

REGULAR MEETING
AUGUST 29, 2011

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 AUG 25 P 5:20

1. Minutes of the City Council Meeting, August 1, 2011.
2. CONTINUED PUBLIC HEARING On the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 03-100112B) to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 445 Simarano Dr., Order No. 11-1002954.
3. CONTINUED PUBLIC HEARING On the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 97-6754F) to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 75 Donald Lynch Blvd., Order No. 11-1002955.
4. CONTINUED PUBLIC HEARING On the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 08/09-1002083B) to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 860 Boston Post Rd., Order No. 11-1002956.
5. PUBLIC HEARING On the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 99-8280C) to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 450 Boston Post Rd., Order No. 11-1002973.
6. PUBLIC HEARING On the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Wireless Communications Facility pertinent to lease Order No. 96-6861 to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 97 Arnold St., Order No. 11-1002974.
7. PUBLIC HEARING On the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Wireless Communications Facility to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 4 Mount Royal Ave, Order No. 11-1002975.
8. PUBLIC HEARING On the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Wireless Communications Facility to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 157 Union St., Order No. 11-1002976.
9. Communication from the Mayor re: request for Executive Session for the purpose of discussing collective bargaining strategy as an open meeting may have a detrimental effect on the collective bargaining position.
10. Communication from the Mayor re: Building Renovation Bond Authorization in the amount of \$7,500,000.00.
11. Communication from the Mayor re: Fire Department transfer requests in the amounts of \$60,000.00, \$20,000.00 and \$20,000.00 which moves funds from various Short-Term Debt Interest accounts to Overtime to fund shift coverage.
12. Communication from the Mayor re: Fire Department transfer request in the amount of \$17,165.69 which move funds from Firefighter to Overtime.
13. Communication from the Mayor re: DPW transfer request in the amount of \$179,973.09 which moves funds from various accounts to fund the newly ratified agreement between the City of Marlborough and the DPW Engineers' Union.
14. Communication from the Mayor re: Public Safety and Security, Highway Division Grant awarded to the Police Department in the amount of \$18,945.00 for the purchase of an Automated License Plate Reader.

15. Communication from the Mayor re: State 911 Department Support and Incentive Grant in the amount of \$95,091.00 awarded to the Police Department to cover salary and overtime costs in the 911 Dispatch Center.
16. Communication from the Mayor re: Doubling of Exemptions for Qualified Residents.
17. Communication from Mayor re: appointment of Sally Swartz to the Community Development Authority to fill the current vacancy in the resident's seat whereby upon approval she will serve a three year term.
18. Communication from Mayor re: reappointment of Jay Whittaker as an alternate member of the Zoning Board of Appeals for a two year term.
19. Communication from the Mayor re: reappointments of David Williams and John Skarin to the Conservation Commission for a three year term.
20. Communication from Councilor Levy re: Language Modification of House Bill 01452 "An Act Establishing a Business and Economic Development Special Revenue Fund in the City of Marlborough".
21. Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 99-8311B) to accommodate three additional panel antennae for Long Term Evolution (LTE) wireless network, along with associated cabling and equipment at 175 Maple St.
22. Communication from Attorney Bergeron on behalf of St. Mary's of French Hill Redevelopment to modify an existing Special Permit (Order No. 07-1001500C) to allow rental of all proposed condominium units until first sale of each unit at 26 Broad St. to October 31, 2011, Order No. 11-1002922B.
23. Communication from Attorney Bergeron on behalf of 110 Pleasant LLC to modify an existing Special Permit (Order No. 10-1002683B) to allow rental of all proposed condominium units until first sale of each unit at 110-118 Pleasant St. to October 31, 2011, Order No. 11-1002923B.
24. Communication from Attorney Bergeron on behalf of US Wireless, LLC, to construct a Wireless Communications Facility consisting of 180' tall monopole tower with ancillary antennas and ground based telecommunications equipment at 402 Bolton St (formerly known as 402 Hudson St) to December 31, 2011, Order No. 11-1002902A.
25. Communication from Paul Faxon re: Acceptance of Perry Lane with Easements as a Public Way.
26. Renewal of Junk Dealers License, Jean Rabelo, Post Rd. Used Auto Parts, 785 Boston Post Rd.
27. Application of Junk Dealer's License, Best Buy Stores LP, at 601 Donald Lynch Blvd. NOTE: This location differs from the Best Buy Store located at Solomon Pond Mall which has an existing Junk Dealer's License.
28. Minutes, Planning Board, July 18, 2011.
29. Minutes, Conservation Commission, February 17, April 7, May 5, & 19, and July 21, 2011.
30. CLAIMS:
 - A. Ben Cutone, 52 Hildreth St., other property damage
 - B. Ketan Shah, 33 Peltier St., other property damage
 - C. Bijan Mahnoori, 10 Belknap Cir., Ashland, other property damage
 - D. David Marshall, 603 Hosmer St., other property damage
 - E. Juan Ramos, 381 South St., other property damage

REPORTS OF COMMITTEES:

31. ORDERED: Ordered: That the Police Chief and the Building Inspector, in compliance with the Modified Special Permit granted to ForeKicks, be requested to report to the City Council in writing on the status of the service of alcoholic beverages at the recreational facility's 'Kick Back Club'; and, further ordered, that if no violations have occurred prior to September 1, 2011 then on and after September 1, 2011, Applicant may serve beer and wine on any day in the Kick Back Club in accordance with the terms and conditions of the Grant of Amendment to Special Permit as follows:

Alcoholic beverages consisting of beer and wine only may be served by the Applicant to be consumed on the Site and only in the area on the second floor of the building designated as Kick Back Club under the following terms and conditions: (a) Alcoholic beverages may only be served in the Kick Back Club; (b) There shall be no bar facilities for patron seating. All seating shall be at tables in the Kick Back Club area; (c) No alcoholic beverages are allowed to be taken out of the Kick Back Club; (d) No alcoholic beverages are allowed to be served outside of the Kick Back Club; (e) The serving of alcoholic beverages shall be limited to the hours of 4:00 PM to 11:30 PM Monday through Sunday; (f) For special events and catered functions Applicant may serve beer and wine between the hours of 12:00 noon and 11:30 PM. Special Events are private events, such as a birthday party, a bar mitzvah, a fund raiser or other social functions which are held in the Kick Back Club; (g) Food such as snacks, hot dogs, sandwiches and pizza shall be available for purchase in the Kick Back Club during the time that beer and wine is served; (h) Alcoholic beverages shall not be served one half hour before, during and one half hour after public school or private school games. (i) No alcoholic beverages may be consumed at any time in any area outside of the permitted area, including but not limited to the parking lots; (j) The Applicant has provided the City Council with its Alcohol Policy Handbook; and the Applicant shall implement the policy and performance of the policy as a condition of the Amended Permit.

19. Serving of Alcoholic Beverages. A. (a) During the period of time from the granting of the Amendment to Special Permit # 07-1001465D to August 31, 2011, Applicant may serve beer and wine on no more than 25 days, all in accordance with the terms and conditions in B. (a) through (j) hereof. (b) Each day the Applicant intends to serve beer and wine during said period, Applicant shall notify the Zoning Code Enforcing Authority of the intent to serve on that particular day. Prior to September 1, 2011, the City Council reserves the right to review the amended special permit allowing the serving of alcoholic beverages. (c) So long as there is no violation of Massachusetts General Laws Chapter 138 ALCOHOLIC LIQUORS, the City of Marlborough Licensing Board Rules and Regulations or Section 19 of this Grant of Amendment to Special Permit, and the Chief of Police and the Zoning Code Enforcing Authority state in writing that there has been no violation prior to September 1, 2011, then, on and after September 1, 2011, Applicant may serve beer and wine on any day in the Kick Back Club in accordance with the terms and conditions of this Grant of Amendment to Special Permit. B. Alcoholic beverages consisting of beer and wine only may be served by the Applicant to be consumed on the Site and only in the area on the second floor of the building designated as Kick Back Club under the following terms and conditions: (a) Alcoholic beverages may only be served in the Kick Back Club; (b) There shall be no bar facilities for patron seating. All seating shall be at tables in the Kick Back Club area; (c) No alcoholic beverages are allowed to be taken out of the Kick Back Club; (d) No alcoholic beverages are

allowed to be served outside of the Kick Back Club; (e) The serving of alcoholic beverages shall be limited to the hours of 4:00 PM to 11:30 PM Monday through Sunday; (f) For special events and catered functions Applicant may serve beer and wine between the hours of 12:00 noon and 11:30 PM. Special Events are private events, such as a birthday party, a bar mitzvah, a fund raiser or other social functions which are held in the Kick Back Club; (g) Food such as snacks, hot dogs, sandwiches and pizza shall be available for purchase in the Kick Back Club during the time that beer and wine is served; (h) Alcoholic beverages shall not be served one half hour before, during and one half hour after public school or private school games. (i) No alcoholic beverages may be consumed at any time in any area outside of the permitted area, including but not limited to the parking lots; (j) The Applicant has provided the City Council with its Alcohol Policy Handbook; and the Applicant shall implement the policy and performance of the policy as a condition of the Amended Permit. Submitted by Councilor Pope.

UNFINISHED BUSINESS:

From Legislative and Legal Affairs Committee

32. **Order No. 11-2920A** – Communication from Mayor Stevens with proposed ordinance to extend 2005 sunset legislation which allows homeowners to defer payment of entrance fees at the prior rate for a prescribed period of time. The prescribed period of time which is the same under the chapters concerning water and sewer will expire on September 5, 2011. The proposed ordinance eliminates the sunset provisions, thus permitting homeowners who received occupancy permits before December 31, 2003 to connect to the City's water and sewer systems at the old rates irrespective of when they actually connect. The Committee reviewed the Mayor's letter dated May 12, 2011. **Recommendation of the Legislative and Legal Affairs Committee is to approve the proposed changes to the City Code and advertise proposed Ordinance under Suspension of the Rules 3-0.**



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

Lisa M. Thomas

140 Main St.

Marlborough, MA 01752

(508) 460-3775 FAX (508) 460-3723

AUGUST 1, 2011

Regular meeting of the City Council held on Monday, AUGUST 1, 2011 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Ossing, Vigeant, Pope, Levy, Delano, Ferro, Elder, Tunnera, Clancy, and Landers. Absent: Seymour. Meeting adjourned at 8:55 PM.

ORDERED: That the minutes of the City Council Meeting JULY 18, 2011 **FILE**; adopted.

ORDERED: That the **PUBLIC HEARING** On the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 03-100112B) to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 445 Simarano Dr., Order No. 11-1002954, be and is herewith **OPEN AND CONTINUE HEARING WITHOUT ALL EVIDENCE BEING HEARD TO THE AUGUST 29, 2011 MEETING**; adopted.

Councilors Present: Ossing, Vigeant, Pope, Levy, Delano, Ferro, Elder, Tunnera, Clancy & Landers. Absent: Seymour

ORDERED: That the **PUBLIC HEARING** On the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 97-6754F) to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 75 Donald Lynch Blvd., Order No. 11-1002955, be and is herewith **OPEN AND CONTINUE HEARING WITHOUT ALL EVIDENCE BEING HEARD TO THE AUGUST 29, 2011 MEETING** ; adopted.

Councilors Present: Ossing, Vigeant, Pope, Levy, Delano, Ferro, Elder, Tunnera, Clancy & Landers. Absent: Seymour

ORDERED: That the **PUBLIC HEARING** On the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 08/09-1002083B) to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 860 Boston Post Rd., Order No. 11-1002956, be and is herewith **OPEN AND CONTINUE HEARING WITHOUT ALL EVIDENCE BEING HEARD TO THE AUGUST 29, 2011 MEETING** ; adopted.

Councilors Present: Ossing, Vigeant, Pope, Levy, Delano, Ferro, Elder, Tunnera, Clancy & Landers. Absent: Seymour

ORDERED: That the Assessor's Department transfer request in the amount of 134,000.00 which moves funds from Overlay Reserve to the Real Property Valuation Services which will restore the line item as it was cut for FY2012, **APPROVED**; adopted.

FROM:

Acct. # 10000-32200

\$134,000.00

Overlay Reserve

TO:

Acct. # 11410004-53082

\$134,000.00

Real Property Valuation Services

ORDERED: That the Fire Transfer Department request in the amounts of \$7,547.42 which moves funds from Firefighter to OT and \$29,638.80 which moves funds from Firefighter to OT, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. #12200001-50450 \$7,547.42

Firefighter

Acct. #12200001-50450 \$29,638.80

Firefighter

TO:

Acct. # 12200003-51300 \$7,547.42

OT

Acct. # 12200003-51300 \$29,638.80

OT

ORDERED: That That a petition to the General Court, accompanied by a bill for further amendment to Section 1 of Chapter 55 of the Acts of 1989, as amended by Section 1 of Chapter 83 of the Acts of 1995 and Chapter 158 of the Acts of 2000, a special law relating to the city of Marlborough, to be filed with an attested copy of this order, be, and hereby is, approved under Clause (1) of Section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only, said further amendment to Section 1 to be made by adding the following sentences:

“Section 1. If one or more of the previously named positions is vacant, or as need arises, the Mayor shall fill said vacancy with a member(s) qualified to act. This amendment shall take effect upon its passage.”

Refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Municipal Aggregation Program-Proposed Pre-Qualification of Additional Suppliers of Electricity, X Order No. 06-1001337A, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

Councilor Ossing abstained

ORDERED: That the Communication from City Solicitor Rider re: Special Permit of Marlborough Hospital in proper legal form, Order No. 11-1002924A **MOVED TO REPORTS OF COMMITTEES**; adopted.

ORDERED: That the Zoning Ordinance of the City of Marlborough be amended by deleting Section 650-26(A)(1)(a) of the City Code as presently written and inserting in place thereof the following:

(a) Affordable Housing and Affordable Housing Units. The term "affordable housing" shall refer to "affordable housing units". The term "affordable housing units" shall mean those units of housing that are countable in the so-called Subsidized Housing Inventory (SHI) or any subsequent housing inventory used by the Department of Housing and Community Development of the Commonwealth of Massachusetts to determine the number of housing units in a community that are countable in meeting the City's obligation to maintain at least 10% of the total number of housing units in the city as affordable pursuant to Massachusetts General Laws Chapter 40B sections 20-23. Any development subject to this section shall provide that at least 15% of the housing units to be constructed are countable as affordable housing units in the SHI, or a sum not less than the amount necessary, in the opinion of the city council pursuant to the special permit process, to cause the construction of said number of affordable housing units shall be paid to the Marlborough Community Development Authority at such time as the city council shall determine, refer to **URBAN AFFAIRS, PLANNING BOARD AND ADVERTISE PUBLIC HEARING FOR SEPTEMBER 12, 2011**; adopted.

ORDERED: That the Communication from Attorney Bergeron on behalf of Melanson Development **WITHDRAWS** its request the City transfer to it the city's fee interest in the land behind the Walker house, **APPROVED**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, SEPTEMBER 26, 2011**, as date for a **PUBLIC HEARING** on Application for Special Permit from Marlborough/Northborough Land Realty Trust to construct a development consisting of 5 multi-family residential buildings, with clubhouse, containing a total of 290 units on Rt. 20, Map 78, Lots 12, 14, 38 and 39, refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the Minutes, Traffic Commission, May 6, 2011, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, June 6 & 20, 2011, **FILE**; adopted.

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

- A. Lawrence Goodman, 100 Houde St., residential mailbox claim, 2(a)
- B. Doreen Horne, 25 Butler Circle, other property damage

Reports of Committees:

Councilor Levy reported the following out of the Legislative and Legal Affairs Committee:

Order No. 11-1002920 - Communication from Mayor Stevens with proposed ordinance to extend 2005 sunset legislation which allows homeowners to defer payment of entrance fees at the prior rate for a prescribed period of time. The prescribed period of time which is the same under the chapters concerning water and sewer will expire on September 5, 2011. The proposed ordinance eliminates the sunset provisions, thus permitting homeowners who received occupancy permits before December 31, 2003 to connect to the City's water and sewer systems at the old rates irrespective of when they actually connect. The Committee reviewed the Mayor's letter dated May 12, 2011. **Recommendation of the Legislative and Legal Affairs Committee is to approve the proposed changes to the City Code and advertise proposed Ordinance under Suspension of the Rules 3-0.**

Suspension of the Rules requested-granted

ORDERED: The Vestas Technology R & D Americas TIF proposal, consisting of the following five documents, **APPROVED**; adopted.

1. The TIF agreement as amended;
2. The TIF Plan;
3. The certified project application, as amended;
4. The economic opportunity area application;
5. The Council Resolution, as amended.

Councilor Ossing abstained**Suspension of the Rules requested - granted**

ORDERED: That the Water Department transfer request in the amount of \$23,602.10 which moves funds from Fringes to the following accounts which are necessary to pay budgeted expenses associated with an employee's retirement, **APPROVED**; adopted.

FROM:

Acct. # 11990006-51500	\$23,602.10
Fringes	

TO:

Acct. # 61090001-50740	\$4,761.14
SMEO Equipment Operator	

Acct. # 61090003-51920	\$17,140.11
Sick Leave	

Acct. # 61090003-51430	\$1,700.85
Longevity	

Suspension of the Rules requested - granted

ORDERED: That the City Clerk transfer request in the amount of \$13,986.13 which moves funds from Fringes to the following accounts which are necessary to pay budgeted expenses associated with an employee's retirement, **APPROVED**; adopted.

FROM:

Acct. #11990006-51500	\$13,986.13
Fringes	

TO:

Acct. # 11610002-50770	\$12,482.13
Senior Clerk	

Acct. # 11610003-51920	\$1,504.00
Sick Leave Buy Back	

Suspension of the Rules requested - granted

ORDERED: That the Brownfields 2011 Cleanup Grant awarded to the City in the amount of \$200,000.00 for removal of underground gasoline tanks and the cleanup of the contaminated soil at the former Jenney Gas Station located at 25 East Main St. to be used for purposes outlined in MGL, Chapter 44, Section 53A, **APPROVED**; adopted.

Suspension of the Rules requested - granted

ORDERED: That \$56,720,000 (fifty six million seven hundred twenty thousand) dollars is appropriated for the purpose of financing the construction and upgrade to the Easterly Wastewater Treatment Plant including without limitation all cost thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by ST. 1998, c.78; that to meet this appropriation the Treasurer with the approval of the Mayor and the Auditor is authorized to borrow \$56,720,000 dollars and issue bonds or notes therefore under Chapter 44 Section 8 (15) and/or Chapter 29C of the General Laws, as most recently amended by ST. 1998,c.78; that such bonds or note shall be general obligations of the City unless the Treasurer with the approval of the Mayor and the Auditor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as most recently amended by ST. 1998,c.78; that the Treasurer with the approval of the Mayor and the Auditor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C, as most recently amended by St. 1998, c.78; and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any action necessary to carry out the project, **APPROVED**; adopted.

Yea: 10- Nay: 0

Yea: Delano, Ferro, Elder, Tunnera, Clancy, Landers, Ossing, Pope, Vigeant & Levy

Absent: Seymour

Suspension of the Rules requested - granted

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 608, ENTITLED "WATER," AS FOLLOWS:

Chapter 608 is hereby amended by deleting from section 608-11A.(1)(a)[1] the following words from the first sentence thereof: "a period of one year from the first Monday of the month following the effective date of this section to sign a commitment"; and by deleting the second, third, and fourth sentences in their entirety.

BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 510, ENTITLED "SEWER," AS FOLLOWS:

Chapter 510 is hereby amended by deleting from section 510-4A.(1)(a)[1] the following words from the first sentence thereof: "a period of one year from the first Monday of the month following the effective date of this section to sign a commitment"; and by deleting the second, third, and fourth sentences in their entirety.

ORDERED ADVERTISED UNDER SUSPENSION OF THE RULES; adopted.

**In City Council
Marlborough, Massachusetts
Decision on a Special Permit Application**

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to Marlborough Hospital, a Massachusetts non-profit corporation having a mailing address of 157 Union St., Marlborough, MA 01752 as provided in this Decision and subject to the following Findings of Facts and Conditions.

1. Marlborough Hospital, a Massachusetts non-profit corporation, having a mailing address of 157 Union St., Marlborough, MA 01752, is herein referred to as "Applicant."
2. Applicant is the owner of certain real property located at 157 Union Street, Marlborough, MA, as shown on the Marlborough Assessors Maps as Map 43, Parcel 56 (the "Premises"). The land is entirely located in a Residence A-3 zoning district. The Premises have been used as a hospital since before the creation of the Marlborough zoning ordinance.
3. The Applicant, on or about May 18, 2011, filed with the City Clerk of the City of Marlborough an application for a Special Permit under the provisions of Mass. Gen. Laws c. 40A, §§ 6 and 9 and Marlborough Zoning Ordinance Article IV, § 650-12(B) (the "Application"). Applicant intends to alter the preexisting nonconforming use of the Premises by adding a Cancer Pavilion to provide radiation therapy, chemotherapy and various related medical services to patients. As part of this project, Applicant intends to reconfigure the parking on the site and to add thereto a small amount of additional impervious area for parking. As a result of this change, the lot coverage of Applicant's lot will increase from 47.8% to 48.2%.
4. In connection with the Application, Applicant filed a Summary Impact Statement, certified list of abutters, filing fee and twenty-three (23) copies of the site plan further described in Condition #1 below.
5. The site plan was certified by the Building Inspector for the City of Marlborough, acting on behalf of the City Planner, as having complied with Marlborough Zoning Ordinance Article VIII, § 650-59, Section C, Paragraph 7.
6. Pursuant to the Rules and Regulations of the City Council and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing for the permit application and the City Clerk caused to be advertised said date in the Metrowest Daily News and sent notice of said hearing to abutters entitled to notice under law.
7. The Marlborough City Council, pursuant to Mass. Gen. Laws c. 40A, held a public hearing on July 18, 2011, concerning the said application. The hearing was opened and closed at that meeting.

8. Applicant presented testimony at the public hearing detailing the Application, and describing the nature of the cancer treatment services to be performed and its impact in making these services more available and convenient to residents of the community, while substantially improving the environment in which those services are administered. A number of Marlborough residents spoke in favor of the proposed project. No resident spoke in opposition. In addition, Applicant presented additional detailed project information at the Urban Affairs Committee meeting which occurred on July 25, 2011. All comments by those attending the City Council public hearing have been duly considered in making this decision.
9. Applicant provided further written and oral documentation to the City Council's Urban Affairs Committee regarding the impacts of the proposed project, and proposed building and related site modifications, in the course of the Urban Affairs Committee meeting referred to above.

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

A) The City Council finds that Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council as they pertain to the Application.

B) The City Council finds that the proposed use of the site, subject to the conditions imposed below, will not be in conflict with the public health, safety, convenience and welfare and will not be detrimental or offensive. Further, the City Council finds that the proposed expanded use of the site, consistent with its current use, and of the structure and site as altered, will not be substantially more detrimental to the neighborhood than the continued use of the existing site and structure. The visual and drainage impacts from the proposed use will be mitigated, and the traffic impacts will be no more detrimental than current impacts. In addition, the City Council finds that the additional cancer treatment provided will provide a significant benefit to the residents of the City.

C) The City Council, pursuant to its authority under Mass. Gen. Laws c. 40A, §§ 6 and 9 and under Article IV, § 650-12, Paragraph B of the Marlborough Zoning Ordinance, GRANTS the Applicant a Special Permit to alter the pre-existing non-conforming use of the premises as specified in the plans referred to below (the "Project"), SUBJECT TO THE FOLLOWING CONDITIONS:

1. Compliance With Building Regulations. Construction and modification of all structures on the site is to be in accordance with all applicable building codes in effect in the City of Marlborough and Commonwealth of Massachusetts. The Project shall be constructed, maintained and operated according to the specifications, terms, and conditions of the Applicant's Special Permit Application and site plan (the "Site Plan"), as amended during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee. The Site Plan referred to in this condition is the 4-page set of plans filed with the Special Permit Application and is entitled "Plan to Accompany Special Permit Application for Marlborough Hospital Cancer Pavilion in Marlborough, Massachusetts" dated May 18, 2011, by Whitman & Bingham Associates LLC, as revised on July 22, 2011. All other terms, conditions, requirements, approvals, drawings, and renderings required hereunder are made a part of and incorporated herein as a condition of the issuance of this Special Permit.

2. Compliance With Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review, in accordance with the City of Marlborough Ordinance, prior to the issuance of the actual Building Permit. Any additional changes, alterations, modifications or amendments as required by Site Plan Review shall be further conditions attached to the Special Permit and no Occupancy Permit shall be issued until the Applicant complies with all conditions. Any non-compliance with changes, alterations, modifications or amendments required by Site Plan Review shall constitute a violation of this Special Permit. Subsequent Site Plan Review shall be consistent with the Conditions of this Special Permit and the Site Plan submitted, reviewed and approved by the City Council as the Special Permit granting authority. Any changes to the Site Plan which alter the traffic patterns within the site, require the removal of landscaping, or reduce the overall green space of the Project will require subsequent approval by the City Council.

3. Application and Documents. All plans, drawings, site evaluations, and documentation provided by the Applicant as part of this Special Permit Application are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same.

4. Compliance with Local, State and Federal Laws. The Applicant agrees to comply with all rules, regulations, and ordinances of the City of Marlborough, Commonwealth of Massachusetts, and the Federal Government as they may apply to the construction, maintenance, and operation of Applicant's facility, as supplemented by applicable conditions of this Special Permit.

5. Incorporation of Plans and Drawings. All terms, conditions, requirements, approvals, plans, and drawings provided by the Applicant as part of this Special Permit Application and as amended during the application/hearing process before the City Council and/or the City Council's Urban Affairs Committee, including the Site Plan, are herein incorporated into and become part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council. The Site Plan referred to in this condition is the site plan referred to in Condition #1 above.

6. Improvements Installed Prior to Certificate of Occupancy. All site improvements that have been shown in renderings and/or the Site Plan are conditions of this Special Permit and will be installed prior to the issuance of any temporary or permanent occupancy certificate; provided, however, that if all other work is completed between October 1, 2011 and June 1, 2012, all landscaping plants will be required to be installed by June 1, 2012. Applicant agrees that the permanent maintenance of the landscaping and the other site improvements is an ongoing condition of this Special Permit.

7. Drainage Improvements. Applicant shall, prior to the completion of the Project, and prior to obtaining a Certificate of Occupancy therefor, re-crown its driveway from Hudson Street and cause construction of stormwater detention facilities on Applicant's property that are sufficient, in the opinion of the City Engineer, to significantly reduce the likelihood that stormwater from the property will avoid being captured in the existing stormwater drainage structures in said driveway, or that said stormwater will surcharge from said structures. The improvements approved by the City Engineer will include an Operation and Maintenance plan for the maintenance of said detention facilities.

8. No Modifications to Driveway Entrances. If any modifications are made to the driveway entrances and exits as shown on the Site Plan that in any way alter the traffic flows as represented in the final revision of the Site Plan submitted to the City Council as part of the Special Permit Application, and as revised during the Special Permit approval process, the Applicant shall return to the City Council for approval of these modifications to the Special Permit. Applicant shall apply for and obtain all necessary permits from the necessary parties.

9. Catch Basins. All catch basins shall be installed in accordance with the plans submitted to the City Council and/or the City Council's Urban Affairs Committee. The catch basins shall be monitored by the Applicant on a semi-annual basis with reports given by the Applicant to the City Engineer. The catch basins are to be cleaned annually, or at more frequent intervals, by the Applicant as determined necessary by the City Engineer.

10. Maintenance of Parking Areas. Parking areas will be swept and maintained as necessary. Pursuant to the provisions of Mass. Gen. Laws c. 90, § 18, the Applicant shall submit a written request and grant of authority to the Marlborough Traffic Commission (the "Commission") to promulgate legally enforceable rules and regulations for the control of on-site traffic and parking. Applicant shall be responsible for providing, installing, and maintaining all signage or markings required by the Commission. Such signage or markings shall meet the standards of the Manual on Uniform Traffic Control Devices. Signs demarcating compact spaces shall not detract from the "streetscape" established for the project as requested during Site Plan Review.

11. Compliance of Signs with Sign Ordinance. All building signage at the subject location shall comply with the City of Marlborough Sign Ordinance in effect at the issuance of the special permit without a variance.

12. Landscaping Maintenance. Applicant agrees to plant and maintain the Project landscaping as shown on the Site Plan as submitted to the City Council and/or the City Council's Urban Affairs Committee subject to Site Plan Review.

13. Fire Protection. Fire protection systems shall be acceptable in all respects to the City of Marlborough Fire Chief or his designee.

14. On-Site Screening. The parking lot, outdoor storage and loading areas, and refuse areas shall be appropriately screened as outlined in Chapter 650, section 47 of the Marlborough Zoning Ordinance, and shall be properly depicted on the landscaping sheet of the site plan to be approved by Site Plan Review.

15. In accordance with the provisions of Mass. Gen. Laws c. 40A, § 11, the Applicant, at its expense, shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed. After recording but prior to issuance of a Building Permit, Applicant shall provide the City Council and the City Solicitor's office with a copy of the recorded Special Permit.

16. Unless the context otherwise clearly requires, all references in the above conditions to "Applicant" shall also refer to Applicant's successors and assigns.

Yea: 10- Absent: 1

Yea: Delano, Ferro, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Vigeant, Levy

Absent: Seymour

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:55 p.m.



IN CITY COUNCIL

AUGUST 1, 2011

Marlborough, Mass., _____

ORDERED:

That the PUBLIC HEARING On the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 03-100112B) to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 445 Simarano Dr., Order No. 11-1002954, be and is herewith **OPEN AND CONTINUE HEARING WITHOUT ALL EVIDENCE BEING HEARD TO THE AUGUST 29, 2011 MEETING .**

Councilors Present: Ossing, Vigeant, Pope, Levy, Delano, Ferro, Elder, Tunnera, Clancy & Landers. Absent: Seymour

THIS TRANSCRIPT IS NOT COMPLETE

(IN WIRELESS COMMUNICATIONS COMMITTEE)

ADOPTED

ORDER NO. 11-1002954A



IN CITY COUNCIL

AUGUST 1, 2011

Marlborough, Mass.,

ORDERED:

That the PUBLIC HEARING On the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 97-6754F) to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 75 Donald Lynch Blvd., Order No. 11-1002955, be and is herewith **OPEN AND CONTINUE HEARING WITHOUT ALL EVIDENCE BEING HEARD TO THE AUGUST 29, 2011 MEETING .**

Councilors Present: Ossing, Vigeant, Pope, Levy, Delano, Ferro, Elder, Tunnera, Clancy & Landers. Absent: Seymour

THIS TRANSCRIPT IS NOT COMPLETE

(IN WIRELESS COMMUNICATIONS COMMITTEE)

ADOPTED

ORDER NO. 11-1002955A



IN CITY COUNCIL

Marlborough, Mass.,

AUGUST 1, 2011

ORDERED:

That the PUBLIC HEARING On the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 08/09-1002083B) to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 860 Boston Post Rd., Order No. 11-1002956, be and is herewith **OPEN AND CONTINUE HEARING WITHOUT ALL EVIDENCE BEING HEARD TO THE AUGUST 29, 2011 MEETING .**

Councilors Present: Ossing, Vigeant, Pope, Levy, Delano, Ferro, Elder, Tunnera, Clancy & Landers. Absent: Seymour

THIS TRANSCRIPT IS NOT COMPLETE

(IN WIRELESS COMMUNICATIONS COMMITTEE)

ADOPTED

ORDER NO. 11-1002956A



IN CITY COUNCIL

Marlborough, Mass., JULY 18, 2011

ORDERED:

That there being no objection thereto set **MONDAY, AUGUST 29, 2011** as date for a **PUBLIC HEARING** on the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Wireless Communications Facility pertinent to lease Order No. 96-6861 to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 91 Arnold St., be and is herewith refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER NO. 11-1002974
X-96-6861



IN CITY COUNCIL

Marlborough, Mass.,

JULY 18, 2011

ORDERED:

That there being no objection thereto set **MONDAY, AUGUST 29, 2011** as date for a **PUBLIC HEARING** on the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Wireless Communications Facility to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 4 Mount Royal Ave., be and is herewith refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER NO. 11-1002975



IN CITY COUNCIL

Marlborough, Mass.,

JULY 18, 2011

ORDERED:

That there being no objection thereto set **MONDAY, AUGUST 29, 2011** as date for a **PUBLIC HEARING** on the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Wireless Communications Facility to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 157 Union St., be and is herewith refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE.**

Councilor Seymour abstained

ADOPTED

ORDER NO. 11-1002976



RECEIVED
CLERK'S OFFICE
OF MARLBOROUGH

City of Marlborough

Office of the Mayor

140 Main Street

Marlborough, Massachusetts 01752

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

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

2011 AUG 25 A 11: 28

August 24, 2011

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

RE: Request for Executive Session

Honorable President Vigeant and Councilors:

I hereby request the opportunity to meet with you in executive session during your scheduled Council meeting of August 29, 2011. I am requesting this meeting for the purpose of discussing collective bargaining strategy, as an open meeting may have a detrimental effect on the collective bargaining position of the City of Marlborough.

I have enclosed a proposed Council order reflecting this request, which is in conformance with the terms and conditions set forth in M.G.L. c. 30A, § 21(3).

Thank you for your attention to this matter.

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

It is moved, in conformance with the provisions of Chapter 30A of the General Laws of the Commonwealth, that the Marlborough City Council conduct an executive session for the purpose of discussing strategy with respect to collective bargaining under § 21(3) of Chapter 30A as an open meeting may have a detrimental effect on the bargaining position of City of Marlborough. It is further moved and stated that the Marlborough City Council will re-convene in open session after the executive session.



RECEIVED
CLERK'S OFFICE
OF MARLBOROUGH

City of Marlborough

Office of the Mayor

2011 AUG 25 A 11: 29

140 Main Street

Marlborough, Massachusetts 01752

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

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

August 24, 2011

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

RE: Building Renovation Bond Authorization

Honorable President Vigeant and Councilors:

As detailed in the attached correspondence from Public Facilities Director John Ghiloni, the City of Marlborough has applied for building renovation funding assistance from the Green Repair Program of the Massachusetts School Building Authority (MSBA). While we have received preliminary approval for the indicated renovations to both the Kane School and Marlborough High, in order to receive the 54.16% reimbursement, City Council must appropriate the necessary local funds to complete the projects. Total estimated project cost is \$8,500,000.00.

The City Council previously approved a \$1,000,000.00 bond for a portion of the renovations; therefore, I am submitting for your review and approval an order authorizing the remaining \$7,500,000.00 appropriation. I have also attached a chart detailing the debt service associated with this bond authorization request.

As always, please feel free to call with any questions or concerns.

Sincerely,

Nancy E. Stevens
Mayor



CITY OF MARLBOROUGH

IN CITY COUNCIL

Marlborough, MA August 29, 2011

ORDERED:

That the sum of \$7,500,000 (seven million five hundred thousand) dollars be and is hereby appropriated for building renovations.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$7,500,000.

Pursuant to the provisions of Chapter 44, Section 7 (3A) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than twenty (20) years from its date of issue.

High School Renovation Bond

Gross Bond Amount \$ 7,500,000.00

MSBA Green Repair 54.16% Reimburseme \$ 4,062,000.00

Net borrowing amount \$ 3,438,000.00

Bond Payment Schedule at 4% Interest

Bond Payment Schedule at 4% Interest

Savings from
the MSBA Grant

\$3,438,000 Borrowed Amount

\$7,500,000 Borrowed Amount

Year	Principal	PMT	Int	Total	Year	Principal	PMT	Int	Total		
1	\$3,438,000	\$171,900	\$137,520	\$309,420	1	\$7,500,000	\$375,000	\$300,000	\$675,000	\$	365,580.00
2	\$3,266,100	\$171,900	\$130,644	\$302,544	2	\$7,125,000	\$375,000	\$285,000	\$660,000	\$	357,456.00
3	\$3,094,200	\$171,900	\$123,768	\$295,668	3	\$6,750,000	\$375,000	\$270,000	\$645,000	\$	349,332.00
4	\$2,922,300	\$171,900	\$116,892	\$288,792	4	\$6,375,000	\$375,000	\$255,000	\$630,000	\$	341,208.00
5	\$2,750,400	\$171,900	\$110,016	\$281,916	5	\$6,000,000	\$375,000	\$240,000	\$615,000	\$	333,084.00
6	\$2,578,500	\$171,900	\$103,140	\$275,040	6	\$5,625,000	\$375,000	\$225,000	\$600,000	\$	324,960.00
7	\$2,406,600	\$171,900	\$96,264	\$268,164	7	\$5,250,000	\$375,000	\$210,000	\$585,000	\$	316,836.00
8	\$2,234,700	\$171,900	\$89,388	\$261,288	8	\$4,875,000	\$375,000	\$195,000	\$570,000	\$	308,712.00
9	\$2,062,800	\$171,900	\$82,512	\$254,412	9	\$4,500,000	\$375,000	\$180,000	\$555,000	\$	300,588.00
10	\$1,890,900	\$171,900	\$75,636	\$247,536	10	\$4,125,000	\$375,000	\$165,000	\$540,000	\$	292,464.00
11	\$1,719,000	\$171,900	\$68,760	\$240,660	11	\$3,750,000	\$375,000	\$150,000	\$525,000	\$	284,340.00
12	\$1,547,100	\$171,900	\$61,884	\$233,784	12	\$3,375,000	\$375,000	\$135,000	\$510,000	\$	276,216.00
13	\$1,375,200	\$171,900	\$55,008	\$226,908	13	\$3,000,000	\$375,000	\$120,000	\$495,000	\$	268,092.00
14	\$1,203,300	\$171,900	\$48,132	\$220,032	14	\$2,625,000	\$375,000	\$105,000	\$480,000	\$	259,968.00
15	\$1,031,400	\$171,900	\$41,256	\$213,156	15	\$2,250,000	\$375,000	\$90,000	\$465,000	\$	251,844.00
16	\$859,500	\$171,900	\$34,380	\$206,280	16	\$1,875,000	\$375,000	\$75,000	\$450,000	\$	243,720.00
17	\$687,600	\$171,900	\$27,504	\$199,404	17	\$1,500,000	\$375,000	\$60,000	\$435,000	\$	235,596.00
18	\$515,700	\$171,900	\$20,628	\$192,528	18	\$1,125,000	\$375,000	\$45,000	\$420,000	\$	227,472.00
19	\$343,800	\$171,900	\$13,752	\$185,652	19	\$750,000	\$375,000	\$30,000	\$405,000	\$	219,348.00
20	\$171,900	\$171,900	\$6,876	\$178,776	20	\$375,000	\$375,000	\$15,000	\$390,000	\$	211,224.00
										\$	-
		\$3,438,000	\$1,443,960	\$4,881,960			\$7,500,000	\$3,150,000	\$10,650,000	\$	5,768,040.00



City of Marlborough
Public Facilities Department

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

JOHN L. GHILONI
DIRECTOR

ANDREW J. WHITE
ASSISTANT DIRECTOR

August 23, 2011

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

Dear Mayor Stevens,

As you are aware, we have applied to the Green Repair Program of the Massachusetts School Building Authority and have received preliminary approval for renovations at the High School and Kane School. The total estimated cost of the project is eight million, five hundred thousand dollars (\$8,500,000.00). We will receive 54.16% reimbursement from the MSBA for this project. This will result in a cost of three million, eight hundred and ninety-six thousand, and four hundred dollars (3,896,400.000) to the City of Marlborough.

The project at Kane School consists of the replacement of the existing windows and frames which were installed in 1967. The deterioration of the frames is causing air and water infiltration as well as cracking of glass. Selective doors and frames will also be replaced.

The high school project consists of the replacement of windows and frames which were installed in 1976. Selective doors will also be replaced. The frames have deteriorated resulting in similar issues as Kane School. The existing EPDM membrane roof is 19 years old and has many areas of water infiltrating into the building. The original roof was not removed and water exists between the layers of the roofing. We have also included installing additional insulation to the roof. In addition, the original chillers and boilers at the high school are also in need of upgrading.

The City Council previously approved a one million dollar (\$1,000,000.00) bond for the upgrade of the chillers and cooling tower. With this program we will also receive the 54.16% reimbursement on that portion of the project.

Therefore, we will need an additional seven million, five hundred thousand dollars (\$7,500,000.00) to be appropriated by the City Council to meet the requirements of the MSBA.

These improvements will result in the operation of more energy efficient buildings.

Please let me know if you need any additional information.

Sincerely,

John L. Ghiloni
Director



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

2011 AUG 25 A 11: 29 140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

August 23, 2011

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

Honorable President Vigeant and Councilors:

Attached herewith are the following transfer requests:

Transfer in the amount of \$60,000.00 moving funds from account number 17520006-59254 (Short-term Debt Interest) to account number 12200003-51300 (Overtime).

Transfer in the amount of \$20,000.00 moving funds from account number 60075206-59050 (Short-term Debt Interest) to account number 12200003-51300 (Overtime).

Transfer in the amount of \$20,000.00 moving funds from account number 61075206-59080 (Short-term Debt Interest) to account number 12200003-51300 (Overtime).

This year, the Fire Department is operating with a significantly reduced firefighter contingent. The department has three firefighter openings, a total of five firefighters are out of service due to injury or long-term illness, and the department has two additional firefighters who are anticipated to retire in September. This transfer is necessary to fund shift coverage and avoid station closures.

For your review, I have included a spreadsheet showing the previous eight-years of overtime appropriations as well as expenditures. This additional overtime request will fund the department overtime at an annual amount of \$250,000.00, a figure slightly higher than the eight-year average of \$229,000.00.

As always, please feel free to contact me with any questions or concerns.

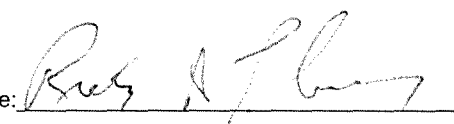
Sincerely,

Nancy E. Stevens
Mayor

Enclosures

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Short Term Debt Interest		FISCAL YEAR:		Fire					
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$112,500</u>	<u>\$60,000.00</u>	<u>17520006</u>	<u>59254</u>	<u>Short Term debt Interest</u>	<u>\$60,000.00</u>	<u>12200003</u>	<u>51300</u>	<u>OT</u>	<u>\$17,482</u>
	Reason:	_____							
<u>\$54,000</u>	<u>\$20,000.00</u>	<u>60075206</u>	<u>59050</u>	<u>Short Term debt Interest</u>	<u>\$20,000</u>	<u>12200003</u>	<u>51300</u>	<u>OT</u>	<u>\$17,482</u>
	Reason:	_____							
<u>\$40,500</u>	<u>\$20,000.00</u>	<u>61075206</u>	<u>59080</u>	<u>Short Term debt Interest</u>	<u>\$20,000</u>	<u>12200003</u>	<u>51300</u>	<u>OT</u>	<u>\$17,482</u>
	Reason:	_____							
				<u>Total</u>	<u>\$100,000.00</u>				
	Reason:	<u>To fund the Fire Departments budgeted overtime line item at approximately the eight year expenditure rate</u>							

Department Head signature: 

Mayor's signature: _____



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

140 Main Street

2011 AUG 25 A 11: 28 Marlborough, Massachusetts 01752

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

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

August 23, 2011

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

RE: Transfer Request- Fire

Honorable President Vigeant and Councilors:

Attached herewith is the following intra-department transfer request:

Transfer in the amount of \$17,165.69 moving funds from account number 12200001-50450 (Firefighter) to account number 12200003-51300 (OT).

As detailed in the attached transfer sheet, funds are available within an existing line item to cover overtime requirements. As always, please feel free to contact me with any questions or concerns.

Sincerely,

Nancy E. Stevens
Mayor

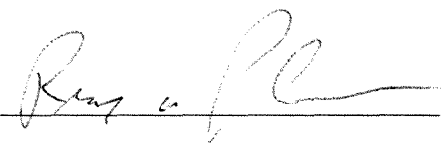
Enclosure

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Fire

FISCAL YEAR: 2012

Available Balance	FROM ACCOUNT:				TO ACCOUNT:				Available Balance
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	
<u>\$3,082,134</u>	<u>\$17,165.69</u>	<u>12200001</u>	<u>50450</u>	<u>Firefighter</u>	<u>\$17,165.69</u>	<u>12200003</u>	<u>51300</u>	<u>OT</u>	<u>\$17,483</u>
	Reason:	<u>Transfer is available due to 111F payments being made to injured Firefighters.</u>							
	Reason:								
	Reason:								
	Reason:								

Department Head signature: 
Mayor's signature: _____



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

2011 AUG 25 A 11: 30

140 Main Street

Marlborough, Massachusetts 01752

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

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

August 17, 2011

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

RE: DPW Engineers' Transfer Request

Honorable President Vigeant and Councilors:

I am submitting for your approval the attached transfers to fund the newly ratified agreement between the City of Marlborough and the DPW Engineers' Union.

As always, please feel free to call with any questions or concerns.

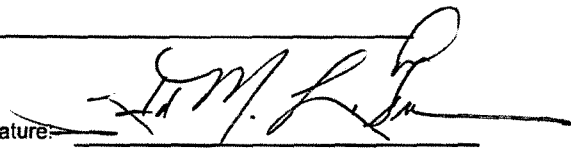
Sincerely,

Nancy E. Stevens
Mayor

Enclosures

CITY OF MARLBOROUGH
 --BUDGET TRANSFERS --

DEPT: PUBLIC WORKS		FISCAL YEAR: 2012							
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$516,499</u>	<u>\$2,965.11</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$2,965.11</u>	<u>14001501</u>	<u>50680</u>	<u>General Foreman, FP&C</u>	<u>\$71,806.20</u>
	Reason:	<u>Funding required for Engineers MOA</u>							
<u>\$516,499</u>	<u>\$2,965.11</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$2,965.11</u>	<u>14001401</u>	<u>50692</u>	<u>Supt. Of Automotive Maint.</u>	<u>\$71,806.19</u>
	Reason:	<u>Funding required for Engineers MOA</u>							
<u>\$516,499</u>	<u>\$2,965.11</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$2,965.11</u>	<u>14001301</u>	<u>50660</u>	<u>General Foreman, Streets</u>	<u>\$71,806.20</u>
	Reason:	<u>Funding required for Engineers MOA</u>							
<u>\$516,499</u>	<u>\$2,835.84</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$2,835.84</u>	<u>61090001</u>	<u>50680</u>	<u>General Foreman, W&S</u>	<u>\$69,909.16</u>
	Reason:	<u>Funding required for Engineers MOA</u>							
<u>\$516,499</u>	<u>\$3,599.00</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$3,599.00</u>	<u>14001101</u>	<u>50660</u>	<u>Asst. City Engineer</u>	<u>\$70,036.16</u>
	Reason:	<u>Funding required for Engineers MOA</u>							

Department Head signature: 
 Date: 8/19/11

CITY OF MARLBOROUGH
--BUDGET TRANSFERS --

DEPT: PUBLIC WORKS

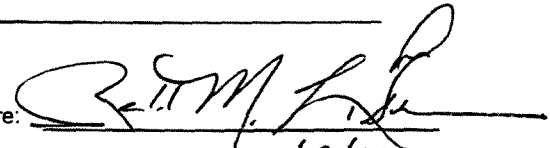
FISCAL YEAR: 2012

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$516,499</u>	<u>\$2,742.97</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries and Ben.</u>	<u>\$2,742.97</u>	<u>60085001</u>	<u>50910</u>	<u>Chief Plant Operator</u>	<u>\$66,426.48</u>
	Reason:	<u>Funding required for Engineers MOA</u>							
<u>\$516,499</u>	<u>\$1,835.87</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries and Ben.</u>	<u>\$1,835.87</u>	<u>60080001</u>	<u>50580</u>	<u>Assistant Chemist</u>	<u>\$88,135.04</u>
	Reason:	<u>Funding required for Engineers MOA</u>							
<u>\$516,499</u>	<u>\$2,493.76</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries and Ben.</u>	<u>\$2,493.76</u>	<u>14001101</u>	<u>50108</u>	<u>GIS Administrator</u>	<u>\$60,392.36</u>
	Reason:	<u>Funding required for Engineers MOA</u>							
<u>\$516,499</u>	<u>\$6,882.09</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries and Ben.</u>	<u>\$6,882.09</u>	<u>14001101</u>	<u>50710</u>	<u>Junior Civil Engineer</u>	<u>\$167,580.75</u>
	Reason:	<u>Funding required for Engineers MOA</u>							
<u>\$516,499</u>	<u>\$3,734.95</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries and Ben.</u>	<u>\$3,734.95</u>	<u>14001101</u>	<u>50700</u>	<u>Senior Engineering Aide</u>	<u>\$90,976.72</u>
	Reason:	<u>Funding required for Engineers MOA</u>							

Department Head signature:



Date:

8/19/11

CITY OF MARLBOROUGH
 -BUDGET TRANSFERS -

DEPT: PUBLIC WORKS

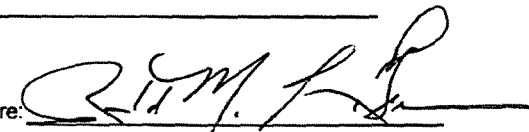
FISCAL YEAR: 2012

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$516,499</u>	<u>\$8,897.92</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$8,897.92</u>	<u>60081001</u>	<u>50850</u>	<u>Treatment Plant Operators</u>	<u>\$215,482.24</u>
	Reason:	<u>Funding required for Engineers MOA</u>							
<u>\$516,499</u>	<u>\$6,673.44</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$6,673.44</u>	<u>60085001</u>	<u>50850</u>	<u>Treatment Plant Operators</u>	<u>\$161,612.52</u>
	Reason:	<u>Funding required for Engineers MOA</u>							
<u>\$516,499</u>	<u>\$ 89.24</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$ 89.24</u>	<u>14001503</u>	<u>51430</u>	<u>Longevity, FP&C</u>	<u>\$25,287.00</u>
	Reason:	<u>Funding required for Engineers MOA</u>							
<u>\$516,499</u>	<u>\$ 31.12</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$ 31.12</u>	<u>14001403</u>	<u>51430</u>	<u>Longevity, Fleet</u>	<u>\$1,556.00</u>
	Reason:	<u>Funding required for Engineers MOA</u>							
<u>\$516,499</u>	<u>\$ 83.25</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$ 83.25</u>	<u>14001303</u>	<u>51430</u>	<u>Longevity, Streets</u>	<u>\$45,592.00</u>
	Reason:	<u>Funding required for Engineers MOA</u>							

Department Head signature:



Date:

8/19/11

CITY OF MARLBOROUGH
 --BUDGET TRANSFERS --

DEPT: PUBLIC WORKS

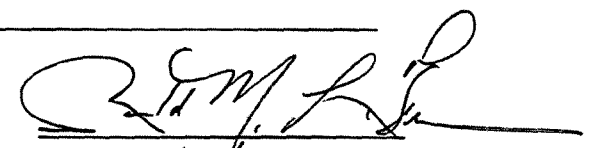
FISCAL YEAR: 2012

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$516,499</u>	<u>\$ 160.59</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$ 160.59</u>	<u>14001103</u>	<u>51430</u>	<u>Longevity, Engineering</u>	<u>\$6,417.00</u>
	Reason:	<u>Funding required for Engineers MOA</u>							
<u>\$516,499</u>	<u>\$ 183.78</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$ 183.78</u>	<u>60085003</u>	<u>51430</u>	<u>Longevity, West Plant</u>	<u>\$11,961.00</u>
	Reason:	<u>Funding required for Engineers MOA</u>							
<u>\$516,499</u>	<u>\$ 164.35</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$ 164.35</u>	<u>60081003</u>	<u>51430</u>	<u>Longevity, East Plant</u>	<u>\$8,769.00</u>
	Reason:	<u>Funding required for Engineers MOA</u>							
<u>\$516,499</u>	<u>\$ 93.24</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$ 93.24</u>	<u>14001003</u>	<u>51920</u>	<u>SLBB, Administration</u>	<u>\$11,456.14</u>
	Reason:	<u>Funding required for Engineers MOA</u>							
<u>\$516,499</u>	<u>\$3,977.94</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$ 3,977.94</u>	<u>14001103</u>	<u>51920</u>	<u>SLBB, Engineering</u>	<u>\$10,090.00</u>
	Reason:	<u>Funding required for Engineers MOA</u>							

Department Head signature:



Date:

8/19/11

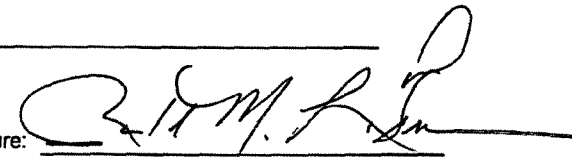
CITY OF MARLBOROUGH
 --BUDGET TRANSFERS --

DEPT: PUBLIC WORKS

FISCAL YEAR: 2012

Available Balance	Amount	FROM ACCOUNT: Org Code	Object	Account Description:	Amount	TO ACCOUNT: Org Code	Object	Account Description:	Available Balance
<u>\$516,499</u>	<u>\$ 150.57</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$ 150.57</u>	<u>14001503</u>	<u>51920</u>	<u>SLBB, FP&C</u>	<u>\$516,499.00</u>
	Reason:	<u>Funding required for Engineers MOA</u>							
<u>\$516,499</u>	<u>\$ 150.57</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$ 150.57</u>	<u>14001403</u>	<u>51920</u>	<u>SLBB, Fleet</u>	<u>\$2,992.00</u>
	Reason:	<u>Funding required for Engineers MOA</u>							
<u>\$516,499</u>	<u>\$ 148.26</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$ 148.26</u>	<u>14001303</u>	<u>51920</u>	<u>SLBB, Streets</u>	<u>\$33,763.00</u>
	Reason:	<u>Funding required for Engineers MOA</u>							
<u>\$516,499</u>	<u>\$ 252.26</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$ 252.26</u>	<u>60085003</u>	<u>51920</u>	<u>SLBB, West Plant</u>	<u>\$5,013.00</u>
	Reason:	<u>Funding required for Engineers MOA</u>							
<u>\$516,499</u>	<u>\$ 256.92</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$ 256.92</u>	<u>60081003</u>	<u>51920</u>	<u>SLBB, East Plant</u>	<u>\$5,515.00</u>
	Reason:	<u>Funding required for Engineers MOA</u>							

Department Head signature:



Date:

8/19/11

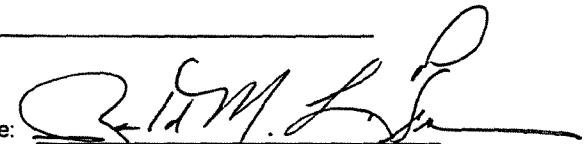
CITY OF MARLBOROUGH
 --BUDGET TRANSFERS --

DEPT: PUBLIC WORKS

FISCAL YEAR: 2012

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$516,499</u>	<u>\$2,700.00</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$2,700.00</u>	<u>14001103</u>	<u>51440</u>	<u>Educational Inc. Engineering</u>	<u>\$10,700.00</u>
		<u>Reason: Funding required for Engineers MOA</u>							
<u>\$516,499</u>	<u>\$700</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$700</u>	<u>14001003</u>	<u>51440</u>	<u>Educational Inc. Admin. New Account Number</u>	<u>\$0.00</u>
		<u>Reason: Funding required for Engineers MOA</u>							
<u>\$516,499</u>	<u>\$1,000</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$1,000</u>	<u>60085003</u>	<u>51440</u>	<u>Educational Inc. West Plant</u>	<u>\$4,600.00</u>
		<u>Reason: Funding required for Engineers MOA</u>							
<u>\$516,499</u>	<u>\$2,700.00</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$2,700.00</u>	<u>60080003</u>	<u>51440</u>	<u>Educational Inc. Sewer Serv.</u>	<u>\$4,500.00</u>
		<u>Reason: Funding required for Engineers MOA</u>							
<u>\$516,499</u>	<u>\$1,609.04</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$1,609.04</u>	<u>14001003</u>	<u>51430</u>	<u>Longevity, Administration</u>	<u>\$14,160.28</u>
		<u>Reason: Funding required for Engineers MOA</u>							

Department Head signature:



Date:

8/19/11

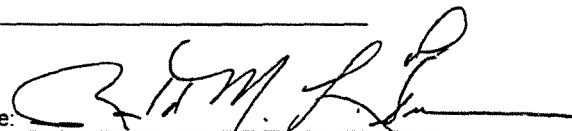
CITY OF MARLBOROUGH
 --BUDGET TRANSFERS --

DEPT: PUBLIC WORKS

FISCAL YEAR: 2012

Available Balance	Amount	FROM ACCOUNT: Org Code	Object	Account Description:	Amount	TO ACCOUNT: Org Code	Object	Account Description:	Available Balance
<u>\$516,499</u>	<u>\$ 38.63</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$ 38.63</u>	<u>60080003</u>	<u>51310</u>	<u>Overtime, Sewer Service</u>	<u>\$2,654.75</u>
	Reason:	<u>Funding for Engineers MOA</u>							
<u>\$516,499</u>	<u>\$ 146.11</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$ 146.11</u>	<u>14001103</u>	<u>51310</u>	<u>Overtime, Engineering</u>	<u>\$1,500.00</u>
	Reason:	<u>Funding for Engineers MOA</u>							
<u>\$516,499</u>	<u>\$ 569.17</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$ 569.17</u>	<u>60081003</u>	<u>51310</u>	<u>Overtime, East Plant</u>	<u>\$20,740.25</u>
	Reason:	<u>Funding for Engineers MOA</u>							
<u>\$516,499</u>	<u>\$ 701.88</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for Salaries & Ben.</u>	<u>\$ 701.88</u>	<u>60085003</u>	<u>51310</u>	<u>Overtime, West Plant</u>	<u>\$20,605.82</u>
	Reason:	<u>Funding for Engineers MOA</u>							
	Reason:	<u></u>							

Department Head signature:



Date:

8/19/11

CITY OF MARLBOROUGH
--BUDGET TRANSFERS --

DEPT: PUBLIC WORKS

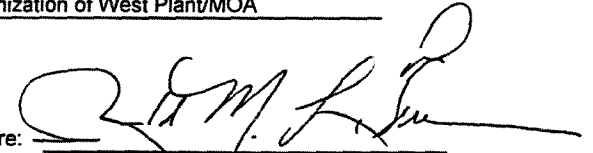
FISCAL YEAR: 2012

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$66,891</u>	<u>\$60,263</u>	<u>60080001</u>	<u>50890</u>	<u>Senior Treatment Chemist</u>	<u>\$60,263</u>	<u>60080001</u>	<u>50570</u>	<u>Chemist</u>	<u>\$0</u>
	Reason:	<u>Reorganization of West Plant/MOA</u>				<u>Reorganization of West Plant/MOA</u>			
<u>\$66,891</u>	<u>\$6,628</u>	<u>60080001</u>	<u>50890</u>	<u>Senior Treatment Chemist</u>	<u>\$6,628</u>	<u>60085001</u>	<u>50850</u>	<u>Treatment Plant Operator</u>	<u>\$161,812</u>
	Reason:	<u>Reorganization of West Plant/MOA</u>				<u>Reorganization of West Plant/MOA</u>			
<u>\$88,135</u>	<u>\$48,584</u>	<u>60080001</u>	<u>50580</u>	<u>Assistant Chemist</u>	<u>\$48,584</u>	<u>60085001</u>	<u>50850</u>	<u>Treatment Plant Operator</u>	<u>\$161,812</u>
	Reason:	<u>Reorganization of West Plant/MOA</u>				<u>Reorganization of West Plant/MOA</u>			

Department Head signature: _____



Date: _____

8/19/11



RECEIVED
CLERK'S OFFICE
OF MARLBOROUGH

City of Marlborough

Office of the Mayor

2011 AUG 25 A 11: 30

140 Main Street

Marlborough, Massachusetts 01752

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

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

August 24, 2011

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

Re: Police Public Safety and Security Grant

Honorable President Vigeant and Councilors:

The Marlborough Police Department has received a grant in the amount of \$18,945.00 from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, Highway Division. As detailed in the attached correspondence from Police Chief Mark Leonard, this FY2011 reimbursement grant is specifically appropriated for the purchase of an Automated License Plate Reader.

As outlined in MGL, Chapter 44, Section 53A, I am recommending that the City Council approve the expenditure of these funds for the purposes outlined. I respectfully request your approval this evening.

As always, please feel free to call with any questions or concerns.

Sincerely,

Nancy E. Stevens
Mayor

Enclosures



MARK F. LEONARD
Chief of Police

City of Marlborough POLICE DEPARTMENT

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

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

August 23, 2011

Dear Mayor Stevens:

The Marlborough Police Department has been awarded a grant in the amount of \$18,945 from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, Highway Division. The grant is a reimbursement grant, specifically for the purchase of an Automated License Plate Reader.

Attached is a copy of the Notice of Grant Award, grant approval letter, Scope of Services, and signed 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,

A handwritten signature in cursive script, appearing to read "Mark F. Leonard".

Mark F. Leonard
Chief of Police

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Police Department DATE: 17-Aug-11

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Chief Mark F. Leonard

NAME OF GRANT: Automated License Plate Reader Grant Program

GRANTOR: Commonwealth of Massachusetts

GRANT AMOUNT: \$18,945.00

GRANT PERIOD: Present to September 30, 2011

SCOPE OF GRANT/
ITEMS FUNDED Installation and cost of a 3 camera ALPR system.

IS A POSITION BEING
CREATED: No

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: Yes approval needed asap to meet
installation deadline.

**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 Public Safety
and Security**

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Office of Grants & Research
Ten Park Plaza, Suite 3720
Boston, Massachusetts 02116
Tel: 617-725-3301
Fax: 617-725-0260
617-725-0267
www.mass.gov/eops

Mary Elizabeth
Heffernan
Secretary

Ellen J. Frank
Executive Director

July 25, 2011

Chief Mark Leonard
Marlborough Police Department
355 Bolton Street
Marlborough, MA 01752

Dear Chief Leonard:

I am pleased to enclose a copy of your executed contract for the FFY 2011 Automated License Plate Reader Grant Program. Also enclosed are the scope of services and budget agreement. **Please be sure to review all of these materials as they contain important grant-related information.** This contract runs through September 30, 2011.

The Executive Office of Public Safety and Security, Highway Safety Division will inform you about an upcoming meeting to review programming and reporting requirements.

If you have any questions, please contact me at 617-725-3307 or Dan DeMille at 617-725-3341 or Daniel.DeMille@state.ma.us. Congratulations on your award.

Sincerely,

Sheila Burgess
Director, Highway Safety Division

Enclosures

617 725-0260

COMMONWEALTH OF MASSACHUSETTS - STANDARD CONTRACT FORM



This form, to be used for New Contracts and Contract Amendments/Renewals, 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)* for use by all Commonwealth Departments. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors should only complete sections marked with a "→". For Instructions and hyperlinks (italics), please view this form at: www.mass.gov/osc under *Guidance For Vendors - Forms* or at www.mass.gov/osd under *OSD Forms*.

→ <u>Contractor Legal Name</u> (and d/b/a): Marlborough Police Department → <u>Legal Address</u> (from W-9): 355 Bolton Street, Marlborough, MA 01752 → <u>Payment Remittance Address</u> (from W-9): → <u>Contract Manager</u> : Mark Leonard → <u>E Mail Address</u> : mleonard@marlborough-ma.gov → Phone: 508 624 66974 → Fax: 508 624 6938 → TTY:	<u>Department MMARS Alpha Code and Name</u> : Executive Office of Public Safety and Security <u>Business Mailing Address</u> : 10 Park Plaza, Suite 3720, Boston, MA 02116 <u>Billing Address</u> (if different): <u>Contract Manager</u> : Paul Garrity <u>E-Mail Address</u> : paul.garrity@state.ma.us Phone: 617-725-3373 Fax: 617-725-0260 TTY:
→ <u>State of Incorporation</u> (if a corporation) or "N/A": → <u>Vendor Code</u> : MMARS Object Code:	<u>MMARS Doc ID(s)</u> : <u>RFR/Procurement or Other ID Number</u> (if applicable): <u>Account(s) Funding Contract</u> :
<u>X</u> NEW CONTRACT	<u> </u> CONTRACT AMENDMENT/RENEWAL
<u>COMPENSATION</u> (Check only one): <input checked="" type="checkbox"/> Total <u>Maximum Obligation</u> of this Contract \$ <u>18,945</u> <input type="checkbox"/> <u>Rate Contract</u> (Attach details of rate(s) units and any calculations): The following COMMONWEALTH TERMS AND CONDITIONS for this Contract has been executed and filed with CTR (Check only one): <input checked="" type="checkbox"/> Commonwealth Terms And Conditions <input type="checkbox"/> Commonwealth Terms And Conditions For Human And Social Services <u>PROCUREMENT OR EXCEPTION TYPE</u> (Check one option only): <input type="checkbox"/> Single Department Procurement/Single Department User Contract <input type="checkbox"/> Single Department Procurement/Multiple Department User Contract <input type="checkbox"/> Multiple Department Procurement/Limited Department User Contract <input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department) <input checked="" type="checkbox"/> Grant (as defined by <u>815 CMR 2.00</u>) <input type="checkbox"/> Emergency Contract (attach justification) <input type="checkbox"/> Contract Employee (Complete <u>Employment Status Form</u>) <input type="checkbox"/> Collective Purchase (attach OSD approval) <input type="checkbox"/> Legislative/Legal Exemption (attach authorizing language) <input type="checkbox"/> Other (Specify and attach documentation): <u>ANTICIPATED START DATE</u> : <u>July 1, 2011</u> (Enter the Date Contract Obligations may begin. Review Certification for Effective Date Below prior to entry.) <u>CONTRACT END DATE</u> : <u>September 30, 2011</u>	ENTER <u>CURRENT CONTRACT START and END DATES</u> (prior to amendment) Current Start Date: _____, Current End Date: _____ <u>COMPENSATION</u> : (Check Either, "No Compensation Change"; "Maximum Obligation" or "Rate change". ATTACH Amended Scope and Budget to support Amendment.) <input type="checkbox"/> NO Compensation Change (Skip to "OTHER" section below and select change) <input type="checkbox"/> Redistribute Budget Line Items (No Maximum Obligation Change) <input type="checkbox"/> Maximum Obligation Change. a) <u>Current Total Contract Maximum Obligation</u> : \$ _____ (Total Contract Maximum Obligation, including all prior amendments). b) <u>Amendment Amount ("+" or "-")</u> : \$ _____ c) NEW TOTAL CONTRACT MAXIMUM OBLIGATION : \$ _____ <input type="checkbox"/> Rate Changes to Rate Contract <u>OTHER</u> : (Check option, explain under "Brief Description" below, and attach documentation.) <input type="checkbox"/> Amend Duration Only (No Compensation or Performance Change) <input type="checkbox"/> Amend Scope of Services/Performance Only (no budget impact.) <input type="checkbox"/> Interim Contract (Temporary Extension to complete new Procurement) <input type="checkbox"/> Other: (Describe Details and Attach documentation): <u>ANTICIPATED START DATE</u> : _____ (Enter the Date Amendment Obligations may begin. Review Certification for Effective Date Below prior to entry.) <u>NEW CONTRACT END DATE</u> : _____
→ <u>PROMPT PAYMENT DISCOUNTS</u> . Contractor has agreed to the following Prompt Pay Discounts for the listed Payment Issue Dates. See <u>Prompt Payment Discount Policy</u> . ___ % Within 10 Days ___ % Within 15 Days ___ % Within 20 Days ___ % Within 30 Days OR, Check off the following if: <input checked="" type="checkbox"/> Contractor either claims hardship, or chooses not to provide PPD, or compensation is not subject to prompt pay discounts (grants, non-commodity or non-service compensation)	
<u>BRIEF DESCRIPTION OF CONTRACT PERFORMANCE OR REASON FOR AMENDMENT</u> (Reference to attachments is insufficient): To administer the FFY 2011 Automated License Plate Reader Grant Program under the direction of the Executive Office of Public Safety and Security.	
<p>CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, or an earlier Start date listed above, the "Effective Date" of this Contract or Amendment shall be the latest date this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, a later Contract or Amendment Start Date specified above, or the date of any required approvals. By executing this Contract/Amendment, the Contractor makes, under the pains and penalties of perjury, all certifications required under the attached <u>Contractor Certifications</u>, and has provided all required documentation noted with a "→", or shall provide any required documentation upon request, and the Contractor agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein, including the terms of the applicable Commonwealth Terms and Conditions available at www.mass.gov/osc under <i>Guidance For Vendors - Forms</i> or at www.mass.gov/osd under <i>OSD Forms</i>, the terms of the attached <u>Instructions</u>, the Request for Response (RFR), solicitation (if applicable) or other authorization, the Contractor's response to the RFR or solicitation (if applicable), and any additional negotiated performance or budget provisions. The terms of this Contract shall survive its termination for the purpose of resolving any claim, dispute or other Contract action, or for effectuating any negotiated representations and warranties. THE PARTIES HEREBY ALSO CERTIFY THAT (Check one option only):</p> 1. <input checked="" type="checkbox"/> the Contractor has NOT incurred any obligations triggering a payment obligation for dates <u>prior</u> to the Effective Date of this Contract or Amendment; OR 2. <input type="checkbox"/> any obligations incurred by the Contractor <u>prior</u> to the Effective Date of this Contract or Amendment (for which a payment obligation has been triggered) are intended to be part of this Contract/Amendment and shall be considered a final Settlement and Release of these obligations which are incorporated herein, and upon payment of these obligations, the Contractor forever releases the Commonwealth from any further claims related to these obligations.	
<u>AUTHORIZING SIGNATURE FOR THE CONTRACTOR:</u> → X: <u>Mark Leonard</u> Date: <u>7/13/11</u> (Signature and Date Must Be Handwritten At Time of Signature) → Print Name: <u>Mark F. Leonard</u> → Print Title: <u>Chief of Police</u>	<u>AUTHORIZING SIGNATURE FOR THE DEPARTMENT:</u> X: <u>Ellen Frank</u> Date: <u>7-13-11</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Ellen Frank</u> Print Title: <u>Executive Director, Office of Grants and Research</u>

Scope of Services
Automated License Plate Reader (ALPR) Grant Program
July 2011 through September 30, 2011

The contractor will complete all deliverables in accordance with the application for grant funding issued by the Executive Office of Public Safety and Security (EOPSS), Highway Safety Division (HSD), the proposal with any amendments, budget and timeline submitted to the HSD.

Contract Requirements are as listed in the Application for Grant Funding and the following:

- Inventory of all equipment purchased under this grant must be maintained throughout the useful life as part of an official control system following state and federal regulations.
- To obtain reimbursements for equipment and/or materials, paid invoice(s), and a copy of any packing slip(s) must accompany the signed Expenditure Report. Purchase orders will not be accepted as supporting documentation for reimbursement. No equipment ordered or purchased prior to the effective date of the signed contract by EOPSS and the department will be reimbursed. *Proof of ownership*
- Signatory on reports must certify that report and expenses for which payment is requested are true, correct and complete in accordance with the federal and state regulations and that all equipment and/or materials were received in good working order.
- Departments that procure ALPR systems under this grant program agree to electronically submit captured license plate data to the state repository maintained by the Criminal Justice Information Services (CJIS) Division at the Commonwealth's Public Safety Data Center. Captured license plate data will be made available to local, state and national law enforcement as needed to support official law enforcement operations. Guidelines for submission and retrieval of license plate data will be made available to all participating departments at the time of installation and connection of the ALPR systems.
- This is a cost reimbursement contract.
- No department may make purchases until a contract has been signed by the department and EOPSS-HSD and notification has been issued. **No costs incurred before a department receives written notification will be reimbursed.** There can be no exceptions.
- Once departments receive written EOPSS/HSD Authorization to Proceed, all approved equipment and materials must be received no later than September 30, 2011. *Must have machine in poss. by 9/30/11*
- Supplanting of funds is prohibited. Funds for program and services provided through this grant are intended to supplement other state or federal funding sources.
- No changes may be made in the approved budget without a written request from the contractor and written approval from the EOPSS-HSD.
- All public communications and/or news releases by the contractor concerning grant activity shall indicate that the grant is funded by the EOPSS and must be approved by EOPSS prior to release. Prior approval is not needed if using the sample press release



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

2011 AUG 25 A 11:31 140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

August 24, 2011

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

Re: State 911 Department Support and Incentive Grant

Honorable President Vigeant and Councilors:

As detailed in the attached correspondence from Police Chief Mark Leonard, the Marlborough Police Department has received a Commonwealth of Massachusetts, State 911 Department Support and Incentive Program grant in the amount of \$95,091.00. As outlined in the attachments, this FY12 reimbursement grant will be used to cover salary and overtime costs in the 911 Dispatch Center.

As outlined in MGL, Chapter 44, Section 53A, I am recommending that the City Council approve the expenditure of these funds for the purposes outlined. I respectfully request your approval this evening.

As always, please feel free to call with any questions or concerns.

Sincerely,

Nancy E. Stevens
Mayor

Enclosures



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 Nancy E. Stevens
City Hall
140 Main Street
Marlborough, MA 01752

August 23, 2011

Dear Mayor Stevens:

The Marlborough Police Department has been awarded a grant in the amount of \$95,091 from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, FY2012 State 911 Department Support and Incentive Grant Program. The grant is a reimbursement grant, which will be used to cover salary and overtime costs in the 911 Dispatch Center.

Attached is a copy of the Notice of Grant Award, grant approval letter, and 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: Police Department DATE: 13-Jul-11

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Chief Mark F. Leonard

NAME OF GRANT: State 911 Support Grant

GRANTOR: Commonwealth of Massachusetts

GRANT AMOUNT: \$95,091.00

GRANT PERIOD: Approval date through June 2012

SCOPE OF GRANT/
ITEMS FUNDED Cover Dispatcher salary and OT where appropriate

IS A POSITION BEING
CREATED: No

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: No

**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 PUBLIC SAFETY AND SECURITY
STATE 911 DEPARTMENT
1380 Bay Street, Building C - Taunton, MA 02780-1088
Tel: 508-828-2911 - TTY: 508-828-4572 - Fax: 508-828-2585
www.mass.gov/e911



DEVAL L. PATRICK
Governor

MARY ELIZABETH HEFFERNAN
Secretary of Public Safety
and Security

TIMOTHY P. MURRAY
Lieutenant Governor

FRANK POZNIAK
Executive Director

July 25, 2011

Chief Mark F. Leonard
Marlborough Police Department
140 Main Street
Marlborough, MA 01752

Dear Chief Leonard:

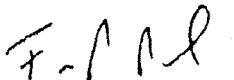
The Commonwealth of Massachusetts, State 911 Department would like to thank you for participating in the FY 2012 State 911 Department Support and Incentive Grant program.

For your files, please find attached a copy of the contract signed by both parties. Please note your contract start date is **July 25, 2011** and will run through June 30, 2012. Please keep in mind that there shall be no reimbursement for costs incurred prior to the effective date of the contract and all goods and services **MUST** be received on or before June 30, 2012.

We have made the request for payment forms available on our website www.mass.gov/e911. For any questions related to this process, please contact Michelle Hallahan at 508-821-7216.

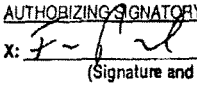
If, in the future, you would like to make any changes to the authorized signatory, the contract manager, and/or the budget worksheet, please e-mail those proposed changes to 911DeptGrants@state.ma.us. Grantees are strongly encouraged to submit final, year-end budget modification requests on or before May 15, 2012.

Sincerely,


Frank P. Pozniak
Executive Director

cc: FY 2012 Support and Incentive Grant File

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): City of Marlborough		COMMONWEALTH DEPARTMENT NAME: State 911 Department MMARS Department Code: EPS	
Legal Address: (W-9, W-4, T&C): 140 Main Street, Marlborough, MA 01752		Business Mailing Address: 1380 Bay Street, Building C, Taunton, MA 02780	
Contract Manager: Chief of Police Mark F. Leonard		Billing Address (if different): N/A	
E-Mail: MLeonard@marlborough-ma.gov		Contract Manager: Marilyn Godfrey	
Phone: 508-624-6970	Fax: 508-624-6938	E-Mail: 911DeptGrants@state.ma.us	
Contractor Vendor Code: VC6000192111		Phone: 508-821-7299	Fax: 508-828-2585
Vendor Code Address ID (e.g. "AD001"): AD001 (Note: The Address ID must be set up for EFT payments.)		MMARS Doc ID(s): CT EPS SUPG	
		RFR/Procurement or Other ID Number: S&I Grant	
X NEW CONTRACT PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> Statewide Contract (OSD or an OSD designated Department) <input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> Department Procurement (includes State or Federal grants §15 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget) <input type="checkbox"/> Contract Employee (Attach Employment Status Form, scope, budget) <input type="checkbox"/> Legislative/Legal Exemption or Other: (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"/> Amendment to Scope or Budget (Attach updated scope and budget) <input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> Contract Employee (Attach any updates to scope or budget) <input type="checkbox"/> Legislative/Legal Exemption or Other: (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"/> Rate Contract (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"/> Maximum Obligation Contract Enter Total Maximum Obligation for total duration of this Contract (or new Total if Contract is being amended). \$ <u>95,091.00</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 exemption: <input checked="" type="checkbox"/> statutory/legal or Ready Payments (G.L. c. 29, § 23A); ___ federal grant/trust; ___ initial payment (subsequent payments must be scheduled to support payee cash flow needs and 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 and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation.) For disbursement of funds under the State 911 Department PSAP and Regional Emergency Communication Center Support and Incentive Grant as authorized and awarded in compliance with program guidelines and grantee's approved application.			
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 subject to any required approvals) 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>June 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 " <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 <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 SIGNATORY FOR THE CONTRACTOR: X:  Date: <u>7/14/14</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Nancy Stevens</u> Print Title: <u>Mayor City of Marlborough</u>		AUTHORIZING SIGNATORY FOR THE COMMONWEALTH X:  Date: <u>7/15/14</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Frank Pozniak</u> Print Title: <u>Executive Director</u>	



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

2011 AUG 25 A 11:30

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

August 17, 2011

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

RE: Doubling of Exemptions for Qualified Residents

Honorable President Vigeant and Councilors:

With the City Council's approval of the FY12 operating budget, I am recommending the adoption of Section 4, Chapter 73 of the Acts of 1986 which allows for the doubling of all exemptions offered in the City to qualified residents (i.e. Elderly, Blind, Disabled Vets) as provided by Massachusetts law. The City would absorb any associated costs through the overlay account.

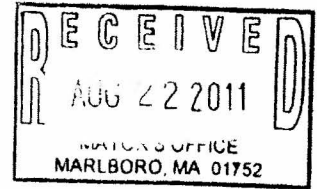
As indicated in the attached correspondence from Senior Assessor Dan Brogie, City Council must approve this proposed adoption each year prior to values being certified in the fall.

As always, please feel free to call with any questions or concerns.

Sincerely,

Nancy E. Stevens
Mayor

Enclosure



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

August 18, 2011

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

Dear Mayor Stevens:

As you recall, the City Council adopted Section 4 of Chapter 73 of the acts of 1986. This action allowed the doubling of all clause exemptions offered in the City. (Elderly, Blind, Disabled Vets, etc.)

As adopted, the mayor must recommend, and the Council must vote this adoption each year. This is done so that the fiscal health of the City can be reviewed to ascertain the ability of the City to absorb the extra cost through the overlay account. None of the extra money is reimbursed by the state.

If upon review you decide it is appropriate, you must make the recommendation to the Council to adopt it once again for FY 2012. Let me know if you need additional information on this matter. It must be adopted before our values are certified in the fall.

Respectfully,

Daniel C. Brogie
Board of Assessors



RECEIVED
CLERK'S OFFICE
OF MARLBOROUGH

City of Marlborough

Office of the Mayor

140 Main Street

2011 AUG 25 A 11: 31 Marlborough, Massachusetts 01752

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

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

August 23, 2011

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

RE: Appointment – Community Development Authority

Honorable President Vigeant and Councilors:

I am submitting for your approval the appointment of Sally Swartz to the Community Development Authority. Ms. Swartz will fill the current vacancy in the resident's seat. Ms. Swartz is a resident of the 397 Bolton St. housing complex and will be a valuable asset to the Board members.

Upon approval, Ms. Swartz will serve a three-year term.

As always, please feel free to call with any questions or concerns.

Sincerely,

Nancy E. Stevens
Mayor



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

August 17, 2011

Arthur G. Vigeant, President
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Reappointment – Zoning Board of Appeals Alternate Member

Honorable President Vigeant and Councilors:

I am submitting for your approval the reappointment of Jay Whittaker as an alternate member to the Zoning Board of Appeals. Upon approval, Mr. Whittaker will serve a two-year term.

As always, please feel free to call with any questions or concerns.

Sincerely,

Nancy E. Stevens
Mayor



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

140 Main Street

Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

August 17, 2011

Arthur G. Vigeant, President
Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Reappointments – Conservation Commission

Honorable President Vigeant and Councilors:

I am submitting for your approval the reappointments of David Williams and John Skarin to the Conservation Commission.

Upon approval, Mr. Williams and Mr. Skarin will serve three-year terms.

As always, please feel free to call with any questions or concerns.

Sincerely,

Nancy E. Stevens
Mayor

cc: Priscilla Ryder

City Council

From: Levy, Steven - Rep (HOU) [Steven.Levy@mahouse.gov]
Sent: Wednesday, August 17, 2011 4:45 PM
To: Mayor; City Council
Cc: Maurice, Robert E. (HOU); Schnitzer, Sally (SEN); Chaudhury, Neel (SEN)
Subject: RE: Memo to Marlborough officials Re: House Bill 1452

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 AUG 19 P 2: 20

Mayor Stevens and fellow Councilors:

As indicated by Senator Eldridge's staff in the message below, Senate Counsel is recommending changes to language in our home rule petition. It appears that Senate Counsel is a little more thorough in their review of proposed language than is House Counsel but all of the changes they recommend are technically correct. I have reviewed all of the changes and there is nothing proposed that changes the intent of the Council nor the manner in which the fund would operate.

It is my hope that this communication from Senator Eldridge will appear on the August 29th City Council agenda and that a vote to approve the language, as amended, may be taken that evening in order to facilitate approval by the legislature. Once a certified copy of the Council vote is received, it will be filed in the appropriate Clerk's Office so that the Senate may vote on the amended language. Once engrossed there, it would need to return to the House for concurrence with the amended language before being sent to the Governor for his signature.

If I can answer any questions prior to the meeting on the 29th, please do not hesitate to contact me. Otherwise, I look forward to discussing this further at that time.

Regards,

Steven L. Levy

State Representative
4th Middlesex District

State House, Room 33
Boston, MA 02133

(617) 722-2060 x8558

 Please Consider the Environment Before Printing this Email

From: Chaudhury, Neel (SEN)
Sent: Wednesday, August 17, 2011 10:21 AM
To: mayor@marlborough-ma.gov; citycouncil@marlborough-ma.gov
Cc: Maurice, Robert E. (HOU); Levy, Steven - Rep (HOU); Schnitzer, Sally (SEN)
Subject: FW: Memo to Marlborough officials Re: House Bill 1452

Dear Mayor Stevens and Members of the Marlborough City Council –

As you know, last January, Representative Levy and Senator Eldridge filed the City's home rule petition relative to establishing a business and economic development special revenue fund in the City of Marlborough. The bill, House Bill 1452, was engrossed in the House the last week of July.

The bill is now under review in the Senate, and we have been contacted by Senate Counsel regarding two issues.

- The first is in Section 2, where a clarification is needed as to when the initial payment and subsequent payments from the room occupancy tax in excess of 4% are transferred to the Fund. Here, Counsel has suggested language that mirrors language in Section 3 that covers the payments of receipts equal to 4% into the General Fund, "for the fiscal year beginning July 1, 2011 and each fiscal year thereafter"

- The second is in Section 7, where the bill states that the City “may amend this act” by closing the Special Revenue Fund. We believe the intent of this language is to allow the city to close the fund. So Senate Counsel has suggested some alternative language which would allow the City to “*close the fund*”. As currently written this language allows the city to amend an Act of the Legislature, which is not allowed by law.

In addition to these issues, House Counsel and Senate Counsel have recommended a number of so-called “third reading” changes which are matters of style in the drafting of laws before the legislature. I have attached for you a track-changed document that shows all the changes proposed by Counsel for the bill. I believe these changes do not substantially change the intentions of the Council, but are necessary to have the fund work correctly. Both Senator Eldridge and Representative Levy have reviewed these changes with their respective counsels and approve of them, pending a vote of the City Council.

The original petition to the General Court as voted by the City Council specified that the “legislation be adopted precisely as follows, except for clerical or editorial changes of form, only.” Therefore, we will need to have a vote of the City Council to approve the changes proposed by Senate Counsel.

Please let me know if you need any additional information or have any questions.

Sally Schnitzer
Legislative Director
Office of Senator Eldridge
Sally.Schnitzer@MASenate.Gov
1-617-722-1120

HOUSE No. 01452

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Steven L. Levy and James Eldridge

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act establishing a business and economic development special revenue fund in the city of
Marlborough.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Steven L. Levy</i>	<i>4th Middlesex</i>
<i>James Eldridge</i>	<i>Middlesex and Worcester</i>

HOUSE No. 01452

By Representative Levy of Marlborough and Senator Eldridge, a joint petition (accompanied by bill, House, No. 1452) of Steven L. Levy and James Eldridge (with the approval of the mayor and city council) relative to establishing a business and economic development special revenue fund in the city of Marlborough. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act establishing a business and economic development special revenue fund in the city of Marlborough.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 | SECTION 1. Notwithstanding section ~~forty-three~~53 of chapter ~~forty-four~~44 of the General Laws
2 | or any other general or special law to the contrary, the city of Marlborough shall establish in the
3 | city treasury a special revenue account to be known as the Business and Economic Development
4 | Special Revenue Fund of the city of Marlborough, into which account shall be deposited certain
5 | receipts comprising a portion of the total local room occupancy tax received annually by the city
6 | under section ~~three~~3A of chapter ~~sixty-four~~64-G of the General Laws, as ~~set forth~~provided in
7 | section 2 ~~herein~~. The purpose of this act, and of the Business and Economic Development
8 | ~~Special Revenue Fund~~, shall be used to promote and to sustain the development of business and
9 | the local economy in the city of Marlborough.

10 SECTION 2. (a) Notwithstanding ~~the provisions of any general or special law to the contrary,~~
11 the amount of the room occupancy excise based on a rate in excess of ~~4% per cent~~ collected
12 under ~~said section three-3A of said chapter sixty-four 64 G of the General Laws~~ by the city of
13 Marlborough ~~for the fiscal year beginning July 1, 2011 and each fiscal year thereafter~~ shall be
14 credited to the Business and Economic Development Special Revenue Fund, and shall be subject
15 to further appropriation by a majority vote of the city council ~~of the city of Marlborough.~~

Comment [BTR/LG1]: Sally, please check with the town to ensure that this is correct. I am just trying to mirror the language in subsection (b) regarding when the initial 4% gets transferred to the General Fund.

16 SECTION 3. (b) Notwithstanding ~~the provisions of any general or special law to the contrary,~~
17 the amount of the room occupancy excise based on a rate equal to ~~4% per cent~~ collected under
18 ~~said section three-3A of said chapter sixty-four 64G of the General Laws~~ by the city of
19 Marlborough for the fiscal year beginning July 1, 2011 and each fiscal year thereafter shall be
20 credited to the General Fund of the city of Marlborough.

21 SECTION 4. (c) Notwithstanding ~~the provisions of any general or special law to the contrary,~~
22 any interest accruing on any amount on deposit in the Business and Economic Development
23 Special Revenue Fund shall be credited to the General Fund ~~in of~~ the city of Marlborough.

24 SECTION 53. Nothing in or resulting from this act shall affect amounts distributed in any fiscal
25 year to the city of Marlborough from the Local Aid Fund.

26 SECTION 64. If the city of Marlborough revokes, by a majority vote of ~~the its~~ city council, ~~of~~
27 ~~the city pursuant to~~ ~~under said section three-3A of said chapter sixty-four 64-G of the General~~
28 ~~Laws and sections (2)(h) and (2)(i) of 830 Code of Massachusetts Regulations Part~~ ~~CMR~~
29 64G.3A.1, its acceptance of the room occupancy excise rate in excess of ~~4% per cent~~ under ~~said~~
30 ~~section three-3A of said chapter sixty-four 64G of the General Laws, then the city council of~~
31 ~~Marlborough shall thereupon then~~ decide, by a two-thirds vote of ~~the its~~ city council of the city.

32 | ~~the separate question of~~ whether the Business and Economic Development Special Revenue
33 | Fund shall cease to have effect in the city. If two-thirds of the city council ~~of the city~~ votes that
34 | the Business and Economic Development Special Revenue Fund shall cease to have effect in the
35 | city, all unexpended and uncommitted amounts on deposit in the ~~said F~~fund, as of the date of the
36 | vote to revoke the rate in excess of ~~4% per cent~~, shall be credited to the General Fund of the
37 | city on the first day of the calendar quarter following 30 days after the date of the revocatory
38 | vote, ~~pursuant to under said section (2)(i) of 830 Code of Massachusetts Regulations Part~~CMR
39 | ~~64G.3A.1; provided, however, that~~ if two-thirds of the city council ~~of the city~~ does not vote that
40 | the Business and Economic Development Special Revenue Fund shall cease to have effect in the
41 | city, the ~~said F~~fund shall continue to have effect in the city, and all unexpended and uncommitted
42 | amounts on deposit in the ~~said F~~fund, as of the date of the vote to revoke the rate in excess of
43 | ~~4% per cent~~, shall be subject to further appropriation by a majority vote of the city council ~~of~~
44 | ~~the city of Marlborough.~~

45 | SECTION 75. The city of Marlborough may ~~amend this act close the fund~~ by a two-thirds vote
46 | ~~of the its~~ city council ~~of the city of Marlborough~~. Such ~~amendatory vote~~ vote to close shall
47 | designate ~~that:~~ (a) ~~that~~ the Business and Economic Development Special Revenue Fund shall
48 | ~~thereupon~~ cease to have effect in the city ~~of Marlborough~~; (b) ~~that~~ all unexpended and
49 | uncommitted amounts on deposit in the Business and Economic Development Special Revenue
50 | Fund, as of the date of ~~said amendatory vote~~ the vote to close, shall forthwith be credited to the
51 | General Fund of the city ~~of Marlborough~~; and (c) ~~that~~ the portion of the total room occupancy
52 | excise in excess of ~~4% per cent~~ received annually by the city ~~of Marlborough~~ under ~~said section~~
53 | ~~three-3A of said chapter sixty four 64G of the General Laws and therefore~~ credited to the

Comment [BTR/LG2]: Rather than allowing the city to amend an act of the Legislature, provision allows the city to close the fund by a 2/3 vote.

54 | Business and Economic Development Special Revenue Fund, as set forth provided in section 2

55 | ~~herein~~, shall thereafter be credited to the General Fund of the city.

56 | SECTION 86. This act shall take effect upon its passage.

CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2011 AUG -2 P 12: 16

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:
AT&T Wireless PCS LLC d/b/a AT&T Mobility ("AT&T")
c/o Centerline Communications LLC, 960 Turnpike Street, Suite 28, Canton, MA 02021

2. Specific Location of property including Assessor's Plate and Parcel Number.
175 Maple Street. Map 82 Lot 132

3. Name and address of owner of land if other than Petitioner or Applicant:
L-A 175 MAPLE STREET LAND OWNER LLC, c/o PMC Property Group, Inc., 305 Dutton St., Lowell, MA 01854

4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.) LESSEE
5. Specific Zoning Ordinance under which the Special Permit is sought:
Article VI Section 650 Paragraph 25 Sub-paragraph et seq.
6. Zoning District in which property in question is located:
Industrial (I)

7. Specific reason(s) for seeking Special Permit
Modification of Special Permit 99-8311B to accommodate three (3) additional panel antennae for Applicant's Long
Term Evolution ("LTE") wireless network, along with associated cabling and equipment as shown on plans included
herewith.

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

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

Signature of Petitioner or Applicant
Address: c/o Centerline Communications LLC
960 Turnpike Street, Suite 28
Canton, MA 02021

Telephone No. 617-329-1152

Date: 8/2/11
City Clerk's Office

MIRICK O'CONNELL

A T T O R N E Y S A T L A W

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 AUG 25 P 12: 01

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

August 25, 2011

Councilor Arthur Vigeant, President
Marlborough City Council
City Hall
140 Main Street
Marlborough, MA 01752

Re: St. Mary's of French Hill Redevelopment
Request for Deadline Extension regarding requested
Special Permit Amendment, Order # 11-1002922

Dear Councilor Vigeant:

In the above referenced matter, my client hereby requests that the deadline for acting on its request for special permit amendment be extended to October 31, 2011.

Very truly yours,



Arthur P. Bergeron

APB/alm

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

MIRICK O'CONNELL

ATTORNEYS AT LAW

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 AUG 25 P 12:01

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

August 25, 2011

Councilor Arthur Vigeant, President
Marlborough City Council
City Hall
140 Main Street
Marlborough, MA 01752

Re: 110 Pleasant Street, LLC
Request for Deadline Extension regarding requested
Special Permit Amendment, Order # 11-1002923

Dear Councilor Vigeant:

In the above referenced matter, my client hereby requests that the deadline for acting on its request for special permit amendment be extended to October 31, 2011.

Very truly yours,



Arthur P. Bergeron

APB/alm

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

MIRICK O'CONNELL

A T T O R N E Y S A T L A W

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 AUG 25 P 2:59

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

August 23, 2011

Councilor Arthur Vigeant, President
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: US Wireless, LLC 11-1002902A

Dear Councilor Vigeant:

My client, US Wireless, hereby requests that the deadline for action regarding its pending special permit request to construct a monopole at the former landfill site be extended to December 31, 2011. My client intends to file an amended application to allow the construction of the monopole at a different location on the site. My client realizes that this will require a new balloon test and a new public hearing. My client anticipates that this amended application will be filed within the next two weeks.

Very truly yours,



Arthur P. Bergeron

APB/alm

Cc: Marlborough City Council

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

R. Paul Faxon, LLC

of counsel to

Archstone Law Group, P.C.
and
The New Law Center, LLC

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 AUG 11 A 10:11

August 10, 2011

City of Marlborough
City Clerk
140 Main Street
Marlborough, MA 01752

RE: Fiddlehead Subdivision Acceptance

Dear Madam Clerk:

Would you please place this request for the Acceptance of Perry Lane (with Easements) as a Public Way in the city of Marlborough on the next City Council Agenda?

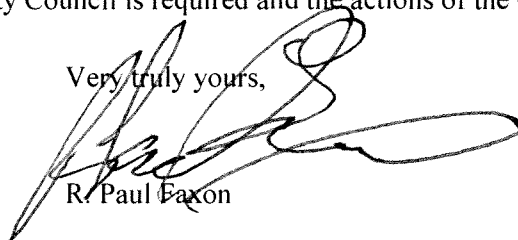
I have enclosed the following documents:

1. Approval Letter from the City of Marlborough Planning Board;
2. Approved Plan of Acceptance Easements of Perry Lane;
3. Proposed Quitclaim Deed.

I have also enclosed the prior Legal Department approval.

I would request that the City Council refer the same to the appropriate Committee and the City Solicitor. Please notify me if my attendance at the City Council is required and the actions of the City Council.

Very truly yours,



R. Paul Faxon

C: Carrie Lizotte -- Planning Board Secretary
Cynthia Panagore Griffin -- Assistant City Solicitor

City of Marlborough Commonwealth of Massachusetts



August 4, 2011

Cynthia Panagore Griffin
Assistant City Solicitor
City of Marlborough
140 Main Street
Marlborough, MA 01752

Re: Fiddlehead
Subdivision Acceptance

Dear Mrs. Panagore Griffin:

At the last Planning Board regular scheduled meeting on August 1, 2011 they took the following action:

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

To accept and file correspondence; to endorse the acceptance plans and appurtenant easements for the subdivision known as "Acceptance Plan of Perry Lane and Municipal Easements; Marlborough, MA; Middlesex South County; Date: 03/23/2010 by Inland Survey, Inc. 16 Gleasondale Road, Suite 1-2, Stow, MA 01775".

Sincerely,

Barbara L. Fenby

Barbara L. Fenby
Chairperson

Cc: R. Paul Faxon
City Engineer
file

PLANNING BOARD

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

Carrie Lizotte, Board Secretary

Phone: (508) 460-3769

Fax: (508) 460-3736

Email: CLizotte@marlborough-ma.gov



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 STAVROPOULOS
PARALEGAL

July 25, 2011

Ms. Barbara Fenby, Chairperson & Members
Planning Board
City of Marlborough
140 Main Street
Marlborough, MA 01752

RE: Street and Easement Acceptance
Perry Lane/Fiddlehead Subdivision

Dear Ms. Fenby & Members:

For your consideration, please accept the attached deed, legal descriptions, and copies of the acceptance plan and the recorded definitive subdivision plan. Having reviewed the deed and legal descriptions, the Legal Department recommends that the Planning Board endorse the acceptance of Perry Lane and appurtenant easements.

Please contact me if you have any questions.

Very Truly Yours,

Cynthia Panagore Griffin
Assistant City Solicitor

Enclosures

Cc: Tom Cullen
R. Paul Faxon

Fiddlehead Subdivision Quitclaim Deed

Summer Sudbury Limited Partnership, a Massachusetts Limited Partnership, having a principal address of 63 Franklin Street, Boston, MA, (“Grantor”), for consideration of less than \$100 paid, Grants to the City of Marlborough, a Massachusetts municipal corporation, having a principal address of City Hall, 140 Main Street, Marlborough, MA (“Grantee”), with Quitclaim Covenants, all right, title and interest of Grantor in and to the fee in those certain subdivision roadway(s) in Marlborough, Middlesex County, MA, being shown as Perry Lane, together with municipal easements all as shown on the following plans:

- A. That certain definitive subdivision plan of land entitled: “Definitive Plan of Fiddlehead Subdivision of Land in Marlborough, Mass.: Owned by High Ground Realty Trust, 2 Harrison Street, Maynard, Mass 01754; Scale 1”=40’; Date May 26, 1993; Revised: November 3, 1993; Highland Land Surveyors, Inc., 69 Maple Street, Marlboro, Mass.”, recorded with Middlesex South Registry of Deeds in Book 24220, Page 421 (“Definitive Plan”).
- B. That certain plan entitled “Acceptance Plan of Perry Lane and Municipal Easements; Marlborough, MA; Middlesex South County; Date: 03/23/2010; Scale: 1”=30’; Inland Survey, Inc., 16 Gleasondale Road, Suite 1-2, Stow, Massachusetts 01175,” recorded herewith (“Acceptance Plan”).

The Definitive Plan and Acceptance Plan are hereinafter collectively referred to as the “Plans”.

A more detailed description of Perry Lane is set forth in Exhibit A attached hereto.

The fee in the said roadway is conveyed together with:

1. The perpetual right and easement over, under and upon those certain strips of land shown on the Plans as “Drain Easement(s)” for the purpose of installation, construction, reconstruction, replacement, and maintenance of drainage pipes and other drainage facilities of all types and kinds for drainage of surface and subsurface water to and from said subdivision roadways. The Drain Easements are more particularly described on Exhibits B and C attached hereto.
2. The perpetual right and easement over, under and upon those certain strips of land shown on the Plans as “Sewer Easement” for the purpose of installation, construction, reconstruction, replacement, and maintenance of sewage pipes and other sewage facilities of all types and kinds. The Sewage Easement is more particularly described on Exhibit C attached hereto.


3. The perpetual right and easement over, under and upon those certain strips of land shown on the Acceptance Plan, referenced above, as "Easement 'A'", "Easement 'C'" and "Easement 'D'" for the purposes of installation, construction, reconstruction, replacement, and maintenance of municipal utilities of all kinds.

Said premises and easements are conveyed subject to and with the benefit of easements, rights, restrictions, and agreements of record, if any there be, insofar as the same are now in force and applicable.

For title of Grantor see deed recorded with said Middlesex South Registry of Deeds in Book 24220, Page 423.

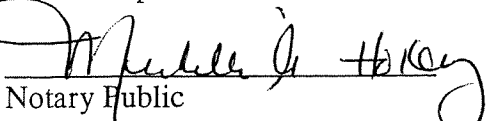
WITNESS the execution hereof under seal this 19th day of July, 2011 by Grantor's duly authorized sole General Partner, First Summer Street Development Corp.

SUMMER SUDBURY LIMITED PARTNERSHIP,
By its Sole General Partner-
FIRST SUMMER STREET DEVELOPMENT CORP.


By: Robert Glassman
Its: President and Treasurer

Commonwealth of Massachusetts)
County of Suffolk) SS

On this 19th day of July, 2011, before me, the undersigned notary public, personally appeared Robert Glassman, President and Treasurer of First Summer Street Development Corp., proved to me through satisfactory evidence of identification, which was [] a valid _____ driver's license, [] my personal knowledge of the signatory, or [] _____ [check one], to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as the sole general partner of Summer Sudbury Limited Partnership.


Notary Public
My commission expires:

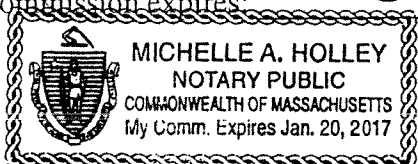


EXHIBIT A-PERRY LANE, MARLBOROUGH, MA

Beginning at a stone bound with a drill hole on the Northerly sideline of Perry Lane;

thence running along the Westerly sideline of Pleasant Street $S06^{\circ}19'16''W$ 25.33' to an angle point on the sideline of Pleasant Street;

thence running $S14^{\circ}16'26''W$ 65.23' to a stone bound with drill hole at the Southerly sideline of Perry Lane;

thence turning and running along the Southerly sideline of Perry Lane along a curve to the left having a length of 28.76' and a radius of 20.00' to a stone bound with drill hole;

thence running $N68^{\circ}07'05''W$ 351.99' to a stone bound with drill hole;

thence running along a curve to the right having a length of 133.52' and a radius of 150.00' to a stone bound with drill hole;

thence running $N17^{\circ}07'05''W$ 48.00' to a stone bound with drill hole;

thence turning and running $S81^{\circ}08'00''W$ 52.00' to a stone bound with drill hole;

thence turning and running $N08^{\circ}52'00''W$ 100.00' to a stone bound with drill hole;

thence running $N04^{\circ}12'50''W$ 13.65' to a stone bound with drill hole;

thence continuing 36.35 to a stone bound with drill hole;

thence continuing 100.00' to a stone bound with drill hole;

thence turning and running $N61^{\circ}04'30''E$ 60.00' to a stone bound with drill hole;

thence turning and running $S66^{\circ}56'25''E$ 50.00' to a stone bound with drill hole;

thence turning and running $S08^{\circ}11'25''E$ 280.00' to a stone bound with drill hole;

thence turning and running $S50^{\circ}34'05''W$ 10.67' to a stone bound with drill hole;

thence turning and running along a curve to the left having a length of 97.91' and a radius of 110.00' to a stone bound with drill hole;

thence running $S68^{\circ}07'05''E$ 332.30' to a stone bound with drill hole;

thence running along a curve to the left having a length of 46.06' and a radius of 25.00' to a stone bound with drill hole on the Westerly sideline of Pleasant Street and the point

of beginning of Perry Lane and having an area of 49,222 Sq.Ft. as shown on plan entitled "Acceptance Plan of Perry Lane and Municipal Easements; Marlborough, MA; Middlesex South County; Date: 03/23/2010; Scale: 1"=30'; Inland Survey, Inc., 16 Gleasondale Road, Suite 1-2, Stow, Massachusetts 01175," recorded herewith.

EXHIBIT B

LOT 1 - DRAINAGE EASEMENT - PERRY LANE, MARLBOROUGH, MA

Beginning at a railroad spike with a dit, in the sidewalk, on the Westerly sideline of Pleasant Street and the corner of the drainage easement on Lot 1;

thence running along the Westerly sideline of Pleasant Street $S06^{\circ}19'16''W$ 53.10' to a stone bound with drill hole;

thence turning and running $S76^{\circ}38'30''W$ 29.79' to a stone bound with drill hole;

thence turning and running $S21^{\circ}52'55''W$ 58.42' to a stone bound with drill hole at the Northerly sideline of Perry Lane;

thence turning and running along the Northerly sideline of Perry Lane $N68^{\circ}07'05''W$ 108.00' to a stone bound with drill hole;

thence turning and running $N21^{\circ}52'55''E$ 103.00' to a stone bound with drill hole;

thence turning and running $S68^{\circ}07'05''E$ 84.44' to a drill hole;

thence running $N76^{\circ}38'30''E$ 41.19' to the point of beginning, having an area of 12,374 Sq.Ft. as shown on plan entitled "Acceptance Plan of Perry Lane and Municipal Easements; Marlborough, MA; Middlesex South County; Date: 03/23/2010; Scale: 1"=30'; Inland Survey, Inc., 16 Gleasondale Road, Suite 1-2, Stow, Massachusetts 01175," recorded herewith.

EXHIBIT C

LOT 8 & 9 – DRAIN & SEWER EASEMENT – PERRY LANE, MARLBOROUGH, MA

Beginning at a stone bound with drill hole, on the Westerly sideline of Perry Lane at the Southeasterly corner of Lot 8 and the Northeasterly corner of Lot 9;

thence running along the Westerly sideline of Perry Lane S04°12'50"E 36.35' to a stone bound with drill hole;

thence turning and running N59°50'20"W 60.31' to a stone bound with drill hole;

thence turning and running N20°57'00"W 101.53' to a stone bound with drill hole at the Easterly sideline of Overlook Drive;

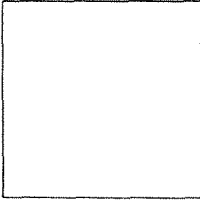
thence turning and running along the Easterly sideline of Overlook Drive N10°51'25"E 36.73' to a stone bound with drill hole;

thence continuing, along Overlook Drive, along a curve to the right having a length of 15.34' and a radius of 35.00' to a stone bound with drill hole;

thence turning and running S20°57'00"E 66.19' to a stone bound with drill hole;

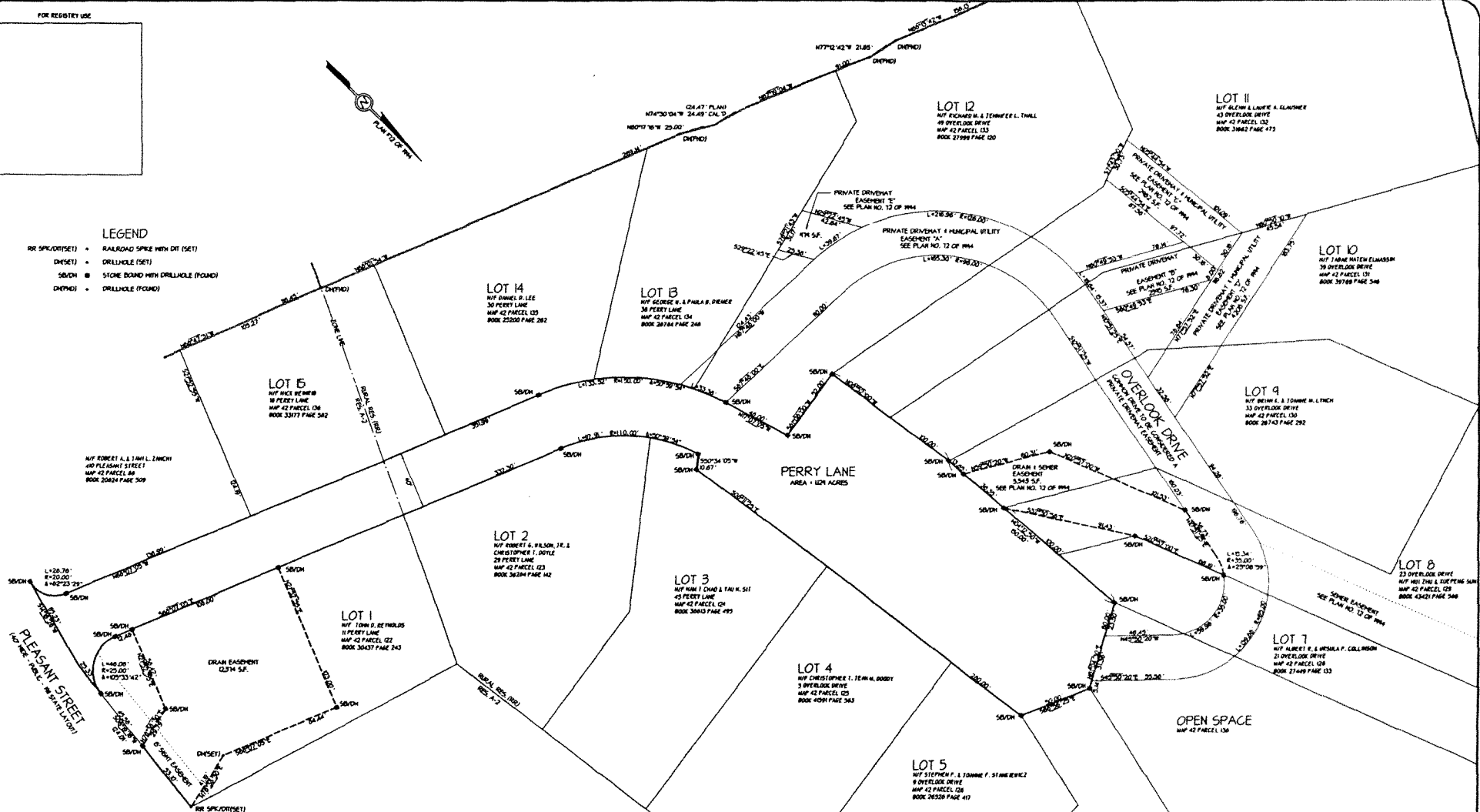
thence turning and running S32°30'58"E 91.43' to the point of beginning having an area of 5,543 Sq.Ft. as shown on plan entitled "Acceptance Plan of Perry Lane and Municipal Easements; Marlborough, MA; Middlesex South County; Date: 03/23/2010; Scale: 1"=30'; Inland Survey, Inc., 16 Gleasondale Road, Suite 1-2, Stow, Massachusetts 01175," recorded herewith.

FOR REGISTRY USE



LEGEND

- RR SP(C)R(SET) = RAILROAD SPIKE WITH DOT (SET)
- CH(SET) = DRILLHOLE (SET)
- SD(ON) = STONE BOUND WITH DRILLHOLE (FOUND)
- CH(ND) = DRILLHOLE (FOUND)



I HEREBY CERTIFY THAT PERRY LANE AS FURTHER DESCRIBED OR REITERATED BY ME ON THE SURVEYING DETAIL IS THE PROPERTY OF THE REGISTERED LAND SURVEYOR.

LEGAL COPY

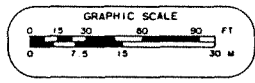
IN ACCURATELY INSTALLED ON OR ON THIS AS-BUILT PLAN.

IN ERROR CLOSURE OF 1/10000 FEET BEEN ADJUSTED AND VERIFIED VERY INC. DEB. ZANJA LAND.

ARE THE LINES DIVISIONS EXISTING ARE THOSE OF PUBLIC OR PRIVATE OWNERSHIP OR DIVISION OF OWNERSHIP.

RULES AND REGULATIONS OF THE ASSOCIATION.

12-7-10
DATE



ACCEPTANCE PLAN OF PERRY LANE AND MUNICIPAL EASEMENTS
MARLBOROUGH, MA
MIDDLESEX SOUTH COUNTY

DATE: 03/23/2010
SCALE: 1" = 30'
INLAND SURVEY, INC.
10 GLEASONDALE ROAD, SUITE 1-2
STONINGTON, MASSACHUSETTS 01775
(978) 464-2365 FAX: (978) 464-2351
22°38'58.20"

Jul 2010 + 2011



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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 JUL 29 P 1:09

**Lisa M. Thomas
City Clerk**

MARLBOROUGH, MA

DATE: 7/26/11

To the City Council:

Owner Name: Jean RABELO

Residential Address: 195 Vega Road MARLBORO

Telephone Number: 508-485-1538

Business Name: POST ROAD USED AUTO PARTS

Business Address: 785 BOSTON POST RD MARLBORO

Business Telephone Number: 508-485-1538

Owner Signature: JUAN EC RABELO

The above-signed JEAN RABELO respectfully requests that he/she be

granted a JUNK DEALER LICENSE license.

In City Council



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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 AUG 11 A 11:00

**Lisa M. Thomas
City Clerk**

MARLBOROUGH, MA

DATE: 7/27/2011

To the City Council:

Owner Name: Best Buy Stores, LP - Mahala #1966

Residential Address: 601 Donald Lynch Blvd, Marlborough, MA
01752

Telephone Number: 508-460-0232

Business Name: Best Buy Stores, LP #1966

Business Address: 601 Donald Lynch Blvd, Marlborough, MA 01752

Business Telephone Number: 508-460-0232

Owner Signature: Paula Kiefer, agent

Authorized Agent
815-609-6451
paula.kiefer@thomsonreuters.com

The above-signed Paula Kiefer, agent respectfully requests that he/she be
granted a Junk Dealer's license.

In City Council

City of Marlborough
Commonwealth of Massachusetts

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH



PLANNING BOARD

2011 AUG - 2 A 9

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

Carrie Lizotte, Board Secretary

Phone: (508) 460-3769

Fax: (508) 460-3736

Email: CLizotte@marlborough-ma.gov

July 18, 2011
7:00 PM

The Planning Board for the City of Marlborough met on Monday, July 18, 2011 in Memorial Hall, 3rd floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Philip Hodge, Colleen Hughes, Clyde Johnson, Edward Coveney and Sean Fay. Also present: City Engineer Thomas Cullen.

MINUTES

June 20, 2011

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

To accept and file the meeting minutes, with an amendment.

CHAIRS BUSINESS

Correspondence from the City Engineer

Mr. Cullen is asking the Board to consider adding language to their rules and regulations. He stated that the Board should require a trust or some other legal instrument be created prior to deeding any land to others that will hold said roadway fee interest and or/ easement. Mr. Fay stated that was a good idea because the transfer of land could go to an LLC instead of a realty trust. This will protect both the Planning Board and the developers.

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

To ask the City Solicitor for his opinion as well as the language to incorporate this into the Boards Rules and Regulations.

APPROVAL NOT REQUIRED PLAN

93 Framingham Road
Submittal

Mr. Melanson presented to the Board the ANR Plan for 93 Framingham Road. This Plan shows the lot divided into 5 ANR lots consisting of the following with zoning requirements of the A-2 zoning:

- Lot 1 24,978 Sq Ft with 158.25 of lot frontage;
- Lot 2 31,451 Sq Ft with 138.70 of lot frontage;
- Lot 3 37, 943 Sq Ft with 152.53 of lot frontage;
- Lot 4 41,754 Sq Ft with 133.72 of lot frontage;
- Lot 5 75,452 Sq Ft with 137.69 of lot frontage.

He stated at this time he decided to withdrawal the subdivision plans and develop ANR lots. He did state that he may return at a later date to the Planning Board for a subdivision.

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

To accept and file correspondence, to refer the ANR plan to the City Engineer for his review and have him report back at the next scheduled meeting.

Correspondence from Code Enforcement

Ms. Wilderman explained she has spoken to the property owner about the blight conditions that currently exist. She asked the Planning Board to relay her concerns to the developer.

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

To accept and file correspondence.

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

To move up agenda items 7A & 7B.

Walker Estates

Extension Request

Mr. Bergeron is asking to extend the timeline for consideration until September 30, 2011.

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

To accept and file the correspondence.

Withdrawal Request

Mr. Bergeson is requesting that the pending request for an Open Space permit be withdrawn.

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

To accept the request, hereby withdrawals the Walker Estates Subdivision without prejudice.

11 Paquin Drive

Submittal

Mr. Berte presented to the Board the ANR plan for his home at 11 Paquin Drive. He is looking to convey a portion of Lot 2 consisting of 7,486 Sq Ft to Lot 1.

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

To accept and file correspondence, to refer the ANR plan to the City Engineer for his review and have him report back at the next scheduled meeting.

PUBLIC HEARING

SUBDIVISION PROGRESS REPORTS

City Engineer Update

Mr. Cullen provided a Subdivision Status report, he highlighted the following:

- Fiddlehead: Cracked Sealing was completed
- Waters' Edge: Awaiting Acceptance
- The Residences at Oak Crest: Developer is preparing as-builts, almost at completion
- Indian Hill: Almost to an agreement of the walking trails to Callahan State Park

The Board asked if the start dates of the subdivisions can be inserted, Mrs. Lizotte will provide those dates to Mr. Cullen.

Cider Mill Estates

Correspondence from Engineering

Mr. Timothy Collins, the Assistant City Engineer, provided correspondence to the request of the developer for a bond reduction. He stated the following was work that has not been completed:

- Drainage (only 76% is complete);
- Pavement (only 54% is complete);
- Granite curbing and sidewalks have not been installed;
- Roadway and easement bounds have not been set;
- Roadside trees have not been planted;
- Street lighting has not been fully installed;
- Goodwin streets signs have not been installed to date.

On his findings, he can recommend reducing the current bond from \$462,000.00 to \$410,000.00.

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

To accept and file correspondence, to reduce the current bond amount of \$462,000.00 to \$410,000.00.

Extension of Subdivision

Mr. Donald Seaberg is asking for a one year extension on the subdivision, he also provided a copy of the remaining bond certificate. With some discussion, the Board decided to extend the expiration close to the termination of the bond date.

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

To accept and file correspondence, to extend the date of subdivision approval until March 1, 2012.

Elm Farm Valley

Indemnification Agreement

Mr. Rider has spoken to the developer's attorney and all changes have been made as necessary. After some discussion, the Board would like to add language regarding the principal owners. Mr. Rider will add the language and present it to the developer's attorney.

West Ridge Estates
Bond Reduction

Mr. Timothy Collins, the Assistant City Engineer, has reviewed the subdivision and found the following work not completed:

- Pavement not completed (44% completed);
- Roadway and easement bounds need to be certified by Registered Land Surveyor;
- Roadside trees are not planted;
- Guardrails with fencing have not been installed.

Mr. Collins can recommend to the Planning Board that the current bond of \$216,000.00 can be reduced to \$127,000.00.

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

To accept and file correspondence, to reduce the current bond from \$216,000.00 to \$127,000.00.

PENDING SUBDIVISION PLANS: Updates and Discussion

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

SCENIC ROADS

SIGNS

INFORMAL DISCUSSION

Mauro Farms
Lot release

At the last meeting the Attorney for the developer made a representation that the Planning Board must release all lots under 81U. The Planning Board asked him to prove the statement is true; however no clarification has been made. Mr. Fay suggested sending correspondence kindly asking the attorney to either provide evidence of a blanket release must be granted or there could be a consequence of the lot releases for the subdivision.

Mr. Hodge agreed with Mr. Fay's questioning of the Attorney; however he is concerned that if any sanction is taken against the attorney, the developer would be the one being punished. Mr. Rider speculated that the Attorney could have thought that between the bond of \$1,400,000.00, tri-partite agreement and the covenant should have sufficed enough to do a blanket release of lots.

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

To send correspondence to the Attorney, asking him to define his statement and invite him to the next Planning Board meeting on August 1, 2011.

COMMUNICATIONS/CORRESPONDENCE

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

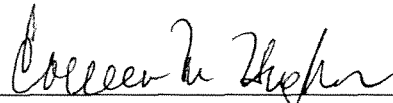
To accept all of the items listed under communications and/or correspondence.

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

To adjourn at 8:15 p.m.

A TRUE COPY

ATTEST:



Colleen Hughes, Clerk

City of Marlborough
Conservation Commission
Minutes

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 AUG 24 P 2:42

February 17, 2011
Memorial Hall, 3rd floor, City Hall
7:00 PM

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

Absent: Michelle Higgins and Lawrence Roy

Visitors – Members of Boy Scout Troop #2 were present with Troop Leaders Dave Allen and Joe Delgineo to observe the Commission's meeting. Chairman Clancy welcomed them.

Approval of Minutes: The Commission reviewed the Minutes of Feb. 3, 2011 and voted unanimously to accept them as written and place on file.

Discussion

- Flagg Brook Wildlife Management Area – Draft License Agreement with Pat Huckery Division of Fisheries and Wildlife (DFW) - Ms. Ryder noted that Pat Huckery, District Manager for the North East Region of the Division of Fisheries and Wildlife had planned to come to the meeting to discuss the license agreement for the Flagg Brook Wildlife Management Area. Unfortunately, she was not able to make the meeting however, she provided Ms. Ryder with some of the answers to the questions posed in the draft license agreement the Commission members had reviewed previously. Comments from Ms. Huckery are in bold followed by the Commission's discussion as follows:

1. **First a habitat assessment must be performed for this property now before any trails can be developed. This will ensure that we all know what is out there and what needs to be protected (or managed). Ms. Huckery is wondering if there are any talented wildlife volunteers in the city that might be willing to do some tracking for DFW and Conservation Com.** The Commission asked Ms. Ryder to contact Larry Roy and the Marlborough Fish and Game club to see if there is anyone who might be willing to do some tracking for us. Ms. Ryder will inquire.
2. **Once a habitat assessment has been completed, then a trail system can be developed which will need to be approved by the DFW. DFW would need to approve trails and any wildlife improvement projects, invasives removal etc. before they are constructed or implemented.** The Commission said this was OK.
3. **Restricted uses: One restriction DFW is imposing on all properties is the "no more than 2 leashed dogs per person" to prevent areas from becoming "professional dog walker" locations. This can also be disruptive to wildlife, so this restriction would be required. DFW is usually silent to mountain biking and horseback riding, unless there are conflicts or concerns. So, it is allowed until and unless there are reasons to restrict it in these uses.** The Commission agreed with this and asked Ms. Ryder to include it in the draft License.
4. **Signage - Normally DFW posts minimal signage internal to the site however, they do post the boundaries.** The Commission noted that we should coordinate signage with DFW and some internal trail signs may be necessary to keep people from getting lost. Ms. Ryder should discuss this with DFW and find out what signage is to be use.

5. **Hunting - Hunting is permitted on DFW property and they would be allowing hunting on this 52 acres of land as well. Fall is primarily deer hunting, spring is turkey hunting. The DFW is firm on this and encourages hunting to help the control of: Lyme disease, collisions/accidents with deer and cars, and browsing/eating of shrubs in suburban yards by deer. Hunting is controlled by the state hunting laws which require: No discharge of fire arms within 500' from an occupied dwelling. No discharge of fire arms within 150' from a public way.** The Commission discussed this and needs to evaluate whether to allow hunting on the remaining conservation land which is closer to dwellings or not. The Commission discussed the possibility of only allowing bow hunting on portions of the city property. The Commission asked Ms. Ryder to talk to the Police Department and get their input as well.

Project Updates

- Fafard Indian Hill Open Space and Walking Trail Easement update - Ms. Ryder explained that there are still issues to be resolved on the walking easement encroachments and that she continues to work with Steve Reid, Don Rider and the legal office of Fafard Real Estate to work on resolving this issue to have the hill transferred to the city for conservation purposes to be protected in perpetuity, and for there to be a connection to Callahan State Park. She will update the Commission on progress at the next meeting. The recommendation letter to approve the open space for conservation purposes, the Commission approved at the last meeting, was not sent given the issues to be resolved. This will be discussed at a future meeting again.

Correspondence/Other Business

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

- Letter from Mass. Water Resources Authority, dated Feb. 3, 2011 RE: John J. Carroll Water Treatment Plant Stormwater Management O & M Plan.

Visitors – Members of Boy Scout Troop #2 were present with Troop Leaders Dave Allen and Joe Delgineo to observe the Commission's meeting. Mr. Allen explained that the scouts are working on a badge about how government works. Chairman Clancy explained the process of the open meeting law and the Wetland Protection Act regulations and the permit process. He also discussed the need for the Commission to do enforcement on occasion when developers are not following the rules and are threatening to pollute the streams with mud and silt. He also explained the need to manage the city's conservation land and where possible improve wildlife habitat. He thanked past scouts for all the work they have done to improve the city's conservation lands by creating and maintaining trails, installing signs and kiosks and building bridges. All of these projects are a huge help to the city.

Mr. White explained that there is a great deal of talent on the board. During hearings, inputs from residents are very important to be sure the Commission has all the information it needs about drainage and wildlife in areas before approval for construction is granted. The Commission has a diverse talent base, but everyone works together to issue a fair and consistent judgment on projects in order to protect the wetlands. He said that the city has changed dramatically over the years. He has lived here when there were from 15,000 residents to 37,000 residents. So, a lot has changed and the goal of the Commission is to ensure the wetlands stay healthy.

At the end of the meeting, Ms. Ryder showed the scouts some maps to locate the city's water supply, conservation properties and wildlife corridors. A few scouts indicated they had seen turkeys this year on

Conrad Rd. and in the State Forest near Hemenway St. Many knew where conservation lands were located. The Commission thanked them for coming.

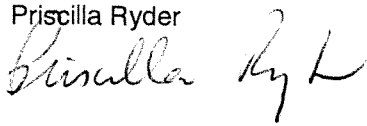
Meetings – Next Conservation Commission meetings are scheduled for March 3rd, 2011 and April 7th, 2011 (Thursdays)

Adjournment

There being no further business, the meeting was adjourned at 8:15 PM.

Respectfully submitted,

Priscilla Ryder

A handwritten signature in cursive script that reads "Priscilla Ryder". The signature is written in black ink and is positioned below the printed name.

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION
MINUTES**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

April 7, 2011
Memorial Hall, 3rd Floor, City Hall
7:00 P.M.

2011 AUG 24 P 2:42

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

Absent: Michelle Higgins, Allan White, and Dennis Demers

Minutes - The minutes of Feb. 17, 2011 were reviewed. The Commission voted unanimously to accept them as written- 4-0.

Public Hearing(s)

Notice of Intent

City of Marlborough DPW - Royce Road (Cancelled)

~~This submittal was withdrawn, because it was discovered the culvert itself under Royce Rd. was failing and more engineering is needed to correct the problem. They will refile in the future.~~

Notice of Intent

1017 Boston Post Road - Steven Anthony's Restaurant

Anthony Scerra was present and showed the Commission his proposed plans. He would like to add a meat market and a function hall next to his restaurant. This will require additional bathrooms to meet building code and since they don't have sewer available, he must expand the septic system and leach field. They are also installing an additional grease trap and a pump chamber. The engineers have designed a Presby System which is used in areas where there is little room. It has an extra dosing system and needs to be pumped out once a year. Ms. Ryder indicated that the Board of Health just received the plans and has not had a chance to review it. The Commission indicated that approval from Board of Health would be required before they could render a decision.

Mr. Scerra presented the Commission with revised plans dated April 6, 2011. All the work is outside the 50 foot buffer zone, but much of the work lies within the 100' buffer zone. He will also be adding a patio between the new facility and the restaurant, will be moving the shed, and replacing the existing deck with something slightly larger. He noted that a few of these items are not shown on the plans and should be. The Commission suggested that he include erosion controls on the plans as well, to prevent silt from entering the pond. The Commission also noted the dumpsters at the rear of the building needed to be moved away from the pond. Mr. Scerra indicated he has plans to consolidate all the dumpsters to one dumpster for the whole property, to help address this issue.

The Commission, with the applicants consent continued the hearing to May 5, 2011.

Certificates of Compliance

- DEP 212-356 (full) DEP 212-313 (Partial) - 630 Hemenway St.
The Commission reviewed this request for these two Orders of Conditions for this home that has been completed years ago. The house is being sold and these Orders were never released. The Commission voted unanimously 4-0 to approve both requests DEP 212-356 Full Certificate and DEP 212-813 Partial Certificate.

Discussion

1. DEP 212- 1049 Wetland planting at the former Mobil Marlborough Terminal
Jim Dick of Roux Associates doing the 21 E site cleanup was present. He presented a planting plan to the Commission for the most recent area of excavation done last fall. This is the last area they anticipate having to stabilize. The plan included some shrubs and trees and some blackberry bushes. The Commission reviewed the plan and voted unanimously 4-0 to approve the planting plan as presented. Mr. Dick indicated that he was hopeful that in two months they would be submitting the draft risk characterization and closing the site. Hopefully, the site will be on the market soon.
2. DEP 212-1016 Mauro Farm Subdivision, Cook Lane - Violation review
Eric Dias of Tunison Smith, Todd Lyons of Rosewood Construction and William Depietri from Captial Group Properties were all present. Mr. Dias explained that in March they received a violation notice from the Commission and have since done site inspections with Ms. Ryder and Tom Cullen, City Engineer. The problem identified was that the site, although it had 4 settling basins, any settling that occurred in these basins was lost due to the water then traveling over raw ground and re-suspending the solids. They redirected water from the settling basins into the new “not yet connected” drainage pipes, which worked great. They also were able to break up the site into some smaller drainage areas and controlled each of them separately. The past three storms have tested the system and they have not had any muddy discharges into the stream. Splitting the flows has helped and water is now redirected and recycled as needed.

Chairman Clancy asked about the floc being used. Mr. Dias explained that they did contact GEO Environmental who checked the floc being used and did adjust it based on the current site conditions. Mr. Dias confirmed that it is working better now. Ms. Ryder indicated that MACC has indicated that the floc should not be used unless it has an area to settle out before entering the stream, and this should be the protocol on this site as well. Mr. Roy commented that there has been some mud tracking onto Cook Lane, so that should be checked and cleaned regularly. Also, when the telephone poles were installed, the dirt was left around the base and washed out during rain events. Better housekeeping is a must.

The Commission discussed the use of a baker tank similar to that used by Fafard at the Target site. Mr. Dias explained that they have a similar backup system on call should they need it. Mr. Williams pointed out that this winter the snow below Round Top Circle was extremely dirty. The dirt/dust appears to have come from the loam pile, therefore dust needs to be controlled now and throughout the project. They may want to check the homes also to see if they need cleaning from dust deposits. Mr. Dias and Mr. Lyons said

they would take care of that. In a week or so they will have a water truck on site to help control dust for the rest of the season.

The Commission thanked the contractor and consultant for coming and hoped there would be no further violations on the site.

3. Indian Hill development - update on hill transfer and trail issues
Ms. Ryder indicated that she has met with the Violet Woods Condo Association and the Rose Point Condo Association and discussed with both groups where access to Callahan State Park can be best provided. Issues regarding liability and the easements are being reviewed by the Condo Association's lawyers, so there isn't anything definitive to report at this time.
4. Planning Board Meeting-April 11, 2011 - The draft plans for the 495/Metro West Development Compact Project is being presented to the Planning Board on April 11th. The public is invited to review and provide input at this meeting. The Commission is invited to attend.
5. Letter from NSTAR, dated March 9, 2011 RE: Natural Gas Pipe Replacement Bolton, St. The Commission reviewed this letter and asked whether they were really exempt or if this type of project is a limited project requiring at least a filing with the Commission. Mr. Clancy noted that last time the gas company did work on this section there were no erosion controls. Ms. Ryder will inquire and if it is determined a filing is needed, she will let NSTAR know when to file.
6. Conservation Accomplishments 2010 and Goals 2011- Ms. Ryder indicated this would be presented at the next meeting.

Correspondence/Other Business

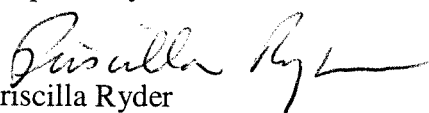
The following correspondence was reviewed and the commission unanimously voted to accept and place on file:

- Mass. Sustainable Communities Conference – April 15, 2011 (8am-4pm) – Holiday Inn, Marlborough, MA
- E-mail from Melissa Cryan (EEA) – dated March 31, 2011 RE: Division of Conservation Services opening of the FY 12 grant round.
- Stream Team flier 2011
- City Wide Clean Sweep – April 30, 2011

Meetings - The next meetings were scheduled for Thursday, May 5 and May 19, 2011

Adjournment - There being no further business, the meeting was adjourned at 8:07 PM.

Respectfully submitted,


Priscilla Ryder
Conservation officer

CITY OF MARLBOROUGH
CONSERVATION COMMISSION
MINUTES

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

May 5, 2011
Memorial Hall, 3rd Floor, City Hall
7:00 P.M.

2011 AUG 18 P 2:36

Members Present: Edward Clancy-Chairman, David Williams, Lawrence Roy, Allan White, Dennis Demers, and Priscilla Ryder-Conservation Officer

Absent: Michele Higgins and John Skarin

Approval of Minutes: The minutes of April 7, 2011 were reviewed; and the Commission voted unanimously to accept and place on file.

Public Hearings:

Notice of Intent (continuation of public hearing)

1017 Boston Post Road (Steven Anthony's Restaurant)- Anthony Scerra.

(Dennis Demers abstained from this discussion due to a conflict of interest)

To Install a new septic and leech field and replace decks and add a patio

Mr. Scerra and his wife were present. Mr. Jude Goven from the engineering firm Adept ESC Inc. was present and showed a revised plan dated April 27, 2011. He noted that this revised plan includes the items requested at the Commissions last meeting and comments provided from the Board of Health.

The changes include: erosion controls in the form a straw wattle, a deck behind the function hall and two patios, the new one is located to the east of the building. The plan now shows the buffer zone. The plan also shows the septic system, grease trap and the new location of the trash compactor to be added to the property to consolidate all the trash bins and grease containers.

The Commission asked questions about the presby septic system to be installed. Mr. Goven explained that 180 cubic yards of soil is to be removed from the site. It will not be stock piled; it will be hauled away as it is dug out. All new soil is needed for this system. The Commission cautioned that these systems need to be well installed to work and that faster contractors may not be better contractors. Mr. Goven said he would be overseeing the installation to ensure compliance.

Ms Ryder noted that the new patio as shown is within 15' of the wetland, so will impact the 20' Buffer Zone. The Commission asked Mr. Scerra if he could reduce the patio by 5'. He replied that would be fine. Very little grading is required, so the patio reduction would be acceptable. The Commission noted this would be included in the Order of Conditions.

Ms. Ryder also noted that there had been discussion of removal of invasive species and that she had drafted in the Order of Conditions to allow this after a site meeting with her and approval of the work to be done. Trees removed should be replaced with native trees and shrubs after the invasive bittersweet and other invasive shrubs are removed. This can be an ongoing process as it will take some time to get this area under control. The Commission agreed, Mr. Scerra said he'd contact Ms. Ryder.

There being no further questions, the hearing was closed. At the end of the meeting the Commission reviewed the draft Order of Conditions and voted 4-0 to issue the Order of Conditions as drafted and amended. (Dennis Demers abstained due to a conflict of interest)

Certificate of Compliance

- 212-313 630 Hemenway St. - Partial (re-issue).
Ms. Ryder explained that this had been voted on and signed at the last meeting. However, there was an error on the form, because this is registered land only an “unadulterated” form with no corrections can be used. The Commission voted 5-0 to issue a partial Certificate of Compliance.

Discussion

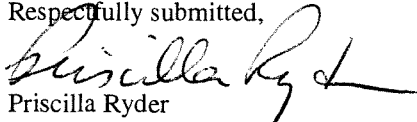
1. DPW Snow Storage Policy and discussion of filter bed reactivation - Mr. LaFreniere had a conflict and had requested through Ms. Ryder that this item be continued to the next meeting on May 19th. Ms. Ryder noted that a site walk of the filter beds with DCR regional director John Scannel has been requested. A date for either May 11th or May 18th in the early afternoon was requested. Ms. Ryder will set this up and notify the members.
2. DEP 212-1060 785 Boston Post Road - Waste Management Inc. request to remove jute chute. The Commission reviewed the letter from Waste Management Inc. requesting the removal of the jute chute since the detention basin is in and operational and test results are showing water quality leaving the site to be well below the 100 NTU's required. Ms. Ryder indicated she has visited the site with Tom Cullen and inspected the system and the outfall structure. Water leaving the site from this system appears to be clean – although much iron loving algae is found in the stream system. The Commission asked that some additional testing of the outfall water be done and asked Ms. Ryder to check with the Board of Health on what the testing parameters should be. Ms. Ryder will check and then send a letter to Waste Management Inc.
3. Community Garden Program proposal - Ms. Ryder explained that she has been exploring the creation of a Community Garden in the city. Several locations have been looked at and the one that looks most promising is at Cider Knoll/Mello Family Meadows Conservation Land on Elm St. Ms. Ryder said there will be a cost for the water line installation, but that the DPW can do the clearing and tilling of the property once the Commission decides to proceed. The Commission said it was a good idea, that plots should be 10' X 20' plots and asked Ms. Ryder to provide a budget and layout of the garden idea for the next meeting, so they could make a more informed decision; but in concept the Commission asked her to pursue the idea. Ms. Ryder indicated that she would.
4. Request for a Frisbee golf course set up at the Grove - The recreation department had inquired whether a Frisbee golf course could be installed at The Grove. Ms. Ryder inquired to the State DCS who indicated that because it would have nets/baskets, that Frisbee golf would be considered “active” recreation and therefore, not permitted on Conservation land purchased with state funds. Ms. Ryder will let the recreation department know.
5. Reconstruction of Farm Rd., Cook lane to Boston Post Rd. (ENF) - Ms. Ryder indicated that the preliminary plans were submitted in the ENF showing that one culvert would be replaced and another upgraded. Ms. Ryder noted that she attended the ENF hearing and mentioned that there were no fatal flaws in the proposal; however the project would need Conservation Commission review and approval for all work within wetland jurisdiction.
6. Conservation Accomplishments 2010 and goals 2011- summer intern position- Ms. Ryder reviewed these briefly and asked for feedback from the Commission.
7. Desert Natural Area Conservation Land – Trout unlimited will make a presentation at our May 19th meeting regarding proposed evaluation of streams and possible projects.

Other Business

- Fafard Indian Hill trail issue - Several people were in the audience who live on Azalea way at the Indian Hill Development. They asked to speak to the Commission about the proposed trail behind their homes. Ms. Cisewskis explained that she has kids and was concerned that if a trail went behind her home, she would be concerned with her kids safety especially if the trail were to be opened up to the public. She wanted to know what was being pursued. Ms. Ryder indicated that she had just had a meeting with the Rose Pointe Condo trustees and the lawyer for Violet Woods Condo and Fafard's lawyers that afternoon. The lawyers were going to look into some of the legal issues and talk to the condo association trustees to determine what might be acceptable and what might not be acceptable. No decisions were made yet on what the final outcome will be. Mr. Clancy did explain that the original Special Permit issued in 1987 required a connection to Callahan State park, and that the City is working towards connecting trails throughout the city that residents can use for recreation. The abutters thanked the Commission for their time.
- E-mail was received by Ms. Ryder RE: 146 Phelps St. - regarding the filling of the pond on this property over the past 40 years. A photo was included. The owner is concerned that the pond has filled in over the years. Ms. Ryder will follow up with owner.
- Boston Properties ball field rehabilitation - Ms. Ryder had an inquiry from Joe Delgineo regarding the rehabilitation of the Boston Properties ball field at the corner of Simarano Dr. and Cedar Hill St. Some plant removal and minor regarding and top soil application is needed to bring these fields back to use. The Commission indicated that the work is "maintenance" in nature and no wetland filing would be required. Ms. Ryder will inform Mr. Delgineo.
- Sunovion - (formerly Seprecor) Waterford Dr. off Robin Hill St. - The site engineer has inquired as to whether they need to file a Request for Determination of Applicability (RDA) or a Notice of Intent (NOI) for the reconstruction of the parking lot within the buffer zone. Ms. Ryder provided the photos submitted to her showing the deteriorated nature of the parking lot. The Commission determined that an RDA was appropriate. Ms. Ryder will inform the engineer.
- MWRA- D'Angelo Dr. - The solar array that was installed under the RDA has been completed. Ms. Ryder asked if any of the members wanted to do the final inspection and see the installation. The Commission indicated yes and that Wednesday May 11th at 2:00 PM would be a good time. Ms. Ryder will set it up.
- Felton Conservation Land - Ms. Ryder will be walking the Felton Conservation Land on Monday, May 9th at 12:30 with Ms. Butler to look at areas to be cleared to open up the field some more. The Commission was invited to attend.
- Desert Conservation Land - Ms. Ryder reported that she has been working with the Marlborough and Hudson Police Chiefs to see if the ATV's that are illegally using the Desert Natural Area Conservation Land can be caught. Progress is being made.

Adjournment - There being no further business, the meeting was adjourned at 8:49 PM

Respectfully submitted,



Priscilla Ryder
Conservation Officer

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

Minutes

May 19, 2011

7:00 PM

Marlborough City Hall – 3rd Floor, Memorial Hall

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 AUG 18 P 2:36

Members Present: Edward Clancy-Chairman, Dennis Demers, Allan White, David Williams, Lawrence Roy, Michele Higgins, and Priscilla Ryder-Conservation Officer

Absent: John Skarin

Public Hearings:

Request for Determination of Applicability

101 Cullinane Dr. - Samuel Parrish

Proposes to replace the existing stairs with new stairs within buffer zone to Ft. Meadow Reservoir.

Mr. Parrish was present and explained that he is replacing his stairs and will turn them back behind the house further away from the wetland areas. He is removing the old stairs, ties and bricks and replacing it with new stone steps with footings. Work will be 40' from the lake at the closest point. Ms. Ryder indicated she'd inspected the site and recommended approval. The Chairman closed the hearing and the Commission voted unanimously 6-0 to issue a negative determination with standard conditions about notification and stabilization.

Request for Determination of Applicability

181 Boston Post Rd. - The Best Western Royal Plaza

Proposes to do a full depth reconstruction of the existing access road to the Best Western Royal Plaza Hotel and Conference Center. The work is near wetlands.

Brian Milluci of Whitman and Bigham was present to represent the Best Western Royal Plaza Hotel. He explained that they would be doing a full depth reclamation of the driveway to the hotel; including the addition of some subdrains which will tie into existing drainage. He reviewed the plans and explained the location of the wetlands and drainage systems on the site. They are maintaining the same footprint of the existing roadway, in some areas the curbing needs to be removed and replaced. Erosion controls will be included near ponded areas and siltsacks will be installed in catchbasins during construction as needed. The project should take about 4 weeks. The Commission asked for an operation and maintenance plan (O&M plan) for the entire paved area of the hotel complex. Mr. Milluci said he would provide it for the next meeting. He also explained that the hotel uses a salt alternative that is the consistency of molassis and is biodegradable. Therefore, there is no sand to sweep or remove from catch basins. The Commission suggested this be included in the O&M plan. Mr. Milluci asked what type of erosion controls were recommended. The Commission said haybales, silt fence or straw wattles were acceptable. There being no further discussion, the Commission continued the hearing to the June 2nd meeting at which time the O&M plan would be reviewed and a decision rendered.

Request for Determination of Applicability

297 Lakeshore Dr. – Joseph Dzigas

Dennis Demers abstained from this discussion as he has a direct conflict.

To install a sewer connection to the rear of the house within 82 ft. of Ft. Meadow Reservoir.

Mr. Dzigas was not present, but both Mr. Clancy and Ms. Ryder had visited the site and spoken to Mr. Dzigas separately. Mr. Clancy explained the sewer connection proposed is located on a steep slope and the line will connect into the existing sewer main that runs under the lake. Erosion controls will be needed on the downhill slope of the work. The work is expected to take two days. The site will be stabilized once the work is done. There being no further questions, the Chairman closed the hearing and the Commission voted unanimously 5-0 (Dennis Demers abstained) to issue a negative determination with standard conditions for notification and stabilization.

Notice of Intent

280 Locke Dr. - Cermax Corporation/Massachusetts International Academy

Proposes to remove two parking lots and create an outdoor athletic facility to include a basketball court, tennis court and grass field. Work is proposed near wetlands.

Richard Weidknecht of Beals and Thomas, Daniel Chew from the Academy and Atty. Arthur Bergeron were present. Mr. Weidknecht indicated that the entire site is 25 acres which was formerly the Verizon Conference Center since converted to a school. He explained the overall drainage and wetland locations around the property. A drainage/wetland ditch wraps around two sides of the existing parking area which they plan to convert to a recreation field and courts.

The design proposal is for tennis courts, a basketball court and a small turf field. They will infiltrate as much water as possible since this area falls within the Water Supply Protection District. They are reducing the impervious surface by ½ acre, so this is an improvement over existing conditions. They will use straw waddles and haybales for erosion controls; there is no work within the 20' buffer zone and some work within the 50' buffer zone which is already disturbed. They have provided an O&M plan for long term maintenance and a construction O&M plan as well. They are required to file for a construction general permit from EPA, so they will be doing 14 day reports. The fields will be maintained with low fertilizer use in order not to impact the WSPD.

Mr. Clancy expressed concern with the 1:1 slopes around the edge of the recreation area and asked for input from the City Engineer on whether this would be acceptable. Mr. Weidknecht explained that the slope was 1:1, but was a relatively small slope and they would use the existing boulders on the site for stabilization. Mr. Clancy still wanted input from the City Engineer. There were

some additional questions about cut and fill, which will be a balanced site, they also asked for a construction sequence plan since the site has a bit of a grade change that could be a challenge.

As there is still information needed from the City Engineer, the hearing was continued to June 2nd.

Discussion:

1. DPW snow storage policy and discussion of filter bed reactivation – Ronald LaFreniere was present. Mr. Clancy explained that this winter the snow pile at the DPW was pushed over the brook, which is not acceptable. He has asked Mr. LaFreniere to be present to come up with a solution for next year to address this issue. Mr. LaFreniere explained that the snow dump has been in that location for many years. He acknowledged that in years when there is excessive snow, the pile does get pushed over the brook, as there is no other location to reasonably dump the snow. The Sudbury Reservoir is a back up water supply and has an extensive filter bed system that was built in the 1800's. Because the stream behind the DPW drains directly into the Sudbury Reservoir, he has approached Mr. Scannel at DCR to see if reactivation of the filter beds is possible. Mr. LaFreniere, Mr. Scannel, Mr. Clancy, Mr. Temple and Ms Priscilla visited the filter beds on May 18th to review the area. It was agreed that the DPW would investigate how the filter beds worked and set up a time to do a trial reactivation to see how it works. Mr. Scannel noted during the site visit that DCR does not have funds at this time to mow or clear the property, but they would be willing to work with the city to get volunteers to clear trails in the future, and do clearing around structures as needed to get the filter beds working and reactivated. Mr. LaFreniere showed the old plans for the filter beds and how the system was intended to work with under drains and valves etc. He and his crew will be looking out in the field to see how this will work. The benefit to the Sudbury Reservoir once the system is reactivated may be tremendous. The basins will serve as settling basins and over time may need to be cleaned.

Mr. LaFreniere showed two maps; one showing the current snow storage area at the DPW and the other showing the larger watershed and filter bed system. The Commission reviewed these. The Commission also reviewed the snow dump policy issued by DEP in 2001 which outlines when and how snow dumping during extraordinary snow events should be handled. The Commission discussed the need for the DPW to get permission from Commission before pushing snow over the brook and then activating the filter bed system if that is needed (and feasible). The Commission decided that they would see how the filter bed reactivation process works before finalizing a procedure. Mr. LaFreniere will notify the Commission when the spillway test is done, so they can observe. When a date is set the Commission will be notified.

2. Desert Natural Area Conservation Land –Trout Unlimited discussion with Bruce Osterling. Mr. Osterling phoned and asked that this be item be continued to May 19, 2011

3. Community Garden – Final plans and budget to be presented. Ms. Ryder presented a plan for 24 garden plots which are 20' x 10' at the Cider Knoll/Mello Farm Conservation Area. The water line will cost approximately \$6,000 given the cost of copper piping. The DPW will do the clearing and tilling of the property and help with setting up the plots. The DPW is still looking into the type of faucet to install on the water line. The parking lot can accommodate 10 cars. The Commission said that given the water line cost, all other variables including soil testing and layout should be investigated first. Ms. Ryder will take soil samples next week and report results back at the next meeting.

Ms. Ryder also noted that she had received input from a resident Ms. Boudrie suggesting that the Commission look at inner city locations for a Community garden, that Cider Knoll may not be the best location due to wildlife and the need to drive to this location. The Commission discussed alternative locations, but noted at this time there isn't any logical, city owned lot that would be conducive to a garden. They noted that in the future the old landfill next to the bike path may be another good location for a community garden system. They will continue to think about alternative locations and talk to other departments about this, but decided that the Commission would still pursue the Cider Knoll location as the first one, and if it is successful, will expand it to other areas.

The Commission asked Ms. Ryder to pursue the Cider Knoll community garden project and to notify the abutters and people interested in plots, but noted that depending on the outcome of the soil samples and waterline, the plots may not be ready for June planting, but may be ready late June to early July depending on how it unfolds. Ms. Ryder will follow up.

4. Conservation Commission 2010 Accomplishments and 2011 Goals – Final - Ms. Ryder will provide these for review at the next meeting.
5. Holts Grove Pond data presentation by High School – The high school students that have been studying Holts Grove Pond this past year will do their presentation on Monday June 6th at 2:15 at the high school. Ed Clancy and John Skarin said they would attend.

Extension Permits:

1. DEP 212-858 Ft. Meadow Reservoir – Weed control (expires June 11, 2011). The Commission reviewed this request and voted unanimously to provide a 3 yr extension for this weed control permit. The Hudson Permit will expire next year. They voted unanimously 6-0 to issue the extension.
2. Determination of Applicability – Automatic Extension – Letter from Aquatic Control Technology, dated April 28, 2011 RE: Mass. Permit Extension Act for 100 & 600 Nickerson Rd. The Commission reviewed this and voted to accept and put on file.

Certificate of Compliance

- DEP 212-1078 24 Hager St. – Full - Attorneys Rowe were both present and noted that the work for this house was completed. Ms. Ryder said she did an inspection and erosion controls have been removed and the site is stable. She noted that she couldn't find the as-built plan. Ms. Rowe indicated she could get a copy, if it wasn't found. The Commission voted unanimously 6-0 to issue a full Certificate of Compliance for this lot.
- DEP 212-972 1 Muddy Lane – Full - Ms. Ryder noted this is an old file and the work has been completed. She recommended a full Certificate of Compliance be issued. The Commission voted 6-0 to issue a full certificate for this project.

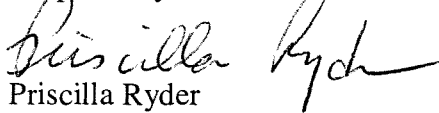
Other Business:

- Ms. Ryder noted that the weed survey with Aquatic Control Tech. will be held on May 27th with a treatment date of June 9th if necessary.

Meetings - Next Conservation meetings – June 2nd and 16th, 2011 (Thursdays).

Adjournment - There being no further discussion, the meeting was adjourned at 9:13 PM

Respectfully submitted,



Priscilla Ryder
Conservation Officer

CITY OF MARLBOROUGH
CONSERVATION COMMISSION

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

MINUTES

July 21, 2011 (Thursday)

2011 AUG 18 P 2:36

Marlborough City Hall – 3rd Floor, Memorial Hall

7:00 P.M.

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

Absent: David Williams, Michele Higgins, and Lawrence Roy

Public Hearings

Request for Determination of Applicability

185 Cullinane Dr. - Tom Sullivan

Tom Sullivan was present. Ms. Ryder reported that she had done a thorough site inspection and found that the existing cement slab below the new dock is very deteriorated. The new dock straddles the slab underneath. The dock is physically bigger than the underlying slab, but to make it an even rectangle and place the posts in the water evenly, the 16 x14 removable dock works. Although the dock area is slightly larger than the underlying slab, it is only to accommodate straddling the underlying slab that is crumbling. For safety reasons this looks fine. Ms. Ryder recommended that the Commission approve the dock as proposed. The Commission asked if it made sense at this time to require removal of the old cement structure. Mr. Sullivan indicated it would be quite difficult given the steep slope up hill and the need to break it up. Ms. Ryder indicated that in her opinion, where it will be left will not have any detrimental impact to the wetland.

The Commission confirmed with Mr. Sullivan that the dock was removable, he confirmed. The Commission voted unanimously 4-0 to issue a negative determination to allow Mr. Sullivan to finish the dock as proposed.

Notice of Intent

Farm Rd. reconstruction between Cook Ln. and Boston Post Rd. – the City of Marlborough DPW

Gene Crouch – senior environmental scientist with VHB, Brian Brozman Civil Engineer also from VHB and Tim Collins from the DPW were all present. Mr. Crouch explained that at the previous meeting, they had been asked to look into the flooding that has occurred at 480 Farm Rd. to determine if there is any change to the culvert that might help this flooding situation. His team did some analysis and provided a package of information to each member and to the owners of 480 Farm Rd. The cover letter to the package is dated July 21, 2001 to Edward Clancy from Gene Crouch of VHB.

Mr. Crouch explained that they did look up and down the stream and found no evidence of erosion. Up stream of the Mowry Brook culvert on Farm Rd. is a 72” twin culvert under the sewer line. They looked at the wing walls on the Farm Rd. culvert and found no evidence of any restrictions, the bottom of the culvert is clean. Based on this evaluation the culvert function is fine. They did evaluate the FEMA flood maps and explained the flood profile which shows that water will not over top the road, but will back up before the culvert onto the abutters property. The conclusion is that the culvert is not causing the problem; there is no water back up from downstream as there is a bit of an elevation drop from one end of the culvert to the downstream side. Floodway data reveals that 80 CFS passes through the culvert during large storms. The culvert is designed to handle 350 CFS. They did look at the flooding records for 2008 which was the flood the neighbors provide pictures of at the previous meeting. Weather data show that 2008 was the wettest year in 115 years. Ground water was higher than it had been and therefore all additional surface water caused lots of flooding throughout the state. Based on this analysis as outlined in the report, there is no evidence or problem that would indicate that a change to the culvert is warranted. Adding a bigger culvert will only transfer the problem downstream and require FEMA changes to the maps and a Letter of Map Amendment to be submitted which is a very lengthy process.

Mr. Clancy indicated that he concurs with the information provided about the culvert and agrees that unfortunately the problems at 480 Farm Rd. cannot be solved by this roadway project.

Mr. Clancy, since he wasn't at the previous meeting asked for a brief overview of the Broadmeadow Brook culvert replacement project. Mr. Crouch provided an overview and explained that the existing pipe would be replaced with a 5' x 5' box culvert and he explained the process for replacement. The project should take two seasons to complete. Stream work is only to occur during times low flow.

Mr. & Mrs. Ramachandra from 480 Farm Rd., abutters to the project, both spoke. They indicated they were still concerned with water backing up into their home. She said that even in 2” rain storms, they are getting more water. She is concerned that something has changed upstream. They tried to correct the problem by adding a small brick wall along the stream channel, but that hasn't helped much. He also indicated that water sometimes comes down the driveway. Mr. Collins indicated he'd go out and check that out, if it is true, they will build up a lip at the road driveway intersection to prevent this. Mr. Clancy said he was sorry that this project couldn't solve their problem, but that they should talk to Ron LaFreniere or Tom Cullen to discuss this further.

There being no further discussions, the Commission voted to close the hearing. Later in the meeting the Commission reviewed a draft set of conditions. The

Commission voted unanimously (4-0) to issue the draft conditions as written and amended.

Notice of Intent

Crowley Dr. - First Colony Crowley Dr. Two, LLC

John Delli Priscoli, and Stan Gordon of First Colony Development and Mike Carter of GCG the project Engineer were all present.

Mr. Priscoli provided the project overview. He explained that this property was a subject of a previous Order of Conditions for the Residents at Chestnut Ridge. However, subsequent to that, the property has been subdivided and the residential project is now owned by Toll Brothers which has been substantially reduced in size. Later on the agenda, they have requested a release from the previous Order of Conditions DEP 212-997 to clear the title. The project before the Commission tonight is for an R& D building which will max out to 96,000 sq. ft. The new building will be next to the existing building at 1 Crowley Dr. The drainage will drain to the detention basins as previously designed. Only a small amount of wall work and a parking lot will be within the 100 foot buffer zone. Mr. Priscoli will be leveling the site and getting the parking in preparation for the building. The company, Vestas, will be in charge of the construction of the building. He showed the 1 ½' to 1' slope on the plan which is similar to the slope on Crowley Dr. This new plan will have substantially less impact to the wetland buffer zone than the previous plan. The building will be built in three separate sections (connected) over the course of several years depending on when they need to expand. The first building will be built this year.

Vestas is a windmill technology company from Denmark; they will be developing and testing new wind turbine technologies at this facility. Mostly engineering and R & D work will occur at this facility.

The Commission discussed construction sequencing, roadway design, drainage, emergency access and water service to the site. Ms. Ryder indicated that she had not heard a response from Tom Cullen (as he just got the plans), so she recommends waiting for his input on the drainage before making a final decision. Mr. Priscoli indicated that time was of the essence since Vestas really wants to start construction this year. He will be presenting plans to the Site Plan Review Committee on Tuesday July 26th.

After further discussion about the roadway width, slope and slope stabilization, construction sequencing, looping of the waterline and a discussion with Mike Carter about the drainage, and discussion about the emergency access roadway, the Commission continued the hearing to August 4, 2011, so they could get some input from the City Engineer. If everything looks good to him, the Commission will consider issuance of an Order of Conditions at the next meeting. Mr. Priscoli thanked the Commission.

Certificates of Compliance

- DEP 212-997 - Crowley Dr. –Residents of Chestnut Ridge- Partial Certificate
Ms. Ryder indicated that Stan Gordon representing Mr. Priscoli had provided a memo summarizing the request for a Certificate of Compliance. Mr. Clancy read this memo for the record. In short, the larger 30+ acre parcel once included in the Residence of Chestnut Ridge project has been further subdivided and split between Toll Brothers who will build a smaller residential project and First Colony who will build office and R&D buildings. To clear the title from this Order of Conditions, Mr. Priscoli has requested a Partial Certificate of Compliance for the portion of the property he now owns. The Commission voted unanimously to issue a Partial Certificate of Compliance for the 17+ acres of land owned by Mr. Priscoli noting that nothing had been developed on this parcel except some land clearing.

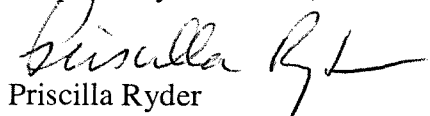
Discussion and Other Business - There was no additional business.

Next Meeting Scheduled – Conservation Meetings – August 4th and August 18, 2011
(Thursdays)

Adjournment

There was no further business, so the meeting was adjourned at 9:03 PM

Respectfully submitted,


Priscilla Ryder
Conservation Officer