

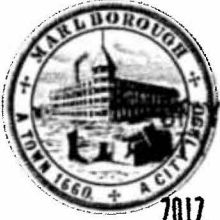
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2012 JUN 14 P 12: 30

1. Communication from the Mayor re: City Scholarship Presentations.
2. Minutes of the City Council Meeting, June 4, 2012.
3. 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.
4. PUBLIC HEARING On the Application for Fuel Storage License, Cumberland Farms Inc., 412 & 418 Maple St., Order No. 12-1005083.
5. Communication from the Mayor re: Snow and Ice Deficit transfer request in the amount of \$32,000.00 which moves funds from Undesignated to Snow Removal.
6. Communication from the Mayor re: 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.
7. Communication from the Mayor re: 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.
8. Communication from the Mayor re: Inter-municipal Agreement: "Mass in Motion".
9. Communication from the Mayor re: Memorial Beach Resolution.
10. Communication from City Solicitor, Donald Rider, re: Indian Hill.
11. Petition from NGrid to have underground primary cable crossing for D'Angelo Dr. to provide new service to Ken's Food.
12. Petition from NGrid to install new intermediate P.4-51 on D'Angelo Dr. to provide new service to Ken's Food.
13. Minutes, Traffic Commission, April 24, 2012.
14. Minutes, Council on Aging, May 1, 2012.
15. Communication from Evans Carter, P.C. Law Offices, re: Notice of Tort Claim, Michelle John-Baptiste and Central West Grille, Inc.
16. CLAIMS:
 - A. Joe Delima, 206 Hildreth St., other property damage.
 - B. Timothy Ragno, 3 Helen Dr., other property damage

REPORTS OF COMMITTEES:

17. 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.Submitted by Councilors Delano, Pope, Jenkins, Seymour



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2012 JUN 14 A 11:55

City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
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www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

June 14, 2012

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

Re: City Scholarship Presentation

Honorable President Pope and Councilors:

Since 1997, the Mayor and City Council have joined together annually to present the recipients of the City of Marlborough Scholarship Fund with their awards. These scholarships are funded through financial contributions from Marlborough taxpayers through a special, voluntary check-off system on municipal tax bills.

This year, we have the collective honor to award five \$1,000.00 scholarships. I respectfully request time at the beginning of the Council meeting so that we may award these five deserving students their scholarships and applaud their achievements.

Sincerely,

Arthur G. Vigeant
Mayor



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

JUNE 4, 2012

Regular meeting of the City Council held on Monday, JUNE 4, 2012 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Ossing, Pope, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, and Landers. Meeting adjourned at 9:40 PM.

ORDERED: That the Minutes of the City Council Meeting, MAY 21, 2012, **FILE**; adopted.

ORDERED: That the **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, hearing recessed at 8:15 p.m.; adopted.

ORDERED: **A resolution by the City of Marlborough to create a state-authorized cultural district for at least (5) years to be named: Marlborough Downtown Cultural District**

WHEREAS, the City of Marlborough wishes to pursue a state-authorized cultural district through the enabling legislation (MGL Chapter 10 Section 5 8A); and

WHEREAS, the City of Marlborough has a mixed-use geographical area that has a concentration of cultural facilities and assets; and

WHEREAS, the City of Marlborough has held a public hearing and adopted a resolution proclaiming its interest in establishing a state-designated cultural district; and

WHEREAS, the City of Marlborough has created a broad and diverse partnership of stakeholders committed to cultural, community and economic development to provide oversight of the district; and

WHEREAS, the Massachusetts Cultural Council will be petitioned in accordance with its guidelines and criteria to designate said cultural district;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Marlborough:

Article 1. Endorses the submission of this application and agrees to foster the development of a cultural district.

Article 2. Endorses the state-sponsored cultural district goals: attracting artists and cultural enterprises, encouraging business and job development, establishing tourist destinations, preserving and reusing historic buildings, enhancing property values and fostering local cultural development.

Article 3. Will appoint a city official to represent the city within the district partnership of said cultural district.

Article 4. Encourages all who own property or businesses within said cultural district to involve themselves and participate in the full development of the cultural district.

Article 5. Directs city agencies to identify programs and services that could support and enhance the development of the cultural district and ensure that those programs and services are accessible to the cultural district.

ADOPTED ON THIS 4TH DAY JUNE 2012

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, refer to **FINANCE COMMITTEE**; 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.										

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, **APPROVED**; adopted.

Yea: 11- Nay: 0

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

ORDERED: That the Gift Acceptance of one LP1000 AED comp/soft shell carrying case (difibulator) from the Board of Directors of Marlborough Babe Ruth Baseball which costs \$2,078.00, refer to **OPERATIONS AND OVERSIGHT COMMITTEE AND LEGAL DEPARTMENT**; adopted.

Councilor Elder abstained

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

- ORDERED: That the Appointment of Richard Collins to the Council on Aging for a term of three years expiring May 1, 2016, refer to **PERSONNEL COMMITTEE**; adopted.
- ORDERED: That the Appointments Mark Vital and Nancy Klein to the Recreation Commission for terms of three years from date of approval, refer to **PERSONNEL COMMITTEE**; adopted.
- 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., refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE**; adopted.
- 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., refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE**; adopted.
- ORDERED: That the Application, Junk Dealer's License, A. Lawrence Doucette, d/b/a Larry the Watch Doctor, 34 Main St., refer to **PUBLIC SERVICES COMMITTEE**; adopted.
- ORDERED: That the Application, Junk Dealer's License, Gerald Dumais, d/b/a Dumais & Sons, 6 High St., refer to **PUBLIC SERVICES COMMITTEE**.
- ORDERED: That the Minutes, Planning Board, April 23, & May 7, 2012, **FILE**; adopted.
- ORDERED: That the Minutes, Board of Assessors, April 26, 2012, **FILE**; adopted.
- ORDERED: That the Communication from Leone Law offices, P.C. re: Demand and Presentment of Claim Pursuant to MGL, Chapter 258, Section 4, refer to **LEGAL DEPARTMENT**; adopted.

Suspension of the rules requested – granted

ORDERED: *City Council Resolution
Marlborough Public Schools*

Be it resolved that the Marlborough City Council does hereby express its support and appreciation for the Marlborough school system, its dedicated teachers and staff, and especially our students and their families;

And further, the City Council confirms its belief that excellent teaching and learning occurs daily in the Marlborough Public Schools thanks to all involved, and that our city can boast of an excellent educational system;

Therefore, the undersigned members of the Marlborough City Council wish to assure the public that we are united in our goal of continuing to provide a high quality education for our students within a framework of fiscal accountability. We look forward to continuing to work with Mayor Vigeant and the School Committee to provide the high quality services that our residents have come to expect and rightly deserve at a cost they can afford.

Signed this 4th day of June 2012 in City Council Chambers by Council President Pope and supported by all Councilors.

At Council President Pope's request to recess at 9:24 PM and return to open meeting at 9:28 PM, be and is herewith **APPROVED**.

Suspension of the Rules requested – granted to allow the Mayor to speak.
ORDERED: FY13 MUNICIPAL OPERATING BUDGET

MOTION made by Councilor Robey to reduce the School Department's budget by \$500,000.00. Councilor Robey amended the motion to reduce the School Department's budget by \$250,000.00 which was seconded by Councilor Ossing. MOTION DOES NOT CARRY BY A ROLL CALL VOTE OF 5 YEAS AND 6 NAYS.

Yea: Jenkins, Elder, Seymour, Ossing, & Robey

Nay: Delano, Tunnera, Clancy, Landers, Pope, & Oram

That the City Council held a Public Hearing on May 21, 2012 regarding the Proposed Budget for FY13 as submitted by Mayor Vigeant. The Public Hearing was conducted through its required four stages; In Favor, Questions from the Public, Oppositions from the Public, and Question from the Councilors. The Public Hearing recessed at 8:14 PM.

That the FY13 Budget as recommended by the Finance Committee in the amount of \$126,729,855.00 which represents an increase of 2.6% from the FY12 budget or an increase of \$3,223,701.00, APPROVED; adopted.

ORDERED: That the presentation made by Commissioner LaFreniere and Assistant Commissioner Temple regarding the new containerized trash system which will be implemented commencing Friday, July 13, 2012, **FILE**; adopted.

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



IN CITY COUNCIL

MAY 21, 2012

Marlborough, Mass., _____

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, be and is herewith refer to **URBAN AFFAIRS COMMITTEE, AND ADVERTISE.**

ADOPTED

ORDER NO. 12-1005081



IN CITY COUNCIL

MAY 21, 2012

Marlborough, Mass., _____

ORDERED:

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

ADOPTED

ORDER NO. 12-1005083



City of Marlborough

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2012 JUN 14 A 11:55 140 Main Street
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June 14, 2012

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

Re: Transfer Request – Snow and Ice Deficit


Honorable President Pope and Councilors:

I have enclosed for your approval the following transfer request from the Department of Public Works:

- 1) Transfer in the amount of \$32,000.00 from 10000-35900 (Undesignated Fund) to 14001206-52960 (Snow Removal).

This transfer will fund the remaining deficit in this account for FY12 *after* the pending transfer of \$148,000.00 is applied. Please do not hesitate to contact me with any questions.

Sincerely,



Arthur G. Vigeant
Mayor

TRANSFER REQUEST

DEPT: DPW

FISCAL YEAR: 2012

Available Balance		FROM ACCOUNT:				TO ACCOUNT:			Available Balance		
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance		
<u>\$2,724,079.95</u>	<u>\$32,000.00</u>	<u>10000</u>	<u>-</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$32,000.00</u>	<u>14001206</u>	<u>-</u>	<u>52960</u>	<u>Snow Removal</u>	<u>-\$179,078</u>

Reason: To fund the remaining snow & ice deficit for FY12 after the pending transfer in the amount of \$148,000.00 is applied

AS OF 6/12/2012

FOR 2012 99

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENC/REQ	AVAILABLE BUDGET	PCT USED

100 GENERAL FUND							

4000 DEPARTMENT OF PUBLIC WORKS							

0120 STREETS-SNOW & ICE							

14001203 51390 OVERTIME-SNOW & ICE	125,000	9,941.00	134,941.00	142,097.86	.00	-7,156.86	105.3%
14001206 52960 SNOW REMOVAL	275,000	2,887.32	277,887.32	466,994.56	.00	-189,107.24	168.1%
14001206 57040 OPERATING EXPENSES	100,000	.00	100,000.00	82,813.66	.00	17,186.34	82.8%
TOTAL STREETS-SNOW & ICE	500,000	12,828.32	512,828.32	691,906.08	.00	-179,077.76	134.9%
TOTAL DEPARTMENT OF PUBLIC WOR	500,000	12,828.32	512,828.32	691,906.08	.00	-179,077.76	134.9%
TOTAL GENERAL FUND	500,000	12,828.32	512,828.32	691,906.08	.00	-179,077.76	134.9%
TOTAL EXPENSES	500,000	12,828.32	512,828.32	691,906.08	.00	-179,077.76	
GRAND TOTAL	500,000	12,828.32	512,828.32	691,906.08	.00	-179,077.76	134.9%

** END OF REPORT - Generated by Diane Smith **



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June 14, 2012

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

Re: Police Department Gift Acceptance

Honorable President Pope and Councilors:

The Marlborough Police Department has been awarded a grant in the amount of \$5,000.00 by the Executive Office of Public Safety and Security (EOPSS). This grant will be utilized for the replacement of some crosswalk signs that have been damaged as well as for pedestrian safety enforcement patrols.

Enclosed is the relevant backup information from the Police Department on this grant. I respectfully request your acceptance of this grant. Please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough POLICE DEPARTMENT

508-485-1212 • FAX 508-624-6949
355 BOLTON STREET • MARLBOROUGH, MA • 01752

MARK F. LEONARD
Chief of Police

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

June 7, 2012

Dear Mayor Vigeant:

The Marlborough Police Department has been awarded a grant in the amount of \$5,000 from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security. The grant is a reimbursement grant and will be used for pedestrian safety enforcement patrols, and to replace some crosswalk signs that are damaged.

Attached is a copy of the grant approval e-mail, Notice of Grant Award form, and copy of the signed grant contract. I am requesting that the grant award be forwarded to the City Council for approval. Should you have any questions, please do not hesitate to call.

Sincerely,

Mark F. Leonard
Chief of Police

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Marlborough DATE: 7-Jun-12

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Lt. Michael Amoros

NAME OF GRANT: FY 2012 Pedestrian Grant

GRANTOR: Commonwealth of Mass EOPSS

GRANT AMOUNT: \$5,000

GRANT PERIOD: June 2012 to September 15, 2012

SCOPE OF GRANT/
ITEMS FUNDED Enforcement of m/v pedestrian laws and purchase of crosswalk signage

Officer OT for enforcement and cost of crosswalk cones/signs

IS A POSITION BEING
CREATED: No

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? _____

ARE MATCHING CITY
FUNDS REQUIRED? In-Kind

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:
Grant supervision and reporting costs in-kind

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS
TO BE USED:

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: As soon as possible

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

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



This form is jointly issued and published by the Executive Office for Administration and Finance (ANF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors may not require any additional agreements, engagement letters, contract forms or other additional terms as part of this Contract without prior Department approval. Click on hyperlinks for definitions, instructions and legal requirements that are incorporated by reference into this Contract. An electronic copy of this form is available at www.mass.gov/osc under [Guidance For Vendors - Forms](#) or www.mass.gov/osc under [QSD Forms](#).

CONTRACTOR LEGAL NAME: City of Marlborough Police Department (and d/b/a):		COMMONWEALTH DEPARTMENT NAME: Executive Office of Public Safety & Security, Office of Grants & Research MMARS Department Code: EPS	
Legal Address: (W-9, W-4, T&C): 355 Bolton Street, Marlborough, MA 01752		Business Mailing Address: 10 Park Plaza, Suite 3720, Boston, MA 02116	
Contract Manager: Michael Amoros		Billing Address (if different):	
E-Mail: mamoros@marlborough-ma.gov		Contract Manager: John Proctor	
Phone: 508-485-1212	Fax: 508-624-6949	E-Mail: John.Proctor@state.ma.us	
Contractor Vendor Code: VC6000192112		Phone: 617-725-3301	Fax: 617-725-0260
Vendor Code Address ID (e.g. "AD001"): AD001_ (Note: The Address ID must be set up for EFT payments.)		MMARS Doc ID(s):	
PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> <u>Statewide Contract</u> (OSD or an OSD-designated Department) <input type="checkbox"/> <u>Collective Purchase</u> (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> <u>Department Procurement</u> (Includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> <u>Emergency Contract</u> (Attach justification for emergency, scope, budget) <input type="checkbox"/> <u>Contract Employee</u> (Attach <u>Employment Status Form</u> , scope, budget) <input type="checkbox"/> <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification, scope and budget)		CONTRACT AMENDMENT Enter Current Contract End Date <u>Prior</u> to Amendment: ____, 20 ____ Enter Amendment Amount: \$ _____. (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> <u>Amendment to Scope or Budget</u> (Attach updated scope and budget) <input type="checkbox"/> <u>Interim Contract</u> (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> <u>Contract Employee</u> (Attach any updates to scope or budget) <input type="checkbox"/> <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification and updated scope and budget)	
The following COMMONWEALTH TERMS AND CONDITIONS (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract. <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services			
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> <u>Rate Contract</u> (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> <u>Maximum Obligation Contract:</u> Enter Total Maximum Obligation for total duration of this Contract (or <u>new</u> Total if Contract is being amended). \$ <u>5,000.00</u>			
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days __% PPD; Payment issued within 15 days __% PPD; Payment issued within 20 days __% PPD; Payment issued within 30 days __% PPD. If PPD percentages are left blank, identify reason: <input checked="" type="checkbox"/> agree to standard 45 day cycle __ statutory/legal or Ready Payments (G.L.c. 29, § 23A); <input type="checkbox"/> only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)			
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) Under the direction of the Executive Office of Public Safety and Security, federal funds have been made available for local law enforcement agencies to develop or enhance an effective pedestrian, bicycle and/or moped-type enforcement effort to reduce the incidence of fatalities and injuries in their respective community.			
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input checked="" type="checkbox"/> 1. may be incurred as of the <u>Effective Date</u> (latest signature date below) and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . <input type="checkbox"/> 2. may be incurred as of ____, 20 ____, a date <u>LATER</u> than the <u>Effective Date</u> below and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . <input type="checkbox"/> 3. were incurred as of ____, 20 ____, a date <u>PRIOR</u> to the <u>Effective Date</u> below, and the parties agree that payments for any obligations incurred prior to the <u>Effective Date</u> are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.			
CONTRACT END DATE: Contract performance shall terminate as of <u>09/30</u> , 2012, with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.			
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached <u>Contractor Certifications</u> (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable <u>Commonwealth Terms and Conditions</u> , this Standard Contract Form including the <u>Instructions and Contractor Certifications</u> , the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in <u>801 CMR 21.07</u> , incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.			
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: <u>[Signature]</u> Date: <u>5/18/12</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>MARK E. LEONARD</u> Print Title: <u>CHIEF OF POLICE</u>		AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: <u>[Signature]</u> Date: <u>5-25-12</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Ellen J. Frank</u> Print Title: <u>Executive Director</u>	

Leonard, Mark

From: Amoros, Michael
Sent: Monday, June 04, 2012 1:10 PM
To: Leonard, Mark
Cc: Blaisdell, Susan
Subject: FW: 2012 Pedestrian Grant - Marlborough
Attachments: 2012_Pedestrian_Enforcement_Hours_Form.xls; 2012_ped_monthly_report.xls; marlborough.pdf; 2012_ped_expenditure_reporting_form_marlborough.xls; 2012_ped_inkind_reporting_form_marlborough.xls

Lt. Michael A. Amoros
Admin. Serv. Div. Commander
Marlborough Police Department
355 Bolton Street
Marlborough, Ma. 01752
508-485-1212 Ext: 6966
E-Mail: mamoros@Marlborough-Ma.gov

From: Kearney, Robert (CCJ) [<mailto:robert.kearney@state.ma.us>]
Sent: Monday, June 04, 2012 12:58 PM
To: Amoros, Michael
Subject: 2012 Pedestrian Grant - Marlborough

Hi,

As of May 25, 2012, you may proceed with \$5,000 of your department's agreed upon budget for the FFY 2012 Pedestrian Grant. The final, signed contract is attached for your records.

Please respond to this e-mail confirming you have received it.

Please consult the grant requirements in the related Application for Grant Funding (AGF) narrative and application available at www.mass.gov/highwaysafety (click on **FFY 2012 Pedestrian Grant Program** link) and the scope of services document you received with your contract. Some of these are highlighted below:

- **No reimbursements will be made for expenditures made prior to the date of this e-mail or for unallowable items.**
- **Please note you must purchase and receive all approved equipment by September 15, 2012.**
- Monthly activity, expenditure, and in-kind reports are attached. These are due by the 15th of the month following the reporting month. (For example, June 2012 is due by September 15, 2012)
Note: documentation is required (sales receipts/invoices) for ALL purchases. No reimbursements will be made if there is no supporting documentation for equipment purchases.
- Failure to submit monthly reports in a timely manner may lead to the revocation of grant contract.
- No request for reimbursement will be accepted after October 15, 2012. Any expenditure for equipment purchased after September 15, 2012 will not be reimbursed.

- Your organization is required to keep inventory of any equipment purchased under this grant.
- Self-sufficiency report due by August 31, 2012. Final Report due by October 15, 2012.
- All public communications and/or news releases concerning the grant must state that the project is funded by the Massachusetts Executive Office of Public Safety and Security and must be approved by the EOPSS-HSD prior to release. Shortly, EOPSS-HSD will provide a sample news release to grant recipients to assist with announcing the grant award; no pre-approval is required if this sample release is used.
- Proof or sample of all signage must be submitted in advance to EOPSS-HSD for review and approval via fax or email (PDF by email is recommended).

Best wishes for your pedestrian safety efforts!

Attached is the final signed contract for your records.

Thank you,

Bob Kearney
Program Coordinator

Highway Safety Division
Office of Grants and Research
Executive Office of Public Safety and Security
10 Park Plaza, Suite 3720
Boston, MA 02116



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

2012 JUN 14 A 11:55 140 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

June 14, 2012

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

Re: Police Department Gift Acceptance (2)

Honorable President Pope and Councilors:

The Marlborough Police Department has been awarded a grant in the amount of \$45,000.00 by the Executive Office of Health and Human Services (EOHHS). This grant will be utilized for the for the city's Jail Diversion Program which is carried out in conjunction with Advocates, Inc.

The Marlborough Police Department's Jail Diversion Program provides an opportunity to divert from jail people with mental illness who have committed minor crimes, and who would be better served with appropriate mental health services rather than being put through the criminal justice system. A full time clinician works with the Police Department and responds to calls involving people with mental illness and calls involving people in crisis. Through a collaborative effort, diversion from jail may occur and proper referral and follow up can be done by the clinician.

Enclosed is the relevant backup information from the Police Department on this grant. I respectfully request your acceptance of this grant. Please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough POLICE DEPARTMENT

508-485-1212 • FAX 508-624-6949

355 BOLTON STREET • MARLBOROUGH, MA • 01752

MARK F. LEONARD
Chief of Police

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

June 12, 2012

Dear Mayor Vigeant:

The Marlborough Police Department has been awarded a grant in the amount of \$45,000 from the Commonwealth of Massachusetts, Executive Office of Health and Human Services, Department of Mental Health. The grant will be used to continue funding our Jail Diversion Program, in conjunction with Advocates, Inc.

Attached is a completed Notification of Grant Award form, a letter from DMH awarding us the funds, and a copy of the grant contract form. I am requesting that the grant award be forwarded to the City Council for approval. Should you have any questions, please do not hesitate to call.

Sincerely,

Mark F. Leonard
Chief of Police

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Police DATE: 12-Jun-12

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Chief Mark F. Leonard

NAME OF GRANT: Jail Diversion Grant

GRANTOR: Comm. Of Mass, Department of Mental Health

GRANT AMOUNT: \$45,000

GRANT PERIOD: July 1, 2012 to June 30, 2013

SCOPE OF GRANT/
ITEMS FUNDED To fund Jail Diversion Program
Full time clinican coverage for the police department's jail diversion program.
Funding will be used for clinician's services and associated costs.

IS A POSITION BEING
CREATED: No. Advocates, Inc. will provide a clinician for the JDP program. The grant funds
will be used to pay for the clinician, and Advocates, Inc. will invoice the city monthly.

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? _____

ARE MATCHING CITY
FUNDS REQUIRED? No

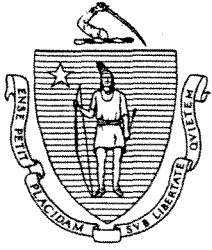
IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS
TO BE USED:

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: As soon as possible

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



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Mental Health
25 Staniford Street
Boston, Massachusetts 02114-2575

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

JUDYANN BIGBY, M.D.
Secretary

BARBARA A. LEADHOLM, M.S., M.B.A.
Commissioner

(617) 626-8000
TTY: (617) 727-9842
www.state.ma.us/dmh

January 26, 2012

Mark F. Leonard, Chief of Police
City of Marlborough
355 Bolton Street
Marlborough, MA 01752

Re: Police-Based Jail Diversion Program Grant(s) for Individuals with Mental Illnesses or
Emotional Disturbance Request for Responses (RFR) 2012-DMH-3024-01
Notice of Grant Award

Dear Chief Leonard:

Thank you for your department's thoughtful proposal in response to the above RFR by Department of Mental Health. I am writing to notify you of the Department of Mental Health's (DMH) decision to award the city of Marlborough a Jail Diversion Program grant in the amount of \$45,000 for FY13 during the period of 7/1/2012 to 6/30/2013 with three possible renewal options each year thereafter.

Payments from this grant award will be made quarterly based on the budget and dependant upon adherence to the terms of the RFR and your associated response as well as proof of deliverables to include:

Activities:

- Participation of the police department and associated program representatives at required DMH-Jail Diversion Program meetings (currently these meetings are planned to held on a quarterly basis throughout the year).
- Performance of activities in accordance with the DMH approved service delivery plan, as may be amended from time to time by the parties in writing.

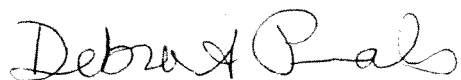
Documentation:

- Timely submission of data (by the 15th of the month for the preceding month) of a quality acceptable to DMH
- A narrative submitted by the 15th of the month for the preceding quarter that describes program activities and accomplishments for that quarter and
- An invoice submitted by the 15th of the month for the preceding quarter for one-fourth of the amount budgeted for FY2013

You may contact Karin Orr, the administrative contract manager, at 978-863-5039 or at Karin.orr@state.ma.us regarding questions about this grant. Maureen Giacchino is the fiscal contract manager and can be reached at 617-626-8006.

Thank you again for your thoughtful proposal. We look forward to working with you.

Sincerely,

A handwritten signature in cursive script that reads "Debra A. Pinals".

Debra A. Pinals, MD
Assistant Commissioner
Forensic Mental Health Services

cc: Maureen Giacchino
John Barber
Karin Orr

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



This form is jointly issued and published by the Executive Office for Administration and Finance (ANF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors may not require any additional agreements, engagement letters, contract forms or other additional terms as part of this Contract without prior Department approval. Click on hyperlinks for definitions, instructions and legal requirements that are incorporated by reference into this Contract. An electronic copy of this form is available at www.mass.gov/osc under Guidance For Vendors - Forms or www.mass.gov/osd under OSD Forms.

CONTRACTOR LEGAL NAME: (and d/b/a): <u>Marlborough Police Department</u>	COMMONWEALTH DEPARTMENT NAME: <u>DEPT OF MENTAL HEALTH</u> MMARS Department Code: <u>DMH</u>
Legal Address: (W-9, W-4, T&C): <u>355 Bolton St. Marlborough, MA 01752</u>	Business Mailing Address: <u>25 STANFORD ST BOSTON MA 021</u>
Contract Manager: <u>Mark F. Leonard</u>	Billing Address (if different):
E-Mail: <u>police_dept@marlborough-ma.gov</u>	Contract Manager: <u>MAUREEN GIACCHINO</u>
Phone: <u>508-485-1212</u> Fax: <u>508-624-6938</u>	E-Mail: <u>maureen.giacchino@massmail.state.ma.us</u>
Contractor Vendor Code: <u>046001428</u>	Phone: <u>617-626-8006</u> Fax: <u>617-626-8014</u>
Vendor Code Address ID (e.g. "AD001"): <u>AD</u> (Note: The Address ID must be set up for EFT payments.)	MMARS Doc ID(s): <u>SCDMA82101308161000</u> RFR/Procurement or Other ID Number: <u>2012-DMH-3024-01</u>
<p style="text-align: center;"><input checked="" type="checkbox"/> NEW CONTRACT</p> PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> <u>Statewide Contract</u> (OSD or an OSD-designated Department) <input type="checkbox"/> <u>Collective Purchase</u> (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> <u>Department Procurement</u> (includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> <u>Emergency Contract</u> (Attach justification for emergency, scope, budget) <input type="checkbox"/> <u>Contract Employee</u> (Attach Employment Status Form, scope, budget) <input type="checkbox"/> <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification, scope and budget)	<p style="text-align: center;"><input type="checkbox"/> CONTRACT AMENDMENT</p> Enter Current Contract End Date <u>Prior</u> to Amendment: ____, 20 ____, Enter Amendment Amount: \$ _____. (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> <u>Amendment to Scope or Budget</u> (Attach updated scope and budget) <input type="checkbox"/> <u>Interim Contract</u> (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> <u>Contract Employee</u> (Attach any updates to scope or budget) <input type="checkbox"/> <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification and updated scope and budget)
The following COMMONWEALTH TERMS AND CONDITIONS (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract. <input type="checkbox"/> Commonwealth Terms and Conditions <input checked="" type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services	
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> <u>Rate Contract</u> (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> <u>Maximum Obligation Contract</u> Enter Total Maximum Obligation for total duration of this Contract (or <u>new</u> Total if Contract is being amended). \$ <u>45,000.00</u>	
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting <u>accelerated</u> payments must identify a PPD as follows: Payment issued within 10 days __% PPD; Payment issued within 15 days __% PPD; Payment issued within 20 days __% PPD; Payment issued within 30 days __% PPD. If PPD percentages are left blank, identify reason: __agree to standard 45 day cycle __ statutory/legal or Ready Payments (G.L. c. 29, § 23A); __ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)	
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) <u>JAIL DIVERSION PROGRAM</u>	
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input checked="" type="checkbox"/> 1. may be incurred as of the <u>Effective Date</u> (latest signature date below) and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . <input type="checkbox"/> 2. may be incurred as of ____, 20 ____, a date <u>LATER</u> than the <u>Effective Date</u> below and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . <input type="checkbox"/> 3. were incurred as of ____, 20 ____, a date <u>PRIOR</u> to the <u>Effective Date</u> below, and the parties agree that payments for any obligations incurred prior to the <u>Effective Date</u> are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.	
CONTRACT END DATE: Contract performance shall terminate as of <u>6/30, 2013</u> with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.	
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the " <u>Effective Date</u> " of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached <u>Contractor Certifications</u> (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable <u>Commonwealth Terms and Conditions</u> , this Standard Contract Form including the <u>Instructions and Contractor Certifications</u> , the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.	
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: <u>[Signature]</u> Date: <u>12/14/2011</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Mark F. Leonard</u> Print Title: <u>Chief of Police, Marlborough</u>	AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: <u>[Signature]</u> Date: <u>6/12/2012</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>John Sullivan</u> Print Title: <u>Asst Comm Mgmt & Budget</u>



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

2012 JUN 14 A 11:55 140 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

June 14, 2012

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

Re: Inter-municipal Agreement: "Mass in Motion"

Honorable President Pope and Councilors:

The Commonwealth of Massachusetts launched the "Mass in Motion" initiative in January 2009. The objective of this program is to "... promote wellness and to prevent overweight and obesity in Massachusetts - with a particular focus on the importance of healthy eating and physical activity."

The communities of Marlborough, Framingham, and Hudson applied for and received a regional Community Transformation Grant under the umbrella of the Mass in Motion program. The award is \$60,000 per year from the Commonwealth of Massachusetts for five years with additional matching funds of \$60,000 from Metro West Health Foundation.

Our regional program is called *Metro West Moves* and its goals are to reduce chronic disease, obesity, diabetes, stroke and heart disease by 5% over the next five years while changing behavior through policy changes, public education, and identifying new opportunities for residents to be more active through the city's parks and roadways.

I have enclosed for you a draft inter-municipal agreement (IMA) that needs your approval so that we can proceed with getting this worthy program off the ground. I have enclosed for you the draft IMA, pertinent back up information regarding this initiative, and a proposed order authorizing my signing of the IMA.

Thank you for your consideration. Please let me know if you have any questions.

Sincerely,

Arthur G. Vigeant
Mayor

Inter-Municipal Agreement MetroWest Mass-in-Motion Collaborative

THIS AGREEMENT dated as of March 1, 2012 (the "Agreement") is entered into by and between the Towns of Framingham, Hudson and the City of Marlborough (the "Municipalities").

WHEREAS, M.G.L. c. 40, § 4A, as amended, authorizes the chief executive officer of a city or town to enter into agreements with one or more municipalities and other governmental units to jointly perform services and shares costs which any one of them is authorized to perform;

WHEREAS, Boards of Health of the Municipalities are committed to efficiently and consistently promote, protect, and preserve the public health, and to improve public health outcomes through physical activity and healthy eating habits;

WHEREAS, the Boards of Health of the Municipalities wish to participate in the Massachusetts Department of Public Health's Mass-in-Motion program as a joint Collaborative to be known as 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 residents in their communities;

WHEREAS, each party to this Agreement has obtained authority to enter into this Agreement pursuant to M.G.L. c. 40, § 4A. The Municipalities have obtained authorization for the joint undertaking by vote of their respective Boards of Selectmen or City Council with the approval of the Mayor as attested to by certified copies thereof contained in Appendix A. In addition, the Board of Health of each Municipality has recommended approval of this Agreement.

NOW, THEREFORE, the parties, in mutual consideration of the covenants contained herein, intended to be legally bound thereby, agree under seal as follows:

1. Term. The term of this Agreement shall commence upon execution by the Municipalities, and end on September 30, 2013. It shall renew automatically for an additional term, which shall end on three years from the date this Agreement commenced, unless earlier terminated as set forth herein.
2. Governing Board. There shall be a three-member governing board (hereinafter "the Board"), comprised of one (1) representative from each Municipality. Each Municipality shall have one vote on the Board. The representative of each Municipality shall be its Director of Public Health or the Director's designee. The Board shall direct and supervise all consultants and contractors hired under this Collaborative.
3. Amendment. This Agreement may be amended only in writing when signed by all member Municipalities duly authorized thereunto.

4. Funding. The funding for this initiative is provided by Centers for Disease Control and Prevention's Community Transformation Grant, administered through Metropolitan Area Planning Council and Massachusetts Department of Public Health, and a matching grant from Metro West Health Foundation.
5. Budget. Annual budget of this Collaborative shall be decided by the Board as set forth herein.
6. Lead Community. The Lead Community shall sign the grant contract with the grantors, and be accountable for provisions in such contracts. The Lead Community shall provide office space, access to a fax line, and light-duty photocopying services for consultant hired under this Collaborative. The Lead Community shall provide the services of accounting and financial oversight of this Collaborative. The Lead Community shall receive up to 15% of the overall grant funds as administrative expenses. The Town of Hudson has been designated by the Massachusetts Department of Public Health as the Lead Community under this Agreement.
7. Financial Safeguards Statements and Audits. The Town of Hudson as the Lead Community, in conjunction with the other municipal participants hereto, shall ensure compliance with the financial safeguards specified in M.G.L. c.40, § 4A, as amended, and shall maintain accurate and comprehensive records of services performed, costs incurred, and reimbursements and contributions received. The Lead Community, in conjunction with other municipal participants, will also arrange the performance of regular audits of such records kept and arrange for the submittal of periodic financial statements to issue to the participating municipalities hereto.
8. Indemnification. Each party to this Agreement shall be liable for the acts and omissions of its own employees and not for the employees of any other party in the performance of their obligations under this Agreement to the extent provided by the Massachusetts Tort Claims Act, M.G.L. c. 258. By entering into this Agreement, none of the party has waived any governmental immunity or limitation of damages, which may be extended to them by operation of law. The Municipalities shall hold each other harmless from any and all claims related to employment or employee benefits, collectively bargained or otherwise, made by persons under their employ. Each party shall indemnify and hold harmless the other parties to this Agreement from and against any claim arising from or in connection with the performance of this Agreement, to the extent the indemnifier would otherwise be liable under a direct claim pursuant to M.G.L. c. 258 including, without limitation, any claim of liability, loss, damages, costs and expenses for personal injury or damage to real or personal property by reason of any negligent act or omission.
9. Municipal Withdrawal or Termination. Any Municipality may withdraw from and terminate its participation in this Agreement upon the provision of at least thirty (30) days prior written notice to the other Municipalities. Upon such termination, the terminating Municipality shall withdraw from the three-community Collaborative set forth herein. No such termination shall affect any obligation of indemnification or contractual obligation that may have arisen hereunder prior to such termination.

Termination or withdrawal by one of the Municipalities shall not invalidate this Agreement for the remaining two Municipalities.

- 10. Assignment. None of the Municipalities shall assign or transfer any of its rights or interests in or to this Agreement, or delegate any of its obligations hereunder, without prior written consent of the other Municipalities.
- 11. Severability. If any provision of this Agreement is held by a court of appropriate jurisdiction to be invalid, illegal or unenforceable, or if any such term is so held when applied to any particular circumstance, such invalidity, illegality or unenforceability shall not affect any other provision of this Agreement, or affect the application of such provision to any other circumstances, and the remaining provisions hereof shall not be affected and shall remain in full force and effect.

WITNESS OUR HANDS AND SEALS as of the first date written above.

TOWN OF FRAMINGHAM
By its Board of Selectmen,
With no personal liability to themselves.

TOWN OF HUDSON
By its Board of Selectmen,
With no personal liability to themselves.

CITY OF MARLBOROUGH
By its Mayor,
With no personal liability to himself.

MetroWest Moves!

*A Tri-Town Mass in Motion initiative to facilitate opportunities for **Framingham, Hudson, and Marlborough** residents to engage in healthy eating and active living*

Who are we?

Framingham, Hudson, and Marlborough, collectively known as **MetroWest Moves**, have recently been awarded funds to create supportive environments where residents have access to healthy affordable food and places to be physically active.

Mass in Motion (MiM) is a Massachusetts Department of Public Health (MDPH) statewide program that aims to promote wellness and to prevent overweight and obesity in Massachusetts, with focus on healthy eating and physical activity at home, at work, and in the community.

The Problem:

Similar to the rest of the nation, residents of Framingham, Hudson, and Marlborough suffer from obesity, low consumption of fruits and vegetables, and physical inactivity. In Hudson, 20% of adults are obese; in Marlborough, 78% of adults consume fewer than 5 fruits and vegetables per day; and in Framingham, 19% of adults get no physical activity. Not only do these unhealthy behaviors threaten the public's health, but they also have negative health and economic consequences for your communities.

To prevent obesity and chronic disease, people must live in neighborhoods that support healthy choices. It requires change in both the food environment—how and where food is grown, distributed, and sold—and the physical environment—how neighborhoods are built and how the transportation systems serve them. A considerable amount of resources are being spent on obesity prevention efforts. However, public health alone cannot solve the obesity epidemic. It's critical that public health partnerships include traditional as well as non-traditional partners, such as land use and transportation planners, housing authorities, the business community, agriculture/farmers, government, etc.

The issues surrounding obesity are relevant for everyone- not just public health professionals. For example:

- Complete streets boost the economy by increasing property values, including residential properties, as generally homeowners are willing to pay more to live in walkable communities
- Complete streets boost the economy and improve business and sales by accommodating bike and pedestrian-friendly transportation
- For every \$1 spent on building biking and walking paths nearly \$3 in medical expenses can be saved.

Our Strategy:

MetroWest Moves will focus their efforts this year in three strategic areas:

1. Increasing healthy beverage options in town vending machines
2. Working with local restaurants to promote healthier dining options
3. Incorporating "complete street" standards into transportation planning to enable safe, attractive, and comfortable access and travel for all users.

The key to achieving a healthy community is creating **partnerships**. We envision this as a movement to create sustainable partnerships that will allow our towns to garner the support needed to implement these strategic initiatives.

Who are our Funders?

Funding for this MiM program comes from the **Middlesex Community Transformation Grant**, awarded by Center for Disease Control and Prevention (CDC). The Middlesex Community Transformation Grant is a **\$1.6 million grant** designed to help states and communities tackle the root causes of chronic disease. The Metropolitan Area Planning Council (MAPC) collaborated with the MDPH to write the community transformation grant for Middlesex County.

For more information about the MetroWest Moves Mass in Motion initiative, contact:

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.

ADOPTED

In City Council
Order No. 12-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Office of the Mayor

2012 JUN 14 A 11:55
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Marlborough, Massachusetts 01752
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Arthur G. Vigeant
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Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

June 14, 2012

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

Re: Memorial Beach Resolution

Honorable President Pope and Councilors:

As you know, the Massachusetts Division of Conservation Services notified the City earlier this year that the Memorial Beach project was not selected for funding for FY2012. Only 17 applications out of the 50 submitted were awarded funding.

We are moving forward with the reapplication process for funding in Fiscal Year 2013. I have enclosed for you a resolution that your body needs to approve in order for us to fully complete our application. This resolution is identical to the one adopted by the Council at your meeting on June 20, 2011. Please note that the application deadline for funding is July 12th.

I respectfully request your support for this project and ask that you adopt the enclosed resolution. Please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough Conservation Commission

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3768 Facsimile (508) 460-3747

*Edward Clancy – Chairman
Dennis Demers
Michele Higgins
Lawrence Roy
John Skarin
Allan White
David Williams
Priscilla Ryder Conservation Officer*

June 6, 2012

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

RE: Vote needed for Memorial Beach PARC Grant Application

Dear Mayor,

I am working with the Parks and Recreation Commission to put together a PARC grant application for the renovation of Memorial beach. One vote is required by the City Council for this application. The application is due on July 12, 2012.

A copy of the vote language needed is attached. The action for City Council to consider and vote on is a vote to allow the Mayor to accept the grant application, should we be successful with the award. Melissa Cryan from the state Div. of Conservation Services and City Solicitor Don Rider have reviewed the language and have approved them as to proper form. I would appreciate it if this could be placed on the June 18th, 2012 City Council agenda and voted on that evening if possible.

If you have any questions or need additional information, please give me a call.

Sincerely,

Priscilla Ryder
Conservation Officer

E-mail: Dave Grasso; Tom Cullen; John Ghiloni

**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, Parcel 49, 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 Parcel 49, 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 EOEEA; 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

In City Council
Order No. 12-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2012 JUN 14 P 12:01

City of Marlborough
Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

ELLEN M. STAVROPOULOS
PARALEGAL

June 14, 2012

Patricia Pope
President
Marlborough City Council

RE: Indian Hill

Dear President Pope and Members:

The purpose of this letter is to advise the Council on a prospective change in the nature of the City's interest in Indian Hill, from a conservation restriction to a fee interest; and whether the Council deems that prospective change as requiring the developer's submission of a formal application to modify a special permit from 25 years ago.

In December 1987, the City Council granted a special permit to Howard A. Fafard, individually and as president and treasurer of Ledgemere Land Corporation, and Ledgemere Condominium Corporation, for the construction of 376 residential condominium units in the vicinity of what we now know today as DiCenzo Boulevard. Condition 24 of that special permit, a copy of which permit is enclosed for your convenience, called for the developer to provide the City with a conservation restriction that would preserve in perpetuity all open space in the development, while the developer retained its fee interest in the open space. Specifically, the open space is Indian Hill, located in a 20-acre parcel behind what is now the Target store on Boston Post Road East. (Also note Condition 5, which calls for Indian Hill to be preserved.)

While, for whatever reason, that conservation restriction was never presented to the City for acceptance, the City has much more recently been working on plans for the City to instead acquire the fee interest in the 20-acre parcel. Acquisition of the fee interest, as opposed to a conservation restriction, would represent a marked 'upgrade' in the degree and quality of the City's legal interest in Indian Hill. A GIS map is enclosed for your convenience.

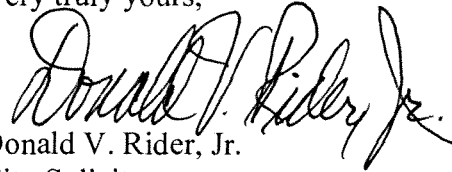
Further, the City's potential acquisition of that fee interest would carry with it a so-called appurtenant easement, providing pedestrian access from the 20-acre parcel to Callahan State Park. Such a pedestrian access would satisfy another condition in the 1987 special permit, namely, Condition 9's requirement that the developer provide a connection to the State Park. The pedestrian easement, which currently exists as a 30' wide easement across the Violet Woods Condominium Trust's property south of Azalea Lane and abutting the Gulbankian property, is proposed to be reduced to 10' wide, with the developer relocating several sheds and other objects that presently lie partially within the reduced-width easement.

Given the prospective upgrade, from conservation restriction to fee interest, in the City's legal interest in Indian Hill, the Council may well choose to not require the developer's submission of a formal application to modify the 1987 special permit. In that event, plans would then move forward for the developer to sign the deed and related documentation, and for that signed deed to be presented to the Council for acceptance at a future meeting.

Note that the Planning Board and the Conservation Commission have, within their respective jurisdictions, already voted their approvals as to the City's potential acquisition of the fee interest and the pedestrian access easement.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Donald V. Rider, Jr.", written in a cursive style.

Donald V. Rider, Jr.
City Solicitor

Enclosures

cc: Arthur Vigeant, Mayor
Priscilla Ryder, Conservation Officer
Stephen Reid, Building Inspector
Thomas Cullen, City Engineer
Paul Beattie, Esquire

3 1 3 8 8 2 P 2 7 6
CITY OF MARLBOROUGH, MASSACHUSETTS



B

NOTICE OF DECISION

GRANTING OF SPECIAL PERMIT

In City Council
Order No. 87-1848A

December 21, 1987

Application of: Howard A. Fafard individually and as president and Treasurer of Ledgemere Land Corporation and Ledgemere Condominium Corporation, of 290 Eliot Street, Ashland, Massachusetts.

Locus: The land shown as parcel 19 and 27 on sheets 60, 61, 73, 74 and 86 of the City Assessors' Map and located on the southerly side of the Boston Post Road, Marlborough, Massachusetts.

DECISION

The City Council of the City of Marlborough VOTED to grant a Special Permit to the above-noted applicant to construct 376 living units, 348 units, including 28 moderate income units, shall be constructed on the within described Locus.

The Applicant shall be required to provide an additional 28 moderate income units in accordance with City Zoning Ordinance, City Code, Chapter 200 Section 200-20, sub-paragraph H.

Decision Filed December 23, 1987.

The Decision of the City Council was filed in the office of the City Clerk of the City of Marlborough on the 23rd, day of December 1987.

APPEALS

Appeals, if any, shall be made pursuant to Massachusetts General Laws Chapter 40A Section 17 and shall be filed within twenty (20) days after the date of the filing of this notice of decision in the office of the City Clerk.

FEB 11 1988

City Council

Attest:

William B. Haddad
City Clerk

This is to certify that twenty (20) days have passed since the filing of the within decision and no appeal thereto has been filed with this office.

Given at Marlborough this 10th day of February 1988.

Attest:

William B. Haddad
City Clerk

Given under Chapter 40A sec. 11 of the General Laws.

Registered Reference:

Recorded Reference:

certificate # 1737862

Deeds Book 16226, Page 440.

ORIGINAL REFERENCE REQUESTED
BOOK 16226 PAGE 440

12.20
455
10/21/88 01:06:15
Dup in fd of



Marlborough, Mass. December 21 19 87

ORDERED:

That Howard A. Fafard, individually, and as President and Treasurer of Ledgemere Land Corporation and Ledgemere Condominium Corporation, of 290 Eliot Street, Ashland Massachusetts, be and is herewith granted a SPECIAL PERMIT to build 376 residential condominium units on the southerly side of Boston Post Road and shown on the Assessors' Map Sheets 60, 61, 73, 74, and 86 as Parcels 19 and 27 and generally known as "Indian Hill", under Chapter 200 Article V, Section 200 paragraph 15, sub-paragraph B (5), and Article VI, Section 200, paragraph 20, sub-paragraph B. of the Zoning Ordinances of the City of Marlborough, with the following conditions.

1. The number of dwelling units under this special permit shall be 376 units. The number of units on site shall be no more than 348 units.
2. Affordable units: A minimum of 56 housing units shall be affordable housing units as defined in the new zoning amendment Chap. 200-20, paragraph C. Staging of affordable units shall be governed by Chap. 200-20, sub-paragraph h.
3. Zoning Requirements: The project shall conform to all current zoning requirements (including height of 2 1/2 stories maximum)
4. Buffers: A wider and more heavily landscaped buffer shall be provided alongside the PRTR auto dump.
5. Hill to be preserved: No buildings shall be built on top of Indian Hill. The woodlands on the hill shall be preserved. Walking trails shall be provided. Housing units may only be built below the hill.
6. On Site Landscaping: The developer shall provide minimum 3 ft. tall earthen "privacy" berms, with plantings on top of berm alongside main public street, both sides.

Heavy landscaping shall be provided around each unit (similar to Fafard units in Ashland.) Details of landscaping shall be provided at time of final Site Plan submittal.
7. Coverage: Maximum 30% coverage shall be met (70% open space) as per zoning.
8. Outdoor Active Recreation: These will be provided on site. Trails will be provided on the hillside. Child play areas shall be provided, with suitable play equipment.



3 1 IN CITY COUNCIL 8

Marlborough, Mass. December 21 19 87

ORDERED:

9. Connection to State Park: Developer shall provide public parking area and pathway as shown on plan, or as may be modified at reasonable request of State Department of Environmental Management which operates the State Park.

10. Parking: Parking shall be provided to meet all zoning requirements (1 car/unit and 1 car/bedroom) Full 10' x 20' spaces.

Details of typical building cluster with parking and landscaping shall be submitted at time of final site plan submission.

11. Road Width: The main roadway shall be 38 ft. wide pavement, with sidewalks on both sides where units are on both sides. Otherwise, sidewalks only on one side (e.g. at East Site drive near Route 20).

12. Driveway Width: The driveway shall be 24 ft. wide. No parking shall be allowed on driveways.

13. Abutting Sites. (Indian Hill Shopping Center and PRTR): Fafard will cooperate to max extent practical with abutting property owners to upgrade abutting property to meet current zoning standards (e.g. landscaping, buffers, signage, pedestrian amenities, and to reduce curb cuts and share driveway entrances where practical.

14. Curb cuts on Route 20: No curb cuts shall be installed on Route 20 except for the east and west site drives.

15. Access to Shopping Centers: The main road entry shall be provided (as shown on plan) into both existing Indian Hill Shopping Center, and into proposed shopping center, off west site drive.

The existing Indian Hill Shopping Center entry off Route 20 shall be restricted to right turn in-and-out only. There shall be no other driveway entries off Route 20.

16. East Site Drive: This shall be designed for right turn in-and-out only at Route 20, as indicated in draft EIR.

17. Road Connection to Village at Heager Meadows: Fafard shall install driveway connection from new road into Village at Heager Meadows, as shown on plan. (The Route 20 driveway for Village at Heager Meadows is to be closed off at Route 20 and landscaped by others.)

18. Sidewalks on Route 20: Sidewalks shall be provided along Route 20 as follows:

- (a) Southside of Route 20: from Farm Road to West Site Drive.
- (b) Northside of Route 20: from Novitiate to West Site Drive, and from existing Fontaine multi-family development to West Site Drive.



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IN CITY COUNCIL

Marlborough, Mass., December 21 19 87

ORDERED:

19. Route 20 Landscaping: \$25,000 shall be provided by Fafard for landscaping of Route 20 frontage between Farm Road and the Sudbury line, outside the project site. This landscaping is to be installed, if practical, prior to occupancy of the project. The Route 20 landscaping scheme will be developed by the City Planner with full cooperation and technical assistance from Fafard, as necessary.

20. Route 20 Traffic Studies: Fafard consultants will cooperate to max extent practical in (1) the City's "East Route 20 Study" and (2) the State DPW "Route 20 Corridor Study".

21. EIR Mitigation on Route 20: Fafard shall do whatever is required by MEPA Certification of the final EIR.

However, such mitigation shall in any event include improvements to Route 20 intersections at Lincoln/Stevens, Hosmer and Farm Road, as recommended in the draft EIR.

22. Phasing of Route 20 Improvements: (a) The Route 20 traffic and sidewalk improvements at the East and West Site Drives must be completed before occupancy of any building on site. (b) The Route 20 traffic improvements at locations other than the East and West site drives must be completed before occupancy of more than 50% of the units or any part of the shopping plaza.

23. Phasing of Retail Center: The 15 acre parcel fronting on Route 20 at the West site drive, intended for and shown on the plans as a 110,000 sq. ft. retail shopping center, shall be restricted in use to retail or office use or a similar use generating equivalent tax revenue to the City of Marlborough, and for no other use without the express approval of the City Council. No building permit shall be issued for more than 75% of the housing units until the shopping center or equivalent approved use is started in construction.

24. Preservation of Open Space: The developer shall provide a conservation restriction that preserves all open space in perpetuity. Said restriction shall be approved by the City Solicitor and recorded prior to the issuance of any building permit.

25. Preservation of Residential Use in Business Zone: A covenant shall be recorded to run with the land providing that the entire area of the site where residential use is allowed by special permit shall remain in residential use in perpetuity and not be used or converted to business use except by approval of the City Council.



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IN CITY COUNCIL

Marlborough, Mass. December 21 19 87

ORDERED:

26. Subject to Subsequent Site Plan Review: The development shall be subject to final site plan approval by the City Planner, Engineer, Building, Fire and Police departments.
27. Water Supply Improvements: The developer shall commit to paying his fair share, based on water demand, of the cost of any and all improvements to the City's water distribution system as recommended by the City DPW, following DPW detailed analysis of the water loadings based on the final project size decided upon by the Council.
28. That the City will have the authority to review and approve the low/moderate siting prior to construction.
29. That the project not exceed 376 units with no more than 348 on the Boston Post Road site.
30. That construction of the project be phased in over four years with no more than 120 units built on site per year except with the approval of the City Council.
31. That the impact of the number of school age children be addressed at each building permit issuance and that appropriate fees or conditions be assessed.

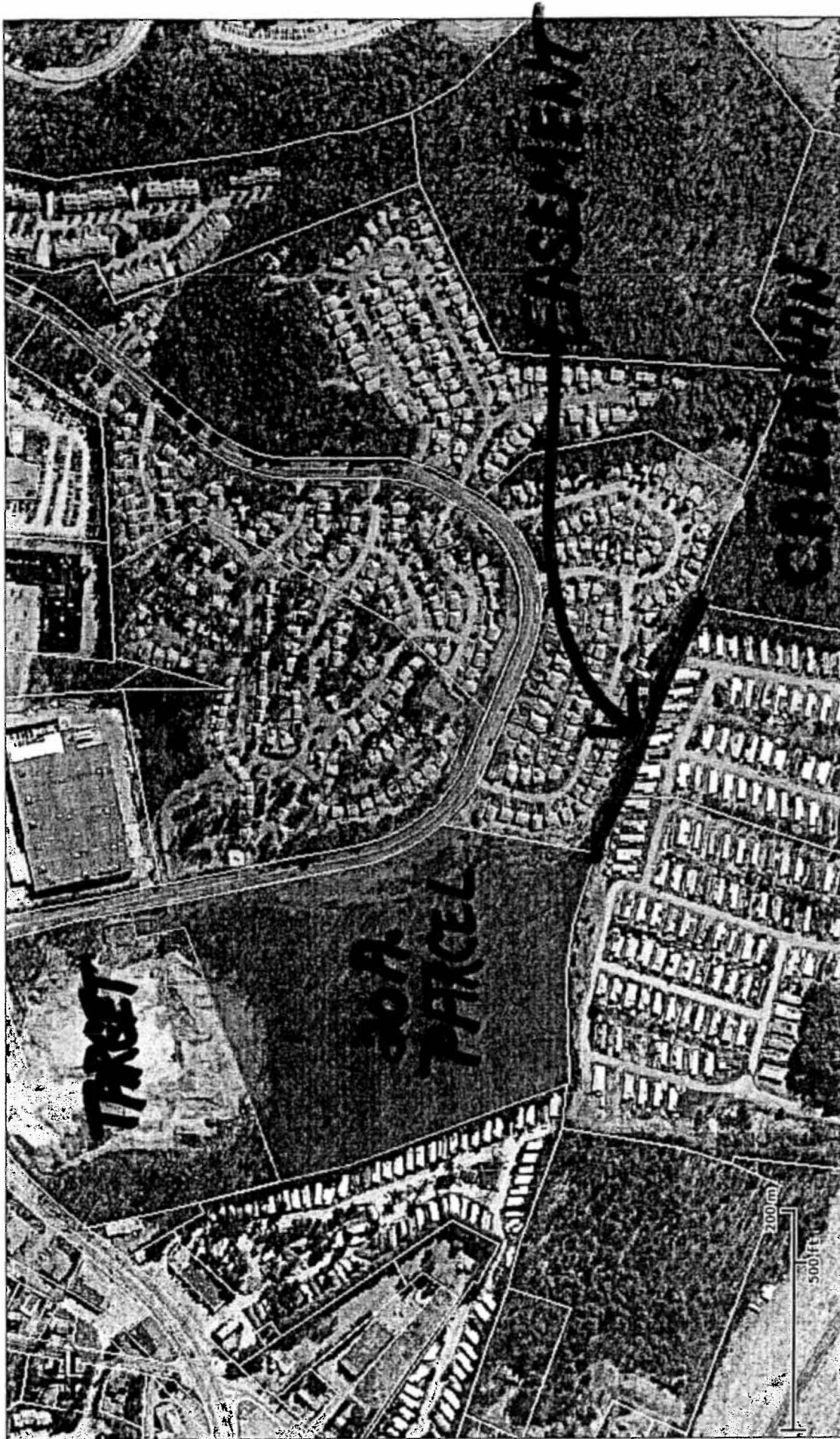
ADOPTED
In City Council
Order No. 87-1848A
Adopted December 21, 1987
Filed with City Clerk December 22, 1987

A TRUE COPY
ATTEST:

Lillian B. Hadid
City Clerk

[Notice to Applicant:

The subject Locus shall be used only for the use granted in the Special Permit]



City of Marlborough



GIS

The City of Marlborough shall assume no liability for the use of this map nor any errors, omissions, or inaccuracies contained herein regardless of how caused. The City of Marlborough assumes no liability for any decision made or action taken or not taken by the user in reliance upon any information furnished hereunder.



nationalgrid

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2012 JUN 13 A 10:56

June 11, 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 covering the installation of underground facilities.


If you have any questions regarding this permit please contact:

Heather Shampine 781-907-3499

If this petition meets with your approval, please return an executed copy to:

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

Very truly yours,


Chris Montalto, Engineering
Supervisor, Distribution Design

Enclosures

PETITION FOR MANHOLE AND DUCT LOCATIONS

City Clerk
Copy

Hopedale, MA 01747

June 11, 2012

To the City Council
of the City of Marlborough, Massachusetts

MASSACHUSETTS ELECTRIC COMPANY requests permission to locate manholes, wires, and ducts, including the necessary sustaining and protecting fixtures, along and across the following public way:

D'Angelo Drive

**underground primary cable crossing to
provide new service to Ken's Food.**

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to install and maintain manholes, ducts and wires, together with such sustaining and protecting fixtures as it may find necessary, said manholes and ducts to be installed substantially in accordance with the plan filed herewith marked--

MASSACHUSETTS ELECTRIC COMPANY

Plan No. **12286988** Dated: **06/04/2012**

MASSACHUSETTS ELECTRIC COMPANY

By: Chris Montalvo
Manager of Distribution Design

nationalgrid

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CITY OF MARLBOROUGH

2012 JUN 13 A 11: 00

June 11, 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, covering NATIONAL GRID pole location(s)

If you have any questions regarding this permit please contact:


Heather Shampine 781-907-3499

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:

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

Very truly yours,



Chris Montalto, Engineering
Supervisor, Distribution Design

Enclosures

PETITION FOR POLE LOCATIONS

City Clerk
Copy

Hopedale

June 11, 2012

To The City Council

MASSACHUSETTS ELECTRIC COMPANY requests permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said company may deem necessary, in the following public way or ways;

D'Angelo Drive

install new intermediate p4-51 to provide new service to kens's Food.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain pole and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked:

MASSACHUSETTS ELECTRIC COMPANY

Plan No. **12286988** Dated **06/06/2012**

Your petitioner agrees to reserve space for one crossarm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used exclusively for municipal purposes.

MASSACHUSETTS ELECTRIC COMPANY

By: Chris Montalto *CB*
Manager of Distribution Design



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2012 JUN -5 A 10: 26

**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, April 24, 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 and City Clerk Lisa Thomas. Also present: City Engineer Thomas Cullen, Asst. City Engineer Tim Collins and Cheryl Piccirelli, Principal of Jaworek School. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Tuesday, March 27, 2012.

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

2-New Business

2a. Drop off traffic concerns at Jaworek School.

Cheryl Piccirelli, Principal of Jaworek School, was in attendance for this issue. Chief Leonard advised that he has gone to the school a few times to see how their current system operates. He mentioned that when the 4th grade was added it created more delays as this situation was not taken into consideration. The group was provided with an aerial view of the school and surrounding area. Buses turn into the school from Hosmer Street and follow the loop to the side of the school. The other road is used for student drop off. Buses unload at 8:50. Children remain on the buses until teachers come out to receive them. The buses can back up onto Hosmer Street and if they are not far enough to the left they can block vehicles that want to continue on Hosmer Street. There are also other parents in the area walking children to school. Vans for Special Ed. students park in front of the school. Chief Leonard said that it does get very congested. Ms. Piccirelli advised that there is sufficient parking in the lot for employees, however, some parents park there to drop students off or to stay at the school for other reasons and then there are no spots left for staff. The congestion continues for about a 15 minute window. She knows there

is no quick fix, however, has come to discuss options. This situation has been a complaint for years, however, with the addition of the fourth grade it has only gotten worse. She said that the situation would have been much worse if we had had a bad winter. Since there was little to no snow she said the school “got a bit of a break this year.”

Chief Leonard said that there are no official regulations in place for the school parking lot so officers cannot ticket anyone. Ms. Piccirelli asked about the possibility of widening the bus loop. Ron LaFreniere commented that if additional parking is needed as well we should be looking at blowing out the parking area into the field; however, this would have a serious effect on the existing ball field. We would need to look at how the field is used for recreational purposes. He said that there is currently a plan in place for sidewalks in the area; however, it has been delayed in the legal department due to a situation with easements. Chief Leonard said that the only way to fix what is there now is to stagger the drop off times; however, he realizes that this is also very difficult to accomplish. The group agreed that there is a solution but it is a costly one. Ms. Piccirelli also suggested the possibility of restricting parents from the lot before a certain time; however, she does not know how this could be enforced. It was noted that AMSA actually did this, however, they also hired 2 crossing guards to handle the restriction.

Ron LaFreniere said that the overall plan needs to be designed and put in correctly the first time. Ms. Piccirelli agrees that she doesn't want to see the sidewalks go in and then have to damage them with this fix. Ron said that he would be happy to have Engineering take a closer look at the situation. Chief Leonard asked if they could also take a look at the possibility of a second driveway.

Chief Leonard advised that for now the Traffic Commission can create regulations that can be enforced to allow police officers to ticket. Ron LaFreniere advised that the longer term fix would require a capital expenditure.

MOTION was made, seconded, duly VOTED to refer to the DPW. Ron LaFreniere will review it with Engineering and see what they come up with for options.

Suspension of rules to discuss 2 new items not on the original agenda – All Approved.

1) Request for truck exclusion on Elm Street.

Chief Leonard advised that he received a certified letter from a resident requesting a truck exclusion on Elm Street. The recent incident involving the tractor trailer that was lost and hit and took down a pole on Elm Street was discussed. Chief Leonard commented that Elm Street does not meet the volume warrants for a truck exclusion. The volume warrant was hardly met on Lincoln Street. Ron LaFreniere said that the state also has to approve the exclusion and the Traffic Commission would need to offer an alternative route. He said that almost without exception, the state goes back to the black and white requirement of 5-7% of all traffic being made up of trucks. He said that there is no way that we would meet this requirement on Elm Street.

Chief Leonard advised that he will call the resident and ask if she can keep an eye out for specific trucks that may be causing the problem. He will encourage her to get the name

of the company on the truck or the plate number. We then have the possibility of notifying the trucking company with any concerns.

2) Low Cost Safety Enhancement and Stop-Sign Controlled Intersection project.

Tim Collins provided a copy of an e-mail to the group regarding this project. The Mass DOT has identified three intersections in Marlborough that are being considered for this project. They are 1) Lincoln Street and Lakeside Ave. (Route 20) 2) Pleasant Street and Fitchburg Street and 3) Bigelow Street and Donald Lynch Blvd. Tim Collins advised that it was the City's responsibility to gather information and provide intersection sketches and quantity sheets for submission to Mass DOT by May 1, 2012. He submitted the sketches to the Traffic Commission for review and comment. Tim noted that we are not changing the intersections we are only adding increased signage to make things clearer and to hopefully reduce the number of accidents. For example, on Bigelow Street, we will be doubling up on stop signs and advance warning signs for both the T Intersection and approaching stop signs. He said that the state will also be redoing line painting and also some brush cutting to make existing signs more visible. The state has requested sketches to indicate what the City would like to see so they can get started.

Ron LaFreniere indicated that he has no problem with the additional signage though he did note that Lincoln Street is already a very busy area and that we would be adding four new signs. He asked if the existing signs were in the proper spot and if any of the signs could be put on the same pole. He commented that the state will fund this project. They have identified numerous intersections throughout the state where accidents have occurred and are hoping this will be a low cost way to try and fix some of the problems.

MOTION was made, seconded, duly VOTED to APPROVE the diagrams submitted by Tim Collins.

3-Old Business

3d. Traffic Commission rules and regulations update.

Tim Collins advised that their aide, Ashley, has reviewed 180 of the 250 streets noted in the draft. She has identified the areas in question by indicating in blue what needs to be added and in red what needs to be deleted. Some are simple conflicts that need to be fixed others are omissions. He asked how we should now proceed. Chief Leonard advised that it may make sense to review a certain number of streets at a time as it is too much to focus on all at once. Lisa Thomas suggested that we spend ½ hour increments at each meeting trying to clean it up. Tim advised that Ashley has finished a section on crosswalks and that he will forward this info. to Chief Leonard.

Ron LaFreniere said that he would like to see a section on traffic signals included in the regulations. He said that signals used to be permitted by the State and then it was changed to local permits for local streets. The permits for traffic signals are very specific with regard to the length of the light and phases etc. This information is now kept in a separate book; however, he would like to see it combined with the traffic rules and

regulations manual so that all traffic regulations are in the same place. Lisa Thomas commented that maybe this can be Phase 2.

MOTION was made, seconded, duly VOTED to keep this as an agenda item and work on it at each meeting as time permits. Chief Leonard will forward the first part on the crosswalks to General Code.

3c. Stop signs on Bigelow Street.

Chief Leonard gave a brief overview of this situation for the benefit of new Acting Fire Chief James Fortin.

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 10:50 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, April 24, 2012

Additional Handouts

- *Aerial photo of Jaworek School
- *E-mail from Tim Collins to Chief Leonard, dated 4/23/12, re: Systematic Approaches to Low Cost Safety Enhancements at Stop-Controlled Intersections, along with diagrams of each intersection (Bigelow & Donald Lynch, Pleasant & Fitchburg, Lincoln & Lakeside)

RECEIVED
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CITY OF MARLBOROUGH

2012 JUN -5 P 4: 16

MEETING NAME: MARLBOROUGH COUNCIL ON AGING

Date: Tuesday, May 1, 2012
Time: 8:30 AM
Location: 27 Prospect Street, Marlborough, MA

Present: Det. Ambrose; Sheila Brecken; Jennifer Claro; Jim Confrey; Rita Connors;
Brenda Costa; Marie Elwood

Excused: Dottie Hodgson

MEETING MINUTES:

- I. The meeting was called to order at approx. 8:30 a.m..
- II. The April meeting minutes were reviewed. Corrections were made:
 1. Dottie Hodgson was excused.
 2. Marie Elwood and Dottie Hodgson attended the Exec. Transportation Committee meeting.The April meeting minutes were then approved by the board.
- III. Detective Ambrose reported on the status of senior scams within the city. A lengthy discussion ensued on various issues experienced by Marlborough seniors. Detective Ambrose relayed that seniors should be vigilant and cautious, and should not respond to unsolicited phone calls or emails.
- IV. Director's Report

The United Way is using additional space at the Walker Building for the food boxes.

There is a transportation meeting on May 8th to prepare for the transportation forum in June.

Jennifer attended the transportation meeting last week at City Hall. Mr. Bonin discussed "door to door" transportation through Busy Bee (MWRTA). Jennifer is exploring the possibility of a van through Employment Options.

The COATES system reporting was discussed.

The board discussed raising the volunteer hour requirement. A vote will be taken in June before the volunteer meeting which will be scheduled for the latter part of June.

IV. Board Updates

- A. There was no Friends report.
- B. There was no BayPath report.

V. Old Business

- A. Board appointments and reappointments are still pending.
- B. The COATES system was discussed in the Director's Report.
- C. Transportation was discussed in the Director's Report.
- D. The Mayor's Senior of the Year event is on Wed., May 23rd at 5:00 pm.
- E. There was no Party Committee report.
- F. There was no new information to report regarding the new Senior Center.

VI. New Business

- A. Jennifer is presenting the budget to the City Council this month.
- B. Volunteer hours amount: 10,784 hours = \$101,739.74 in value to the City.
- C. The new cable show is moving along nicely.

VII. Meeting adjourned at approx. 9:55 am.

EVANS J. CARTER, P.C.

Law Offices
Post Office Box 812
Framingham, MA 01701
Telephone: (508) 875-1669
Telefax: (508) 875-1449

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2012 JUN - 1 A 10:53

E-Mail: ejcattvl@Verizon.net
Office: 860 Worcester Road (Rt. 9), 2ND Floor
Framingham, MA 01702

May 31, 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ricky Plumber, Fire Chief
City of Marlborough
Fire Station
Maple Street
Marlborough, MA 01752

Re: NOTICE OF TORT CLAIM (G.L. Chapter 258, § 1-4)
For Michelle L. John-Baptiste and Central West Grille, Inc.
Formerly Doing Business at 171-173 Main Street, Marlborough

Dear Chief Plumber:

Notice is herewith provided to you of a Notice of Claim made under and pursuant to the Massachusetts Tort Claims Act as a result of your department's negligence with regard to the fire at 171-173 Main Street, Marlborough, of 6/26/10, which totally destroyed the above-stated clients' business that had been operating as the Central West Grille at that property.

Your inspectors and that of the State Fire Marshall's office were of the opinion that grease built up in the ductwork, which vented the charcoal barbeque fire suppression system, caused the fire.

On no less than three (3) occasions prior to the fire, your department personnel responded to false fire alarms at the restaurant and on each visit, they examined the ductwork and fire suppression system.

The ductwork was not installed with a building permit and did not conform with the building code or with NFPA Code 96. For example:

1. Grease duct is supposed to be a minimum of 16 gauge and welded liquid tight at all the duct seams but, in this instance, the duct appeared to be thinner and the seams are screwed together instead of welded. This isn't allowed.

EVANS J. CARTER, P.C.

Chief Ricky Plumber

Page No. 2

May 31, 2012

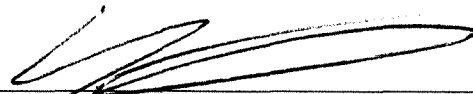
2. Minimum clearance from combustibles is required to be 18" unless the duct is fire wrapped. This wasn't and the clearance was zero in many places.
3. Access panels are required to be installed in every change in direction and/or every 12 feet. Although there were some access panels, there would have needed to be several more to enable the system to be cleaned properly.

Had your staff complied with its legal duty and obligation and informed Ms. John-Baptiste that the restaurant must be closed down due to this substantial fire hazzard, she would have done this and not have lost her investment of \$250,000.

Accordingly, demand is made upon the City of Marlborough to pay said \$250,000 in damages. Please respond in writing within six (6) months of your receipt of this notice of claim.

I remain

Very truly yours,



EVANS J. CARTER

EJC/aec

cc by Certified Mail to:

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

Donald V. Rider, Jr., Esq.
City Solicitor
City Hall
140 Main Street
Marlborough, MA 01752