

REGULAR MEETING  
FEBRUARY 14, 2011

IN CITY COUNCIL  
ABSENT:

CONVENED:  
ADJOURNED:

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2011 FEB 10 P 6:45

1. Minutes of the City Council Meeting, January 24, 2011.
2. PUBLIC HEARING On the Communication from Council President Vigeant re: Proposed Amendments to the Zoning Ordinance pertinent to Sections 650-21 and 650-22 and amendments to three Special Permits for retirement communities, Order No. 11-1002806.
3. Communication from the Mayor re: request for Executive Session for the purpose of discussing litigation strategy, as an open meeting may have a detrimental effect on the litigation position of the City of Marlborough.
4. Communication from the Mayor re: Snow and Ice Removal Expenditure Request to increase deficit appropriation by \$500,000.00, Order No. 10/11-1002565-3B.
5. Communication from the Mayor re: Public Facility transfer requests in the amounts of \$16,000.00 and \$10,000.00 which moves funds from Custodian to Additional Gross Overtime and Building Maintenance Craftsman to Principal Clerk respectively for overtime associated with snow removal operations.
6. Communication from the Mayor re: transfer of Insurance Payment in the amount of \$76,300.00 which moves funds from Insurance Proceeds over 20K to Public Facilities Capital Outlay pertinent to claim filed for damaged DPW generator.
7. Communication from the Mayor re: transfer of Mitigation Payment in the amount of \$30,000.00 which moves funds from National Grid Stabilization to Public Facilities Capital Outlay for lighting upgrades to Kelleher Field.
8. Communication from the Mayor re: transfer request in the amount of \$21,111.00 which moves funds from Undesignated to Director to fund the Department of Human Services for the remainder of FY11.
9. Communication from the Mayor re: Memorial Beach bond authorization in the amount of \$1,000,000.00 for design, permitting and construction of Memorial Beach.
10. Communication from the Mayor re: reappointments of Sean Fay and Edward Hodges to the Planning Board with terms expiring February 1, 2016.
11. Communication from the Mayor re: reappointment of Daniel Brogie to the Board of Assessors with a term to expire three years from date of approval.
12. Communication from the Mayor re: reappointment of John Tselikis and Dr. Jay Jahanmir to the Board of Health with terms expiring February 1, 2014.
13. Communication from the Councilor Elder re: Home Rule Petition, Pension and Health Care Reform.
14. Communication from Chief Procurement Officer, Beverly Sleeper, re: Notice of Award to US Wireless for Leasing Project.
15. Communication from Attorney Valeriani on behalf of Verizon Wireless, re: request to extend time limitations to permit, construct, operate and maintain a Wireless Communication Facility consisting of a 130' antenna-monopole-tower at 800 Bolton St. to April 13, 2011 at 11:00 PM, Order No. 10-1002623C.
16. Communication from Attorney Bergeron on behalf of Melanson Development pertinent to the Walker property re: assents of the proposed open space development as it includes land that is currently part of the Marlborough's sewer line pursuant to Section 650-28 (D) (2) of the Marlborough Zoning Ordinance.

## 17. CLAIMS:

- A. Richard Gaudette, 9 Rogers Ave., residential mailbox
- B. Charles Sarian, 51 Bouffard Dr., residential mailbox (2a)
- C. Jill Sacca, 227 Berlin Rd, residential mailbox
- D. Russell Gleason, 6 Gleason St. Ext., other property damage
- E. Attorney Leone, 1101 Worcester Rd., Framingham, on behalf of Ryan Nickerson, personal injury
- F. Lisa Benway, 85 Beach St., pothole or other road defect
- G. Babak Roushanaee, 50 Cotting Ave., other property damage

## REPORTS OF COMMITTEES:

## UNFINISHED BUSINESS:

**From Public Services**

18. **Order No. 10/11-1002763 - 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 526, Entitled "Signs."** Communication from City Solicitor Donald V. Rider with proposed amendments to the Sign Ordinance in areas identified by the Building Inspector and his staff that could benefit not only from some grammatical or word usage changes but also from some enhancement of the enforcement procedures themselves. The Committee discussed the proposed ordinance changes with the City Solicitor and the Building Inspector. **Recommendation of the Public Services Committee is to recommend adoption of the proposed ordinance changes and under Suspension of the Rules, to advertise proposed ordinance changes 3-0.**

**From City Council**

19. **Order No. 11-1002801 - City's designation as a Green Community and award of a Grant in the amount of \$217,000.00 for use on energy savings upgrades and initiatives. Recommendation of the City Council is to table until the February 14, 2011 City Council meeting.**



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

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

**Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723  
JANUARY 24, 2011**

Regular meeting of the City Council held on Monday, JANUARY 24, 2011 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Ossing, Vigeant, Pope, Levy, Ferro, Elder, Tunnera, Seymour, Clancy and Landers. Councilor Delano was absent. Meeting adjourned at 8:27 p.m.

**ORDERED:** That the minutes of the City Council Meeting January 3, 2011, **FILE**; adopted.

**ORDERED:** That the **PUBLIC HEARING** On the Application of Donald Lynch Realty Trust for amendment to Special Permit 94-560B to increase the number of amusement devices from 26-42 at the New England Sports Center located at 121 Donald Lynch Blvd., Order No. 11-1002790, all were heard who wish to be heard, hearing recessed at 8:04 p.m.; adopted.

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

**Absent: Delano**

**ORDERED:** That the transfer request in the amount of \$200,000.00 which moves funds from Undesignated to Marlboro 2010 to cover the estimated cost of the Economic Development Master Plan, refer to **FINANCE COMMITTEE**; adopted.

**FROM:**

Acct. # 10000-35900 \$200,000.00  
Undesignated Fund

**TO:**

Acct. # 11210006-53940 \$200,000.00  
Marlboro 2010

**ORDERED:** That the Police transfer requests as follows:

Transfer in the amount of \$44,436.00 moving funds from Stabilization – Public Safety to Police Officers

Transfer in the amount of \$84,208.00 moving funds from Police Officers to Regular Overtime

Transfer in the amount of \$5,000.00 moving funds from Court OT to Holiday Pay, refer to **FINANCE COMMITTEE**; adopted.

**FROM:**

Acct. # 83600-32701 \$44,436.00  
Stabilization-Public Safety

Acct. # 12100001-50420 \$84,208.00  
Police Officers

Acct. # 12100003-51320 \$5,000.00  
Court OT

TO:	
Acct. # 12100001-50420	\$44,436.00
Police Officers	
Acct. # 12100003-51310	\$84,208.00
Regular OT	
Acct. # 12100003-51490	\$5,000.00
Holiday Pay	

ORDERED: That the Legal transfer request in the amount of \$25,000.00 which moves funds from Undesignated to Legal Services to fund a variety of legal services, refer to **FINANCE COMMITTEE**; adopted.

FROM:	
Acct. # 10000-35900	\$25,000.00
Undesignated Fund	
TO:	
Acct. # 11510004-53110	\$25,000.00
Legal Services	

ORDERED: That the Fire transfer request in the amount of \$30,000.00 which moves funds from Undesignated to Additional Overtime to fund shift coverage and avoid station closures, refer to **FINANCE COMMITTEE**; adopted.

FROM:	
Acct. # 10000-35900	\$30,000.00
Undesignated Fund	
TO:	
Acct. # 12200003-51300	\$30,000.00
Additional OT	

ORDERED: That the Assessor's transfer request in the amount of \$20,000.00 which moves funds from Overlay Reserve to Personal Property Valuation, **APPROVED**; adopted.

FROM:	
Acct. # 10000-32200	\$20,000.00
Overlay Reserve	
TO:	
Acct. # 11410004-57038	\$20,000.00
Personal Property Valuation	

ORDERED: That the transfer request in the amount of \$23,000.00 from Undesignated to Capital Outlay for Senior Center Feasibility Study, refer to **FINANCE COMMITTEE**; adopted.

FROM:	
Acct. # 10000-35900	\$23,000.00
Undesignated Fund	
TO:	
Acct. # 19300006-58467	\$23,000.00
Capital Outlay-Public Facilities	

ORDERED: That the FY2011 Student Awareness Fire Education Grant awarded to the Fire Department in the amount of \$6,515.00 which provides funding for student awareness of fire education programs, **APPROVED**; adopted.

ORDERED: That the City's designation as a Green Community and award of a Grant in the amount of \$217,000.00 for use on energy savings upgrades and initiatives, **TABLE UNTIL THE FEBRUARY 14, 2011 CITY COUNCIL MEETING**; adopted.

ORDERED: That pursuant to Chapter 44, section 31D of the General Laws of the Commonwealth of Massachusetts, which authorizes the City to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal, the City Council of the City of Marlborough, upon the recommendation of the Mayor, approves expenditures of \$1,000,000.00 in excess of available appropriation for snow and ice removal for fiscal year 2011, **APPROVED**; adopted.

ORDERED: That pursuant to the provisions of section 29A of Chapter 98 of the Massachusetts General Laws, the City Council of the City of Marlborough, upon recommendation of the Mayor, authorizes a special revenue account for the deposit of monies received from fines imposed upon persons issued civil citations by the Sealer of Weights and Measures for violations of weights and measures laws. It is further ordered that:

- (a) Monies in the account may only be expended upon majority vote of the City Council;
- (b) Appropriations from the fund may only be used for the purpose of enforcement of item pricing and weights and measures laws; and
- (c) The effective date of this order is the date of adoption by the City Council, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That in accordance with Order No. 07/08/09-1001680A-4 the City Council of the City of Marlborough having accepted and acquired from Lakeview/Bolton Street Realty LLC of 640 Bolton Street, Marlborough, MA the fee simple interest in an approximately 2.48 acre parcel of land (the "Parcel"), being a portion of Assessor's map 17, parcel 10 and further described in a deed recorded in the South Middlesex County Registry of Deeds in Book 55716, Page 54 and in a confirmatory deed recorded at the South Middlesex County Registry of Deeds in Book 56263, Page 494, because of its potential as open space, its potential recreational value to the nearby Assabet River Rail Trail and future public recreational amenities on abutting municipal property at Assessors Map 30, parcel 4D, its scenic views of Fort Meadow Reservoir, and its potential as wildlife habitat, does hereby transfer the care, custody, management, and control of the Parcel for the same purposes to the Department of Public Works, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

MOTION made by Councilor Seymour to refer to the Legislative and Legal Affairs Committee, **WITHDRAWN**.

ORDERED: That the Human Services Reorganization plan, refer to the **HUMAN SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from Council President Vigeant re: City Council Meeting schedule and City Council Committee assignments, **FILE**; adopted.

ORDERED: That the reappointment of Lisa Thomas as City Clerk for a term to expire three years from date of confirmation, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, FEBRUARY 14, 2011** as date for a **PUBLIC HEARING** on the on the Proposed Amendments to the Zoning Ordinance pertinent to Sections 650-21 and 650-22, and further, on Application of the Proposed Zoning Ordinance Amendments to the three existing Special Permits for retirement communities in Marlborough, **ADVERTISE AND REFER TO URBAN AFFAIRS COMMITTEE AND PLANNING BOARD**; adopted, as follows:

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 650-21, ENTITLED "RETIREMENT COMMUNITY RESIDENCE DISTRICTS," AND CHAPTER 650-22, ENTITLED "RETIREMENT COMMUNITY RESIDENCE DISTRICTS OVERLAY DISTRICTS," AS FOLLOWS:

1. Section 650-21, entitled "Retirement Community Residence Districts," is hereby amended:
  - a. by amending subsection C(3) thereof, by deleting the second sentence thereof, which heretofore read "At least 66% of the living area in each unit shall be located on the first floor."
  - b. by amending subsection C(8) thereof, by amending the second sentence thereof, by adding after the word "provide" the following words:-- at least.
2. Section 650-22, entitled "Retirement Community Overlay Districts," is hereby amended:
  - a. by amending subsection C thereof, entitled "Permitted uses":
    - i. by amending the introduction thereof, by striking out in the sixth line thereof the following words:-- "and such additional multifamily housing units segregated onto a separate portion of the site, referred to herein as an 'ancillary residential community,' as the City Council deems appropriate,".
    - ii. by amending subsection (3) thereof, by deleting the second sentence thereof, which heretofore read "At least 66% of the living area in each unit shall be located on the first floor."
    - iii. by amending subsection (8) thereof, by amending the second sentence thereof, by adding after the word "provide" the following words:-- at least.

- iv. by amending subsection (14) thereof, by striking out said subsection in its entirety, including sub-subsections (a) through (f), which heretofore read:

“(14) The following site development provisions shall apply to any ancillary residential community which is approved in conjunction with the granting of a special permit for the construction of a retirement community:

(a) Each building in an ancillary residential community shall face either upon an existing street or upon a public or private way constructed within said ancillary residential community and shall have a minimum front yard of no less than 10 feet from the edge of the paved way to the closest point of the structure. Each building, whether principal or accessory, shall be at least 50 feet from any other building by air line distance between the nearest points of the building.

(b) No dwelling unit shall contain less than 800 square feet of floor space exclusive of halls and stairs, and no room shall contain less than 120 square feet.

(c) No part of any building in any ancillary residential community shall be less than 30 feet from any lot line, less than 50 feet from any street, or less than 80 feet from the nearest structure in a retirement community.

(d) All site landscaping shall be designed so as to provide a clear sense of separation between the ancillary residential community and a retirement community. Landscape design preference shall be given to the maintenance of existing trees and ground cover. The development of large lawn areas shall be minimized.

(e) The City Council may, as a condition of any special permit which includes an ancillary residential community, require that the land area on which the ancillary residential community is located be permanently maintained as one undivided lot or, within a condominium, as one undivided condominium unit, or require such other legal mechanism as will, in the opinion of the City Council, assure that the said ancillary residential community will not be subdivided or its ownership further condominiumized, that said ancillary residential community will remain as rental housing, and that ownership of said ancillary residential community will remain consolidated.

(f) The total number of units in an ancillary residential facility shall not exceed 30% of the combined total of retirement community and ancillary apartment units.”

- v. by amending subsection (15) thereof, by amending the introduction thereof, by striking out in the first line thereof the following words:-- “and which does not include any ancillary residential community”.

3. The effective date of these amendments shall be the date on which they are voted upon by the city council.

[END: Order No. 11-1002806-1]

That, as a result of the City Council’s approval of Order No. 11-1002806-1, the following special permits previously approved by the City Council, in its capacity as special permit granting authority, shall each be modified in the following respects:

- 1) Special Permit issued to Brigham Development Corp., 38 Brigham Street, Marlborough, MA for development and operation of land at 388 Boston Post Road East into a “Retirement Village” of condominiums, Order No. 97-7158B, adopted September 8, 1997. The second sentence in condition number 7 thereof, which sentence had read “At least 66% (sixty six percent) of the living area in each unit shall be located on the first floor,” shall be stricken and shall have no legal effect as of the effective date of Order No. 11-1002806;

- 2) Special Permit issued to Brigham Development Corp. and Williams Village, LLC, 38 Brigham Street, Marlborough, MA to construct a retirement community, Order No. 99-7967B, adopted April 5, 1999. The second sentence in condition number 7 thereof, which sentence had read "At least 66% (sixty six percent) of the living area in each unit shall be located on the first floor," shall be stricken and shall have no legal effect as of the effective date of Order No. 11-1002806; and
- 3) Special Permit issued to Metro Park Corp., 929 Boston Post Road East, Marlborough, MA to construct a retirement community, Order No. 03-10022, adopted September 8, 2003, as amended by a Revised Special Permit issued to Toll MA Land Partnership, 250 Gibraltar Road, Horsham, PA to construct 69 townhouse residential retirement community units, Order No. 09-1002151C, approved June 22, 2009. The second sentence in condition number 7 thereof, which sentence had read "At least 66% (sixty-six percent) of the living area in each unit shall be located on the first floor," shall be stricken and shall have no legal effect as of the effective date of Order No. 11-1002806.

[END: Order No. 11-1002806-2]

**DECISION ON AN APPLICATION TO AMEND**  
**SPECIAL PERMIT # 10-1002448B**

The City Council of the City of Marlborough hereby Grants the Application for Amendment to Special Permit # 94-5460B as previously amended by City Council Order # 04-100359 and City Council Order # 10-1002448B to Quad Rink Limited Partnership/New England Sports Management Corporation, General Partner, 84 South Street, Carlisle, MA 01741 and H. Larue Renfroe, Trustee of Donald Lynch Boulevard Realty Trust u/d/t dated December 23, 1994 recorded in the Middlesex South District Registry of Deeds in Book 25093 Page 467, both having a place of business at 84 South Street, Carlisle, MA 01741 as provided in the Decision and subject to the following Procedural Findings, Findings of Facts and Conditions:

**PROCEDURAL FINDINGS**

1. New England Sports Management Corporation, General Partner of Quad Rink Limited Partnership, and H. Larue Renfroe, Trustee of Donald Lynch Boulevard Realty Trust u/d/t dated December 23, 1994 each having a place of business at 84 South Street, Carlisle, MA 01741 are hereinafter collectively referred to as the "Applicant."
2. H. Larue Renfroe, Trustee of Donald Lynch Boulevard Realty Trust, is the owner of property located at 121 Donald Lynch Boulevard (hereinafter referred to as the "Site"), as well as certain contiguous land in the Town of Hudson. Said property is further described in a deed recorded in the Middlesex South District Registry of Deeds in Book 24458 Page 324.

3. The Applicant, on or about December 24, 2010, filed with the City Clerk of the City of Marlborough an Application for Amendment to Special Permit # 10-1002448B, herein referred to as the "Application."
4. On May 23, 1994 the City Council granted the Applicant a Special Permit to construct a multi-sport facility consisting of up to four major activity areas. The activity areas are known as "rinks." Notice of Grant of Special Permit # 94-5460B, herein after referred to as "Special Permit" is recorded in the Middlesex South District Registry of Deeds in Book 25042 Page 572. Said Special Permit was amended on May 10, 2004 by City Council Order No. 04-100359 notice of which was recorded in the said Registry of Deeds in Book 43009 Page 25 and further amended by City Council Order No. 10-1002448B notice of which was recorded in said Registry of Deeds in Book 54646 Page 143. (collectively the Project)
5. The Application is authorized under the provisions of Chapter 650 (Zoning) of the Code of the City of Marlborough, Article V Section 650-17 Table of Uses and 18 Conditions for Uses A (23) Recreation Centers. The reason for the Application is to amend the Special Permit to allow under Special Permit # 94-5460B Paragraph 4 condition (q) Amusement Devices 42 amusement devices in the areas located on the second floor of the Sports Center.
6. The Application filed with the City Clerk on December 24, 2010 consisted of the following: (a) Application Fee in the amount of \$250.00; (b) 3 (three) original copies of the Application for Amendment to Special Permit # 94-5460B; (c) Certification of Delivery of copies of application to City of Marlborough Departments and Office of the City Council; (d) Certification of Payment of Municipal Taxes; (e) Application outlining the project; (f) Special Permit Application Certification by Planning Department; (g) Certified copies of Abutters' Lists for the City of Marlborough and the Town of Hudson; (h) Special Permit-Summary Impact Statement; (collectively the "Documents"). Twelve sets of Documents were delivered to the City Council and one set each to the Police Chief, the Fire Chief, the City Planner, the Building Inspector, the City Engineer and the Conservation Officer, all in accordance with Chapter 650, Article VII Section 200-59 of the Zoning Code of the City of Marlborough. The documents are incorporated herein and become part of this Decision.
7. The Applicant filed with the Application a Certificate of Completeness of Application on a form signed by the Building Inspector for the City of Marlborough, on behalf of the City Planner for the City of Marlborough, as having complied with the provisions of Chapter 650 (Zoning Code) Article VII Section 650-59, C. (7) (a), (b), and (c).

8. In accordance with the Rules and Regulations of the City Council and Massachusetts General Laws Chapter 40A Sections 9 and 11, the City Council established January 24, 2011 at 8:00 PM as a date and time for a public hearing on the Application, caused a notice of said hearing and the date thereof to be advertised on January 10, 2011 and January 17, 2011 in the Metrowest Daily News and caused said notice to be mailed to those entitled thereto. Proof of advertisement and mailing has been submitted to the City Clerk to be placed with the Application documents.
9. The Marlborough City Council held a public hearing on the Application on January 24, 2011 at 8:00 PM in accordance with the published notice, (the Public Hearing). The hearing was opened and closed on said date.
10. The Applicant explained to the City Council that the additional amusement devices will serve the public interest; that the adding of the machines will provide entertainment for both users and spectators of the New England Sports Center; that it will occupy idle time of athletes and spectators during a time when there is no event, which the athlete is participating in or the spectator has an interest in; and that with sixteen years of history, management has determined that there is a clear need for the amusements to occupy time of the public while in the facility and waiting for an event to take place. The Applicant explained that the additional amusement devices will not attract more people to the facility. Members of the public had the opportunity to testify at the public hearing.

**BASED UPON THE ABOVE THE CITY COUNCIL OF THE CITY OF  
MARLBOROUGH MAKES THE FOLLOWING FINDINGS AND CONDITIONS:**

- A. The City Council finds that it may amend Special Permits #94-5460B, 04-100359B and # 10-1002448B subject to terms and conditions as it deems necessary and reasonable to protect the citizens of the City of Marlborough.
- B. The City Council finds the Application for Amendment to Special Permit does not derogate from the intent or purpose of the Zoning Ordinance of the City of Marlborough or Massachusetts General Laws Chapter 40A, et. seq.
- C. The City Council finds that the proposed use of the Site for the Project is an appropriate use and is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough.
- D. The Applicant has complied with all the procedural rules and regulations of the City Council of the City of Marlborough, Chapter 650 (Zoning Code) of the City of Marlborough and Massachusetts General Laws Chapter 40A Sections 9 and 11.

**GRANT OF AMENDMENT TO SPECIAL PERMIT**

The City Council of the City of Marlborough pursuant to its authority under Chapter 650 (Zoning Code) of the Code of the City of Marlborough and Massachusetts General Laws Chapter 40A, GRANTS to the Applicant an Amendment to Special Permits # 94-5460B, # 04-100359B and # 10-1002448B to add sixteen (16) amusement devices for a total of forty-two (42) amusement devices allowed to be used on the premises, subject to the following conditions:

1. Special Permit No. 94-5460B is amended by deleting in its entirety from its Findings and Conditions Paragraph 4, condition (q), and inserting in place thereof the following:
  - (q) Amusement Devices. The Applicant may provide for the public's use, up to forty-two (42) amusement devices in the areas designated as Game Room, Snack Bar Area and Family Area. All video games shall be located on the second floor of the building. Other amusement devices, such as pool tables, foos-ball, ping-pong, shuffle Board, hockey, basketball and similar type amusement games may be located in the Snack Bar and Family Areas. The Applicant may not provide more than four pool tables.
2. Special Permit # 10-1002448B is amended by adding the following new condition to GRANT OF AMENDMENT TO SPECIAL PERMIT paragraph F:
  22. The Applicant shall hire a company to perform an inside grid study of radio communications at a cost of no more than \$500.00. Following the study, Applicant will work with the City to implement procedures to provide better radio communications with City public safety departments.
3. The Special Permit # 94-5460B, # 04-100359B and # 10-1002448B are hereby affirmed, are deemed to be in full force and effect, and apply to the Project without change or modification, except as provided for in the Application, and other conditions herein stated.
4. Unless modified by the provisions hereof, all conditions outlined in Special Permit No. 94-5460B recorded in the Middlesex South District Registry of Deeds in Book 25042 Page 572, Special Permit No. 04-100359B recorded in said registry of deeds in Book 43009 Page 25 and Special Permit No. 10-1002448B shall apply to the Project.

5. In accordance with the provisions of Mass. Gen. Laws c. 40A, § 11, the Applicant at its expense shall record this Amendment to 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. Upon said recording, Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council's office and to the City Solicitor's office.

**Yea: 10- Absent: 1**

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

**Absent: Delano**

ORDERED: That the Communication from Attorney Beattie re: Public Acceptance of Ewald Ave. and Muir Way in the Forest Grove Subdivision, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Application, new Pool Table license, The Lazy Dog, 31 Main St., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, Planning Board, December 6 & 20, 2010, **FILE**; adopted.

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

- A. Barbara DiPasquale, 4 Neil St., other property damage
- B. Bill Katsikas, 57 Neil St., other property damage
- C. Kimberly Kotsiras, 29 Muir Way, residential mailbox claim 2(b)
- D. James Corr, 65 Sheffield Terrace, residential mailbox 2(a)

Reports of Committees:

Councilor Clancy reported the following out of the Public Services Committee:

**Order No. 10-1002763 - 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 526, Entitled "Signs."** Communication from City Solicitor Donald V. Rider with proposed amendments to the Sign Ordinance in areas identified by the Building Inspector and his staff that could benefit not only from some grammatical or word usage changes but also from some enhancement of the enforcement procedures themselves. The Committee discussed the proposed ordinance changes with the City Solicitor and the Building Inspector. **Recommendation of the Public Services Committee is to recommend adoption of the proposed ordinance changes and under Suspension of the Rules, to advertise proposed ordinance changes 3-0.**

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 377, ENTITLED "JUNK AND SECOND HAND DEALERS LICENSES," AS FOLLOWS:

Chapter 377 is hereby amended by deleting section 377-1 in its entirety and replacing it with the following:

**377-1. License Required; License Revocation.**

- A. No person shall be a collector of, dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals, rags or secondhand articles unless licensed by the City Council, which may grant licenses as it may determine.
- B. Said licenses may be revoked, suspended or modified at pleasure by the City Council.
- C. Upon revocation, suspension or modification of such license, the City Clerk shall note the revocation upon the face of the record thereof, and shall give written notice to the licensee as provided under M.G.L. c. 140, § 205, as amended.
- D. A licensee may make a written request for a hearing before the City Council on any such revocation, suspension or modification, which shall be held by the City Council within thirty (30) days, or as soon as practicable thereafter, of the receipt of the request.

Chapter 377 is also hereby amended by changing the duration of time described in section 377-6 from one week to thirty (30) days as follows:

**377-6. Retention period prior to resale.**

No article purchased or received by a dealer in junk or secondhand articles shall be sold or removed from his or her possession until at least thirty (30) days from the date of purchase or receipt of the same has elapsed.

Chapter 377 is also hereby amended by adding terms concerning violations of section 377-7:

**377-7. Required Records to be kept by dealer.**

- D. Violations of this section by licensees purchasing or receiving gold, silver or platinum shall be subject to penalties described in M.G.L. 266, § 142A, as amended.

Further, Chapter 377 is also hereby amended by adding the following new section concerning enforcement and penalties:

**377-10. Enforcement; Penalties.**

- A. Whoever acts as a collector of, dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals, rags or second hand articles without a license or after notice that his license has been revoked or suspended shall be subject to a fine of \$100.00 per day for each and every day the violation continues after issuance of a Notice of Violation by the Building Inspector of his designee, who may enforce such violation pursuant to the provisions of M.G.L. c. 40, § 21D, as amended.

B. Whoever violates the provisions of this chapter, other than by operation after revocation or suspension as provided in paragraph A. of this section or as provided in paragraph D. of section 377-7, shall be subject to a fine of \$100.00 per day for each and every day the violation continues after issuance of a Notice of Violation by the Chief of Police or his designee, who may enforce such violation pursuant to the provisions of M.G.L. c. 40, § 21D, as amended. Whoever acts as a collector of, dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals, rags or second hand articles without a license may also be subject to a fine under the provisions of this paragraph.

C. All fines are payable to the City of Marlborough through the City Clerk's office.

**APPROVED;** adopted.

**First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.**

**ORDERED:** There being no further business, the regular meeting of the City Council is herewith adjourned at 8:27 p.m.



# IN CITY COUNCIL

Marlborough, Mass., JANUARY 24, 2011  
PAGE 1

## ORDERED:

That there being no objection thereto set **MONDAY, FEBRUARY 14, 2011** as date for a **PUBLIC HEARING** on the on the Proposed Amendments to the Zoning Ordinance pertinent to Sections 650-21 and 650-22, and further, on Application of the Proposed Zoning Ordinance Amendments to the three existing Special Permits for retirement communities in Marlborough, be and is herewith **ADVERTISE AND REFER TO URBAN AFFAIRS COMMITTEE AND PLANNING BOARD**, as follows:

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 650-21, ENTITLED "RETIREMENT COMMUNITY RESIDENCE DISTRICTS," AND CHAPTER 650-22, ENTITLED "RETIREMENT COMMUNITY RESIDENCE DISTRICTS OVERLAY DISTRICTS," AS FOLLOWS:

1. Section 650-21, entitled "Retirement Community Residence Districts," is hereby amended:
  - a. by amending subsection C(3) thereof, by deleting the second sentence thereof, which heretofore read "At least 66% of the living area in each unit shall be located on the first floor."
  - b. by amending subsection C(8) thereof, by amending the second sentence thereof, by adding after the word "provide" the following words:-- at least.
2. Section 650-22, entitled "Retirement Community Overlay Districts," is hereby amended:
  - a. by amending subsection C thereof, entitled "Permitted uses":
    - i. by amending the introduction thereof, by striking out in the sixth line thereof the following words:-- "and such additional multifamily housing units segregated onto a separate portion of the site, referred to herein as an 'ancillary residential community,' as the City Council deems appropriate,".



# IN CITY COUNCIL

JANUARY 24, 2011

Marlborough, Mass., ~~PAGE 2~~

## ORDERED:

- ii. by amending subsection (3) thereof, by deleting the second sentence thereof, which heretofore read "At least 66% of the living area in each unit shall be located on the first floor."
- iii. by amending subsection (8) thereof, by amending the second sentence thereof, by adding after the word "provide" the following words:-- at least.
- iv. by amending subsection (14) thereof, by striking out said subsection in its entirety, including sub-subsections (a) through (f), which heretofore read:

"(14) The following site development provisions shall apply to any ancillary residential community which is approved in conjunction with the granting of a special permit for the construction of a retirement community:

(a) Each building in an ancillary residential community shall face either upon an existing street or upon a public or private way constructed within said ancillary residential community and shall have a minimum front yard of no less than 10 feet from the edge of the paved way to the closest point of the structure. Each building, whether principal or accessory, shall be at least 50 feet from any other building by air line distance between the nearest points of the building.

(b) No dwelling unit shall contain less than 800 square feet of floor space exclusive of halls and stairs, and no room shall contain less than 120 square feet.



# IN CITY COUNCIL

JANUARY 24, 2011

Marlborough, Mass., ~~PAGE 3~~

ORDERED:

(c) No part of any building in any ancillary residential community shall be less than 30 feet from any lot line, less than 50 feet from any street, or less than 80 feet from the nearest structure in a retirement community.

(d) All site landscaping shall be designed so as to provide a clear sense of separation between the ancillary residential community and a retirement community. Landscape design preference shall be given to the maintenance of existing trees and ground cover. The development of large lawn areas shall be minimized.

(e) The City Council may, as a condition of any special permit which includes an ancillary residential community, require that the land area on which the ancillary residential community is located be permanently maintained as one undivided lot or, within a condominium, as one undivided condominium unit, or require such other legal mechanism as will, in the opinion of the City Council, assure that the said ancillary residential community will not be subdivided or its ownership further condominiumized, that said ancillary residential community will remain as rental housing, and that ownership of said ancillary residential community will remain consolidated.

(f) The total number of units in an ancillary residential facility shall not exceed 30% of the combined total of retirement community and ancillary apartment units.”



# IN CITY COUNCIL

JANUARY 24, 2011

Marlborough, Mass., ~~PAGE 4~~

## ORDERED:

- v. by amending subsection (15) thereof, by amending the introduction thereof, by striking out in the first line thereof the following words:-- "and which does not include any ancillary residential community".
3. The effective date of these amendments shall be the date on which they are voted upon by the city council.

[END: Order No. 11-1002806-1]

That, as a result of the City Council's approval of Order No. 11-1002806-1, the following special permits previously approved by the City Council, in its capacity as special permit granting authority, shall each be modified in the following respects:

- 1) Special Permit issued to Brigham Development Corp., 38 Brigham Street, Marlborough, MA for development and operation of land at 388 Boston Post Road East into a "Retirement Village" of condominiums, Order No. 97-7158B, adopted September 8, 1997. The second sentence in condition number 7 thereof, which sentence had read "At least 66% (sixty six percent) of the living area in each unit shall be located on the first floor," shall be stricken and shall have no legal effect as of the effective date of Order No. 11-1002806;
- 2) Special Permit issued to Brigham Development Corp. and Williams Village, LLC, 38 Brigham Street, Marlborough, MA to construct a retirement community, Order No. 99-7967B, adopted April 5, 1999. The second sentence in condition number 7 thereof, which sentence had read "At least 66% (sixty six percent) of the living area in each unit shall be located on the first floor," shall be stricken and shall have no legal effect as of the effective date of Order No. 11-1002806; and
- 3) Special Permit issued to Metro Park Corp., 929 Boston Post Road East, Marlborough, MA to construct a retirement community, Order No. 03-10022, adopted September 8, 2003, as amended by a Revised Special Permit issued to Toll MA Land Partnership, 250 Gibraltar Road, Horsham, PA to construct 69 townhouse residential retirement community units, Order No. 09-1002151C, approved June 22, 2009. The second sentence in condition number 7 thereof, which sentence had read "At least 66% (sixty-six percent) of the living area in each unit shall be located on the first floor," shall be stricken and shall have no legal effect as of the effective date of Order No. 11-1002806.



# IN CITY COUNCIL

\_\_\_\_\_  
Marlborough, Mass., JANUARY 24, 2011  
~~PAGE 5~~

**ORDERED:**

[END: Order No. 11-1002806-2]

ADOPTED

ORDER NO. 11-1002806-1 & 2806-2



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

*City of Marlborough*  
*Office of the Mayor*

2011 FEB 10 P 3:49 140 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

February 9, 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 February 14, 2011. I am requesting this meeting for the purpose of discussing litigation strategy, as an open meeting may have a detrimental effect on the litigation 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

ORDERED:

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 the public body and the City of Marlborough. It is further moved and stated that the Marlborough City Council will re-convene in open session after the executive session.

ADOPTED  
In City Council  
Order No. 11-

Adopted

Approved by Mayor  
Nancy E. Stevens  
Date:

A TRUE COPY  
ATTEST:



# 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

February 10, 2011

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

RE: Snow and Ice Removal Expenditure Request

Honorable President Vigeant and Councilors:

Pursuant to City Council Order No. **10-1002565-3A**, I am requesting further authorization to incur deficit costs in the Department of Public Works Snow and Ice Accounts.

As detailed in the attached correspondence from DPW Commissioner LaFreniere, to date, the City has incurred a total of \$1,071,413 in snow removal costs with an additional \$375,612 encumbered. Some invoicing for the last major storm event and snow removal thereafter remains outstanding.

I hereby request your approval to increase the deficit appropriation by \$500,000 to a total of \$1,500,000 in excess of available appropriation. A modified order indicating this change is attached for review. I respectfully request your approval this evening. Commissioner LaFreniere will be available to answer any of your questions.

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

Sincerely,

Nancy E. Stevens  
Mayor

Enclosures



CITY OF MARLBOROUGH  
*Department of Public Works*  
Office of the Commissioner  
135 Neil Street  
Marlborough, Massachusetts 01752  
(508) 624-6910 Ext. 7200  
Facsimile (508) 624-7699 TDD (508) 460-3610

February 9, 2011

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

**RE: SNOW & ICE; ACCOUNT DEFICIT AUTHORIZATION**

Pursuant to City Council Order #10-1002565-3A, I hereby request further authorization to incur deficit costs in the department's Snow & Ice account. As you know, during last year's budget review, the city council voted to limit the amount of money that could be spent in deficit beyond the original \$500,000 that was appropriated for snow and ice removal. That amount was also \$500,000. Last month this amount was further increased by another \$500,000 to a total of \$1,000,000 in deficit authorization.

As shown on the attached spreadsheet, to date we have expended or encumbered a total of \$1,447,025 in snow removal costs in the 3 accounts covered under Snow & Ice. Given pending requisitions and outstanding invoicing for the last major storm event and the subsequent snow removal operations, we expect to exhaust the \$52,974 remaining in authorization.

I hereby request an additional \$500,000 be authorized immediately to address our short-term funding needs. I also anticipate that an additional authorization will be required before the end of the year.

Should you have any questions regarding the above, please do not hesitate to contact me.

Sincerely,

Ronald M. LaFreniere, P.E.  
Commissioner of Public Works

**FISCAL YEAR 2011 SNOW AND ICE SUMMARY**

ACCOUNT	FY 11 APPROPRIATION W/TRANSFERS	YEAR TO DATE EXPENDED	YEAR TO DATE OUTSTANDING ENCUMBERANCES	BALANCE
Overtime Snow and Ice (14001203-51390)	\$125,000.00	\$235,412.05	\$0.00	-\$110,412.05
Snow Removal 14001206-52960	\$275,015.00	\$802,775.22	\$281,494.01	-\$809,254.23
Snow and Ice Operating Expenses (14001206-57040)	\$100,000.00	\$33,225.54	\$94,118.38	-\$27,343.92
<b>TOTAL</b>	<b>\$500,015.00</b>	<b>\$1,071,412.81</b>	<b>\$375,612.39</b>	<b>-\$947,010.20</b>

**AUTHORIZATIONS**

TOTAL FY 11 SNOW AND ICE APPROPRIATION	FY 11 SNOW AND ICE DEFICIT AUTHORIZATION		RECOMMENDED ADDITIONAL DEFICIT AUTHORIZATION
\$500,000.00	Initial: 15-June-10	\$500,000.00	\$500,000.00
	18-Jan-11	\$500,000.00	

Starting Date	Time	Duration	Operatlon	Measurement	Action
December 8, 2010		4 hrs	sanding		callman
December 8, 2010		4 hrs	sanding		callman
December 12, 2010	6:45-11:30	5 hrs	sanding		general
December 14, 2010		4 hrs	sanding		callman
December 14, 2010		4 hrs	sanding		city only
December 20, 2010	21:00-1:30	4 hrs	sanding		general
December 22, 2010	15:15-2100	6 hrs	sanding		general
December 23, 2010	300-9:45	7 hrs	sanding	3"	general
December 23, 2010		4 hrs	sanding		callman
December 26, 2010	15:30-19:00	3.5 hrs	sanding		general
December 26, 2010	19:00-24:00	5 hrs	plowing	11"	general
December 27, 2010	0:00-15:00	15 hrs	plowing		general
December 27, 2010	15:00-18:00	2.5 hrs	sanding		general
December 29, 2010		7 hrs	removal		
January 8, 2011	6:45-10:30	4 hrs	sanding		general
January 8, 2011	22:30-24:00	4 hrs	sanding	1"	general
January 9, 2011	0:00-1:45	4 hrs	sanding		city only
January 12, 2011	1:00-2:30	1.5 hrs	sanding		general
January 12, 2011	2:30-21:00	18.5 hrs	plowing	17"	general
January 12, 2011	21:00-23:59	3 hrs	sanding		general
January 13, 2011		.5 hrs	sanding		callman
January 13, 2011		9 hrs	removal		
January 14, 2011		6 hrs	sanding		callman
January 18, 2011		5 hrs	removal		
January 18, 2011	4:45-7:45	3 hrs	sanding		general
January 18, 2011	7:45-18:00	11 hrs	plowing	7.5"	general
January 18, 2011	18:00-20:30	2.5 hrs	sanding		general
January 19, 2011	4:00-7:30	3.5 hrs	sanding		general
January 20, 1900		2 hrs	sanding		city only
January 21, 2011	3:00-4:30	1.5 hrs	sanding		general
January 21, 2011	4:30-15:30	11 hrs	plowing	7"	general
January 21, 2011	15:30-18:00	2.5 hrs	sanding		general
January 22, 2011		5 hrs	removal		city only
January 23, 2011		8 hrs	removal		
January 25, 2011	3:30-11:00	7.5 hrs	sanding	2"	general
January 26, 2011	16:30-22:00	5.5 hrs	sanding		general
January 27, 2011	:01-14:00	14.5 hrs	plowing	12"	general
January 28, 2011			sanding		callman
January 29, 2011	:01-8:00	8 hrs	removal		
February 1, 2011	8:00-9:00	1 hr	sanding		general
February 1, 2011	9:00-20:00	11 hrs	plowing	7"	general
February 2, 2011	1:30-3:00	1.5 hrs	sanding		general
February 2, 2011	3:00-16:00	13 hrs	plowing	8"	general
February 2, 2011	16:00-18:30	2.5 hrs	sanding		general
February 3, 2011	3:30-8:00	4.5 hrs	sanding		general
February 4, 2011		7 hrs	removal		
February 5, 2011	18:00-20:30	2.5 hrs	sanding		general
February 5, 2011	20:30-24:00	3.5 hrs	waterways		city only
February 5, 2011	3:30-8:00	4.5 hrs	sanding		general
February 8, 2011	30:-7:00	6.5 hrs	sanding		general
February 8, 2011	7:00-9:00	2 hrs	plowing	2.5	general

**ORDERED :**

That pursuant to Chapter 44, section 31D of the General Laws of the Commonwealth of Massachusetts, which authorizes the City to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal, the City Council of the City of Marlborough, upon the recommendation of the Mayor, approves expenditures of \$1,500,000.00 in excess of available appropriation for snow and ice removal for fiscal year 2011.

ADOPTED  
In City Council  
Order No. 11-

Adopted

Approved by Mayor  
Nancy E. Stevens  
Date:

A TRUE COPY  
ATTEST:



# City of Marlborough

## Office of the Mayor

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2011 FEB 10 P 3:49

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

February 8, 2011

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

RE: Public Facility Transfer Requests

Honorable President Vigeant and Councilors:

I am submitting for your approval the following transfer requests:

Transfer in the amount of \$16,000.00 moving funds from account number 11920003-50560 (Custodian) to account number 11920003-51300 (Additional Gross Overtime).

Transfer in the amount of \$10,000.00 moving funds from account number 11920001-50292 (Building Maintenance Craftsman) to account number 11920002-50520 (Principal Clerk).

As detailed in the enclosed letter from Public Facilities Director John Ghiloni, the first transfer results from overtime associated with snow removal operations; the second transfer is to cover expenses associated with an employee's retirement.

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

Sincerely,

Nancy E. Stevens  
Mayor

Enclosures



*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

February 1, 2011

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

RE: transfers

Dear Mayor Stevens:

I am requesting the transfer of \$16,000.00 from Custodian (account # 11920003 50560) to Additional Gross Overtime (account # 11920003 51300) due to snow removal and vacant positions within my department.

In addition, I am requesting transfer of \$10,000.00 from Building Maintenance Craftsman (account # 11920001 50292) to Principal Clerk (account 11920002 50520) due to the retirement of an employee.

Please contact me if you need any additional information.

Sincerely,

John L. Ghiloni  
Director

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: Public Facilities

DATE: February 1, 2011

FY: 2011

Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
<u>\$67,825</u>	<u>\$16,000.00</u>	<u>11920003</u>	<u>50560</u>	<u>Custodian</u>	<u>\$16,000.00</u>	<u>11920003</u>	<u>51300</u>	<u>Add. Gross OT</u>	<u>\$1,252</u>	
	Reason:	<u>vacant position</u>						<u>Vacant postion/snow removal</u>		
<u>\$104,568</u>	<u>\$10,000.00</u>	<u>11920001</u>	<u>50292</u>	<u>Building Maintenance Craftsman</u>	<u>\$10,000</u>	<u>11920002</u>	<u>50520</u>	<u>Principal Clerk</u>	<u>\$9,178</u>	
	Reason:	<u>Vacant position</u>						<u>Retirement of employee</u>		
	Reason:	_____						_____		
	Reason:	_____						_____		
	Reason:	_____						_____		
	Reason:	_____						_____		
	Reason:	_____						_____		

Dept Head signature: 

Mayor signature: \_\_\_\_\_



# City of Marlborough

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

## Office of the Mayor

2011 FEB 10 P 3:49  
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

February 8, 2011

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

RE: Transfer of Insurance Payment

Honorable President Vigeant and Councilors:

Attached please find a transfer request in the amount of \$76,300.00 moving funds from Account No. 2700099-48470 (Insurance Proceeds Over \$20K) to Account No. 19300006-58467 ( Public Facilities Capital Outlay).

As detailed in the enclosed letter from Public Facilities Director John Ghiloni, the insurance claim was filed for damage to the DPW generator which occurred during the ice storm of December 2008.

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

Sincerely,

Nancy E. Stevens  
Mayor

Enclosures



*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

February 1, 2011

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

RE: Insurance reimbursement

Dear Mayor Stevens:

A claim was filed for damage to the generator at the Department of Public Works after the storm of December 2008. The total cost of the engineering and the generator replacement was seventy six thousand and three hundred dollars (\$76,300.00).

I am requesting that the insurance proceeds in the amount of seventy six thousand three hundred dollars (\$76,300.00) be transferred from Insurance Proceeds Over 20K (account # 27000099-48470) to the Public Facilities Capital Outlay (account # 19300006 58467).

Please contact me if you need any additional information.

Sincerely,

John L. Ghiloni  
Director

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: Public Facilities

DATE: February 1, 2011

FY: 2011

Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
<u>\$76,300</u>	<u>\$76,300.00</u>	<u>27000099</u>	<u>48470</u>	<u>Insurance proceeds over 20K</u>	<u>\$76,300.00</u>	<u>19300006</u>	<u>58467</u>	<u>Capital Outlay</u>	<u>\$18,000</u>	
	Reason:	<u>Insurance proceeds</u>				<u>Generator replacement</u>				
	Reason:	_____				_____				
	Reason:	_____				_____				
	Reason:	_____				_____				
	Reason:	_____				_____				
	Reason:	_____				_____				
	Reason:	_____				_____				

Dept Head signature: 

Mayor signature: \_\_\_\_\_

COPY

CHECK # 098613

INSURED:	0043
POLICY #:	PR08-0043
CLAIM #:	M08PR49592
CLAIMANT NAME:	City of Marlborough
DATE OF ACCIDENT:	12/12/2008
LOCATION:	055
IN PAYMENT OF:	Generator Replacement Ice Storm
PAYMENT TYPE:	First Party Property-Dwelling
CHECK DATE:	1/24/2011
CHECK AMOUNT:	\$ 76,300.00
TAX I.D. #:	COSSUMTN
VENDOR CODE:	City of Marlborough

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER



State Street Bank and Trust Company  
 225 Franklin Street  
 Boston, Massachusetts 02101

CHECK NO.
098613

PAY EXACTLY *Seventy-six thousand three hundred and xx / 100 Dollars*

DATE	AMOUNT
1/24/2011	*****\$76,300.00

City of Marlborough  
 City Of Marlborough  
 85 Sawin Street  
 Marlborough, MA 01752

*Stephen W. Butcher*  
 [Signature]  
 VOID IF NOT CASHED WITHIN 90 DAYS

⑈098613⑈ ⑆011000028⑆ 4230 885 8⑈



# 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

February 8, 2011

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

RE: Transfer of Mitigation Payment

Honorable President Vigeant and Councilors:

Attached please find a transfer request in the amount of \$30,000.00 moving funds from Account No. 83600-32710 (National Grid Stabilization) to Account No. 19300006-58467 (Public Facilities Capital Outlay).

As detailed in the enclosed letter from Public Facilities Director John Ghiloni, these National Grid mitigation funds were paid to the City for lighting upgrades to Kelleher Field.

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

Sincerely,

Nancy E. Stevens  
Mayor

Enclosures



*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

February 1, 2011

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

RE: Mitigation funds

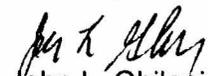
Dear Mayor Stevens:

National Grid mitigation funds in the amount of thirty thousand dollars (\$30,000.00) were paid to the city for lighting upgrades at Kelleher Field.

I am requesting that the amount of thirty thousand dollars (\$30,000.00) be transferred from the National Grid Stabilization account # 83600-32710 to the Public Facilities Capital Outlay account # 19300006 58467.

Please contact me if you need any additional information.

Sincerely,

  
John L. Ghiloni  
Director

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: Public Facilities

DATE: February 1, 2011

FY: 2011

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$30,000</u>	<u>\$30,000.00</u>	<u>83600</u>	<u>32710</u>	<u>National Grid/Stabilization</u>	<u>\$30,000.00</u>	<u>19300006</u>	<u>58467</u>	<u>Capital Outlay</u>	<u>\$18,000</u>
	Reason:	<u>Mitigation funds for lighting</u>				<u>Kellehr Field lighting</u>			
	Reason:	_____				_____			
	Reason:	_____				_____			
	Reason:	_____				_____			
	Reason:	_____				_____			
	Reason:	_____				_____			
	Reason:	_____				_____			

Dept Head signature: *[Signature]*

Mayor signature: \_\_\_\_\_



# 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

2011 FEB 10 P 3:31

February 10, 2011

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

Honorable President Vigeant and Councilors:

I am submitting for your approval the following transfer request to fund the Department of Human Services for the remainder of the 2011 fiscal year:

Transfer in the amount of \$21,111.00 moving funds from account number 1000-35900 (Undesignated Fund) to account number 15270001-50595 (Director).

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

Sincerely,

Nancy E. Stevens  
Mayor

Enclosure

TRANSFER REQUEST

Human Services

FISCAL YEAR: 2011

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$1,480,389</u>	<u>\$21,111.00</u>	<u>10000</u>	<u>- 35900</u>	<u>Undesignated Fund</u>	<u>\$21,111.00</u>	<u>15270001</u>	<u>- 50595</u>	<u>Human Services Director</u>	<u>\$2,788</u>

Reason: To fund the Human Services Director's salary through June 30, 2011



# City of Marlborough

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

2011 FEB 10 P 3:50 140 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

February 8, 2011

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

RE: Memorial Beach Bond Authorization

Honorable President Vigeant and Councilors:

Submitted for your review and approval is a bond authorization in the amount of one million dollars for the design, permitting and construction of Memorial Beach. As indicated in the enclosed letter from Recreation Commission Chairperson Robert Kays, their board members recently approved the cost estimate for the beach's renovation and rehabilitation.

I have included the final preliminary cost estimate and master plan rendering by CDM dated January 2011. Note the estimate has been revised to include updated increased sewer piping costs provided by city as well as some increased bridge costs. I have also attached a chart showing the proposed debt service associated with this request.

Recreation Director David Grasso, Comptroller/Treasurer Tom Abel and I will be available to discuss this at the Finance Committee meeting.

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

Sincerely,

Nancy E. Stevens  
Mayor

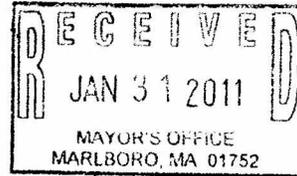
Enclosures



**CITY OF MARLBOROUGH  
RECREATION DEPARTMENT**

239 Concord Road  
Marlborough, Massachusetts 01752  
Tel (508) 624-6925 FAX (508) 624-6940 TTY (508) 460-3610

**COMMISSIONERS**  
Brenda Calder  
Thomas Evangelous  
Craig Hunt  
Robert Kays: Chairman  
Jeffrey Long  
Dennis Zilembo



**DIRECTOR**  
David T. Grasso

**PROGRAM MANAGER**  
Charles Thebado

January 26, 2011

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

Dear Mayor,

The Parks and Recreation Commission voted to approve the cost estimate of One Million Dollars for renovations and the rehabilitation of Memorial Beach in accordance of the Master Plan dated January 11, 2011.

Respectfully,

Robert Kays  
Chairman: Parks and Recreation Commission.

**Memorial Beach Improvements  
Marlborough, MA**

**PRELIMINARY ORDER OF MAGNITUDE OPINION OF PROBABLE COST**  
Estimate based on Master Plan Concept  
January 2011

ITEM	QUANTITY	UNIT	UNIT COST	TOTAL
<b>Site Preparation</b>				
Contractor Mobilization/Demobilization	1	ls	\$ 10,000.00	\$ 10,000.00
Erosion & sedimentation Control (2,250 lf sed fence)	2,250	lf	\$ 5.00	\$ 11,250.00
Hammermill existing parking log pavement ( area 62,427 sf)	62,400	sf	\$ 0.25	\$ 15,600.00
Remove and dispose of existing chain link fence along dam and walkway	1,300	lf	\$ 4.00	\$ 5,200.00
Vegetation clearing and rough grading	1	ls	\$ 10,000.00	\$ 10,000.00
Remove and dispose of old foundation at beach	1	ls	\$ 2,500.00	\$ 2,500.00
Relocate existing monument	1	ls	\$ 500.00	\$ 500.00
Remove and relocate existing facility sign	1	ls	\$ 500.00	\$ 500.00
<b>Site Preparation Subtotal</b>				<b>\$ 55,550.00</b>
<b>General Site Improvements</b>				
Install 6" PVC new sewer line to bath house	850	lf	\$ 45.00	\$ 38,250.00
Miscellaneous sewer connections	1	ls	\$ 2,000.00	\$ 2,000.00
6" perforated pvc underdrain for parking lot, basketball court and swale	870	lf	\$ 18.00	\$ 15,660.00
12" HDPE solid culverts w/ flared end section	44	lf	\$ 25.00	\$ 1,100.00
Grading for stormwater control areas along parking lot	1	ls	\$ 5,000.00	\$ 5,000.00
Loam and seed at stormwater control areas	1	allow.	\$ 5,000.00	\$ 5,000.00
Bit. conc. pathway with gravel base (2.5" top course; 8" dense grade) : 15,750 sf	1,750	sy	\$ 24.00	\$ 42,000.00
6' CLF black fusion bonded PVC fabric at Pump Station	185	lf	\$ 35.00	\$ 6,475.00
6-ft wide x 20-ft long pedestrian bridge/Box culvert at wetland	1	allow	\$ 25,000.00	\$ 25,000.00
6-ft wide x 30-ft long pedestrian bridge at wetland	1	allow	\$ 35,000.00	\$ 35,000.00
Picnic tables (on 6 x 8 conc pad)	20	ea	\$ 2,500.00	\$ 50,000.00
Picnic grills	6	ea	\$ 750.00	\$ 4,500.00
Metal Storage Container w/ stone base	1	ea	\$ 5,000.00	\$ 5,000.00
Deciduous trees, 2-2.5" cal iper	66	ea	\$ 500.00	\$ 33,000.00
Evergreen trees, 6-8-ft height	22	ea	\$ 400.00	\$ 8,800.00
Shrub/ perennial planting	1	allow	\$ 5,000.00	\$ 5,000.00
Loam and seed d isturbed areas	3,000	sy	\$ 5.00	\$ 15,000.00
Regulations signs	2	ea	\$ 2,500.00	\$ 5,000.00
New Facility sign	1	ea	\$ 3,000.00	\$ 3,000.00
Miscellaneous work and clean-up	1	ls	\$ 5,000.00	\$ 5,000.00
<b>General Site Improvements Subtotal</b>				<b>\$ 309,785.00</b>
<b>Parking Lot</b>				
Bit. conc. parking lot with gravel base (2" base; 1" top course 12" dense grade) : 54,990 sf	6,111	sy	\$ 26.00	\$ 158,886.00
Parking lot striping regular spaces	150	ea	\$ 10.00	\$ 1,500.00
Parking lot striping HC spaces	6	ea	\$ 25.00	\$ 150.00
Vehicle control gate	1	ls	\$ 3,500.00	\$ 3,500.00
4 x 16" granite curbing	950	lf	\$ 25.00	\$ 23,750.00
Wood Guard Rail	100	lf	\$ 30.00	\$ 3,000.00
Parking attendant booth or manual pay station	1	allow.	\$ 1,000.00	\$ 1,000.00
<b>Parking Lot Subtotal</b>				<b>\$ 191,786.00</b>
<b>Basketball Court</b>				
Basketball Court bit conc pavement (2" base; 1" top, 12" dense grade) : 5,640 sf	627	sy	\$ 26.00	\$ 16,302.00
4' CLF black fusion bonded PVC fabric	330	lf	\$ 32.00	\$ 10,560.00
Basketball pole, backboard & rim	2	ea	\$ 2,000.00	\$ 4,000.00
Benches with conc. footings	2	ea	\$ 1,400.00	\$ 2,800.00
Color surfacing w/ California Products Plexipave system	600	sy	\$ 9.00	\$ 5,400.00
Line painting	1	ls	\$ 1,000.00	\$ 1,000.00
<b>Basketball Court Subtotal</b>				<b>\$ 40,062.00</b>

**Memorial Beach Improvements  
Marlborough, MA**

PRELIMINARY ORDER OF MAGNITUDE OPINION OF PROBABLE COST  
Estimate based on Master Plan Concept  
January 2011

<b>Children's Play Area</b>				
Playground structure and edging	1	allow	\$ 50,000.00	\$ 50,000.00
Playground fiber safety surfacing and granular base	3,150	sf	\$ 2.50	\$ 7,875.00
Seating/ Retaining wall, 18" height	100	lf	\$ 60.00	\$ 6,000.00
4' CLF black fusion bonded PVC fabric at play area	160	lf	\$ 32.00	\$ 5,120.00
<b>Children's Play Area Subtotal</b>				<b>\$ 68,995.00</b>
<b>Beach Improvements</b>				
Seasonal float & dock	700	sf	\$ 15.00	\$ 10,500.00
Rope buoy system	175	lf	\$ 5.00	\$ 875.00
Accessible beach mat	700	sf	\$ 7.00	\$ 4,900.00
Accessible parking area at beach (bit conc, 1,280 sf)	140	sy	\$ 28.00	\$ 3,920.00
Accessible parking area striping	1	ea	\$ 200.00	\$ 200.00
4 x 16" granite curbing	20	lf	\$ 25.00	\$ 500.00
6' CLF black fusion bonded PVC fabric along beach woodland w/ Pedestrian gates	840	lf	\$ 35.00	\$ 29,400.00
24' CLF black fusion bonded PVC fabric gate	1	ls	\$ 2,000.00	\$ 2,000.00
<b>Beach Improvements Subtotal</b>				<b>\$ 52,295.00</b>
<b>Building Renovations</b>				
Building renovations by the City	1	allow	\$ 35,000.00	\$ 35,000.00
<b>Building Renovations Subtotal</b>				<b>\$ 35,000.00</b>
<b>Project Subtotal</b>				<b>\$ 753,473.00</b>
			Subtotal Direct Costs (Rounded)	\$ 753,000.00
			Div 01 (Gen. Cond.) and General Contractors OHP - 8% (Rounded)	\$ 60,000.00
			Contingency - 15% (Rounded)	\$ 113,000.00
<b>Estimated Subtotal Site Preparation Construction Cost</b>				<b>\$ 926,000.00</b>
<b>Construction Documents, Permitting, Bidding and Limited Contract Administration</b>	1	ls	\$ 74,000.00	\$ 74,000.00
<b>Estimated Total Project Cost, rounded</b>				<b>\$ 1,000,000.00</b>
<b>Additional picnic tables</b>				
	10	ea	\$ 2,500.00	\$ 25,000.00
<b>Parking Lot Pay Station installed w/ electric service</b>				
	1	allow	\$ 7,000.00	\$ 7,000.00
<b>Concrete ramped stairs to beach area</b>				
	1	allow	\$ 50,000.00	\$ 50,000.00



CITY OF MARLBOROUGH

IN CITY COUNCIL

Marlborough, MA February 14, 2011

ORDERED:

That the sum of \$1,000,000 (one million) dollars be and is hereby appropriated for the reconstruction of municipal outdoor recreational facilities.

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 \$1,000,000.

Pursuant to the provisions of Chapter 44, Section 7 (25) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than fifteen (15) years from its date of issue.

Cost of a \$1,000,000 15 Year Recreation Bond

BAN	Principal	PMT	Int	Total
Year 1	\$ 500,000.00		\$ 20,000.00	\$ 20,000.00
2	\$ 1,000,000.00		\$ 40,000.00	\$ 40,000.00
Year				
3	\$ 1,000,000.00	\$ 76,923.08	\$ 40,000.00	\$ 116,923.08
4	\$ 923,076.92	\$ 76,923.08	\$ 36,923.08	\$ 113,846.15
5	\$ 846,153.85	\$ 76,923.08	\$ 33,846.15	\$ 110,769.23
6	\$ 769,230.77	\$ 76,923.08	\$ 30,769.23	\$ 107,692.31
7	\$ 692,307.69	\$ 76,923.08	\$ 27,692.31	\$ 104,615.38
8	\$ 615,384.62	\$ 76,923.08	\$ 24,615.38	\$ 101,538.46
9	\$ 538,461.54	\$ 76,923.08	\$ 21,538.46	\$ 98,461.54
10	\$ 461,538.46	\$ 76,923.08	\$ 18,461.54	\$ 95,384.62
11	\$ 384,615.38	\$ 76,923.08	\$ 15,384.62	\$ 92,307.69
12	\$ 307,692.31	\$ 76,923.08	\$ 12,307.69	\$ 89,230.77
13	\$ 230,769.23	\$ 76,923.08	\$ 9,230.77	\$ 86,153.85
14	\$ 153,846.15	\$ 76,923.08	\$ 6,153.85	\$ 83,076.92
15	\$ 76,923.08	\$ 76,923.08	\$ 3,076.92	\$ 80,000.00
Total		\$ 1,000,000.00	\$ 340,000.00	\$ 1,340,000.00

4% Interest is assumed for all payments



# City of Marlborough

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CITY CLERK'S  
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

January 25, 2011

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

RE: Reappointments – Planning Board

Honorable President Vigeant and Councilors:

I am submitting for your approval the reappointments of Sean Fay and Edward Hodges to the Planning Board. Upon approval, Mr. Fay and Mr. Hodges will serve a term of five years expiring Feb. 1, 2016.

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

Sincerely,

Nancy E. Stevens  
Mayor



# City of Marlborough

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Marlborough, Massachusetts 01752  
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MAYOR

*Krista J. Holmi*  
EXECUTIVE AIDE

*Katherine M. LaRose*  
EXECUTIVE SECRETARY

February 7, 2011

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

RE: Reappointment Board of Assessors

Honorable President Vigeant and Councilors:

I am submitting for your approval the name of Daniel C. Brogie for reappointment to the Board of Assessors. This reappointment will expire three years from the date of approval.

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

Sincerely,

Nancy E. Stevens  
Mayor



# City of Marlborough

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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

February 7, 2011

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

RE: Reappointments – Board of Health

Honorable President Vigeant and Councilors:

I am submitting for your approval the names of John Tselikis and Dr. Jay Jahanmir for reappointment to the Board of Health. Mr. Tselikis and Dr. Jahanmir will serve three-year terms ending February 1, 2014.

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

Sincerely,

Nancy E. Stevens  
Mayor



**CITY OF MARLBOROUGH**  
***Office of the City Council***  
***Matt Elder***  
***Ward Three City Councilor***  
140 Main Street  
Marlborough, Massachusetts 01752  
(508) 460-3711 TDD (508) 460-3610

February 9, 2011

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

Reference: Home Rule Petition, Pension and Health Care Reform

Honorable President and Fellow Councilors:

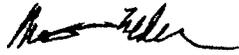
Attached to this letter is a home rule petition drafted by Solicitor Rider that he and I have been discussing for almost a year. Essentially, this HRP seeks to take City Councilors out of the health care and pension system going forward. I think the passage of this legislation in the city is crucial for many reasons.

With many of our benefits mandated at the state-level, there is only so much we as a Council can do in terms of pension and health care reform. For pension reform, we must start by drawing a line in the sand and taking a stand going forward. For those of you who have signed up for benefits, you have signed a contract with the city and there's nothing I can, nor should, do about that. This is why I'm only looking to address the situation for new Councilors going forward.

This change will save the city money. By not giving Councilors a year's credit toward a pension for one year of elected service and removing them from the health care system, we can address some of our OPEB liability. It is also a move for fairness. We are paid as part-time workers because we are. While different councilors may put forth various degrees of effort into being a Councilor, I think we can agree it is a part-time position. State law does not allow a 10-15 hour a week DPW worker, clerical staff person, or any other part-time employee to be eligible for a pension or health care. Why should we be eligible because of our elected status?

I feel this is a change that will help restore faith in city government by amending a system that many people believe is unfair. I have worked with Solicitor Rider for almost a year and now feel ready to ask for your support. I ask you to refer this to Legislative and Legal Affairs and to Solicitor Rider so we can discuss the legal aspects of my proposal as soon as possible. I am happy to address any and all questions and concerns you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Elder", written in a cursive style.

Matt Elder  
City Councilor  
Ward Three

Enclosure (HRP)

**ORDERED:**

That a petition to the General Court, accompanied by a bill for 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:-

**AN ACT RESTRICTING  
RETIREMENT AND INSURANCE BENEFITS FOR  
CERTAIN CITY COUNCILORS  
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:

**SECTION 1.** Notwithstanding clause (vi) of paragraph (2)(a) of section three of chapter thirty-two of the General Laws or any other general or special law to the contrary, a person who for the first time, at the municipal election scheduled for November 1, 2011 or at any election thereafter, is elected by popular vote to the position of city councilor in the city of Marlborough shall not be eligible for membership in the Marlborough Contributory Retirement System as a member in service as defined in clause (i) of paragraph (1) (a) of the said section three; provided, however, that if a person so elected is, prior to November 1, 2011, already a member of the Marlborough Contributory Retirement System, said election shall not affect such person's membership.

**SECTION 2.** Notwithstanding section 2 of chapter thirty-two B of the General Laws or any other general or special law to the contrary, a person who for the first time, at the municipal election scheduled for November 1, 2011 or at any election thereafter, is elected by popular vote to the position of city councilor in the city of Marlborough shall not be eligible to participate in a plan of group life insurance, group accidental death and dismemberment insurance, or group general or blanket hospital, surgical, medical, dental and other health insurance, as provided by and through the city of Marlborough; provided, however, that if a person so elected is, prior to November 1, 2011, already a participant in a plan of group life insurance, group accidental death and dismemberment insurance, or group general or blanket hospital, surgical, medical, dental and

other health insurance, as provided by and through the city of Marlborough, said election shall not affect such person's participation.

**SECTION 3.** Nothing in or resulting from this act shall affect any person who, as of November 1, 2011, is already serving in the position of city councilor in the city of Marlborough and who is re-elected by popular vote to that position at the municipal election scheduled for November 1, 2011 or at any election thereafter.

**SECTION 4.** This act shall take effect upon its passage.

**ADOPTED**

In City Council  
Order No. 11-  
Adopted

Approved by Mayor  
Nancy E. Stevens  
Date:

**A TRUE COPY  
ATTEST:**



*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

**DENISE M. LINDBERG**  
PARALEGAL

February 9, 2011

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

**RE: Notice of Award to US Wireless  
Wireless Telecommunications Leasing Project  
At Hudson Street Landfill, 402 Hudson Street  
Assessors' Map 30, Parcels 4, 4B, 4C and 4D**

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2011 FEB -9 P 1:11

Dear President Vigeant and Members:

A request for proposals was issued for the purpose of leasing a portion of the property at the Hudson Street landfill to construct, own, operate and maintain a monopole communication tower and associated ground equipment for wireless communications facilities. Proposals in response to this RFP were due on December 9, 2010. The City received one proposal. It was submitted by US Wireless, Inc., One Mifflin Place, Suite 400, 119 Mount Auburn Street, Cambridge, MA 02138. The terms of the proposal are \$24,600.00 for the first year of the lease, which would be paid in monthly installments of \$2,050.00 during the first year, increasing annually by 3% on each anniversary of the rent commencement date. The annual rent would include the rent paid by the first subtenant carrier or co-locator. The initial term would be for a five-year term, with lessee options to extend for four additional five-year terms. Thus, the value of the lease's base rent would be \$896,897.90 for a term of up to twenty-five years. In addition, the City would receive a revenue share of 17.5% of the subtenant revenue share for the second and third subtenant co-locator, and 12.5% of the subtenant revenue share for the fourth and fifth subtenant co-locator.

I seek your approval to issue a Notice of Award to US Wireless. After the award, US Wireless would produce a certified site plan, subject to the Commissioner of Public Works' approval, which would depict the ground leasehold area, access right of way, utility easement, and the monopole communication tower to be built. The award would further specify that your approval of a special permit would also be required. In addition, I seek your approval whereby the Mayor would be authorized to negotiate and execute a ground lease with US Wireless, within 30 days of the award, reflecting the key lease terms identified above.

Page 2  
Letter to City Council RE: WCF Hudson Street Landfill  
February 9, 2011

A proposed order is attached hereto for your convenience.

Sincerely,

A handwritten signature in cursive script that reads "Beverly J. Sleeper".

Beverly J. Sleeper  
Chief Procurement Officer

Attachment (1) – Proposed Order

Cc: Nancy E. Stevens, Mayor  
Donald V. Rider, Jr., City Solicitor  
Ronald M. LaFreniere, Commissioner

ORDERED: That the City Council of the City of Marlborough hereby authorizes the Chief Procurement Officer to issue a Notice of Award to US Wireless, Inc., One Mifflin Place, Suite 400, 119 Mount Auburn Street, Cambridge, MA 02138 to construct, own, operate and maintain a monopole communication tower and associated ground equipment for wireless communications facilities at the former Hudson Street Landfill site, located at 402 Hudson Street, Marlborough, MA 01752, shown on Assessors' Map 30, Parcels 4, 4B, 4C and 4D. Said municipal property has been declared available for disposition by City Council Order No. 10-1002675A-3. Said Notice of Award shall specify that it is contingent upon 1) the approval by the Commissioner of Public Works as to the location of the monopole communication tower on the site, as depicted on a certified site plan to be produced by US Wireless; and 2) the approval of a special permit by the City Council pursuant to the Marlborough Zoning Ordinance.

AND IT IS FURTHERED ORDERED: That the Mayor is hereby authorized to negotiate and execute a ground lease with US Wireless, within 30 days of the date of the Notice of Award, which shall be in the amount of \$24,600.00 for the first year of the lease, and which shall be paid in monthly installments of \$2,050.00 during the first year, increasing annually by 3% on each anniversary of the rent commencement date. Said lease shall specify that the rental commencement date and the construction shall commence after US Wireless has obtained all necessary permits and licenses, including but not limited to those identified hereinabove.

ADOPTED  
In City Council  
Order No.  
Adopted:

Approved by Mayor  
Nancy E. Stevens  
Date:

A True Copy  
ATTEST:

**AGREEMENT TO EXTEND  
TIME LIMITATIONS**

10- ORDER #1002623

Application for Special Permit from City Council for Verizon Wireless for Wireless  
Communications Facility at 800 Bolton Street, Marlborough.

-REFER TO

**PUBLIC HEARING: August 23, 2010**

The decision of the special permit granting authority shall be made within ninety days following the date of such public hearing. The required time limits for a public hearing and said action may be extended by written agreement between the petitioner and the special permit granting authority. A copy of such agreement shall be filed in the office of the City Clerk.

Pursuant to Mass. General Laws, c.40A, s.9, as amended, the required time limits for action by the Marlborough City Council, as it is the special permit granting authority in the above referenced matter, is hereby extended, by agreement, until 11:00 p.m. on April 13, 2011.

By: \_\_\_\_\_  
Arthur G. Vigeant, City Council President,  
acting on behalf of, and at the direction of,  
the special permit granting authority:  
**Marlborough City Council**

By:   
James A. Valeriani, Attorney for Petitioner  
Acting on behalf of, and at the direction of,  
Petitioner:

**Verizon Wireless**

Feb. 10, 2011

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CITY OF MARLBOROUGH  
Councilor Arthur Vigeant, President  
Marlborough City Council

2011 FEB 10 P 4:48

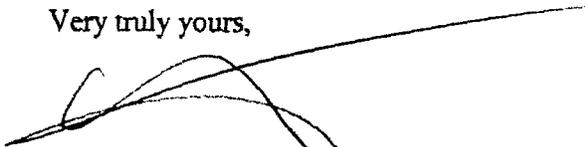
Re: Walker Property, Framingham Rd.

Dear Councilor Vigeant:

My client, Melanson Development, hereby requests that the City Council assents to the filing by my client of the open space subdivision of the open space subdivisions special permit application with the Marlborough Planning Board. This assent is being requested pursuant to Section 650-28 (D)(2) of the Marlborough zoning ordinance. This request is necessary because, as you know, the proposed open space development includes land that is currently part of the city of Marlborough's sewer line.

I would appreciate the City Council's prompt action regarding this matter.

Very truly yours,



Arthur P. Bergeron, Attorney for  
Melanson Development