

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2012 APR -5 P 6: 26

1. Minutes of the City Council Meeting, March 26, 2012.
2. Communication from the Mayor re: Addressing City Council on the occasion of the Mayor's 100<sup>th</sup> day in office.
3. Communication from the Mayor re: DPW transfer request for funding of Marlborough Public Works Equipment Operators Association (MPWEOA) Contract as itemized on the attached spreadsheets.
4. Communication from the Mayor re: Worker's Compensation Trust Fund transfer request in the amount of \$165,000.00 to move funds from Undesignated to Workers Compensation to fund a projected deficit in the Workers Compensation Fund.
5. Communication from the Mayor re: Fire Department transfer request in the amounts of \$18,859.75 and \$43,244.60 which moves funds from Deputy Chief to Overtime and Firefighter to Overtime to fund overtime expenses due to work related injuries.
6. Communication from the Mayor re: Police Department transfer request in the amount of \$58,741.60 which moves funds from Fringes to Sergeant, Sick Leave and Clothing to fund benefits associated with the retirement of an employee.
7. Communication from the Mayor re: Building Department transfer request in the amount of \$10,501.05 which moves funds from Undesignated to Assistant Building Inspector to fund costs associated with a retiring employee.
8. Communication from the Mayor re: Mayor's Office transfer request in the amount of \$9,100.00 which moves funds from Multi-Purpose Bond to Executive Secretary to cover the salary of the Executive Secretary position for the remainder of this fiscal year.
9. Communication from the Mayor re: Personnel transfer request in the amount of \$2,000.00 which moves funds from Conference and Training to Advertising and Medical Exams to fund higher than anticipated costs relating to recruitment activity for open positions.
10. Communication from the Mayor re: Assabet Valley Regional Vocational High School Borrowing.
11. Communication from the Mayor re: Senior Center Facility Report.
12. Communication from City Solicitor, Donald Rider, re: Special Permit, Sprint, 450-460 Boston Post Rd., in proper legal form, Order No. 11/12-1003071C.
13. Communication from City Solicitor, Donald Rider, re: Special Permit, Sprint, 2 Mt. Royal Ave., in proper legal form, Order No. 12-1004064B.
14. Communication from City Solicitor, Donald Rider, re: Special Permit, Sprint, 115 Onamog St., in proper legal form, Order No. 12-1004032D.
15. Communication from City Solicitor, Donald Rider, re: Special Permit, Sprint, 445 Simarano Dr., in proper legal form, Order No. 11/12-1003096B.
16. Communication from City Solicitor, Donald Rider, re: Special Permit, Sprint, 157 Union St., in proper legal form, Order No. 11/12-1003072C.
17. Communication from Brian Falk and Arthur Bergeron, Associate and Attorney with Mirick, O'Connell, DeMallie and Lougee, LLP, filing disclosure statements as special employee.
18. Application for Taxi License, Angel Santiago, d/b/a Marlboro Metro Taxi, 160 West Main St. #1.
19. Minutes, Planning Board, March 12, and April 9, 2012.
20. Minutes, Council on Aging, March 13, 2012.
21. Minutes, Traffic Commission, February 28, 2012.
22. Minutes, Community Development Authority, March 29, 2012.

## REPORTS OF COMMITTEES:

23. **ORDERED:** That the Rules Committee convene a meeting to review the operating rules adopted at the organizational meeting on January 2, 2012 and recommend changes that may be appropriate to promote the effective operation of the City Council in the conduct of its business. ....submitted by President Pope.

## UNFINISHED BUSINESS:

**From Finance Committee**

24. **Order No. 12-1004091 – Line Item Budget Recommendation.** The Finance Committee reviewed the Mayor's letter dated March 8, 2012 seeking the position of the City Council on the FY13 budget presentation. The Finance Committee requested the Solicitor draft an Order to adopt a modified abbreviated budget process to authorize transfers within their department for expenditure line items. The Auditor would provide a monthly summary of these transfers to the City Council. All salary transfers and transfers between departments would require City Council approval. This process would be in effect for FY13 with a sunset clause expiring on 6/30/13. **Recommendation of the Finance Committee is to table 4-0.**
25. **Order No.12-1004056 – Transfer \$4000.00 to Fund Programs at the Council of Aging.** The Finance Committee reviewed the Mayor's letter dated February 8, 2012 requesting the approval of a \$4000.00 transfer from the Council of Aging Program Manager account to the Programs account. **Recommendation of the Finance Committee is to approve the transfer 4-0.**
26. **Order No. 12-1004075 – Transfer \$4000.00 to Fund Custodian Overtime.** The Finance Committee reviewed the Mayor's letter dated February 22, 2012 requesting the approval of a \$4,000.00 transfer from the Public Facilities Custodian salary account to the Overtime account because of a vacant custodian position. **Recommendation of the Finance Committee is to approve the transfer 4-0.**
27. **Order No.12-1004090 – Transfer \$45,000.00 to Fund Legal Services.** The Finance Committee reviewed the Mayor's letter dated March 8, 2012 requesting the approval of a \$45,000.00 transfer from the Sewer Long Term Debt account to Legal Services account. **Recommendation of the Finance Committee is to approve the transfer 4-0.**

**From Wireless Communications Committee**

28. The Wireless Committee met on 3/20/2012 at 4:28 PM and completed the review of all of the requests by Sprint Wireless PCS for changes and upgrades to the equipment at the following sites:

2 Mt. Royal Avenue: Council Order No. 12-1004064A

115 Onamog St.: Council Order No. 12-1004032C

445 Simarano Dr.: Council Order No. 11-1003096B

450-460 Boston Post Rd.: Council Order No. 11-1003071C

157 Union St.: Council Order No. 11-1003072C

Each request was reviewed separately and corrections to the documents were taken up. Suggested changes to the upgrades of the various installations were placed on to the documents under review. All installations were similar and were basically being brought up to the newest technology available, to better service the Sprint Wireless customers. Sprint Wireless representative Rosella Mercuri introduced new photographic simulations of the upgrades to 3 of the wireless installations that had been reviewed at a previous Wireless Committee meeting.

**Motions were made to approve each individual request, as amended, to the various sites:**

2 Mt. Royal Avenue: 2-0 Clancy and Robey, Councilor Oram absent

115 Onamog St.: 3-0 Clancy, Robey and Oram

445 Simarano Dr.: 3-0 Clancy, Robey and Oram

450-460 Boston Post Rd.: 3-0 Clancy, Robey and Oram

157 Union St.: 2-0 Clancy and Oram, Councilor Robey was recused

**Recommendation of the Wireless Committee is to Suspend the Rules and refer to City Solicitor to place in proper legal form.**

**From Public Service Committee**

29. **Order No. 11-1003005B - CARRY OVER TO NEXT LEGISLATIVE SESSION – 2012/2013.**

**Communication from R. Paul Faxon re: Acceptance of Perry Lane as a Public Way.**

- The Marlborough Planning Board has endorsed the acceptance of Perry Lane.
- The Legal Department has provided the acceptance documents in proper legal form for acceptance by the City Council.

**From Operations and Oversight Committee**

30. **Order No. 12-1005000** – Invite Police Chief Leonard to attend a Committee meeting affording him the opportunity to public discuss the voluntary separation of Derek Johnson.

**From City Council**

31. **Order No. 11/12-1003016A-2.**

**MOTION** made by Councilor Ossing to table the \$3,043,833.00 Ten Year Street Construction Bond – **DOES NOT CARRY.**

**A PRELIMINARY ROLL CALL VOTE WAS TAKEN AS FOLLOWS WITH THE CONFIRMATORY VOTE TO TAKE PLACE ON APRIL 9, 2012 AS THE BOND WAS NOT ADVERTISED FOR 10 COMPLETE DAYS.**

**PRELIMINARY ROLL CALL VOTE**

**Yea: 9 - Abstained: 2**

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

**Abstained: Ossing and Oram**

**32. Order No. 11/12-1003016A-4.**

**MOTION** made by Councilor Ossing to table the \$5,030,000.00 Thirty Year Sewer Construction Bond – **DOES NOT CARRY.**

**A PRELIMINARY ROLL CALL VOTE WAS TAKEN AS FOLLOWS WITH THE CONFIRMATORY VOTE TO TAKE PLACE ON APRIL 9, 2012 AS THE BOND WAS NOT ADVERTISED FOR 10 COMPLETE DAYS.**

**PRELIMINARY ROLL CALL VOTE**

**Yea: 8 - Nay: 2 - Abstained: 1**

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

**Nay: Seymour and Ossing**

**Abstained: Oram**

**33. Order No. 11/12-1003016A-6.**

**MOTION** made by Councilor Ossing to table the \$3,172,600.00 Forty Year Water Project Bond which includes \$720,000.00 upgrades to Millham Water treatment Plant and \$2,452,600.00 for various water projects – **DOES NOT CARRY.**

**A PRELIMINARY ROLL CALL VOTE WAS TAKEN AS FOLLOWS WITH THE CONFIRMATORY VOTE TO TAKE PLACE ON APRIL 9, 2012 AS THE BOND WAS NOT ADVERTISED FOR 10 COMPLETE DAYS.**

**PRELIMINARY ROLL CALL VOTE**

**Yea: 8 - Nay: 2 - Abstained: 1**

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

**Nay: Seymour and Ossing**

**Abstained: Oram**





**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

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

**MARCH 26, 2012**

Regular meeting of the City Council held on Monday, MARCH 26, 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 9:40 PM.

**ORDERED:** Minutes of the City Council Meeting, MARCH 12, 2012, **FILE**; adopted.

**Suspension of the Rules requested – granted**

**ORDERED:** That the appointment of Captain James M. Fortin of the Marlborough Fire Department to permanent Chief effective 8:00 AM on Tuesday, March 27, 2012, refer to **PERSONNEL COMMITTEE**; 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, **WITHDRAWN WITHOUT PREJUDICE**; 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 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, hearing recessed at 8:22 p.m.

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

**Councilor Delano abstained**

ORDERED: That 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, refer to **FINANCE COMMITTEE**; adopted.

From Account				TO Account					
General Gov't				FIRE DEPARTMENT					
Available	Amount	ORG	OBJECT	Account Disc	Amount	Description	Org	Object	Available
\$ 416,172.00	\$ 238,322.84	11990006	57820	Reserve for Salaries					
					\$ 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 Lieutenan	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.

ORDERED: That the 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, refer to **FINANCE COMMITTEE**; adopted.

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
\$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	Aest Civil Engineer	\$9,071	14001305	55310	Highway Constr Maint-Sfts	\$7,295
				Reason: Funds available due to prior vacancy				Repair of roadway deficiencies throughout city	
\$35,797	\$3,726	14001101	50705	Aest 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	Aest 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	

CITY OF MARLBOROUGH  
--BUDGET TRANSFERS --

DEPT:	PUBLIC WORKS				FISCAL YEAR:	2012			
Available Balance	Amount	FROM ACCOUNT:	Object	Account Description:	Amount	TO ACCOUNT:	Object	Account Description:	Available Balance
		Org Code				Org Code			
\$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			

CITY OF MARLBOROUGH  
--BUDGET TRANSFERS --

DEPT:	PUBLIC WORKS				FISCAL YEAR:	2012			
Available Balance	Amount	FROM ACCOUNT:	Object	Account Description:	Amount	TO ACCOUNT:	Object	Account Description:	Available Balance
		Org Code				Org Code			
\$114,850	\$7,000	60085001 (West)	50850	Sewer Tr. P/lt 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-S/ls	\$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/P/C	\$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/P/C	\$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/P/C	\$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			

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

ORDERED: That the 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, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 60071106-59963	\$100,000.00
Multi Purpose Bond	
Acct. # 11920006-52200	\$50,000.00
Natural Gas	

TO:

Acct. # 11920006-52120	\$100,000.00
Electricity	
Acct. # 11920006-52120	\$50,000.00
Electricity	

ORDERED: That the 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 due to retirement vacancies, **APPROVED**; adopted.

FROM:

Acct. # 12200003-51440	\$2,500.00
Educational Incentive	

TO:

Acct. # 12200006-51990	\$2,500.00
Meal Allowance	

ORDERED: That the 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, be and is herewith refer to **FINANCE COMMITTEE**; adopted.

## FROM:

Acct. # 27000099-42440 \$200,000.00  
Economic Development

## TO:

Acct. # 11740006-53950 \$200,000.00  
MEDC Funding

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Service Incentive Grant in the amount of \$2,000.00 to increase transportation access to programs and services for Latino and Brazilian senior citizens; adopted.

ORDERED: That the transfer request in the amount of \$15,000.00 from Short Term Debt Interest to Summer Employment Initiative to fund the City of Marlborough's Youth Employment and Public Service Internship Programs, refer to **FINANCE COMMITTEE**; adopted.

## FROM:

Acct. # 27000099-42440 \$15,000.00  
Economic Development

## TO:

Acct. # 11740006-53950 \$15,000.00  
MEDC Funding

ORDERED: That the Special Permit from Marlborough Nissan in proper legal form, **MOVED TO ITEM #20**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, APRIL 23, 2012**, as date for a **PUBLIC HEARING** for the 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), refer to **URBAN AFFAIRS COMMITTEE, CONSERVATION COMMISSION AND ADVERTISE**; adopted.

ORDERED: That the Communication from Marguerite Sawyer re: damages occurring at her property, 33 Teller St., refer to the **CITY SOLICITOR**; adopted.

ORDERED: That the Application for Junk Dealer's License, Sergey Yeghiyan, d/b/a C.T.C. Gold & Diamond Refinery, 149 Main St., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, Planning Board, February 27 2012, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, October 6 & 20, November 3, December 1, 2011 and January 5, 2012, **FILE**; adopted.

ORDERED: That the Minutes, Community Development Authority, January 5 & 26, and February 23, 2012, **FILE**; adopted.

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

- 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:

Councilor Ossing reported the following out of the Finance Committee:

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

**Order No. 12-1004091 – Line Item Budget Recommendation.** The Finance Committee reviewed the Mayor's letter dated March 8, 2012 seeking the position of the City Council on the FY13 budget presentation. The Finance Committee requested the Solicitor draft an Order to adopt a modified abbreviated budget process to authorize transfers within their department for expenditure line items. The Auditor would provide a monthly summary of these transfers to the City Council. All salary transfers and transfers between departments would require City Council approval. This process would be in effect for FY13 with a sunset clause expiring on 6/30/13. **Recommendation of the Finance Committee is to table 4-0.**

**Order No.12-1004056 – Transfer \$4000.00 to Fund Programs at the Council of Aging.** The Finance Committee reviewed the Mayor's letter dated February 8, 2012 requesting the approval of a \$4000.00 transfer from the Council of Aging Program Manager account to the Programs account. **Recommendation of the Finance Committee is to approve the transfer 4-0.**

**Order No. 12-1004075 – Transfer \$4000.00 to Fund Custodian Overtime.** The Finance Committee reviewed the Mayor's letter dated February 22, 2012 requesting the approval of a \$4,000.00 transfer from the Public Facilities Custodian salary account to the Overtime account because of a vacant custodian position. **Recommendation of the Finance Committee is to approve the transfer 4-0.**

**Order No.12-1004090 – Transfer \$45,000.00 to Fund Legal Services.** The Finance Committee reviewed the Mayor's letter dated March 8, 2012 requesting the approval of a \$45,000.00 transfer from the Sewer Long Term Debt account to Legal Services account. **Recommendation of the Finance Committee is to approve the transfer 4-0.**

Councilor Clancy reported the following out of Wireless Communications Committee:

The Wireless Committee met on 3/20/2012 at 4:28 PM and completed the review of all of the requests by Sprint Wireless PCS for changes and upgrades to the equipment at the following sites:

2 Mt. Royal Avenue: Council Order No. 12-1004064A

115 Onamog St.: Council Order No. 12-1004032C

445 Simarano Dr.: Council Order No. 11-1003096B

450-460 Boston Post Rd.: Council Order No. 11-1003071C

157 Union St.: Council Order No. 11-1003072C

Each request was reviewed separately and corrections to the documents were taken up. Suggested changes to the upgrades of the various installations were placed on to the documents under review. All installations were similar and were basically being brought up to the newest technology available, to better service the Sprint Wireless customers. Sprint Wireless representative Rosella Mercuri introduced new photographic simulations of the upgrades to 3 of the wireless installations that had been reviewed at a previous Wireless Committee meeting.

**Motions were made to approve each individual request, as amended, to the various sites:**

2 Mt. Royal Avenue: 2-0 Clancy and Robey, Councilor Oram absent

115 Onamog St.: 3-0 Clancy, Robey and Oram

445 Simarano Dr.: 3-0 Clancy, Robey and Oram

450-460 Boston Post Rd.: 3-0 Clancy, Robey and Oram

157 Union St.: 2-0 Clancy and Oram, Councilor Robey was recused

**Recommendation of the Wireless Committee is to Suspend the Rules and refer to City Solicitor to place in proper legal form.**

Councilor Landers reported the following out of Public Services Committee:

**Order No. 11-1003005B - CARRY OVER TO NEXT LEGISLATIVE SESSION – 2012/2013. Communication from R. Paul Faxon re: Acceptance of Perry Lane as a Public Way.**

- The Marlborough Planning Board has endorsed the acceptance of Perry Lane.
- The Legal Department has provided the acceptance documents in proper legal form for acceptance by the City Council.

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

**Order No. 12-1005000 – Invite Police Chief Leonard to attend a Committee meeting affording him the opportunity to publicly discuss the voluntary separation of Derek Johnson.**

**Suspension of Rules requested – granted**

The TJX Companies, Inc. TIF proposal, consisting of the following five documents, attached hereto, be and is herewith **APPROVED**.

1. The TIF agreement, Order No. 12-1004092A-1
2. The TIF plan, Order No. 12-1004092A-2
3. The certified project application, Order No. 12-1004092A-3
4. The economic opportunity area application, Order No. 12-1004092A-4
5. The Council Resolution, 12-1004092A-5

**Councilor Jenkins orally disclosed that he was an employee of TJX Company and has no financial interest in this decision and would be participating in the vote.**

**A roll call vote was taken for each of the documents note above as follows:**

**Order No. 12-1004092A-1**

**Yea: 11- Nay: 0**

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

**Order No. 12-1004092A-2**

**Yea: 11- Nay: 0**

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

**Order No. 12-1004092A-3**

**Yea: 11- Nay: 0**

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

**Order No. 12-1004092A-4**

**Yea: 11- Nay: 0**

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

**Order No. 12-1004092A-5**

**Yea: 11- Nay: 0**

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

**Suspension of Rules requested – granted**

**ORDERED:** Application for Special Permit from Rossella Mercuri, on behalf of Sprint, for modification of a wireless facility located at 2 Mount Royal Dr., refer to **CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM FOR THE APRIL 9, 2012 CITY COUNCIL MEETING**; adopted.

**Councilors Seymour and Robey abstained**



**Suspension of Rules requested – granted**

ORDERED: Application for Special Permit from Rossella Mercuri, on behalf of Sprint, for modification of a wireless facility located at 115 Onamog St., refer to **CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM FOR THE APRIL 9, 2012 CITY COUNCIL MEETING**; adopted.

**Councilors Seymour and Robey abstained**

**Suspension of Rules requested – granted**

ORDERED: Application for Special Permit from Rossella Mercuri, on behalf of Sprint, for modification of a wireless facility located at 445 Simarano Dr., refer to **CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM FOR THE APRIL 9, 2012 CITY COUNCIL MEETING**; adopted.

**Councilors Seymour and Robey abstained**

**Suspension of Rules requested – granted**

ORDERED: Application for Special Permit from Rossella Mercuri, on behalf of Sprint, for modification of a wireless facility at 450-460 Boston Post Rd., refer to **CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM FOR THE APRIL 9, 2012 CITY COUNCIL MEETING**; adopted

**Councilors Seymour and Robey abstained**

**Suspension of Rules requested – granted**

ORDERED: Application for Special Permit from Rossella Mercuri, on behalf of Sprint, for modification of a wireless facility located at 157 Union St., refer to **CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM FOR THE APRIL 9, 2012 CITY COUNCIL MEETING**; adopted.

**Councilors Seymour and Robey abstained**

ORDERED: That the \$1,980,000.00 Five Year Department Equipment Bond, **DENIED**; adopted.

**ROLL CALL VOTE WAS TO DENY**

**Yea: 11 - Nay: 0**

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

**MOTION** made by Councilor Ossing to table the \$3,043,833.00 Ten Year Street Construction Bond – **DOES NOT CARRY**.

ORDERED: **A PRELIMINARY ROLL CALL VOTE WAS TAKEN AS FOLLOWS WITH THE CONFIRMATORY VOTE TO TAKE PLACE ON APRIL 9, 2012 AS THE BOND WAS NOT ADVERTISED FOR 10 COMPLETE DAYS**; adopted.

**PRELIMINARY ROLL CALL VOTE**

**Yea: 9 - Abstained: 2**

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

ORDERED: That the \$200,000.00 Five Year Sidewalk Construction Bond, **DENIED**; adopted.  
**ROLL CALL VOTE WAS TO DENY**  
Yea: 11 - Nay: 0  
Yea: Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Oram and Robey

**MOTION** made by Councilor Ossing to table the \$5,030,000.00 Thirty Year Sewer Construction Bond – **DOES NOT CARRY**.

ORDERED: **A PRELIMINARY ROLL CALL VOTE WAS TAKEN AS FOLLOWS WITH THE CONFIRMATORY VOTE TO TAKE PLACE ON APRIL 9, 2012 AS THE BOND WAS NOT ADVERTISED FOR 10 COMPLETE DAYS**; adopted.  
**PRELIMINARY ROLL CALL VOTE**  
Yea: 8 - Nay: 2 - Abstained: 1  
Yea: Delano, Jenkins, Elder, Tunnera, Clancy, Landers, Pope, and Robey  
Nay: Seymour and Ossing  
Abstained: Oram

ORDERED: That the \$1,835,000.00 Ten Year Water Bond which will install water meters in the 497 industrial/ commercial facilities by the end of 2012 and expected to increase City revenue by over \$500,000.00 per year, **TABLED**; adopted.

**MOTION** made by Councilor Ossing to table the \$3,172,600.00 Forty Year Water Project Bond which includes \$720,000.00 upgrades to Millham Water treatment Plant and \$2,452,600.00 for various water projects – **DOES NOT CARRY**.

ORDERED: **A PRELIMINARY ROLL CALL VOTE WAS TAKEN AS FOLLOWS WITH THE CONFIRMATORY VOTE TO TAKE PLACE ON APRIL 9, 2012 AS THE BOND WAS NOT ADVERTISED FOR 10 COMPLETE DAYS**; adopted.  
**PRELIMINARY ROLL CALL VOTE**  
Yea: 8 - Nay: 2 - Abstained: 1  
Yea: Delano, Jenkins, Elder, Tunnera, Clancy, Landers, Pope, and Robey  
Nay: Seymour and Ossing  
Abstained: Oram

ORDERED: That the \$492,562.00 Twenty Year Building Renovations Bond was denied at the last meeting (03/12/12) therefore, **FILE**; adopted.

ORDERED: That the \$100,000.00 Five Year Design Bond, **DENIED**; adopted.  
**ROLL CALL VOTE WAS TO DENY**  
Yea: 11 - Nay: 0  
Yea: Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Oram and Robey

ORDERED: That the \$300,000.00 Thirty Year Land Cap and Drainage System Bond, **DENIED**; adopted.

**ROLL CALL VOTE WAS TO DENY**

**Yea: 11 - Nay: 0**

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

ORDERED: That the \$180,000.00 Ten Year Computer Hardware Bond was denied at the last meeting (03/12/12) therefore, **FILE**; adopted.

### **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.

**Condition 9 which reads "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" was approved by hand vote.**

**Yea: 11- Nay: 0**

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

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, **APPROVED**; adopted.

FROM:

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

Undesignated

TO:

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

Evergreen Cemetery

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:40 PM.



*City of Marlborough*

*Office of the Mayor*

140 Main Street

Marlborough, Massachusetts 01752

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

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

*Arthur G. Vigeant*  
MAYOR

RECEIVED

CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

*Patricia C. Berry*  
EXECUTIVE AIDE

2012 APR -5 P 4:35

*Patricia Bernard*  
EXECUTIVE SECRETARY

April 5, 2012

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

**Re: Request of the Mayor to address the Council on the occasion of his 100<sup>th</sup> Day in office**

Honorable President Pope and Councilors:

I respectfully request the opportunity to address the City Council at their meeting on April 9, 2012 to mark my 100 days in office. I intend to highlight our accomplishments thus far as well as new initiatives that we will be working on together in the coming year.

The chance to address the Council on which I served for so many years is one I would be most grateful to have. Thank you in advance for your consideration.

Sincerely,

Arthur G. Vigeant  
Mayor





*City of Marlborough*

*Office of the Mayor*

140 Main Street

Marlborough, Massachusetts 01752

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

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

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CITY OF MARLBOROUGH

2012 APR -5 P 4:35

*Arthur G. Vigeant*  
MAYOR

*Michael C. Berry*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

April 5, 2012

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

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

Honorable President Pope and Councilors:

As promised during the most recent Finance Committee meeting, I submit to you a transfer request that will fund the recently signed contract between the city and the Marlborough Public Works Equipment Operators Association (MPWEOA) for Fiscal Years 2010, 2011, and 2012. I have included in this correspondence a signed copy of the memorandum of understanding in addition to an itemized breakdown of the line item transfers provided by DPW Commissioner Ron LaFreniere.

I wish to thank the members and leadership of the MPWEOA for their professionalism in working with me to bring this matter to a resolution.

Sincerely,

**Arthur G. Vigeant**  
Mayor

CITY OF MARLBOROUGH  
 -BUDGET TRANSFERS -

DEPT: PUBLIC WORKS

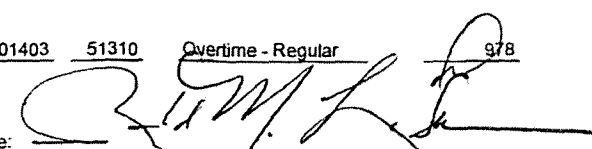
FISCAL YEAR: 2012

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$416,172</u>	<u>\$23,812</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries &amp; Benefits</u>	<u>\$23,812</u>	<u>14001303</u>	<u>50740</u>	<u>Equipment Operators (Sts.)</u>	<u>\$184,174</u>
		Reason: <u>Funding needed for DPW Laborers MOA</u>							
<u>\$416,172</u>	<u>\$6,117</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries &amp; Benefits</u>	<u>\$6,117</u>	<u>14001303</u>	<u>50790</u>	<u>Dispatcher</u>	<u>\$8,756</u>
		Reason: <u>Funding needed for DPW Laborers MOA</u>							
<u>\$416,172</u>	<u>\$1,642</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries &amp; Benefits</u>	<u>\$1,642</u>	<u>14001303</u>	<u>51310</u>	<u>Overtime - Regular</u>	<u>\$11,365</u>
		Reason: <u>Funding needed for DPW Laborers MOA</u>							
<u>\$416,172</u>	<u>\$1,018</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries &amp; Benefits</u>	<u>\$1,018</u>	<u>14001303</u>	<u>51430</u>	<u>Longevity Pay</u>	<u>\$2,438</u>
		Reason: <u>Funding needed for DPW Laborers MOA</u>							
<u>\$416,172</u>	<u>\$238</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries &amp; Benefits</u>	<u>\$238</u>	<u>14001303</u>	<u>51470</u>	<u>Interim Foreman</u>	<u>\$0</u>
		Reason: <u>Funding needed for DPW Laborers MOA</u>							
<u>\$416,172</u>	<u>\$6,663</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries &amp; Benefits</u>	<u>\$6,663</u>	<u>14001303</u>	<u>51920</u>	<u>Sick Leave Buyback</u>	<u>\$6,662</u>
		Reason: <u>Funding needed for DPW Laborers MOA</u>							
<u>\$416,172</u>	<u>\$9,592</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries &amp; Benefits</u>	<u>\$9,592</u>	<u>14001403</u>	<u>50745</u>	<u>Motor Equipment Repairman</u>	<u>\$33,278</u>
		Reason: <u>Funding needed for DPW Laborers MOA</u>							
<u>\$416,172</u>	<u>\$2,318</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries &amp; Benefits</u>	<u>\$2,318</u>	<u>14001403</u>	<u>50760</u>	<u>Working Foreman</u>	<u>\$11,970</u>
		Reason: <u>Funding needed for DPW Laborers MOA</u>							
<u>\$416,172</u>	<u>\$140</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries &amp; Benefits</u>	<u>\$140</u>	<u>14001403</u>	<u>51310</u>	<u>Overtime - Regular</u>	<u>978</u>
		Reason: <u>Funding needed for DPW Laborers MOA</u>							

Department Head signature:



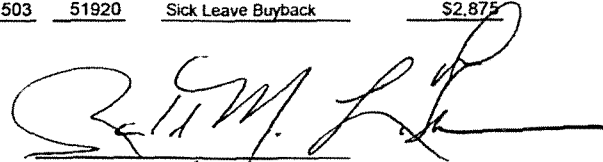
Date:

4/5/12

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
<u>\$416,172</u>	<u>\$139</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries &amp; Benefits</u>	<u>\$139</u>	<u>14001403</u>	<u>51470</u>	<u>Interim Foreman</u>	<u>\$0</u>
	Reason:	<u>Funding needed for DPW Laborers MOA</u>							
<u>\$416,172</u>	<u>\$28,851</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries &amp; Benefits</u>	<u>\$28,851</u>	<u>14001503</u>	<u>50740</u>	<u>Equipment Operators (FP&amp;C)</u>	<u>\$172,452</u>
	Reason:	<u>Funding needed for DPW Laborers MOA</u>							
<u>\$416,172</u>	<u>\$1,050</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries &amp; Benefits</u>	<u>\$1,050</u>	<u>14001503</u>	<u>51310</u>	<u>Overtime - Regular</u>	<u>\$8,570</u>
	Reason:	<u>Funding needed for DPW Laborers MOA</u>							
<u>\$416,172</u>	<u>\$406</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries &amp; Benefits</u>	<u>\$406</u>	<u>14001503</u>	<u>51430</u>	<u>Longevity Pay</u>	<u>\$0</u>
	Reason:	<u>Funding needed for DPW Laborers MOA</u>							
<u>\$416,172</u>	<u>\$692</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries &amp; Benefits</u>	<u>\$692</u>	<u>14001503</u>	<u>51470</u>	<u>Interim Foreman</u>	<u>\$0</u>
	Reason:	<u>Funding needed for DPW Laborers MOA</u>							
<u>\$416,172</u>	<u>\$406</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries &amp; Benefits</u>	<u>\$406</u>	<u>14001503</u>	<u>51920</u>	<u>Sick Leave Buyback</u>	<u>\$2,875</u>
	Reason:	<u>Funding needed for DPW Laborers MOA</u>							

Department Head signature:



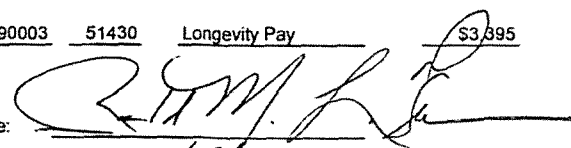
Date:

4/5/12

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
<u>\$416,172</u>	<u>\$1,466</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries &amp; Benefits</u>	<u>\$1,466</u>	<u>60081001</u>	<u>50750</u>	<u>Equipment Operator (EP)</u>	<u>\$12,950</u>
	Reason:	<u>Funding needed for DPW Laborers MOA</u>							
<u>\$416,172</u>	<u>\$4</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries &amp; Benefits</u>	<u>\$4</u>	<u>60081003</u>	<u>51310</u>	<u>Overtime</u>	<u>\$5,046</u>
	Reason:	<u>Funding needed for DPW Laborers MOA</u>							
<u>\$416,172</u>	<u>\$2,990</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries &amp; Benefits</u>	<u>\$2,990</u>	<u>60085001</u>	<u>50750</u>	<u>Equipment Operator (WP)</u>	<u>\$11,426</u>
	Reason:	<u>Funding needed for DPW Laborers MOA</u>							
<u>\$416,172</u>	<u>\$21</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries &amp; Benefits</u>	<u>\$21</u>	<u>60085003</u>	<u>51310</u>	<u>Overtime</u>	<u>\$3,065</u>
	Reason:	<u>Funding needed for DPW Laborers MOA</u>							
<u>\$416,172</u>	<u>\$149</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries &amp; Benefits</u>	<u>\$149</u>	<u>60085003</u>	<u>51430</u>	<u>Longevity Pay</u>	<u>\$2,783</u>
	Reason:	<u>Funding needed for DPW Laborers MOA</u>							
<u>\$416,172</u>	<u>\$2,990</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries &amp; Benefits</u>	<u>\$2,990</u>	<u>61090001</u>	<u>50460</u>	<u>Water Meter Readers</u>	<u>\$11,426</u>
	Reason:	<u>Funding needed for DPW Laborers MOA</u>							
<u>\$416,172</u>	<u>\$23,196</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries &amp; Benefits</u>	<u>\$23,196</u>	<u>61090001</u>	<u>50740</u>	<u>Equipment Operator (W)</u>	<u>\$174,021</u>
	Reason:	<u>Funding needed for DPW Laborers MOA</u>							
<u>\$416,172</u>	<u>\$4,720</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries &amp; Benefits</u>	<u>\$4,720</u>	<u>61090003</u>	<u>51310</u>	<u>Overtime - Regular</u>	<u>\$39,910</u>
	Reason:	<u>Funding needed for DPW Laborers MOA</u>							
<u>\$416,172</u>	<u>\$569</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries &amp; Benefits</u>	<u>\$569</u>	<u>61090003</u>	<u>51430</u>	<u>Longevity Pay</u>	<u>\$3,895</u>
	Reason:	<u>Funding needed for DPW Laborers MOA</u>							

Department Head signature:



Date:

4/5/12

CITY OF MARLBOROUGH  
 -BUDGET TRANSFERS -

DEPT: PUBLIC WORKS

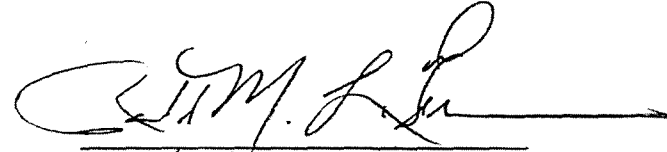
FISCAL YEAR: 2012

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$416,172</u>	<u>\$17</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries &amp; Benefits</u>	<u>\$17</u>	<u>61090003</u>	<u>51470</u>	<u>Interim Foreman</u>	<u>\$4,540</u>
	Reason:	<u>Funding needed for DPW Laborers MOA</u>							
<u>\$416,172</u>	<u>\$542</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries &amp; Benefits</u>	<u>\$542</u>	<u>61090003</u>	<u>51920</u>	<u>Sick Leave Buyback</u>	<u>\$1,296</u>
	Reason:	<u>Funding needed for DPW Laborers MOA</u>							
<u>\$416,172</u>	<u>\$8,720</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries &amp; Benefits</u>	<u>\$8,720</u>	<u>14001203</u>	<u>51390</u>	<u>S&amp;I Overtime</u>	<u>-\$6,078</u>
	Reason:	<u>Funding needed for DPW Laborers MOA</u>							

Department Head signature:



Date:

4/5/12

**Memorandum of Agreement  
City of Marlborough and  
Marlborough Public Works Equipment Operators Association**

The City of Marlborough and the Marlborough Public Works Equipment Operators Association (Union) agree to the following terms and conditions for the collective bargaining agreement (CBA) covering the period July 1, 2009 to and including June 30, 2012 (2009-2012 CBA). This agreement is conditioned upon and subject to ratification vote in favor of this agreement by the Union membership and appropriation by the City Council. The terms and conditions of the 2009-2012 CBA shall incorporate all terms and conditions of the 2006-2009 CBA with the following modifications:

**1. Article 2 – Management Rights**

Article 2 shall be amended by adding the following as the last sentence of the article: “The Commissioner of the DPW may amend or modify the DPW Guidelines from time to time, provided any such change does not conflict with the collective bargaining agreement, and provided further that the City shall first satisfy its obligation to bargain over aspects of any such amendment or modification that constitute mandatory subjects for bargaining.”

**2. Article 12 - Overtime**

**(a)** Amend Section 1 by inserting a new paragraph “(c)” and relabeling the existing sub-paragraph “(c)” to “(d)”. The new paragraph “(c)” shall read as follows:

(c) When an employee is called to respond to an initial emergency and is then called to a different emergency within one hour of the initial response, the employee will not be entitled to an additional 2-hour or 4-hour minimum payment under paragraph (a) or (b) above of this section. If, however, the subsequent emergency calls come in more than one hour after the initial call, the individual will be entitled to another minimum 2-hour or 4-hour payment, whichever is applicable under paragraph (a) or (b) above of this section.

(b) Amend Article 12, Section 8, by increasing the meal allowances to the following amounts:

Breakfast	\$5.50
Lunch	\$7.50
Dinner	\$10.00

**3. Article 13 – Salaries/Appendix B Wage Schedule**

(a) Section 1 of Article 13, and the wage schedule at Appendix B shall be modified to reflect wage increases effective as follows:

July 1, 2009	0%
July 1, 2010	1%
January 1, 2011	1%
July 1, 2011	1.5%
January 1, 2012	1.5%

All wages increases shall be retroactive to dates indicated.

(b) Pursuant to paragraph 4(a) of the settlement in the DLR matter, MUP-11-6265, "The City agrees to increase the base pay applicable to the title 'Dispatcher' in the collective bargaining agreement by \$2600 annually effective January 1, 2012." This shall be reflected for the Dispatcher rate in the Appendix B.

(c) Section 6 ("Safety recuperation time") shall be modified to read as follows (strikeouts indicate deletion of language from predecessor CBA, underlining – except for section heading - indicates new language to be added):

Section 6. Safety Recuperation Time. Employees who have worked or will work at least sixteen (16) consecutive hours ~~consecutively~~, shall be given two (2) hours off for safety recuperation time to be paid at the overtime rate provided that:

(a) the employee is required ~~advised that he is expected to return to duty after being excused for such~~ safety recuperation time;

(b) the employee shall punches a time clock in and out for the period of the safety recuperation period time;

(c) employees eligible for safety recuperation time ~~the employee~~ may elect to recuperate wherever ~~he/she~~ they chooses as long as the location ~~where the employee recuperates~~ does not interfere with department operations as determined at the reasonable discretion of the division supervisor; and

(d) the safety recuperation time will ~~may~~ be staggered ~~within the parameters set forth in this provision at the reasonable discretion of management based on operational needs, from among all available bargaining unit personnel from~~ between fourteen (14) to eighteen (18) consecutive hours at the reasonable discretion of the division supervisor, based on operational needs and available bargaining unit personnel.

**4. Article 20 – Bereavement Leave**

Amend this article by adding “grandchildren” to the definition of “immediate family” (after brother-in-law).

**5. Article 28 – Term of Contract**

Amend Article 28 to reflect a 3-year agreement by inserting “July 1, 2009, to and including June 30, 2012” in place of “July 1, 2006, to and including June 30, 2009.” Parties agree that the newly negotiated term of the contract will not be used by either party in any outstanding Evergreen litigation currently pending in court.

**6. Appendix A**

(a) Delete Item 3 in its entirety, and replace it with the following: “3. Employees will be allowed to take City pickup trucks, sedans and vans home for lunch when authorized by their division Supervisor (this includes one ton dump trucks).”



**TENTATIVE AGREEMENT- 2006-2009 Collective Bargaining Agreement**  
**Page 4 of 5**  
**March 19, 2012**

(b) Add the following to Appendix A as Item 32:<sup>1</sup>

32. Time Due.

(a) General Rule - 80-hours maximum accumulation. All members of the collective bargaining unit shall be allowed to accumulate and maintain a maximum of 80 hours of time due for the length of their employment with the City. There are exceptions to this general rule for members of the bargaining unit with 5-10 years employment with the City, and with more than 10 years employment with the City, as explained in paragraphs (a) and (b) below.

(b) Special Rule – Employees with 5-10 years employment. Members of the bargaining unit who have been employed by the City for 5-10 years as of January 1, 2012, may maintain and accrue time due in excess of 80-hours until January 1, 2017. Effective January 1, 2017 time due in excess of 80 hours for such employees will be forfeited (use it or lose it). For such employees who have time due in excess of 80 hours, they must use any new time due credited from January 1, 2012 onward within one year of date of crediting.

(c) Special Rule – Employees with more than 10 years employment employment. The 80-hour rule in paragraph (a) above shall not be applicable to members of the bargaining unit who have been employed by the City for more than 10 years as of January 1, 2012. These employees shall be able to maintain all of their currently accrued time due for the balance their employment with the City. For such employees who have time due in excess of 80 hours, they must use any new time due credited from January 1, 2012 onward within one year of date of crediting.

---

<sup>1</sup> This footnote to be deleted in final draft. I believe the formulation in the text is clearer than this original language: "32. All current and new Employees shall be allowed to accumulate and keep on the books 80 hours of time due for the length of their employment with the City. As of January 1, 2012 employees who have accumulated more than 80 hours of time due shall be afforded a one time opportunity to buy back any number of hours greater than 80 they currently have on the books, upon written notification to the Commissioner of Public Works on or before three (3) months from the date the contract has been signed and agreed upon by both parties, the city and Bargaining unit Employees who have been working for the City and are currently between 5-10 \_\_\_ shall be required to use all of their time due that is accumulated greater than the 80 hours they are able to keep on the books by January 2, 2017 if they chose not to cash out their time. Employees who have been working for the City and have currently 10 years plus will be entitled to keep all of their accrued time for the rest of their time with the City. All new time due that is credited on or after January 1, 2012 shall be used within one year of date of crediting."

**TENTATIVE AGREEMENT- 2006-2009 Collective Bargaining Agreement**  
**Page 5 of 5**  
**March 19, 2012**

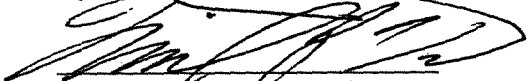
(d) One-time Opportunity To Cash-Out Time Due.  
Employees who have accumulated more than 80 hours of time due as January 1, 2012 shall be afforded a one time opportunity to cash out any number of hours of time due in excess of 80 hours that they currently have on the books upon written notice to the Commissioner of Public Works on or before July 15, 2012.


(e) End of employment Cash-Out Time Due. At the termination of employment, all time due remaining on the books for any and all employees shall be cashed-out and paid to the employee.

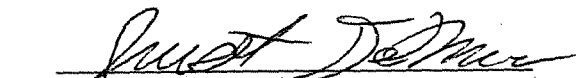
Agreed to this 27<sup>th</sup> day of March, 2012:

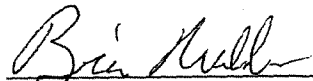
For the Marlborough Public Works Equipment Operators,

By its Executive Board:

  
Michael Volpe, President

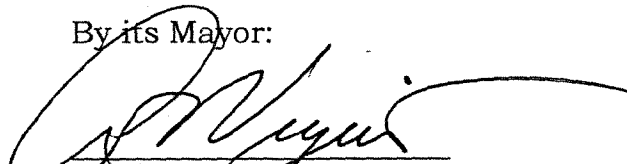
  
Dan Robbins, Vice President

  
Justin DeMarco, Secretary


  
Brian Waldron, Treasurer

For the City of Marlborough,

By its Mayor:

  
Arthur Vigeant, Mayor

As to form, by its City  
Solicitor/Labor Counsel:

  
Donald Rider, City Solicitor



*City of Marlborough*

*Office of the Mayor*

*Arthur G. Vigeant*  
MAYOR

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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 APR -5 P 4:38

*Patricia Bernard*  
EXECUTIVE SECRETARY

April 5, 2012

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

**Re: Transfer Request – Workers Compensation Trust Fund**

Honorable President Pope and Councilors:

I am submitting for your approval the following transfer request to fund a projected deficit in the Workers Compensation Trust Fund:

- 1) Transfer in the amount of \$165,000.00 from 10000-35900 (Undesignated Fund) to 11960006-51710 (Workers Compensation)

For your edification I have enclosed a fiscal breakdown of the Workers Compensation Fund provided to my office by Comptroller Tom Abel.

As always, please do not hesitate to contact me with any questions.

Sincerely,

**Arthur G. Vigeant**  
Mayor

## TRANSFER REQUEST

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT		TO ACCOUNT				AMOUNT AVAIL	
		ORG C	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	
		<b>Undesignated Fund</b>			<b>Workers Compensation</b>				
\$ 2,919,581.00	\$ 165,000.00	10000	35900	Undesignated Fund	\$ 165,000.00	11960006	51710	Workers Comp	\$ -
					\$ 165,000.00				

Reason            To fund projected deficit in Workers Compensation Trust Fund. Please see analysis provided by Comptroller.



*[Handwritten Signature]*

WORKERS COMPENSATION AS OF 3/26/12

	FY 07 Actual	FY 08 Actual	FY 09 Actual	FY 10 Actual	FY 11 Actual	FY 12 Actual	FY 12 Projected
WORKERS COMP TRUST	\$ 336,627.32	\$ 525,529.00	\$ 532,752.68	\$ 461,767.83	\$ 548,397.49	\$ 416,145.19	\$ 569,461.84
POLICE	\$ 62,031.00	\$ 48,820.50	\$ 77,134.31	\$ 48,769.85	\$ 49,084.25	\$ 38,678.45	\$ 52,928.41
FIRE	\$ 29,357.00	\$ 39,386.11	\$ 18,695.75	\$ 39,683.57	\$ 22,085.64	\$ 101,204.17	\$ 138,489.92
							\$ -
Police 111F	\$ 428,015.32	\$ 613,735.61	\$ 628,582.74	\$ 550,221.25	\$ 619,567.38	\$ 556,027.81	\$ 760,880.16
Police 111F	\$ 37,132.00	\$ 86,638.24	\$ 130,413.61	\$ 144,236.10	\$ 195,993.34	\$ 162,594.67	\$ 222,497.97
Fire 111F	\$ 58,870.00	\$ 59,482.66	\$ 17,751.60	\$ 37,543.31	\$ 24,713.11	\$ 19,817.49	\$ 27,118.67
	\$ 524,017.32	\$ 759,856.51	\$ 776,747.95	\$ 732,000.66	\$ 840,273.83	\$ 738,439.97	\$ 1,010,496.80

**Actual as of 3/26/12**

**PROJECTED**

FIVE YEAR TOTAL	\$ 3,108,878.95	Balance FY 11	\$ -	Balance FY 11	\$ -
		BUDGET FOR FY 12	\$ 800,740.00	BUDGET FOR FY 12	\$ 800,740.00
YEARLY AVERAGE	\$ 777,219.74	Workers Comp Reinsurance	\$ (73,401.00)	Workers Comp Reinsurance	\$ (73,401.00)
		Revenue and Other Funds	\$ 51,065.78	Revenue and Other Funds	\$ 51,065.78
		AVAILABLE FUNDS	\$ 778,404.78	AVAILABLE FUNDS	\$ 778,404.78
		ACTUAL EXPEND	\$ (665,038.97)	PROJECTED EXPEND	\$ (937,095.80)
		<b>As of 3/26/12 FUND BAL</b>	<b>\$ 113,365.81</b>	<b>Projected Fund Balance</b>	<b>\$ (158,691.02)</b>

111F Payments

	FY 07 ACTUAL	FY 08 ACTUAL	FY 09 ACTUAL	FY 10 ACTUAL	FY 11 ACTUAL	FY 12 PROJECTED
POLICE	\$ 37,131.78	\$ 86,638.24	\$ 130,413.61	\$ 144,236.10	\$ 195,993.34	\$ 222,497.97
FIRE	\$ 58,869.90	\$ 59,482.66	\$ 17,751.60	\$ 37,543.31	\$ 24,713.11	\$ 27,118.67
TOTAL	\$ 96,001.68	\$ 146,120.90	\$ 148,165.21	\$ 181,779.41	\$ 220,706.45	\$ 249,616.64
POLICE AVERAGE	\$ 139,320.32					
FIRE AVERAGE	\$ 39,672.12					
	\$ 178,992.44					

Since 2008 the city has included 111F payments in it's Workers Compensation funding. Using the average from FY 07,08,9,10, 11 and the projected number for FY 12 the city should fund it's Workers Compensation accounts at \$1,000,000. However, I believe that 2012 was an anomaly and FY 13 will be between \$800,000 and 1,000,000. Therefore I have recommended the Workers Compensation Budget be funded at \$900,000.

11960006	51710 WC Ins	\$ 364,308.29
	51720 WC Reinsurance	\$ 82,912.50
	55812 WC Vaccines	\$ 562.50
13100003	51710 WC Ins	\$ 377,127.62
60019606	51710 WC Ins	\$ 39,133.19
61019606	51710 WC Ins	\$ 35,955.90
		\$ 900,000.00
Projected Carry Over From FY 11 Minus		\$ -
Projected Beginning Balance for FY 13		\$ 900,000.00



*City of Marlborough*

*Office of the Mayor*

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*Arthur G. Vigeant*  
MAYOR

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CITY OF MARLBOROUGH

*Michael C. Berry*  
EXECUTIVE AIDE

2012 APR -5 P 4:38

*Patricia Bernard*  
EXECUTIVE SECRETARY

April 5, 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 requests from the Fire Department:

- 1) Transfer in the amount of \$18,859.75 from 12200001-50335 (Deputy Chief) to 12200003-51300 (overtime)
- 2) Transfer in the amount of \$43,244.60 from 12200001-50450 (Firefighter) to 12200003-51300 (overtime)

This transfer is available due to 111F payments and is needed to fund overtime expenses due to work related injuries.

Please do not hesitate to contact me with any questions.

Sincerely,

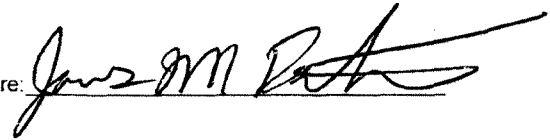
Arthur G. Vigeant  
Mayor

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>\$86,647.69</u>	<u>\$18,859.75</u>	<u>12200001</u>	<u>50335</u>	<u>DEPUTY CHIEF</u>	<u>\$18,859.75</u>	<u>12200003</u>	<u>51300</u>	<u>OVERTIME</u>	<u>\$63,386.33</u>
	Reason:	<u>Transfer is available due to 111F payments</u>							
<u>\$759,655.59</u>	<u>\$43,244.60</u>	<u>12200001</u>	<u>50450</u>	<u>FIREFIGHTER</u>	<u>\$43,244.60</u>	<u>12200003</u>	<u>51300</u>	<u>OVERTIME</u>	<u>\$63,386.33</u>
	Reason:	<u>Transfer is available due to 111F payments</u>							
	Reason:	_____							
	Reason:	_____							
	Reason:	_____							

Department Head signature: 

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





*City of Marlborough*  
*Office of the Mayor*

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*Arthur G. Vigeant*  
RECEIVED MAYOR  
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CITY OF MARLBOROUGH  
*Michael C. Berry*  
EXECUTIVE AIDE  
2012 APR -5 P 4:37  
*Patricia Bernard*  
EXECUTIVE SECRETARY

April 5, 2012

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

**Re: Transfer Request – Police Department**

Honorable President Pope and Councilors:

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

- 1) Transfer in the amount of \$58,741.60 from 11990006-51500 (Fringes) to the following accounts:
  - a. The amount of \$14,450.40 to 12100001-50820 (Sergeant)
  - b. The amount of \$43,351.20 to 12100003-51920 (Sick leave)
  - c. The amount of \$940.00 to 12100003-51940 (clothing)

The funds are required to fund benefits associated with the retirement of an employee.

Please do not hesitate to contact me with any questions.

Sincerely,

  
Arthur G. Vigeant  
Mayor

## TRANSFER REQUEST

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT			TO ACCOUNT			AMOUNT AVAIL	
		ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	
		<b>General Government</b>				<b>Police</b>			
\$ 245,553.19	\$ 58,741.60	11990006	51500	Fringes	\$ 14,450.40	12100001	50820	Sergeant	\$ 167,822.99
					\$ 43,351.20	12100003	51920	Sick Leave	\$ 1,212.71
					\$ 940.00	12100003	51940	Clothing	\$ 28,798.71
					\$ 58,741.60				

Reason: To fund benefits associated with employees retirement.



*[Handwritten Signature]*



*City of Marlborough*

*Office of the Mayor*

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*Arthur G. Vigeant*  
MAYOR

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CITY OF MARLBOROUGH

*Michael C. Berry*  
EXECUTIVE AIDE

2012 APR -5 P 4:38

*Patricia Bernard*  
EXECUTIVE SECRETARY

April 5, 2012

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

**Re: Transfer Request – Building Department**

Honorable President Pope and Councilors:

I am submitting for your approval the following transfer requests from the Building Department:

- 1) Transfer in the amount of \$10,501.05 from 10000-35900 (Undesignated Fund) to 12410001-50260 (Assistant Building Inspector)

This transfer is necessary to fund retirement costs associated with a retiring employee.

Please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant  
Mayor

TRANSFER REQUEST

Inspectional Services

FISCAL YEAR: 2012

Available Balance	FROM ACCOUNT:				TO ACCOUNT:				Available Balance		
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:			
<u>\$2,919,581.00</u>	<u>\$10,501.05</u>	<u>10000</u>	<u>-</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$10,501.05</u>	<u>12410001</u>	<u>-</u>	<u>50260</u>	<u>Asst Building Inspector</u>	<u>\$15,446</u>

Reason: To offset costs associated with retirement of Kenn Lane





*City of Marlborough*  
*Office of the Mayor*

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

*Arthur G. Vigeant*  
RECEIVED MAYOR  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
*Michael C. Berry*  
EXECUTIVE AIDE  
2012 APR -5 P 4:37  
*Patricia Bernard*  
EXECUTIVE SECRETARY

April 5, 2012

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

**Re: Transfer Request – Mayor's Office**

Honorable President Pope and Councilors:

I respectfully seek your approval for the following transfer request:

- 1) Transfer in the amount of \$9100.00 from 60071106-59963 (2011 Multi-purpose bond) to 11210002-50590 (Executive Secretary).

The transfer is necessary to do the transition in Mayoral staff at the beginning of this year and the extended maternity leave of a previous staff member. This amount will cover the salary for the Executive Secretary position for the remainder of this fiscal year.

I have consulted with both President Pope and Finance Committee Chairman Councilor Ossing on this request. I thank you in advance for your consideration. As always, please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant  
Mayor

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: Mayor

DATE: 2-Apr-12

FY: 2012

Available Balance	Amount	FROM ACCOUNT:			Amount	TO ACCOUNT:			Available Balance
		Org Code	Object	Account Description:		Org Code	Object	Account Description:	
<u>\$231,051</u>	<u>\$9,100.00</u>	<u>60071106</u>	<u>59963</u>	<u>2011 Multi Purpose Bond</u>	<u>\$9,100.00</u>	<u>11210002</u>	<u>50590</u>	<u>Executive Secretary</u>	<u>\$709</u>
	Reason:	_____				Please see Mayors explanation			
_____	Reason:	_____	_____	_____	_____	_____	_____	_____	_____
_____	Reason:	_____	_____	_____	_____	_____	_____	_____	_____
_____	Reason:	_____	_____	_____	_____	_____	_____	_____	_____
_____	Reason:	_____	_____	_____	_____	_____	_____	_____	_____
_____	Reason:	_____	_____	_____	_____	_____	_____	_____	_____

Dept Head signature: \_\_\_\_\_

Mayor signature: \_\_\_\_\_

The image shows two handwritten signatures in black ink. The top signature is for the Department Head, and the bottom signature is for the Mayor. Both signatures are written over horizontal lines that serve as baselines for the signature text.



# City of Marlborough

## Office of the Mayor

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*Arthur G. Vigeant*

MAYOR

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CITY OF MARLBOROUGH

*Michael C. Berry*  
EXECUTIVE AIDE

2012 APR -5 P 4: 37

*Patricia Bernard*  
EXECUTIVE SECRETARY

April 5, 2012

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

### Re: Transfer Request – Personnel Department

Honorable President Pope and Councilors:

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

- 1) Transfer in the amount of \$2000.00 from 11520006-57380 (Conference and training) to the following accounts:
  - a. The amount of \$1000.00 to 11520004-53150 (Advertising)
  - b. The amount of \$1000.00 to 11520004-53010 (Medical Exams)

The transfer is needed to fund higher than anticipated costs relating to recruitment activity for open positions.

Please do not hesitate to contact me with any questions.

Sincerely,



Arthur G. Vigeant  
Mayor



*City of Marlborough*  
*Personnel Department*

140 MAIN STREET  
MARLBOROUGH, MA 01752  
TELEPHONE (508) 460-3705, FACSIMILE (508) 481-6354

**DAVID BRUMBY**  
PERSONNEL DIRECTOR

**MARY WARD**  
PERSONNEL ASSISTANT

**DIANE REGO**  
ADMINISTRATIVE CLERK

To: Mayor Vigeant

From: Dave Brumby, Personnel Director *DB*

Subj: Budget Transfer Request

Date: 03/21/2012

Please consider a transfer of funds from the Personnel Department Conference and Training Account (11520006-57380) in the amount of \$2,000. \$1000 to the Personnel Department Advertising Account (11520004-53150) and \$1000 to the Personnel Department Medical Exams Account (11520004-53010).

Both requests are due to higher than anticipated recruiting activity.

Thank you.



CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

		DEPT: Personnel				FISCAL YEAR: FY2012			
		FROM ACCOUNT: Conference and Training				TO ACCOUNT: Advertising and Medical Exams accounts			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$11,748</u>	<u>\$2,000.00</u>	<u>11520006</u>	<u>57380</u>	<u>Conference and Training</u>	<u>\$1,000.00</u>	<u>11520004</u>	<u>53150</u>	<u>Advertising</u>	<u>\$4,203</u>
	Reason:	<u>Funds available due to end of year scheduling patterns of course offerings.</u>						<u>Higher than anticipated recruiting activity</u>	
					<u>\$1,000</u>	<u>11520004</u>	<u>53010</u>	<u>Medical Exams</u>	<u>\$958</u>
	Reason:	_____						<u>Higher than anticipated recruiting activity</u>	
	Reason:	_____							
	Reason:	_____							

Department Head signature: *David Brunby*  
 Mayor's signature: \_\_\_\_\_



*City of Marlborough*

*Office of the Mayor*

*Arthur G. Vigeant*  
MAYOR

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

*Michael C. Berry*  
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2012 APR -5 P 11:38

*Patricia Bernard*  
EXECUTIVE SECRETARY

April 5, 2012

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

**Re: Assabet Valley Regional Vocational High School Borrowing**

Honorable President Pope and Councilors:

Assabet Valley Regional Vocational High School ("Assabet") intends to move forward with the renovation and expansion of their facility with a projected cost of \$62,434,488. The legislative and/or executive bodies of each one of the regional communities served by Assabet is required to vote to approve the bonding of the total amount of the project in order to receive reimbursement from the Massachusetts School Building Authority ("MSBA").

At this time, I respectfully seek your opinion as to whether or not it is prudent for us to move forward and appropriate the necessary funds to support this project. I have enclosed for you a draft order which has been reviewed by our bond counsel. Also enclosed is correspondence regarding the required number of council votes needed for approval.

Please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant  
Mayor



CITY OF MARLBOROUGH

## IN CITY COUNCIL

Marlborough, MA March 26, 2012

ORDERED:

That the City of Marlborough (the “City”) hereby approves the \$62,434,488 borrowing of the Assabet Valley Regional Vocational School District (the “District”), authorized by said District, for the purpose of paying costs of repairs and renovations to the Assabet Valley Regional Technical High School, located at 215 Fitchburg St., Marlborough, MA 01752, including the payment of all costs incidental or related thereto (the “Project”), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the district may be eligible for a school construction grant from the Massachusetts School Building Authority (the “MSBA”), said amount to be expended at the direction of the Assabet Valley Regional Vocational School District Building Committee; that the City acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities; provided further that any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-three and forty-eight one-hundredths percent (53.48%) of eligible approved Project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized by the District shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA.

## Abel, Tom

---

**From:** Rock, Christopher [crock@bowditch.com]  
**Sent:** Thursday, February 02, 2012 2:37 PM  
**To:** Abel, Tom  
**Subject:** Assabet: MSBA Vote

Tom,

To follow up on our conversation today, based on the materials provided and the school district's vote, it would appear that their intention was to authorize the incurrence of indebtedness under Section 6(d) of Chapter 513 of the Acts of 1966 (the district's enabling legislation). That still would have required written notice to the City within 7 days of the date of the authorization vote; however, a disapproval vote by the city would have been required within 30 days of such vote. Based on the school's presentation of the project, it referenced that the borrowing would potentially be a 25 year bond. That would seem to indicate that the plan is to incur the indebtedness under Section 6(d) of Chapter 70B of the Massachusetts General Laws, which provides that if the MSBA has approved a school facilities grant, the district may borrow the balance of the cost not paid for by the grant and that such loans to finance such debt can be up to 25 years.

With regard to the MSBA prescribed vote, which requires the City to approve the district's incurrence of the debt, the vote does not appear to require a two-thirds majority approval, which was confirmed in our conversations with bond counsel for the district. It should be noted; however, as we discussed, under Section 16B of Chapter 71 of the Massachusetts General Laws, approval of the district's annual budget requires the approval of two-thirds of the local appropriating authorities of the member. Let us know how your further conversations with the superintendent progress. Thanks.

Best regards,  
Chris

Christopher Rock  
Bowditch & Dewey, LLP  
One International Place, 44th Floor  
Boston, MA 02110  
T 617-757-6512  
F 508-929-3076  
email: [crock@bowditch.com](mailto:crock@bowditch.com)

Communications from our firm may contain or incorporate federal tax advice. Under recently promulgated US Internal Revenue Service standards (Circular 230), we are required to inform you that only formal, written tax opinions meeting the requirements of Circular 230 may be relied upon by taxpayers for the purpose of avoiding tax-related penalties. Accordingly, this communication is not intended or written to be used, and it cannot be used, for the purpose of avoiding tax-related penalties under the Internal Revenue Code.

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*Office of the Mayor*

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*Arthur G. Vigeant*  
MAYOR

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*Michael C. Berry*  
EXECUTIVE AIDE

2012 APR -5 P 4:38

*Patricia Bernard*  
EXECUTIVE SECRETARY

April 5, 2012

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

**Re: Senior Center Facility Report**

Honorable President Pope and Councilors:

The site advisory committee for a new senior center recently concluded their findings and I have enclosed their report as well as a summary from Chief Procurement Officer Beverly Sleeper.

Our Procurement Office issued a Request for Proposals (RFP) for available properties for purchase or lease-purchase to be used for the purposes of a new senior center. Four proposals were received and two of them were judged by the committee as meeting their criteria for maximum suitability. Those sites are located at 525 Maple Street and 86 Pleasant Street.

At this time I invite you to review the findings of the advisory committee. I have asked our Facilities Director John Ghiloni to further review these two sites in greater detail so that we are able to present to you a final recommendation in the near future.

Sincerely,

**Arthur G. Vigeant**  
Mayor



*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)

[BSLEEPER@MARLBOROUGH-MA.GOV](mailto:BSLEEPER@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

April 2, 2012

Arthur G. Vigeant, Mayor  
City of Marlborough  
140 Main Street – 4<sup>th</sup> Floor  
Marlborough, MA 01752

**RE: Request for Proposals for Senior Center**

Dear Mayor Vigeant:

As authorized by former Mayor Nancy Stevens, on behalf of the City of Marlborough ("City") and the City Council as the awarding authority, a Request for Proposals ("RFP") was issued for real property available for purchase or lease-purchase within the limits of Marlborough for use as a new senior center. Proposals were due for the above-referenced RFP on December 20, 2011. The City received four (4) proposals in response to the RFP as listed on the attached Register of Proposals. A proposal was received from Metrowest Commercial Real Estate for 86 Pleasant Street offering the proposed property which consists of an existing building for purchase or lease-purchase, a proposal was received from Forest Street Building 165 LLC for 165 Forest Street offering the proposed property which consists of an existing building for purchase or lease-purchase, a proposal was received from Greater Boston Commercial Properties for 40 Mechanic Street offering the proposed property which consists of an existing building for purchase or lease-purchase, and a proposal was received from Parsons Commercial Group, Inc. for 525 Maple Street offering the proposed property as vacant land for purchase or ground lease with options to allow the construction of a new senior center facility.

All proposers met the minimum submission requirements. The evaluation team, which you selected to review proposals, compiled the results of comparative evaluation criteria ratings on an overall rating sheet. A copy of the overall rating sheet as discussed by the evaluation team on March 15, 2012 is attached. A combination of points and ratings was used in the process. The evaluation committee rated 525 Maple Street and 86 Pleasant Street as Highly Advantageous properties, and rated 40 Mechanic Street and 165 Forest Street as Not Advantageous. All ratings received comments for the overall rating given to the proposed properties. Although the overall ratings in and of themselves do not rule out any of the proposals received, the evaluation team has made its recommendations for your consideration.

Page 2  
Mayor  
April 2, 2012

Further, the City has not made a determination as to method of acquisition, either to purchase or to lease-purchase. The proposal received for 525 Maple Street was identified as the most highly advantageous proposal offering the lowest purchase price and lease-purchase price for vacant land. The proposal received for 86 Pleasant Street was identified as the most highly advantageous proposal offering the lowest purchase price and lease-purchase price for property consisting of an existing building. Both price proposals do not take into consideration the property value, estimates to perform repairs and/or renovations to an existing building(s) or building space being offered or the construction of a new building on vacant land. Therefore, when considering best price for purchase or lease-purchase, in order to determine the property value, estimates to perform repairs and/or renovations to an existing building(s) or building space being offered, or the construction of a new building on vacant land being offered, you may want to exercise the City's right to consult with outside professionals including but not limited to an appraiser, Architect or Engineer, and federal or state agencies for grant funds.

As there currently is no appropriation by the City Council authorizing (1) entry into a Purchase & Sales Agreement or a Lease-Purchase Agreement; or (2) Appropriation to pay the purchase price or the lease-purchase price and other expenses associated with renovations and/or construction, if you move forward to issue a Notice of Award, it must be contingent upon the City Council determining the method of acquisition and authorizing an appropriation for the purchase or lease-purchase of the property that best meets the needs of the City for a new Senior Center. If the City determines that neither proposal identified as Highly Advantageous is in the best interest of the City or that none of the proposals received are to be considered further, then the City may cancel the RFP process. Once the City executes an agreement, the City will not be able to cancel the transaction.

If you have any questions or require further information, please let me know.

Sincerely,



Beverly J. Sleeper  
Chief Procurement Officer

Attachments (2)

cc: John Ghiloni, Director of Public Facilities  
Senior Center Evaluation Team

CITY OF MARLBOROUGH  
 MARLBOROUGH, MASSACHUSETTS 01752-3812



**Procurement Procedures and Compliance**

**PROPOSAL REGISTER FOR  
 SENIOR CENTER PROPOSALS  
 Due Date for Proposals: TUESDAY, DECEMBER 20, 2011 @ 2:00 P.M.**

Name of Proposer (include Address, City and State)	Date	Time Rec'd	Deposit	Square Feet	Location	Purchase or Lease-Purchase (*_ )Amount Proposed Term
Marlene Aron C/o Metrowest Commercial Real Estate 855 Worcester Rd Framingham, MA 01701	12/13/11	10:30AM	Yes	12,445	86 Pleasant St	P = \$965,000 L = \$10.00 sq ft. Term = 10 yrs
Forest Street Building 165, LLC 40 Mechanic Street – Suite 300 Marlborough, MA 01752	12/20/11	11:10 AM	Yes	14,000+	165 Forest St	P = \$2,590,000 L = \$12.00 sq ft Term = 10 yrs
Benjamin Gatti Greater Boston Commercial Properties 225 Cedar Hill St., Suite 200 Marlborough, MA 01752	12/20/11	11:50 AM	Yes	13,998	40 Mechanic St	P = \$2,589,630 L = \$12.00 sq ft Term = 10 yrs w/ options
Parsons Commercial Group, Inc. 1881 Worcester Road – Suite 200 Framingham, MA 01701	12/20/11	1:59 PM	Yes	17,000	525 Maple St	P = \$1,200,000 Ground L = \$9,500/month Term 10, 20 or 30 w/ options

Certified by the undersigned as a complete and accurate list of the names of all proposers, any modifications received and a true and accurate recording of the proposals referenced above, as registered this date(\*). Signed under the pain and penalties of perjury, this 20<sup>th</sup> day of December, 2011.

By: Beverly J. Sleeper  
 Title: Chief Procurement Officer

By: James R. Adams  
 Witness

File original with procurement file

Copy/File # \_\_\_\_\_



SENIOR CENTER EVALUATION COMMITTEE  
OVERALL RFP RATING SHEET RESULTS

LOCATION	40 Mechanic Street	165 Forest Street	525 Maple Street	86 Pleasant Street
Minimum Criteria	Acceptable	Acceptable	Acceptable	Acceptable
#1 -Location (Buildings(s) or Vacant Land)	3	2	2	3
#2 -Type of Space Available (Building(s))	2	1	0	2
#3 - Square Footage (Building(s))	2	3	3	2
#4 - Transportation	3	2	3	3
#5 -Vacant Land	0	0	3	0
#6 -Parking	1	2	3	3
#7 - Zoning, Wetlands, State to Local Statute or Regulation	2	3	3	2
#8-Right-Of-Ways, Easements, or Restrictions	3	3	2	2
<b>Total Score</b>	<b>16</b>	<b>16</b>	<b>19</b>	<b>17</b>
<b>Total Rating</b>	<b>Not Advantageous</b>	<b>Not Advantageous</b>	<b>Highly Advantageous</b>	<b>Highly Advantageous</b>
<b>Comments</b>	very congested-no room for expansion	children,busses drop-off/pick-up access to site from Forest St.	initial RFP did not denote that building would be razed; would have to be built to our specs	has potential
	inadequate parking	uninviting entrance to building for a senior center greeting area	ideal; seniors could exit on Mill St for safety	needs a lot of work to meet requirements
	not good for our needs,not enough room for function hall, too small, choppy	day care drop off/pick up	1.84 acres includes Farina parking lot; ideal to build to our spec	lots of adjacent space-outdoor area
	too many steps to front entrance for seniors	sharing the first 2 floors with others is not advantageous for a senior center; would require too much security	parking would be sufficient(more than 70 spaces available) with the 1.84 acres available	adequate parking if city lots are included

SENIOR CENTER EVALUATION COMMITTEE  
OVERALL RFP RATING SHEET RESULTS

Comments con't	40 Mechanic Street	165 Forest Street	525 Maple Street	86 Pleasant Street
	busy narrow street	too far out of the way to divert the bus route	desirable to build new structure to required specifications	this is best option if structurally sound
	shared occupancy	property has more than 1 acre but is not usable for senior center use with sharing property	based on RFP a 14,000 sq foot building could be built on property	
	not an easy entrance, tilted downward; entrance to building from parking lot is not usable for "greeting" seniors	property has less than 70 spaces for senior center use	concern of hazardous substance from former use of adjacent parcel	
	would appear to be "HA" because it was once a post office	not good for senior center	commercial automotive land	
	is it historical?	difficult site distance on driveway		
	doesn't meet needs for future growth expansion, parking limited, seems uninviting	Buses impeded traffic flow during high use time for seniors		
	not enough expansion space, green space	does not provide outdoor option		
	road unsafe for seniors using walkers, wheelchairs	parking might be an issue when building is in full swing		
	not even close to required or needed parking			
	tight space, wouldn't lend itself for intended user			
	no outdoor space			
	undersirable			



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

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DONALD V. RIDER, JR.  
CITY SOLICITOR

2012 APR -5 P 4:59  
CYNTHIA M. PANAGORE GRIFFIN  
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER  
CHIEF PROCUREMENT OFFICER

ELLEN M. STAVROPOULOS  
PARALEGAL

April 5, 2012

Patricia Pope  
President  
Marlborough City Council

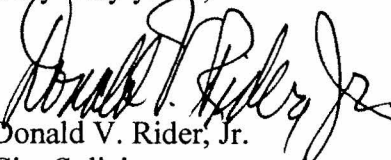
RE: Order No. 11/12-1003071D  
Application to Modify Special Permit  
Sprint  
450-460 Boston Post Road East

Dear President Pope and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by Sprint to modify its existing special permit at 450-460 Boston Post Road East. The application is to replace six (6) of the currently installed CDMA antenna with three (3) Sprint Vision antennas onto an existing wireless communication facility rooftop; six (6) remote radio heads onto an existing wireless communication facility rooftop; replace one (1) GPS mounted to the rooftop; replace two (2) cabinets with three (3) MM equipment cabinets on the existing steel dunnage on the rooftop; as well as remove all existing coax cables and replace with three (3) hybrid cables connecting the antennae to the existing equipment.

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

Very truly yours,

  
Donald V. Rider, Jr.  
City Solicitor

Enclosure

cc: Rossella Mercuri, Esquire

**DECISION ON AN APPLICATION TO MODIFY  
SPECIAL PERMIT**

**SPRINT**

**CITY COUNCIL ORDER NO. 11/12-1003071D**

Re: 450-460 Boston Post Road East

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 06100-1305B, submitted by Sprint, having a usual place of business at 1 International Blvd., Suite 800, Mahwah, NJ, as provided in this Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is Sprint (hereinafter, "Applicant").
2. On March 26, 2007, the City Council granted to the Applicant a Special Permit to locate its wireless communications facility (3 canister antennas and associated equipment shelter) on the roof at the existing building located at 450-460 Boston Post Road East, Marlborough, MA (hereinafter, "the Original Special Permit"). The site is more particularly identified on the Assessor's Map of the City of Marlborough as Map 73, Lot 31 (hereinafter "Site"). The owner of record for the Site is Trinity Countryside Limited Partnership.
3. Through its Application for Modification of Special Permit for a Wireless Communication Facility (hereinafter "Application"), as amended by the Applicant at the Wireless Communications Committee's February 28, 2012 meeting so as to eliminate all 4G LTE aspects of the Application, the Applicant seeks permission to replace six (6) of the currently installed CDMA antenna with three (3) Sprint Vision antennas onto an existing wireless communication facility rooftop; six (6) remote radio heads onto an existing wireless communication facility rooftop; replace one (1) GPS mounted to the rooftop; replace two (2) cabinets with three (3)MM equipment cabinets on the existing steel dunnage on the rooftop; as well as remove all existing coax cables and replace with three (3) hybrid cables connecting the antennae to the existing equipment (hereinafter "Proposed WCF Project"), all substantially as depicted on a set of plans entitled "Sprint Vision, BS03XC082, Countryside Village Apartments, 450-460 Boston Post Road, Marlborough, MA 01752" by Salient Architects, LLC, dated 8/23/11 and last revised 3/19/12, a copy of which were provided in the Special Permit Application and later revised (hereinafter "Plans").
4. The Applicant is a lessee of the Site's owner for purposes of the Application.

5. The Site is located partially in the Business B Zoning District and partially in the Residential A-1 Zoning District. The Proposed WCF is located in the portion of the Site located in the Business B Zoning District. Wireless communication devices are allowed by grant of Special Permit in Business B Zoning Districts.
6. The modification of the Original Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
7. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Building Inspector, on behalf of the City Planner, certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
8. The Applicant has complied with all of the applicable rules of the Rules and Regulations.
9. The City of Marlborough City Council held a public hearing on the Proposed WCF Project on January 23, 2012, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCF Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59.
11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCF Project's compliance with the applicable Special Permit criteria.
12. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

**BASED UPON THE ABOVE, THE MARLBOROUGH CITY  
COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT  
AND TAKES THE FOLLOWING ACTIONS**

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a Special Permit.
- B) The Site is an appropriate location for the Proposed WCF Project and the Proposed WCF Project is in harmony with the general purpose and intent of the

Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this approval.

C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCF Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.

D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a modification of the Original Special Permit (hereinafter, "Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 10:**

- 1) The Proposed WCF Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Application, as amended during the application/hearing process, and in compliance with the conditions of the grant of this Modified Special Permit as well as with the conditions set forth in Chapter 650-25F of the Marlborough Zoning Ordinance.
- 2) All plans, photo renderings, site evaluations, briefs and other documentation provided by Applicant as part of the Application, as amended, are herein incorporated and become a part of this Modified Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
- 3) Applicant shall comply with all rules, regulations, ordinances and statutes of the City of Marlborough, the Commonwealth of Massachusetts and the Federal Government as they may apply to the construction, maintenance and operation of the Applicant's WCF.
- 4) Applicant shall minimize the visual impacts of the Proposed WCF Project by screening and/or color coordination as may be depicted on the Plans and other demonstrative evidence submitted as part of the Application.
- 5) The issuance of this Modified Special Permit is further subject to Site Plan Review, in accordance with the City of Marlborough's ordinance, prior to the issuance of the actual building permit. Any additional changes, alterations, modifications or amendments as required by Site Plan Review shall be further conditions attached to the Modified Special Permit and no occupancy permit shall be issued until all conditions are complied with by the Applicant.

- 6) Applicant shall comply with all local regulations regarding the use of a crane or lifting device at the Site. If any crane or lifting device is used at the Site, Applicant must notify the owner and/or the operator of the Marlborough Airport at least 24 hours prior to such use.
- 7) Failure to pay in a timely manner the annual sum of One Thousand Five Hundred (\$1,500.00) dollars to the City of Marlborough Open Space Account #100-2410-44515, as conditioned in the Original Special Permit, shall constitute a violation of the Modified Special Permit, and the Applicant shall pay an additional sum of \$500 per quarter or portion thereof after the payment due date that the Applicant has failed to make payment.
- 8) Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the Proposed WCF Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCF Project only in cases of power outages to the Proposed WCF Project and for purposes of routine testing and maintenance. The temporary generator shall be operated in a safe manner and the noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 431 of the City Code. Batteries used in operation of the facility shall be disposed of off-site at the expense of the Applicant. If any liquid or hazardous material is used by Applicant in conjunction with the temporary generator, Applicant must employ a secondary containment system.
- 9) As soon as practicable but in any event within one (1) month after the date when a certificate of use and occupancy has been issued to the Applicant by the City of Marlborough's Building Inspector for the Proposed WCF Project, Applicant shall submit a written report to the City Council; provided, however, that if the Proposed WCF Project has not yet become operational within the one-month period after said issuance date, then the Applicant must immediately provide the City Council with written notification as to the date when the Proposed WCF Project does become operational and, further, must submit said written report within one (1) month after said operational date. The written report to the City Council shall i) provide measurements as to the actual output of radio frequency energy emitted by the Proposed WCF Project; ii) shall include a professional opinion by a qualified third party certifying that the Proposed WCF Project fully complies with all applicable health and safety standards; and iii) shall provide measurements of the actual output of the total radio frequency energy being emitted by all Wireless Communications Facilities (as defined in Section 650-25 of the Marlborough Zoning Ordinance) then located at the Site. The Applicant agrees to operate its Proposed WCF Project in compliance with all applicable health and safety standards. In the event that there are any changes in or upgrades to the Proposed WCF Project that may increase the

actual output of radio frequency energy emitted by the Proposed WCF Project, the Applicant shall submit a letter to the City Council as soon as practicable but in any event within one (1) month after the date of completion of those changes or upgrades. The letter shall i) state what the changes or upgrades are; ii) shall provide measurements specifying how the actual output of radio frequency energy emitted by the Proposed WCF Project has been increased; iii) shall provide measurements of the actual output of all radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site; and iv) shall include a professional opinion by a qualified third party certifying that the Applicant's changes or upgrades have not caused the total radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site to exceed any applicable health and safety standards.

- 10) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Modified Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Inspector for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Modified Special Permit to the City Council's office and to the City Solicitor's office.





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

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2012 APR -5 P 4:54  
DONALD V. RIDER, JR.  
CITY SOLICITOR  
CYNTHIA M. PANAGORE GRIFFIN  
ASSISTANT CITY SOLICITOR  
BEVERLY J. SLEEPER  
CHIEF PROCUREMENT OFFICER  
ELLEN M. STAVROPOULOS  
PARALEGAL

April 5, 2012

Patricia Pope  
President  
Marlborough City Council

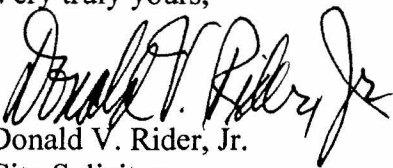
RE: Order No. 12-1004064C  
Application to Modify Special Permit  
Sprint  
2 Mount Royal Avenue

Dear President Pope and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by Sprint to modify its existing special permit at 2 Mount Royal Avenue. The application is to replace three (3) of the currently installed CDMA antenna with three (3) Sprint Vision antennas onto an existing wireless communication facility; six (6) remote radio heads; replace one (1) GPS mounted to the rooftop; replace one (1) cabinet with two (2) MM equipment cabinets within the existing lease area; remove all existing CDMA coax cables and replace with three (3) hybrid cables connecting the antennae to the existing equipment.

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

Very truly yours,

  
Donald V. Rider, Jr.  
City Solicitor

Enclosure

cc: Rossella Mercuri, Esquire

**DECISION ON AN APPLICATION TO MODIFY  
SPECIAL PERMIT**

**SPRINT**

**CITY COUNCIL ORDER NO. 12-1004064C**

Re: 2 Mount Royal Avenue

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 97-7270, submitted by Sprint, having a usual place of business at 1 International Blvd., Suite 800, Mahwah, NJ, as provided in this Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is Sprint (hereinafter "Applicant").
2. On December 9, 1997, the City Council granted to Sprint Spectrum L.P., d/b/a Sprint PCS, a Special Permit to locate a wireless communications facility on the roof of the building at 2 Mount Royal Avenue, Marlborough, MA (hereinafter, "the Original Special Permit"). The Original Special Permit allows up to nine (9) antennas and additional equipment to be installed. The site is more particularly identified on the Assessor's Map of the City of Marlborough as Map 79, Lots 33 and 33B (hereinafter, "the Site"). The owner of record for the Site is Mount Royal Associates, a Massachusetts limited partnership.
3. Through its Application for Modification of Special Permit for a Wireless Communication Facility (hereinafter "Application"), as amended by the Applicant at the Marlborough City Council's March 12, 2012 public hearing so as to eliminate all 4G LTE aspects of the Application, the Applicant seeks permission to replace three (3) of the currently installed CDMA antenna with three (3) Sprint Vision antennas onto an existing wireless communication facility; six (6) remote radio heads; replace one (1) GPS mounted to the rooftop; replace one (1) cabinet with two (2) MM equipment cabinets within the existing lease area; remove all existing CDMA coax cables and replace with three (3) hybrid cables connecting the antennae to the existing equipment (hereinafter "Proposed WCF Project"), all substantially as depicted on a set of plans entitled "Sprint Vision, BS03XC081, Sligo Hill, 2 Mount Royal Avenue, Marlborough, MA 01752 " by Salient Architects, LLC, dated 1/24/2012, a copy of which were provided in the Special Permit Application (hereinafter "Plans").
4. The Applicant is a lessee of the Site's owner for purposes of the Application.

5. The proposed WCF is located in the Business Zoning District. Wireless communication devices are allowed by grant of Special Permit in the BusinessZoning District.
6. The modification of the Original Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
7. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Building Inspector, on behalf of the City Planner, certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
8. The Applicant has complied with all of the applicable Rules and Regulations.
9. The City of Marlborough City Council held a public hearing on the Proposed WCF Project on March 12, 2012, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCF Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59.
11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCF Project's compliance with the applicable Special Permit criteria.
12. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

**BASED UPON THE ABOVE, THE MARLBOROUGH CITY  
COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT  
AND TAKES THE FOLLOWING ACTIONS**

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a Special Permit.
- B) The Site is an appropriate location for the Proposed WCF Project and the Proposed WCF Project is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this approval.

C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCF Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.

D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a modification of the Original Special Permit (hereinafter, "Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 10:**

- 1) Applicant agrees to comply with all rules, regulations, ordinances and statutes of the City of Marlborough, the Commonwealth of Massachusetts, and the federal government as they may apply to the construction, maintenance and operation of Applicant's Proposed WCF Project.
- 2) The Proposed WCF Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Application, as amended during the application/hearing process, and in compliance with the conditions of the grant of this Modified Special Permit as well as with the conditions set forth in Chapter 650-25F of the Marlborough Zoning Ordinance.
- 3) The antennae shall comply with all Federal Aviation Administration rules and regulations, as applicable.
- 4) No portion of any antenna will be more than fifteen feet (15') in height above the roof line of the building.
- 5) Applicant shall minimize the visual impacts of the Proposed WCF Project by screening and/or color coordination as may be depicted on the Plans and other demonstrative evidence submitted as part of the Application.
- 6) The issuance of this Modified Special Permit is further subject to Site Plan Review, in accordance with the City of Marlborough's ordinance, prior to the issuance of the actual building permit. Any additional changes, alterations, modifications or amendments as required by Site Plan Review shall be further conditions attached to the Modified Special Permit and no occupancy permit shall be issued until all conditions are complied with by the Applicant.
- 7) Failure to pay in a timely manner the annual sum of One Thousand Five Hundred (\$1,500.00) dollars to the City of Marlborough Open Space Account #100-2410-44515 shall constitute a violation of the Modified Special Permit, and the Applicant shall pay an additional sum of \$500 per

quarter or portion thereof after the payment due date that the Applicant has failed to make payment.

- 8) Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the Proposed WCF Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCF Project only in cases of power outages to the Proposed WCF Project and for purposes of routine testing and maintenance. The temporary generator shall be operated in a safe manner and the noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 431 of the City Code. Batteries used in operation of the facility shall be disposed of off-site at the expense of the Applicant. If any liquid or hazardous material is used by Applicant in conjunction with the temporary generator, Applicant must employ a secondary containment system.
  
- 9) As soon as practicable but in any event within one (1) month after the date when a certificate of use and occupancy has been issued to the Applicant by the City of Marlborough's Building Inspector for the Proposed WCF Project, Applicant shall submit a written report to the City Council; provided, however, that if the Proposed WCF Project has not yet become operational within the one-month period after said issuance date, then the Applicant must immediately provide the City Council with written notification as to the date when the Proposed WCF Project does become operational and, further, must submit said written report within one (1) month after said operational date. The written report to the City Council shall i) provide measurements as to the actual output of radio frequency energy emitted by the Proposed WCF Project; ii) shall include a professional opinion by a qualified third party certifying that the Proposed WCF Project fully complies with all applicable health and safety standards; and iii) shall provide measurements of the actual output of the total radio frequency energy being emitted by all Wireless Communications Facilities (as defined in Section 650-25 of the Marlborough Zoning Ordinance) then located at the Site. The Applicant agrees to operate its Proposed WCF Project in compliance with all applicable health and safety standards. In the event that there are any changes in or upgrades to the Proposed WCF Project that may increase the actual output of radio frequency energy emitted by the Proposed WCF Project, the Applicant shall submit a letter to the City Council as soon as practicable but in any event within one (1) month after the date of completion of those changes or upgrades. The letter shall i) state what the changes or upgrades are; ii) shall provide measurements specifying how the actual output of radio frequency energy emitted by the Proposed WCF Project has been increased; iii) shall provide measurements of the actual output of all radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site; and iv) shall include a professional opinion by a qualified third party certifying

that the Applicant's changes or upgrades have not caused the total radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site to exceed any applicable health and safety standards.

- 10) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Modified Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Inspector for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Modified Special Permit to the City Council's office and to the City Solicitor's office.



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

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2012 APR -5 P 4:59  
DONALD V. RIDER, JR.  
CITY SOLICITOR  
CYNTHIA M. PANAGORE GRIFFIN  
ASSISTANT CITY SOLICITOR  
BEVERLY J. SLEEPER  
CHIEF PROCUREMENT OFFICER  
ELLEN M. STAVROPOULOS  
PARALEGAL

April 5, 2012

Patricia Pope  
President  
Marlborough City Council

RE: Order No. 12-1004032E  
Application to Modify Special Permit  
Sprint  
115 Onamog Street

Dear President Pope and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by Sprint to modify its existing special permit at 115 Onamog Street. The application is to replace three (3) of the currently installed CDMA antenna with three (3) Sprint Vision antennas onto an existing wireless communication facility watertank; six (6) remote radio heads onto the watertank; replace one (1) GPS mounted to the watertank; replace two (2) cabinets with three (3) MM equipment cabinets within the existing lease area; and remove all existing CDMA coax cables and replace with four (4) hybrid cables connecting the antennae to the existing equipment.

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

Very truly yours,

Donald V. Rider, Jr.  
City Solicitor

Enclosure

cc: Rossella Mercuri, Esquire

**DECISION ON AN APPLICATION TO MODIFY  
SPECIAL PERMIT**

**SPRINT**

**CITY COUNCIL ORDER NO. 12-1004032E**

Re: 115 Onamog Street

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 02-9506B to Sprint, having a usual place of business at 1 International Blvd., Suite 800, Mahwah, NJ, as provided in this Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is Sprint (hereinafter, "Applicant").
2. On June 10, 2002, the City Council granted to Sprint Spectrum L.P. a Special Permit to locate a wireless communications facility on the outside face of the Fairmount Hill water tank located at 115 Onamog Street, Marlborough, MA at a height of approximately eighty-three (83) feet (hereinafter, "the Original Special Permit"). The site is more particularly identified on the Assessor's Map of the City of Marlborough as Map 81, Parcel 238 (hereinafter, "the Site"). The owner of record for the Site is the City of Marlborough.
3. Through its Application for Modification of Special Permit for a Wireless Communication Facility (hereinafter, "Application"), as amended by the Applicant at the Marlborough City Council's March 12, 2012 public hearing so as to eliminate all 4G LTE aspects of the Application, the Applicant seeks permission to replace three (3) of the currently installed CDMA antenna with three (3) Sprint Vision antennas onto an existing wireless communication facility watertank; six (6) remote radio heads onto the watertank; replace one (1) GPS mounted to the watertank; replace two (2) cabinets with three (3) MM equipment cabinets within the existing lease area; and remove all existing CDMA coax cables and replace with four (4) hybrid cables connecting the antennae to the existing equipment (hereinafter "Proposed WCF Project"), all substantially as depicted on a set of plans entitled "Sprint Vision, BS54XC930, Fairmount Water Tank, 115 Onamog Street, Marlborough, MA 01752 " by Salient Architects, LLC, dated 10/25/11 and last revised 2/15/12, a copy of which were provided in the Special Permit Application and later revised (hereinafter "Plans").
4. The Applicant is a lessee of the Site's owner for purposes of the Application.



5. The proposed WCF is located in the Residence A Zoning District. Wireless communication devices are allowed by grant of Special Permit in Residence A Zoning Districts.
6. The modification of the Original Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
7. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Building Inspector, on behalf of the City Planner, certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
8. The Applicant has complied with all of the applicable Rules and Regulations.
9. The City of Marlborough City Council opened a public hearing on the Proposed WCF Project on February 13, 2012, continued it to February 27, 2012, and closed it on March 12, 2012, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCF Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59.
11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCF Project's compliance with the applicable Special Permit criteria.
12. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

**BASED UPON THE ABOVE, THE MARLBOROUGH CITY  
COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT  
AND TAKES THE FOLLOWING ACTIONS**

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a Special Permit.
- B) The Site is an appropriate location for the Proposed WCF Project and the Proposed WCF Project is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this approval.

C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCF Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.

D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a modification of the Original Special Permit (hereinafter, "Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 14:**

- 1) Applicant agrees to comply with all rules, regulations, ordinances and statutes of the City of Marlborough, the Commonwealth of Massachusetts, and the federal government as they may apply to the construction, maintenance and operation of Applicant's Proposed WCF Project.
- 2) The Proposed WCF Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Application, as amended during the application/hearing process, and in compliance with the conditions of the grant of this Modified Special Permit as well as with the conditions set forth in Chapter 650-25F of the Marlborough Zoning Ordinance. All plans and photo renderings which have been filed by Applicant are hereby incorporated and become part of this Modified Special Permit.
- 3) The issuance of this Modified Special Permit is further subject to Site Plan Review, in accordance with the City of Marlborough's ordinance, prior to the issuance of the actual building permit. Any additional changes, alterations, modifications or amendments as required by Site Plan Review shall be further conditions attached to this Modified Special Permit and no occupancy permit shall be issued until all conditions are complied with by Applicant.
- 4) Applicant shall minimize the visual impacts of the Proposed WCF Project by screening and/or color coordination as may be depicted on the Plans and other demonstrative evidence submitted as part of the Application, and as may be required by Site Plan Review.
- 5) Failure to pay in a timely manner the annual sum of One Thousand Five Hundred (\$1,500.00) dollars to the City of Marlborough Open Space Account #100-2410-44515 shall constitute a violation of the Modified Special Permit, and the Applicant shall pay an additional sum of \$500 per quarter or portion thereof after the payment due date that the Applicant has failed to make payment.

- 6) No installation work shall be performed by Applicant or its contractors without the supervision of an appropriate individual designated by the Commissioner of the City of Marlborough's Department of Public Works. Additionally, the MDPW will conduct a final inspection of the installation work within fifteen (15) days of completion of the installation.
- 7) Pursuant to Chapter 650-25F of the Marlborough Zoning Ordinance, Applicant shall indemnify the City of Marlborough regarding the installation, maintenance and operation of Applicant's equipment at the Site, and Applicant shall provide the City's Legal Department with a certificate of liability insurance naming the City as an additional insured.
- 8) Applicant shall provide landscaping around the equipment cabinets at the Site to adequately shield them from view.
- 9) Applicant shall not install any asphalt on the Site or the adjacent City-owned premises.
- 10) Applicant shall install a switch, if not already installed, for the light that was to have been installed, pursuant to the Original Special Permit, to illuminate the equipment area.
- 11) Applicant shall maintain and keep the Site in good repair, neat, clean and free from all debris.
- 12) Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the Proposed WCF Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCF Project only in cases of power outages to the Proposed WCF Project and for purposes of routine testing and maintenance. The temporary generator shall be operated in a safe manner and the noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 431 of the City Code. Batteries used in operation of the facility shall be disposed of off-site at the expense of the Applicant. If any liquid or hazardous material is used by Applicant in conjunction with the temporary generator, Applicant must employ a secondary containment system.
- 13) As soon as practicable but in any event within one (1) month after the date when a certificate of use and occupancy has been issued to the Applicant by the City of Marlborough's Building Inspector for the Proposed WCF Project, Applicant shall submit a written report to the City Council; provided, however, that if the Proposed WCF Project has not yet become operational within the one-month period after said issuance date, then the Applicant must immediately provide the City Council with written notification as to the date when the Proposed WCF Project does become operational and, further, must submit said written report within one (1)

month after said operational date. The written report to the City Council shall i) provide measurements as to the actual output of radio frequency energy emitted by the Proposed WCF Project; ii) shall include a professional opinion by a qualified third party certifying that the Proposed WCF Project fully complies with all applicable health and safety standards; and iii) shall provide measurements of the actual output of the total radio frequency energy being emitted by all Wireless Communications Facilities (as defined in Section 650-25 of the Marlborough Zoning Ordinance) then located at the Site. The Applicant agrees to operate its Proposed WCF Project in compliance with all applicable health and safety standards. In the event that there are any changes in or upgrades to the Proposed WCF Project that may increase the actual output of radio frequency energy emitted by the Proposed WCF Project, the Applicant shall submit a letter to the City Council as soon as practicable but in any event within one (1) month after the date of completion of those changes or upgrades. The letter shall i) state what the changes or upgrades are; ii) shall provide measurements specifying how the actual output of radio frequency energy emitted by the Proposed WCF Project has been increased; iii) shall provide measurements of the actual output of all radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site; and iv) shall include a professional opinion by a qualified third party certifying that the Applicant's changes or upgrades have not caused the total radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site to exceed any applicable health and safety standards.

- 14) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Modified Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Inspector for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Modified Special Permit to the City Council's office and to the City Solicitor's office.



**City of Marlborough  
Legal Department**

140 MAIN STREET

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CITY OF MARLBOROUGH  
DONALD V. RIDER, JR.  
CITY SOLICITOR

2012 APR - 5 11 59  
CYNTHIA M. PANAGORE GRIFFIN  
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER  
CHIEF PROCUREMENT OFFICER

ELLEN M. STAVROPOULOS  
PARALEGAL

April 5, 2012

Patricia Pope  
President  
Marlborough City Council

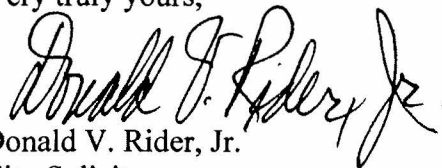
RE: Order No. 11/12-1003096C  
Application to Modify Special Permit  
Sprint  
445 Simarano Drive

Dear President Pope and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by Sprint to modify its existing special permit at 445 Simarano Drive. The application is to allow the consolidation of three (3) Iden antennae to two (2) dual pole antenna, remove three (3) CDMA antenna and replace with three (3) Sprint Vision antenna. The new antennae are substantially the same size and weight as the current antenna. Additionally, Sprint is proposing to install six (6) RRH behind or below the antennas, replace one (1) CDMA cabinet with two (2) new BBU cabinets and one (1) MM cabinet within the existing lease area, replace the GPS antenna, and remove all existing CDMA coax cable and replace with three (3) hyperflex cables.

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

Very truly yours,

  
Donald V. Rider, Jr.  
City Solicitor

Enclosure

cc: Rossella Mercuri, Esquire

**DECISION ON AN APPLICATION TO MODIFY  
SPECIAL PERMIT**

**SPRINT**

**CITY COUNCIL ORDER NO. 11/12-1003096C**

Re: 445 Simarano Drive (a/k/a 40 Crane Meadow Road)

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 00-8772B, submitted by Sprint, LLC, having a usual place of business at 1 International Blvd., Suite 800, Mahwah, NJ, as provided in this Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is Sprint, LLC (hereinafter, "Applicant").
2. On July 19, 2000 the City Council granted to Crown Castle International/Nextel Communications a Special Permit to install and operate a wireless communications facility at 445 Simarano Drive, which is also known as, and is referred to in that Special Permit as, 40 Crane Meadow Road, Marlborough, MA (hereinafter, "the Original Special Permit"). In 2005, Nextel Communications was acquired by Sprint PCS. The site is more particularly identified on the Assessor's Map of the City of Marlborough as Map 116, Lot 1 (hereinafter "Site"). The owner of record for the Site is 445 Simarano Drive Marlborough LLC.
3. Through its Application for Modification of a Special Permit for an Existing Wireless Communications Facility (hereinafter "Application"), as amended by the Applicant at the Wireless Communications Committee's February 28, 2012 meeting so as to eliminate all 4G LTE aspects of the Application, the Applicant seeks permission to modify the Original Special Permit referenced above to allow the consolidation of three (3) Iden antennae to two (2) dual pole antenna, remove three (3) CDMA antenna and replace with three (3) Sprint Vision antenna. The new antennae are substantially the same size and weight as the current antenna. Additionally, Sprint is proposing to install six (6) RRH behind or below the antennas, replace one (1) CDMA cabinet with two (2) new BBU cabinets and one (1) MM cabinet within the existing lease area, replace the GPS antenna, and remove all existing CDMA coax cable and replace with three (3) hyperflex cables (hereinafter "WCF Project"), all substantially as depicted on a set of plans entitled "Sprint Vision, BS73XC031, Cedar Hill, 40 Crane Meadow Road, Marlborough, MA 01752" by Salient Architects, LLC, dated 8/16/11 and last revised 3/12/12, a copy of which were provided in the Application and later revised (hereinafter "Plans").

4. The Applicant is a lessee of the Site's owner for purposes of the Application.
5. The Site is zoned Industrial (I). Wireless communication devices are allowed by grant of a special permit in Industrial (I) Zoning Districts.
6. The modification of the Original Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
7. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Building Inspector, on behalf of the City Planner, certified that the special permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
8. The Applicant has complied with all of the applicable Rules and Regulations.
9. The City of Marlborough City Council held a public hearing on the Proposed WCF Project on January 23, 2012, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCF Project meets all the applicable special permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59.
11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCF Project compliance with the applicable Special Permit criteria.
12. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

**BASED UPON THE ABOVE, THE MARLBOROUGH CITY COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT AND TAKES THE FOLLOWING ACTIONS:**

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a special permit.
- B) The Site is an appropriate location for the Proposed WCF Project and is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this approval.
- C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article

VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCF Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.

D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a modification of the Original Special Permit (hereinafter, "Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 9:**

1. The Proposed WCF Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Application, as amended during the application/hearing process, and in compliance with the conditions of the grant of this Modified Special Permit as well as with the conditions set forth in Chapter 650-25F of the Marlborough Zoning Ordinance.
2. All plans, photo renderings, site evaluations, briefs and other documentation provided by Applicant as part of this Modified Special Permit are herein incorporated into and become a part of this Modified Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
3. Applicant shall comply with all rules, regulations, ordinances and statutes of the City of Marlborough, the Commonwealth of Massachusetts and the federal government as they may apply to the construction, maintenance and operation of Applicant's Proposed WCF Project.
4. The issuance of this Modified Special Permit is further subject to Site Plan Review, in accordance with the City of Marlborough's ordinance, prior to the issuance of the actual building permit. Any additional changes, alterations, modifications or amendments as required by Site Plan Review shall be further conditions attached to this Modified Special Permit and no occupancy permit shall be issued until all conditions are complied with by Applicant.
5. Applicant shall minimize the visual impacts of the Proposed WCF Project by screening and/or color coordination as may be depicted on the Plans and other demonstrative evidence submitted as part of the Application, and as may be required by Site Plan Review.
6. Failure to pay in a timely manner the annual sum of One Thousand Five Hundred (\$1,500.00) dollars to the City of Marlborough Open Space Account #100-2410-44515, as conditioned in the Original Special Permit, shall constitute a violation of the Modified Special Permit, and the Applicant shall pay an additional sum of \$500 per quarter or portion thereof after the payment due date that the Applicant has failed to make payment.



7. Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the Proposed WCF Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCF Project only in cases of power outages to the Proposed WCF Project and for purposes of routine testing and maintenance. The temporary generator shall be operated in a safe manner and the noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 431 of the City Code. Batteries used in the operation of the facility shall be disposed of off-site at the expense of the Applicant. If any liquid or hazardous material is used by Applicant in conjunction with the temporary generator, Applicant must employ a secondary containment system.
  
8. As soon as practicable but in any event within one (1) month after the date when a certificate of use and occupancy has been issued to the Applicant by the City of Marlborough's Building Inspector for the Proposed WCF Project, Applicant shall submit a written report to the City Council; provided, however, that if the Proposed WCF Project has not yet become operational within the one-month period after said issuance date, then the Applicant must immediately provide the City Council with written notification as to the date when the Proposed WCF Project does become operational and, further, must submit said written report within one (1) month after said operational date. The written report to the City Council shall i) provide measurements as to the actual output of radio frequency energy emitted by the Proposed Modification; ii) shall include a professional opinion by a qualified third party certifying that the Proposed WCF Project fully complies with all applicable health and safety standards; and iii) shall provide measurements of the actual output of the total radio frequency energy being emitted by all Wireless Communications Facilities (as defined in Section 650-25 of the Marlborough Zoning Ordinance) then located at the Site. The Applicant agrees to operate its Proposed WCF Project in compliance with all applicable health and safety standards. In the event that there are any changes in or upgrades to the Proposed WCF Project that may increase the actual output of radio frequency energy emitted by the Proposed WCF Project, the Applicant shall submit a letter to the City Council as soon as practicable but in any event within one (1) month after the date of completion of those changes or upgrades. The letter shall i) state what the changes or upgrades are; ii) shall provide measurements specifying how the actual output of radio frequency energy emitted by the Proposed WCF Project has been increased; iii) shall provide measurements of the actual output of all radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site; and iv) shall include a professional opinion by a qualified third party certifying that the Applicant's changes or upgrades have not caused the total radio frequency energy being emitted by all hereinbefore-defined

Wireless Communications Facilities then located at the Site to exceed any applicable health and safety standards.

9. In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Modified Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Inspector for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Modified Special Permit to the City Council's office and to the City Solicitor's office.



**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

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
DONALD V. RIDER, JR.  
CITY SOLICITOR  
2012 APR -5 P 4:58  
CYNTHIA M. PANAGORE GRIFFIN  
ASSISTANT CITY SOLICITOR  
BEVERLY J. SLEEPER  
CHIEF PROCUREMENT OFFICER  
ELLEN M. STAVROPOULOS  
PARALEGAL

April 5, 2012

Patricia Pope  
President  
Marlborough City Council

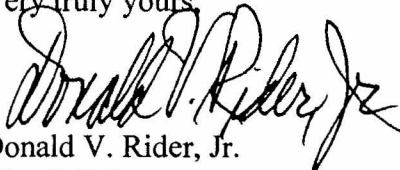
RE: Order No. 11/12-1003072D  
Application to Modify Special Permit  
Sprint  
157 Union Street

Dear President Pope and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by Sprint to modify its existing special permit at 157 Union Street. The application is to allow the replacement of six (6) CDMA antenna with three (3) Network Vision antenna and install six (6) RRH; install two (2) new BBU cabinets and replace one (1) existing CDMA cabinet with one (1) MM-BTS cabinet, replace existing GPS with a new GPS, remove existing coax cable and install three (3) hyperflex cables.

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

Very truly yours,

  
Donald V. Rider, Jr.  
City Solicitor

Enclosure  
cc: Rossella Mercuri, Esquire

**DECISION ON AN APPLICATION TO MODIFY  
SPECIAL PERMIT**

**SPRINT PCS (NEXTEL COMMUNICATION)  
BY AT&T MOBILITY CORPORATION, ITS MANAGER**

**CITY COUNCIL ORDER NO. 11/12-1003072D**

Re: 157 Union Street

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 99-8205B, submitted by Sprint, having a usual place of business at 1 International Blvd., Suite 800, Mahwah, NJ, as provided in this Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is Sprint (hereinafter, "Applicant").
2. On December 6, 1999, the City Council granted to Nextel Communications a Special Permit to locate and operate a wireless communications facility at the existing building located at 157 Union Street, Marlborough, MA (hereinafter, "the Original Special Permit"). The site is more particularly identified on the Assessor's Map of the City of Marlborough as Map 43, Lot 56 (hereinafter, "the Site"). The owner of record for the Site is Marlborough Hospital.
3. Through its Application for a Special Permit to Modify an Existing Wireless Communication Facility (hereinafter "Application"), as amended by the Applicant at the Wireless Communications Committee's February 28, 2012 meeting so as to eliminate all 4G LTE aspects of the Application, the Applicant seeks permission to allow the replacement of six (6) CDMA antenna with three (3) Network Vision antenna and install six (6) RRH; install two (2) new BBU cabinets and replace one (1) existing CDMA cabinet with one (1) MM-BTS cabinet, replace existing GPS with a new GPS, remove existing coax cable and install three (3) hyperflex cables (hereinafter, "the Proposed WCF Project"), all substantially as depicted on a set of plans entitled "Sprint Vision, BS13XC625, Marlborough Hospital, 157 Union Street, Marlborough, MA 01752" by Salient Architects, LLC, dated 10/20/11 and last revised 3/15/12, a copy of which was provided in the Special Permit Application and later revised (hereinafter "Plans").
4. The Applicant is a lessee of the Site's owner for purposes of the Application.
5. The proposed WCF is located in the Residential (A-3) Zoning District. Wireless communication devices are allowed by grant of Special Permit in the Residential (A-3) Zoning District.

6. The modification of the Original Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
7. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Building Inspector, on behalf of the City Planner, certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
8. The Applicant has complied with all of the applicable Rules and Regulations.
9. The City of Marlborough City Council held a public hearing on the Proposed WCF Project on January 23, 2012, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCF Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59.
11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCF Project's compliance with the applicable Special Permit criteria.
12. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

**BASED UPON THE ABOVE, THE MARLBOROUGH CITY  
COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT  
AND TAKES THE FOLLOWING ACTIONS**

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a Special Permit.
- B) The Site is an appropriate location for the Proposed WCF Project and the Proposed WCF Project is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this approval.
- C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the

City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCF Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.

D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a modification of the Original Special Permit (hereinafter, "Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 9:**

- 1) The Proposed WCF Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Application, as amended during the application/hearing process, and in compliance with the conditions of the grant of this Modified Special Permit as well as with the conditions set forth in Chapter 650-25F of the Marlborough Zoning Ordinance.
- 2) All plans, photo renderings, site evaluations, briefs and other documentation provided by Applicant as part of the Application, as amended, are herein incorporated and become a part of this Modified Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
- 3) Applicant shall comply with all rules, regulations, ordinances and statutes of the City of Marlborough, the Commonwealth of Massachusetts and the Federal Government as they may apply to the construction, maintenance and operation of the Applicant's WCF.
- 4) The issuance of this Modified Special Permit may be further subject to Site Plan Review, prior to the issuance of the actual building permit. Any additional changes, alterations, modifications or amendments as required by Site Plan Review shall be further conditions attached to this Modified Special Permit and no occupancy permit shall be issued until all conditions are complied with by Applicant.
- 5) Applicant shall minimize the visual impacts of the Proposed WCF Project by screening and/or color coordination as may be depicted on the Plans and other demonstrative evidence submitted as part of the Application.
- 6) Failure to pay in a timely manner the annual sum of One Thousand Five Hundred (\$1,500.00) dollars to the City of Marlborough Open Space Account #100-2410-44515, as conditioned in the Original Special Permit, shall constitute a violation of the Modified Special Permit, and the Applicant shall pay an additional sum of \$500 per quarter or portion thereof after the payment due date that the Applicant has failed to make payment.

- 7) Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the Proposed WCF Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCF Project only in cases of power outages to the Proposed WCF Project and for purposes of routine testing and maintenance. The temporary generator shall be operated in a safe manner and the noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 431 of the City Code. Batteries used in operation of the facility shall be disposed of off-site at the expense of the Applicant. If any liquid or hazardous material is used by Applicant in conjunction with the temporary generator, Applicant must employ a secondary containment system.
  
- 8) As soon as practicable but in any event within one (1) month after the date when a certificate of use and occupancy has been issued to the Applicant by the City of Marlborough's Building Inspector for the Proposed WCF Project, Applicant shall submit a written report to the City Council; provided, however, that if the Proposed WCF Project has not yet become operational within the one-month period after said issuance date, then the Applicant must immediately provide the City Council with written notification as to the date when the Proposed WCF Project does become operational and, further, must submit said written report within one (1) month after said operational date. The written report to the City Council shall i) provide measurements as to the actual output of radio frequency energy emitted by the Proposed WCF Project; ii) shall include a professional opinion by a qualified third party certifying that the Proposed WCF Project fully complies with all applicable health and safety standards; and iii) shall provide measurements of the actual output of the total radio frequency energy being emitted by all Wireless Communications Facilities (as defined in Section 650-25 of the Marlborough Zoning Ordinance) then located at the Site. The Applicant agrees to operate its Proposed WCF Project in compliance with all applicable health and safety standards. In the event that there are any changes in or upgrades to the Proposed WCF Project that may increase the actual output of radio frequency energy emitted by the Proposed WCF Project, the Applicant shall submit a letter to the City Council as soon as practicable but in any event within one (1) month after the date of completion of those changes or upgrades. The letter shall i) state what the changes or upgrades are; ii) shall provide measurements specifying how the actual output of radio frequency energy emitted by the Proposed WCF Project has been increased; iii) shall provide measurements of the actual output of all radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site; and iv) shall include a professional opinion by a qualified third party certifying that the Applicant's changes or upgrades have not caused the total radio frequency energy being emitted by all hereinbefore-defined Wireless

Communications Facilities then located at the Site to exceed any applicable health and safety standards.

- 9) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Modified Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Modified Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Inspector for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Modified Special Permit to the City Council's office and to the City Solicitor's office.



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# MIRICK O'CONNELL

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A T T O R N E Y S   A T   L A W

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2012 APR -4 A 8:54

**Brian R. Falk**  
Mirick O'Connell  
100 Front Street  
Worcester, MA 01608-1477  
bfalk@mirickoconnell.com  
t 508.929.1678  
f 508.983.6256

March 23, 2012

Lisa M. Thomas, City Clerk  
City of Marlborough  
140 Main Street  
Marlborough, MA 01752

Re: Notice of Representation (City Council Order No. 91-3822A), 54 Main St. LLC

Dear Ms. Thomas:

I am employed as an Associate Attorney with the law firm of Mirick, O'Connell, DeMallie & Lougee, LLP (the "Firm"). The Firm serves as outside legal counsel for the City of Marlborough for labor services.

Outside legal counsel has been designated by the City Council as special municipal employees. The City Council requires that all such employees file a disclosure with the City Clerk's office when they are representing a non-City of Marlborough client before a City board, commission, department, etc.

I hereby provide notice that I will be the attorney representing 54 Main Street LLC in a matter involving the City Council and the Zoning Board of Appeals relative to the property at 54 Main Street.

Very truly yours,



Brian R. Falk

BRF/aer

---

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

---

# MIRICK O'CONNELL

A T T O R N E Y S   A T   L A W

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2012 APR -4 A 8:54

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

March 23, 2012

Lisa M. Thomas, City Clerk  
City of Marlborough  
140 Main Street  
Marlborough, MA 01752

Re: Notice of Representation (City Council Order No. 91-3822A), 54 Main St. LLC

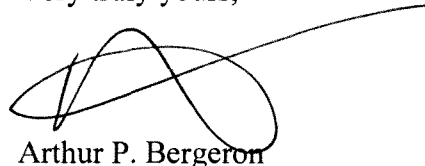
Dear Ms. Thomas:

I am employed as an attorney with the law firm of Mirick, O'Connell, DeMallie & Lougee, LLP (the "Firm"). The Firm serves as outside legal counsel for the City of Marlborough for labor services.

Outside legal counsel has been designated by the City Council as special municipal employees. The City Council requires that all such employees file a disclosure with the City Clerk's office when they are representing a non-City of Marlborough client before a City board, commission, department, etc.

I hereby provide notice that I will be the attorney representing 54 Main Street LLC in a matter involving the City Council and the Zoning Board of Appeals relative to the property at 54 Main Street.

Very truly yours,



Arthur P. Bergeron

APB/alm

---

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

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com



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

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2012 APR -5 P 4:01

**Lisa M. Thomas  
City Clerk**

**CITY OF MARLBOROUGH  
TAXI AND/OR LIVERY SERVICE LICENSE APPLICATION**

I. TYPE OF LICENSE: \_\_\_\_\_ TAXI  \_\_\_\_\_ LIVERY

2. APPLICANT'S (LICENSEE) INFORMATION:

A. Name: Angel Santiago  
B. Address: 160 west main st. # 1  
C. Business Name: Marlboro Metro Taxi  
D. Business Address: 160 West main st. # 1  
E. Telephone Number(s): 774-285-2869

3. NUMBER OF VEHICLES: 1

APPLICANT'S SIGNATURE Angel Santiago

**CITY OF MARLBOROUGH  
TAXI/LIVERY LICENSE**

is hereby granted a Taxi/Livery License as approved by the City Council of the City of Marlborough on . In accordance with the Code of the City of Marlborough, Chapter 568, this License shall expire two (2) years from the date of issue. Application for renewal of said License shall be made to the City Council through the Office of the City Clerk.

EXPIRATION DATE: \_\_\_\_\_

A TRUE COPY  
ATTEST:

City Clerk

# City of Marlborough

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2012 MAR 28 A 9:42



March 12, 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, March 12, 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, Edward Coveney and Clyde Johnson. Also present: Assistant City Engineer Timothy Collins.

## MINUTES

### *February 27, 2012*

On a motion by Ms. Hughes, seconded by Mr. Johnson, 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. Collins had no update at this time.

### *Cider Mill Estates*

#### *Extension Request, Tax and Blight Information*

Mr. Donald Seaburg is requesting a year extension for this subdivision and has supplied the subdivision status report. Ms. Puleo, the Tax Collector, sent correspondence that she has reviewed the subdivision for the current taxes; one lot is unpaid at this time. Mr. Seaburg stated that he will ask his accountants to speak the Tax Collectors office. Ms. Wilderman, the Code Enforcement Officer, stated that site does not have any blight.

*Extension Request Correspondence:*

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

To accept and file correspondence.

*Tax Collectors and Code Enforcement Correspondence:*

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

To accept and file correspondence.

*Subdivision Status Report:*

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

To accept and file the correspondence, to refer the report to the Engineering Department for their review and to have them report to the Board at the next scheduled meeting.

**Mauro Farm**

*Extension Request*

At the last meeting on February 27, 2012, Mr. Martin Loiselle, requested a year long subdivision extension. He was asked to provide a subdivision completion schedule, tax information and a free from blight letter from the City Code Enforcement office. Ms. Puleo stated that all the taxes are paid to date. Ms. Wilderman stated that site has no issues however she is concerned about the stock pile of dirt.

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

To accept and file all correspondence.

The subdivision completion schedule has not been reviewed by the Engineering Department.

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

To accept and file the subdivision completion schedule; to refer the schedule to the City Engineers office for their full review and to report back to the Board at the next scheduled meeting.

*Subdivision Extension:*

The Planning Board noticed the subdivision approval would lapse in between the meeting schedules.

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

To extend the subdivision approval date until March 27, 2012.

**Meadowbrook Village**

*Covenant Approval Release*

Mrs. Michelle Sacca, of Smith, Duggan, Buell & Rufo, LLP, has researched the covenant for a home sale and while in her research could not find a copy of the signed covenant from 1971. She

is asking for the Board to resign the covenant and then she will file with the South Middlesex Registry.

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

To accept and file correspondence, to refer the covenant to the City Solicitor for his approval.

**Shorter Street**

*Correspondence from City Council*

Ms. Karen Boule, the City Council Secretary, responded to the Planning Boards request for information regarding Shorter Street. Ms. Boule stated that the action was taken by City Council on May 23, 2011 to let the order expire without action. The Planning Board asked the City Council not to accept the easement and after discussions with the Legal Department and the City Engineer they decided to let the action expire.

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

To accept and file correspondence.

**Bond**

With no final action from the City Council, the Board is releasing the remaining bond amount of \$1.00.

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

To return the remaining bond amount.

**PENDING SUBDIVISION PLANS: Updates and Discussion**

**PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS**

**93 Framingham Road  
Withdrawal**

On behalf of the developer, Attorney Arthur Bergeron has requested the withdrawal of the open space subdivision plans without prejudice.

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

To accept the request, and hereby withdrawals without prejudice the subdivision known as "93 Framingham Road".

**DEFINITIVE SUBDIVISION SUBMISSIONS**

**SIGNS**

Dr. Fenby stated that she would like the Board to reconsider revisiting the proposed sign ordinance. She would also like to incorporate the illumination of the LED boards and lights on at stores after store has closed.

**INFORMAL DISCUSSION**

**COMMUNICATIONS/CORRESPONDENCE**

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

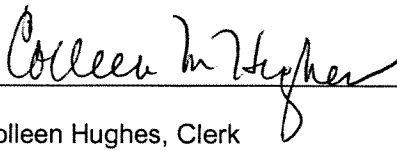
To accept all of the items listed under communications and/or correspondence.

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

To adjourn at 7:30 p.m.

**A TRUE COPY**

ATTEST:

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

*City of Marlborough*  
*Commonwealth of Massachusetts*



**Planning Board**  
**April 9, 2012**  
**7 PM**

**1) Meeting Minutes**

- a) March 26, 2012

**2) Chair's Business**

- a) 43 Kinder Circle

**3) Approval Not Required**

**4) Public Hearings**

**5) Pending Subdivision Plans: Updates and Discussion**

- a) Update from City Engineer

**6) Preliminary/Open Space Submissions/ Limited Development Subdivisions**

**7) Definitive Subdivision Submission**

**8) Signs**

- a) Marlborough Rotary Club
- b) MASS DOT/Aeronautics

**9) Informal Discussions**

- a) 637 Sudbury Street

**10) Correspondence**

**11) Public Notices of other Cities & Towns**

- a) Town of Berlin, Planning Board, Public Hearing, May 7
- b) Town of Hudson, Zoning Board of Appeals, Public Hearing, April 12
- c) Town of Framingham, Planning Board, Public Hearing, April 9
- d) Town of Northborough, Planning Board, Public Hearing, April 17

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**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

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COA Board Meeting Minutes from March 13, 2012

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Meeting Time: 8:30  
Location: Marlborough Senior Center-Craft Room

2012 APR -2 P 1:04

Present: Sheila Brecken, Rita Connors, Dorothy Hodgson, Marie Elwood, Jennifer Claro, Jim Conwell

Excused: Brenda Costa

Items discussed:

1. The meeting was called to order at approximately at 8:30 AM.
2. The February minutes were reviewed and approved by the Board
3. **The Director reported:**
  - She is meeting with the Mayor's Executive Secretary on a weekly basis to discuss the Senior Center and address any questions from the Mayor's office.
  - Director reported we are still looking at a partnership with MetroWest United Way in taking food applications for seniors and assisting in distribution of food boxes- only for seniors.
  - Director informed everyone that Sheila Brecken and Judy Jewett were selling bracelets on their behalf to raise money for the new Senior Center.
  - Requested change of the May COA Board meeting from May 8<sup>th</sup> to May 1<sup>st</sup> at 8:30 AM.
  - Claro announced that we had been awarded a grant to assist with transportation for those in financial hardship situations. This grant is in the process of being accepted or denied by the Mayor and City Council.
  - Director reported that the Senior Center has requested a summer intern (college preferably) through the Mayor's new Intern Initiative for the Summer 2012.
  - COA Legislative breakfast determined who would be representing our Senior Center. Director reported she will be out of town and Ana Cristina Oliveira, Outreach Coordinator would be attending in her place.
  - Discussed VNA program and Marlborough Health Department nurse outreach
4. Lt. Mike Amoros of Marlborough police was not able to attend the meeting but reported there were no current issues concerning Seniors at this time.
5. **Board Updates:**
  - Friends 485 members. Dottie Hodgson said this will be her last Friends Report because she would no longer be handling membership for the Friends of Marlborough Seniors after serving for over a decade handling membership.
  - BayPath: No update
  - Party Committee: Next meeting will be after the Mayor's Senior of the Year Dinner which will be held on May 23<sup>rd</sup> at 5PM. At the Marlborough High School. 300 tickets available.

Old Business:

- Board appointments and re-appointments are still pending
- COATS system two letters were written by J. Claro and Rita Connors sending Senior Center participants their new COATS card and encouraging them to use their card so we can keep track of their participation in various activities. Currently 542 participants in COATS System.
- Transportation Committee has been working on a transportation forum with Employment Options. It looks like this event will be held in June with full participation from MWRTA and support from the City's Executive Transportation Committee
- New Senior City Committee update was given by Jim Confrey stating the final evaluations were given to the Chief procurement Officer for her report to the Mayor and City Council as of March 15, 2012.
- Mayor's Senior of The Year Dinner- Nominations are still be accepted for Senior of the Year until April 6<sup>th</sup> at noon. The Mayor has set the date for this special event for May 23<sup>rd</sup> at 5PM at Marlborough High School. The menu will include: Fresh Fruit cup, Stuffed baked chicken breast with gravy, mashed potato, green beans and pearl onions, bread, strawberry shortcake and tea and coffee.

New Business:

A.) Cable show, "Next Steps" which runs monthly and discusses various senior services, programs, health news and community events as well as highlights a Senior of the month for their volunteer services to the community. This show is hosted by the Senior Center Director and Judy Kane.

Meeting Adjourned

Submitted by: Jim Confrey and Jennifer Claro

February 28, 2012

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2012 APR -3 A 10:24



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

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held on Tuesday, February 28, 2012 at 10:00 a.m. in the City Council Committee Room, City Hall. Members present: Chairman Police Chief Mark Leonard, Acting Fire Chief Fred Flynn and City Clerk Lisa Thomas. Also present: City Engineer Thomas Cullen and Asst. City Engineer Tim Collins, Minutes taken by: Karen Lambert, MPD Records Clerk.

**1- Minutes**

The minutes of the Traffic Commission meeting of Tuesday, January 31, 2011.

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

**2-New Business**

(No New Business on Agenda)

**Chief Leonard requested a suspension of rules to discuss an item not on the agenda.  
All in Favor.**

Councilor Jenkins has asked if the parking ban can be lifted due to the "lack of winter". Chief Leonard advised that he would bring the request before the Traffic Commission; however, he does not want to lift the ban at this time. The weather is so unpredictable and the ban is due to be lifted on March 15<sup>th</sup>. Ron LaFreniere agreed with Chief Leonard. He mentioned that communities that use a storm by storm ban often have difficulties with snow removal. He stated that he is "vehemently" opposed to any adjustments to the winter parking ban. The full time parking ban works great here in Marlborough and he has had vehicles towed for noncompliance.

MOTION was made, seconded, duly VOTED to leave the ban in place.

**3-Old Business**

**3d. Traffic Commission rules and regulations update.**

City Clerk Lisa Thomas scanned the document and sent it to everyone in the group by e-mail. She noted that it is due back to General Code by April 2<sup>nd</sup>. It was discussed that what was sent to General Code was the most recent version of the document which included all of the amendments that have been approved by the Commission since Lisa came on board. Ron LaFreniere and Chief Leonard asked if anyone has had a chance to review the document yet. Tim Collins advised that they have a new Engineering Aide who has been given this project. She has outlined the document in a spreadsheet format that is set up by street. She is planning to go out into the field to verify the data. Chief Leonard commented that he has no doubt that there will be conflicts and that we just need to get to where we have something we can with. The next update will take care of a lot of the conflicts. The Commission will then plan to further clean up the regulations as issues arise. Forty eight amendments were sent to General Code along with the original document. The Commission feels more confident with the amendments than the original document. They will need to see how the amendments have been "meshed" into the document by General Code. Ron LaFreniere commented that the spreadsheet will be very helpful along with the field study; however, it doesn't really mean that much if the original book is not correct. He believes, however, that we are doing the best we can with what the Commission had to start with.

MOTION was made, seconded, duly VOTED to review status at next meeting and get back to General Code with what we have.

**3e. Parking violation fines.**

Chief Leonard advised that this item should be removed from the agenda as the fines have been updated in the ticket books.

MOTION was made, seconded, duly VOTED to REMOVE from agenda.

**3e. Stop signs on Bigelow Street.**

Chief Leonard advised that there is nothing new to report on this issue. He sent the information we had on the solar powered signs to Councilor Pope. Mayor Vigeant has commented that the cost of the proposed signs is prohibitive. Ron LaFreniere said that the Commission had discussed including the cost of the signs in the capital budget.

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

**3b. High School parking regulations.**

Chief Leonard noted that this is a very old item on the agenda. The Commission never really finished this plan. The back side of the lot was worked on; however, the front was not formally regulated. Ron LaFreniere thought that the entire high school lot had been completed. Chief Leonard said that he is not sure if the regulations were ever adopted even though there was a plan in place. Tim Collins noted that John Ghiloni wants to

make changes to the No Parking Area. Chief Leonard said that he would also like to look at the Whitcomb School lot. He noted some signs that were discussed but never changed.

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

**3a. Municipal off street parking regulation.**

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

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:30 am.

Respectfully submitted,

Karen L. Lambert  
Records Clerk  
Marlborough Police Department

**List of documents and other exhibits used at the meeting:**

**- Meeting Agenda for Tuesday, February 28, 2012**

**-Includes the following attachments:**

- \*City of Marlborough Meeting Posting
- \*Draft of Minutes from meeting of 1/31/12

**-Additional Handouts**

- \*None

Marlborough Community Development Authority

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MINUTES

2012 APR -5 P 12:33

Thursday, March 29, 2012  
Mayor's Conference Room

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

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

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

The Board approved the minutes of the February 23, 2012 meeting  
The Board approved the Housing and CDA bills payable.

Doug Bushman, Housing Director, presented the Housing report which was accepted as presented. Doug is to work with Procurement Officer on RFP for new laundry services. The Board approved the Section 8 family self-sufficiency grant plan. The Board voted to approve the amendment to move \$129,000 from Reserves to the Maintenance Budget. The Capital Improvement Plan formula funding from DHCD was approved. Doug to get an elevator maintenance contract for Main St, currently there is no contract. The Board approved Doug's request to shred old HUD/DHCD records. The Board did not approve the request to allocate an additional \$1,900 for an architect to combine the three projects on 20 Front St. Mayor to schedule a debriefing with city department regarding the fire on Main St.

Linda Overing, CDA Consultant, presented the CDA report which was accepted as presented. She reported that Pavao Construction of Dighton was the low bidder at \$899,412.50 for the Preston St. Infrastructure project, the contract is currently under review. We are currently accepting applications from housing rehab clients. The RFP for the Rehab Specialist was advertised and proposals were due yesterday. *On a motion by Steve V. and seconded by Lynn, the Board voted to allow Eric and Breezeway to review the proposals for Rehab Specialist and make the final decision.* Steve Herzberg is working with Aldo on updating the legal documents for the housing rehab program. A review of old housing rehab case files is underway with about 35 files having been reviewed to date. At the request of the Board at the last board meeting, Linda presented two options for selling the Emmett St. property as an affordable unit. The price will be discussed in Executive Session. Linda presented the options for Harrison Place, the Rehab Specialist will develop detailed cost estimates.

Anne Marie gave an update of the Emmett St project and reported that Job Corps backed out of doing the plastering and she had to go back out to bid. The low bidder was DeCharles Plastering with a bid of \$4,800. *The Board gave a confirmatory vote to award the contract to DeCharles Plastering.* Anne Marie discussed the DHCD Monitoring Report and indicated there were no findings, only 2 items of concern and two recommendations which have been put into place. *The Board voted to move the 2011 Program Income that was <\$25 from program income to the CDA to use these funds to pay the Retirement appropriation invoice that was disallowed under the FY11 Block Grant because it was for a period outside the dates of the grant.*

Minutes of Meeting  
CDA Board  
March 29, 2012

Joyce asked that the Board recognize the donation of the basement floor labor and materials which were paid for by William Depietri of Capital Group Properties of Southboro. He hired JBJ to do the job.

*The Board voted to approve the refinance request from a LIP homeowner.* The homeowner met all of the guidelines and submitted as required paperwork. Eric confirmed that it was a good refinance for the homeowner.

Tom Abel passed out an Employee Benefits sheet for the Board to consider vs. the current benefits for CDA employees.

On a motion to adjourn to Executive Session the following votes were taken: Steve V., yes; Eric, yes; Joyce, yes; Sally, yes; Steve L., yes; Lynn, yes; Mayor, yes. Adjourned to Executive Session at 9:46.

Reconvened at 10:10 a.m. Adjourned at 10:10 a.m.

Respectfully submitted,

Anne Marie Blake