc.  
Plan Date: 21 MAR 12 Revision Date: 21 MAR 12

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,  
  
Stephen F. Reid  
Building Commissioner

**Application Fee to submit to  
City Clerk's office**  
\$ 250. —

RECEIVED  
January 25, 2012  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2012 MAR 20 P 3:23

City Council- President  
City of Marlborough  
140 Main Street,  
Marlborough, MA 01752

Re: My property at 33 Teller Street, Marlborough, MA 01752

Dear City Council President:

The rear of my property abuts the parcel of land known as Commonwealth Heights Development. In the Spring of 2007, Guetirrez Company, owner of the parcel, caused trees to be removed and the property prepped for construction. The subcontractor, Construction Materials Services, did not follow the prescribed guidelines when removing trees and shrubs. It was my understanding that the guidelines for removing trees and shrubs stated they were to be removed in sections, not all at once. This caused a breach of water into my property and my neighbor's. I reported this to the Mayor, my City Councilors, Scott Schaefer and other Councilor At Larges. Scott Schaefer, Ron LaFreniere, and other Councilors came to the property during the rain to see what was happening.

It was suggested by an engineer, who spoke with my neighbor, to wait four to five years to see what would happen to the soil once it settled. We have waited based on that suggestion. The following problems have occurred since then:

- My retaining wall is leaning forward.
- There are sinkholes in my backyard and in front of the garage.
- There is erosion around and under my garage.
- There are water stain lines on the walkway between my house and the garage, and, also down the driveway.
- It appears that the water drainage has changed due to the land being altered (trees removed).


Arthur Vigeant, City Council President, and Matt Elder, Ward Councilor, visited my home in October 2011 and saw the leaning retaining wall and erosion damage noted above.

Mr. Vigeant advised that I should notify the Department of Public Works, the City Council and the City Solicitor of the damage to my property. Please accept this letter as my first step of action for any claim to damages to my property.

I will obtain quotes from contractors to repair current damage and to mitigate the possibility of future damage.

Please advise who will be contacting me to discuss this matter.

Sincerely,



Marguerite Sawyer

Cell: 508-202-2370 Home: 508-485-5341

cc: Ron LaFreniere- DPW, City Solicitor, Mayor Arthur Vigant,  
Ward 3 Councilor Matt Elder





*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

*DONALD V. RIDER, JR.*  
CITY SOLICITOR

*CYNTHIA M. PANAGORE GRIFFIN*  
ASSISTANT CITY SOLICITOR

*BEVERLY J. SLEEPER*  
CHIEF PROCUREMENT OFFICER

*ELLEN M. STAVROPOULOS*  
PARALEGAL

March 19, 2012

Marguerite Sawyer  
33 Teller Street  
Marlborough, MA 01752

RE: Your Letter Dated January 25, 2012

COPY

Dear Ms. Sawyer:

On March 16, 2012, my office received your letter addressed to the City Solicitor and dated January 25, 2012. According to your letter, various problems have arisen with your property at 33 Teller Street since activity conducted by Gutierrez Company ("Gutierrez") and/or its subcontractor, Construction Materials Service ("CMS"), occurred in the Spring of 2007 on Gutierrez' property abutting yours.

Further, your letter asks that I accept this letter as your "first step of action for any claim to damages to" your property.

Accordingly, while the property damage described in your letter appears to have arisen, according to your letter, from activity conducted by Gutierrez and/or CMS, it also appears from your letter that you may be intending to present a claim against the City of Marlborough ("the City"). To the extent this may be your intention, I am sending a copy of your letter, and of mine, to the City's insurer, MIA. The City's insurer will then contact you to investigate any claim you may intend to present against the City.

If, on the other hand, you intend to present a claim against Gutierrez and/or CMS, you may wish to consider a letter notifying either or both of those entities.

Thank you for your attention to this matter.

Very truly yours,

Donald V. Rider, Jr.  
City Solicitor

cc: Arthur Vigeant, Mayor  
City Council  
Matthew Elder, Councilor, Ward 3  
Ronald LaFreniere, Commissioner, DPW  
MIA



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

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2012 MAR 22 A 11:55

**Lisa M. Thomas  
City Clerk**

MARLBOROUGH, MA

DATE: 03/22/2012

**To the City Council:**

Owner Name: Sergey Yeghiyan

Residential Address: 67 Spring Street #2, Watertown, MA 02472

Telephone Number: 508-333-1335

Business Name: C. T. C. Gold & Diamond Refinery

Business Address: 149 Main Street, Marlborough, MA 01752

Business Telephone Number: 508-251-1051

Owner Signature: 

The above-signed SERGEY Yeghiyan respectfully requests that he/she be

granted a Junk Dealer's License license.

**In City Council**

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

*City of Marlborough*  
*Commonwealth of Massachusetts*

2012 MAR 13 A 9:47



February 27, 2012  
7:00 PM

**PLANNING BOARD**

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

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

The Planning Board for the City of Marlborough met on Monday, February 27, 2012 in Memorial Hall, 3<sup>rd</sup> Floor, City Hall 140 Main Street, Marlborough, MA 01752. Members present: Barbara Fenby, Sean Fay, Colleen Hughes, Philip Hodge and Clyde Johnson. Also present: City Engineer Thomas Cullen.

**MINUTES**

*February 13, 2012*

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

To accept and file the meeting minutes.

**CHAIRS BUSINESS**

**APPROVAL NOT REQUIRED PLAN**

**PUBLIC HEARING**

**SUBDIVISION PROGRESS REPORTS**

*City Engineer Update*

Mr. Cullen had no update at this time.

*Cider Mill Estates  
Extension Request*

Donald Seaberg from Benchmark Engineering is requesting on the behalf of the Developer to extend the subdivision for one year. This request was submitted without the necessary documents of free from blight correspondence, tax information or the subdivision status report. The Planning Board decided to extend the subdivision consideration until March 27, 2012 with the understanding that the developer will gather all necessary documents for submittal at the next scheduled meeting.

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

To accept and file the correspondence; to extend the subdivision approval until March 27, 2012; and to have the developer submit the necessary documents at the next regular scheduled meeting.

***Mauro Farm***  
*Extension Request*

Martin Losielle of Capital Group Properties is requesting an extension of the subdivision approval. The request came into the Board without the necessary documentation.

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

To table the request; have the developer submit all documentation prior to the next meeting for review.

***Shorter Street***  
*Bond release*

Attorney Norris is asking for the Planning Board to release the bond of \$1,000.00 that still remains for this subdivision. In April of 2011, this matter was before the Public Services Committee of the City Council where the order was never acted upon, and was not resolved prior to the end of the year and "died" in committee. The Planning Board would like to ask the Committee why this matter was not acted upon.

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

To request an answer on why the Public Services Committee never accepted the subdivision.

***Bond Amount***

Mr. Hodge stated that he saw no reason why the Planning Board could not reduce the bond amount to \$1.00.

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

To accept and file correspondence, reduce the current bond from \$1,000.00 to \$1.00.

**PENDING SUBDIVISION PLANS: Updates and Discussion**

**PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS**

***93 Framingham Road***  
*Correspondence from the City Solicitor*

The Planning Board sought the guidance of the City Solicitor regarding the extension of the open space special permit and the City's ownership in a contiguous parcel of land within the layout of the subdivision. After some research Mr. Rider provided the following:

- The public hearing was improperly noticed and the Board must re-start the whole process. There is a two step process that was not followed, first step is under Marlborough Zoning Ordinance, Section 650-28.H(3)(a), which failed to notice the public that the hearing was involving a special permit. The second step, in which the notice was under the M.G.: c41 ss 81T, which led the public to believe the Planning Board was proceeding under the subdivision control laws.

- As for the site ownership, Mr. Rider stated that the developer does not have legal standing over the portion of land owned by The City of Marlborough. Their Attorney filed an "assent" letter to the City Council stating they have applied for a open space special permit with the Board, However Mr. Rider stated that the developer will not have the City's "binding consent" over the parcel and until the developer secures a City Council vote authorizing the Mayor to execute a purchase and sale agreement.

With the date of the public hearing ending on January 23, 2012, with the 90 days for review, put the date for consideration as April 22, 2012. With no representative for the developer in the room, the Board decided it was best just to accept and file the correspondence, and wait to hear from the developer. If no decision before the April date, the Board will deny without prejudice.

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

To accept and file correspondence.

## **DEFINITIVE SUBDIVISION SUBMISSIONS**

### **SIGNS**

#### ***River Road***

##### ***Sign Variance Request***

Jon Weaver is proposing to place a 29 Square foot directional sign along River Road in Marlborough. The location of the sign is on a contiguous parcel of land that lies in the town of Berlin, with a small portion of land in the City. They are seeking relief from the Board because it would be considered an off premise sign.

The Building Commissioner stated in his denial that the parcel is a portion of the City; however the buildings are in the neighboring community. He has no issue if the Planning Board granting a variance for this location.

The Planning Board debated on setting precedence for this sign because it's a directional sign promoting business in another community. In the past, other businesses in the City have tried to place signs without success of obtaining a variance. In this case, the property is all contiguous; however the parcel of land sits on two communities.

A motion was made to approve the sign variance by Mr. Hodge, seconded by Mr. Johnson; however it was opposed by Mr. Fay, Ms. Hughes and Dr. Fenby.

After several discussions regarding the wording on the sign "gas, liquors and housing" was troublesome to a few members. Ms. Hughes stated she would support a variance if that phrase was removed. Mr. Weaver stated it was possible to remove the wording.

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

To grant a variance on a 29Sq Ft sign "Riverbridge" without the wording "gas, liquors, and housing."

#### ***121 Bolton Street***

##### ***Sign Variance Request***

Mr. Robert Brown. Owner of the Citgo located at 121 Main Street is seeking a variance to keep in place the existing signs until a new sign can be erected. In Mr. Reid's correspondence to the Planning Board he noted the following:

- Property is located in a Residence B district, business is non conforming to today's uses, however it was allowed to remain as a existing nonconforming use; sign was erected prior to the sign ordinance and the sunset clause to bring up to conformity has passed; and the site has been an automotive gas filling station, repair shop for over 30 years.
- In 2006, a sign permit was applied for and granted, however the sign was never placed.

Mr. Reid, Ms. Wilderman and Councilor Clancy all met with Mr. Brown to discuss his signs in good faith efforts. Ms. Wilderman sent out initially compliance letters beginning in February 2010, but no efforts were made by Mr. Brown.

Mr. Brown stated that it will take several months to erect a new sign due to the channels of the gas company and their sign company.

Mr. Fay stated that when he went to view the property, he noticed many non-permitted signs on the ground. Affixed to light polls, canopy supports, walls and banners attached to fences. Mr. Fay opposed granting relief to the property owner when a routine inspection of the property revealed that the property was grossly out of compliance with the sign ordinance.

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

To deny the sign variance.

### ***Enforcement Signs***

In efforts of all the members calling in sign violations to the Code Enforcement Officer, the members will be compiling a list, report that list to the secretary for her review of permitted and non-permitted signs and she will forward the report to the Code Enforcement office for the March 27<sup>th</sup> meeting.

### **INFORMAL DISCUSSION**

### **COMMUNICATIONS/CORRESPONDENCE**

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

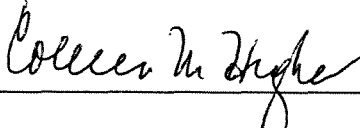
To accept all of the items listed under communications and/or correspondence.

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

To adjourn at 8:30 p.m.

**A TRUE COPY**

ATTEST:

  
\_\_\_\_\_  
Colleen Hughes, Clerk

**CITY OF MARLBOROUGH  
CONSERVATION COMMISSION  
Minutes**

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

October 6, 2011 (Thursday)  
Marlborough City Hall – 3<sup>rd</sup> Floor, Memorial Hall  
7:00 P.M.

2012 MAR 19 P 4:28

**Members Present:** Edward Clancy-Chairman, John Skarin, Dennis Demers, Allan White, and Priscilla Ryder-Conservation Officer

**Absent:** Michele Higgins, David Williams and Lawrence Roy

**Public Hearings:**

Request for Determination of Applicability

512 Forest St. - Special Olympics Mass., Inc.

No one was present, but Ms. Ryder indicated she'd met on site with Bob Johnson and viewed the location of the shed. All work and leveling of the ground will be outside of the 20 foot buffer zone and is in a little bump out in the parking lot. The Commission determined that there would be little or no impact from the shed installation at the location shown on the plans. The Commission closed the hearing and on a motion by Mr. Skarin second by Mr. White voted unanimously 4-0 to issue a negative determination with no conditions.

Notice of Intent

656 Farm Rd. - Telma Rabelo

Carlos Reginaldo was present. He and his wife Telma Rabelo own the house. He explained that he had moved some of the soil and plants from his front yard and disposed of them in his back yard. He didn't know there were wetlands back there. He said he has arranged to move all the material he placed on the slope and stabilize it. The Commission asked who would be doing the work. Mr. Reginaldo explained that New England Style was going to do the work and they would be hauling it to another lot on Farm Rd. The Commission asked to know where it was going and where it was to be dumped. Mr. Reginaldo indicated that the owners name was Lucciano and provided a phone number. The Commission said that all material should be removed from the back slope and no further dumping should occur there. The abutter, Louise Normandin at 644 Farm Rd. said he wasn't aware of anything wrong in his neighbor's yard and that the pile has been accumulating over the years. The Commission told Mr. Reginaldo that the fill is a violation and should be removed as soon as possible. They asked Mr. Reginaldo to notify Ms. Ryder when work was to start and she would inspect the work and determine whether more cleanup was needed or not. The hearing was continued to the Oct. 20<sup>th</sup> meeting at which time Mr. Reginaldo was asked to return to explain what progress had been made. The Commission asked Ms. Ryder to draft a set of conditions for review at that meeting.

### Notice of Intent

#### Bridge St. - The Marlborough Dept. of Public Works

Chris LaFreniere and Ron LaFreniere from the DPW were present. Chris LaFreniere made the presentation and explained that they want to rehab an existing culvert that is currently underperforming. The current condition is a 3' x 5' box culvert with no headwall or wingwalls. The water flows in at an angle causing convection at the entrance. This project is designed to stop the erosion that is occurring on the banks at the mouth of the culvert. Currently jersey barriers are situated above the culvert to prevent anyone from falling in. The condition is less than ideal. The proposal is to repair and extend the culvert to provide for better stream entrance configuration including wing walls and a headwall to help stabilize this area, 2' x 2' riprap will be machine placed at the entrance to the culvert and at the footings of the headwall. The Commission asked about dewatering process. Mr. LaFreniere explained they have a conceptual idea on the dewatering and it will be up to the contractor who gets the project to explain the system they would use. However, the criteria are to pump the water around the work area, so the work can be done under dry conditions. They will also need to time the culvert work and drain connection for a dry stretch of weather, since that will be critical to keeping the stream clean. Sandbags will likely be used to dam the water for the bypass pumping. The contractor will be required to provide more detail on this process before construction. The Commission asked more questions about the construction methods and stabilization of the banks. Mr. LaFreniere explained they would be adding vegetation at the top of the banks to stabilize it as shown on the plan. The Commission, having no further questions closed the hearing. The Commission said they were in favor of the project and asked Ms. Ryder to draft some conditions for review for the next meeting on Oct. 20<sup>th</sup>.

### Certificate of Compliance

- DEP 212-650 72 Meadow Brook Rd. - Re-issue Certificate of Compliance for recording purposes. The Commission voted unanimously 4-0 to reissue this Certificate of Compliance which apparently had not been recorded.

### Extension Permits

- DEP 212-997 Crowley Dr. – Regency at Assabet Ridge - Given the wetland violation which occurred and discussed at the previous meeting, the Commission voted 4-0 to extend this permit for one year only.

### Correspondence/Other Business

The following correspondence was reviewed and the Commission voted to accept and place on file.

- Hazardous Waste Day – Oct. 22, 2011 (Saturday) 9-12:00
- E-mail from Mary White (MWRA) dated Sept. 22, 2011 RE: Change in Storm water System @ CWTP. The Commission determined this was a minor change to the erosion control and voted 4-0 to accept these changes as minor amendments to the Order of Conditions. Ms. Ryder will send correspondence reflecting same.



- Scout project updates- Ms. Ryder noted that she has three scouts who will be doing projects this fall or spring. Projects will include: Jericho Hill woods trail, storm drain marking and community garden start up.

### **Project Updates and Wetland Violations**


- Mr. Allan noted that the catch basin at the corner of Highland and Lincoln St. will need to be cleaned out after the roadway work.
- #358 Berlin Rd. – The new church owners have asked if they can install a shed and a foundation drain around their building. It is 150' away from the brook on the uphill side of the project. The Commission indicated this is a minor project and can be done without further review. Ms. Ryder will convey this to the Church.

**Meetings** – Conservation Meetings – October 20, 2011 and November 3, 2011 (Thursdays)

### **Adjournment**

There being no further business the meeting was adjourned at 8:34 pm

Respectfully submitted,

  
Priscilla Ryder  
Conservation Officer

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**CITY OF MARLBOROUGH CONSERVATION COMMISSION**  
**Minutes**

2012 MAR 19 P 4:28

October 20, 2011 (Thursday)  
Marlborough City Hall – 3<sup>rd</sup> Floor, Memorial Hall  
7:00 P.M.

**Present:** Edward Clancy- Chairman, John Skarin, Dennis Demers, David Williams and Priscilla Ryder -Conservation Officer.

**Absent:** Allan White, Michele Higgins and Lawrence Roy.

**Approval of Minutes:** The minutes of September 15, 2011 were accepted as written and the Commission voted unanimously to accept and place on file.

**Public Hearings:**

Notice of Intent (continued) - Review Draft Order of Conditions  
656 Farm Rd. - Telma Rabelo

Mr. Carlos Reginaldo who's wife owns the property and their contractor Joel Gymaraez were present. Mr. Gymaraez explained that they had done some work based on permission granted at the previous meeting. Ms. Ryder explained that she had met the contractor out on site and he was doing the work with a bob cat and moved all the material and fill placed on the flat area of the back yard. However, the bob cat was not able to remove any of the branches and tree debris which is on the back slope above the wetland. The Commission asked both Mr. Reginaldo and Mr. Gymaraez to explain what they had done and asked if they could get a machine to remove the material that is on the back slope above the wetland. They explained that they don't have the equipment to do so. Ms. Ryder showed pictures that she had taken of the back slope. Mr. Demers and Mr. Skarin both indicated that the material will decompose over the years. So, as long as there is no further debris piled on the slope, this will disappear over time. The Commission considered this alternative, then decided to allow for the material to decompose on the slope and required that the area that had been leveled and graded would need to be loamed and seeded, so that it is stabilized. The Commission advised Mr. Reginaldo to be sure they do NOT put any further debris on the back slope and to make sure none of his neighbors do either. This was added as an ongoing condition of the Order of Conditions. The Commission closed the hearing. They reviewed a set of draft conditions Ms. Ryder had prepared and made some edits to the document. The Commission then voted unanimously 4-0 to issue the Order of Conditions as drafted and amended.

### **Draft Order of Conditions**

- DEP 212-1085 Bridge St. - The Marlborough Dept. of Public Works culvert repair and extension.

The Commission reviewed the Draft Order of Conditions provided by Ms. Ryder for this project. On a motion by Mr. Williams, Second by Mr. Skarin, they voted unanimously 4-0 to issue the Order of Conditions as written and amended.

**Correspondence/Other Business-** The Commission voted to accept the following correspondence and place it on file:

- Sustainability Action Plan 2011 on website
- Hazardous Waste Collection Day is Oct. 22, 2011 (Saturday) 9-12

### **Project Updates and Wetland Violations**

- 982 Boston Post Rd. clearing update - Ms. Ryder explained that she had met with Mr. Curley on site to discuss the clearing work and wood chipped area next to the Hop Brook Stream system. She confirmed that clearing work has been done within the 200' River Front Area and that woodchips have been spread over the area. The 100' riparian area next to the stream is still wooded and undisturbed. Ms. Ryder indicated that Mr. Curley showed her a photograph of the pasture area he has cleared and he was just working to restore that open pasture area. Ms. Ryder indicated that Mr. Curley said he had a landscape company parking their vehicles there at night, and that some stone and landscape materials were stored at the back of the cleared area. The Commission said that if the cleared area was to be returned to pasture, that was acceptable and no further action was required, however, if the cleared area was to be used for something other than pasture and open land, then Mr. Curley would need to file with the Commission for a permit.
- 194 Mechanic St .- Ms. Ryder said that the DPW repaired some drainage pipe behind this house and found that the area has been used over the years as a dumping area. Ms. Ryder visited the site with the owner, Mr. Carroll and he said some of the dumping was very old including some of the building material and chunks of concrete, however much of it is yard waste from the neighbors. The Commission asked Ms. Ryder to tell him to contact his neighbors who might be dumping and inform them that this is not acceptable on his property or in the wetland. He should also keep an eye on his property since it is ultimately his responsibility to keep the wetland from being filled in. Ms. Ryder will send a letter to that affect.
- Williams St. - Ms. Ryder said that a citizen had inquired to her and Chris White about clearing out the area under the beach trees near Lake Williams at the corner of Williams St. and Rte. 20. Ms. Ryder did a wetland delineation and provided a copy to the Commission for review. After some discussion,

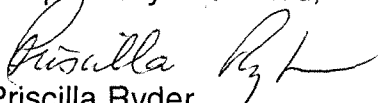
the Commission decided that for now clearing around the trees, but not below the 456 foot elevation as shown on the GIS map, so they stay out of the wetland area, would be appropriate. Any work beyond that would require a formal review by the Commission. Ms. Ryder will convey this to the DPW.

- Post Road Auto Parts – 785 Boston Post Rd. Ms. Ryder indicated that during her inspections during the rain event of the past few days (Oct. 18-20); she noted that the pond at the corner of Diczco Blvd and Rte. 20 was not draining. She has notified the owners and they will look into it. The outlet is not visible and may be blocked.
- Crowley Dr. - Toll Brothers (DEP 212-997) - Ms. Ryder noted that the water leaving this site during the rain event was muddy. Toll Brothers did report this by phone the morning after the rain event and said it was a small amount of silt leaving the site. Ms. Ryder did a site visit and noted too that water was leaving the site dirty. Mr. Clancy also noted that he observed the same. The Commission discussed this and decided that Toll Brothers should be required to hire an independent consultant to monitor the outflow and take some NTU (turbidity unit) readings of the outfall as was done at the Waste Management site. The reading should be below 100 NTU to be an acceptable discharge limit. Ms. Ryder will send a letter.

**Meetings** – Next Conservation Meetings - November 3<sup>rd</sup> & November 17<sup>th</sup>, 2011  
(Thursdays)

**Adjournment** - There being no further business, the meeting was adjourned at 8:15 PM

Respectfully submitted,

  
Priscilla Ryder  
Conservation Officer

**CITY OF MARLBOROUGH  
CONSERVATION COMMISSION  
Minutes**

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2012 MAR 19 P 4:28

November 3, 2011 (Thursday)  
Marlborough City Hall – 3<sup>rd</sup> Floor, Memorial Hall  
7:00 P.M.

**Members Present:** Edward Clancy-Chairman, John Skarin, David Williams, Lawrence Roy and Priscilla Ryder-Conservation Officer

**Absent:** Michele Higgins, Dennis Demers, and Allan White

**Public Hearing**

Request for Determination of Applicability  
25 Hamilton Circle – ABRN Development Corp.

Matt Hamor of Hancock Associates made the presentation on behalf of ABRN Development. Also present as a representative of ABRN Development and the owner Mr. Thomas Clark. Mr. Hamor explained that the applicant wants to add an addition to the back of the house which will include a family room to extend 24' from the back. They will be building a full frost wall and slab for the foundation. There is evidence that they may find some ledge in the area and will need to hammer/split out some sections for the foundation. The Commission asked about access and anti tracking and timing. The ABRN representative and Mr. Hamor explained they thought the work on the foundation would take about 30 days. They will access on the garage side of the home and will add an anti tracking pad from the driveway to the work area. They will provide some additional hay bales to block this entrance way when work is not being done to prevent mud from flowing down the driveway into the wetland. All excess materials will be removed from the site. The Commission noted that a pre-construction site visit would be needed. There being no further questions the Commission closed the hearing and voted unanimously 4-0 to issue a negative determination with the above noted conditions.

**Certificates of Compliance**

Ms. Ryder reminded the Commission that the two Orders of Conditions for work associated with the construction of the Crystal Brook Condos off Curtis Ave have been outstanding for some time. After the last partial Certificate of Compliance was issued, the Commission requested the Condo Association to close out both these files since the work has been completed. The Condo Association was not able to provide any as-built plans for these old Orders of Conditions. The Commission determined that this was OK and voted as follows:

- DEP 212-528 Crystal Brook Condo – the Commission voted 4-0 to issue a full Certificate of Compliance for this project.
- DEP 212-871 Crystal Brook Condo – the Commission voted 4-0 to issue a full Certificate of Compliance for this project.

**Correspondence/Other Business:**

- Violation update - none were reported.
- 342 Boundary St., Northborough – Ms. Ryder has received a request from a consultant to review a proposal to demolish and build a new house at 342 Boundary St. All work except for a small

section of the driveway will be in Northborough. There is a small section of driveway within the buffer zone to Millham Reservoir. The applicant asked whether a filing with the Marlborough Commission was necessary. The Commission reviewed a plan titled Proposed Layout and Erosion Control Plan #342 Boundary St. in Northborough and Marlborough Mass, prepared for The Advocates Inc, prepared by MWE Engineering Inc. dated last revised 10-21-11. The Commission determined that as proposed, the project should adequately protect the Marlborough wetlands and asked Ms. Ryder to write a letter to the Northborough Conservation Commission noting same. No further review is necessary.

- Parmenter Rd. logging operation - Ms. Ryder indicated that Mr. Burriss who is doing the logging operation on the state DCR land is almost done with the project. As outlined in the agreement, Mr. Burriss agrees to remove all Ailanthus, Honeysuckle and Bittersweet plants from the landing area as was discussed and agreed upon during the site visit with Marlborough Supervisor of Forestry, Parks and Cemeteries, Chris White. Mr. Burriss will be doing this in the next few weeks and had asked what type of seed mix he needs to use on the disturbed areas. He normally uses a conservation mix that DCR approves on the skid roads. Ms. Ryder asked if this was acceptable to the Commission. They suggested confirming with Chris White. Ms. Ryder will do so.
- 17 Rolf Rd. - Ms. Ryder indicated she met the owner on site. The culvert under his driveway isn't draining. He's tried to get Rotor Ruter, but there was no pipe to open up. After this past rain, he has had to pump the water from one side to the other of this driveway to prevent it from flooding over. He is calling contractors and would like it fixed as soon as possible before things ice up. The Commission agreed that an Emergency Certificate for this work would be acceptable. Ms. Ryder will issue one once the homeowner calls with details on the work to be done
- Department of Conservation and Recreation (DCR) Forest Stewardship Sign - Ms. Ryder reported that Doug Hutchinson from DCR indicated that, because we have a forest stewardship plan for the Desert Natural Area, we will also be receiving a sign to identify the property as such. He wanted to know if the Commission wanted to do a press event or just get the sign. The Commission said to get the sign first and then they will determine if some event might be nice and to coordinate with SVT. Ms. Ryder will do so.

**Correspondence:**

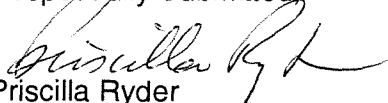
The Commission voted unanimously to accept the following correspondence and place on file:

- Letter from Sudbury Valley Trustees, dated Oct. 6, 2011 RE: AmeriCorps members
- Letter to Zephyr Lucas, dated Oct. 20, 2011 RE: Eagle Scout Project-Assabet River Rail Trail – Guard Rails

**Meetings** - Next Conservation Commission meetings will be Nov. 17<sup>th</sup> and Dec. 1<sup>st</sup>, 2011.

**Adjournment** - There being no further business, the meeting was adjourned at 8:00 PM.

Respectfully Submitted

  
Priscilla Ryder  
Conservation Officer

**CITY OF MARLBOROUGH  
CONSERVATION COMMISSION  
Minutes**

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2012 MAR 19 P 4:28

Dec. 1, 2011  
Marlborough City Hall – 3<sup>rd</sup> Floor, Memorial Hall  
7:00 P.M.

**Members Present:** Edward Clancy-Chairman, John Skarin, Dennis Demers, Dave Williams, and Lawrence Roy and Priscilla Ryder-Conservation Officer

**Absent:** Michele Higgins and Allan White

**Approval of Minutes:** The minutes of Oct. 6, Oct. 20, and Nov. 3, 2011 were reviewed and unanimously approved as written and placed on file.

**Violation:**

- 24 Hager St. – wetland violation  
Mr. and Mrs. Fitzgerald were present; they are the owners of the property. Mr. Lourival Santos is renting the property and doing the repair and improvement work to the land.

Chairman Clancy explained that a violation has occurred at this property as outlined in the letter sent to the application. As outlined no work was to occur on the land which will disturb the soil without FIRST receiving a permit from the Commission. The violation letter noted piles of stone, granite and the installation of a patio.

Mr. Santos explained that he had constructed a patio behind the house and was hoping to repair some of the stone walls and provide a better access from the front yard to the back yard and add some granite steps. He is a stone worker and had some extra granite blocks from a project and stockpiled them near the stream. The pile of smaller stone was left over from the septic system construction. The commission asked whether he was using the gate out to Rte. 20. He indicated he has used it but only once in a while, it was already there when he moved in. Mr. Fitzgerald indicated that he had lived in this area a long time ago and remembered the fence and gate there.

The Commission discussed the need to have a permit to do any of the work he is proposing and that they would need to submit a formal application and plan to do this work. They reviewed a sketch plan provided by Mr. Santos showing the work he'd like done including, stone wall repair, adding some trees, doing some additional landscaping and repairing the barn. The Commission asked that he provide a plan and application for this work so they could review it formally.

In the mean time the Commission required that Mr. Santos:

1. Remove the granite material away from the wetland area where it is piled. He will do this once the ground is frozen so he doesn't make a mess
2. Remove the pile of rocks from the floodplain area
3. Remove the dead tree that is overhanging the brook.

He was also asked to contact the Commission before doing any further work.

Mr. Demers suggested that since he is willing to clean up the area and file for a permit, no fine should be issued given the misunderstanding about what could occur. The Commission agreed and no fine was assessed for this violation.

John Fitzgerald indicated that he will work with Mr. Santos to get an application in to do the work this spring and agreed that any work on the property will first get approval from the Commission, he apologized for the misunderstanding.

**Discussion:**

- DEP Emergency Regulations related to October Storm Cleanings- The commission reviewed the DEP regulations and agreed that Ms. Ryder could make judgment on storm damaged trees to be removed in or near wetlands without having applicants file for a permit as is allowed. She will however go look at the trees before they are removed.
- Flagg Brook Wildlife Management Area- Ms. Ryder explained that she had a discussion with Patt Huckery from the Division of Fisheries and Wildlife who indicated that the state land would allow for unrestricted hunting and that they usually don't deviate from that arrangement unless there is some safety issue. Then Ms. Ryder spoke to Police Chief Leonard and he indicated that he would prefer only bow hunting in this area for safety reasons. On the city properties off Pleasant St. he'd like only bow hunting to occur. On the city parcel closest to Matheson Dr. and abutting properties on Westhill Rd. he'd recommend NO hunting since there are so many homes nearby. Ms. Ryder conveyed these concerns to Ms. Huckery who indicated that they would still allow full hunting on the state land. The Commission said they should discuss this further with more input from Chief Leonard and then make a decision about hunting on the city properties. Ms. Ryder will draft something up for review at a future meeting.
- Elm Street Felton Conservation Land Tree clearing proposal - Ms. Ryder provided the Commission with the proposal from a few years ago to bring the lower fields back to the stone walls to restore these fields. Currently the Commission has a total of \$4,600 (\$2,700 from the Butler Foundation and \$1,900 from the Conservation Maintenance Fund as agreed previously). The total cost of the project if all the upper field and area along Elm St. are cleared to the stone wall would cost \$7,700. An additional \$3,200 is needed to do it all. Ms. Butler indicated she is willing to donate some additional funds. The Commission said they didn't think there were any additional funds to add from the Conservation fund. Ms. Ryder asked the Commission which portion of



clearing they would eliminate if they can't fund the entire project. After some discussion the Commission asked Mr. Skarin to walk the site with Ms. Ryder to determine what could be done later or perhaps by the DPW. They will do the site visit before the next meeting and recommend.

- Ms. Ryder met the owner at 63 Schofield Rd. to review the wetland and drainage issue that continues in this area. Ken Calder from the DPW was present and was looking to see what could be done. Once a solution is determined, which could include trenches etc. the DPW will file with the commission for a permit to correct this problem.
- Beavers- Ms. Ryder reported that the beaver's at Cider Knoll are raising the water level high enough now to affect septic systems around the pond. Trapping has begun and a permit from the Board of Health has been issued.

#### **Violation Updates**

- "0" Crowley Dr. – Vistas project had a washout that discharged to Pleasant St. a violation notice was issued.
- Crowley Dr. – Toll Brothers had some muddy water discharge on the Wednesday before Thanksgiving, a notice will be sent.
- 233 South Street – the owner is storing material again in the floodplain area and wetland. Letter will be sent to have this removed.
- 225 South St. – using the back yard as a go-cart and dirt bike track. It looks OK now but additional use will make it a mud puddle. The Commission asked that a letter be sent.
- 439 Sudbury Street- a message was left on the answering machine to check the clearing behind 439 Sudbury St. Some trees have been cleared (or fell during a storm). Ms. Ryder will follow up.

#### **Correspondence/Other Business:**

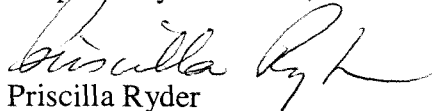
The Commission reviewed the following correspondence and voted unanimously to accept and place on file.

- Letter from Nationalgrid, dated Nov. 9, 2011 RE: 45 Day Yearly Operational Plan Public Notice, Review and Comment Period
- Letter from Brown and Caldwell, dated Nov. 11, 2011 RE: Stormwater Management System, 791 Boston Post Rd. Project No. 140581.

**Meetings** – Next Conservation Commission meetings – December 15, 2011 and January 5, 2012 (Thursdays)

**Adjournment** - There being no further business the meeting was adjourned at 8:28 PM

Respectfully submitted,



Priscilla Ryder  
Conservation Officer

**CITY OF MARLBOROUGH  
CONSERVATION COMMISSION**

**Minutes**

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2012 MAR 19 P 4:28

January 5, 2012 (Thursday)  
Marlborough City Hall – 3<sup>rd</sup> Floor, Memorial Hall  
7:00 P.M.

**Members Present:** Edward Clancy-Chairman, John Skarin, Dennis Demers, Dave Williams, Lawrence Roy and Priscilla Ryder-Conservation Officer and Allan White (arrived at end of meeting)

**Absent:** Michele Higgins

**Discussion**

City of Marlborough Dept. of Public Works  
*Proposes to create a trench to improve drainage behind the homes at 63 and 73 Schofield Dr., 119 and 127 Evelina Dr. and 64, 74 and 84 Bergeron Rd.*  
Ken Calder from the Marlborough DPW was present. He noted that because they did not get consensus from ALL the neighbors to this wetland, he has not finalized the application so he would like tonight's meeting to just be a discussion of possible solutions to the drainage problem associated with the wetland behind the homes on Bergeron, Evelina and Schofield Rd.

Mr. Calder explained that he had received a call from Tom Sullivan at 63 Schofield Rd. asking for some help with a drainage problem the neighborhood is experiencing. He visited the site and saw how wet the back yards are. He noted that the existing flared end pipe which exits water from the wetland was only receiving about 15% of the flow. He noted that the wetland appears to be mounded so water is going around the sides rather than through the middle of the wetland. As a consequence the yards fill up with water and the water has no way to get out so it sits in these yards.

Mr. Calder presented three options to address this issue, Option A would create a trench through the middle of the wetland from the base of the detention basin outlet on Brazeau Cir. and discharge it to the existing flared end which is located on the 84 Bergeron Rd. property. This would be the best, least expensive and most direct option. Option B would direct water around the property boundaries onto 63 Schofield Rd., 73 Schofield and then be directed to the flared end on 84 Bergeron Rd. However, all the neighbors except 84 Bergeron Rd. have granted permission to access their property. The owners of 84 Bergeron Rd. the Kundu's have stated clearly they will not grant any access to their property. Option C would add a catch basin over the drain pipe to drain water directed there by the trench noted in Option B and would be located in the low point on 73 Schofield Dr.

The owner at 119 Evelina Dr. indicated that his yard is always wet; sump pumps are going all the time. He provided pictures of this area to the Commission.

Mr. Blake of 73 Schofield Rd also provided some photographs showing the flooding of this area this past year and previous years. The raised garden beds are often under water and the problem has only gotten worse over the years. He also asked what the trench would look like. (Commissioner Larry Roy arrived) Mr. Sullivan explained that his yard continues to get wetter and wetter and he is concerned about his shed sinking.

Mr. Demers asked whether the DPW could survey the elevations of the area and provide a plan showing the grades in the area. The only way the trenches will work is if there is adequate grade change from the top near the detention basin to the outlet from the wetland.

The Commission discussed some trench drain location alternatives which would avoid the 90 degree turn at 63 Schofield Dr. and reiterated the need to have this engineered to ensure that it can. Mr. Calder explained that the trench would be a 4' trench with side slopes to allow water to more quickly flow out, there was some discussion about trench design. He was asked to provide a sketch for the formal application to be filed.

Mr. Kelley of 58 Brazeau circle asked about the extent of clearing around the detention basin. Mr. Calder said the clearing would be minimal.

After further discussion about past attempts to correct this problem by the developer of Brazeau Cir. and the need to get the owners of 84 Bergeron Rd. on board, the neighbors asked if options B and C could be pursued so this correction isn't delayed by the one neighbor not in favor. Mr. Calder said he'd go back and see if that was feasible and work out a more detailed engineered plan to come up with a solution. Once that is done they will file for a wetland permit. He hopes he will be able to file for the February 2, 2012 meeting. The neighbors thanked Mr. Calder to trying to find a solution. The neighbors will be notified for the next meeting.

**Discussion:**

- Beaver Management –The Commission reviewed the Holliston Conservation Commission's beaver management plan. The town of Holliston designates areas where beavers can be left to be and areas where they should be removed. The Commission reviewed this document and asked Ms. Ryder to work on drafting a similar set of policies for the City of Marlborough that the Con. Com., Board of Health and DPW would use to better manage the exploding beaver population. Ms. Ryder will work on this and provide it when it is ready.

**Correspondence/Other Business:**

The following correspondence was reviewed and the Commission voted unanimously to accept and place on file.

- Letter from Alice Wright – haying on Elm St.
- Letter to John Deli Priscoli, dated Nov. 30, 2011 RE: Wetland violation \$100 fine DEP 212-1083 – "0" Crowley Dr. Vestas project.

- Letter from R.A.D. Sports, dated Dec. 12, 2011 RE: MAIA Monthly Status Report – Nov. 2011.
- Letter to Robert Dickinson, dated Dec. 14, 2011 RE: DEP 212-997; Wetland violation \$100 fine – Regency at Assabet Ridge
- Letter to John Mercier, dated Dec. 14, 2011 RE: Wetland violation \$100 fine – DEP 212-1083; “O” Crowley Dr. Vestas project
- Letter to Todd Lyons, dated Dec. 22, 2011 RE: Wetland violation – DEP 212-1016, \$200 fine – Cook Lane-subdivision-Mauro Farm.

**Other business:**

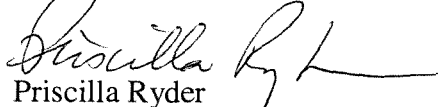
- 17 Rolfe Rd. - (Dennis Demers abstained from this discussion since he has a conflict and has been working with the owner.) Ms. Ryder indicated that she has been working with the home owner and he replaced the drain pipe under his driveway to alleviate flooding and potential icing problems. An emergency certificate was issued for this work. A full notice of intent will be filed shortly for the installation of a sewer line connection and for the repair of the driveway.
- ITAM 111 Neil St. Ms. Ryder reported that she inspected this site today and found that all the trees had been removed from the back area all the way to the brook. The Commission asked her to contact the owners and issue a fine as needed. They will need to replant the trees removed.

(Note: Allen White arrived at the conclusion of the meeting)

**Meetings** – Next Conservation Commission meetings – January 19<sup>th</sup> and February 2, 2012 (Thursdays)

**Adjournment** – There being no further discussion the meeting was adjourned at 8:32 PM

Respectfully submitted,

  
Priscilla Ryder  
Conservation Officer

**Marlborough Community Development Authority**

**MINUTES**

**Thursday, February 23, 2012  
Mayor's Conference Room**

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2012 MAR 12 P 3:32

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

Also Present: Doug Bushman, Anne Marie Blake, John Ryan of Breezeway Farm Consulting, press, Ms. Sally Swartz

Mayor called the meeting to order at 8:30 A.M.

The Board approved the minutes of the January 26, 2012 meeting, as amended  
The Board approved the Housing and CDA bills payable.

Doug Bushman, Housing Director, presented the Housing report which was accepted as presented. The Board signed and approved the Section 8 independent audit form.

John Ryan presented the CDA's consulting report. It was requested that the consultant prepare two formula options to structure the sale price and also the affordable housing requirements for Emmett St. Joyce Torelli will prepare a market analysis. The CDA Consultant's report was accepted as presented.

Anne Marie gave a brief update of the progress of Emmett St. The Westover Job Corps Training Program is going to do the plastering at Emmett St. at no cost. Aldo is reviewing their agreement; we will provide the materials. Also, the basement floor materials and labor were donated by JBJ Construction. We are keeping list of contractors and donations. The Board confirmed the awarding of the insulation contract to Rogers Insulation.

The Mayor will request that Beverly Sleeper, Procurement Officer, prepare an RFP to hire a firm to perform a 40B audit.

The Board approved a 1.5% raise for Anne Marie retroactive to January 1, 2012.

Brian Falk of Mirick O'Connell presented a proposal to the City to be available exclusively to Holland Woodworking for parking purposes for employees, customers, and other visitors of Licensee or Licensee's tenants. The Mayor, Beverly Sleeper and Joyce Torelli will meet to discuss this request and return with their recommendation at the next meeting.

Meeting adjourned at 9:47 a.m.

Respectfully submitted, Anne Marie Blake

Marlborough Community Development Authority

MINUTES

Thursday, January 26, 2012  
Mayor's Conference Room

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CITY OF MARLBOROUGH

2012 MAR 12 P 3:32

Members Present: Mayor Vigeant, Lynn Faust, Joyce Torelli, Eric Asman, Rita Osborne, Diane Smith, Tom Abel, Doug Bushman

Also Present: Anne Marie Blake, press, Ms. Sally Swartz

Mayor called the meeting to order at 8:37 A.M.

The Board approved the minutes of the January 5, 2012 meeting  
The Board approved the Housing and CDA bills payable.

The Mayor requested that a discussion of an audit for 40B projects be put on the next agenda.  
The Mayor said we will need another Board member. Lynn suggested he speak to Steve Levy.

The Housing report was accepted as presented with the following votes:

The Board signed the Section 8 independent audit form.

The Board approved the 2012 Section 8 payment standard.

The new State Budget Certification as required by DHCD's Public Housing Notice 2012-01 was signed by all members.

*corrected*  
Doug Bushman was introduced and was unanimously approved as the new Housing ~~Executive~~ Director. He spoke briefly about his plans for the upcoming months sighting safety, policies and procedures, meeting with residents and personnel policies, formalizing the budget and marketing housing as some of his priorities. The Board welcomed Doug and thanked Rita for her services.

The CDA report was accepted as presented.

Tom Able is going to review the invoice for the chargeback of retirement for Anne Marie and Rieko. The invoice was tabled and is to be brought up at the next meeting.

Tom also said that we should budget 44% of our salaries toward a Benefits budget in our grants.

Lynn said that there is a land locked triangular shaped piece of property behind 16 Clinton St. that may belong to the city.

The Mayor said he has signed the Breezeway Consultant contract.

The meeting adjourned to Executive Session at 9:20 a.m. by the following votes: Eric, aye; Joyce, aye; Lynn, aye; Mayor, aye.

Meeting resumed to regular session at 9:40.

The homeowner subordination request which was tabled at the last meeting was approved.

Meeting adjourned at 9:42 a.m.

Respectfully submitted, Anne Marie Blake

**Marlborough Community Development Authority**

**MINUTES**

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**Thursday, January 5, 2012  
Mayor's Conference Room**

2012 MAR 12 P 3:32

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

Also Present: Anne Marie Blake, press

Absent: Rita Osborne, Interim Housing Director (prior commitment)

Mayor called the meeting to order at 8:37 A.M.

The Board approved the minutes of the September 23 and December 8, 2011 meetings  
The Board approved the Housing and CDA bills payable.

The CDA report was accepted as presented.

The homeowner subordination request was tabled to the next meeting as further information was requested by the board. Eric to follow-up.

A discussion was held about building an affordable house on the Second Rd. property as suggestion by ex-Mayor Stevens. After discussion, it was recommended that we continue to use our NSP funds on the purchase and rehab of foreclosed properties.

A discussion was held about the work that Assabet does not do when building a house. Steve suggested a meeting with the Mayor and Assabet. Steve will coordinate.

With regard to the Pleasant Valley Condominium law suits, the Mayor said to direct any correspondence to the City's Legal Dept.

The Mayor will review the applications and response sheets for the CDA Consultant before approving.

Joyce and Eric have narrowed down the search for a Housing Director and will complete final interviews this month and will make their final recommendations at the January 26 Board Meeting.

It was suggested that the Mayor communicate the need for a Housing Report and attendance at Board Meetings to the interim Housing Director.

Meeting adjourned at 9:34 a.m.

Respectfully submitted,

Anne Marie Blake