

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2012 JUL -5 P 12: 51

1. Minutes of the City Council Meeting, June 18, 2012.
2. PUBLIC HEARING On the Application for Special Permit from Rossella Mercuri, on behalf of Sprint, for modification of a wireless facility located at 75 Donald Lynch Blvd., Order No. 12-1005092.
- 2a. Letter from Petitioner re: failure to provide sufficient notice with request to *continue the public hearing* to date certain to fulfill notice requirements and to extend beyond 65 days the time in which to hold the public hearing.
3. PUBLIC HEARING On the Application for Special Permit from Rossella Mercuri, on behalf of Sprint, for modification of a wireless facility located at 860 Boston Post Rd., Order No. 12-1005093.
- 3a. Letter from Petitioner re: failure to provide sufficient notice with request to *continue the public hearing* to date certain to fulfill notice requirements and to extend beyond 65 days the time in which to hold the public hearing.
4. PUBLIC HEARING On the Petition from NGrid to have underground primary cable crossing for D'Angelo Dr. to provide new service to Ken's Food, Order No. 12-1005109.
5. PUBLIC HEARING On the Petition from NGrid to install new intermediate P. 4-51 on D'Angelo Dr. to provide new service to Ken's Food, Order No. 12-1005110.
6. Communication from the Mayor re: Police transfer request in the amount of \$140,136.00 which moves funds from Reserve for Salaries to various accounts as noted on the attached spreadsheet to fund contract years 2010-2012 with the Massachusetts Coalition of Police (MASSCOP) Local 366 of the Marlborough Police Department.
7. Communication from the Mayor re: Employee Benefits transfer request in the amount of \$51,002.00 which moves funds from Fringes to Sick Leave to fund benefits associated with the retirement of an employee in the Marlborough Fire Department.
8. Communication from City Solicitor Rider re: Acceptance of Ewald Ave. and Muir Way as Public Ways, Order No. 11/12-1002807A.
9. Communication from City Solicitor Rider re: Acceptance of Cleversy Drive as a Public Way, Order No. 11/12-1003095A.
10. Communication from the Planning Board re: Subdivision Acceptance, Forest Grove Subdivision, Ewald Ave. and Muir Way and Easements, Order No. 11/12-1002807A.
11. Communication from the Planning Board re: Subdivision Acceptance, Elm Farm Valley Estates, Cleversy Dr., Order No. 11/12-1003095A.
12. Communication from Marlborough Retirement Board Director, Margaret Shea, re: FY2013 Operating Budget.
13. Communication from Cumberland Farms Inc., re: request to extend time limitations to an extension of thirty days beyond the applicable statutory time-frame to construct a convenience store with gasoline sales on the subject parcels, 412 & 418 Maple St. and Walker St., Order No. 12-1005081A.
14. Petition from NGrid to relocate existing P. 2, 25' in a NE direction from existing location and installation of a new anchor off of relocated P. 2 on Manning St.
15. Application for Special Permit from Andy Candiello, agent for MetroPCS, to install a wireless communication facility onto the existing building located at 98 Pleasant St.
16. Application, Junk Dealer's License, Richard Jenkins, d/b/a MetroWest Rubbish Service, 19 Indian Lane.

17. Communication from Board of Selectmen, Town of Shrewsbury, re: Development of a More Effective Approach to Establishing a More Consistent Financial Relationship with the Commonwealth.
18. Minutes, Traffic Commission, May 29, 2012.

REPORTS OF COMMITTEES:**UNFINISHED BUSINESS:****From Personnel**

19. **Order No. 12-1005089 - Communication from Mayor Vigeant with appointments of Patricia Zilembo, Kelly French and Joan D'onofrio to the Youth Commission of which Patricia will serve as Chair for a term of three years from the date of approval and Kelly and Joan will serve a term of two years from the date of approval. Recommendation of the Personnel Committee is to approve 2-0.**
20. **Order No. 12-1005091 - Communication from Mayor Vigeant with appointments of Mark Vital, replacing Craig Hunt who stepped down, and Nancy Klein to a vacant position, as members of the Recreation Commission for a term of three years from the date of approval. Recommendation of the Personnel Committee is to approve both appointments 2-0.**
21. **Order No. 12-1005055 - Communication from Mayor Vigeant with appointment of Robert Page, 116 Broadmeadow Street as a Regular Member of the Zoning Board of Appeals (ZBA)(exp.5/5/17) in place of William King of Nashoba Drive and the appointment of William King as an Alternate Member of the ZBA(exp.5/5/14). Recommendation of the Personnel Committee is to approve the appointment of Robert Page 2-0 as William King was unavailable to attend.**
22. **Order No. 12-1004094 - Communication from Mayor Vigeant with appointment of Councilor Robert Tunnera to the Commission on Disabilities – no expiration date noted. – no action taken.**

From Public Services Committee

23. **Order No. 12-1005043 - Application for Junk Dealers License, Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair, 107 Main Street. Roman Kimyagarov appeared in connection with his application, d/b/a Arthur & Sons Shoe Repair, to renew his junk dealer's license. The Committee reviewed the renewal application. Recommendation of the Public Services Committee is to approve 3-0.**
24. **Order No. 11-1002807A - Communication from Atty. Beattie re: Acceptance of Ewald Avenue and Muir Way in the Forest Grove Subdivision. Recommendation of the Public Services Committee is to accept Ewald Avenue and Muir Way as public ways, and their associated easements as municipal easements, pending the Planning Board's recommendation to be made at its June 18, 2012 meeting, and pending the follow-up with DPW Engineering as to the scope of the municipal easements 3-0.**

25. **Order No. 11-1003095 - Communication from Atty. Michael Norris re: Acceptance of Cleversy Drive, Elm Farm Valley Estates. Recommendation of the Public Services Committee is to accept Cleversy Drive as a public way and its associated easements as municipal easements, pending the Planning Board's clarification, to be made at its June 18, 2012 meeting, concerning its written recommendation to the City Council dated December 21, 2011 3-0.**



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

JUNE 18, 2012

Regular meeting of the City Council held on Monday, JUNE 18, 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 10:20 PM.

ORDERED: That the Mayor presented City Scholarships certificates to the following students, **FILE**; adopted.

Lucas Allen
Sarah Symes
Taylor Fearing
Kaitlyn Saunders
Daniel Dilling

ORDERED: That the Minutes of the City Council Meeting, JUNE 4, 2012, **FILE AS AMENDED**; adopted.

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from Cumberland Farms, Inc., 412 & 418 Maple St. and Walker St. to construct a convenience store with gasoline sales on the subject parcels, Order No. 12-1005081, hearing recessed at 9:37 PM.; adopted.

Councilor Seymour abstained

ORDERED: That the PUBLIC HEARING On the Application for Fuel Storage License, Cumberland Farms Inc., 412 & 418 Maple St., Order No. 12-1005083, hearing recessed at 9:50 PM.; adopted.

Councilor Seymour abstained

At Council President Pope's request to recess at 9:48 PM and return to open meeting at 9: 52 PM, **APPROVED**; adopted.

ORDERED: That the Snow and Ice Deficit transfer request in the amount of \$32,000.00 which moves funds from Undesignated to Snow Removal, **APPROVED**; adopted.

FROM:

Acct. # 10000-35900 \$32,000.00
Undesignated Fund

TO:

Acct. # 14001206-52960 \$32,000.00
Snow Removal

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Police Department Grant in the amount of \$5,000.00 from the Executive Office of Public Safety and Security (EOPSS) for replacement of some crosswalk signs that have been damaged as well as for pedestrian safety enforcement patrols; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Police Department Grant in the amount of \$45,000.00 from the Executive Office of Health and Human Services (EOHHS) for the City's Jail Diversion Program which is carried out in conjunction with Advocates, Inc.; adopted.

ORDERED: That, in order to promote, protect and preserve public health, the City Council hereby approves the City of Marlborough's participation with the towns of Hudson and Framingham in the MetroWest Mass-in-Motion Collaborative, whose purpose is to implement policy, systems and environmental change strategies to increase healthy eating and active living of its residents; and further, the City Council hereby authorizes the Mayor, pursuant to M.G.L. c. 40, § 4A, to enter into an Inter-Municipal Agreement with said towns to form said Collaborative, **APPROVED**; adopted.

ORDERED:

**A RESOLUTION
TO APPLY FOR AND ACCEPT GRANT
FROM THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS,
FOR THE RENOVATION AND EXPANSION OF MEMORIAL BEACH**

WHEREAS, Memorial Beach, located at 706 Hosmer Street and shown on the Marlborough Assessor's Maps as Map 7, Parcel49, is a community-wide asset, and the preservation of and improvements to this facility are a priority of the city of Marlborough, as evidenced by the most recent Open Space and Recreation Plan; and

WHEREAS, except for a sub-parcel to be created through the Approval Not Required (ANR) process for the sewer pump station currently located on said Parcel49, Memorial Beach has been permanently dedicated to recreation purposes under M.G.L. c. 45, § 14, and is under the care, custody, management and control of the Recreation Commission of the city of Marlborough; and

WHEREAS, Memorial Beach's ultimate renovation, to be guided by the recently completed Memorial Beach Improvements Master Plan, will greatly enhance this facility with improved and expanded path systems and accessibility, bath house improvements, new children's play area and basketball court, parking area reconfiguration, drainage improvements and planting, new picnic areas, floats, accessible beach access and other site improvements to increase and enhance recreation use; and

WHEREAS, the main focus of said Master Plan is to renovate the facility to improve its functionality and appearance, and to expand its use to an all-season recreational facility; and

WHEREAS, the Commonwealth of Massachusetts' Executive Office of Energy and Environmental Affairs ("EOEEA") is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Parkland Acquisitions and Renovations for Communities ("PARC") grant program (301 CMR 5.00); and

WHEREAS, the project cost as outlined in the Master Plan totals \$1,000,000 (One Million Dollars), and the City Council has voted on June 20, 2011 to authorize the bond funding in the amount of up to \$1,000,000 (One Million Dollars);

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. That the Mayor be, and hereby is, authorized to apply for and accept a PARC grant from EOEAA; and
2. That the Mayor be, and hereby is, authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of the PARC grant to be administered by the Recreation Commission; and
3. That this Resolution shall take effect upon its passage; adopted.

ORDERED: That the Communication from City Solicitor, Donald Rider, re: prospective change in the nature of the City's interest in Indian Hill, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

Councilor Jenkins abstained

ORDERED: That there being no objection thereto set **Monday, July 9, 2012** as date for a **PUBLIC HEARING** on the Petition from National Grid to have underground primary cable crossing for D'Angelo Dr. to provide new service to Ken's Food, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **Monday, July 9, 2012** as date for a **PUBLIC HEARING** on the Petition from National Grid to install new intermediate P.4-51 on D'Angelo Dr. to provide new service to Ken's Food, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, Traffic Commission, April 24, 2012, **FILE**; adopted.

ORDERED: That the Minutes, Council on Aging, May 1, 2012, **FILE**; adopted.

ORDERED: That the Communication from Evans Carter, P.C. Law Offices, re: Notice of Tort Claim, Michelle John-Baptiste and Central West Grille, Inc, refer to **LEGAL DEPARTMENT**; adopted.

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

- A. Joe Delima, 206 Hildreth St., other property damage.
- B. Timothy Ragno, 3 Helen Dr., other property damage

Reports of Committees:

Councilor Tunnera reported the following out of the Personnel Committee:

Order No. 12-1005089 - Communication from Mayor Vigeant with appointments of Patricia Zilembo, Kelly French and Joan D'onofrio to the Youth Commission of which Patricia will serve as Chair for a term of three years from the date of approval and Kelly and Joan will serve a term of two years from the date of approval. **Recommendation of the Personnel Committee is to approve 2-0.**

Order No. 12-1005091 - Communication from Mayor Vigeant with appointments of Mark Vital, replacing Craig Hunt who stepped down, and Nancy Klein to a vacant position, as members of the Recreation Commission for a term of three years from the date of approval. **Recommendation of the Personnel Committee is to approve both appointments 2-0.**

Order No. 12-1005055 - Communication from Mayor Vigeant with appointment of Robert Page, 116 Broadmeadow Street as a Regular Member of the Zoning Board of Appeals (ZBA)(exp.5/5/17) in place of William King of Nashoba Drive and the appointment of William King as an Alternate Member of the ZBA(exp.5/5/14). **Recommendation of the Personnel Committee is to approve the appointment of Robert Page 2-0 as William King was unavailable to attend.**

Order No. 12-1004094 - Communication from Mayor Vigeant with appointment of Councilor Robert Tunnera to the Commission on Disabilities – no expiration date noted. – no action taken.

Councilor Landers reported the following out of the Public Service Committee:

Order No. 12-1005043 - Application for Junk Dealers License, Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair, 107 Main Street. Roman Kimyagarov appeared in connection with his application, d/b/a Arthur & Sons Shoe Repair, to renew his junk dealer's license. The Committee reviewed the renewal application. **Recommendation of the Public Services Committee is to approve 3-0.**

Order No. 11-1002807A - Communication from Atty. Beattie re: Acceptance of Ewald Avenue and Muir Way in the Forest Grove Subdivision. **Recommendation of the Public Services Committee is to accept Ewald Avenue and Muir Way as public ways, and their associated easements as municipal easements, pending the Planning Board's recommendation to be made at its June 18, 2012 meeting, and pending the follow-up with DPW Engineering as to the scope of the municipal easements 3-0.**

Order No. 11-1003095 - Communication from Atty. Michael Norris re: Acceptance of Cleversy Drive, Elm Farm Valley Estates. **Recommendation of the Public Services Committee is to accept Cleversy Drive as a public way and its associated easements as municipal easements, pending the Planning Board's clarification, to be made at its June 18, 2012 meeting, concerning its written recommendation to the City Council dated December 21, 2011, 3-0.**

Suspension of the Rules requested – granted

ORDERED: That the two DPW transfer requests in the amounts of \$3,000.00 and \$3,000.00 which moves funds from Assistant Commissioner to Overtime-W/S Police, **APPROVED**; adopted.

FROM:

Acct. # 60080001-50630	\$3,000.00
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Assistant Commissioner

Acct. # 60080001-50630	\$3,000.00
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Assistant Commissioner

TO:

Acct. # 60080003-51380	\$3,000.00
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Overtime-W/S Police

Acct. # 61090003-51380	\$3,000.00
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Overtime-W/S Police

Suspension of the Rules requested – granted

ORDERED: That the OPEB, transfer request in the amount of \$1,000,000.00 which moves funds from Undesignated to Stabilization-OPEB to meet this unfunded obligation, **APPROVED**; adopted.

FROM:

Acct. # 10000-35900 \$1,000,000.00
Undesignated Fund

TO:

Acct. # 83600-32726 \$1,000,000.00
Stabilization-OPEB

Suspension of the Rules requested – granted

ORDERED: That the DPW transfer request in the amount of \$148,000.00 which moves funds from Undesignated to Snow Removal to fund the snow and ice deficit for the remainder of FY12, **APPROVED**; adopted.

FROM:

Acct. # 10000-35900 \$148,000.00
Undesignated Fund

TO:

Acct. # 14001206-52960 \$148,000.00
Snow Removal

Suspension of the Rules requested – granted

ORDERED: That the Year-end Intra-department transfer requests as detailed on the attached spreadsheets to cover remaining expenses and balance FY12 accounts, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH									
--BUDGET TRANSFERS--									
DEPT:		Comptroller				FISCAL YEAR:			
						2012			
		FROM ACCOUNT:				TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$5,000	\$2,000	61019904	53110	Legal Services	\$2,000	61019906	53460	Postage	\$623
		Reason: Funds available due to reduced bonding in the water dept .				Funds needed for final bill for FY 12 mailings			
\$5,000	\$2,000	61019904	53110	Legal Services	\$2,000	61019904	53080	Audit Services	\$0
		Reason: Funds available due to reduced bonding in the water dept .				Funds needed to fund extra work associated with audit			
\$30,000	\$2,000	60019906	58890	Bond Issue Expense	\$2,000	60019906	53460	Postage	38
		Reason: Funds available due to reduced bonding in the Sewer dept .				Funds needed for final bills for FY 12 mailings			
\$30,000	\$2,000	60019906	58890	Bond Issue Expense	\$2,000	60019904	53080	Audit Services	\$0
		Reason: Funds available due to reduced bonding in the Sewer dept .				Funds needed to fund extra work associated with audit			

CITY OF MARLBOROUGH --BUDGET TRANSFERS --										
DEPT:		Comptroller				FISCAL YEAR:		2012		
Available Balance		FROM ACCOUNT:				TO ACCOUNT:		Available Balance		
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		
\$40,000	\$10,000	17520006	59253	Other Interest	\$10,000	11330006	53460	Postage	\$6,774	
		Reason: Funds available due to smaller refunds				Funds needed for final bill for FY 12 mailings				
\$40,000	\$1,500	17520006	59253	Other Interest	\$1,500	11330005	54220	Office Supplies	\$522	
		Reason: Funds available due to smaller refunds				Funds needed to purchase envelopes				
\$40,000	\$3,000	17520006	59253	Other Interest	\$3,000	13102006	53080	Audit Services	\$0	
		Reason: Funds available due to smaller refunds				Funds needed to fund extra work associated with audit				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Police				DATE:		14-May-12		FY: 2012
Available Balance		FROM ACCOUNT:				TO ACCOUNT:		Available Balance		
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		
\$33,064	\$8,500.00	12100003	51450	Night Shift Differential	\$8,500.00	12100003	51490	Holiday	\$19,773	
		Reason: Surplus due to shift changes due to retirements				Holiday cost avgs. higher than anticipated				
\$7,687	\$900.00	12100006	57380	Conference and Training	\$900	12100004	52820	Paging/Telephone	\$47	
		Reason: Able to use some alternate sources for some training				Increases in paging costs				

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Public Facilities				DATE:		14-May-12		FY: 2012
Available Balance		FROM ACCOUNT:				TO ACCOUNT:		Available Balance		
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		
\$45,591	\$15,000.00	11920006	52200	Natural gas	\$15,000.00	11920006	53420	Telephone services	\$26,917	
		Reason: Less gas consumption due to temperatures				Funds required for transfer of service/equipment				

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:		
\$81,652.57	\$25,000.00	12200003	51490	HOLIDAY PAY	\$25,000.00	12200003	51300	OVERTIME	\$40,323.46	
		Reason: Balance available due to unfilled positions, retirements, leave of absence & resignation								
\$60,182.18	\$25,000.00	12200003	51440	EDUCATIONAL	\$25,000.00	12200003	51300	OVERTIME	\$40,323.46	
		Reason: Balance available due to unfilled positions, retirements & fewer than expected obtained college credits								

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	
\$11,006	\$500	14001101	50705	Assistant Civil Engineer	\$500	14001506	52500	Rep/Maint Equipment	\$61	
	Reason:	Money available due to previous vacancy				Funds needed for small engine parts and repairs				
\$29,514	\$3,000	14001101	50710	Junior Civil Engineer	\$3,000	14001506	54650	Maint. Business Distr	\$873	
	Reason:	Money available due to previous vacancy				Funds needed to address recent price increase per state bid				
\$11,807	\$2,400	60081001	50910	Head Treatment Plant (East)	\$2,400	60081001	50850	Sewer Tr Pit Operator (East)	\$8,189	
	Reason:	Money available due to WC case				Funds needed to cover retroactive increases associated with CBA				
\$11,807	\$2,400	60081001	50910	Head Treatment Plant (East)	\$2,400	60085001	50910	Head Treatment Plant (West)	\$8,721	
	Reason:	Money available due to WC case				Funds needed to cover retroactive increases associated with CBA				
\$1,265	\$500	60081003	51940	Clothing Allowance	\$500	60081003	51310	Overtime-regular (East)	\$3,009	
	Reason:	Money available due to WC case				Anticipated funds needed to complete FY 12				
\$135,934	\$200	14001303	50740	Equipment Operators	\$200	60081003	51310	Overtime-regular (East)	\$2,594	
	Reason:	Money available due to WC case				Anticipated funds needed to complete FY 12				
\$135,934	\$900	14001303	50740	Equipment Operators	\$900	60085003	51315	W Plant Construction	\$962	
	Reason:	Money available due to WC case				Anticipated O.T. associated with plant upgrade				

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$87,092	\$34,100	60085001	50850	Sewer Tr. Pit. Operator (West)	\$34,100	60085006	55980	West Waste Water Treat	\$3,123
	Reason:	Money available due to WC case				Funds needed due to increase in chemical costs			
\$87,092	\$25,000	60085001	50850	Sewer Tr. Pit. Operator (West)	\$25,000	61090006	54620	Maintenance-Trench	\$244
	Reason:	Money available due to WC case				Funds needed to perform roadway repairs associated with emergency leaks/breaks			
\$14,597	\$7,000	60080001	50630	Assistant Commissioner	\$7,000	61090006	54620	Maintenance-Trench	\$244
	Reason:	Money available due to retirement				Funds needed to perform roadway repairs associated with emergency leaks/breaks			
\$124,725	\$6,900	61090001	50740	Equipment Operators (W&S)	\$6,900	60085006	55980	West Waste Water Treat	\$3,123
	Reason:	Money available due to WC case				Funds needed due to increase in chemical costs			
\$124,725	\$800	61090001	50740	Equipment Operators (W&S)	\$800	61090003	51990	Meal Allowance	\$22
	Reason:	Money available due to WC case				Funds needed to fulfill contract obligation associated with emergency operations			
\$30,496	\$2,440	61090001	50690	Foreman (W&S)	\$2,440	14001503	51470	Interim Foreman	\$836
	Reason:	Money available due to previous transfer				Anticipated funds needed to complete FEMA-DR-4051-MA storm-related work and unexpected surgery/recovery			

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:		Mayor				FISCAL YEAR:		FY2012		
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance		
\$2,000.00	11210006	57200	Out of State Travel	\$2,000.00	11210005	54230	Mayor's Expenses	\$1,326		
	Reason:	No out of state travel this year				Needed to fund anticipated expenses for remainder of year				

Suspension of the Rules requested – granted

ORDERED: That the Police Department transfer request in the amount of \$29,693.43 which moves funds from Fringes to the following accounts: Police Officers, Sick Leave, Clothing and Longevity, **APPROVED**; adopted.

FROM:

Acct. # 11990006-51500 \$29,693.43
Fringes

TO:

Acct. # 12100001-50420 \$5,557.11
Police Officers

Acct. # 12100003-51920 \$23,262.00
Sick Leave

Acct. # 12100003-51940 \$659.00
Clothing

Acct. # 12100003-51342 \$215.32
Longevity

Suspension of the Rules requested – granted

ORDERED: That the Year-end Inter-department transfer request as detailed on the attached spreadsheet to cover remaining expenses and balance FY12 accounts, **APPROVED**; adopted.

Various Departments				FISCAL YEAR: 2012				
FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$2,879.00	11410003	50177	Certification - Assessor	\$545.00	11510001	50175	Paralegal	\$4,935
\$1,371.00	11410001	50160	Principal Assessor	\$230.00	11520001	50530	Director of Personnel	\$9,815
				\$680.00	11550001	50014	Director of IT	\$6,141
Reason:	Funds available due to vacancy			\$55.00	11920001	50291	Public Facilities Director	\$5,852
				\$180.00	11920001	50300	Asst Director-Pub Fac	\$2,717
				\$860.00	12410002	50770	Bldg - Senior Clerk	\$17,838
				\$1,700.00	12410001	50380	Electrical Inspector	\$23,179
				Reason:	Needed to fund positions until end of fiscal year			
\$4,250.00	total			\$4,250.00	total			

Suspension of the Rules requested – granted

ORDERED: That pursuant to Chapter 44, section 31D of the General Laws of the Commonwealth of Massachusetts, which authorizes the City to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal, the City Council of the City of Marlborough, upon the recommendation of the Mayor, approves expenditures up to \$750,000 in excess of the fiscal year 13 appropriation for snow and ice removal, **APPROVED**; adopted.

Suspension of the Rules requested – granted

ORDERED: That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2013, re-authorize the revolving fund utilized by the Public Facilities Department. It is further ordered that:

- (a) departmental receipts credited to the fund shall be limited to lease payments and fees due the City from owners of antennae and related telecommunications equipment on property that is maintained by, or assigned or transferred to be maintained by, the Public Facilities Department, unless otherwise directed by the General Laws; and
- (b) expenditures from said fund shall be limited to the maintenance and related expenses for Sligo Hill and Stevens Park; and
- (c) the Director of Public Facilities shall be the only officer authorized to approve expenditures from the same; and
- (d) no more than three hundred thousand dollars shall be expended during Fiscal Year 2013, unless otherwise authorized by the City Council and Mayor; and
- (e) the Director of Public Facilities shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (f) no provisions of this order shall be changed unless approved by the Mayor and City Council, **APPROVED**; adopted.

Suspension of the Rules requested – granted

ORDERED: That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does hereby authorize a revolving fund during fiscal year 2013 for park and recreational facility maintenance and improvement purposes to be administered through the Department of Public Works. It is further ordered that:

- (a) departmental receipts credited to the fund, unless otherwise directed by the General Laws, shall be limited to: 1) payments, fees and/or rental income due the City from owners of antennae and related telecommunications equipment located or co-located at the wireless communications facility situated on property under the care, custody, management and control of the Department of Public Works at the Easterly Wastewater Treatment Plant at 860 Boston Post Road in Marlborough or any land adjacent thereto; and 2) lease payments and fees due the City from owners of antennae and related telecommunications equipment located on Fairmount Hill; and
- (b) that expenditures from said fund shall be limited to the maintenance and improvement of municipal parks and municipal recreational facilities; and
- (c) that the Commissioner of Public Works shall be the only officer authorized to approve expenditures from the fund; and
- (d) no more than \$50,000.00 shall be expended during fiscal year 2013, unless otherwise authorized by the City Council and Mayor; and
- (e) the Commissioner of Public Works shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (f) no provisions of this order shall be changed unless approved by the Mayor and City Council, **APPROVED**; adopted.

Suspension of the Rules requested – granted

ORDERED: That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2013, re-authorize a revolving fund to be utilized by the Mayor. It is further ordered that:

- (a) receipts credited to the fund shall be limited to an emergency dispatch fee due the City pursuant to its contract with Patriot Ambulance, unless otherwise directed by the General Laws; and
- (b) expenditures from said fund shall be limited to public safety training; and
- (c) the Mayor shall be the only officer authorized to approve expenditures from the same; and
- (d) no more than forty-five thousand dollars shall be expended during Fiscal Year 2013, unless otherwise authorized by the City Council and Mayor; and
- (e) the Mayor shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (f) no provisions of this order shall be changed unless approved by the Mayor and City Council, **APPROVED**; adopted.

Suspension of the Rules requested – granted

ORDERED: That the transfer request in the amount of \$46,385.00 which moves funds from Fringes to various accounts as detailed below to fund retirement benefits of two long time city employees, **APPROVED**; adopted.

TRANSFER REQUEST									
FROM ACCOUNT					TO ACCOUNT				
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
General Government					Various Departments				
\$ 136,706.00	\$ 46,385.00	11990006	51500	Fringes	\$ 15,356.00	11440001	50042	Collector	\$ 5,748.45
					\$ 626.00	11440003	51920	Sick Leave	\$ 374.98
					\$ 16,935.00	12410001	50090	Building Inspector	\$ 6,322.00
					\$ 1,000.00	12410003	51920	Sick Leave	\$ -
					\$ 2,052.00	12410003	51430	Longevity	\$ 80.85
					\$ 5,196.00	61090001	50460	Water Meter Rdr	\$ 4,049.00
					\$ 3,857.00	61090003	51920	Sick Leave	\$ -
					\$ 1,363.00	61090003	51430	Longevity	\$ 509.50
					\$ 46,385.00				
Reason: To fund benefits associated with employees retirement.									

Suspension of the Rules requested – granted

ORDERED: That pursuant to M.G.L., c.44, § 53A 1/2., the Marlborough City Council, on behalf of the City of Marlborough, gratefully accepts the gift offered by the Marlborough Babe Ruth Baseball ("MBRB") of one LP1000 automated external defibrillator ("AED"), complete with one soft shell carrying case, for use at Stevens Park during the MBRB season and for the City's use elsewhere at its sole discretion and authority during other times of the year, but with no other restrictions on said AED gift; adopted.

Councilor Elder abstained

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, **APPROVED**; adopted.

ORDERED: That the DPW Commissioner appear before the Operations and Oversight Committee to discuss conditions of the city's public cemeteries and concerns expressed by local veterans and other residents regarding regular maintenance and repairs including, but not limited to, a general status update on city owned cemeteries detailing current conditions, and current and future needs, a review of cemetery finances and funding to provide for perpetual care, management of the cemeteries and monies that may be available from non-public sources to make repairs to veterans' gravestones, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 10:20 PM.



IN CITY COUNCIL

JUNE 4, 2012

Marlborough, Mass., _____

ORDERED:

That there being no objection thereto set **MONDAY, JULY 9, 2012**, as date for a **PUBLIC HEARING** for the Application for Special Permit from Sprint for modification of a wireless facility located at 75 Donald Lynch Blvd., be and is herewith refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER NO. 12-1005092

Rossella Mercuri
Agent Sprint, Applicant
mercurilaw@gmail.com
617.839.7515

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2012 JUL -5 A 10:46

City of Marlborough
City Council President
Patricia A. Pope

RE: Sprint Applications 75 Donald Lynch Blvd and 860 Boston Post Road

Dear Madam President:

Due to an issue on the applicant's part with getting the Legal notice printed in the local newspaper in a timely manner, we respectfully request the hearing date of July 9th, 2012 be continued to the next available date.

It is the applicant's understanding that under MA law the hearing date will be past the 65 day requirement to schedule a hearing. At this time, applicant is waiving this right due to the issue stated above. Please continue to the next available date and notify of the same.

Please let me know if you have any questions.

Sincerely,

Rossella Mercuri - Agent for Sprint

A handwritten signature in black ink, appearing to be 'RM', with a horizontal line extending to the right and a small dot at the end.



IN CITY COUNCIL

JUNE 4, 2012

Marlborough, Mass., _____

ORDERED:

That there being no objection thereto set **MONDAY, JULY 9, 2012**, as date for a **PUBLIC HEARING** for the Application for Special Permit from Sprint for modification of a wireless facility located at 860 Boston Post Rd., be and is herewith refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER NO. 12-1005093

Rossella Mercuri
Agent Sprint, Applicant
mercurilaw@gmail.com
617.839.7515

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2012 JUL -5 A 10:47

City of Marlborough
City Council President
Patricia A. Pope

RE: Sprint Applications 75 Donald Lynch Blvd and 860 Boston Post Road

Dear Madam President:

Due to an issue on the applicant's part with getting the Legal notice printed in the local newspaper in a timely manner, we respectfully request the hearing date of July 9th, 2012 be continued to the next available date.

It is the applicant's understanding that under MA law the hearing date will be past the 65 day requirement to schedule a hearing. At this time, applicant is waiving this right due to the issue stated above. Please continue to the next available date and notify of the same.

Please let me know if you have any questions.

Sincerely,

Rossella Mercuri - Agent for Sprint

A handwritten signature in black ink, appearing to be 'R. Mercuri', with a horizontal line extending to the right.



IN CITY COUNCIL

JUNE 18, 2012

Marlborough, Mass., _____

ORDERED:

That there being no objection thereto set **Monday, July 9, 2012** as date for a **PUBLIC HEARING** on the Petition from National Grid to have underground primary cable crossing for D'Angelo Dr. to provide new service to Ken's Food, be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 12-1005109



IN CITY COUNCIL

JUNE 18, 2012

Marlborough, Mass., _____

ORDERED:

That there being no objection thereto set **Monday, July 9, 2012** as date for a **PUBLIC HEARING** on the Petition from National Grid o install new intermediate P.4-51 on D'Angelo Dr. to provide new service to Ken's Food, be and is herewith refer to **PUBLIC SERVICES COMMITTEE.**

ADOPTED

ORDER NO. 12-1005110



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

2012 JUL -5 A 11:50

140 Main Street

Marlborough, Massachusetts 01752

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

www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

July 5, 2012

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

Re: Transfer Request – Police Command Officers Contract

Honorable President Pope and Councilors:

I have enclosed for your approval the following transfer requests totaling in the amount of \$140,136.00. The attached listing of transfers will fund contract years 2010 – 2012 with the Massachusetts Coalition of Police (MASSCOP) Local 366 of the Marlborough Police Department.

Once approved, the City and MASSCOP Local 366 will be positioned to move forward and continue its discussions on securing a new mutually beneficial three year contract.

Thank you for your attention to this matter and do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant
Mayor

CITY OF MARLBOROUGH
 --BUDGET TRANSFERS --

DEPT: **Gen Government**

FISCAL YEAR: 2013

Police

FROM ACCOUNT:

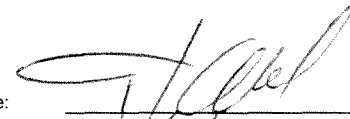
TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$927,326</u>	<u>\$140,136</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries</u>	<u>\$43,425</u>	<u>12100001</u>	<u>50820</u>	<u>Sergeants</u>	<u>\$693,887</u>
	Reason:	<u>Funds are budgeted for FY 13</u>				<u>To Fund Labor Contract</u>			
					<u>\$11,397</u>	<u>12100001</u>	<u>50500</u>	<u>Captains</u>	<u>\$173,057</u>
	Reason:					<u>To Fund Labor Contract</u>			
					<u>\$25,576</u>	<u>12100001</u>	<u>50510</u>	<u>Lieutenants</u>	<u>\$391,540</u>
	Reason:					<u>To Fund Labor Contract</u>			
					<u>\$921</u>	<u>12100003</u>	<u>51360</u>	<u>O.T. Training</u>	<u>\$50,000</u>
	Reason:					<u>To Fund Labor Contract</u>			
					<u>\$11,093</u>	<u>12100003</u>	<u>51310</u>	<u>OT Reg</u>	<u>\$260,000</u>
	Reason:					<u>To Fund Labor Contract</u>			
					<u>\$1,627</u>	<u>12100003</u>	<u>51320</u>	<u>OT Court</u>	<u>\$203,000</u>
	Reason:					<u>To Fund Labor Contract</u>			
					<u>\$135</u>	<u>12100003</u>	<u>51319</u>	<u>OT Cell Watch</u>	<u>\$7,000</u>
	Reason:					<u>To Fund Labor Contract</u>			

Sub-Total \$94,175

Department Head signature:

Date:



 7/2/12

CITY OF MARLBOROUGH
--BUDGET TRANSFERS --

DEPT: **Gen Government** FISCAL YEAR: 2013
FROM ACCOUNT:

Police
TO ACCOUNT:

CITY OF MARLBOROUGH
--BUDGET TRANSFERS --


DEPT: **Gen Government** FISCAL YEAR: 2013
FROM ACCOUNT:

Police
TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
					\$7,874	12100003	51920	Sick Leave Buy Back	\$157,204
				Reason:				To Fund Labor Contract	
					\$27,503	12100003	51440	Educational Incentive	\$590,566
				Reason:				To Fund Labor Contract	
					\$4,051	12100003	51342	Longevity	\$178,370
				Reason:				To Fund Labor Contract	
					\$4,946	12100003	51490	Holiday	\$ 280,000.00
				Reason:				To Fund Labor Contract	
					\$1,425	12100003	51450	Night Shift Diff	\$116,981
				Reason:				To Fund Labor Contract	
					\$161	12100003	51410	First Responder	\$55,645
				Reason:				To Fund Labor Contract	
				Sub Total	\$45,961				
				Sub Total Page 1	\$94,175				
				Total	\$140,136				

Department Head signature:

Date:


7/2/12



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

City of Marlborough
Office of the Mayor

2012 JUL -5 A 11:50

140 Main Street

Marlborough, Massachusetts 01752

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

www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

July 5, 2012

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

Re: Transfer Request – Employee Benefits

Honorable President Pope and Councilors:

I have enclosed for your approval the following transfer request:

- 1) Transfer in the amount of \$51,002.00 from 11990006-51500 (Fringes) to 12200003-51920 (Sick Leave).

This transfer will fund the benefits associated with the retirement of an employee in the Marlborough Fire Department.

Sincerely,

Arthur G. Vigeant
Mayor

TRANSFER REQUEST

		FROM ACCOUNT			TO ACCOUNT				
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
		General Government					Fire		
\$ 547,695.00	\$ 51,002.00	11990006	51500	Fringes	\$ 51,002.00	12200003	51920	Sick Leave	\$ 180,009.00
					\$ 51,002.00				

Reason: To fund benefits associated with the departure of an employee.





RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
City of Marlborough
Legal Department

140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
2012 JUL -5 A 11:58
TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610
LEGAL@MARLBOROUGH-MA.GOV

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

ELLEN M. STAVROPOULOS
PARALEGAL

July 5, 2012

Patricia Pope
President
Marlborough City Council

RE: Acceptance of Ewald Avenue and Muir Way as Public Ways
Order No. 11/12-1002807A

Dear President Pope and Members:

Pursuant to the meeting of the Public Services Committee held on June 12, 2012, I am enclosing for your review and approval a proposed order to accept Ewald Avenue and Muir Way, along with their appurtenant municipal easements, as public ways and municipal easements. The order, in turn, refers to various acceptance plans of the roadway and associated municipal easements, a 1997 easement plan, and the deed from the realty trust that developed the subdivision (Forest Grove). Enclosed are the plans, as well as the deed which will be signed upon Council approval of the order. The Committee, the Planning Board and the City Engineer have recommended acceptance.

Thank you for your attention to this matter.

Very truly yours,

Donald V. Rider, Jr.
City Solicitor

Enclosures
cc: Paul Beattie, Esquire

ORDERED:

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that EWALD AVENUE and MUIR WAY be accepted as public ways

From EWALD AVENUE To Terminus

and

From MUIR WAY To Terminus

and their appurtenant easements be accepted as municipal easements as shown on a plan thereof and as hereinafter described:

DESCRIPTION

Plan entitled, "Plan of Acceptance, Ewald Avenue & Municipal Easements" (2 sheets), Date: December 30, 2003, Latest Revision Date: December 11, 2009, Scale: 1" = 40', prepared for City of Marlborough, MA, Cabco Consult, Land and Environmental Consulting Services, P.O. Box 14, Clinton, MA 01510, which plan is to be recorded herewith

and

Plan entitled, "Plan of Acceptance, Muir Way & Municipal Easements" (1 sheet), Date: December 30, 2003, Latest Revision Date: December 11, 2009, Scale: 1" = 40', prepared for the City of Marlborough, MA, Cabco Consult, Land and Environmental Consulting Services, P.O. Box 14, Clinton, MA 01510, which plan is to be recorded herewith.

Title to the roadways known as EWALD AVENUE and MUIR WAY, and title to all the municipal easements, including a cross country drainage easement across Lots 17, 16, 15, 14 and 13A, shown as DRAINAGE EASEMENT on the Muir Way plan above; a drainage easement across Lot 35, shown as DRAINAGE EASEMENT on sheet 1 of the Ewald Avenue plan above; a 20' drainage easement lying northerly of Boston Post Road, shown as PROPOSED 20' DRAINAGE EASEMENT on Lot 2A on a plan entitled "Easement Plan of land in Marlborough, Mass., Owned by: John Hartley," Date: October 1997, Scale 1"=60', which plan is recorded at the Middlesex South District Registry of Deeds at Book 27948, Page 363 as Plan 1297 of 1997; and a flowage easement lying northerly of Boston Post Road, shown as PROPOSED FLOWAGE EASEMENT on Lot 2A on said Plan 1297 of 1997, has been granted to the City of Marlborough in a quitclaim deed from Richard Terrill, Trustee of Forest Grove Realty Trust u/d/t dated June 10, 1997, recorded with the Middlesex South Registry of Deeds in Book 27627, Page 525, said deed to be recorded herewith at the Middlesex (South District) Registry of Deeds.

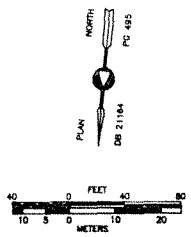
IT IS THEREFORE ORDERED THAT:

EWALD AVENUE and MUIR WAY be accepted as public ways and their appurtenant easements be accepted as municipal easements in the City of Marlborough.

ADOPTED
In City Council
Order No. 11/12-1002807A
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

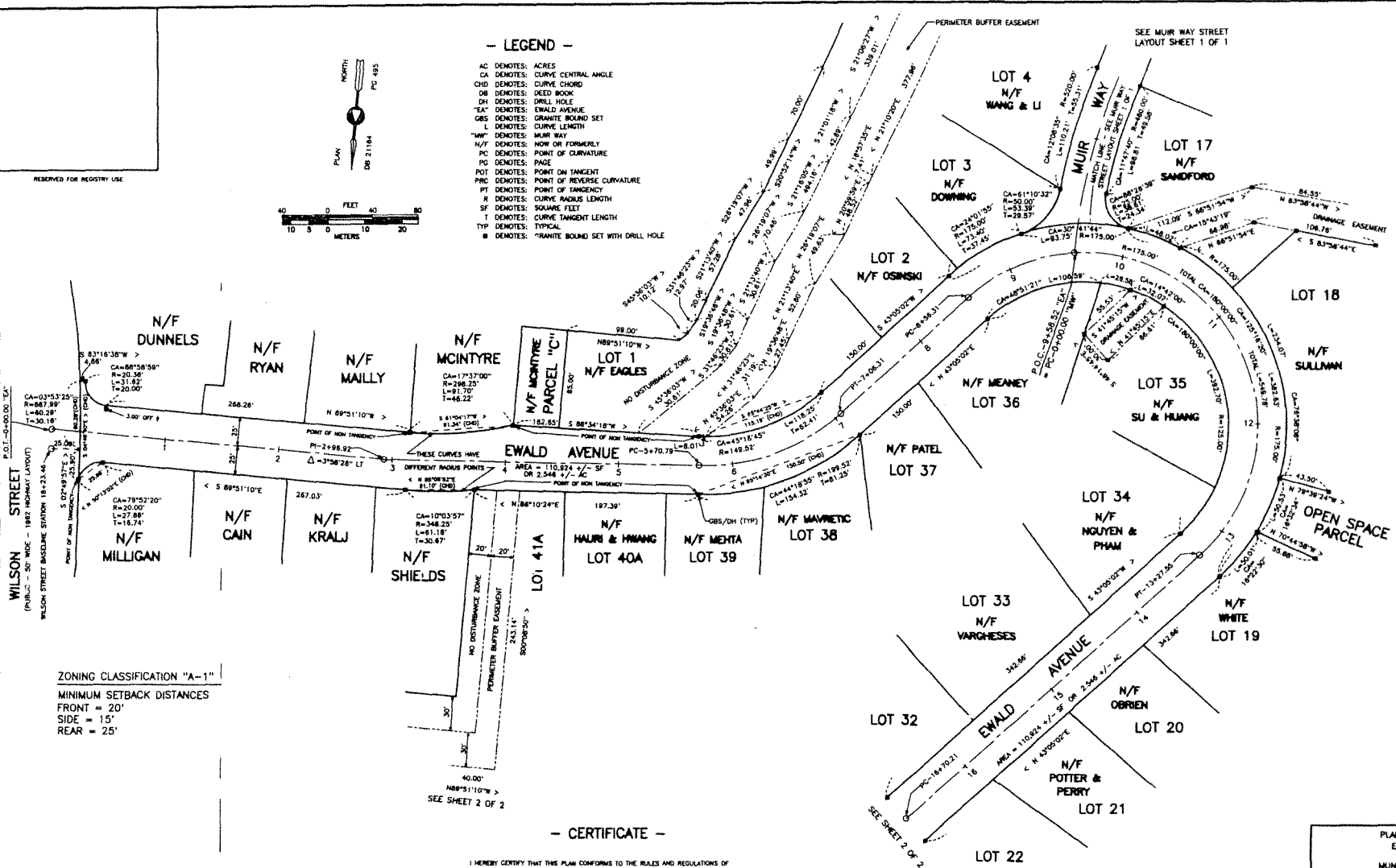


- LEGEND -

- AC DENOTES: ACRES
- CA DENOTES: CURVE CENTRAL ANGLE
- CHD DENOTES: CURVE CHORD
- DB DENOTES: DEED BOOK
- DH DENOTES: DRILL HOLE
- EA DENOTES: EWALD AVENUE
- GRS DENOTES: GRANITE BOUND SET
- L DENOTES: CURVE LENGTH
- MW DENOTES: MUIR WAY
- N/F DENOTES: NOW OR FORMERLY
- PC DENOTES: POINT OF CURVATURE
- PG DENOTES: PAGE
- POT DENOTES: POINT ON TANGENT
- PRC DENOTES: POINT OF REVERSE CURVATURE
- PT DENOTES: POINT OF TANGENCY
- R DENOTES: CURVE RADIUS LENGTH
- SF DENOTES: SQUARE FEET
- T DENOTES: CURVE TANGENT LENGTH
- TP DENOTES: TYPICAL
- DENOTES: "WHITE BOUND SET WITH DRILL HOLE"

RESERVED FOR INDUSTRY USE

SEE MUIR WAY STREET LAYOUT SHEET 1 OF 1



ZONING CLASSIFICATION "A-1"
 MINIMUM SETBACK DISTANCES
 FRONT = 20'
 SIDE = 15'
 REAR = 25'

- CERTIFICATE -

I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS AND REPRESENTS A BOUNDARY SURVEY CONDUCTED BY ME IN ACCORDANCE WITH THE PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

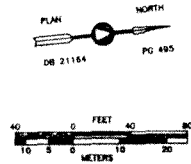
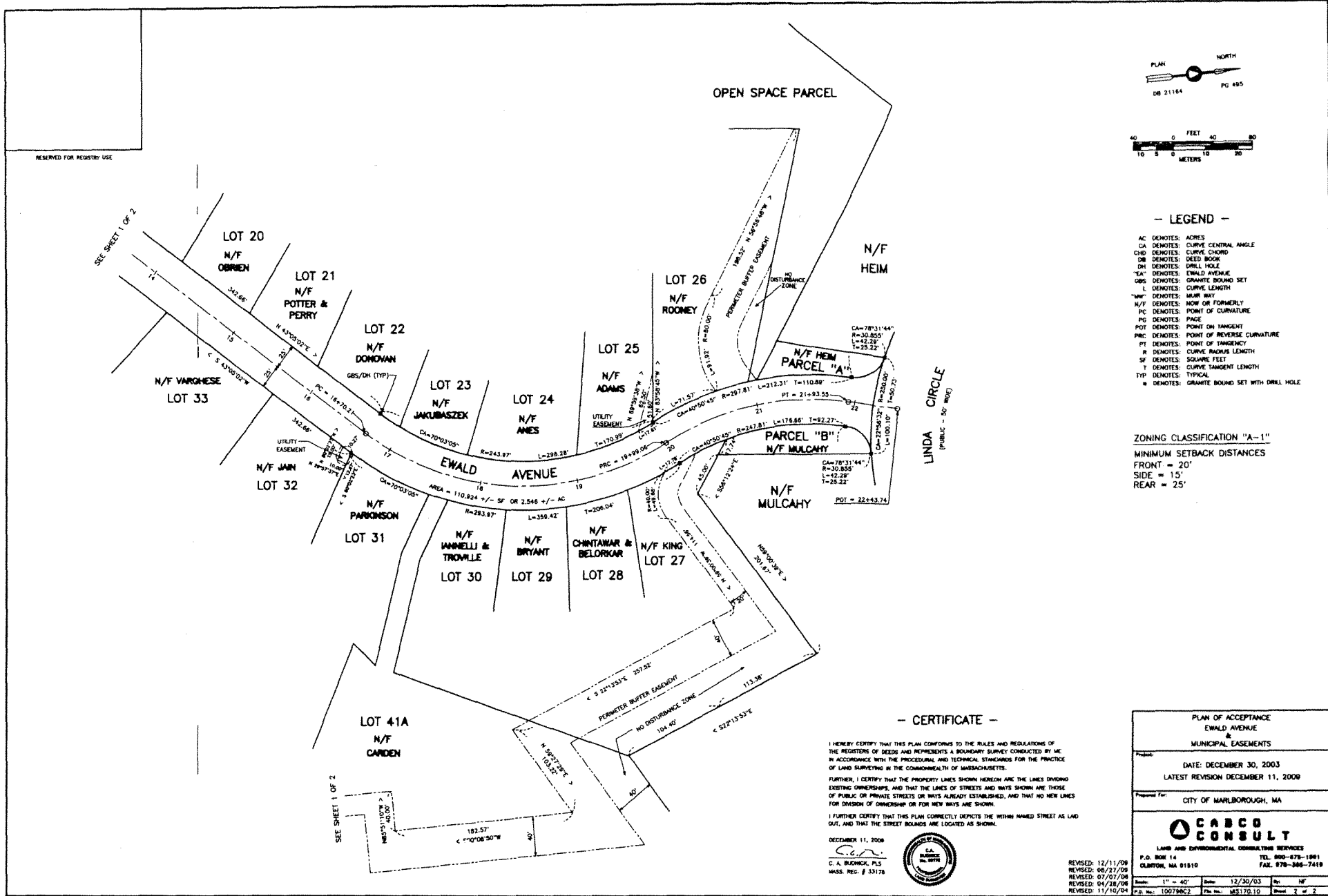
FURTHER, I CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

I FURTHER CERTIFY THAT THIS PLAN CORRECTLY DEPICTS THE WITHIN NAMED STREET AS Laid OUT, AND THAT THE STREET BOUNDARIES ARE LOCATED AS SHOWN.

DECEMBER 11, 2008
 C. A. BUDNICK, PLS
 MASS. REG. # 53178



PLAN OF ACCEPTANCE EWALD AVENUE MUNICIPAL EASEMENTS	
DATE: DECEMBER 30, 2003 LATEST REVISION DECEMBER 11, 2009	
Prepared For: CITY OF MARLBOROUGH, MA	
 LAND AND ENVIRONMENTAL CONSULTING SERVICES P.O. BOX 14 CLARION, MA 01810 TEL: 978-348-1881 FAX: 978-348-7419	
Scale: 1" = 40'	Date: 12/30/03
Revised: 12/11/08	By: MB
Revised: 06/27/08	
Revised: 07/07/08	
Revised: 04/26/08	
Revised: 11/19/04	
P.L. No.: 100798C1	File No.: MS170.10
Sheet 1 of 2	



— LEGEND —

- AC DENOTES: ACRES
- CA DENOTES: CURVE CENTRAL ANGLE
- CHD DENOTES: CURVE CHORD
- DB DENOTES: DEED BOOK
- DH DENOTES: DRILL HOLE
- "EA" DENOTES: EWALD AVENUE
- GBS DENOTES: GRANITE BOUND SET
- L DENOTES: CURVE LENGTH
- "MW" DENOTES: MAJOR WAY
- N/F DENOTES: NOW OR FORMERLY
- PC DENOTES: POINT OF CURVATURE
- PG DENOTES: PAGE
- POT DENOTES: POINT ON TANGENT
- PRC DENOTES: POINT OF REVERSE CURVATURE
- PT DENOTES: POINT OF TANGENCY
- R DENOTES: CURVE RADIUS LENGTH
- SF DENOTES: SQUARE FEET
- T DENOTES: CURVE TANGENT LENGTH
- TYP DENOTES: TYPICAL
- DENOTES: GRANITE BOUND SET WITH DRILL HOLE

ZONING CLASSIFICATION "A-1"
 MINIMUM SETBACK DISTANCES
 FRONT = 20'
 SIDE = 15'
 REAR = 25'

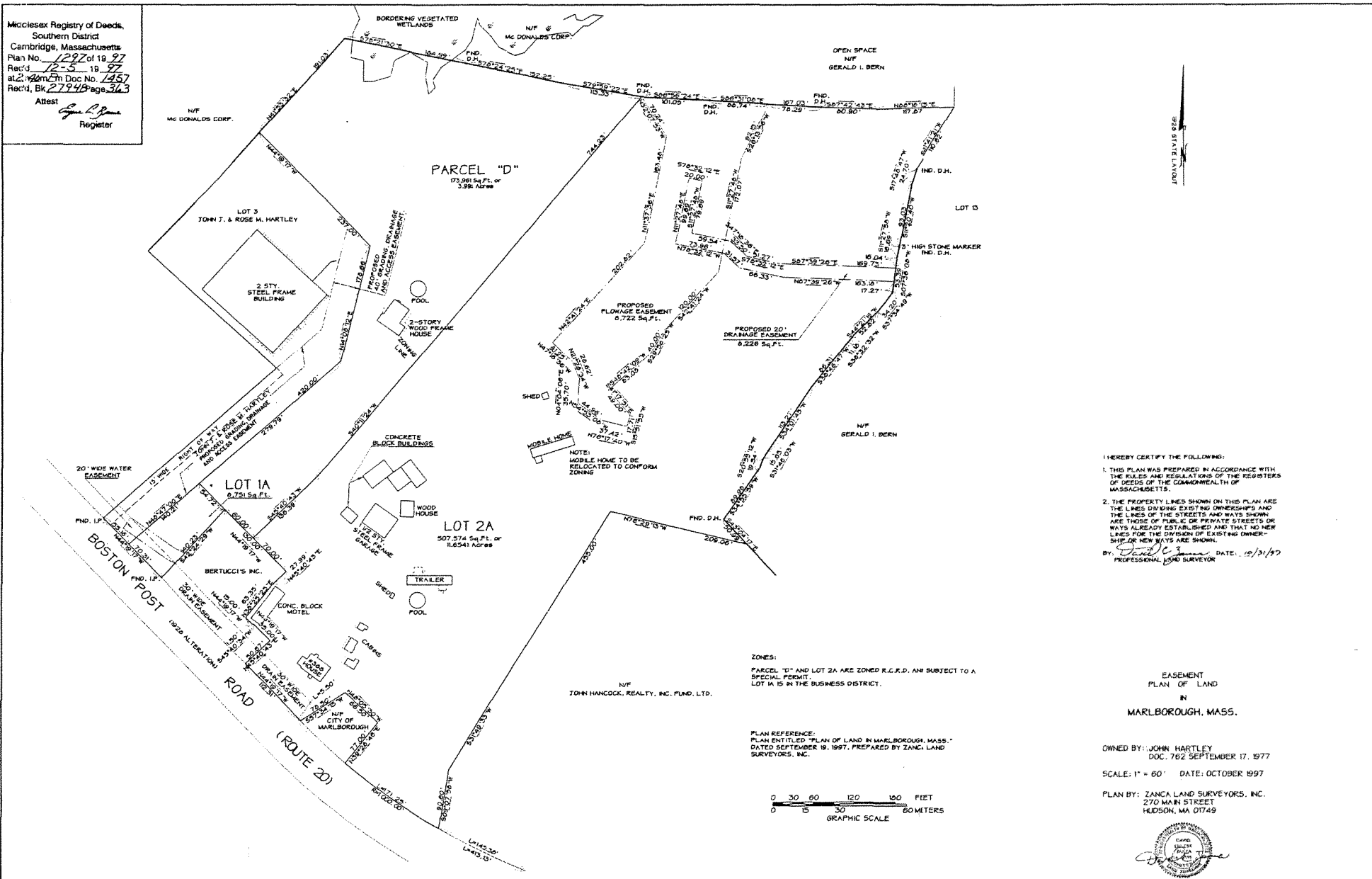
— CERTIFICATE —

I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE RECORDERS OF DEEDS AND REPRESENTS A BOUNDARY SURVEY CONDUCTED BY ME IN ACCORDANCE WITH THE PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.
 FURTHER, I CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE THE LINES SHOWING EXISTING OWNERSHIP, AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF OWNERSHIP OR FOR NEW WAYS ARE SHOWN.
 I FURTHER CERTIFY THAT THIS PLAN CORRECTLY DEPICTS THE WITHIN NAMED STREET AS Laid OUT, AND THAT THE STREET BOUNDS ARE LOCATED AS SHOWN.
 DECEMBER 11, 2008
 C. A. BUCHNICK, PLS
 MASS. REG. # 33178



PLAN OF ACCEPTANCE EWALD AVENUE & MUNICIPAL EASEMENTS	
DATE: DECEMBER 30, 2003 LATEST REVISION DECEMBER 11, 2009	
Prepared For: CITY OF MARLBOROUGH, MA	
CADC CONSULT LAND AND ENVIRONMENTAL CONSULTING SERVICES P.O. BOX 14 CLINTON, MA 01510 TEL: 950-878-1881 FAX: 978-368-7418	
Revised: 12/11/09	Scale: 1" = 40'
Revised: 06/27/09	Date: 12/30/03
Revised: 03/07/08	By: NF
Revised: 04/28/08	P.S. No.: 100796C2
Revised: 11/10/04	Plan No.: MS170.10
Sheet 2 of 2	

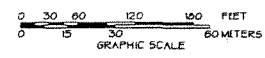
Middlesex Registry of Deeds,
 Southern District
 Cambridge, Massachusetts
 Plan No. 1292 of 19 97
 Rec'd 12-5-97
 at 2:40 PM Doc No. 1457
 Rec'd, Bk. 27948 page 343
 Attest
Spencer P. Register
 Register



I HEREBY CERTIFY THE FOLLOWING:
 1. THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.
 2. THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR THE DIVISION OF EXISTING OWNERSHIP OR NEW WAYS ARE SHOWN.
 BY: *David J. Zanca* DATE: 10/31/97
 PROFESSIONAL LAND SURVEYOR

ZONES:
 PARCEL 'D' AND LOT 2A ARE ZONED R.C.K.D. AND SUBJECT TO A SPECIAL PERMIT.
 LOT 1A IS IN THE BUSINESS DISTRICT.

PLAN REFERENCE:
 PLAN ENTITLED "PLAN OF LAND IN MARLBOROUGH, MASS." DATED SEPTEMBER 19, 1997, PREPARED BY ZANCA LAND SURVEYORS, INC.



EASEMENT
 PLAN OF LAND
 IN
 MARLBOROUGH, MASS.

OWNED BY: JOHN HARTLEY
 DOC. 762 SEPTEMBER 17, 1977
 SCALE: 1" = 60' DATE: OCTOBER 1997
 PLAN BY: ZANCA LAND SURVEYORS, INC.
 270 MAIN STREET
 HUDSON, MA 01749



MSD 12/05/97 09:08:00 1407 05:00
 12/05/97 PLAN # 1292 1297

QUITCLAIM DEED

Richard Terrill, Trustee of Forest Grove Realty Trust u/d/t dated June 10, 1997 and recorded with the Middlesex South Registry of Deeds at Book 27627 Page 525 of 120 Quarry Drive, Milford, Worcester County, Massachusetts, for consideration paid, and in full consideration of Nominal Consideration of less than \$100.00 grants to the City of Marlborough a municipal corporation having a principal place of business at City Hall, 140 Main Street, Marlborough, MA 01752 with **quitclaim covenants** the land in Marlborough Middlesex County, Massachusetts described below

(Description and encumbrances, if any)

Those certain parcels of land in Marlborough, Middlesex County, Massachusetts, being all Grantor's right, title and interest in and to the following streets within said City of Marlborough: EWALD AVENUE and MUIR WAY, bounded and described as follows:

A parcel of land lying on the westerly side of Wilson Street in the City of Marlborough, Middlesex County, Commonwealth of Massachusetts and shown as Ewald Avenue on a Plan of Acceptance, Ewald Avenue and Municipal Easements, Marlborough, Ma, CABCO CONSULT, for the City of Marlborough, Ma, dated December 30, 2003, last revised on December 11, 2009, which is to be recorded at the Middlesex Registry of Deeds, said parcel being more particularly described as follows:

Beginning at a point on the westerly sideline of Wilson Street as laid out in 1962, said point being 25.00 feet west of baseline station 18+23.46, at a point of curvature, said point also being on the easterly sideline of Ewald Avenue;

Thence along the said easterly sideline of Ewald Avenue and along the westerly sideline of Wilson Street, southerly 60.29 feet along a curve to the left (concave to the northeast), said curve having a radius of 887.99 feet and being subtended by a long chord having a bearing of South 04°46'40" East and a length of 60.28 feet and a central angle of 03°53'25";

Thence leaving the said sideline of Wilson Street and running along the southerly sideline of Ewald Avenue, South 83°16'38" West, 4.66 feet to a point of curvature, at a granite bound set with a drill hole;

Thence continuing along the said southerly sideline, northwesterly 31.62 feet along a curve to the left (concave to the southwest); said curve having a radius of 20.36 feet and a central angle of 88°58'59" to a point of tangency and being perpendicular and 3 feet off of a granite bound set with a drill hole;

Thence continuing along the said southerly sideline, North 89°51'10" West, 268.26 feet to a point of curvature of a non-tangent curve at a granite bound set with a drill hole;

Thence continuing along the said southerly sideline, westerly 91.70 feet along a curve to the left (concave to the southeast), said curve having a radius of 298.25 feet and being subtended by a long chord having a bearing of South 81°04'17" West and a length of 91.34 feet and a central angle of 17°37'00" to a point of non-tangency at a granite bound set with a drill hole;

Thence continuing along the said southerly sideline, South 88°34'18" West, 162.65 feet to a point of curvature of a non-tangent curve at a granite bound set with a drill hole;

Thence continuing along the said southerly sideline, southwesterly 118.25 feet along a curve to the left (concave to the southeast), said curve having a radius of 149.52 feet and being subtended by a long chord having a bearing of South 65°44'25" West and a length of 115.19 feet and a central angle of 45°18'45" to a point of tangency at a granite bound set with a drill hole;

Thence continuing along the said southerly sideline, South 43°05'02" West, 150.00 feet to a point of curvature at a granite bound set with a drill hole;

Thence continuing along the said southwesterly sideline, northerly 549.78 feet along a curve to the right (concave to the northeast), said curve having a radius of 175.00 feet and a central angle of 180°00'00" to a point of tangency on the westerly sideline at a granite bound set with a drill hole;

Thence continuing along the said westerly sideline, North 43°05'02" East, 342.66 feet to a point of curvature at a granite bound set with a drill hole;

Thence continuing along the said westerly sideline, northerly 298.28 feet along a curve to the left (concave to the northwest), said curve having a radius of 243.97 feet and a central angle of 70°03'05" to a point of reverse curvature at a granite bound set with a drill hole;

Thence continuing along the said westerly sideline, northerly 212.31 feet along a curve to the right (concave to the northeast), said curve having a radius of 297.81 feet and a central angle of 40°50'45" to a point of reverse curvature at a granite bound set with a drill hole;

Thence continuing along the said westerly sideline, northerly 42.29 feet along a curve to the left (concave to the southwest), said curve having a radius of 30.855 feet and a central angle of 78°31'44" to a point on curve at a granite bound set with a drill hole on the southerly sideline of Linda Circle;

Thence along the southerly sideline of Linda Circle and along the northerly sideline of Ewald Avenue, easterly 100.10 feet along a curve to the left (concave to the northeast), said curve having a radius of 250.00 feet and a central angle of 22°56'32" to a point of curvature at a granite bound set with a drill hole on the easterly sideline of Ewald Avenue;

Thence leaving the said sideline of Linda Circle and running along the easterly sideline of Ewald Avenue, southerly 42.29 feet along a curve to the left (concave to the southeast), said curve having a radius of 30.855 feet and a central angle of 78°31'44" to a point of compound curvature at a granite bound set with a drill hole;

Thence continuing along the said easterly sideline, southerly 176.66 feet along a curve to the left (concave to the northeast), said curve having a radius of 247.81 feet and a central angle of $40^{\circ}50'45''$ to a point of reverse curvature at a granite bound set with a drill hole;

Thence continuing along the said easterly sideline, southerly 359.42 feet along a curve to the right (concave to the northwest), said curve having a radius of 293.97 feet and a central angle of $70^{\circ}03'05''$ to a granite bound set with a drill hole at a point of tangency;

Thence continuing along the said easterly sideline, South $43^{\circ}05'02''$ West, 342.66 feet to a point of curvature at a granite bound set with a drill hole;

Thence continuing along the northeasterly sideline, southerly 392.70 feet along a curve to the left (concave to the northeast), said curve having a radius of 125.00 feet and having a central angle of $180^{\circ}00'00''$ to a point of tangency of the northerly sideline at a granite bound set with a drill hole;

Thence continuing along the said northerly sideline, North $43^{\circ}05'02''$ East, 150.00 feet to a point of curvature at a granite bound set with a drill hole;

Thence continuing along the said northerly sideline, northeasterly 154.32 feet along a curve to the right (concave to the southeast), said curve having a radius of 199.52 feet and being subtended by a long chord having a bearing of North $65^{\circ}14'30''$ East and a length of 150.50 feet and a central angle of $44^{\circ}18'55''$ to a point of non-tangency at a granite bound set with a drill hole;

Thence continuing along the said northerly sideline, North $86^{\circ}10'24''$ East, 197.39 feet to a point of curvature of a non-tangent curve at a granite bound set with a drill hole;

Thence continuing along the said northerly sideline, northeasterly 61.18 feet along a curve to the right (concave to the southeast), said curve having a radius of 348.25 feet and being subtended by a long chord having a bearing of North $85^{\circ}06'52''$ East and a length of 61.10 feet and a central angle of $10^{\circ}03'57''$ to a point of non-tangency at a granite bound set with a drill hole;

Thence continuing along the said northerly sideline, South $89^{\circ}51'10''$ East, 267.03 feet to a point of curvature at a granite bound set with a drill hole;

Thence continuing along the said northerly sideline, northeasterly 27.88 feet along a curve to the left (concave to the northwest), said curve having a radius of 20.00 feet and being subtended by a long chord having a bearing of North $50^{\circ}13'02''$ East and a length of 25.68 feet and a central angle of $79^{\circ}52'20''$ to a point of non-tangency at a granite bound set with a drill hole on the westerly sideline of Wilson Street;

Thence along the westerly sideline of Wilson Street and the easterly sideline of Ewald Avenue, South $02^{\circ}49'57''$ East, 25.90 feet to the point of beginning;

Contains 110,924 square feet more or less, or 2.546 acres.

SECOND PARCEL (MUIR WAY)

A parcel of land lying on the southerly side of Ewald Avenue in the City of Marlborough, Middlesex County, Commonwealth of Massachusetts and shown as Muir Way on a Plan of Acceptance, Muir Way and Municipal Easements, Marlborough, Ma, CABCO CONSULT, for the City of Marlborough, Ma, dated December 30, 2003, last revised on December 11, 2009, which is to be recorded at the Middlesex Registry of Deeds, said parcel being more particularly described as follows:

Beginning at a point at the intersection of the southerly sideline of Ewald Avenue and the easterly sideline of Muir Way as shown on said plan, said point also being on the northerly line of Lot 3 at land now or formerly owned by Downing at a point of curvature at a granite bound set with a drill hole;

Thence leaving the said sideline of Ewald Avenue and running along the easterly sideline of Muir Way, southerly 53.39 feet along a curve to the left (concave to the southeast), said curve having a radius of 50.00 feet and having a central angle of $61^{\circ}10'32''$ to a point of reverse curvature at a granite bound set with a drill hole;

Thence continuing along the said easterly sideline, southerly 110.21 feet along a curve to the right (concave to the northwest), said curve having a radius of 520.00 feet and a central angle of $12^{\circ}08'35''$ to a granite bound set with a drill hole;

Thence continuing along the said easterly sideline, South $18^{\circ}05'00''$ West, 272.48 feet to a point of curvature at a granite bound set with a drill hole;

Thence continuing along the said easterly sideline, southerly 23.18 feet along a curve to the left (concave to the northeast), said curve having a radius of 25.00 feet and a central angle of $53^{\circ}07'48''$ to a point of reverse curvature at a granite bound set with a drill hole;

Thence continuing along the easterly, southerly, and westerly sideline, 249.81 feet along a curve to the right (concave to the northeast), said curve having a radius of 50.00 feet and a central angle of $286^{\circ}15'40''$ to a point of reverse curvature at a granite bound set with a drill hole;

Thence continuing along the said westerly sideline, northerly 23.18 feet along a curve to the left (concave to the northwest), said curve having a radius of 25.00 feet and a central angle of $53^{\circ}07'48''$ to a point of tangency at a granite bound set with a drill hole;

Thence continuing along the said westerly sideline, North $18^{\circ}05'00''$ East, 272.48 feet to a point of curvature at a granite bound set with a drill hole;

Thence continuing along the said westerly sideline, northerly 98.81 feet along a curve to the left (concave to the southwest), said curve having a radius of 480.00 feet and a central

angle of $11^{\circ}47'40''$ to a point of compound curvature at a granite bound set with a drill hole;

Thence continuing along the said westerly sideline, northwesterly 38.61 feet along a curve to the left (concave to the southwest), said curve having a radius of 25.00 feet and a central angle of $88^{\circ}28'39''$ to a point of reverse curvature at a granite bound set with a drill hole on the southerly sideline of Ewald Avenue and the northerly sideline of Muir Way;

Thence along the northerly sideline of Muir Way and the southerly sideline of Ewald Avenue, easterly 93.75 feet along a curve to the left (concave to the northwest), said curve having a radius of 175.00 feet and a central angle of $30^{\circ}41'44''$ to the point of beginning.

Contains 24,880 square feet more or less, or 0.571 acres.

Also conveyed by this Instrument, with Quitclaim Covenants, are the following Easements:

DRAINAGE EASEMENT CROSS COUNTRY

An easement for the maintenance of drainage structures lying westerly of Muir Way and coming off of Ewald Avenue in the City of Marlborough, Middlesex County, Commonwealth of Massachusetts and shown as DRAINAGE EASEMENT on a Plan of Acceptance, Muir Way and Municipal Easements, Marlborough, Ma, CABCO CONSULT, for the City of Marlborough, Ma, dated December 30, 2003, last revised on December 11, 2009, which is to be recorded at the Middlesex Registry of Deeds, and being more particularly described as follows:

Beginning at a point at the intersection of the southerly sideline of Ewald Avenue and the westerly sideline of Muir Way as shown on said plan, said point also being on the northerly line of Lot 17 at land now or formerly owned by Sandford, at a granite bound set with a drill hole;

Thence leaving the said sideline intersection of Ewald Avenue and Muir Way, and running thru Lot 17, South $66^{\circ}51'54''$ West, 112.09 feet to a granite bound set with a drill hole;

Thence running thru Lot 17 and Lot 16, North $83^{\circ}58'44''$ West, 84.55 feet to a granite bound set with a drill hole;

Thence running thru Lot 16, South $06^{\circ}01'15''$ West, 51.75 feet to a granite bound set with a drill hole;

Thence running thru Lot 16 and Lot 15, South $31^{\circ}33'32''$ West, 119.58 feet to a granite bound set with a drill hole;

Thence running thru Lot 15 and Lot 14, South $11^{\circ}22'00''$ West, 121.03 feet to a bolt set in ledge;

Thence running thru Lot 14, South $07^{\circ}31'17''$ West, 32.20 feet to a granite bound set with a drill hole on the northerly line of Lot 13A;

Thence running along the northerly line of Lot 13A, North $87^{\circ}39'26''$ West, 30.12 feet to a granite bound set with a drill hole at the northwesterly corner of Lot 13A and the southwestly corner of Lot 14 and at the southerly sideline of an existing 20 foot wide drainage easement;

Thence running along the westerly line of Lot 14, North $07^{\circ}32'07''$ East, 36.10 feet to a granite bound set with a drill hole;

Thence running along the westerly line of Lot 14, North $11^{\circ}22'00''$ East, 16.69 feet to a granite bound set with a drill hole;

Thence running along the westerly line of Lot 14 and Lot 15, North $11^{\circ}16'24''$ East, 93.01 feet to a granite bound set with a drill hole on the westerly line of Lot 15;

Thence running along the westerly line of Lot 15, North $17^{\circ}43'40''$ East, 24.68 feet to a $5/8''$ rebar set in rock;

Thence running along the westerly line of Lot 15 and Lot 16, North $31^{\circ}33'32''$ East, 110.64 feet to a granite bound set with a drill hole on the westerly line of Lot 16;

Thence running along the westerly line of Lot 16, North $06^{\circ}01'15''$ East, 74.96 feet to a granite bound set with a drill hole at the northwest corner of Lot 16;

Thence running along the northerly line of Lot 16 and into Lot 17, South $83^{\circ}58'44''$ East, 106.76 feet to a granite bound set;

Thence running thru Lot 17, North $66^{\circ}51'54''$ East, 66.98 feet to a granite bound set with a drill hole on the southerly sideline of Ewald Avenue;

Thence running along the southerly sideline of Ewald Avenue, easterly 48.02 feet along a curve to the left (concave to the northeast), said curve having a radius of 175.00 feet and a central angle of $15^{\circ}43'19''$ to the point of beginning.

Contains 15,703 square feet more or less, or 0.360 acres.

DRAINAGE EASEMENT – LOT 35

An easement for the maintenance of drainage structures lying on the northerly side of Ewald Avenue in the City of Marlborough, Middlesex County, Commonwealth of Massachusetts and shown on Lot 35 as DRAINAGE EASEMENT on a Plan of Acceptance, Ewald Avenue and Municipal Easements, Marlborough, Ma, CABCO CONSULT, for the City of Marlborough, Ma, dated December 30, 2003, last revised on December 11, 2009, which is to be recorded at the Middlesex Registry of Deeds, and being more particularly described as follows:

Beginning at a point on the northerly sideline of Ewald Avenue, 26.58 feet westerly along a curve to the right from the most southerly corner of Lot 35 and Lot 36 as shown on said plan, said point also being on the southerly line of land now or formerly owned by Su & Huang at a granite bound set with a drill hole;

Thence running along the said northerly sideline of Ewald Avenue, westerly 32.07 along a curve to the right (concave to the northeast), said curve having a radius of 125.00 feet and a central angle of $14^{\circ}42'00''$ to a granite bound set with a drill hole;

Thence leaving the said northerly sideline of Ewald Avenue, North $41^{\circ}45'15''$ East, 66.61 feet to a granite bound set with a drill hole;

Thence South $48^{\circ}14'45''$ East, 30.00 feet to a granite bound set with a drill hole on the line between Lot 35 and Lot 36;

Thence South $41^{\circ}45'15''$ West, 55.53 feet to the point of beginning.

Contains 1,854 square feet more or less, or 0.043 acres.

20' DRAINAGE EASEMENT
LEGAL DESCRIPTION

An easement for the maintenance of a drainage system lying northerly of Boston Post Road in the City of Marlborough, Middlesex County, Commonwealth of Massachusetts and shown as "PROPOSED 20' DRAINAGE EASEMENT" on Lot 2A on a plan titled "Easement Plan of Land in Marlborough, Mass., by Zanca Land Surveyors, Inc., owned by John Hartley, dated October 1997", which is recorded at the Middlesex Registry of Deeds as Plan No. 1297 of 1997, and being more particularly described as follows:

Beginning at a granite bound with a drill hole located on the easterly line of said Lot 2A and also being at the northwesterly corner of Lot 13A and the southwesterly corner of Lot 14 as shown on a "Plan of Land in Marlborough, MA, Scale: 1"=30', dated 21 November 2000, Owner: Forest Grove Realty Trust, prepared by: Benchmark Engineering Corp.", which is recorded at the Middlesex Registry of Deeds as Plan No. 123 of 2001;

Thence leaving the said bound and running thru Lot 2A, North 87°39'26" East, 163.18 feet to a point;

Thence continuing thru Lot 2A, North 78°32'12" West, 66.33 feet to a point;

Thence continuing thru Lot 2A, North 47°18'36" West, 31.57 feet to a point;

Thence continuing thru Lot 2A and thru Proposed Flowage Easement as shown on said plan, North 78°32'12" West, 73.96 feet to a point;

Thence continuing thru Lot 2A and thru Proposed Flowage Easement, North 11°27'48" East, 99.69 feet to a point;

Thence continuing thru Lot 2A and thru Proposed Flowage Easement, South 78°32'12" East, 20.00 feet to a point;

Thence continuing thru Lot 2A and thru Proposed Flowage Easement, South 11°27'48" West, 79.69 feet to a point;

Thence continuing thru Lot 2A and thru Proposed Flowage Easement, South 78°32'12" East, 59.54 feet to a point;

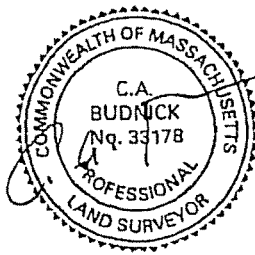
Thence continuing thru Lot 2A, South 47°18'36" East, 33.50 feet to a point;

Thence continuing thru Lot 2A, South 78°32'12" East, 51.27 feet to a point;

Thence continuing thru Lot 2A, South 87°39'26" East, 169.73 feet to a point on the easterly line of Lot 2A, and the westerly line of said Lot 14;

Thence running along the said line of Lot 2A and the said line of Lot 14, South 07°36'08" West, 20.08 feet to the point of beginning;

Contains 8,226 square feet more or less.



Date: October 5, 2011

REV: June 12, 2012

Prepared by: Cabco Consult

P.O. Box 14

Clinton, Ma 01510

FLOWAGE EASEMENT
LEGAL DESCRIPTION

An easement for stormwater runoff and the maintenance of a drainage system lying northerly of Boston Post Road in the City of Marlborough, Middlesex County, Commonwealth of Massachusetts and shown as "PROPOSED FLOWAGE EASEMENT" on Lot 2A on a plan titled "Easement Plan of Land in Marlborough, Mass., by Zanca Land Surveyors, Inc., owned by John Hartley, dated October 1997", which is recorded at the Middlesex Registry of Deeds as Plan No. 1297 of 1997, and being more particularly described as follows:

Beginning at a point at a drill hole at the northeasterly corner of Parcel "D" and the northwesterly corner of Lot 2A as shown on said plan, said point also being on the southerly line of land now or formerly owned by Gerald I. Bern;

Thence running along the northerly line of Lot 2A and the said line of Bern, South $86^{\circ}56'24''$ East, 101.05 feet to a point at a drill hole;

Thence continuing along the said line of Lot 2A and the said line of Bern, South $86^{\circ}31'08''$ East, 88.74 feet to a point;

Thence leaving the said line of Lot 2A and said line of Bern and running thru Lot 2A, South $26^{\circ}13'56''$ West, 92.15 feet to a point;

Thence continuing thru Lot 2A and thru Proposed 20' Drainage easement as shown on said plan, South $11^{\circ}27'48''$ West, 172.07 feet to a point;

Thence continuing thru Lot 2A, South $42^{\circ}41'24''$ West, 120.00 feet to a point;

Thence continuing thru Lot 2A, South $29^{\circ}58'25''$ West, 40.00 feet to a point;

Thence continuing thru Lot 2A, South $48^{\circ}42'09''$ West, 83.08 feet to a point;

Thence continuing thru Lot 2A, South $41^{\circ}17'51''$ East, 49.00 feet to a point;

Thence continuing thru Lot 2A, South $15^{\circ}51'55''$ West, 17.71 feet to a point;

Thence continuing thru Lot 2A, North $76^{\circ}17'40''$ West, 37.42 feet to a point;

Thence continuing thru Lot 2A, North $54^{\circ}53'08''$ West, 44.96 feet to a point;

Thence continuing thru Lot 2A, North $04^{\circ}04'06''$ East, 35.70 feet to a point;

Thence continuing thru Lot 2A, North $21^{\circ}28'34''$ West, 28.62 feet to a point;

Thence continuing thru Lot 2A, North $47^{\circ}18'36''$ West, 41.25 feet to a point;

Thence continuing thru Lot 2A, North $42^{\circ}41'24''$ East, 202.82 feet to a point;

Thence continuing thru Lot 2A, North $11^{\circ}37'36''$ East, 163.48 feet to a point;

Thence continuing thru Lot 2A, North $32^{\circ}07'53''$ West, 70.24 feet to the point of beginning;

Purportedly contains 8,722 square feet more or less, as shown on said plan, but contains 58,723 square feet by actual calculation.

Said 20' DRAINAGE EASEMENT and said FLOWAGE EASEMENT, pursuant to the Grant of Easement – Drainage and Flowage recorded with Middlesex South District Registry of Deeds at Book 27948 Page 382 granted to the Trustee of Forest Grove Realty Trust, his successors and assigns forever, grants to the City Of Marlborough (“City”) its successors and assigns, a perpetual right and easement over, through and under the described area shown on Plan 1297 of 1997 recorded with the said Registry at Book 27948 Page 363 as “PROPOSED 20' DRAINAGE EASEMENT” and “PROPOSED FLOWAGE EASEMENT”, to locate, relocate, erect, construct, reconstruct, install, lay, dig up, operate, maintain, repair, replace and remove drainage lines and detention ponds and all necessary apparatus and equipment as the City, its successors and assigns, may, from time to time, require in said area, for the purpose of allowing surface water drainage and flowage to and through the property now or formally owned by the Villages at Marlborough East Corporation (“Villages”) from a certain subdivision entitled Forest Grove , which said subdivision was previously approved by the Planning Board of the City of Marlborough. It is further agreed by Villages that in the event the City is required to relocate or reconfigure the drainage and flowage areas which are presently shown on said plan, Villages shall also reconfigure said drainage and flowage easement; provided, however, that:

- 1) such reconfiguration shall not materially interfere with Villages’ intended use of the property as a 102-unit retirement community, or require the storage capacity of the detention ponds to be located within said drainage easement to be greater than 1.5-million gallons;
- 2) in the event that such a reconfiguration will require an amendment to either the site plan approval, the special permit, or both, which have been issued regarding the construction and operation of said 102-unit retirement community, said reconfiguration shall be subject to the city obtaining such amendment or amendments, at the City’s sole cost.

Villages reserves the right to use the drainage and flowage areas herein as set forth with the City for the benefit of Villages’ remaining lands, provided that no use by either party shall create an overburdening of the detention ponds and other improvements constructed by the Villages, the Trustee of Forest Grove Realty Trust and/or the City in said area in accordance with the approvals given by the Conservation Commission, Planning Board, City Engineer, Building Inspector, or other relevant City agencies or Boards regarding the use of said area by Villages, for drainage resulting from the construction of a retirement community by Villages as specified in a certain special permit issued by the City Council of the City of Marlborough recorded at the Middlesex South District Registry of Deeds or the use of said drainage area by the City for drainage resulting from the construction of the Forest Grove subdivision.

The City shall have the right, at all reasonable times and in a reasonable manner, to enter upon said area and shall have the right of access over Villages’ premises described above, and to dig up such portions of said area as may be reasonably necessary for the purposes of replacing, operating, maintaining, adding to, repairing, relocating, removing or replacing said drainage and detention areas; provided that the City shall, following such work, restore the premises to their former condition as nearly as practicable following such work.

The streets named Ewald Avenue and Muir Way and the easements related thereto are also shown on the following plans of land:

Plan of Acceptance (2 sheets): Ewald Avenue & Municipal Easements,
Date: December 30, 2003, Latest Revision Date:
December 11, 2009, prepared for City of Marlborough, MA, Cabco Consult,
Land and Environmental Consulting Services, P. O. Box 14, Clinton, MA 01510
recorded herewith in the Middlesex South District Registry of Deeds in Plan Book
_____ as Plan _____,

and

Plan of Acceptance (1 sheet): Muir Way & Municipal Easements, Date: December
30, 2003, Latest Revision Date: December 11, 2009, prepared for the City of
Marlborough, MA, Cabco Consult, Land and Environmental Consulting
Services, P. O. Box 14, Clinton, MA 01510, recorded herewith in the Middlesex South
District Registry of Deeds in Plan Book _____ as Plan _____.

I hereby state the following under the pains and penalties of perjury:

1. I am the sole Trustee of the Forest Grove Realty Trust;
2. I am in full compliance with the terms and conditions of the aforementioned trust in deeding this property for nominal consideration to the City of Marlborough;
3. I have been duly authorized by the terms of said Trust, and directed by all beneficiaries to so transfer said property; and
4. The aforementioned Forest Grove Realty Trust has not been altered, amended, revoked or terminated, and no beneficiary is a minor, except that I was appointed as successor trustee, see Book 31316, Page 069, to Alan Greenwald, who resigned as trustee, see Book 31316 page 070, both documents recorded with the said Registry.

For Grantor's title see Book 27627 Page 529 recorded with said Registry; and Grant of Easement Drainage and Flowage at Book 27948 Page 382 recorded with said Registry.

Witness my hand and seal this _____ day of June 2012

Forest Grove Realty Trust
by _____
Richard E. Terrill, Trustee, and not individually

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

On this the _____ day of June, 2012 before me, Lawrence J. Doane, the undersigned Notary Public, personally appeared Richard E. Terrill, who proved to me through satisfactory evidence of Identity, which was a driver's license to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires:



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CITY OF MARLBOROUGH
**City of Marlborough
Legal Department**

2012 JUL -5 A 11: 59
40 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610
LEGAL@MARLBOROUGH-MA.GOV

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

DENISE M. LINDBERG
PARALEGAL

July 5, 2012

Patricia Pope
President
Marlborough City Council

RE: Acceptance of Cleversy Drive as a Public Way
Order No. 11/12-1003095A

Dear President Pope and Members:

Pursuant to the meeting of the Public Services Committee held on June 12, 2012, I am enclosing for your review and approval a proposed order to accept Cleversy Drive, along with its appurtenant municipal easements, as a public way and as municipal easements. The order, in turn, refers to an acceptance plan of the roadway and associated municipal easements, as well as to the deed from the realty trust that developed the subdivision (Elm Farm Valley Estates). The plan is enclosed, along with the deed which will be signed upon Council approval of the order. The Committee, the Planning Board and the City Engineer have recommended acceptance.

Thank you for your attention to this matter.

Very truly yours,

Donald V. Rider, Jr.
City Solicitor

Enclosures

cc: Michael Norris, Esquire

ORDERED:

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that CLEVERSY DRIVE be accepted as a public way

From CLEVERSY DRIVE To Terminus

and the appurtenant easements be accepted as municipal easements as shown on a plan thereof and as hereinafter described:

DESCRIPTION

Plan entitled, "Plan of Acceptance of Cleversy Drive and Easements in Marlborough, Massachusetts, Robert J. Parente, P.L.S., 15 Hickory Road, Southborough, MA. 01772, Date: Oct. 14, 2004, Revised April 15, 2007, Revised March 8, 2010, Scale: 1" = 40'", which plan is to be recorded herewith.

Title to the roadway known as CLEVERSY DRIVE, and title to all the municipal easements, including a utility easement within Lots 4, 5 and 12 running from Millham Street to Cleversy Drive shown as 30' WIDE UTILITY EASEMENT TO CITY OF MARLBOROUGH; a drainage easement within Lot 10, shown as DRAINAGE EASEMENT "A" TO CITY OF MARLBOROUGH on said plan; a drainage easement within Lots 8 and 10, shown as DRAINAGE EASEMENT "B" TO CITY OF MARLBOROUGH; and a flowage easement within Lots 8 and 10, shown as FLOWAGE EASEMENT TO CITY OF MARLBOROUGH on said plan, has been granted to the City of Marlborough in a quitclaim deed from Niel Fossile and Geraldine Fossile, Trustees of Elm Farm Realty Trust, u/d/t dated September 15, 2000, recorded with the Middlesex South Registry of Deeds in Book 31824, Page 160, said deed to be recorded herewith at the Middlesex County (South District) Registry of Deeds.

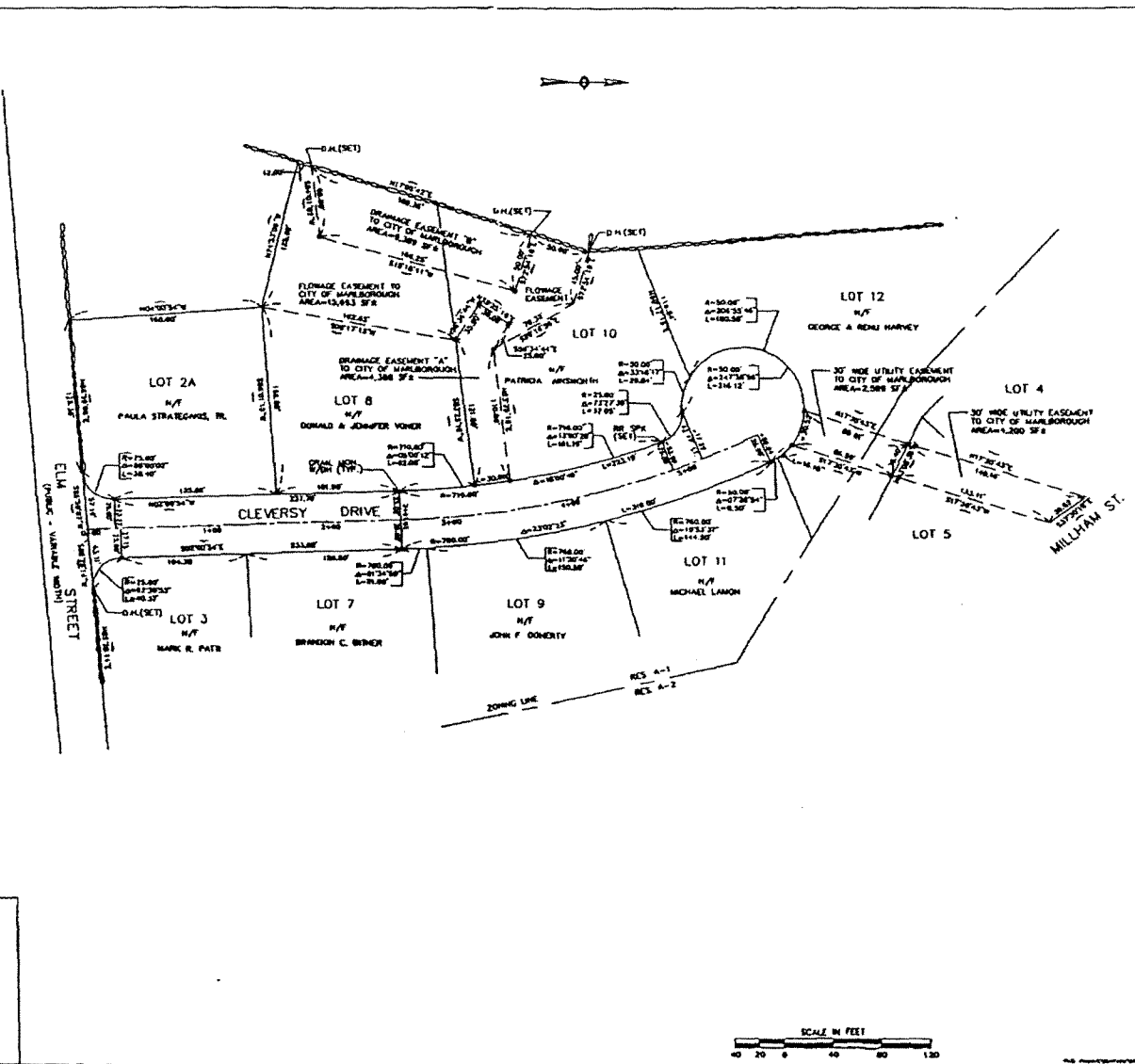
IT IS THEREFORE ORDERED THAT:

CLEVERSY DRIVE be accepted as a public way and its appurtenant easements be accepted as municipal easements in the City of Marlborough.

ADOPTED
In City Council
Order No. 11/12-1003095A
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



ZONING CLASSIFICATION
 RESIDENCE #1/A-2
 APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED
 MARLBOROUGH PLANNING BOARD

MEMBER _____ DATE _____

I HEREBY CERTIFY THAT I HAVE CONFORMED WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS IN PREPARING THIS PLAN.
Robert J. Pante 4/1/00
 ROBERT J. PANTE PROF. LAND SURVEYOR D.A.E.

I HEREBY CERTIFY THAT THE MONUMENTS HAVE BEEN SET AS SHOWN ON THIS PLAN.
Robert J. Pante 4/1/00
 ROBERT J. PANTE PROF. LAND SURVEYOR D.A.E.

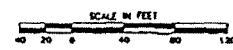
NOTE:
 THE UTILITY EASEMENT SHOWN ON THE ACCEPTANCE PLAN REFLECTS THE EXISTENCE OF A WATER MAIN AND A SEWER MAIN WITHIN THE EASEMENT AREA BETWEEN CLEVERSY DRIVE AND THE WILLIAM STREET LOTS AS SHOWN ON THE PLAN & PROFILE SHEETS OF THE ELM FARM VALLEY ESTATES DEVELOPATIVE SUBDIVISION PLAN.

Robert J. Pante

PLAN OF ACCEPTANCE OF
 CLEVERSY DRIVE
 AND EASEMENTS
 IN
 MARLBOROUGH, MASSACHUSETTS

ROBERT J. PANTONE, P.L.S.
 15 HICKORY ROAD, SOUTHBOROUGH, MA. 01772

DATE: OCT 14, 2004 SCALE: 1"=40'
 REV: APRIL 15, 2007, MARCH 8, 2010



We, **Niel Fossile and Geraldine Fossile, Trustees of Elm Farm Realty Trust**, u/d/t dated September 15, 2000, recorded with the Middlesex South Registry of Deeds in Book 31824, Page 160, of Marlborough, Middlesex County, Massachusetts

for consideration paid and in full consideration of ONE DOLLAR (\$1.00) and 00/100

hereby grant, sell, transfer and deliver unto the **City of Marlborough**, a municipal corporation

All of the roadways, sewer easements, water easements, drainage easements, flowage easements, all water and drain pipes, manholes, conduits, and all appurtenances thereto, that are now or hereafter constructed or installed in, through or under the land shown on "Plan of Acceptance of Cleversy Drive and Easements in Marlborough, Massachusetts, Robert J. Parente, P.L.S., 15 Hickory Road, Southborough, MA. 01772, Date: Oct. 14, 2004, Revised April 15, 2007, Revised March 8, 2010, Scale: 1" = 40'", which plan is to be recorded herewith. Said new road being more particularly described as follows:

BEGINNING at the Southwest corner of the roadway on the northerly side of Elm Street;

THENCE by a curve to the left having a radius of 25.00 feet, an arc length of 38.40 feet;

THENCE N. 02° 00' 54" W. 237.76 feet;

THENCE by a curve to the left having a radius of 710.00 feet, an arc length of 223.19 feet;

THENCE by a curve to the left having a radius of 25.00 feet, an arc length of 32.05 feet;

THENCE by a curve to the right having a radius of 50.00 feet, an arc length of 216.12 feet;

THENCE by a curve to the right having a radius of 760.00 feet, an arc length of 316.00 feet;

THENCE S. 02° 00' 54" E. 233.88 feet;

THENCE by a curve to the left having a radius of 25.00 feet, an arc length of 40.37 feet;

THENCE S. 85° 28' 14" W. 43.11 feet;

THENCE S. 85° 59' 07" W. 57.19 feet to the point of beginning.

Said area of Cleversy Drive contains 34,567 square feet as shown on said plan.

Together with the following easements:

- Utility Easement within Lots 4, 5 and 12 running from Millham Street to Cleversy Drive shown as 30' WIDE UTILITY EASEMENT TO CITY OF MARLBOROUGH on said plan entitled "Plan of Acceptance of Cleversy Drive and Easements in Marlborough, Massachusetts, Robert J. Parente, P.L.S., 15 Hickory Road, Southborough, MA. 01772, Date: Oct. 14, 2004, Revised April 15, 2007, Revised March 8, 2010, Scale: 1" = 40'", which plan is to be recorded herewith; further bounded and described as follows:

BEGINNING at the end of the cul-de-sac of Cleversy Drive, said point being an arc length of 46.62 feet from the northwesterly corner of Lot 11;
THENCE N. 17° 30' 43" E., 89.81 feet to a point;
THENCE N. 17° 30' 43" E., 149.16 feet to a point;
THENCE S. 37° 30' 18" E., 36.62 feet along Millham Street sideline to a point;
THENCE S. 17° 30' 43" W., 133.11 feet to a point;
THENCE S. 17° 30' 43" W., 86.59 feet to a point;
THENCE by a 50' radius, 30.52' arc length to the point of beginning.

Said Utility Easement contains 6,799 square feet, more or less, and is further described in a Scrivener's Affidavit recorded with the Middlesex South District Registry of Deeds in Book 57730, Page 22.

- Drainage Easement within Lot 10, containing 4,388 s.f., shown as DRAINAGE EASEMENT "A" TO CITY OF MARLBOROUGH on said plan entitled "Plan of Acceptance of Cleversy Drive and Easements in Marlborough, Massachusetts, Robert J. Parente, P.L.S., 15 Hickory Road, Southborough, MA. 01772, Date: Oct. 14, 2004, Revised April 15, 2007, Revised March 8, 2010, Scale: 1" = 40'", which plan is to be recorded herewith; further bounded and described as follows:

BEGINNING at the northeasterly corner of Lot 8 along Cleversy Drive;
THENCE S. 83° 25' 16" W., 121.80 feet to a point;
THENCE N. 56° 34' 44" W., 35.90 feet to a point;
THENCE N. 33° 25' 16" E., 30.00 feet to a point;
THENCE S. 56° 34' 44" E., 25.00 feet to a point;
THENCE N. 83° 25' 16" E., 110.00 feet to a point;
THENCE along Cleversy Drive by a curve to the right having a radius of 710.00 feet, an arc length of 30.00 feet to the Point of Beginning.

Said Drainage Easement "A" contains 4,388 square feet, more or less.

- Drainage Easement within Lots 8 and 10, containing 9,389 s.f., shown as DRAINAGE EASEMENT "B" TO CITY OF MARLBOROUGH on said plan entitled "Plan of

Acceptance of Cleversy Drive and Easements in Marlborough, Massachusetts, Robert J. Parente, P.L.S., 15 Hickory Road, Southborough, MA. 01772, Date: Oct. 14, 2004, Revised April 15, 2007, Revised March 8, 2010, Scale: 1" = 40'", which plan is to be recorded herewith; further bounded and described as follows:

BEGINNING at a drill hole on a wall along the westerly lot line of Lot 8;
THENCE N. 17° 05' 42" E., 189.36 feet to a drill hole on a stone wall;
THENCE S. 72° 54' 18" E., 50.00 feet to a point;
THENCE S. 15° 18' 11" W., 166.25 feet to a point;
THENCE S. 84° 01' 02" W., 60.00 feet to the point of beginning.

Said Drainage Easement "B" contains 9,389 square feet, more or less.

- Flowage Easement within Lots 8 and 10, containing 15,693 s.f., shown as FLOWAGE EASEMENT TO CITY OF MARLBOROUGH on said plan entitled "Plan of Acceptance of Cleversy Drive and Easements" in Marlborough, Massachusetts, Robert J. Parente, P.L.S., 15 Hickory Road, Southborough, MA. 01772, Date: Oct. 14, 2004, Revised April 15, 2007, Revised March 8, 2010, Scale: 1" = 40'", which plan is to be recorded herewith; further bounded and described as follows:

BEGINNING at the southwesterly corner of Lot 8;
THENCE N. 17° 05' 42" E., 12.00 feet to a point;
THENCE N. 84° 01' 02" E., 60.00 feet to a point;
THENCE N. 15° 18' 11" E., 166.25 feet to a point;
THENCE N. 72° 54' 18" W., 50.00 feet to a point;
THENCE N. 17° 05' 42" E., 50.00 feet to a point;
THENCE S. 72° 54' 19" E., 45.00 feet to a point;
THENCE S. 29° 16' 56" E., 78.32 feet to a point;
THENCE N. 56° 34' 44" W., 25.00 feet to a point;
THENCE S. 33° 25' 16" W., 30.00 feet to a point;
THENCE S. 56° 34' 44" E., 35.90 feet to a point;
THENCE S. 09° 17' 13" W., 162.63 feet to a point;
THENCE N. 74° 53' 06" W., 125.89 feet to the point of beginning.

Said Flowage Easement contains 15,693 square feet, more or less.

Being a portion of the premises conveyed to the Grantor in that certain deed dated September 15, 2000, and recorded with the Middlesex South District Registry of Deeds in Book 31824, Page 164.

The undersigned hereby certifies as follows:

1. That said Declaration of Trust and Schedule of Beneficial Interest remains in full force and effect and has not been modified or amended;
2. That we are the duly named and appointed Trustees of said Trust;
3. None of the Beneficiaries of the Trust are minors;

4. That the Trustees have been directed and authorized by the Beneficiaries to execute and deliver this Deed.

WITNESS our hands and seal this _____ day of _____, 2012.

ELM FARM REALTY TRUST

By: _____
Niel Fossile, Trustee

By: _____
Geraldine Fossile, Trustee

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this _____ day of _____, 2012, before me, the undersigned notary public, personally appeared Niel Fossile and Geraldine Fossile, proved to me through satisfactory evidence of identification, being a driver's license, to be the persons whose names are signed on the preceding or attached documents, and acknowledged to me that they signed it voluntarily for its stated purpose as Trustees of the Elm Farm Realty Trust.

Notary Public:
My Commission Expires:

City of Marlborough
Commonwealth of Massachusetts

RECEIVED
CLERK'S OFFICE
CITY OF MARLBOROUGH

2012 JUN 20 P 4: 45



June 20, 2012

Mrs. Trish Pope
Council President
City of Marlborough
140 Main Street
Marlborough, MA 01752

Re: Forest Grove Subdivision
Ewald Avenue, Muir Way and Easements
Subdivision Acceptance

Dear Mrs. Pope:

At its meeting on Monday, June 18, 2012, the Planning Board took the following action:

To send a favorable recommendation to the City Council to endorse the Plan known as "Plan of Acceptance of Ewald Avenue and Easements (Sheet1 thru 2), and Muir Way and Easements (Sheets 1 of 1) dated December 30, 2003, last revision date of December 11, 2009".

Sincerely,

Barbara L. Fenby / cfl

Barbara L. Fenby
Chairperson

Cc: City Solicitor
City Engineer
File

City of Marlborough
Commonwealth of Massachusetts

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2012 JUN 20 P 4: 45



June 20, 2012

Mrs. Trish Pope
Council President
City of Marlborough
140 Main Street
Marlborough, MA 01752

Re: Elm Farm Valley Estates, Cleversy Drive
Subdivision Acceptance

Dear Mrs. Pope:

At its meeting on Monday, June 18, 2012, the Planning Board took the following action:

To send a favorable recommendation to the City Council to endorse the Plan known as "Plan of Acceptance of Cleversy Drive and Easements, Marlborough, MA dated October 14, 2004, last revision date of March 8, 2010".

Sincerely,

A handwritten signature in cursive script that reads "Barbara L. Fenby".

Barbara L. Fenby
Chairperson

Cc: City Solicitor
City Engineer
File

MARLBOROUGH RETIREMENT BOARD

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

Telephone (508) 460-3760

Fax (508) 481-7814

Board Members

Gregory P. Brewster, Chairman

Thomas J. Abel

Christopher M. Sandini, Sr.

Diane Smith

William S. Taylor

July 1, 2012

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2012 JUL -2 P 4: 32

Dear President and Members:

Enclosed for your review is a copy of the Marlborough Retirement Board's FY2013 operating budget. The Board's operating expenses will be paid from the investment income of the system as required by the provisions of Chapter 306 of the Acts of 1996.

Should you have questions, please do not hesitate to contact me.

Sincerely,



Margaret R. Shea
Director

Enclosure

**FY 2013 Operating Budget
Paid from Investment Income**

	FY13	FY12
Personnel Costs		
Director	74624	74071
Director Retro	0	1069
Assistant	51470	51091
Assistant Retro	0	737
Longevity	6305	6211
Longevity Retro	0	50
Board Members	<u>15000</u>	<u>15000</u>
Total Personnel Costs	147399	148229
Professional Services		
Custodian	15408	30000
Consultant	35000	35000
Legal	6000	6000
Rhumblin	18431	24500
Boston Company	62252	69000
Clarion Real Estate	39850	43903
Shenkman Management	62444	65500
SSGA	26000	23500
Batterymarch	0	0
Neuberger Berman	0	0
Penn	40228	56000
Standard Life	45060	45000
Fiduciary Management	106700	0
2nd Real Estate Manager	20000	0
Actuarial Services	<u>0</u>	<u>15000</u>
Total Professional Services	477373	413403
Administrative Costs		
Printing	1800	2500
Office Supplies	950	700
Travel & Conference	8000	6000
Software Maintenance Contract	13000	13000
Dues & Subscriptions	1500	1300
Telephones	0	0
Other Services	750	725
Bond	7200	6907
Equipment	0	0
Furniture	<u>1000</u>	<u>0</u>
Total Administrative Costs	34200	31132
TOTAL OPERATING BUDGET	658972	592764

Lombardo DeVellis & Smith LLP
Attorneys at Law

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CITY OF MARLBOROUGH

2012 JUL -2 P 3 10

June 29, 2012

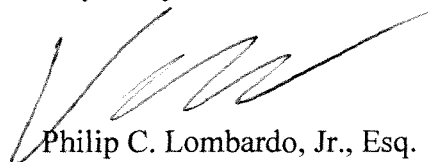
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Order No. 12-1005081
Application of: Cumberland Farms, Inc.
Locus: 412 & 418 Maple Street - Map 93, Lot 68, 66A and 67C

Ladies and Gentlemen:

Cumberland Farms, Inc., the above-named Applicant, hereby agrees to an extension of thirty (30) days beyond the applicable statutory time-frame in which the Council must render a decision as to the above-referenced application. Should you require anything further, please do not hesitate to contact me.

Very Truly Yours,



Philip C. Lombardo, Jr., Esq.

Cc: Kathleen Sousa

nationalgrid

June 28, 2012

Marlborough
OFFICE OF THE CITY CLERK
140 MAIN STREET
MARLBOROUGH, MA 01752

To Whom It May Concern:

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

If you have any questions regarding this permit please contact:

Daniel Sancomb 781-907-3494

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

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

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

Very truly yours,

A handwritten signature in cursive script that reads "Chris Montalto" followed by a stylized monogram "CB".

Chris Montalto, Engineer
Supervisor, Distribution Design

Enclosures

City Clerk Copy

PETITION FOR JOINT POLE RE-LOCATIONS

Hopedale, MA 01747

June 28, 2012

To the City Council
of the City of Marlborough, Massachusetts

MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.

request permission to relocate poles, wires, cables and fixtures, including anchors, guys and other such necessary sustaining and protecting fixtures, along and across the following public way or ways:-

Manning Street

Ngrid proposes the relocation of existing Pole 2, 25' in a NE direction from existing location. Ngrid proposes the installation of a new guy/anchor off of relocated Pole2. Ngrid to remove existing Pole 2 and guy and anchor off of existing Pole 2.

Wherefore they ask that they be granted a joint relocation for and permission to erect and maintain poles, wires, cables and fixtures to be placed thereon, together with anchors, guys and other such sustaining and protecting fixtures as they must find necessary, said poles to be located substantially in accordance with the plan filed herewith marked: Plan No. **11651617** Dated: **10/11/2011**

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

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

MASSACHUSETTS ELECTRIC COMPANY

By: Chris Montalto
Manager of Distribution Design *CB*

VERIZON NEW ENGLAND, INC.

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

CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK

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CITY OF MARLBOROUGH

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

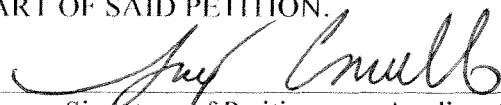
2012 JUN 29 A 9:44

1. Name and address of Petitioner or Applicant: MetroPCS Massachusetts, LLC
285 Billerica Rd, Third Floor, Chelmsford, MA 01824
2. Specific Location of property including Assessor's Plate and Parcel Number.
98 Pleasant Street, Marlborough, MA / Map: 68, Lot: 174
3. Name and address of owner of land if other than Petitioner or Applicant:
City of Marlborough, 140 Main Street, Marlborough, MA 01752
4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.)
5. Specific Zoning Ordinance under which the Special Permit is sought: 600-25
Article VI Section 650-25 Paragraph Sub-paragraph
6. Zoning District in which property in question is located:
RB

7. Specific reason(s) for seeking Special Permit
MetroPCS proposes to install a wireless communications facility onto the existing building located at 98 Pleasant Street. The facility consists of six (6) wireless antennas being proposed to be flush mounted to the existing bell tower. Associated equipment will be installed within the attic portion of the building concealed from view. See narrative for additional information.

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

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


Signature of Petitioner or Applicant

Address: 285 Billerica Road, Third Floor
Chelmsford, MA 01824

Telephone No. 978-855-3644

Date: _____
City Clerk's Office

LIST OF NAMES AND ADDRESS OF ABUTTERS
AS REQUESTED ON THE APPLICATION FOR SPECIAL PERMIT OF:

MetroPCS Massachusetts, LLC

(Name of Petitioner)

FOR THE ISSUANCE OF SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH UNDER CHAPTER 650, ZONING, OF THE CODE OF THE CITY OF MARLBOROUGH.

(Abutters as defined in §650-59, Section 4H, **Powers and Procedure of Special-Permit Granting Authorities**)

See attached certified list of abutters.

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: MetroPCS, Massachusetts, LLC Address: 285 Billerica Road, Chelmsford, MA

Project Name: Pleasant Street Fire Station Address: 98 Pleasant Street

1. PROPOSED USE: (describe) MetroPCS proposes to install a wireless communications
consisting of six (6) antennas, interior equipment room, associated wires, cables & connections.

2. EXPANSION OR NEW: This proposal is an addition to an existing building.

3. SIZE: floor area sq. ft. N/A 1st floor N/A all floors N/A
buildings N/A # stories N/A lot area (s.f.) N/A

4. LOT COVERAGE: N/A %Landscaped area: N/A % No change to existing.

5. POPULATION ON SITE: Number of people expected on site at anytime:

Normal: *See (B) Below Peak period: _____

6. TRAFFIC:

(A) Number of vehicles parked on site: *See (B) Below

During regular hours: One (1) Peak period: More during construction

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

* Typically one (1) vehicle per month post construction.

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? Interior equipment lights will be installed within the proposed interior equipment room within the attic of the building.

8. NOISE:

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

A small HVAC condenser will be installed at the approx. 60' height in the tower, minimal noise will result due to its elevated location.

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. HVAC Condenser will emit a small amount of noise, its operation

is based on climate conditions and temperatures within the attic.

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

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

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? There will be no significant amount of debris that will require disposal.

***Attach additional sheets if necessary**



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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2012 JUN 29 A 9 44

**CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752**

City Hall
140 Main St.
Marlborough, Massachusetts 01752

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

President and Members City Council

Date: _____

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Pleasant Street Fire Station Marlborough

Project Use Summary: Wireless Communications Facility

Project Street Address: 98 Pleasant Street, Marlborough, MA

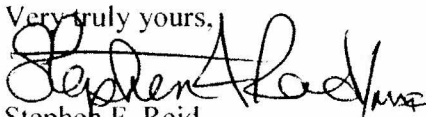
Plate: 68 Parcel: 174

Applicant/Developer Name: MetroPCS Massachusetts, LLC

Plan Date: 6/5/12 Revision Date: REV 1

Dear President and Members:

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

Very truly yours,

Stephen F. Reid

Building Inspector

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

500.00



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

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2012 JUN 27 P 1:04

**Lisa M. Thomas
City Clerk**

MARLBOROUGH, MA

DATE: 6/27/12

To the City Council:

Owner Name: Richard Jenkins

Residential Address: 19 Indian Ln, Marlboro, MA 01752

Telephone Number: 774-641-9955

Business Name: Metrowest Rubbish Service

Business Address: 19 Indian Ln, Marlboro, MA 01752

Business Telephone Number: 508-665-8855

Owner Signature: [Signature]

The above signed Richard Jenkins respectfully requests that he/she be

granted a Junk Dealers license.

In City Council

Office of the
BOARD OF SELECTMEN



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

508-841-8504
Telephone
508-842-0587
Facsimile

2012 JUL -2 P 3:10

Town of Shrewsbury
100 Maple Avenue
Shrewsbury, MA 01545-5398

June 20, 2012

Marlborough City Council
C/O Karen A. Boule, Secretary
City Hall
140 Main Street
Marlborough, MA 01752

Dear Councilors:

I write to extend an invitation to you to join the efforts currently underway by a coalition of cities and towns in Central Massachusetts which has united to develop more effective approaches to establishing a more consistent financial relationship with the Commonwealth.

On April 18, 2012, twenty six individuals representing five municipalities as well as the Central Massachusetts Regional Planning Commission gathered in Shrewsbury to discuss various state mandates and regulations which continue each year to place a significant burden on municipal budgets. Our region has experienced tremendous population growth and resulting pressures on our public school departments while the state has backed away from its financial partnership. The result has placed pressure on the municipal budgets while we seek to achieve unfunded mandates and fully fund our pension obligations. The time has come to seek substantive changes.

I have included for your review a copy of the minutes of the April 18th meeting, as well as the cover letter to each participant. During this meeting there was consensus that municipalities would compile 3-5 key issues worthy of specific consideration and possible action by the Legislature during the legislative session which begins in January 2013. A second meeting will be convened in late September / early October to continue the work in this area. I urge you to join this coalition or to send a designee on your behalf. Please do not hesitate to contact me with questions.

Sincerely,

James F. Kane
Board of Selectmen

REGIONAL MUNICIPAL MEETING MINUTES
Shrewsbury Selectmen's Room
April 18, 2012
7:00 PM

Present

For Shrewsbury: James Kane, Moira Miller, Dan Morgado, John Lebeaux, Bretta Karp, Dr. Dale Magee, Steve Levine, Gene Buddenhagen, Donna O'Connor, John Campbell, Henry Fitzgerald, Chris Rutigliano

For Westborough: Tim Dodd, Denny Drewry, Ed Behn, James Malloy, John Arnold, Bruce Tretter

For Grafton: Kevin Mizikar, John Dowling, Peter Adams, Kathleen Halloran

For Southborough: Bill Boland

For Marlborough: Michael Berry

For CMRPC: Trish Settles

Also Present: Representative Matthew Beaton

Mr. Kane called the meeting to order and provided introductory remarks. The purpose of this meeting is for municipalities to come together as a group to coalesce around certain issues such as unfunded/underfunded state mandates. The intent is to provide a unified voice for Central Massachusetts, in support of the MMA's efforts, to call attention to the various state mandates and regulations which undermine the efforts of cities and towns to provide services in an efficient and cost-effective manner.

Mr. Morgado added that the Commonwealth of Massachusetts continues to drive up the cost of doing business for cities and towns which continue to compete for limited resources. Cities and towns continue to struggle under an increasingly challenging regulatory environment. Mr. Morgado stated that it is time now to adopt a more aggressive strategy to force the Commonwealth to confront local issues, suggesting that the home rule petition process may be the vehicle for change. The real question is 'how do we now make substantive change?' The Town of Shrewsbury is committed to exploring avenues to create effective regional partnerships. The Town's Health Department will be 100% regionalized with the City of Worcester on July 1, 2012. In addition, Shrewsbury has partnered with a coalition of towns, led by the Town of Spencer, to address the storm water management issue.

Representative Beaton provided an overview of the FY2013 budget process to date, indicating that the House budget in its current form is friendlier to cities and towns than the Governor's budget. Rep. Beaton expressed his frustration with mandates, such as the circuit breaker funding, to which the state has not fulfilled its obligation. Also of note is the flawed system in the proposed distribution of additional Chapter 70 funding among cities and towns. Mr. Levine added that charter schools are an issue to be addressed, along with the escalating costs of SPED funding.

Ms. Miller provided a list of state mandates compiled by the Suburban Coalition, a group organized in Concord which leads a variety of initiatives on behalf of cities and towns.

Mr. Boland expressed his support for this work, adding that the circuit breaker funding continues to be an issue in Southborough. Mr. Boland expressed his desire for health insurance companies to bear the costs associated with these students with severe needs. It is important to take into consideration the impact these cost have on seniors. The McKinney-Vento homeless student transportation is another example of a federal unfunded mandate.

Mr. Drewry added his support for the work around regionalism, stressing the importance of cities and towns to have a unified voice. There is real value in the visibility this group will achieve.

Mr. Mizikar expressed his frustration with the state requiring Grafton to make improvements to high hazard dams, without the assistance of any funding. Also, the storm water management issue (EPA) is of great concern.

Ms. Settles remarked that the Central Massachusetts Regional Planning Commission (CMRPC) just completed a survey which revealed the following top priorities for cities and towns: unfunded mandates, higher transportation costs, and regional efficiencies. On May 18th, CMRPC will be hosting a Spring Legislative Affairs Breakfast to discuss transportation funding as well as the results of the Regional Legislative Priorities Survey.

Mr. Lebeaux added that the Town is drafting a home rule petition for the upcoming annual town meeting which will require that mobile homes be included in the Chapter 40B subsidized housing count for the Town. Mr. Kane added that another home rule petition will be presented to town meeting which will authorize the Commonwealth's Division of Capital Asset Management to convey two Glavin Center parcels to the Town, one parcel for municipal use, and the second for recreational use.

Mr. Malloy expressed his support for this work, adding that the City of Lowell had attempted a home rule petition to change health insurance regulations, before the reform legislation of 2011 was rolled out. He questioned whether we might have better success as a group linking with MMA to push an agenda, rather than standing apart.

Ms. Donna O'Connor remarked that we should not nit-pick around a host of different issues, but come out strongly in support of a few very important issues. Mr. Buddenhagen added that we ought to prioritize the issues and pick those issues which we think would have a favorable outcome.

Mr. Kane concluded the meeting by asking municipalities to submit 3-5 issues which the Town Manager's office will compile.

Respectfully submitted,

Thomas M. Gregory
Assistant to the Town Manager
Town of Shrewsbury



Town of Shrewsbury
100 Maple Avenue
Shrewsbury, MA 01545-5398

June 20, 2012

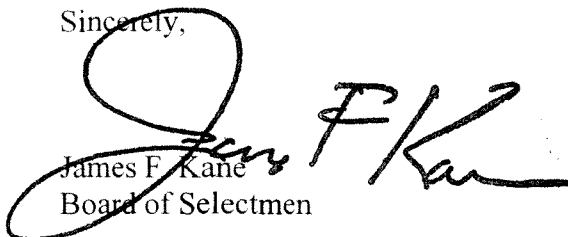
Dear Participant:

Thank you, again, for taking time out of your busy spring schedule to join us on April 18, 2012 to discuss a regional approach to challenges facing each of our communities. After speaking with several of the attendees and with spring town meeting behind us, it appears reasonable to focus and engage on this matter again. Please find enclosed the minutes from the Regional Municipal Meeting on April 18th and outline below for moving forward.

As we discussed and agreed, please send along 3-5 issues that you believe are worthy of specific consideration and possible action in the fall leading to a place on the legislative agenda come January 2013. You may forward these issues to Thomas Gregory, Assistant to the Town Manager at tgregory@th.ci.shrewsbury.ma.us. Once we have the thoughts of those participating, we will offer to host a fall meeting for another round of discussion and finalization of a path forward.

As you are keenly aware, cities and towns across the Commonwealth continue to struggle under an increasingly challenging regulatory environment. State mandates and regulations continue to place a significant burden on municipal budgets, whether in the area of education, transportation, insurance, or the environment. These are the reasons it is critical for cities and towns in Central Massachusetts to come together in one voice and push for substantive change. I urge your continued support of this important work. I look forward to seeing you in the fall.

Sincerely,


James F. Kane
Board of Selectmen

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**CITY OF MARLBOROUGH
OFFICE OF TRAFFIC COMMISSION
140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 017**

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held on Tuesday, May 29, 2012 at 10:00 a.m. in the City Council Committee Room, City Hall. Members present: Chairman - Police Chief Mark Leonard, Vice Chairman – DPW Commissioner Ronald LaFreniere, Acting Fire Chief James Fortin. Also present: City Engineer Thomas Cullen, Asst. City Engineer Tim Collins. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Tuesday, April 24, 2012.

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

2-New Business

(No new business on agenda. One new business item brought up by Acting Fire Chief Jim Fortin):

2a) Request for No Right Turn on Red at the intersection of Chestnut Street and Pleasant Street.

Acting Fire Chief Fortin brought up the fact that a right turn on red is dangerous at this location. If a driver is looking to the left at the end of Chestnut and turning North on Pleasant Street they could hit a fire truck in front of the station. Tim Collins commented that he actually saw this situation when he was testing the traffic lights in the area. All agreed that this was a good idea. It was discussed that the permit for the traffic light would need to be amended to include this new condition for no right turn on red and submitted for a vote at the next meeting.

MOTION was made, seconded, duly VOTED to REFER to the DPW to work with ENGINEERING on amending the permit for the traffic light at this location.

3-Old Business**3a. Drop off traffic concerns at Jaworek School.**

Commissioner LaFreniere drafted a rough markup of his ideas for the concerns discussed at the last meeting. The potential problem is that it significantly impacts the ball field in front of the school. By cutting into the field by about 40 feet they could create more room for parking and allow for a better route for cars to exit the school. He suggested closing off the entrance for the first lot to cars and using it for buses only. He further stated that this type of project obviously requires money and there is no money currently available. An effort will need to be made to address these long term parking issues.

MOTION was made, seconded, duly VOTED to REFER to the DPW and ENGINEERING for further study.

3d. Traffic Commission rules and regulations update.

Tim Collins presented a large excel spreadsheet prepared by their aide, Ashley, which indicates each street involved and has separate columns for 15 different regulations. He noted that on the actual spreadsheet you can click on an item and see a diagram. The group discussed how they should go forward with reviewing the document, i.e. street by street, regulation by regulation or page by page. Ashley also provided back up information to Tim Collins and Tom Cullen for each area where she found a discrepancy. Seven sheets are now ready for review. Chief Leonard asked the group for their thoughts on getting started. Tim Collins questioned how we would advertize any changes. Commissioner LaFreniere commented that the most recent regulation was properly added and voted on and that is what is currently in effect. If we find a discrepancy or conflict and believe that an older regulation is correct we will leave it as is and vote to eliminate the conflict. It was also noted that in some instances, the regulation was voted on but never formally put into place and needs to be done now. This situation would need to be advertized to alert the public. The intent is to replace any old regulation with the proper new regulation. Chief Leonard agreed that this makes sense. At the next meeting, we will put specific items from this document on the agenda to be reviewed. Commissioner LaFreniere advised that the document should be clearly named and enumerated so that we can itemize it and specify exactly what is to be discussed at the next meeting. Tim commented that some items can actually be handled in house between Engineering and the DPW and that they don't even need to be discussed by the Commission. For example, the stop lines on Bigelow were not repainted because they were not sure what was happening with the stop signs on this street.

MOTION was made, seconded, duly VOTED to keep this as an agenda item and work on it at each meeting as time permits.

3c. Stop signs on Bigelow Street.

Chief Leonard gave a brief overview of this situation for the benefit of Acting Fire Chief Fortin. It was explained that one of the main problems is that much of the traffic and speed concerns happen when people are more likely to be home, i.e. the NESC and mall are very busy nights and weekends. Stop signs were never designed to control speed.

Commissioner LaFreniere said that the Commission has determined that from here forward they would follow the rules of the warrants established by the MUTCD. Two of the stop sign locations could potentially meet the warrant for "high pedestrian volume", if sidewalks are installed connecting adjacent neighborhoods.

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

3a. Municipal off street parking regulation.

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

3b. High School parking regulations.

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

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:40 am.

Respectfully submitted,

Karen L. Lambert
Records Clerk
Marlborough Police Department

List of documents and other exhibits used at the meeting:

- Meeting Agenda for Tuesday, May 29, 2012

Additional Handouts

-None



**CITY OF MARLBOROUGH
TRAFFIC COMMISSION**

MEETING AGENDA FOR TUESDAY MAY 29, 2012

- 1) MINUTES OF LAST MEETING
- 2) NEW BUSINESS
- 3) OLD BUSINESS
 - a) Municipal off street parking regulation.
 - b) High School parking regulations.
 - c) Stop signs on Bigelow St.
 - d) Traffic Commission rules and regulations update.
 - e) Drop off traffic concerns at Jaworek School.

Mark F. Leonard
Chairman