

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2012 MAY 31 P 12: 16

1. Minutes of the City Council Meeting, May 21, 2012.
2. PUBLIC HEARING On the proposed City Council Resolution endorsing the application for a Massachusetts Cultural Council District, a designation offered through the Massachusetts Cultural Council, Order No. 12-1005056.
3. Communication from the Mayor re: transfer request in the amount of \$46,385.00 which moves funds from Fringes to various accounts as detailed on the attached spreadsheet to fund retirement benefits of two long time city employees.
4. Communication from the Mayor re: Bond Refinancing, Order No. 12-1005073.
5. Communication from the Mayor re: Gift Acceptance of one LP1000 AED comp/soft shell carrying case (difibulator) from the Board of Directors of Marlborough Babe Ruth Baseball.
6. Communication from the Mayor re: 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 date of approval and Kelly and Joan will serve a term of two years from date of approval.
7. Communication from the Mayor re: Appointment of Richard Collins to the Council on Aging for a term of three years expiring May 1, 2016.
8. Communication from the Mayor re: Appointments Mark Vital and Nancy Klein to the Recreation Commission for terms of three years from date of approval.
9. Application for Special Permit from Rossella Mercuri, on behalf of Sprint, for modification of a wireless facility located at 75 Donald Lynch Blvd.
10. Application for Special Permit from Rossella Mercuri, on behalf of Sprint, for modification of a wireless facility located at 860 Boston Post Rd.
11. Application, Junk Dealer's License, A. Lawrence Doucette, d/b/a Larry the Watch Doctor, 34 Main St.
12. Application, Junk Dealer's License, Gerald Dumais, d/b/a Dumais & Sons, 6 High St.
13. Minutes, Planning Board, April 23, & May 7, 2012.
14. Minutes, Board of Assessors, April 26, 2012.
15. Communication from Leone Law offices, P.C. re: Demand and Presentment of Claim Pursuant to MGL, Chapter 258, Section 4.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

**From Finance Committee**

16. **Order No. 12-1005050 – FY13 Budget as submitted by Mayor Vigeant in the amount of \$157,009,055.00. Recommendation of the Finance Committee is to approve 5-0 a \$279,200.00 reduction to the proposed Mayor's FY13 budget of \$127,009,055.00 to \$126,729,855.00 which represents an increase of 2.6% from the FY12 budget or an increase of \$3,223,701.00.**

**From Operations and Oversight Committee**

17. **Order No. 12-1005047 – On May 10, 2012 at 5:00 PM, there was a presentation made by Commissioner LaFreniere and Assistant Commissioner Temple regarding the new containerized trash system which will be implemented commencing Friday, July 13, 2012. The public was directed to the DPW website should they have any questions or may directly call the DPW office.**



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

**Lisa M. Thomas  
140 Main St.**

**Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723**

**MAY 21, 2012**

Regular meeting of the City Council held on Monday, MAY 21, 2012 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Ossing, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, and Landers. Absent: Pope. Meeting adjourned at 8:40 PM.

**ORDERED:** That the Minutes of the City Council Meeting, MAY 7, 2012, **FILE**; adopted.

**ORDERED:** That the **PUBLIC HEARING** on the proposed FY2013 budget as submitted by Mayor Vigeant in the amount of \$127,009,055.00 in which this spending plan reflects an overall increase of 2.84% over the approved Fiscal Year 2012 budget, all were heard who wish to be heard, hearing recessed at 8:14 p.m.; adopted.

**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, refer to **FINANCE COMMITTEE**; adopted.

**FROM:**

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

**TO:**

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

**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, refer to **FINANCE COMMITTEE**; adopted.

**FROM:**

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

**TO:**

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

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

CITY OF MARLBOROUGH --BUDGET TRANSFERS --									
DEPT:		Comptroller				FISCAL YEAR:		2012	
Available Balance	Amount	FROM ACCOUNT: Org Code	Object	Account Description:	Amount	TO ACCOUNT: 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	Amount	FROM ACCOUNT: Org Code	Object	Account Description:	Amount	TO ACCOUNT: Org Code	Object	Account Description:	Available Balance
\$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	Amount	FROM ACCOUNT: Org Code	Object	Account Description:	Amount	TO ACCOUNT: Org Code	Object	Account Description:	Available Balance
\$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	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$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	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$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 Plt 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. Plt. 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. Plt. 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			

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, refer to **FINANCE COMMITTEE**; 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

ORDERED: That the City Council transfer request in the amount of \$4,400.00 which moves funds from Investigative Services to Temporary Clerical Help; **APPROVED**; adopted.

FROM:

Acct. # 11110005-55825 \$4,400.00  
 Investigative Services

TO:

Acct. # 1110002-50586 \$4,400.00  
 Temporary Clerical Help

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

Various Departments				FISCAL YEAR: 2012				
FROM ACCOUNT:				TO ACCOUNT:				
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			

ORDERED: That, in order to reduce interest costs, the Treasurer, with the approval of the Mayor, is authorized to issue refunding bonds pursuant to Chapter 44, Section 21A of the Massachusetts General Laws, or pursuant to any other enabling authority, to refund all or any portion of the outstanding amounts of the City's General Obligation Bond dated June 15, 2002 and June 15, 2003; that the refunding bonds authorized under this order shall be issued in an amount not to exceed \$6,000,000, in order to pay principal, redemption premium and interest on the bonds of the City to be refunded, and costs of issuance of the refunding bonds; and that the Treasurer is authorized to execute such documents as may be necessary or desirable to carry out this transaction, including one or more refunding trust agreements with a bank or trust company, refer to **FINANCE COMMITTEE AND ADVERTISE**; adopted.

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 in excess of available appropriation for snow and ice removal for fiscal year 2013, refer to **FINANCE COMMITTEE**; adopted.

ORDERED; Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Commonwealth of Massachusetts Executive Office of Health and Human Services, Department of Public Health grant awarded to the Fire Department in the amount of \$2,000.00, to further train and enhance the department's readiness during public emergencies; adopted.

ORDERED: That Pursuant to City Council Order No. 08-1001774B authorizing a lease effective July 1, 2008 to the Assabet Valley Collaborative of the former Bigelow School located at 57 Orchard Street, for a one-year term with the option to renew for four additional one-year terms, and the terms and conditions of the original lease, said renewal being the fourth of four options was approved by the School Committee on May 22, 2012, a copy of which is attached hereto and incorporated herein, said lease is hereby renewed for the one-year term from July 1, 2012 to June 30, 2013 in the amount of \$153,985.00 (\$10.30 per square foot), **APPROVED**; adopted.

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.

Refer to **FINANCE COMMITTEE**; adopted.

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.

Refer to **FINANCE COMMITTEE**; adopted.

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.

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Retirement of Building Commissioner, Stephen Reid, effective on or about June 29, 2012, **FILE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JUNE 18, 2012**, as date for a **PUBLIC HEARING** for 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, refer to **URBAN AFFAIRS COMMITTEE, AND ADVERTISE**; adopted.

ORDERED: That the Communication from Cumberland Farms Inc. in connection with the proposed construction of a convenience store and gasoline service station at 412 & 418 Maple St. and Walker St. to operate a 24-hour facility, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JUNE 18, 2012** as a date for a **PUBLIC HEARING** on the Application for Fuel Storage License, Cumberland Farms Inc., 412 & 418 Maple St., refer to **URBAN AFFAIRS COMMITTEE, AND ADVERTISE**.

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

- A. Ernest Brennan, 66A Thayer Rd., Apt 1, Belmont , MA 02478, pothole or other road defect claim

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Order No. 12-1005050 – FY13 Budget as submitted by Mayor Vigeant in the amount of \$157,009,055.00. Recommendation of the Finance Committee is to approve 5-0 a \$279,200.00 reduction to the proposed Mayor's FY13 budget of \$127,009,055.00 to \$126,729,855.00 which represents an increase of 2.6% from the FY12 budget or an increase of \$3,223,701.00.**

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

**Order No. 12-1005047 – On May 10, 2012 at 5:00 PM, there was a presentation made by Commissioner LaFreniere and Assistant Commissioner Temple regarding the new containerized trash system which will be implemented commencing Friday, July 13, 2012. The public was directed to the DPW website should they have any questions or may directly call the DPW office.**

**Suspension of the Rules requested – granted**

ORDERED: That the Fire Department transfer request in the amounts of \$18,859.75 and \$43,244.60 which moves funds from Deputy Chief to Overtime and Firefighter to Overtime to fund overtime expenses due to work related injuries, **APPROVED**; adopted.

FROM:

Acct. # 12200001-50335	\$18,859.75
Deputy Chief	

Acct. # 12200001-50450	\$43,244.60
Firefighter	

TO:

Acct. # 12200003-51300	\$18,859.75
Overtime	

Acct. # 12200003-51300	\$43,244.60
Overtime	

**Suspension of the Rules requested – granted**

ORDERED: That the Fire Department transfer request in the amount of \$20,000.00 which moves funds from Undesignated to Call Fire Overtime to replenish funds that were substantially depleted due to the fire that occurred at Lake Williams Condominiums on April 23, 2012, **APPROVED**; adopted.

FROM:

Acct. # 10000-35900	\$20,000.00
Undesignated Fund	

TO:

Acct. # 12200003-51328	\$20,000.00
Call Fire Overtime	

ORDERED: That the Building Department transfer request in the amount of \$10,501.05 which moves funds from Undesignated to Assistant Building Inspector to fund costs associated with a retiring employee, **APPROVED**; adopted.

FROM:

Acct. # 10000-35900 \$10,501.05  
Undesignated Fund

TO:

Acct. # 12410001-50260 \$10,501.05  
Assistant Building Inspector

ORDERED: That the Police Department transfer request in the amount of \$58,741.60 which moves funds from Fringes to Sergeant, Sick Leave and Clothing to fund benefits associated with the retirement of an employee, **APPROVED**; adopted.

FROM:

Acct. # 11990006-51500 \$58,741.60  
Fringes

TO:

Acct. # 12100001-50820 \$14,450.40  
Sergeant

Acct. # 12100003-51920 \$43,351.20  
Sick Leave

Acct. # 12100003-51940 \$940.00  
Clothing

ORDERED: That the Worker's Compensation Trust Fund transfer request in the amount of \$165,000.00 to move funds from Undesignated to Workers Compensation to fund a projected deficit in the Workers Compensation Fund, **APPROVED**.

FROM:

Acct. # 10000-35900 \$165,000.00  
Undesignated Fund

TO:

Acct. # 11960006-51710 \$165,000.00  
Workers Compensation

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

ORDERED: That the Marlborough Economic Development Corporation transfer request in the amount of \$200,000.00 which moves fund from Economic Development to MEDC funding to fund operations and special projects for the remainder of the calendar year, **APPROVED**; adopted.

FROM:

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

TO:

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

ORDERED: That the City or Marlborough accepts MGL Chapter 149, Section 33E herewith as amended, an act relative to live organ donation, **APPROVED**; adopted.

Section 33E. (a) An employee of the commonwealth or of a county, or of a city or town that accepts this section, may take a leave of absence of not more than 30 days in a calendar year to serve as an organ donor, without loss of or reduction in pay, without loss of leave to which he is otherwise entitled and without loss of credit for time or service.

(b) If the necessity for leave under this section is foreseeable, the employee shall provide the employer with not less than 7 days' notice before the leave is to begin. If the necessity for leave is not foreseeable, the employee shall provide such notice as is practicable.

(c) An employer may require that a request for leave under this section be supported by a certification issued at such time and in such manner as the attorney general may by regulation require.

(d) The attorney general shall enforce this section, and may obtain injunctive or declaratory relief for this purpose. Violation of this shall be subject to the second paragraph of section 150 and to section 180.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:40 PM.



# IN CITY COUNCIL

MAY 7, 2012

Marlborough, Mass., \_\_\_\_\_

## ORDERED:

That there being no objection thereto set **MONDAY, JUNE 4, 2012** as date for a **PUBLIC HEARING** on the application for a Massachusetts Cultural Council District Designation offered through the Massachusetts Cultural Council, be and is herewith refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER NO. 12-1005056



*City of Marlborough*

*Office of the Mayor*

140 Main Street

Marlborough, Massachusetts 01752

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

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

*Arthur G. Vigeant*  
MAYOR

RECEIVED

CITY CLERK'S OFFICE

CITY OF MARLBOROUGH

*Michael C. Berry*  
EXECUTIVE AIDE

2012 MAY 31 A 11:22

*Patricia Bernard*  
EXECUTIVE SECRETARY

May 31, 2012

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

**Re: Transfer Requests**

Honorable President Pope and Councilors:

I have enclosed for you transfer requests totaling in the amount of \$46,385 from 11990006-51500 (Fringes) to various accounts. This transfer is needed to fund the retirement benefits of two long time city employees from both the Building Department and Collector's office.

Please do not hesitate to contact me with any questions.

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
		<b>General Government</b>			<b>Various Departments</b>				
\$ 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.

Department Head Signature  
Date


---

5/30/12





*City of Marlborough*

*Office of the Mayor*

140 Main Street

Marlborough, Massachusetts 01752

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

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

*Arthur G. Vigeant*  
MAYOR

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

*Michael C. Berry*  
EXECUTIVE AIDE

2012 MAY 31 A 11: 22

*Patricia Bernard*  
EXECUTIVE SECRETARY

May 31, 2012

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

**RE: Bond Refinancing**

Honorable President Pope and Councilors:

The City has an opportunity to reduce the interest rate and lower the overall borrowed amount of two General Obligation Bonds dated June 15, 2002 and June 15, 2003. This would be done by refunding the bonds and reissuing a bond to cover the new borrowed amount. The current 2002 bond amount would be reduced by \$2,495,000 of prepaid Massachusetts School Building Authority funds. The interest rates of the 2002 and 2003 bonds would be reduced from an average of 4.3% to approximately 3.2%. The combination of reducing the interest rate and lowering the bond amount results in a projected overall savings of approximately \$599,000 dollars over the life of the bonds (see attachment Refunding Savings by Purpose).

These bonds have been properly advertised and are ready for a vote by the Council. After consulting with Councilor Ossing as Chair of the Finance Committee, I am placing this item on your agenda again so that you may approve the attached refunding loan order that authorizes the Treasurer to proceed with the refunding of these two bonds. I am sure you are aware that interest rates and the availability of Massachusetts School Building Authority (MSBA) funds fluctuate. The deadline for refinancing is June 15<sup>th</sup> and due to the late notifications of available funding from the MSBA, your urgent attention to this matter is appreciated.

I have enclosed for you a draft order for this request. Please do not hesitate to let me know if you have any questions or concerns.

Sincerely,

**Arthur G. Vigeant**  
Mayor

Scenario 1 - Total Net Savings

**City of Marlborough, Massachusetts**  
 General Obligation Bonds Dated: June 19, 2012  
 Current Refunding of June 15, 2002 & Advance Refunding of June 15, 2003 with New Money Bonds

**Refunding Savings by Purpose (1)**

Fiscal Year	2002 Net Savings (1)		2003 Net Savings (1)			City's Total Net Refunding Savings
	School Construction (I)	Water Construction (O)	Sewer (I)	School (I)	Parks (I)	
6/30/2012	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
6/30/2013	38,439.58	1,632.33	3,621.50	96.83	33.00	43,823.24
6/30/2014	36,328.80	1,275.00	8,609.00	439.05	-	46,651.85
6/30/2015	32,203.80	1,095.00	15,774.00	341.55	945.00	50,359.35
6/30/2016	28,148.80	900.00	13,199.00	244.05	860.00	43,351.85
6/30/2017	17,148.80	840.00	13,984.00	289.05	930.00	33,191.85
6/30/2018	5,898.80	765.00	15,769.00	334.05	-	22,766.85
6/30/2019	(5,351.20)	840.00	18,650.00	553.05	-	14,691.85
6/30/2020	(17,226.20)	877.50	21,150.00	740.55	-	5,541.85
6/30/2021	(29,101.20)	5,765.00	25,927.52	706.81	-	3,298.13
6/30/2022	256,637.50	6,352.50	27,150.00	1,560.00	-	291,700.00
6/30/2023	-	-	43,750.00	-	-	43,750.00
	<u>\$ 363,127.48</u>	<u>\$ 20,342.33</u>	<u>\$ 207,584.02</u>	<u>\$ 5,305.02</u>	<u>\$ 2,768.00</u>	<u>\$ 599,126.85</u>

(1) Reflects use of MSBA lump sum to call 2002 school bonds and reduction in remaining annual MSBA grant payments for the 2003 school bonds as savings will need to be shared with the State.



CITY OF MARLBOROUGH

IN CITY COUNCIL

Marlborough, MA May 21, 2012

ORDERED:

That, in order to reduce interest costs, the Treasurer, with the approval of the Mayor, is authorized to issue refunding bonds pursuant to Chapter 44, Section 21A of the Massachusetts General Laws, or pursuant to any other enabling authority, to refund all or any portion of the outstanding amounts of the City's General Obligation Bond dated June 15, 2002 and June 15, 2003; that the refunding bonds authorized under this order shall be issued in an amount not to exceed \$6,000,000, in order to pay principal, redemption premium and interest on the bonds of the City to be refunded, and costs of issuance of the refunding bonds; and that the Treasurer is authorized to execute such documents as may be necessary or desirable to carry out this transaction, including one or more refunding trust agreements with a bank or trust company.



*City of Marlborough*

*Office of the Mayor*

140 Main Street

Marlborough, Massachusetts 01752

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

*Arthur G. Vigeant*  
MAYOR

*Michael C. Berry*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2012 MAY 31 A 11:23

May 31, 2012

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

**Re: Gift Acceptance**

Honorable President Pope and Councilors:

The Board of Directors of Marlborough Babe Ruth Baseball has generously voted to donate to the city one LP1000 AED comp/soft shell carrying case (difibulator) at a cost to them of \$2,078.00. Their only request is that this device be kept at Stevens Park and its condition to be preserved by the city. The Board has also assured the city that their coaches will be required to attain certification to properly use this equipment.

I applaud the efforts of Marlborough Babe Ruth Baseball to add additional safety precautions to our city's parks. At this time, I would ask you to join me in accepting this gift with sincere gratitude. I have enclosed for your correspondence from both Marlborough Babe Ruth Baseball as well as Emergency Management Director Don Cusson relative to this donation.

Please do not hesitate to contact me with any questions.

Sincerely,

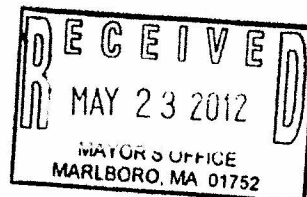
**Arthur G. Vigeant**  
Mayor



*City of Marlborough*  
*Emergency Management*

696 CONCORD ROAD  
MARLBOROUGH, MASSACHUSETTS 01752-5617  
TEL. (508) 481-1933 ■ FACSIMILE (508) 460-3795 ■ TDD (508) 460-3610  
CELL (508) 726-1088 ■ PAGER (978) 803-2061

*Don Cusson*  
EMERGENCY MANAGEMENT  
DIRECTOR  
dcusson@marlborough-ma.gov



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

**Re; acceptance of Gift:**

**Honorable Mayor Arthur G. Vigeant,**

**Enclosed is a copy of the gift request from the Marlborough Babe Ruth Baseball, for the Emergency Management Agency to accept funds to purchase an LP1000 AED, (defibrillator), comp/soft shell carrying case. This would be used by the coaches at the Steven's Park. As noted in the request all coaches or the teams would be trained and certified to use the equipment.**

**I would like to request your office to submit this donation funds to the council for acceptance of this important gift. It would be added to the list of other units in other public buildings.**

**If there are any questions please feel free to call or e-mail at any time. Also included is a copy of the Memorandum RE: Grants and Gifts; acceptance and expenditures.**

**Respectfully**

**Donald Cusson**  
Emergency Manager

Donald Cusson  
Emergency Manager  
City Of Marlborough

April 14, 2012

The purpose of this letter is to inform you as the City of Marlborough's Emergency Manager of a vote by the Board of Directors of Marlborough Babe Ruth Baseball to purchase at a proposed cost of \$2,078.00, which will be paid by Marlborough Babe Ruth Baseball, one LP1000 AED comp/soft shell carrying case. The intended purpose is for use at Steven's Park during the Babe Ruth baseball season. Our season runs roughly from April through October. The Board of Marlborough Babe Ruth also voted to require coaches of our baseball teams be trained and certified to use this equipment. A recent tragic event that occurred in the city has caused us to look into ways to hopefully prevent this from happening again.

After the purchase the intent of Marlborough Babe Ruth Baseball is to gift the unit to the City with the stipulation that the unit be kept at Steven's Park in serviceable condition for this coming season and all future seasons. Thank you for your time and attention in regards to this matter. If you have any questions please feel free to contact me.

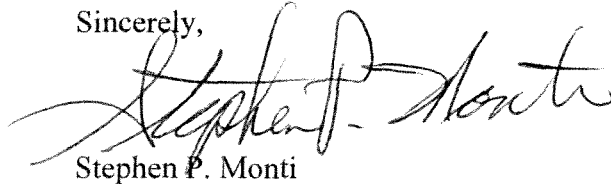


Robert Hathaway

President

Marlborough Babe Ruth Baseball

Sincerely,



Stephen P. Monti

Member Board of Directors

Marlborough Babe Ruth Baseball



*City of Marlborough*

*Office of the Mayor*

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*Arthur G. Vigeant*

MAYOR

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CITY OF MARLBOROUGH

*Michael C. Berry*

EXECUTIVE AIDE

2012 MAY 31 A 11:23

*Patricia Bernard*

EXECUTIVE SECRETARY

May 31, 2012

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

**Re: Appointments to the Youth Commission**

Honorable President Pope and Councilors:

In an effort to bolster the membership on several of our boards and committees in the city, my office did some extensive public outreach earlier this year to let our residents know that the city was in need of dedicated men and women looking to serve their community. I am pleased to present before you the names of Ms. Patricia Zilembo, Ms. Kelley French, and Ms. Joan D'Onofrio who have answered the call to serve on our city's Youth Commission.

I have asked Ms. Zilembo to chair the committee for a three year term commencing from her date of approval. Ms. French and Ms. D'Onofrio will serve a term of two years commencing from their dates of approval.

These individuals have very distinct backgrounds but share a common enthusiasm to further engage the youth of our city and discover new approaches to meeting their needs. I anticipate further appointments to this committee in the very near future.

Please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant  
Mayor



*City of Marlborough*

*Arthur G. Vigeant*  
MAYOR

*Office of the Mayor*

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CITY CLERK'S OFFICE  
MARLBOROUGH

*Michael C. Berry*  
EXECUTIVE AIDE

140 Main Street

Marlborough, Massachusetts 01752

2012 MAY 31 A 11:23

*Patricia Bernard*  
EXECUTIVE SECRETARY

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

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

May 31, 2012

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

**Re: Appointments to the Council on Aging**

Honorable President Pope and Councilors:

In an effort to bolster the membership on several of our boards and committees in the city, my office did some extensive public outreach earlier this year to let our residents know that the city was in need of dedicated men and women looking to serve their community. I am pleased to present before you the name of Richard Collins as an appointee to the Council on Aging for a three year term to expire on 5/1/2016.

Mr. Collins has a distinguished track record in our city both as a small business owner and an advocate for our neediest of citizens. I believe he will make tremendous contributions as a member of the Council on Aging.

Please do not hesitate to contact me with any questions.

Sincerely,

**Arthur G. Vigeant**  
Mayor





*City of Marlborough*

*Arthur G. Vigeant*  
MAYOR

*Office of the Mayor*

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CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

*Michael C. Berry*  
EXECUTIVE AIDE

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

2012 MAY 31 A 11: 23

*Patricia Bernard*  
EXECUTIVE SECRETARY

May 31, 2012

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

**Re: Appointments to the Recreation Commission**

Honorable President Pope and Councilors:

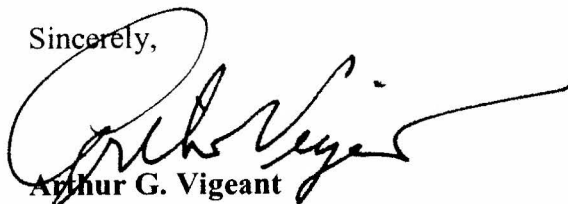
In an effort to bolster the membership on several of our boards and committees in the city, my office did some extensive public outreach earlier this year to let our residents know that the city was in need of dedicated men and women looking to serve their community. I am pleased to present before you the names of Mr. Mark Vital and Ms. Nancy Klein who have answered the call to serve on our city's Recreation Commission.

Mr. Vital's term will be for three years commencing from his date of approval. He will replace Mr. Craig Hunt who has stepped down from the committee. Ms. Klein will also serve a term of three years commencing from her date of approval and will fill the last remaining opening.

Both Mr. Vital and Ms. Klein bring with them a solid record of service and involvement in our community that will enhance the great work already being done by the committee.

Please do not hesitate to contact me with any questions.

Sincerely,

  
Arthur G. Vigeant  
Mayor



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CITY OF MARLBOROUGH

2012 MAY 25 A 10:34

**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: 5/24/2012

**SPECIAL PERMIT APPLICATION  
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: 75 Donald Lynch BS03XC502

Project Use Summary: Wireless facility

Project Street Address: \_\_\_\_\_

Plate: 13 Parcel: 2

Applicant/Developer Name: SPRINT

Plan Date: 2/20/12 Revision Date: ~~2/20/12~~

5/16/12

Dear President and Members:

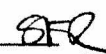
In accordance with the City Council's Rules for Special Permit Applications, I hereby certify that the Site Plan filed with the City Clerk has been reviewed by the Building Department within the limits of work shown on the plan, and that said plan meets all prior referenced informational requirements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

Very truly yours,

  
Stephen F. Reid

Building Inspector

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

\$ 500. - 

**CITY OF MARLBOROUGH  
OFFICE OF THE CITY CLERK**

**APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT**

1. Name and address of Petitioner or Applicant:

SPRINT

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

Map 13 Lot 2

3. Name and address of owner of land if other than Petitioner or Applicant:

Lincoln C. Bombard

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

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

Article 650 Section 25 Paragraph \_\_\_\_\_ Sub-paragraph \_\_\_\_\_

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

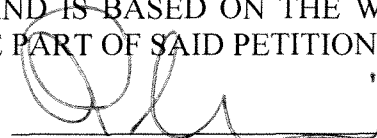
Limited Industrial

7. Specific reason(s) for seeking Special Permit

Modify existing wireless facility on  
Monopole

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: \_\_\_\_\_

Telephone No. 617-839-7515

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

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

---

(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**)

**SPECIAL PERMIT-SUMMARY IMPACT STATEMENT**

Applicant's Name: SPRINT Address: \_\_\_\_\_

Project Name: 75 Donald Lynch Address: \_\_\_\_\_

1. PROPOSED USE: (describe) Wireless facility

2. EXPANSION OR NEW: modification

3. SIZE: floor area sq. ft. n/a 1<sup>st</sup> floor \_\_\_\_\_ all floors \_\_\_\_\_

# buildings n/a # stories \_\_\_\_\_ lot area (s.f.) \_\_\_\_\_

4. LOT COVERAGE: \_\_\_\_\_ %Landscaped area: \_\_\_\_\_ %

5. POPULATION ON SITE: Number of people expected on site at anytime:  
Normal: \_\_\_\_\_ Peak period: \_\_\_\_\_

6. TRAFFIC: 1 vehicle / month

(A) Number of vehicles parked on site:  
During regular hours: \_\_\_\_\_ Peak period: \_\_\_\_\_

(B) How many service vehicles will service the development and on what schedule?  
1 vehicle / month

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? n/a

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

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

9. AIR: What sources of potential air pollution will exist at the development? n/a

10. WATER AND SEWER: Describe any unusual generation of waste. n/a

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? n/a

**\*Attach additional sheets if necessary**



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CITY OF MARLBOROUGH

2012 MAY 25 A 10:34

**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: 5/24/2012

**SPECIAL PERMIT APPLICATION  
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: BSSIXC929 Verizon Treatment Plant

Project Use Summary: Wireless Facility

Project Street Address: 860 Boston Post Rd.

Plate: 61 Parcel: 16

Applicant/Developer Name: SPRINT

Plan Date: 9/2/11 Revision Date: 5/23/2012

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. —

**CITY OF MARLBOROUGH  
OFFICE OF THE CITY CLERK**

**APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT**

1. Name and address of Petitioner or Applicant:

SPRINT

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

860 Boston Post Rd

3. Name and address of owner of land if other than Petitioner or Applicant:

Bell Atlantic

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

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

Article 60 Section 25 Paragraph \_\_\_\_\_ Sub-paragraph \_\_\_\_\_

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

RR - Rural Residential

7. Specific reason(s) for seeking Special Permit

modify existing wireless facility on  
monopole

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: \_\_\_\_\_

Telephone No. 617/839/7515

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

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

SPRINT

---

(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**)



**SPECIAL PERMIT-SUMMARY IMPACT STATEMENT**

Applicant's Name: SPRINT Address: \_\_\_\_\_  
Project Name: Verizon Treatment Plant Address: 860 Boston Post Rd

1. PROPOSED USE: (describe) \_\_\_\_\_

Wireless facility

2. EXPANSION OR NEW: Modification

3. SIZE: floor area sq. ft. n/a 1<sup>st</sup> floor \_\_\_\_\_ all floors \_\_\_\_\_

# buildings n/a # stories \_\_\_\_\_ lot area (s.f.) \_\_\_\_\_

4. LOT COVERAGE: n/a %Landscaped area: \_\_\_\_\_ %

5. POPULATION ON SITE: Number of people expected on site at anytime:  
Normal: \_\_\_\_\_ Peak period: \_\_\_\_\_

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: \_\_\_\_\_ Peak period: \_\_\_\_\_

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

1 vehicle | month

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? \_\_\_\_\_

n/a

8. NOISE:

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

n/a

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

9. AIR: What sources of potential air pollution will exist at the development? \_\_\_\_\_

n/a

10. WATER AND SEWER: Describe any unusual generation of waste. \_\_\_\_\_

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? \_\_\_\_\_

n/a

**\*Attach additional sheets if necessary**

\$2500 pd



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CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

City of Marlborough, Massachusetts

CITY CLERK DEPARTMENT

2012 MAY 21 P 12:08

**Lisa M. Thomas**  
**City Clerk**

MARLBOROUGH, MA

DATE: May 21, 2012

**To the City Council:**

Owner Name: A. Lawrence Doucette

Residential Address: 268 SUTTON ST Northbridge

Telephone Number: 508 372 9171

Business Name: LARRY the WATCH Doctor

Business Address: 34 MAIN ST MARLBOROUGH

Business Telephone Number: 508 405 5777

Owner Signature: Larry Doucette

The above signed A. Lawrence Doucette respectfully requests that he/she be granted a Junk Dealer's License license.

**In City Council**

\$ 2500 pd



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

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CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2012 MAY 31 A 11:57

**Lisa M. Thomas  
City Clerk**

MARLBOROUGH, MA

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

**To the City Council:**

Owner Name: Gerald Dumais

Residential Address: 6 High St

Telephone Number: 508 481 1319 store 67 Mechanic St

Business Name: Dumais + SONS

Business Address: 67 Mechanic St.

Business Telephone Number: 508 485 4864

Owner Signature: Gerald Dumais

The above signed Gerald Dumais respectfully requests that he/she be  
granted a Junk Dealer's License license.

**In City Council**

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
*City of Marlborough*  
*Commonwealth of Massachusetts*  
2012 MAY 23 A 9 44



April 23, 2012  
7:00 PM

## PLANNING BOARD

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

Carrie Lizotte, Board Secretary

Phone: (508) 460-3769

Fax: (508) 460-3736

Email: [CLizotte@marlborough-ma.gov](mailto:CLizotte@marlborough-ma.gov)

The Planning Board for the City of Marlborough met on Monday, April 23, 2012 in Memorial Hall, 3<sup>rd</sup> Floor, City Hall 140 Main Street, Marlborough, MA 01752. Members present: Barbara Fenby, Sean Fay, Colleen Hughes, Philip Hodge, Edward Coveney and Clyde Johnson. Also present: Assistant City Engineer Timothy Collins.

### MINUTES

*April 9, 2012*

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

To accept and file the meeting minutes with the amendments.

### CHAIRS BUSINESS

#### 43 Kinder Circle

*Fence permit*

Ms. Hughes read into the record the correspondence from Mr. James Kennedy that was written into the public record on August 29, 1994. Mr. Kennedy asked the Planning Board to consider the developer not removed any trees from Jean Road and asked them to consider planting a double row of six foot hemlocks at the rear lot line.

In the Planning Boards August 29, 1994 subdivision acceptance decision for the Wayside Hollow Subdivision included the following language "to restrict removal of any trees or vegetation within 20 foot perimeter surrounding the stub portion of Jean Road in lots 26 and 27 except as may be required....require the planting of a double row of 6 foot hemlocks at the rear of lot 26 adjacent to the Kennedy property."

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

To accept and file the correspondence.

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

To allow a fence only if the fencing goes inside the homeowner's natural buffer or to have the homeowner do a living fence with the approval of species determined by the Conservation Officer.

## **APPROVAL NOT REQUIRED PLAN**

### ***93 Framingham Road Submittal***

Bruce Saluk has separated Map 93 Parcel 87 into two lots. Lot 1 will have 18,088 SF with frontage consisting of 120 feet and Lot 2 will have 38,342 SF with frontage consisting of 176 feet in the Zoning District of A2. The Developer is separating the lot to create a new home while the City Council reviews the request of land purchase.

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

To accept and file correspondence; to have the City Engineer review the ANR known as "93 Framingham Road" and to report back to the Planning Board at the next meeting with their findings.

## **PUBLIC HEARING**

## **SUBDIVISION PROGRESS REPORTS**

### ***City Engineer Update***

Mr. Collins stated that they have the bond for the Shaughnessy Estates subdivision and should be completing the work by mid-summer.

### ***Fiddlehead (Perry Lane) Subdivision Completion and return of the bond request***

Mrs. Cynthia Panagore Griffin, Assistant City Solicitor, has presented the recorded copies of the Acceptance of Perry Lane and Easements. At this time the subdivision is completed and the remaining bond monies can be returned back to the developer.

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

To accept and file correspondence, to change the status of the subdivision as completed and to return the remaining bond monies.

## **PENDING SUBDIVISION PLANS: Updates and Discussion**

## **PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS**

## **DEFINITIVE SUBDIVISION SUBMISSIONS**

## **SIGNS**

### ***City Illegal Signs***

Several members gave the secretary their list of signs that are in violation. They did mention a few signs have come down on their last list, however new signs have appeared. Ms. Hughes asked if it was possible for the members to remove the illegal signs. Mrs. Lizotte informed them that the last time a non member of the enforcement team removed signs, they were informed by the City's Legal team that this was ill-advised.

Ms. Hughes also suggested that maybe the summer interns may be able to help while out driving with the public works crew. Mr. Fay said he will discuss this with the Mayor.

The Planning Board would like to invite the Code Enforcement Officer to a future meeting to discuss the illegal sign issue.

### **Gateway Sign**

Ms. Hughes designed a graphic for the Gateway Signs and presented to the Board. She stated that she has spoken to Sue Leeber of the Marlborough Chamber of Commerce and it was well received by her office. The four signs would replace the existing Welcome to Marlborough signs as well as the many non-profit and fraternal organization signs that clutter the entrances to the City. Ms. Hughes also stated that each individual community organization could be charged a nominal fee for their sign and materials associated with it.

### **INFORMAL DISCUSSION**

Mr. Fay discussed adding a section of the agenda to include "outstanding or ongoing issues" to be discussed. As he stated some items get put at the back burner and never seem to return, this way things will stay "fresh". All members agreed that this should be added to the future agendas.

### **COMMUNICATIONS/CORRESPONDENCE**

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

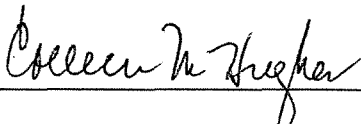
To accept all of the items listed under communications and/or correspondence.

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

To adjourn at 7:50 p.m.

**A TRUE COPY**

ATTEST:

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

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF  
*City of Marlborough*  
*Commonwealth of Massachusetts*

2012 MAY 23 A 9 44



May 7, 2012  
7:00 PM

**PLANNING BOARD**

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

Carrie Lizotte, Board Secretary

Phone: (508) 460-3769

Fax: (508) 460-3736

Email: CLizotte@marlborough-ma.gov

The Planning Board for the City of Marlborough met on Monday, May 7, 2012 in Memorial Hall, 3<sup>rd</sup> Floor, City Hall 140 Main Street, Marlborough, MA 01752. Members present: Barbara Fenby, Sean Fay, Colleen Hughes, Philip Hodge and Clyde Johnson. Also present: Assistant City Engineer Thomas Cullen.

**MINUTES**

*April 23, 2012*

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

To accept and file the meeting minutes with the amendments.

**CHAIRS BUSINESS**

**APPROVAL NOT REQUIRED PLAN**

*93 Framingham Road*

*Decision*

The City Engineer, Thomas Cullen, has reviewed the ANR Plan known as "Framingham Road, Lot 1 and 2" and can give a favorable recommendation to the Planning Board to endorse the plan.

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

To accept and endorse a plan of land believed to be Approval Not Required of "Framingham Road, Lot 1 and 2, owned by: Melanson Development Group, Inc., PO BOX 564, Woburn, MA 01801. Name of Engineer: Bruce Saluk & Associates, Inc. 576

Boston Post Road East, Marlborough, MA 01752 Deed of property recorded in South Middlesex Registry of Deeds Book 57433 Page 136: Assessors Map 93 Parcel 87.

## **PUBLIC HEARING**

### **SUBDIVISION PROGRESS REPORTS**

#### *City Engineer Update*

Mr. Cullen stated that the only subdivision that is active is the Mauro Farm on Cook Lane. He stated that there had been some conservation issues, however with an independent conservation consultant the issues have been kept to a minimum.

#### *Indian Hill*

##### *Correspondence from the City Solicitor*

The City Solicitor stated he and other City Officials have been working on a plan for the City to acquire the fee interest in a 20 acre parcel in the Indian Hill Parcel, along with an appurtenant easement, approximately 10' wide, which would provide a pedestrian access from that parcel to Callahan State Park. He stated the Planning Board's involvement has to do with a subdivision approval date from 1990 which shows a 30' access easement.

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

To accept and file the correspondence.

Mr. Rider presented several GIS maps showing the Board where the parcel is located and the location of the easement. He stated that the subdivision was close to completion and that a part of the condition of the Target of occupancy permit was to complete the conversation restriction of the 30' easement for the access to the State Park. However, since it's use has been over twenty years before completion, the owners of condominiums on Azalea Lane have an exclusive use area which they believe they had right to use right up to the property line which now has sheds, play sets, and fences along or on the easement. Also noted was the fence that was placed on the condo land by the adjoining mobile home park.

During a site walk between the City Engineer, the City Conservation Officer, the Building Commissioner and the representatives of both the condo owners and developers, it was determined by the Conservation Officer that a 30' easement would not be necessary and that a 10' easement would be more acceptable. Mr. Rider stated that a public hearing would not be necessary since the residents are actually gaining more of a use area then what was originally proposed.

The Developer has agreed to move the objects that would be in the easement. The easement would be clearly marked for those who are using the easement to access the State park.



Mr. Fay questioned what effect this would have on the current deeds to those who own the condos. Mr. Rider stated that this would change in the subdivision plans and the master deed for the condominium association. Mr. Cullen stated that it would change on the acceptance plan and would be noted on the acceptance plans.

Ms. Hughes asked if the Conservation Commission has approved this easement. Mr. Rider informed her that they were meeting on May 17<sup>th</sup>. The Planning Board would like to see if the Conservation Commission has any issue with the change in easement, and if they do not, then the Board will take a vote at their next meeting.

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

To table the request and to place on the next agenda for a vote.

#### **PENDING SUBDIVISION PLANS: Updates and Discussion**

#### **PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS**

#### **DEFINITIVE SUBDIVISION SUBMISSIONS**

#### **SIGNS**

##### ***Sign Enforcement***

Mrs. Lizotte will compile the list of signs that have brought to attention by the members and that were given to the Code Enforcement office.

#### **UNFINISHED BUISNESS**

##### ***Master Calendar***

Mrs. Lizotte has updated the subdivision completion schedule. She will work with the IT department to be able to incorporate the list onto the City's Website to be able to "view only" for information purposes.

#### **INFORMAL DISCUSSION**

#### **COMMUNICATIONS/CORRESPONDENCE**

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

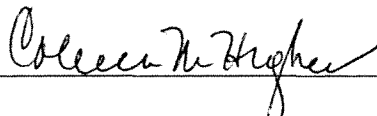
To accept all of the items listed under communications and/or correspondence.

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

To adjourn at 8:23 p.m.

**A TRUE COPY**

ATTEST:

  
\_\_\_\_\_

Colleen Hughes, Clerk



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2012 MAY 30 P 12:48

*City of Marlborough*

Office of the Assessors  
140 Main Street  
Marlborough, Massachusetts 01752  
TDD (508) 460-3610  
Phone: (508) 460-3779

BOARD OF ASSESSORS  
PUBLIC MEETING

APRIL 26, 2012

10:00 AM SCHEDULED

MINUTES

1. CALL TO ORDER: MEETING CALLED TO ORDER AT 10:04 AM
2. ROLL CALL: MR. BROGIE & MR. ARRUDA PRESENT
3. MOTION BY MR. ARRUDA TO ACCEPT THE MINUTES FROM THE 04/26/2012 MEETING. SECOND BY MR. BROGIE - UNANIMOUS
4. MOTION TO ALLOW 3<sup>rd</sup> QUARTER ESTIMATED BILLS TO BE ISSUED FOR FY 2013 IF NECESSARY.
5. MOTION TO MOVE TO EXECUTIVE SESSION: REVIEW AND DISCUSS FY 2012 ABATEMENT APPLICATIONS AND PENDING ATB CASES. MOVED BY BROGIE, SECOND BY ARRUDA - UNANIMOUS
6. RESUME OPEN MEETING: MOVED BY ARRUDA, SECOND BY BROGIE - UNANIMOUS
7. VOTE ON FY 2012 ABATEMENT APPLICATION REVIEWED IN EXECUTIVE SESSION: ARRUDA MOVED TO ACCEPT GRANTED REAL PROPERTY

ABATEMENT APPLICATIONS, SECOND BY BROGIE. PASSED 2-0 IN FAVOR.  
ARRUDA MOVED TO ACCEPT DENIED REAL AND PERSONAL PROPERTY  
ABATEMENT APPLICATIONS, SECOND BY BROGIE. PASSED IN FAVOR 2-0.  
ARRUDA MOVED TO ACCEPT SETTLEMENTS OF PENDING FY 2011 ATB CASES,  
SECOND BY BROGIE. PASSED IN FAVOR 2-0.

8. PUBLIC INPUT: NO MEMBERS OF THE PUBLIC PRESENT
9. OLD BUSINESS : DISCUSSION OF THE FY 2013 TRIENNIAL RECERTIFICATION
10. NEW BUSINESS: NONE
11. ADJOURNMENT: 10:40 AM

LEONE LAW OFFICES, P.C.  
1101 WORCESTER ROAD (RTE. 9)  
FRAMINGHAM, MA 01701

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

JOSEPH R. LEONE, ESQ.  
LORELEI M. HAYWARD, ESQ.  
PAULINA SREY, LEGAL SECRETARY

TELEPHONE: (508) 820-8700  
FACSIMILE: (508) 820-0011

CLINTON OFFICE  
70 HIGH STREET  
CLINTON, MA 01510

\*Also admitted to the Bar in  
New York and Washington, D.C.

May 17, 2012

Via Certified Mail No. 7009 1680 0000 5972 2134, RRR and First Class Mail

Nancy Stevens, Mayor  
City of Marlborough  
City Hall, 140 Main Street  
Marlborough, MA 01752

Re: Allen v. City of Marlborough, Massachusetts et al; Negligence; Gross  
Negligence; Recklessness; Negligent Supervision; Negligent Infliction of  
Emotional Distress; etc.

**DEMAND AND PRESENTMENT OF CLAIM  
PURSUANT TO M.G.L. CHAPTER 258 SECTION 4**

Dear Mayor Stevens:

This office is counsel to Rebekah A. Allen (hereinafter "Rebekah") relative to the above-referenced matter. This letter shall serve as a presentment of claim pursuant to Massachusetts General Laws Chapter 258, Section 4 et seq., in the amount of One Hundred Thousand and 00/100 (\$100,000.00) Dollars. For purposes of complying with the requirements of that Section, my client hereby informs you once again that her claim arises out of injuries that she sustained as a result of the tortuous and negligent actions of the City of Marlborough and its employees.

Specifically, on or about June 4, 2010 at approximately 11:30 p.m., Rebekah was a front seat passenger in a car owned by Rebekah and driven by Ms. Ashley Higgins (hereinafter "Ashley"). Mr. Ryan Nickerson (hereinafter "Ryan"), who was also a passenger, was sitting in the back seat.

Ashley was driving on Donald Lynch Boulevard heading towards Bigelow Street. She intended to take a right onto Bigelow Street. When she approached Bigelow Street, there were hazard cones placed in the road, blocking the right side of the street and there were City employees in and around those cones. Ashley was directed by one or more of the City employees to drive on the left side (the "wrong side") of Bigelow Street to avoid the area that was blocked off by the aforementioned cones.

Ashley took a right turn onto the left side of Bigelow Street, as directed. Shortly after making that turn, the road gave way underneath the car and the car, with its three passengers, plummeted into a large sinkhole. The front of the car slammed into the earthen "wall" of the sinkhole and the bottom of the car crashed down into the "floor" of the sinkhole. The impact of the crash caused such damage

to the car that it was classified as a total loss by the insurance company. Additionally, the force of the crash and fall into the hole caused the passengers to be thrown forward and downward with such intensity that they all sustained substantial injuries.

The three passengers were taken completely by surprise by the crash and initially had no idea where they were or what had happened to them. Rebekah was instantly terrified because she found herself in water up to her waist. She feared drowning as she struggled to get her seatbelt off while the water was rising. She looked over at Ashley and saw that she was struggling to breathe, so Rebekah began yelling for help. She saw that Ryan's face was covered in blood. She was so scared and felt like it was a race against time to get out of the car before they all drowned. Someone from above yelled down for her to stay calm. Incredulously, she was able to free herself from the seatbelt, get out of the car and hoist herself up from the water-filled hole and onto the asphalt. She remembers a man helping Ryan over to the side of the road where Rebekah was on the grass and seeing blood pour from his face. She was filled with fear; fear for her friend, Ashley who was still trapped in the car and unable to breathe; fear for Ryan as he lay bleeding next to her; fear for herself as she began to feel tremendous pain from the impact of the car plummeting into the hole.

It is unequivocally clear that the City of Marlborough and its employees were negligent and/or grossly negligent and/or reckless in their conduct which led up to and caused the aforementioned crash and injuries. At approximately 11:08 p.m., the DPW was called by the Marlborough Police Department to respond to water pouring down Bigelow Street. The Marlborough Department of Public Works and the City of Marlborough knew or reasonably should have known that Bigelow Street should have been completely closed off to traffic. Instead, by the DPW employees' own admissions, the northbound side of the street was recklessly and negligently left open for travel. Apart from leaving that road open for travel, again, the DPW employees actually directed the automobile at issue and its passengers over that road and specifically over the portion of the road where the sinkhole developed.

The Marlborough Department of Public Works and the City of Marlborough knew or reasonably should have known that the water gushing down the street was a result of a broken or damaged water pipe. As such, the Marlborough Department of Public Works and the City of Marlborough knew or reasonably should have known that the gushing water would cause the dirt and gravel in the area above and around the pipe to be pushed "downstream" with the water. The Marlborough Department of Public Works and the City of Marlborough knew or reasonably should have known that when the water pushed the dirt and gravel downstream, a "void" would be left where the dirt once was. The Marlborough Department of Public Works and the City of Marlborough knew or reasonably should have known that the water was gushing from the pipe with such velocity and force that it would fill that "void" where the dirt once was and that the water would essentially take the place of the dirt, temporarily holding the road intact. The Marlborough Department of Public Works and the City of Marlborough knew or reasonably should have known that if the water main/valve was shut off, the water inside the hole would recede, thereby leaving a complete void and nothing to hold the road in place, and that is precisely what they did. The Marlborough Department of Public Works and the City of Marlborough knew or reasonably should have known that once the water receded, there was a strong probability that the road would collapse (i.e., that a "sinkhole" would occur).

As a result of the reckless and negligent actions taken by the Marlborough Department of Public Works employees while acting within the scope of their employment as City of Marlborough employees on the night in question, my client suffered serious and substantial injuries including but not limited to injuries to her back, neck, shoulders, chest, ribs, etc.

As a result of the injuries and the pain in connection therewith, Rebekah has been unable to continue her previously active and healthy lifestyle. Specifically, Rebekah's back was fractured in the accident and she was unable to walk for days and thereafter was in a brace for approximately six (6) weeks. Rebekah continues to suffer back pain, pain which as caused her to change jobs, alter her exercise routine, change her activities and otherwise negatively affected her life and quality of life.

After the initial emergency medical treatment that Rebekah received, her physical injuries required her to undergo hours of excruciatingly painful physical therapy. She was informed that there was nothing more that could be done for her and was advised to just continue to utilize the therapy exercises on her own.

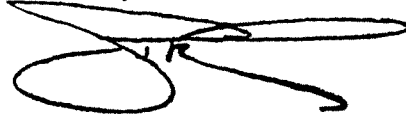
Rebekah has also suffered and continues to suffer severe emotional distress. Specifically, Rebekah suffers from among other things, nightmares, fear of driving, fear of being a passenger, fear of dying, etc.

This letter shall serve as a presentment of claim pursuant to Massachusetts General Laws Chapter 258, Section 4 et seq., in the amount of One Hundred Thousand and 00/100 (\$100,000.00) Dollars. For purposes of complying with the requirements of that Section, my client hereby informs you once again that her claim arises out of injuries that she sustained as a result of the tortuous and negligent and reckless actions of the City of Marlborough and the Marlborough Department of Public Works that occurred on or about June 4, 2010 at or near the intersection of Donald Lynch Boulevard and Bigelow Street in Marlborough, Massachusetts.

Demand is hereby made for a fair, prompt and equitable settlement of my client's claims. Ms. Allen construes a fair and equitable settlement to be \$100,000.00.

My client anticipates a prompt and timely response to this demand and presentment of claim. Failure to respond to this presentment with a fair and equitable offer of settlement within a timely fashion will necessitate a law suit against the City of Marlborough and others for, inter alia, gross and ordinary negligence, recklessness, negligent hiring and negligent supervision and negligent infliction of emotional distress claims pursuant to M.G.L. c 258 (the Massachusetts Tort Claims Act).

Sincerely,



Joseph R. Leone

JRL/meg

cc: Ms. Rebekah A. Allen  
Karen Boule, Council Secretary  
(via certified mail no.: 7009 1680 0000 5972 2141, RRR)  
Donald V. Rider, Jr., City Solicitor  
(via certified mail no.: 7009 1680 0000 5972 2158, RRR)  
Douglas L. Fox, Esquire  
Jason W. Crotty, Esquire  
File