

REGULAR MEETING  
OCTOBER 3, 2011

IN CITY COUNCIL  
ABSENT:

CONVENED:  
ADJOURNED:

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2011 SEP 29 P 4: 27

1. Minutes of the City Council Meeting, September 26, 2011, not completed.
2. PUBLIC HEARING Application for Special Permit from Peter Fales on behalf of AT T Wireless PCS LLC, to modify Special Permit 04-100527B to replace four existing panel antennae and the addition of three LTE antennas for Applicant's fourth generation (4G) wireless network along with associated cabling at 53 Brigham St., Order No. 11-1003018.
3. Communication from the Mayor re: BayPath Elder Service grant awarded to the Council on Aging in the amount of \$10,000.00 which provides educational, preventive, health, socialization and language programs for underserved Portuguese and Latino seniors.
4. Communication from the City Solicitor re: Request for Executive Session re: Litigation Strategy in an Employee Matter.
5. Communication from the Local Election Districts Review Commission re: Approval of Marlborough's Re-Precincting.
6. Communication from Gilbarco Veeder-Root re: Global Station #2483, 270 West Main St. and 656 Boston Post Rd.
7. Communication from Massdevelopment re: Revenue Bond on behalf of the Justice Resource Institute.
8. Communication from Secretary of the Commonwealth, Massachusetts Historical Commission re: Marlborough Armory, 354 Lincoln St.
9. Communication from Central Mass. Mosquito Control Project re: Mosquito Control Update.

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

**From Wireless Communications Committee**

10. **Order No. 11-1002973 – The Wireless Committee met on 9/13/2011 at 6:07 PM and took up Council Order No. 11-1002973.** The request by AT&T wireless PCS LLC, seeking permission to modify a existing rooftop wireless facility to accommodate three additional (3) LTE (Long Term Evolution) panel antennae at a height of 42.4', one (1) LTE GPS antenna on the rooftop which would be invisible from any vantage point, except the rooftop itself. The antennae will be connected via fiber optic or hybrid cables to appurtenant radio equipment also located on the rooftop. Members Present: Councilors Clancy, Pope and Landers. Also: City Solicitor Donald Rider. Applicants Present: Peter Fales and Atty. Michael Dolan. Discussion was begun on the application for a Special Permit for an upgrade to an existing location on a rooftop located at 450 Boston Post Rd. No new testimony was heard but it was noted that coverage maps would be developing by the installation of each new facility, due to the fact that the technology was new and currently no coverage maps existed. It should be noted that the facility will only extend 10' above the existing roofline. This was brought out due to its proximity to Marlborough Airport. It was agreed that the applicant would work with the owner of Marlborough Airport if a lifting device, such as crane, would be needed during the installation. A review of the "Decision" was begun covering the Evidence, Findings of Fact and the 11 Conditions, that would be applied. Minor changes were made to the wording for clarification. It was noted that the Applicant objected to Condition #6, which pertained to the \$1,500 payment to the Open Space Account. **Recommendation of the Wireless Communication Committee is to approve the application, pending the verification of ownership of the building, motion made by Councilor Pope and seconded by the Chair 3-0.**

11. **Order No. 11-1002974– The Wireless Committee met on 9/13/2011 at 6:07 PM and took up Council Order No. 11-1002974.** The request by AT&T wireless PCS LLC, to modify a existing wireless facility pertinent to lease Order No. 96-6861 to accommodate three additional (3) LTE (Long Term Evolution) panel antennae on to an existing water tank, owned by the City of Marlborough, MA, antenna. The antennae will be connected via fiber optic or hybrid cables to appurtenant radio equipment mounted behind the antennae and to an existing equipment shelter located within the WCF compound. One (1) LTE GPS will be mounted to a post at the existing ice bridge at the minimum height necessary to prevent obstruction from vegetation and snow accumulation. Members Present: Councilors Clancy, Pope and Landers. Also: City Solicitor Donald Rider. Applicants Present: Peter Fales and Atty. Michael Dolan. Discussion was begun on the application for a Special Permit for an upgrade to an existing location on water tank located at 97 Arnold St. Ext. No new testimony was heard but it was noted that coverage maps would be developing by the installation of each new facility, due to the fact that the technology was new and currently no coverage maps existed. The color of the equipment will matching its background and will not exceed the height of the tank. A review of the “Decision” was begun covering the Evidence, Findings of Fact and the 11 Conditions, that would be applied. Minor changes were made to the wording for clarification. It was noted that the Applicant objected to Condition #6, which pertained to the \$1,500 payment to the Open Space Account. **Recommendation of the Wireless Communication Committee is to approve the application, pending the address correction, motion made by Councilor Pope and seconded by the Chair 3-0.**
12. **Order No. 11-1002975 – The Wireless Committee met on 9/13/2011 at 6:07 PM and took up Council Order No. 11-1002975.** The request by AT&T wireless PCS LLC, seeking permission to replace three existing and obsolete wireless communication antennae with three new (3) LTE (Long Term Evolution) panel antennae and appurtenant equipment painted to match the façade of the building to minimize their visibility from public ways. Two antennae will be located at a height of 52.6’ and one at a height of 55.2’. The antennae will be connected via fiber optic or hybrid cables to appurtenant radio equipment also located on the rooftop. Members Present: Councilors Clancy, Pope and Landers. Also: City Solicitor Donald Rider. Applicants Present: Peter Fales and Atty. Michael Dolan. Discussion was begun on the application for a Special Permit for an upgrade to an existing location on a rooftop located at 4 Mt. Royal Ave. No new testimony was heard but it was noted that coverage maps would be developing by the installation of each new facility, due to the fact that the technology was new and currently no coverage maps existed. A review of the “Decision” was begun covering the Evidence, Findings of Fact and the 11 Conditions, that would be applied. Minor changes were made to the wording for clarification. It was noted that the Applicant objected to Condition #6, which pertained to the \$1,500 payment to the Open Space Account. **Recommendation of the Wireless Communication Committee is to approve the application, motion made by Councilor Pope and seconded by the Chair 3-0.**
13. **Order No. 11-1002976 – The Wireless Committee met on 9/13/2011 at 6:07 PM and took up Council Order No. 11-1002976.** The request by AT&T wireless PCS LLC, seeking permission install three new (3) LTE (Long Term Evolution) panel antennae and appurtenant equipment on the existing smokestack located at 157 Union St. (Marlborough Hospital). They are to be located at a height of 64.5’ and are to be painted to match façade of the smokestack. The antennae will be connected via fiber optic or hybrid cables to appurtenant radio equipment, also located on the rooftop. One (1) GPS antenna will be mounted to existing equipment on the rooftop. Members Present: Councilors Clancy, Pope and Landers. Also: City Solicitor Donald Rider. Applicants Present: Peter Fales and Atty. Michael Dolan.

Discussion was begun on the application for a Special Permit for an upgrade to an existing location on a smokestack located at 157 Union St. No new testimony was heard but it was noted that coverage maps would be developing by the installation of each new facility, due to the fact that the technology was new and currently no coverage maps existed. A review of the "Decision" was begun covering the Evidence, Findings of Fact and the 11 Conditions, that would be applied. Minor changes were made to the wording for clarification. It was noted that the Applicant objected to Condition #6, which pertained to the \$1,500 payment to the Open Space Account. **Recommendation of the Wireless Communication Committee is to approve the application, motion made by Councilor Pope and seconded by the Chair 3-0.**



# IN CITY COUNCIL

SEPTEMBER 12, 2011  
Marlborough, Mass.,

## ORDERED:

That there being no objection thereto set **MONDAY, OCTOBER 3, 2011** as date for a **PUBLIC HEARING** on the Application for Special Permit from AT & T Wireless PCS, LLC to modify Special Permit 04-100527B to replace four existing panel antennae and the addition of three LTE antennas for Applicant's fourth generation (4G) wireless network along with associated cabling at 53 Brigham St., be and is herewith refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER NO. 11-1003018



*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

September 28, 2011

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

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2011 SEP 29 P 3:54

RE: Council on Aging Grant

Honorable President Vigeant and Councilors:

The Marlborough Council on Aging has received notice of grant funding in the amount of \$10,000 through BayPath Elder Services. The grant provides educational, preventive health, socialization and language programs for underserved Portuguese and Latino seniors. Details of the grant are provided for your review.

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 which will enable these senior programs to proceed without delay.

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

Sincerely,

Nancy E. Stevens  
Mayor

Enclosures



BayPath Elder Services, Inc.

33 Boston Post Road West

Marlborough, MA 01752-1853

508-573-7200 • Fax 508-573-7222 • TTY 508-573-7282

August 2, 2011

Jennifer Claro, Director  
Marlborough Council on Aging  
250 Main Street  
Marlborough, MA 01752

Dear Jennifer:

The BayPath Board of Directors met on July 27, 2011 and voted on the funding of the Title III programs for the federal fiscal year 2012. The Marlborough Senior Center was awarded grant funding under Title III B for the amount of \$10,000 for the Multi-Cultural Outreach Worker. As this amount is less than your grant application request, please submit to me a revision of your budget and objectives to reflect the difference, by August 19, 2011.

The grant period of the award is from October 1, 2011 through September 30, 2012.

Your notification of Grant Award documentation, along with other pertinent information regarding the grant, will be sent to you next month.

If you have any questions regarding the above, please call me at (508) 573-7200.

Sincerely,

Monica Alley, LICSW  
Acting Assistant Director, Area Agency on Aging

Cc: Christine Alessandro, Executive Director, BayPath

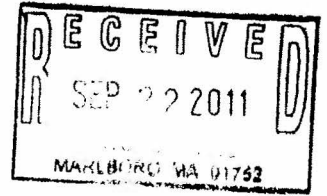
Area Agency on Aging  
Serving the Communities of  
Ashland - Dover - Framingham - Holliston - Hopkinton - Hudson - Marlborough  
Natick - Northborough - Sherborn - Southborough - Sudbury - Wayland - Westborough



# City of Marlborough

## Council on Aging and Senior Center

250 Main Street  
Marlborough, MA 01752  
Tele (508) 485-6492 Fax (508) 460-3726



September 22, 2011

To: Mayor Nancy E. Stevens

I would like to submit a grant award for the amount of \$10,000 from BayPath Elder Services, Inc., for your approval. We have been told we would get the final paperwork contract in October. This grant award is designated for a new initiative program to strengthen our C.O.A. outreach to the Portuguese and Latino senior population.

Thank you for your consideration.

Sincerely,

Jennifer C. Claro

Executive Director of Marlborough Council on Aging

**CITY OF MARLBOROUGH  
NOTICE OF GRANT AWARD**

DEPARTMENT: Council on Aging DATE: 26-Sep-11

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Jennifer Claro

NAME OF GRANT: Portuguese and Latino Outreach for underserved Seniors

GRANTOR: BayPath Elder Services, Inc., Area agency on Aging

GRANT AMOUNT: \$10,000

GRANT PERIOD: October 1, 2011-September 30, 2012

SCOPE OF GRANT/  
ITEMS FUNDED Provide Educational, Health Prevention and Socialization Programs  
Part-time Multicultural Outreach Worker(stipend position)  
ESL Instructor and educational materials for classes  
Fitness Instructor for two classes a week  
Social Functions and other program needs

IS A POSITION BEING  
CREATED: No- stipend position I/A/O \$2400

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? No fringe benefits included

ARE MATCHING CITY  
FUNDS REQUIRED? No

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:  
We will be using In-kind and EOEIA grant funds for matching

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS  
TO BE USED:  
Executive Office of Elder Affairs grant funds will be used

ANY OTHER EXPOSURE TO CITY?  
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: a.s.a.p. Grant period is October 1, 2011-  
September 30, 2012.

**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**





*City of Marlborough*  
**Legal Department**

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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

LEGAL@MARLBOROUGH-MA.GOV

**DONALD V. RIDER, JR.**  
CITY SOLICITOR

**CYNTHIA M. PANAGORE GRIFFIN**  
ASSISTANT CITY SOLICITOR

**BEVERLY J. SLEEPER**  
CHIEF PROCUREMENT OFFICER

**ELLEN M. STAVROPOULOS**  
PARALEGAL

September 29, 2011

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2011 SEP 29 P 3:54

Arthur Vigeant, President  
Marlborough City Council  
City Hall  
Marlborough, MA

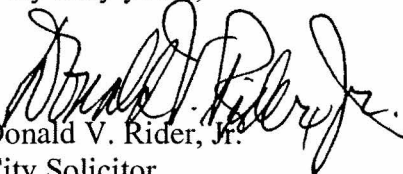
RE: Request for Executive Session -  
Litigation Strategy in Employee Matter

Dear President Vigeant and Members:

I hereby request that an executive session be scheduled for October 17, 2011 at a time prior to 8 p.m. that evening. The executive session would be for the purpose of discussing strategy with respect to litigation in an employee matter, as an open meeting may have a detrimental effect on the litigating position of the City of Marlborough.

Thank you for your attention to this matter.

Very truly yours,

  
Donald V. Rider, Jr.  
City Solicitor

cc: Nancy Stevens, Mayor



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

## The Commonwealth of Massachusetts

Local Election Districts Review Commission

c/o Elections Division  
One Ashburton Place, Room 1705  
Boston, MA 02108  
(617) 727-2828 (800) 462-8683

2011 SEP 23 A 11:46

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

Dear Mayor Stevens:

On July 14, 2011, the Local Election Districts Review commission considered the submission re-dividing the town of Marlborough into precincts.

The Commission is pleased to inform you that this division meets the requirements of Massachusetts General Laws chapter 54, section 1, and is otherwise consistent with law and has thus been approved by the Commission. Please note that the effective date of your new wards and precincts is not until December 31, 2011.

Thank you for your cooperation.

Sincerely,

LOCAL ELECTION DISTRICTS  
REVIEW COMMISSION

Hon. William Francis Galvin

Hon. William I. Cowin

Avi Green

cc: Lisa Thomas, Town Clerk



RECEIVED  
CITY CLERK'S OFF  
CITY OF MARLBOR

Gilbarco Inc.  
CMS Department, MS F-76  
7300 West Friendly Ave.  
P. O. Box 22087  
Greensboro, NC 27420  
United States

Phone: 800-253-8054  
Fax: 336-547-3384

www.gilbarco.com  
www.veeder.com

September 6, 2011

2011 SEP 29 P 3 9

MARLBOROUGH City Council  
140 MAIN  
MARLBOROUGH, MA 01752

RE: Global Station # 2483  
270 W MAIN ST  
MARLBOROUGH, MA 01752

To Whom It May Concern:

As a Global Montello Group Corporation and Global Companies, LLC (Global) authorized Compliance Service Provider, Gilbarco Veeder-Root is responsible for renewing and maintaining permits and licenses, and for coordinating and tracking the resolution of compliance issues.

Global purchased the above-referenced station from ExxonMobil Oil Corporation in September 2010. At the time of purchase, Global submitted to your municipality an application to amend the facility license for storage of flammables and combustibles at the above-referenced gasoline service station (FP-2 form). To date we have not been issued an amended license. This letter is to request either an updated License reflecting the transfer of ownership for the above referenced gas station or written confirmation that one will not be issued.

**\*\*This is not in regards to the annual Certificate of Registration\*\***

If the local licensing authority does not issue an updated License for a change of ownership, please sign below and return to Gilbarco Veeder-Root.

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

By signing this letter, you are indicating there is no requirement to have an amended License in the new owner's name. This letter will act in conjunction with the current License to ensure full compliance with Massachusetts General Law, Chapter 148 § 13.

Sincerely,

*Mark Richardson*

Mark Richardson  
Owner's Authorized Agent  
(336) 315-2841



Gilbarco Inc.  
CMS Department, MS F-76  
7300 West Friendly Ave.  
P. O. Box 22087  
Greensboro, NC 27420  
United States

Phone: 800-253-8054  
Fax: 336-547-3384

[www.gilbarco.com](http://www.gilbarco.com)  
[www.veeder.com](http://www.veeder.com)

September 6, 2011

MARLBOROUGH City Council  
140 MAIN  
MARLBOROUGH, MA 01752

RE: Global Station # 2722  
656 BOSTON POST RD  
MARLBOROUGH, MA 01752

To Whom It May Concern:

As a Global Montello Group Corporation and Global Companies, LLC (Global) authorized Compliance Service Provider, Gilbarco Veeder-Root is responsible for renewing and maintaining permits and licenses, and for coordinating and tracking the resolution of compliance issues.

Global purchased the above-referenced station from ExxonMobil Oil Corporation in September 2010. At the time of purchase, Global submitted to your municipality an application to amend the facility license for storage of flammables and combustibles at the above-referenced gasoline service station (FP-2 form). To date we have not been issued an amended license. This letter is to request either an updated License reflecting the transfer of ownership for the above referenced gas station or written confirmation that one will not be issued.

**\*\*This is not in regards to the annual Certificate of Registration\*\***

If the local licensing authority does not issue an updated License for a change of ownership, please sign below and return to Gilbarco Veeder-Root.

Signature: \_\_\_\_\_

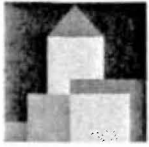
Title: \_\_\_\_\_

By signing this letter, you are indicating there is no requirement to have an amended License in the new owner's name. This letter will act in conjunction with the current License to ensure full compliance with Massachusetts General Law, Chapter 148 § 13.

Sincerely,

*Mark Richardson*

Mark Richardson  
Owner's Authorized Agent  
(336) 315-2841



# MASSDEVELOPMENT

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2011 SEP 29 P 3 09

160 Federal Street  
Boston, Massachusetts  
02110

Tel: 617-330-2000  
800-445-8030

Fax: 617-330-2001  
617-451-3429

[www.massdevelopment.com](http://www.massdevelopment.com)

September 27, 2011

Marlborough City Hall  
140 Main Street  
Marlborough, MA 01752

Dear Members of the Council:

On September 8, 2011 the Massachusetts Development Finance Agency gave preliminary approval to issue a revenue bond on behalf of Justice Resource Institute, Inc. The proposed project would be located in Framingham, Marlborough, Concord, Acton, Lexington, Littleton, Belmont, Malden, Stow, Waltham, Watertown, West Concord, Great Barrington, Princeton, Woburn, Lowell and Dedham, Massachusetts at the addresses listed on the attached summary included for your information. The bond would be issued pursuant to Chapter 23G and 40D of the General Laws.

The Agency's policy is to advise the appropriate local and regional planning agencies to ascertain the relationship of a proposed project to any existing state, local or regional comprehensive plan.

The purpose of this letter is to notify you of the project and to request that you advise in the event that the proposed project conflicts with an existing local or regional comprehensive plan. If you would like further information on the project, or if you would like the Agency to consider any comments you may have, please give me a call.

DEVAL PATRICK  
Governor

TIMOTHY P. MURPHY  
Lieutenant Governor

GREGORY P. BARRETT  
Chairman

MARCO JONES  
President and CEO

Sincerely,

Steven J. Chilton  
Senior Vice President

Enclosure: Summary

cc: Bowditch & Dewey, LLP  
One International Place  
Boston, MA 02110  
Attn: Jane V. Hawkes, Esq.

SJC/jck

**JUSTICE RESOURCE INSTITUTE, INC.**

**REQUEST:** To assist the applicant in financing a non-profit project, approval of the proposed project for a MassDevelopment 501(c)(3) issue is requested.

**BORROWER:** **Borrower:** Justice Resource Institute, Inc. (together with any parent, subsidiary or other affiliate)  
545 Boylston Street  
Boston, MA 02116  
**User:** Same.

**PROJECT LOCATIONS:** See Appendix A for list of project locations financed and/or refinanced by the Series 2008 bond issue.

**PROJECT:** Proposed is a refinancing of the borrower's 2008 bond issue. The 2008 bond was used to refund the organization's 1998 and 2002 MassDevelopment bond issues. The 2002 bond was used to refinance conventional loans that were originally used for the renovation and/or construction of several treatment centers and group homes. The 1998 bond was used to refund a MassHEFA pool loan, refinance several conventional bank mortgages, finance miscellaneous capital improvement projects, and purchase two group homes. Finally, bond proceeds will also be used to finance miscellaneous capital improvement projects and pay for costs of issuance.

**GUIDELINE ISSUES:** None.

**SOURCES & USES:**

<b><u>Sources:</u></b>	
<b>Total:</b>	<b>\$16,000,000</b>
<b><u>Uses:</u></b>	
<b>Total:</b>	<b>\$16,000,000</b>

**BOND AMOUNT:** \$16,000,000

**EMPLOYMENT:** Current employment at project site: 30  
Total employment in state: 993

**INSTITUTION:** Justice Resource Institute, Inc. ("JRI") is a 501(c)(3) corporation founded in 1973 to work with the government in solving the problems of deinstitutionalization and other problems of the human service system. JRI operates programs to help treat severely developmentally delayed persons requiring significant medical involvement, mentally ill/behaviorally challenging adolescents, court involved children and adolescents, and persons living with AIDS.

JRI is one of the largest and most diverse human service providers in Massachusetts. Today, it manages a health center and mental health clinic, street youth outreach, court and probation consultative services, and residential schools for mentally ill, cognitively limited, developmentally disabled, behaviorally challenged youngsters, and comprehensive services for developmentally disabled adults.

PUBLIC PURPOSE  
BENEFIT:

The proposed project will allow the borrower to further enhance its mission by enabling JRI to lower its borrowing costs.

PRINCIPALS:

Dr. Judith Tsipsis, PhD, Chair  
Robert J. Guttentag, Vice Chair  
Andrea Nix, Treasurer  
Dr. Stephen Porter, M.D., Clerk  
Andrew Pond, President

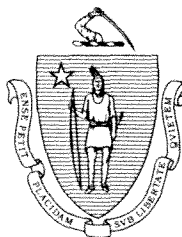
BOARD ACTION:

Approve the resolution authorizing Official Action for a MassDevelopment 501(c)(3) Bond.

Appendix A

25 Otis Street, Framingham, MA  
249 North Plain Road, Great Barrington (Housatonic), MA  
56-58 Framingham Road, Marlborough, MA  
664 and 789 Stevens Road, Swansea, MA  
1749 Main Street, Concord, MA  
380 Massachusetts Avenue, Acton, MA  
31 Grover Street, Framingham, MA  
13 Pelham Road , Lexington, MA  
148 & 160 Walden Street, Concord, MA  
22 King Street, Littleton, MA  
77 Harris Avenue, Acton, MA  
35 Lantern Road, Belmont, MA  
56 Winthrop Street, Concord, MA  
133 Wright Road, Concord, MA  
72 Leonard Circle, Lowell, MA  
20 Main Street Parkway, Malden, MA  
Mountain Road in Wachusett Mountain Reservation, Princeton, MA  
245 Harvard Street, Stow, MA  
130 Dale Street, Waltham, MA  
119 Palfrey Avenue, Watertown, MA  
226 Commonwealth Avenue, West Concord, MA  
14 Evergreen Way, Dedham, MA  
1749 Main Street, West Concord, MA





RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2011 SEP 29 P 3:09

**The Commonwealth of Massachusetts**  
William Francis Galvin, Secretary of the Commonwealth  
Massachusetts Historical Commission

September 27, 2011

Marlborough City Council  
Marlborough City Hall  
140 Main Street  
Marlborough, Massachusetts 01752

Robert M. Seymour  
City Councilor  
Marlborough City Hall  
140 Main Street  
Marlborough, Massachusetts 01752

Gary Brown  
Chairperson  
Marlborough Historical Commission  
Marlborough City Hall  
140 Main Street  
Marlborough, Massachusetts 01752

RE: Marlborough Armory, 354 Lincoln St., Marlborough

Dear Sirs and Madams:

As you are aware, the Massachusetts Historical Commission (MHC) holds a historic covenant on the Marlborough Armory (Armory). The MHC has received a request from the property owner to cancel the restriction against demolition contained in the historic covenant. As the Marlborough City Council passed a resolution on November 9, 2009, approved by the Mayor on November 18, 2009, to support any and all reasonable efforts to preserve the Armory, MHC would be interested in receiving comments from the City Council and the Marlborough Historical Commission on the property owner's request to demolish the Armory.

Pursuant to the historic covenant which runs with the land, all rehabilitation proposals must be submitted to MHC for review and approval. The MHC approved the property owner's original rehabilitation plan on September 18, 2008. The property owner's attorney, Jack P. Milgram, informed MHC that the special application was denied by the City of Marlborough (City) on October 20, 2008. Attorney Milgram takes the position that the property owners have no alternative but to demolish the Armory. By letter dated

August 29, 2011, MHC Legal Counsel requested that the property owner explore alternatives to demolition, including resubmitting the original plan as approved by MHC to the City Council. See G. L. c. 40A, § 16.

In addition to resubmitting the original plan to the City Council, MHC legal counsel requested that the property owner explore the option of developing the Armory as rental units, possibly making use of the Historic Rehabilitation Tax Credit program which allows conversion to condominium units five years after the units are placed in service, or to offer the Armory for sale to another developer.

By letter dated August 30, 2011, Attorney Milgram informed MHC Legal Counsel that the property owner and he had met with the Marlborough Economic Development Council (Development Council) regarding reconsideration by the City Council (see enclosed). Attorney Milgram states that he was advised by the Development Council that the City Council would not reconsider its original decision. It is my understanding that the property was listed for sale for a period of six months.

Given the City Council's and Marlborough Historical Commission's special interest in the Armory, MHC would like to receive comments from the City Council and the Marlborough Historical Commission regarding alternatives to demolition that may be available to the property owner and the adequacy of the exploration and consideration of those alternatives. Please submit your comments to the MHC by October 17, 2011.

Thank you for your attention to this matter.

Sincerely,



Brona Simon  
Executive Director  
Massachusetts Historical Commission

Enclosure

xc: Attorney Jack P. Milgram  
Cynthia Panagore Griffin, Assistant City Solicitor, Marlborough



LAW OFFICES OF  
JACK P. MILGRAM

1 BILLINGS ROAD, SUITE 101  
QUINCY, MA 02171

E-mail: jackp.milgram@verizon.net  
Telephone: (617) 227-0878  
Facsimile: (617) 227-3797

SYDNEY S. MILGRAM

RECEIVED

AUG 30 2011

MASS. HIST. COMM

August 30, 2011.

Frances Gould, Esq.  
Secretary of the Commonwealth  
1 Ashburton Place  
17<sup>th</sup> Floor  
Boston, MA. 02108

RE: 354 Lincoln Street  
Marlborough, MA. 01752

Dear Atty. Gould:

Thank you for your letter dated August 29, 2011.

My responses are as follows:

1. On March 18, 2011, my client and I met with the Marlborough Economic Development Council. The MEDC agreed to serve as a go-between between my client and the Marlborough City Council. This meeting consisted of a discussion of the project in the conference room of a branch of the Marlborough Savings Bank as well as a tour of the armory building. This meeting included a discussion of the 11/18/09 resolution referenced in your letter as well as the fact that the city council was requiring this project to be 100% owner occupied from the developer out. Unfortunately, I was subsequently advised by the MEDC that the city council would not reconsider its original requirement as to owner occupancy. Therefore, this rules out alternatives one, (1) and two, (2) as outlined in your letter.
2. The armory was listed for sale with SNB Realty, LLC from December 16, 2009 through June 16, 2010. There were no offers. The city council, by and through, City Councilor, Robert M. Seymour has also been advised that my client would consider any reasonable proposals for the sale of the armory. This also has not resulted in any offers.

As the alternatives outlined in your letter have been previously considered and explored, my client once again must request, for good cause, cancellation of the restriction against demolition of 354 Lincoln Street, Marlborough, MA. contained in the historic covenant recorded against said property on May 14, 2011.

I look forward to hearing from you.

Thanking you in advance for your anticipated courtesy and cooperation.

FROM : EAST OCEAN INT. TRADE INC.

PHONE NO. : 781 646 1703

Feb. 16 2011 04:09PM P1

RECEIVED

AUG 30 2011

MASS. HIST. COMM

12 February 2011

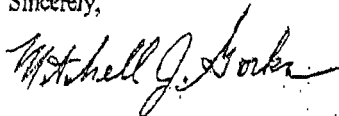
Ming, Jing Wei, Yi Wang  
67 Magoun Avenue  
Medford, Ma. 02155

RE: 358 & 364 Lincoln Street, Marlborough

Dear Mr. Wang,

I am a member of the Marlborough Economic Development Corporation (MEDC) subcommittee on Urban Core Projects. We are interested in facilitating development of vacant and under utilized properties in Marlborough's central business district which includes your properties at 358 and 364 Lincoln Street. I would like to talk to you about your plans for these properties to discuss if we can help you. I understand that you were denied a special permit to build condominiums but there may be other options to consider. Please contact me so we can talk about how to go forward. My number and e-mail are given below.

Sincerely,



Mitchell Gorka  
(508) 630-1206  
mgorka@comcast.net

The provisions hereof shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

WITNESS the execution hereof under seal as of the day and year first above written.

Ming Wang *J. J. Milgram P.O.A.*  
(Owner)  
Ming Wang

\_\_\_\_\_  
(Broker)  
By \_\_\_\_\_  
Its \_\_\_\_\_  
title (duly-authorized)

SCHEDULE A

TERMS OF SALE:

Broker will make every effort to list and market for sale 358-364 Lincoln St. Marlborough, MA 01752 as a single bundle. The term of this listing agreement shall be for a period six months with the seller having the right to terminate the contract only if he receives proven permission from the Commonwealth of Massachusetts to demolish the armory. SNB Realty, LLC and Shafik N. Bahou, the selling broker, shall be entitled to a commission of 5% of the final sale price upon closing, from the seller. The only exception to the commission from the seller is in the event that Deborah Fairbanks executes a purchase and sale agreement with the seller. The seller shall provide the broker with any pertaining information, property access, and material that may aid in leading to the sale of the said properties, including but not limited to keys, photographs, and property history. Selling broker intends to broker the properties under a fiduciary responsibility towards the seller. The selling broker has the right to work with buyers agents as well as procure any potential buyers and investors himself, where necessary, acting as a disclosed dual agent

REIMBURSABLE EXPENSES:

The seller is under no obligation to reimburse the broker for any expenses incurred in attempts to list, market, and sell the properties.



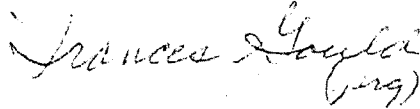
Jack P. Milgram  
August 29, 2011  
Page Two

As I am sure you are aware, the City Council passed a resolution on November 9, 2009, approved by the Mayor on November 18, 2009, supporting any and all reasonable efforts for the preservation of the Armory. Given the more recent resolution to preserve the Armory by the City, the Council may reconsider the original decision.

Another alternative is to revise the proposal to develop the Armory as rental units, possibly making use of the Historic Rehabilitation Tax Credit program which allows conversion to condominium units five years after the units are placed in service. An additional alternative is to offer the Armory for sale to another developer. While this suggested list of feasible alternatives is not exhaustive, it demonstrates that alternatives to demolition are available and must be explored.

Any issues regarding proposed alternatives to demolition should be directed to MHC staff for their review.

Very truly yours,

A handwritten signature in cursive script that reads "Frances Gould" with a small "(ing)" written below the name.

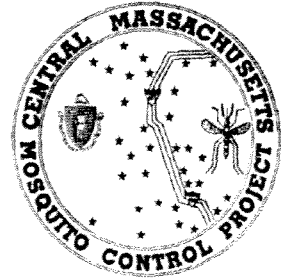
Frances Gould  
MHC Legal Counsel

cc: Marlborough City Council  
Robert M. Seymour, City Councilor  
Cynthia M. Panagore Griffin, Assistant City Solicitor  
Marlborough Historical Commission  
Brona Simon, MHC Executive Director

**MEMO**

**Central Mass.  
Mosquito Control  
Project**

[www.cmmcp.org](http://www.cmmcp.org)



DATE: Sept. 23, 2011  
 SUBJECT: Mosquito Control Update  
 TO: CMMCP Boards of Health  
 FROM: Timothy Deschamps, Executive Director

RECEIVED  
 CITY CLERK'S OFFICE  
 CITY OF MARLBORO  
 2011 SEP 26 P 4:02

The residential spraying program has ended due to night time temperatures which lower mosquito activity and reduce the effectiveness of the pesticide – spraying is not allowed until sunset, and is prohibited at temperatures below 50F due to label restrictions.

Please be aware that mosquito-borne viruses are in some areas; please push the message of exercising caution when outside, using repellents and wearing long sleeved shirts and long pants whenever possible. We will continue to monitor mosquitoes throughout the month, possibly into October. If virus is found in your area, please contact our office and we will determine the appropriate response together. Risk from mosquito-borne disease will be present until we have several hard, killing frosts.

Below is a table showing the MDPH overall mosquito risk category for your town (from Sept. 21 – most towns are “Remote” or “Low”, 3 towns are “Moderate”) – EEE has just been found in three towns in mosquito collections, they are labeled in RED.

Please feel free to contact me if you have any questions; and you can log on to our website at any time at [www.cmmcp.org](http://www.cmmcp.org) for additional information.

ACTON	LOW	LUNENBURG	LOW
ASHLAND	REMOTE	MARLBORO	LOW
AUBURN	LOW	MILFORD	REMOTE
AYER	REMOTE	MILLBURY	LOW
BERLIN	LOW	MILLVILLE	REMOTE
BILLERICA	LOW	NATICK	LOW
BLACKSTONE	REMOTE	NORTHBORO	LOW
BOXBOROUGH	REMOTE	NORTHBRIDGE	REMOTE
CHELMSFORD	LOW	SHERBORN	LOW
CLINTON	LOW	SHREWSBURY	MODERATE
DEVENS	LOW	SOUTHBORO	REMOTE
DRACUT	LOW	STOW	LOW
FITCHBURG	REMOTE	STURBRIDGE	LOW
HOLLISTON	REMOTE	TEWKSBURY	LOW
HOPEDALE	REMOTE	UXBRIDGE	REMOTE
HOPKINTON	REMOTE	WEBSTER	REMOTE
HUDSON	MODERATE	WESTBORO	LOW
LANCASTER	MODERATE	WESTFORD	LOW
LEOMINSTER	LOW	WILMINGTON	LOW
LITTLETON	REMOTE		