

1. Minutes of the City Council Meeting, February 14, 2011.
2. PUBLIC HEARING On the Application, new Pool Table license, The Lazy Dog, 31 Main St. Order No. 11-1002808A.
3. Communication from the Mayor re: suspension requested for DPW intra-transfers as follows necessary to cover expenses in accounts that are at or nearing zero balances:
Transfer in the amount of \$900.00 from Chief Treatment Plant Operator to Interim Foreman-EWTP.
Transfer in the amount of \$9,021.00 from Equipment Operators - Streets to Interim Foreman.
Transfer in the amount of \$300.00 from Clothing Allowance to License and Inspection.
Transfer in the amount of \$900.00 from Educational Incentive to License and Inspection.
4. Communication from the Mayor re: DPW intra-transfers as follows with explanations noted on the spreadsheet:
Transfer in the amount of \$706.00 from Assistant Commissioner to Principal Clerk.
Transfer in the amount of \$3,500.00 from Chief Treatment Operator to Overtime-Regular-EWTP.
Transfer in the amount of \$1,600.00 from Equipment Operators - Streets to Dispatcher.
Transfer in the amount of \$13,200.00 from Equipment Operators - Streets to Overtime-Regular.
Transfer in the amount of \$750.00 from Misc. Hand/Power Tool to Rep./Maint. Equipment.
5. Communication from the Mayor re: Fire intra-transfers as follows with explanations noted on the spreadsheet:
Transfer in the amount of \$16,807.38 moving funds from Firefighter to Additional OT.
Transfer in the amount of \$466.40 moving funds from Fire Lieutenant to Additional OT.
Transfer in the amount of \$8,771.34 moving funds from Firefighter to Additional OT.
Transfer in the amount of \$10,849.44 moving funds from Longevity to Additional OT.
Transfer in the amount of \$10,000.00 from EMT to Additional OT.
Transfer in the amount of \$4,610.94 moving funds from Firefighter to Sick Leave Buy Back.
6. Communication from the Mayor re: Council on Aging transfer in the amount of \$4,385.00 which moves funds from Part-Time Nurse to Program Manager to appropriate funding for the part-time nursing account.
7. Communication from the Mayor re: FY09 State and Tribal Grant (STAG) awarded to the City of Marlborough in the amount of \$485,000.00 which provides reimbursement monies for the design and construction of upgrades to the Westerly Wastewater Treatment facility.
8. Communication from the Mayor re: Proposed Order for Home Rule Petition Concerning Additional All-Alcohol Off-Premises License for Vin Bin.
9. Communication from the Mayor re: Veto of Order No. 11-1002825, Enforcement of City's Sidewalk Snow and Ice Removal Ordinances.
10. Communication from City Solicitor, Donald Rider re: Proposed Amendments to Snow and Ice Removal Ordinances.
11. Application for Taxi and Livery license, Metrowest Taxi, John St. Martin, 212 Sudbury St.
12. Minutes, Planning Board, January 10, 2011.
13. Minutes Traffic Commission, December 21, 2010.
14. Minutes, Conservation Commission, March 18, 2010, October 14 & 21, 2010, November 4 & 18, 2010, December 16, 2010.

15. CLAIMS:

- A. George Cook, 94 Framingham Rd., other property damage
- B. Elizabeth Johnson,, 10 Commonwealth Ct., Apt 14, Brighton, other property damage,
- C. Anthony Mellace, 23 Dirado Dr, other property damage
- D. David Myers, 293 Stearns St., residential mailbox 2(a)
- E. David Lehmann, 587 Farm Rd., other property damage
- F. George Wright, 330 South St., other property damage
- G. Robert Jackson, 269 Clover Hill St., other property damage
- H. Laura Wilner, 172 Stearns St., residential mailbox 2(a)
- I. Elaine Derosa, 147 Chestnut Hill, other property damage
- J. Lisa Rockland, 566 Stow Rd., pothole or other road defect
- K. Warren Grasso, 5 Howe Ct., other property damage
- L. Louis Lambe, 18 Joseph North Rd., mailbox claim (type not noted)
- M. James Ryan, 150 Clover Hill St., other property damage

REPORTS OF COMMITTEES:

16. ORDERED: That the DPW and Fire Chief review the attached letter recommending street markings for the fire hydrants and storm drains for identification in the winter months. Report results of the review to the Public Services Committee. Submitted by Councilors Ossing, Clancy, Vigeant and Elder

UNFINISHED BUSINESS:

From Finance Committee

17. **Order No. 11-1002795 - Various Police Department Transfers for \$133,644.** The Finance Committee reviewed the Mayor's letter dated January 20, 2011 requesting the following three transfers to cover Police Overtime and Holiday Pay:

- Transfer \$44,436 from Stabilization – Public Safety to Police Officers
- Transfer \$84,208 from Police Officers to Police OT
- Transfer \$5,000 from Court OT to Police Holiday Pay

Recommendation of the Finance Committee is to approve the three transfers 3-2. Councilors Delano and Ossing opposed.

18. **Order No. 11-1002796 – Transfer \$25,000 from Undesignated to Legal Services.** The Finance Committee reviewed the Mayor's letter dated January 20, 2011 requesting the transfer of \$25,000 from Undesignated Funds to the Legal Services account to fund a variety of legal services. **Recommendation of the Finance Committee is to approve the following 5-0.**

- Report the \$25,000 transfer out to the full Council with no recommendation
- Request the Mayor add an agenda item to the February 14, 2011 City Council meeting to conduct an executive session to discuss collective bargaining and the Legal Service expenditures.
- Solicitor to update the Council on the expenditures to date and anticipated expenditures for ongoing arbitration cases

From Human Services Committee

19. **Order No. 10/11-1002727A - Communication from Mayor Stevens with Human Services Reorganization Plan.** Chairman Elder read into the record a letter from Councilor Pope indicating she was unable to attend tonight's postponed Human Services Committee meeting due to a work-related commitment that she was unable to re-schedule.

Tonight's meeting will concentrate on the proposed salary ordinances in connection with the Mayor's Human Services Reorganization Plan.

The Committee discussed the proposed, new salary ordinances for each of the positions in the Reorganization Plan:

Executive Director of Human Services
Veterans Agent
Human Services Manager
Council on Aging Program Manager

Motion made by Councilor Ferro, seconded by Chairman Elder, to set the Veterans' Agent salary ordinance with a minimum of \$41,135.00 and a maximum of \$46,271.00. Vote: 3-0

Motion made by Councilor Ferro to set the Human Services Manager salary ordinance with a minimum of \$41,135.00 and a maximum of \$46,271.00. DOES NOT CARRY

Councilor Ferro stated that he disagreed with the Mayor's proposal and stated that the plan included insufficient backup to justify paying a higher salary than the Veterans' Agent to the Human Services Manager.

Councilor Levy spoke in favor of the higher salary for the Human Services Manager and indicated that he was satisfied with the backup information.

Motion made by Councilor Levy to set the Human Services Manager salary ordinance with a minimum of \$44,803.00 and a maximum of \$50,397.00.

Vote 2-1 Ferro opposed

Motion made by Councilor Levy, seconded by Chairman Elder, to set the Executive Director of Human Services salary ordinance with a minimum of \$59,120.00 and a maximum of \$66,500.00.

Vote 3-0

Motion made by Councilor Elder to set the Part-Time Council on Aging Program Manager annual salary at a maximum of \$19,000.00 per year – Discussion followed:

Councilor Levy indicated that he was satisfied with the Mayor's proposal to create a new part-time position of Council on Aging Program Manager with a salary of \$25,000.00.

Councilor Ferro reminded councilors that this position is being created with a person in mind for the job, that being the interim, part-time COA Director.

Councilor Delano stated that he would support the reduced annual part-time salary of \$19,000.00 and would be open to working with the new COA Director toward funding additional services for the elderly, not salaries, but services that may be deemed necessary.

Motion made by Councilor Elder, seconded by Councilor Ferro, to set the Part-Time Council on Aging Program Manager annual salary at a maximum of \$19,000.00 per year.

Note: This new position is not to be counted as a full-time position.

Vote: 2-1 Levy opposed

The Committee continued discussion with Personnel Director Brumby asking if the city was required to advertise the new positions.

Mr. Brumby stated that the position of COA Director has already been advertised and that the Mayor's plan is to see how things work out.

Councilor Delano stated that regardless of the Mayor's intention he would like an opinion of whether or not there is a requirement to advertise the availability of the new position of Executive Director of Human Services.

Mr. Brumby stated that he would investigate the question.

Councilor Ferro stated that he would also like a legal opinion of the eligibility of the positions in the Mayor's reorganization to join a union/form a union.

From Personnel Committee

20. **Order No. 10-1002777 - Communication from Mayor Stevens with the reappointment of Deborah Puleo as City Collector for a period of one year, effective February 1, 2011. Recommendation of the Personnel Committee is to approve 3-0.**
21. **Order No. 11-1002805 - Communication from City Council President Vigeant with reappointment of Lisa Thomas as City Clerk for a term to expire three years from the date of approval. Recommendation of the Personnel Committee is to approve 3-0.**
22. **Order No. 10-1002760 - Communication from Mayor Stevens with appointment of Eric Asman to the Community Development Authority for a term to expire April 15, 2012. Recommendation of the Personnel Committee is to approve 3-0.**
23. **Order No. 10-1002776 - Communication from Mayor Stevens with the reappointment of Mark Gibbs as Director of Information Technology for a term to expire three years from the date of approval. Recommendation of the Personnel Committee is to approve 3-0.**

24. **Order No. 10-1002778 - Communication from Mayor Stevens with the reappointment of Stephen Reid as the City of Marlborough Building Inspector for a term to expire three years from the date of approval. Recommendation of the Personnel Committee is to approve 3-0.**
25. **Order No. 09-1002387 - Reappointment of Cynthia Panagore Griffin as Assistant City Solicitor for a term of three (3) years from the date of confirmation as her current term expires on January 7, 2010. Recommendation of the Personnel Committee is to approve 2 in favor; 1 present (Pope).**

From City Council

26. **Order No. 11-1002817, X10/11-1002727A, X-10-1002728A - Transfer request in the amount of \$21,111.00 which moves funds from Undesignated to fund the Director of the Department of Human Services for the remainder of FY11. Recommendation of the City Council is to table until February 28, 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

FEBRUARY 14, 2011

Regular meeting of the City Council held on Monday, FEBRUARY 14, 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 9:45 PM.

ORDERED: That the minutes of the City Council Meeting January 24, 2011, **FILE**; adopted.

ORDERED: That the 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, all were heard who wish to be heard, hearing recessed at 8:22 PM., adopted.

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

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, **APPROVED** and returned to open meeting at 8:40 PM; adopted.

Yea: 11- Nay: 0

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

Suspension of the Rules requested – granted to allow the DPW Commissioner to speak.

MOTION made by Councilor Delano to reduce deficit appropriation to \$250,000.00 – **DOES NOT CARRY**

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, **APPROVED**; adopted.

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

FROM:

Acct. # 11920003-50560 \$16,000.00

Custodian

Acct. # 11920001-50292 \$10,000.00

Building Maintenance Craftsman

TO:

Acct. # 11920003-51300 \$16,000.00

Additional Gross OT

Acct. # 11920002-50520 \$10,000.00

Principal Clerk

ORDERED: That the 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, **APPROVED**; adopted.

FROM:

Acct. # 2700009-48470 \$76,300.00

Insurance Proceeds Over 20K

TO:

Acct. # 19300006-58467 \$76,300.00

Capital Outlay

ORDERED: That the 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, **APPROVED**; adopted.

FROM:

Acct. # 83600-32710 \$30,000.00

National Grid Stabilization

TO:

Acct. # 19300006-58467 \$30,000.00

Capital Outlay

ORDERED: That the transfer request in the amount of \$21,111.00 which moves funds from Undesignated to fund the Director of the Department of Human Services for the remainder of FY11, **TABLE UNTIL FEBRUARY 28, 2011 CITY COUNCIL MEETING**; adopted.

FROM:

Acct. # 10000-35900 \$21,111.00

Undesignated Fund

TO:

Acct. # 15270001-50595 \$21,111.00

Human Services Director

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

ORDERED: That the reappointments of Sean Fay and Philip Hodge to the Planning Board with terms expiring February 1, 2016, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the reappointment of Daniel Brogie to the Board of Assessors with a term to expire three years from date of approval, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the reappointment of John Tselikis and Dr. Jay Jahanmir to the Board of Health with terms expiring February 1, 2014, refer to **PERSONNEL COMMITTEE**; adopted.

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, be and is herewith refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

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, **APPROVED**; adopted.

ORDERED: That the 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, **APPROVED**; adopted.

ORDERED: That the 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, **APPROVED AND REFER TO PLANNING BOARD**; adopted.

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

- 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:

Councilor Ossing reported the following out of the Finance Committee:

Order No. 11-1002795 - Various Police Department Transfers for \$133,644. The Finance Committee reviewed the Mayor's letter dated January 20, 2011 requesting the following three transfers to cover Police Overtime and Holiday Pay:

- Transfer \$44,436 from Stabilization – Public Safety to Police Officers
- Transfer \$84,208 from Police Officers to Police OT
- Transfer \$5,000 from Court OT to Police Holiday Pay

Recommendation of the Finance Committee is to approve the three transfers 3-2. Councilors Delano and Ossing opposed.

Order No. 11-1002796 – Transfer \$25,000 from Undesignated to Legal Services. The Finance Committee reviewed the Mayor's letter dated January 20, 2011 requesting the transfer of \$25,000 from Undesignated Funds to the Legal Services account to fund a variety of legal services. **Recommendation of the Finance Committee is to approve the following 5-0.**

- Report the \$25,000 transfer out to the full Council with no recommendation
- Request the Mayor add an agenda item to the February 14, 2011 City Council meeting to conduct an executive session to discuss collective bargaining and the Legal Service expenditures.
- Solicitor to update the Council on the expenditures to date and anticipated expenditures for ongoing arbitration cases

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

Order No. 11-1002808 – Public Hearing for Application for Pool Table License for Lazy Dog, 31 Main St. Recommendation for the Public Services Committee is to approve Public Hearing for February 28, 2011.

Councilor Elder reported the following out of the Human Services Committee:

Order No. 10/11-1002727A - Communication from Mayor Stevens with Human Services Reorganization Plan. Chairman Elder read into the record a letter from Councilor Pope indicating she was unable to attend tonight's postponed Human Services Committee meeting due to a work-related commitment that she was unable to re-schedule.

Tonight's meeting will concentrate on the proposed salary ordinances in connection with the Mayor's Human Services Reorganization Plan.

The Committee discussed the proposed, new salary ordinances for each of the positions in the Reorganization Plan:

Executive Director of Human Services

Veterans Agent

Human Services Manager

Council on Aging Program Manager

Motion made by Councilor Ferro, seconded by Chairman Elder, to set the Veterans' Agent salary ordinance with a minimum of \$41,135.00 and a maximum of \$46,271.00. Vote: 3-0

Motion made by Councilor Ferro to set the Human Services Manager salary ordinance with a minimum of \$41,135.00 and a maximum of \$46,271.00. DOES NOT CARRY

Councilor Ferro stated that he disagreed with the Mayor's proposal and stated that the plan included insufficient backup to justify paying a higher salary than the Veterans' Agent to the Human Services Manager.

Councilor Levy spoke in favor of the higher salary for the Human Services Manager and indicated that he was satisfied with the backup information.

Motion made by Councilor Levy to set the Human Services Manager salary ordinance with a minimum of \$44,803.00 and a maximum of \$50,397.00.

Vote 2-1 Ferro opposed

Motion made by Councilor Levy, seconded by Chairman Elder, to set the Executive Director of Human Services salary ordinance with a minimum of \$59,120.00 and a maximum of \$66,500.00.

Vote 3-0

Motion made by Councilor Elder to set the Part-Time Council on Aging Program Manager annual salary at a maximum of \$19,000.00 per year – Discussion followed:

Councilor Levy indicated that he was satisfied with the Mayor's proposal to create a new part-time position of Council on Aging Program Manager with a salary of \$25,000.00.

Councilor Ferro reminded councilors that this position is being created with a person in mind for the job, that being the interim, part-time COA Director.

Councilor Delano stated that he would support the reduced annual part-time salary of \$19,000.00 and would be open to working with the new COA Director toward funding additional services for the elderly, not salaries, but services that may be deemed necessary.

Motion made by Councilor Elder, seconded by Councilor Ferro, to set the Part-Time Council on Aging Program Manager annual salary at a maximum of \$19,000.00 per year.

Note: This new position is not to be counted as a full-time position.

Vote: 2-1 Levy opposed

The Committee continued discussion with Personnel Director Brumby asking if the city was required to advertise the new positions.

Mr. Brumby stated that the position of COA Director has already been advertised and that the Mayor's plan is to see how things work out.

Councilor Delano stated that regardless of the Mayor's intention he would like an opinion of whether or not there is a requirement to advertise the availability of the new position of Executive Director of Human Services.

Mr. Brumby stated that he would investigate the question.

Councilor Ferro stated that he would also like a legal opinion of the eligibility of the positions in the Mayor's reorganization to join a union/form a union.

Councilor Delano reported the following out of the Personnel Committee:

Order No. 10-1002777 - Communication from Mayor Stevens with the reappointment of Deborah Puleo as City Collector for a period of one year, effective February 1, 2011. Recommendation of the Personnel Committee is to approve 3-0.

Order No. 11-1002805 - Communication from City Council President Vigeant with reappointment of Lisa Thomas as City Clerk for a term to expire three years from the date of approval. Recommendation of the Personnel Committee is to approve 3-0.

Order No. - 10-1002760 - Communication from Mayor Stevens with appointment of Eric Asman to the Community Development Authority for a term to expire April 15, 2012. Recommendation of the Personnel Committee is to approve 3-0.

Order No. 10-1002776 - Communication from Mayor Stevens with the reappointment of Mark Gibbs as Director of Information Technology for a term to expire three years from the date of approval. Recommendation of the Personnel Committee is to approve 3-0.

Order No. 10-1002778 - Communication from Mayor Stevens with the reappointment of Stephen Reid as the City of Marlborough Building Inspector for a term to expire three years from the date of approval. Recommendation of the Personnel Committee is to approve 3-0.

Order No. 09-1002387 - Reappointment of Cynthia Panagore Griffin as Assistant City Solicitor for a term of three (3) years from the date of confirmation as her current term expires on January 7, 2010. Recommendation of the Personnel Committee is to approve 2 in favor; 1 present (Pope).

Suspension of the Rules requested – granted

ORDERED: That the City of Marlborough make a determination of its ability to plow all sidewalks in which it is an owner of any building or lot of land bordering on any street, lane, court, square or public place within the City where there is a sidewalk within 12 hours after snow ceases to fall in the daytime, and before 12:00 noon, if it ceases to fall in the nighttime, in strict accordance with the provisions on City Ordinances *prior to enforcement against any private resident* for failure to perform such snow and ice removal.

MOTION to suspend enforcement of the ordinance in light of extraordinary circumstances, **APPROVED**; adopted.

Suspension of the Rules requested – granted

ORDERED: That the appointment of Jennifer Crawford-Claro to the position of Council on Aging Director for a three year term from date of approval, **APPROVED**; adopted.

Suspension of the Rules requested – granted

ORDERED: That the transfer request in the amount of \$14,959.49 from Fringes to Asst. City Engineer, \$135.28 from Fringes to Longevity and \$26,927.08 from Fringes to Sick Leave necessary to fund benefits associated with an employee's retirement, **APPROVED**; adopted.

FROM:

Acct. # 11990006-51500	\$42,021.85
Undesignated Fund	

TO:

Acct. # 14001101-50660	\$14,959.49
Assistant City Engineer	
Acct. # 14001103-51430	\$135.28
Longevity	
Acct. # 14001103-51920	\$26,927.08
Sick Leave	

Suspension of the Rules requested – granted

ORDERED: That the DPW transfer request in the amount of \$226,000.00 which moves funds from Stabilization-Capacity Study to Capital Outlay-East Plant for purposes of a study as outlined in the Commissioner's memorandum, **APPROVED**; adopted.

FROM:

Acct. # 83600-32711	\$226,000.00
Stabilization-Capacity Study	

TO:

Acct. # 19300006-55950	\$226,000.00
Capital Outlay-East Plant	

Suspension of the Rules requested – granted

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, **APPROVED**; adopted.

FROM:

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

TO:

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

Suspension of the Rules requested – granted. Chief Plummer was allowed to speak.

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, **APPROVED**; adopted.

FROM:

Acct. # 10000-35900	\$30,000.00
Undesignated Fund	

TO:

Acct. # 12200003-51300	\$30,000.00
Additional OT	

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 526, ENTITLED “SIGNS,” AS FOLLOWS:

1. Section 526-2, entitled “Definitions,” is hereby amended by adding after the definition of “SIGN” the following definition:

SIGN CONTRACTOR: A person, whether doing business as an individual, a sole proprietor, a partnership, a limited liability partnership, a corporation, a limited liability corporation, or any other form of business entity, and including his or her agents, employees, assigns and subcontractors, who erects, alters or re-locates a sign for or on behalf of an owner.

2. Section 526-3, entitled “Permit requirements,” is hereby amended:

- a. by amending subsection B thereof, entitled “Application”:

- i. by amending subsection (1) thereof, entitled “All signs”:

1. by amending the introduction thereof, by adding in the first line thereof, after the word “drawing,” the following words:-- or design graphic.

- a. by amending the introduction thereof, by adding in the first line thereof, after the words "Limited Industrial," the following word:-- and.
 - b. by amending subsection B thereof, entitled "Flat wall signs," by amending subsection (2) thereof, entitled "Canopy, marquee or awning sign," by amending subsection (c) thereof, entitled "Illumination," by adding after the word "backlit" the following words:-- , except in the Downtown Business District.
 - c. by amending subsection C thereof, entitled "Freestanding signs":
 - i. by amending subsection (1) thereof, entitled "General," by amending subsection (b) thereof, entitled "Sign setback," by adding after the words "freestanding sign" the following words:-- must be on the subject lot and.
 - ii. by amending subsection (2) thereof, entitled "Calculation of area," by amending in subsection (c) thereof, entitled "Bonus area for message board," by striking out in the first line thereof the word "shall" and inserting in place thereof the following word:-- may.
 - d. by amending subsection D thereof, entitled "Commercial centers":
 - i. by amending subsection (1) thereof, entitled "Bonus freestanding sign area for commercial centers," by amending subsection (a) thereof, entitled "Main sign," by striking out in the fifth line thereof the word "for."
 - ii. by amending subsection (5) thereof, entitled "Alterations to nonconforming freestanding signs," by striking out the subsection in its entirety and inserting in place thereof the following words:-- When a freestanding sign in a commercial center or on any parcel with multiple tenants does not conform to this chapter, then any alteration of that sign, whether in whole or in part, shall require that the entire sign shall be brought into conformity with § 526-3.G(3).
 - e. by amending subsection L thereof, entitled "Downtown Business District," by amending subsection (f) thereof, entitled "Design Review Board," by striking out subsection [4] thereof in its entirety and inserting in place thereof the following words:-- The term of the Design Review Board shall continue until such time as the Marlborough Historic Districts Commission is abolished.
7. Section 526-12, entitled "Administration and penalties," is hereby amended:

- a. by amending subsection B, entitled "Failure to act on permit," by striking out in the second line thereof the word "refused," and inserting in place thereof the following word:-- denied.
 - b. by amending subsection D, entitled "Penalties":
 - i. by adding to the title the following words:-- against owners.
 - ii. by adding at the end of the subsection the following words:-- In the event that a fine assessed pursuant to this subsection D remains unpaid by an owner as of the date when the owner and/or the owner's sign contractor submits any application for a sign permit for or on behalf of the owner, the Building Inspector or his/her designee may deny said application and may continue to so deny for so long as said fine remains unpaid.
 - c. by adding a new subsection E, entitled "Penalties against sign contractors," and adding the following words:-- If the Building Inspector or his/her designee determines that a sign contractor has erected, altered or re-located a sign in violation of § 526-3, then, in addition to the remedies provided for in § 526-12.D as against the owner, the Building Inspector or his/her designee may enforce § 526-3 by assessing against said sign contractor a fine of \$50.00 per day, each day being considered a separate violation. As a non-criminal alternative to this penalty, the Building Inspector or his/her designee may, pursuant to M.G.L. c. 40, § 21D, treat a sign contractor violation of § 526-3 by assessing against the sign contractor a non-criminal fine of \$50.00 for a first violation, and a non-criminal fine of \$50.00 per day for each additional violation of § 526-3, each day being considered a separate violation.
8. The effective date of these amendments shall be thirty (30) days after their approval, be **APPROVED**; adopted.

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

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, **FILE**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:45 p.m.



IN CITY COUNCIL

FEBRUARY 14, 2011

Marlborough, Mass.,

ORDERED:

Suspension of the Rules requested - granted

That the Application, new Pool Table license, The Lazy dog, 31 Main St., be and is herewith **ADVERTISED AND PUBLIC HEARING SET FOR FEBRUARY 28, 2011.**

ADOPTED

ORDER NO. 11-1002808A



City of Marlborough
Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 FEB 24 P 3:48 140 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 24, 2011

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

RE: Transfer Requests - Department of Public Works- Suspension Requested

Honorable President Vigeant and Councilors:

I am submitting herewith the following intra-department transfer requests:

Transfer in the amount of \$900.00 from account number 60081001-50910
(Chief Treatment Plant Operator) to account number 60081003-51470 (Interim
Foreman-EWTP)

Transfer in the amount of \$9,021.00 from account number 14001303-5074
(Equipment Operators - Streets) to account number 14001303-51470 (Interim
Foreman)

Transfer in the amount of \$300.00 from account number 14001503-51940
(Clothing Allowance) to account number 14001506-54240 (License and
Inspection)

Transfer in the amount of \$900.00 from account number 14001503-51440
(Educational Incentive) to account number 14001506-54240 (License and
Inspection)

As explained in the attached memo from Commissioner LaFreniere, the transfers are necessary to cover expenses in accounts that are at or nearing zero balances. I respectfully request your approval this evening.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosures



CITY OF MARLBOROUGH
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

To: Mayor Nancy E. Stevens

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

Date: February 23, 2011

Re: DPW transfer requests

Attached herewith please find 2 sets of transfer requests for the Department of Public Works. I hereby request that you forward these requests to the Marlborough City Council for its consideration.

I also ask that the transfers listed on the sheet labeled SUSPENSION and hi-lited in yellow, be considered by the Council under a suspension Monday night due to the limited, if any funds remaining in these accounts.

Please get back to me if you have any questions regarding this request.

**CITY OF MARLBOROUGH
--BUDGET TRANSFERS --
SUSPENSION**

DEPT:		PUBLIC WORKS				FISCAL YEAR:		2011		
Available Balance	Amount	Org Code	Object	Account Description:	Amount	TO ACCOUNT:	Org Code	Object	Account Description:	Available Balance
<u>\$48,394</u>	<u>\$900</u>	<u>60081001</u>	<u>50910</u>	<u>Chief Treatment Plant Operator</u>	<u>\$900</u>	<u>60081003</u>	<u>51470</u>	<u>Interim Foreman-EWTP</u>		<u>\$131</u>
	Reason:	<u>Money available due to WC case</u>					<u>Higher than expected use due to non-work related injury to Head Treatment Operator</u>			
<u>\$273,616</u>	<u>\$9,021</u>	<u>14001303</u>	<u>5074</u>	<u>Equipment Operators - Streets</u>	<u>\$9,021</u>	<u>14001303</u>	<u>51470</u>	<u>Interim Foreman</u>		<u>\$24</u>
	Reason:	<u>Money available due to WC case</u>					<u>Supplemental funding required to cover year end appointments.</u>			
<u>\$1,790</u>	<u>\$300</u>	<u>14001503</u>	<u>51940</u>	<u>Clothing Allowance</u>	<u>\$300</u>	<u>14001506</u>	<u>54240</u>	<u>License & Inspection</u>		<u>\$0</u>
	Reason:	<u>Money available due to retirement</u>					<u>Additional funds needed to cover increased cost of State license renewals</u>			
<u>\$900</u>	<u>\$900</u>	<u>14001503</u>	<u>51440</u>	<u>Educational Incentive</u>	<u>\$900</u>	<u>14001506</u>	<u>54240</u>	<u>License & Inspection</u>		<u>\$0</u>
	Reason:	<u>Money available due to retirement</u>					<u>Additional funds needed to cover increased cost of State license renewals</u>			

Department Head signature: 

Date: 2/24/11



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 24, 2011

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

RE: Transfer Requests - Department of Public Works

Honorable President Vigeant and Councilors:

I am submitting herewith the following intra-department transfer requests:

Transfer in the amount of \$706.00 from account number 60080001-50630 (Assistant Commissioner) to account number 14001002-50520 (Principal Clerk)

Transfer in the amount of \$3,500.00 from account number 60081001-50910 (Chief Treatment Operator) to account number 60085003-51310 (Overtime-Regular-EWTP)

Transfer in the amount of \$1,600.00 from account number 14001303-5074 (Equipment Operators - Streets) to account 14001303-50790 (Dispatcher)

Transfer in the amount of \$13,200.00 from account number 14001303-5074 (Equipment Operators - Streets) to account number 14001303-51310 (Overtime-Regular)

Transfer in the amount of \$750.00 from account number 14001506-54420 (Misc. Hand/Power Tool) to account number 14001506-52500 (Rep./Maint. Equipment)

I have included a memo from Commissioner LaFreniere along with transfer details for your review. 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

To: Mayor Nancy E. Stevens

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

Date: February 23, 2011

Re: DPW transfer requests

Attached herewith please find 2 sets of transfer requests for the Department of Public Works. I hereby request that you forward these requests to the Marlborough City Council for its consideration.

I also ask that the transfers listed on the sheet labeled **SUSPENSION** and hi-lited in yellow, be considered by the Council under a suspension Monday night due to the limited, if any funds remaining in these accounts.

Please get back to me if you have any questions regarding this request.

CITY OF MARLBOROUGH
-BUDGET TRANSFERS -

DEPT: PUBLIC WORKS

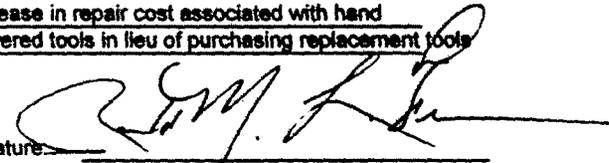
FISCAL YEAR: 2011

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$50,505</u>	<u>\$706</u>	<u>60080001</u>	<u>50630</u>	<u>Assistant Commissioner</u>	<u>\$706</u>	<u>14001002</u>	<u>50520</u>	<u>Principal Clerk</u>	<u>\$14,362</u>
	Reason:	<u>Money available due to retirement</u>						<u>Insufficient funds transferred to cover retroactive step increases</u>	
<u>\$48,394</u>	<u>\$3,500</u>	<u>60081001</u>	<u>50910</u>	<u>Chief Treatment Plant Operator</u>	<u>\$3,500</u>	<u>60085003</u>	<u>51310</u>	<u>Overtime-Regular-EWTP</u>	<u>\$5,679</u>
	Reason:	<u>Money available due to WC case</u>						<u>Higher than expected use associated with major system repairs.</u>	
<u>\$273,616</u>	<u>\$1,800</u>	<u>14001303</u>	<u>5074</u>	<u>Equipment Operators - Streets</u>	<u>\$1,800</u>	<u>14001303</u>	<u>50790</u>	<u>Dispatcher</u>	<u>\$11,565</u>
	Reason:	<u>Money available due to WC case</u>						<u>Insufficient funds transferred to cover retroactive step increases.</u>	
<u>\$273,616</u>	<u>\$13,200</u>	<u>14001303</u>	<u>5074</u>	<u>Equipment Operators - Streets</u>	<u>\$13,200</u>	<u>14001303</u>	<u>51310</u>	<u>Overtime-Regular</u>	<u>\$9,588</u>
	Reason:	<u>Money available due to WC case</u>						<u>Supplemental funding required to cover year end costs based on 3-year average.</u>	
<u>\$750</u>	<u>\$750</u>	<u>14001506</u>	<u>54420</u>	<u>Misc. Hand/Power Tool</u>	<u>\$750</u>	<u>14001506</u>	<u>52500</u>	<u>Rep./Maint. Equipment</u>	<u>\$6</u>
	Reason:	<u>Money available in account</u>						<u>Increase in repair cost associated with hand powered tools in lieu of purchasing replacement tools</u>	

Department Head signature: _____



Date: _____

2/24/11



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

2011 FEB 24 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 23, 2011

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

RE: Transfer Requests- Fire

Honorable President Vigeant and Councilors:

Attached herewith are the following intra-department transfer requests:

Transfer in the amount of \$16,807.38 moving funds from account number 12200001-50450 (Firefighter) to account number 12200003-51300 (Additional OT)

Transfer in the amount of \$466.40 moving funds from account number 12200001-50810 (Fire Lieutenant) to account number 12200003-51300 (Additional OT)

Transfer in the amount of \$8,771.34 moving funds from account number 12200001-50450 (Firefighter) to account number 12200003-51300 (Additional OT)

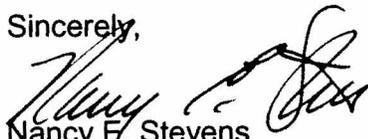
Transfer in the amount of \$10,849.44 moving funds from account number 12200003-51430 (Longevity) to account number 12200003-51300 (Additional OT)

Transfer in the amount of \$10,000.00 from account number 12200003-51480 (EMT) to account number 12200003-51300 (Additional OT)

Transfer in the amount of \$4,610.94 moving funds from account number 12200001-50450 (Firefighter) to account number 12200003-51920 (Sick Leave Buy Back)

Please see the attached memorandum from Fire Chief Plummer as well as the enclosed transfer sheet for further details. Given each of the above transfers are within the Fire Department, I respectfully request your approval this evening. As always, please feel free to contact me with any questions or concerns.

Sincerely,


Nancy E. Stevens
Mayor

Enclosures



CITY OF MARLBOROUGH FIRE DEPARTMENT

Ricky A. Plummer
Chief of Department

Stanley Clement
Deputy Chief

Ron Ayotte
Deputy Chief

James Diamond
Deputy Chief

Fredrick Flynn
Deputy Chief

MEMO

To : Mayor Stevens
From : Chief Plummer
Date : February 23, 2011
Subj : Transfers

A handwritten signature in black ink, appearing to be "Ricky A. Plummer", written over the "From" line of the memo header.

I have attached a request for several transfers as follows:

- 1) \$16,807.38 from the Firefighter Account (50450) into the Gross Overtime Account (51300). This is to offset the money we have left from a retirement that is causing additional overtime as we have not hired anyone to fill that position.
- 2) \$466.40 from Fire Lieutenant Account (50810) to Gross Overtime account (51300) as a result of an injured Lieutenant utilizing 111F funding. Again covering this position with overtime.
- 3) \$8,771.34 from the Firefighter account (50450) into Gross Overtime Account (51300) to fund overtime caused by an injured firefighter utilizing 111F funds.
- 4) I am also requesting that we move an additional amount of \$20,849.44.00 from the following accounts: (51430) Longevity in the amount of \$10,849.44 into the Gross Overtime account and \$10,000 from account (51480) EMT to the Gross Overtime account (51300) to cover 3 vacant positions and 2 firefighters out injured for a total of 5 vacancies at this time.
- 5) \$4,610.94 From the Firefighter Account (50450) in to Sick Leave Buy Back account (51920). This is needed to pay an employee who retired and will be used to fund his sick leave buy out

These additional funds come from looking at our budget and I believe we will have a surplus in those accounts. Unfortunately I don't see any other money we can transfer within our budget at this time.

As we have discussed it is cheaper to hire the overtime than hire new firefighters. We have spent an additional \$25,008.00 in overtime due to vacancies but we have saved \$83,052 if we were to hire 3 firefighters.

I would also request that this be expedited so that we will not run the risk of running out of overtime.

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Fire

FISCAL YEAR 2011

Available Balance	Amount	FROM ACCOUNT:	Amount	TO ACCOUNT:	Available Balance
		Org Code Object Account Description:		Org Code Object Account Description:	
<u>\$1,143,583</u>	<u>\$16,807.38</u>	12200001 50450 FIREFIGHTER	<u>\$16,807.38</u>	12200003 51300 ADDITIONAL OT	<u>\$21,500</u>
	Reason:	Retirement of employee			
<u>\$179,898</u>	<u>\$466.40</u>	12200001 50810 FIRE LIEUTENANT	<u>\$466.40</u>	12200003 51300 ADDITIONAL OT	<u>\$21,500</u>
	Reason:	To fund 111F payments for Lieutenant			
<u>\$1,143,583</u>	<u>\$8,771.34</u>	12200001 50450 FIREFIGHTER	<u>\$8,771.34</u>	12200003 51300 ADDITIONAL OT	<u>\$21,500</u>
	Reason:	To fund 111F payments for Lieutenant			
<u>\$31,509</u>	<u>\$10,849.44</u>	12200003 51430 LONGEVITY	<u>\$10,849.44</u>	12200003 51300 ADDITIONAL OT	<u>\$21,500</u>
	Reason:	Anticipated surplus			
<u>\$47,898</u>	<u>\$10,000.00</u>	12200003 51480 EMT	<u>\$10,000.00</u>	12200003 51300 ADDITIONAL OT	<u>\$21,500</u>
	Reason:	Anticipated surplus			
<u>\$1,143,583</u>	<u>\$4,610.94</u>	12200001 50450 FIREFIGHTER	<u>\$4,610.94</u>	12200003 51920 SICK LEAVE BUY BACK	<u>\$26,246</u>
	Reason:	Retirement of employee			
	\$51,505.50		\$51,505.50		

Department Head signature: 



City of Marlborough

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CITY OF MARLBOROUGH
Office of the Mayor

2011 FEB 24 P 3:49 140 Main Street
Marlborough, Massachusetts 01752
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Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

February 22, 2011

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

RE: Transfer Request - Council on Aging

Honorable President Vigeant and Councilors:

Attached for your approval is the following transfer request:

Transfer in the amount of \$4,385.00 moving funds from account number 1541001-50391(Part-time Nurse) to account number 1541001-50191 (Program Manager).

Responsibilities for this part-time position include the development, planning, implementation and oversight of Council on Aging programming. As detailed in the attached form, this transfer appropriates funding available in the part-time nursing account.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

TRANSFER REQUEST

Council on Aging

FISCAL YEAR: 2011

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance		
<u>\$25,688</u>	<u>\$4,385.00</u>	<u>15410001</u>	<u>-</u>	<u>50391</u>	<u>Part Time Nurse</u>	<u>\$4,385.00</u>	<u>15410001</u>	<u>-</u>	<u>50191</u>	<u>Program Manager</u>	<u>\$0</u>

Reason: To fund a Program Manager at the Council on Aging from April 1st through June 30th using funds from a position that was not filled.



City of Marlborough

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CITY OF MARLBOROUGH

Office of the Mayor

2011 FEB 24 P 3:49 140 Main Street
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Nancy E. Stevens
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Krista J. Holmi
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Katherine M. LaRose
EXECUTIVE SECRETARY

February 22, 2011

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

RE: FY09 STAG Program

Honorable President Vigeant and Councilors:

The City of Marlborough has received funds in the amount of \$485,000 awarded in the FY09 State and Tribal Grant (STAG Grant) offered through the United States Environmental Protection Agency. The grant provides reimbursement monies for the design and construction of upgrades to the Westerly Wastewater Treatment Facility. Details of this grant are provided for your review.

The City has also been notified of an additional \$300,000.00 in appropriation through the FY10 STAG program for improvements within the West Plant watershed, and we are awaiting Federal and State release of these funds. The City of Marlborough has obtained nearly \$14,000,000.00 in grants through various programs for improvements to the West Plant and related infrastructure. Our pursuit of these grants has significantly reduced the burden our Marlborough ratepayers would have otherwise shouldered.

As outlined in MGL, Chapter 44, Section 53A, I am recommending that the City Council approve the acceptance of the FY09 grant for the purposes outlined. I respectfully request your approval this evening.

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

Sincerely,

Nancy E. Stevens
Mayor



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 23, 2011

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

RE: STAG GRANT AWARD

The City has been awarded a STAG Grant from the United States EPA in the amount of \$485,000. The grant will provide reimbursement for the design and construction of the Westerly Wastewater Treatment Facility.

I request that this grant be submitted to the City Council for approval so we may appropriately charge expenses for the upgrades at the West Plant against this grant.

Respectfully submitted,

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

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: PUBLIC WORKS DATE: 23-Feb-11

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Ronald M. LaFreniere, P.E.

NAME OF GRANT: State and Tribal Grant (STAG)

GRANTOR: United States Environmental Protection Agency

GRANT AMOUNT: \$485,000

GRANT PERIOD: Until funds are expended or completion of project

SCOPE OF GRANT Reimbursement grant for monies spent on Westerly Wastewater Treatment Plant design and construction. Issued by EPA to strengthen and build relationships between states and multi-jurisdictional organizations, while helping to build capacity to implement the nation's environmental laws and regulations.

ITEMS FUNDED The grant provides a reimbursement for monies spent on the design and construction of the Westerly Wastewater Treatment Plant.

IS A POSITION BEING CREATED: No

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

ARE MATCHING CITY FUNDS REQUIRED? The City must provide 45% local cost share for fund eligibility. This match requirement has been met by the City.

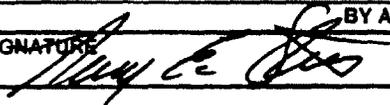
IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY: N/A

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS TO BE USED: 34543206-58300 FY-08 SEWER for Westerly Wastewater Treatment Plant Upgrades.

ANY OTHER EXPOSURE TO CITY? No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: No, but prompt approval would expedite use of funds.

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.

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment	ASSISTANCE ID NO.			DATE OF AWARD 05/27/2010	
		PRG	DOC ID	AMEND#		
		EM - 98104101 - 1			MAILING DATE 06/03/2010	
		TYPE OF ACTION Augmentation: Increase			PAYMENT METHOD: ACH# 10052	
RECIPIENT TYPE: Municipal		Send Payment Request to: See Programmatic Term and Condition #10 on Original Award.				
RECIPIENT: City of Marlborough 135 Neil Street Marlborough, MA 01752 EIN: 04-6001399		PAYEE: City of Marlborough 135 Neil Street Marlborough, MA 01752				
PROJECT MANAGER Ronald M. Lafreniere 135 Neil Street Marlborough, MA 01752 E-Mail: rlafreniere@marlborough-ma.gov Phone: 508-624-6910 X 7200		EPA PROJECT OFFICER Katie Connors 5 Post Office Square, Suite 100, OEP06-2 Boston, MA 02109-3912 E-Mail: Connors.Katie@epamail.epa.gov Phone: 617-918-1658		EPA GRANT SPECIALIST Brian Tocci Grants Management Office, OARM16-2 E-Mail: Tocci.Brian@epamail.epa.gov Phone: 617-918-1979		
PROJECT TITLE AND EXPLANATION OF CHANGES Westerly Wastewater Treatment Amendment #1 approves a Supplemental Increase in Federal Funds in the amount of \$485,000. Recipient Contribution is increased by \$149,077. Total Budget/Project Period Cost is now \$1,451,230. A Time Extension until 12/31/2010 is also approved. Administrative Term and Condition #14 (Unliquidated Obligations) has been updated. All other Terms and Conditions remain unchanged, and in full force and effect.						
BUDGET PERIOD 08/01/2000 - 12/31/2010		PROJECT PERIOD 08/01/2000 - 12/31/2010		TOTAL BUDGET PERIOD COST \$1,451,230.00	TOTAL PROJECT PERIOD COST \$1,451,230.00	
NOTICE OF AWARD						
Based on your application dated 03/29/2010, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$485,000. EPA agrees to cost-share 53.13% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$771,000. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.						
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE			
ORGANIZATION / ADDRESS EPA New England 5 Post Office Square, Suite 100 Boston, MA 02109-3912			ORGANIZATION / ADDRESS U.S. EPA, EPA New England 5 Post Office Square, Suite 100 Boston, MA 02109-3912			
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY						
SIGNATURE OF AWARD OFFICIAL Digital signature applied by EPA Award Official		TYPED NAME AND TITLE Linda Murphy, Director, Office of Administration & Resource Management		DATE 05/27/2010		
AFFIRMATION OF AWARD						
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION						
SIGNATURE 		TYPED NAME AND TITLE Nancy E. Stevens, Mayor		DATE 6/16/10		

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 286,000	\$ 485,000	\$ 771,000
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 531,153	\$ 149,077	\$ 680,230
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 817,153	\$ 634,077	\$ 1,451,230

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.202 - Congressionally Mandated Projects	FY 2009 Omnibus Appropriations Act (PL 111-8)	40 CFR PART 31

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	10010CG035	10	E4C	0130HFL	202B51E	4192			485,000
									485,000

Administrative Conditions

All Administrative Terms and Conditions remain unchanged, and in full force and effect, except for the following: Term and Condition #14 has been updated.

14. UNLIQUIDATED OBLIGATIONS PART 31 - FEDERAL FINANCIAL REPORT

Pursuant to 40 CFR 31.41(b) and 31.50(b), EPA recipients shall submit a final Federal Financial Report (SF-425) to EPA no later than 90 calendar days after the end of the project period. The form is available on the internet at <http://www.epa.gov/ocfo/finservices/forms.htm> . All FFRs must be submitted to the Las Vegas Finance Center: US EPA, LVFC, PO Box 98515, Las Vegas, NV 89193, or by Fax to: 702-798-2423.

The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Federal Financial Report. Recipients will be notified and instructed by EPA if they must complete any additional forms for the closeout of the assistance agreement.

EPA may take enforcement actions in accordance with 40 CFR 31.43 if the recipient does not comply with this term and condition.

Programmatic Conditions

All Programmatic Terms and Conditions remain unchanged, and in full force and effect.



City of Marlborough

RECEIVED
CITY CLERK OF
CITY OF MARLBOROUGH

Office of the Mayor

2011 FEB 24 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 24, 2011

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

RE: Proposed Order for a Home Rule Petition Concerning an Additional All-Alcohol Off-Premises License for Vin Bin

Honorable President Vigeant and Councilors:

Enclosed is a proposed order concerning a Home Rule Petition for an additional all-alcohol off-premises license for the Vin Bin. It is my understanding that the City has no all-alcohol off-premises license available, and that the Vin Bin is seeking such a license for its proposed business expansion to the former Main Street fire station. If the Home Rule Petition is successful, the Vin Bin would surrender the Wine & Malt license under which it presently operates at its South Bolton Street location. I have written the License Board requesting their consideration and support of this petition.

Given these economic times, the success of Vin Bin's move to a larger location is contingent upon its ability to obtain an all-alcohol off-premises license. Moreover, such license will further enhance the positive role that Vin Bin has played in the economic development of the City, and in particular the Main Street area. I respectfully request your approval of the proposed home rule petition.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

cc: Walter Bonin

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:

Section 1. Notwithstanding Section 17 of Chapter 138 of the General Laws, the licensing authority of the City of Marlborough may grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises under Section 15 of said Chapter 138 to the Rick Lombardi and Julie Lombardi, d/b/a The Vin Bin, located at 91 Main Street, Marlborough, MA. The license shall be subject to all of said Chapter 138 except said Section 17. The applicant holds a Wine and Malt license which it shall surrender to the licensing authority upon approval of a license for the sale of all alcoholic beverages not to be drunk on the premises.

Section 2. The licensing authority shall not approve the transfer of the license to any other location. The license may be reissued by the licensing authority to a new applicant at the same location if the applicant files with the licensing authority from the Department of Revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

Section 3. If the license granted under this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority, which may then grant the license to a new applicant.

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

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

2011 FEB 24 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 24, 2011

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

RE: Veto of Order No. 11-1002825
Enforcement of City's Sidewalk Snow and Ice Removal Ordinances

Honorable President Vigeant and Councilors:

Pursuant to § 55 of the City Charter, I hereby veto Order No. 11-1002825, attached hereto. At its meeting on Monday, February 14, 2011, the Council voted to approve a motion "to suspend enforcement of the [snow removal] ordinance in light of extraordinary circumstances." However, the snow removal ordinance (City Code § 551) deals not only with the removal of snow from sidewalks, but also with other activities that enhance public safety. The approved motion would have the sweeping consequence of suspending enforcement of those other safety-enhancement portions of the snow removal ordinance.

Therefore, please be advised that, in light of the extraordinary snowfall we have experienced this winter, I, as the City's chief administrative officer, have directed the Code Enforcement Officer to suspend enforcement of a portion of the snow removal ordinance (City Code § 551-25.A), as well as the ice removal ordinance (City Code § 551-26), for the balance of this winter. This means I am authorizing continued enforcement as to the remaining portions of the snow removal ordinance that prohibit snow and ice from being deposited upon any public way or sidewalk so as to interfere with or detract from the plowing of that public way or sidewalk (§ 551-25.B) or so as to obstruct access to or operation of any fire hydrant (§ 551-25.C); and as to the portion of the ordinance that prohibits snow or ice from being plowed from adjacent property across any public way or sidewalk so as to interfere with or detract from the plowing of that public way or sidewalk (§ 551-25.D). My allowing the latter portions of the snow removal ordinance to remain enforceable will enhance the safety of the public, while the public will have been relieved of the burden of any City enforcement efforts to remove sidewalk snow and ice in this most difficult of winters -- which I believe was the narrow intent of the attached Council order.

As always, please feel free to contact me with any question on this matter.

Sincerely,

Nancy E. Stevens
Mayor

Attachment



IN CITY COUNCIL

FEBRUARY 14, 2011

Marlborough, Mass., _____

ORDERED:

Suspension of the Rules requested – granted

That the City of Marlborough make a determination of its ability to plow all sidewalks in which it is an owner of any building or lot of land bordering on any street, lane, court, square or public place within the City where there is a sidewalk within 12 hours after snow ceases to fall in the daytime, and before 12:00 noon, if it ceases to fall in the nighttime, in strict accordance with the provisions on City Ordinances *prior to enforcement against any private resident* for failure to perform such snow and ice removal.

MOTION to suspend enforcement of the ordinance in light of extraordinary circumstances, be and is herewith **APPROVED**.

ADOPTED

In City Council

Order No. 11-1002825

Approved by Mayor

Nancy E. Stevens

Date:

A TRUE COPY

ATTEST:

City Clerk



RECEIVED
CLERK'S OFFICE
OF MARLBOROUGH

FEB 24 P 4:20

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 24, 2011

Arthur Vigeant
President
Marlborough City Council

RE: Proposed Amendments to Snow and Ice Removal Ordinances

Dear President Vigeant and Members:

At the request of Councilor Elder, I am enclosing proposed amendments to the snow removal ordinance (City Code § 551-25) and the ice removal ordinance (City Code § 551-26).

Thank you for your attention to this matter.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: Nancy Stevens, Mayor
Ronald LaFreniere, DPW Commissioner

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 551, ENTITLED "STREETS AND SIDEWALKS," AS FOLLOWS:

1. Section 551-25, entitled "Snow removal," is hereby amended:
 - a. by amending subsection A, by adding at the end of the subsection the following words:-- The mayor can, in his or her discretion, suspend enforcement of this subsection against any private resident upon a determination by the Commissioner of Public Works that extraordinary winter-time circumstances then exist in the City of Marlborough.
 - b. by adding a new subsection E containing the following words:-- Prior to any enforcement efforts by the City of Marlborough against any private resident for failure to remove snow in compliance with subsection A of this ordinance as amended, the City shall make a determination of its ability to remove snow from all sidewalks abutting any City-owned building or City-owned lot of land within 12 hours after the snow ceases to fall, if it ceases to fall in the daytime, and before 12:00 noon, if it ceases to fall in the nighttime.
2. Section 551-26, entitled "Ice removal," is hereby amended by adding at the end of the section the following words:-- The mayor can, in his or her discretion, suspend enforcement of this section against any private resident upon a determination by the Commissioner of Public Works that extraordinary winter-time circumstances then exist in the City of Marlborough.
3. The effective date of these amendments shall be thirty (30) days after their approval.

ADOPTED

In City Council
Order No. 11-
Adopted

Approved by Mayor
Nancy E. Stevens
Date:

A TRUE COPY
ATTEST:



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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 FEB 23 P 1:40

pd \$100.00 2/23/11

**Lisa M. Thomas
City Clerk**

**CITY OF MARLBOROUGH
TAXI AND/OR LIVERY SERVICE LICENSE APPLICATION**

I. TYPE OF LICENSE: ✓ TAXI ✓ LIVERY

2. APPLICANT'S (LICENSEE) INFORMATION:

A. Name: JOHN ST. MARTIN
B. Address: 212 SUDBURY ST. MARLBOROUGH, MA 01752
C. Business Name: METROWEST TAXI
D. Business Address: 212 SUDBURY ST.
E. Telephone Number(s): 774 249-2977

3. NUMBER OF VEHICLES: 2

APPLICANT'S SIGNATURE

John St. Martin

**CITY OF MARLBOROUGH
TAXI/LIVERY LICENSE**

is hereby granted a Taxi/Livery License as approved by the City Council of the City of Marlborough on . In accordance with the Code of the City of Marlborough, Chapter 568, this License shall expire two (2) years from the date of issue. Application for renewal of said License shall be made to the City Council through the Office of the City Clerk.

EXPIRATION DATE: _____

A TRUE COPY

ATTEST:

City Clerk

City of Marlborough
Commonwealth of Massachusetts

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 FEB 15 A 11:11



PLANNING BOARD

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

Carrie Lizotte, Board Secretary

Phone: (508) 460-3769

Fax: (508) 460-3736

Email: CLizotte@marlborough-ma.gov

PLANNING BOARD MINUTES

January 10, 2011

7:00 PM

The Planning Board for the City of Marlborough met on Monday, January 10, 2011 in Memorial Hall, 3rd floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Colleen Hughes, Clerk, Philip Hodge, Edward Coveney and Sean Fay. Also present: City Engineer Thomas Cullen.

ELECTION OF OFFICERS

ELECTION OF PLANNING BOARD OFFICERS 2011

The gavel was turned over to Ms. Colleen Hughes to serve as Chairman Pro Tem for the election process.

Barbara Fenby was unanimously re-elected as Chair for the year of 2011.

Colleen Hughes was unanimously re-elected as Clerk for the year of 2011.

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

To appoint Barbara L. Fenby as Chairperson and Colleen Hughes as Clerk for a term to expire on December 31, 2011.

Ms. Hughes returned the gavel to Chairperson Fenby.

MINUTES

Meeting Minutes December 6, 2010

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

To accept the meeting minutes of December 6, 2010 with amended changes.

Meeting Minutes December 20, 2010

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

To accept the meeting minutes of December 20, 2010 with amended changes.

CHAIRS BUSINESS

Blackhorse Farms

In the recent months Mr. Fay has shown concern regarding this subdivision and how the actions have been misleading by the developer's representative. The developer's attorney Paul J. Beattie, was in attendance to start a truthful dialogue. He stated that both the developer and the City have an investment to protect. Mr. Beattie stated that there has been an interested buyer in one of the lots which could lead to further activity on the subdivision. As he saw it there were two main concerns from the Planning Board, first being erosion controls and the use of the roadway.

Mr. Fay stated that there have been several misrepresentations by the developer's representative. First being that the gate for the road is still closed when it was presented that the gate would be removed. Second, would be the erosion controls. Mr. Fay stated that the deteriorating erosion controls need to be addressed as a wetlands issue and life safety issue. Mr. Fay this needs to be addressed as soon as possible.

Mr. Beattie was asked if the subdivision was being plowed by the City. Mr. Cullen confirmed that Mr. Fafard has a private contractor since they have never formally asked for the street to be plowed by the City. Mr. Cullen then explained the process of having the street plowed the City.

Mr. Hodge would be happy if the Planning Board saw some progress in the recommendations and requests that were made in previous correspondence to the developer. Ms. Fenby stated that Mr. Beattie's appearance tonight to the Board spoke volumes in the developer wanting to work with the Planning Board.

Mr. Beattie will be responding to the issues via a letter to the Planning Board prior to their next meeting.

APPROVAL NOT REQUIRED PLAN

Framingham Road

Prior to the meeting, Attorney Bergeron asked to remove this item from the agenda.

PUBLIC HEARING

SUBDIVISION PROGRESS REPORTS

Update from City Engineer

Mr. Cullen provided an updated map to the Board. He stated that he has several subdivisions close to acceptance.

Country Club Estates (Stow Road)

Correspondence from City Solicitor

Mr. Bergeron asked for this to be removed from the agenda.

Mauro Farm (Cook Lane)
Bond Establishment

Mr. Cullen has determined for the bond to be set in the amount of \$1,241,000.00 to be posted to secure the release of the lots in the Mauro Farm Subdivision. He stated that some of the subdivision's infrastructure is under construction and some of the wall construction has begun.

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

To accept and file the correspondence.

Bond Request and Lot Release

The Developers are asking for only bond to set for Nolan Way and Spenser Circle at this time. They are planning to only build those streets at this time.

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

To accept and file the correspondence.

Mr. Loiselle stated that they are intending to start the construction process for the whole subdivision, however since their concentration is on the first two streets, they wanted to see the possibility of reducing the bond to just the necessary amount for the work to be completed at this time.

Mr. Fay asked how this would be different from allowing phasing of the subdivision which has not been practiced in the past. Mr. Loiselle stated that this will not alter the construction schedule or construction development.

Mr. Cullen stated that the Planning Board should stay on course and not reduce the amount to benefit the developer.

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

To recommend that a bond of \$1,241,000.000 should be posted to secure the release of lots in this subdivision.

Shorter Street
City Engineer correspondence

The City Engineer sent correspondence stating that the Building Commissioner still needs to approve the driveway grading and that the following summarizes his review and acceptance:

- Definitive Subdivision Plan (Sheets 1 thru 3), Shorter Street (Private-40' Wide) for Shorter Street (Private-40' Wide), dated October 30, 2002 with the latest revision date of August 27, 2003. Note that the plans were prepared by Central mass Engineering & Survey, Inc. 277 Main Street, Marlborough, MA 01752;
- As-Built Plan for 13 Shorter Street, dated October 8, 2010 with the latest revision date of December 17, 2010. Note that the plan was prepared by SITEC Civil and Environmental Engineering Land Use Planning, 449 Faunce Corner Road, Dartmouth, MA 02747;
- Recorded Easement Agreement, Book 41282 Page 162, Recorded 10/27/2003, Recorded Definitive Subdivision Plan, Plan of Land, Plan No. 1099 of 2003, recorded 10/27/2010.

According to Mr. Cullen, the intent of the plan was to widen the existing roadway/driveway from 18 feet to 24 feet. Based on his review, the roadway/driveway intent has not been met. Mr. Cullen also stated that the "Turn-around Easement to the City of Marlborough" which is the recorded easement noted in the above dated 10/27/2003. However based on his review of the documentation, it would appear the easement agreement and Plan of Land was recorded at the Middlesex Registry of Deeds South District, Cambridge, MA. This "turnaround" easement was not brought before the City Council for acceptance. It is Mr. Cullen's prevue to recommend to the Planning Board to refer the matter to the Legal Department to ensure that the easement rights are transferred to the City of Marlborough and adopted by the City Council in the proper fashion.

Also, based on emails provided by both the Police and Fire Chief that a turn-around is not required. The Engineering Department would support the Planning Board if they chose not to adopt the easement.

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

To accept and file correspondence.

Correspondence from the Building Commissioner

Mr. Reid stated on the plan that the driveway grades do not conform to zoning grade requirements, that the lot is a pre-existing building lot on a way created prior to zoning and too steep to allow compliance alternatives to be met.

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

To accept and file the correspondence.

Mr. Hodge asked what was the cleanest way to finish this subdivision. He suggested that the Legal Department should be asked on how to accept this subdivision or if the Planning Board even has to accept this subdivision since it will remain a public way.

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

To refer the acceptance plans including all easement information to the Legal Department for their opinion on the acceptance of the easements.

Bond Reduction

Attorney Michael Norris asked for a bond reduction at this time. He stated that he has been working on the acceptance for some time and a bond reduction would be helpful in paying the consultants who help create the as-builts.

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

To reduce the current bond to from \$5,000.00 to \$1,000.00.

Mr. Fay stepped out of the room due to conflict of interest.

Water's Edge (Worster Drive)

Correspondence from City Engineer

The City Engineer has reviewed the request by the Planning Board to review all documents and easements for the open space subdivision known as "Water's Edge". In his review, the City Engineer can now provide a favorable recommendation to accept the roadways and easements in the subdivision with these findings:

- As-Built Plans and Profiles of Water Edge (Sheets 1 thru 7), dated November 26, 2002 with the latest revision date of December 29, 2010. Note the plans were prepared by Thomas Land Surveyors and Engineering Consultants, 265 Washington Street, Hudson, MA 01749;
- Plan of Acceptance of Easements, Open Space, Worster Drive, Beauregard Circle, Gauceher Circle and Perolman Drive (Sheets 1 thru 3), dated December 12, 2002 with the latest revision date of January 3, 2011. Note the plans were prepared by Thomas Land Surveyors and Engineering Consultants, 265 Washington Street, Hudson, MA 01749;
- The latest Legal Descriptions/Deeds/Grant of Easements.

Mr. Cullen also provided the copy of the easement documents that will transfer the developer's rights and interest in the sewer easement, which connects the sewer from the subdivision to Cullinane Drive, to the City of Marlborough. Also attached with his report in the copy of the recorded plan (292 of 1998), Book 28328, Page 140 and further referenced in deed Book 28328, Page 144 with both have been recorded in the Middlesex registry of Deeds.

The Open Space Parcels as reference on the acceptance plan as "A", "B" and "C" are also to be deeded to the City of Marlborough:

- Open Space Parcel "B" as indicated is located interior to Worster Drive, which contains drainage infrastructure and sewer infrastructure (fencing was not a standard condition, Mr. Cullen noted the standard today is to fence all detention basins);
- Open Space Parcels "A" and "C" do not contain and utility infrastructure. However a tree issue located within Open Space Parcel "C".

Mr. Cullen also attached the City Conservation Officers letter stating that the developer has complied with all of the Conservations Commissions Order of Conditions. Also noted was the non payment to taxes owed to the City by the developer, and those need to be paid in full with the Tax Collector of the City of Marlborough.

Mr. Cullen also stated that since the status of the subdivision has been reviewed by the Engineering Division and it has been determined that the work in same has been completed and the street shave remained in satisfactory condition for an excess of the one year maintenance period.

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

To accept and file correspondence.

Ms. Fenby asked about the trail signs that need to be replaced and the couch in the trail system needs to be removed. Mr. Ansari stated that the signs and the couch will be removed immediately. Mr. Cullen noted that there was no fencing around the detention basin. Mr. Coveney stated that since no fencing was required around the basin at the time of approval, they should not be required to fence the basin.

Attorney Christopher Flood stated that if it was correspondence from the developer the issues were taken care of, Could the Planning Board move forward with the approval. The general consensus was yes.

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

To recommend to Mr. Ansari that the tree needs to be removed, to have him replace the signs and to remove the couch on the trail system, to send notification when it's completed.

Bond Reduction Request

Mr. Ansari provided correspondence at the meeting that is asking for a bond reduction. The current bond remains at \$137,403.00. He is asking for the remaining bond to be reduced to \$20,000.00.

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

To reduce the current bond amount from \$137,403.00 to \$20,000.00.

Mr. Fay returned back to the room.

PENDING SUBDIVISION PLANS: Updates and Discussion

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

SCENIC ROADS

SIGNS

INFORMAL DISCUSSION

COMMUNICATIONS/CORRESPONDENCE

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

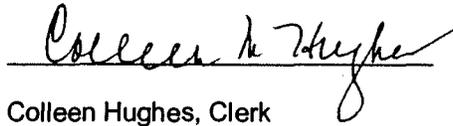
To accept all of the items listed under communications and/or correspondence.

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

To adjourn at 8:23 p.m.

A TRUE COPY

ATTEST:


Colleen Hughes, Clerk



**CITY OF MARLBOROUGH
OFFICE OF TRAFFIC COMMISSION
140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752**

Traffic Commission

The Regular Meeting of the Traffic Commission was held on Tuesday, December 21, 2010 at 11:15 a.m. in City Council Committee Room, City Hall. Members present: Chairman Police Chief Mark Leonard, Vice Chairman – DPW Commissioner Ronald LaFreniere, Fire Chief Ricky Plummer. Also present: City Engineer Thomas Cullen, Asst. Civil Engineer Tim Collins, City Councilor Rob Tunnera, At-Large City Councilor Trisha Pope, Code Enforcement Officer Pam Wilderman, and David Beecher – Headmaster of Hillside School accompanied by an assistant. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Tuesday, November 23, 2010.

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

2-New Business

2a. Communication from Councilor Pope, re: Pedestrian crossing concerns near Hillside School.

Councilor Pope recently attended an evening service in the Hillside School chapel. She noted that the area where the boys cross the street to the chapel is extremely dark. She is hoping that lighting can be installed on an existing utility pole. She was also asking about a possible crosswalk in the area. Chief Leonard asked Councilor Pope about the status of the lighting situation. Councilor Pope previously sent an e-mail to the Mayor. She advised that Mayor Stevens forwarded the email to John Ghiloni so that he could work with National Grid on the issue.

Mr. Beecher explained that an old barn on the property was converted into a chapel. It is used for services 1 or 2 times per week, often in the evening. At these times, 150 kids and adults are crossing all at once with staff directing the group across. Councilor Pope also noted that she did not see any school signs in the area. Chief Leonard asked about “walkers” as this is one of the criteria for a designated school zone. Mr. Beecher advised that there are children who are residents that walk from one section of the school to another. Tim Collins advised that two other requirements for a school zone, as set by the

MUTCD, are sidewalks and crosswalks. At this point, lighting seems to be the top priority, however, Chief Leonard asked, short of establishing an official school zone, what can we do? Tim advised that if there were a crosswalk, warning signs could be installed that would indicate that a crosswalk is approaching. We need to establish if there is a safe area to cross from one side of the road to the other. Mr. Beecher explained that the school building is very close to the road. There are about 3 feet between the door and the asphalt. He indicated that the school would be happy to put in a sidewalk in the spring. He commented that it is probably time for that. Ron LaFreniere advised that the key is to all work together. The school should touch base with Engineering to determine the best location for the sidewalk and crosswalk.

MOTION was made, seconded, duly VOTED to refer to ENGINEERING to determine the best location for a crosswalk and to Chief LEONARD to follow up with John Gilhoni and National Grid on the lighting issue.

2b) Communication from Councilor Tunnera and Frances Foronce, re: overnight parking on Laviolette St.

Chief Leonard has spoken to Ms. Foronce and advised that overnight ticketing has been halted for the time being. He went on to discuss the fact that this issue has come up in the past, especially the parking situation on Laviolette, and that the Commission put it back in the hands of the management company. The Commission believes that there is room for more handicapped parking. Chief Leonard asked if they should consider putting Laviolette on the exemption list (i.e. exemption from o/n parking ban). There are 4 or 5 other smaller streets, where homes have no driveways, which are exempt from the o/n parking ban. However, they do have to move their vehicles if there is a snow condition.

Pam Wilderman commented that when Steve LeDuc was the State Representative he had asked her to do a study on the handicapped parking here. She found that they (Academy Knoll) do meet all the requirements set by the State for handicapped parking. For this reason, it would be difficult to “force their hand”. There is another area near the handicapped entrance i.e. “green space” that could be turned into more parking; however, they have refused to do so. She also mentioned that some of the increased traffic on Laviolette is related to “business activities” at a condo in the area. She is looking into this issue.

Ron mentioned that if Laviolette were exempt from the o/n parking ban, vehicles would still have to be moved when there was a storm. There is then always a problem with vehicles not being moved. This would then “compromise the public safety of the residents”. The only time the exemption has been issued is when there is “no reasonable alternative”. He does not feel that this is the case. The management company needs to do their part. Chief Leonard agreed that there have been opportunities for them to address the issue. Ron commented that the mgmt. company does not want to disturb the “green space”; however, if done properly it would be “an attractive amenity”. Councilor Pope said that the residents have been “pitted against the City” on this issue. It is a tough situation for the ward councilor because the management company continues to blame the City.

Pam Wilderman asked if we know the owner of the property. Perhaps it would be better to contact them with a “cc” to the management company. It would at least make the

residents feel that we were trying to help them. Councilor Pope asked if a letter could be drafted to the residents saying that the city is trying to work with the Owner and Management Company to resolve the problems. Pam will draft a letter for the Chief to review. The Commission will try this approach and see what happens. Chief Leonard wants to see what we can resolve as quickly as possible.

MOTION was made, seconded, duly VOTED to refer to Pam Wilderman to draft a letter to the property owner and the residents of Academy Knoll.

3-Old Business (continued)

3c. Stop signs on Bigelow Street.

Chief Leonard gave a brief overview of the status of this issue for the benefit of Councilor Pope. A potential plan is to take the stop signs down at Flagg, Shea and Doucette while leaving them in place at Evelina and Nashoba. Proposed sidewalks and crosswalks have been discussed to create an area for "high pedestrian" traffic as outlined in the criteria established by the MUTCD. The Chief feels this could be an acceptable compromise. A community meeting will be held in the evening to get feedback from residents. Councilor Pope asked if sidewalks can be added to a scenic road. She said that there will definitely be residents that don't want sidewalks in front of their homes. She advised that she will work with Councilor Tunnera on flyers to notify the residents and that she can arrange to have the meeting at Hillside School. Chief Leonard advised that the meeting would probably be in mid February.

Tim Collins presented a draft of a PowerPoint presentation for the community meeting. He gave an explanation of the MUTCD and outlined the history behind the current situation. He went on to outline the required warrants and compared them to what we actually have in place. He included a graph showing the number of vehicles required per hour, over an 8 hour period, to meet the warrants. He commented that no engineering study was done on traffic when the signs were installed. The Commission has consistently determined that traffic control devices need to mitigate a problem not deal with what might happen in the future. The presentation goes on to describe each intersection and explains the possible exception in the warrants for an area with "high pedestrian volume". The options are: 1) Do nothing. 2) Remove some of the signs. 3) Remove all the signs, wait a year and conduct another traffic analysis.

Chief Leonard will send an email to the group to find a date that works for the community meeting. He anticipates that flyers will be sent out in January for a meeting in mid February. The group agreed that a weekday night at 7:00 pm would be best.

MOTION was made, seconded, duly VOTED to refer Chief Leonard to coordinate a date for the meeting.

2-New Business (continued)

2c. Traffic regulations at the elderly housing properties.

Tim Collins asked to have this item put back on the agenda. He has spoken with Julie Pappazisis from the Community Development Authority regarding some of the issues that were left "open" when Kevin Flynn left the CDA. He believes that Engineering can work through some of these items with her. There seems to be a lot of question over who controls a parcel of land utilized by Bolton Senior Housing for parking, the Police Dept., and the ball field at the Whitcomb School. Certain areas also seem to be under the control of the Recreation Dept. Tim noted that the parking lot behind Bolton Senior Housing has been expanded several times. There was an issue as to whose property it was when a tree came down on a car in the lot. Ron commented that the Commission needs to be look at the parcel as a whole and take the usage into account. There then needs to be a council vote as to who has care, custody and control of each area. The parcel needs to be formally subdivided.

MOTION was made, seconded, duly VOTED to refer to ENGINEERING to look into this matter in more detail for further discussion at next meeting.

2d. 2011 Meeting Schedule

Chief Leonard presented the meeting schedule for a vote.

MOTION was made, seconded, duly VOTED:
TO APPROVE

3-Old Business (continued)

3e. Communication from Councilor Tunnera, re: Parking issues on Belmont Street.

Pam Wilderman advised that she and Tim walked the entire length of Newton Street and Belmont Street twice to get a feel for the parking situation and the question of illegal housing in the area. They wanted to identify the true problem. She sent several letters asking landlords to clean up their properties. She found a few issues of "blight" that she will deal with separately. Also, illegal units are a separate issue. She would like to wait to see if her letters have any effect before the Commission takes any steps to restrict parking. On Belmont Street she did find 2 locations with separate dwelling units on the property, i.e. a garage and "shed" that have been converted into housing. The house with the garage seems to be used as a rooming house. She will need to follow up with the Board of Health. Some areas have sufficient parking but the areas are full of "junk" and have no room for actual tenants to park their vehicles.

Tom commented that a parking restriction is necessary on Belmont Street. It is too narrow to allow parking on both sides of the street. Ron agreed and said that it is all well and good that we are waiting for a response from property owners; however, in the meantime we have a physical constraint that is causing a problem. Pam said that she would draft a letter, prior to any drastic measures being taken, asking the property owners on Newton and Belmont Streets to "remember that as Landlords it is their responsibility to provide legal off street parking for their tenants.

Pam commented that it is time to give some consideration to "permitted parking". She said that other cities have designated certain streets as "permitted resident parking only",

where a sticker is required for parking. She feels this would deal with two issues. 1) It would cut down on people keeping junk cars on their property. 2) It would allow us to get a better handle on who is actually living there. Landlords would need to prove that they have adequate parking for the number of permits issued. Pam offered to give a presentation on what other communities have done relative to this issue.

Chief Leonard does not agree with the idea of "permitted parking" as it creates other issues, for example - oversight. Who is in charge of keeping track of everything? What about guests? Do we charge for permits? What about enforcement? The Chief commented, "At the end of the day what have we gained as far as public safety goes?" Property owners/landlords need to provide off street parking. If you don't have it, you can't give it. The problem is with people expanding their units. This is what needs to be controlled and what is causing part of the problem.

Ron advised that the real issue for the Traffic Commission is public safety. The issue is that emergency vehicles cannot get through when cars are parked on both sides of the street. The same situation exists on both Belmont Street and Newton Street. Pam does have to do her part with regard to the legal parking situation but they are two different issues. Pam commented again that letters to specific individuals have gone out; however, she also suggested a letter to all property owners advising that the Traffic Commission is looking to limit all parking. She will send the draft to the Chief. Tim said that as of yesterday the letter does not seem to be working. Pam advised that maybe she can follow up with a ticket.

MOTION was made, seconded, duly VOTED to refer to Code Enforcement on the illegal housing issues for now.

3f. Communication from Charles Katz, re: Request to restrict parking at the dead end section of Ames Place.

It was discussed that Kenny received the original complaint on this issue (by phone call). There was a complaint that the property owner was unable to get his plow through when cars were parked on both sides. Tim advised that no parking signs are in place. The problem has been dealt with and regulated.

MOTION was made, seconded, duly VOTED to ACCEPT and PLACE ON FILE. Chief Leonard advised that he would send an e-mail to Mr. Katz' assistant.

3g. Communication from Margaret Eddy, re: Request for a crosswalk near 295 Donald Lynch Blvd.

Tim looked into this issue and presented a photograph of the area showing 2 possible alternatives for a crosswalk. One location is east of #290 Donald Lynch Blvd., where there is a 10 ft. median in the center. This would allow for two 25 foot crossings with the median in the center. He indicated that it would take 8 seconds to cross each 25 foot section. The second location is west of #290 Donald Lynch Blvd. and would allow for one 60 foot crossing. It would take 20 seconds to cross at this location (at a pedestrian rate of 3 feet per second). He explained that we are basically looking at two different sides of the driveway. It is his recommendation that the safer of the two is the one where you can stop in the center at the median. The crosswalk would go from sidewalk to

sidewalk. It was asked if the need was there. Tim advised that he was there at lunchtime and saw several people crossing here. Ron advised that it could possibly be done in the winter. Chief Leonard advised that he would need to make the appropriate regulations to add the crosswalk, as per Tim's recommendation.

MOTION was made, seconded, duly VOTED to refer to Chief Leonard to prepare the regulations for a vote at the next meeting.

3h. Communication from Kate and Nathan Watkins Re: Traffic/speeding concerns on Lincoln St. near Ryan Court.

This issue initially came up do to an accident at this location. Tim has looked at this area. He advised that he drove it at 5:30 am. He noted that the road does bend here at a 20 degree angle; however, he saw no problem with a sight issue. He questioned if driver impairment was the cause of the previous accident. He did note, however, that the line painting here is "terrible". He also mentioned the bus stop and the possibility of bringing the no parking area back past the bus stop to open up the area more.

MOTION was made, seconded, duly VOTED to TABLE for now until Ron is able to discuss this issue with Tim in more detail.

3a. Municipal off street parking regulation.

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

3b. High School parking regulations.

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

3d. Traffic Commission rules and regulations update.

MOTION was made, seconded, duly VOTED:
To TABLE until the Commission can determine how to handle this project.

3i. Communication from Capt. D'Amico, MFD, re: Parking on Newton St.

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

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 12:40 p.m.

Respectfully submitted,
Karen L. Lambert - Records Clerk, MPD

List of documents and other exhibits used at the meeting:
- Meeting Agenda for Tuesday, December 21, 2010

-Includes the following attachments:

- *New City of Marlborough Meeting Posting Notice
- *E-mail from Councilor Pope to Chief Leonard, dated 11/19/10, Re: Hillside School Safety Issue.
- *E-mail from Councilor Tunnera to Chief Leonard, dated 12/6/10, re: Laviolette Street.
- *Correspondence from Frances Foronce to Chief Leonard, dated 12/6/10, re: issues at Academy Knoll.
- *E-mail from Tim Collins to Chief Leonard, dated 12/9/10, re: Traffic Regulations for the Elderly Housing.
- *Traffic Commission meeting schedule for 2011

-Additional Handouts

- *Photo indicating 2 potential crosswalk locations at 290 Donald J. Lynch Blvd.
- *Map of Lincoln Street near Ryan Court, with no parking areas, the bus stop location and areas lighted by street lights indicated.
- *Map of Newton Street indicating the number of parking spaces available on each side.
- *Photo of Newton Street with vehicles parked on both sides, indicating 12 feet of open roadway in the center.

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CITY OF MARLBOROUGH
CONSERVATION COMMISSION
MINUTES

2011 FEB 15 P 3:40

March 18, 2010

Memorial Hall, 3rd Floor, City Hall
Marlborough, MA 01752

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

Absent: Michele Higgins

Discussion

- DEP 212-1070 Diconzo Blvd. detention basin - Discuss (1) agreement and fines (waive or not) and (2) planting plan (continuation)

Paul Beattie from Fafard was present and provided a fully executed document signed by representatives of Target, the Williamsburg Heights condo association and Fafard's representative. The document explains all parties' responsibilities to the proper maintenance and functioning of the drainage system. The plans are the same as submitted at the last meeting with one amendment; that the inspections shall be annually and after each large storm event.

The Commission agreed that Condition #12 has now been met and that the daily fines issued for this project could be waived. The Commission voted 5-0 to accept the document titled "Agreement Regarding Ongoing Drainage Basin Maintenance and Operation off DiCenzo Blvd. and Settlers Lane in Marlborough, MA, dated March 18, 2010 and to waive the fines since they have succeeded in providing a document. In addition, Mr. Seaberg provided a planting plan that is acceptable to the Condo Association. The Commission was satisfied that the deadlines in Condition #34 and #35 have now been satisfied. Plantings will be installed in the Spring.

- DEP 212-1060 Post Road Auto to file revised plan. (continuation)
Richard Lavengood from Relco Engineering was present. He is the new engineer that has been hired by Donald Wright and Jean Rabel from Post Road Auto to design a drainage plan. Mr. Lavengood explained that the delay in providing the plan is based on the unknown about the tank size. This is a preliminary plan provided at this meeting. The items still to be added are: the two pipe outlet structure and their sizes; infiltration pond approximately 30x30 (this is still to be sized); and oil water separator. Based on the recent rains, they will calculate infiltration rate below the basin. The swales will be 5 feet wide and 4 feet deep or he will add a culvert if that is needed to help convey water across the site. The Commission noted that the swale design should be such that it can be maintained. The Commission asked what the timeline for completion of the design and implementation was. Mr. Lavengood said he'd need another month for the design and they will shoot for filing with the Commission by April 15. Mr. Wright asked if he could file as a minor amendment to the existing Order of Conditions, since the work is less work than the original plan. The Commission agreed it could be an amendment to the existing Order of Condition. The Commission continued this discussion to the meeting closest to the April 15th date.

Correspondence/Other Business

The following violation notices were reviewed and the Commission voted to accept and add to file.

- Letter to Howard Fafard, Fafard Real Estate and Development, RE: DEP 212-1070; Dicenzo Blvd. Detention Basin – Order of Condition #29 Violation \$100 fine 3/5/2010; \$100 fine 3/8/2010.

Meetings – Next Conservation meetings are April 1st and 15th, 2010 (Thursdays)

Adjournment

There being no further business, the Commission voted to adjourn the meeting at 8:02 PM.

Respectfully submitted,


Priscilla Ryder
Conservation Officer

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2011 FEB 15 P 3:40

**CITY OF MARLBOROUGH
CONSERVATION COMMISSION
MINUTES**

October 14, 2010
Memorial Hall, 3rd Floor, City Hall
Marlborough, MA 01752

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

Absent: none

Approval of Minutes – The following minutes were unanimously approved, 7-0, as written, January 7 and 21, February 4, March 4, April 15, May 6, June 17, August 19, and September 2, all in 2010.

Public Hearing(s)

- Notice of Intent (DEP 212-1076) – Continuation
358 Berlin Rd. - New Hope Church of the Assembly of God
Proposes to repair drainage and provide scour protection for brook flow (Millham Brook)

Bruce Saluk of Bruce Saluk and Associates was present along with Pastor Woods and some church members. Bruce Saluk explained that Millham Brook in this location is a perennial stream flowing into Millham Reservoir. There is a very large culvert under Mass Highway which conveys water to this property. The church was originally constructed in 1968 and the parking lot seems to have been designed to overflow. Based on calculation and observation during rain events the parking lot fills up fast during large storm events. Mr. Saluk was hired to determine what the problem was and why the embankment failed and provide a solution. During the 100 year event 10% of the water will flow through the culvert and 90% of the water makes its way over the wall. During the 1 year storm event 60% of the water flows through the existing pipe and only 40% overtops the wall. His proposal to correct the problem of stabilizing the embankment and stream channel is to add Reno mats and gabions with a cut off wall at the edge of the driveway to help direct the water over the wall and into the swale and brook. This includes a new weir design. The Reno mats he explained, are a wire mesh cover that is filled with rocks it is 12" deep, 6' wide and 4' long wire mesh cells. They are placed along slopes to protect them from erosion.

Mr. Saluk indicated he had spoken to Mass Highway and was able to find out that they did do some maintenance on the swales on I-495 which he thinks has made the water come to the church property faster than it did before. At this point Michelle Higgins wanted to note for full disclosure that she also works for Mass DOT. Mr. Saluk also indicated that there are 360 acres of impervious land draining to this point, of those 18 acres are from the I-495 highway system.

Mr. Demers inquired whether enlarging the pipe rather than reinforcing the slopes would achieve the same results. Mr. Saluk indicated that based on his conversation with Tom Cullen, City Engineer, the design criteria was not to enlarge the pipe. Just downstream of the pipe is a cart path with a small culvert. Mr. Demers expressed concern with the long

term maintenance that might be needed with the gabions and reno matt design and suggested looking at alternatives.

There was much discussion about the water shed; and what has been added over the years. Mr. Saluk showed the watershed map he used in his calculations and said he'd established the base flood through calculations and CAD not FEMA. The Commission asked Ms. Ryder and Mr. Saluk to check in with Tom Cullen to get his opinion about adding the box culvert or increasing the pipe size and to weigh in on Mr. Saluk's conclusion that a larger culvert would have a negligible impact. The Commission asked questions about pipe size, how the existing system functions, how the proposed system would function, how a bigger pipe would function. Chairman Clancy asked that Ms. Ryder ask Mr. Cullen to review the calculations and to get an opinion from Mr. Cullen in writing.

Pastor Woods asked who has the final say, the Commission or the City Engineer. Mr. Clancy indicated that on engineering designs, such as this, the City Engineer's opinion holds, and the Commission can then determine what measures are needed to protect the wetland.

Mr. Roy asked if there was a way to get the Mass DOT involved, so they might be able to control the stream flow up stream, if that is what has recently changed in this area.

A member of the church who identified himself as Steve, is an engineer and wanted to see if the cul-de-sacs upstream on Berlin Rd. were working and if this is part of the problem.

The Commission agreed to continue the hearing to the October 21st meeting in order to get input from the City Engineer to determine what option was preferred.

- Notice of Intent

652 Stow Rd. - Donald and Teresa Counihan

Proposes to install a foundation drain to prevent groundwater from flooding their basement. The outlet will be near the wetlands.

Donald and Teresa Counihan were present. Tom Dipersio Sr. of Thomas Land Surveyors was present as well and explained that B&C Associates had flagged the wetland. There is an old foundation drain to this house which is too high and is not functioning. As a consequence, the homeowners have been pumping extraordinarily large amounts of water on a regular basis out of their basement. The pumps run constantly. They are looking for a permanent solution that doesn't involve pumping and fear that their basement will fill with water when the electricity goes out. Upon investigation Mr. Dipersio has determined that the foundation drain daylights too high and therefore is not working. They propose to add a new pipe at a lower elevation to make the system work. A stone rip rap pad will be added to the end of the pipe to prevent erosion.

Ms. Ryder said she inspected the site and had seen the amount of water pumped. She recommended this be approved. The Commission closed the hearing and asked Ms. Ryder to draft a set of conditions for review at the Oct. 21st meeting.

- Notice of Resource Area Delineation (DEP 212-1075) – Continuation
279 South St. - Robert Moss of Moss Development Inc.

Request that the Conservation Commission review the wetland delineation and resource areas for the property known as Shoestring Hill – consisting of 88.4 acres at #279 South St. (Assessor's Maps/Parcels 92/19, 92/24, 92/32 and 103/19)

Robert Moss of Moss Development Inc of 15 Brickyard Lane, Westborough, MA, the applicant, and Scott Goddard of Carr Research Laboratories Inc, were both present.

Mr. Goddard explained that after the last meeting, he did re-establish the flags that had been vandalized on the wetland delineation prior to the Sept. 25th meeting and also added a paint dot to the trees to be safe. He conducted a site walk on September 25th with several of the Commission members (Ed Clancy, John Skarin, and Priscilla Ryder). Based on the site visit, he believes there is confirmation now on: 1) the Bordering Vegetated Wetland (BVW) boundaries, 2) that there is no Riverfront Area as the stream through stream stats has been determined to be intermittent, and 3) confirmation that there are two isolated wet depressions that are non-jurisdictional and two that fall within BVW.

Mr. Clancy explained that he, John Skarin and Ms. Ryder attended the site walk and the conclusion of the site walk observations were that it is obvious there has been previous dredging with large peat piles along the brook edges. He looked at the four vernal pool areas and confirmed that there were two within BVW that are vernal pools (VPs) and the two smaller areas that would not be jurisdictional. He noted that one of the homes on Desimone Dr. may have a violation and should be notified. In general there was consensus that the delineation was accurate. Ms. Ryder provided a memo to the Commission dated 10-14-2010 which described the findings, and was read aloud by Mr. Clancy (this can be found in the DEP 212-1075) folder. There being no further discussion, the Commission closed the hearing and voted unanimously 7-0 to approve the wetlands as described in the memo from Ms. Ryder. The Commission required that this summary shall be incorporated into the decision.

Certificate(s) of Compliance

- DEP 212-257 99 Jacobs Rd. (Lot 9) - this is a very old filing for this house a full Certificate of Compliance was requested. On a motion made by Mr. Skarin, second by Mr. Williams, the Commission voted unanimously 7-0 to issue a Full Certificate of Compliance.
- DEP 212-839 69 Danjou Dr. (Lot 10) – Partial This house has been completed for some time, the owners are selling and this encumbrance was found. The Commission voted unanimously 7-0 to issue a Partial Certificate of Compliance.
- DEP 212-695 21 Balcom Rd. (Lot 7) - Partial This is the subdivision Order of Conditions which includes this house lot. The work under this Order of Conditions pertaining to this particular lot #7 has been completed. The Commission voted unanimously 7-0 to issue a Partial Certificate of Compliance for this lot.
- DEP 212-795 21 Balcom Rd. (Lot 7) – Full This is the Order of Conditions for this house lot. Ms. Ryder indicated that all work has been done according to the plans, but she is waiting for deed language. The Commission voted unanimously 7-0 to issue a Full

Certificate of Compliance for this project and asked Ms. Ryder to hold it until the deed language is provided.

Extension Permit(s)

- DEP 212-998 714 Farm Rd. (Farm Commons) - (Note: Mr. Demers abstained from this discussion due to a conflict of interest.) This subdivision is under construction, but not yet complete and the Order of Conditions is set to expire shortly. The Commission voted unanimously 6-0 (Mr. Demers abstained) to issue a two year extension for this project.
- DEP 212-999 771 Donald Lynch Blvd. – Aggregate Industries - Ms. Ryder explained that Aggregate Industries needs to remove one of the remaining buildings near the river to complete this project. This is scheduled to be done within the next two months. The Order of Conditions is set to expire shortly therefore, they requested a two month extension, so this could be completed. The commission voted 7-0 unanimously to issue a two month extension for this project.

Project Updates - None

Correspondence/Other Business

The following correspondence was reviewed and the Commission voted to accept and place on file.

- Letter from ADDA Farms, Alice Wright, dated Aug. 25, 2010, RE: fields on Elm St.
- MACC 2010 Fall Programs – in Sept. 16th packet
- Article on drought advisory affects Riverfront Determination – in Sept. 16th packet.
- Operation and Maintenance Plan for Proposed car wash facility – 355 Boston Post Rd. West. – in Sept. 16th packet.
- Letter to Stephen Traiforos-eagle scout, dated Sept. 15, 2010 RE: Eagle Scout Project – Kiosk at Flagg Brook Wildlife Management Area.
- Flyer on the Grand Opening of the New Visitor Center at Assabet River National Wildlife Refuge, Sunday, October 17th.

Meetings – Next Conservation Commission meetings will be Oct. 21st and November 4th, 2010. (Thursdays)

Adjournment

There being no further business the meeting was adjourned at 9:35 PM

Respectfully submitted,



Priscilla Ryder
Conservation Officer

stockpile area next to the adjacent building to control any silty runoff from the site. The site is also separated from the wetland by a roadway. The existing detention basin can be used during construction as a back up since the drainage from the construction site ultimately reaches the detention basin. All work as proposed will be at least 80' from the wetlands and river bank boundaries. The Commission requested information on the stormwater controls to be used, noted that a pre-construction meeting would be required and noted that the standard conditions should be enough to permit this project. Anticipated start date was expected to begin in 2011, but they will need to apply for their other permits in February. It is a \$35 million project.

After some additional discussion, the Commission voted unanimously 5-0 to issue a Negative Determination of Applicability with conditions, because all work was being done well outside of the wetland. Conditions as noted above including stormwater control, standard erosion control conditions and the requirements for a pre-construction meeting are to be included.

- Notice of Intent (DEP 212-1076) – Continuation
358 Berlin Rd. - New Hope Church of the Assembly of God
Proposes to repair drainage and provide scour protection for brook flow (Millham Brook).

At the applicant's request prior to the meeting, this item was continued to the Nov. 4th meeting agenda.

Discussion:

- 212-1049 279 Maple St. - Request for additional minor work.
Ian Reed and Jim Dick of Roux Assoc. Inc. were present. They are working on cleaning up the site at 279 Maple St. They had come in last year to do some soil removal hoping that would be the last; however some additional monitoring wells have revealed the need for some additional soil excavation approximately 300 yards of soil near the brook/drainage area at the back of the property and onto the adjacent DCR property. They presented a plan showing the area to be excavated. They explained that they would follow the same procedures as previously outlined and permitted by the current Order of Conditions. They may have to dewater in which case, it will be pumped into a closed container for proper disposal. All contaminated soils will be placed on a tarp and then trucked away. They would like to do the work in November if possible. Once the site has been excavated and restored, they will cover it with coconut matting. In the spring, they will return and plant some trees and shrubs to re-establish the vegetated slopes of this area. Currently there are small trees and shrubs, most of the trees to be removed are dead or dying. Mr. White asked where the soil was to be stockpiled, the response was that it will be over 500' away from the wetland and will be trucked off quickly, so soil piles should not be there for more than a day or two.

The Commission determined that this additional work was covered by the Order of Conditions and as proposed seemed reasonable and if performed as described should not impact the adjacent wetland; therefore they voted unanimously 5-0 to accept the additional work as a minor change not requiring further review. This additional work shall be allowed under the existing Order of Conditions DEP 212-1049.

- Desert Natural Area Conservation Land – Cooperative Management Plan ideas – Laura Mattei (SVT)

Laura Mattei from the Sudbury Valley Trustees was present and introduced herself. She is the Director of Stewardship and has been doing land management for some time now. She has been working with the Memorial Forest Land which abuts the Desert Natural Area Conservation Land. Recently Sudbury Valley Trustees (SVT), Sudbury Conservation Commission and the Marlborough Conservation Commission had separate Forest Stewardship Plans developed. She is also working with the Southern unit of the Assabet River National Wildlife Refuge (ARNWR) and the Women's Federation land. All landowners have been looking at the whole area collaboratively over the years. Now that three Forest Stewardship plans have been done, she combined all the maps together to see what collective or cooperative land management might be needed to help preserve the biodiversity of the area and help all parties better manage their properties. She presented this plan and explained what forest types and habitat areas were identified by the forester with assistance from the Division of Fish and Wildlife. Of note are the "pitch pine scrub oak" habitat which is growing into a white pine forest and shading out the scrub oaks. The area also supports lots of diversity including whippoorwill, eastern towhee, and several vernal pools. Box turtles and wood turtles are also abundant.

SVT's goals are to look at the diversity and determine what needs to be managed to preserve the diversity of the area. The Marlborough and SVT reports talk about active tree harvesting, to improve habitat and generate some income and prescribe fire (control burn) of the scrub oak pitch pine forest to restore this habitat value that is slowly diminishing. She and Ms. Ryder met with a prescribed burn fire boss out on the site to determine if it was a suitable area to have a successful restoration project. He acknowledged that the 10 acres, some in Marlborough and some in Sudbury divided by the pipe line would be a prime prescribed burn area and would likely be successful in habitat restoration. Ms. Mattei explained that tonight she just wanted to meet the Commission, review the plans, have the Commission think about what they wanted to do and whether they wanted to participate in any of these management opportunities. The Commission noted that there is no funding for these types of projects, but if funding is found they would consider some of these options in the future. Ms. Ryder said she would follow up on some funding sources that have been noted previously to see what might be available.

The Commission thanked Ms. Mattei for all her work and for coming in to review the plans with them. They will be in touch.

Certificates of Compliance

- DEP 212-839 Danjour Dr. – Crystal Ridge Estates Subdivision - Continue to the next meeting waiting for input from DPW.
- DEP 212-952 Davis Estates Subdivision - Ms. Ryder indicated she has done a site inspection of the area and noted that everything is complete except for the removal of the erosion control fence and the installation of the fencing around the detention basin. The applicant has promised to do both and the fence contractor has been hired and will be doing the work in the next few days. After some discussion the Commission voted 5-0 to issue a full certificate of compliance for this project and asked Ms. Ryder to hold it until the above two items have been completed.
- DEP 212-1038 9 Boivin Dr. (Lot 15) – Full Ms. Ryder noted that this property is for sale, she has inspected the back of the lot and noted some plantings to mark the 20 foot buffer zone

location. The builder Patrick Mauro has assured her that this no-disturb buffer zone area has been explained to the prospective new owner. Acknowledgement from the owner and deed language has been provided. All conditions of the Order of Conditions have been met. The fencing around the detention basin is to be installed as noted in the item above. The Commission voted 5-0 to issue a Full Certificate of Compliance for this property and to have Ms. Ryder hold it until the fence has been installed.

Draft Order of Conditions

- DEP 212-1077 652 Stow Rd.- foundation drain repair - The Commission reviewed a draft Order of Conditions for this project. The Commission voted unanimously 5-0 to accept and issue the Order of Conditions as written.

Project Updates - None

Correspondence/Other Business

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

- Letter to Capital Group Properties LLC, dated October 13, 2010, RE: Wetland Violation – DEP 212-1016, Fine \$50 - 150 Cook Lane-Subdivision-Mauro Farm
- Hazardous Waste Day – October 30, 2010 9:00-12:00

Meetings – The next scheduled Conservation Commission meetings were scheduled for November 4, 2010 (Thursday) and December 2nd and 16th, 2010 (Thursdays). However, since the Evening of Giving is on December 2nd the Commission decided to hold a meeting on November 18th instead. The Commission agreed.

Adjournment

There being no further business the meeting was adjourned at 8:36 PM

Respectfully submitted,



Priscilla Ryder
Conservation Officer

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CITY OF MARLBOROUGH
CONSERVATION COMMISSION
MINUTES

2011 FEB 15 P 3:41

November 4, 2010
Memorial Hall, 3rd Floor, City Hall

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

Absent: Michele Higgins

Public Hearing(s)

Notice of Intent (DEP 212-1076) - Continuation

358 Berlin Rd. -New Hope Church of the Assembly of God.

Proposes to repair drainage and provide scour protection for brook flow (Millham Brook).

Bruce Saluk from Bruce Saluk and Associates and Pastor Wood were both present; along with quite a few members of the congregation. Mr. Saluk explained that he had a new design for the church property which included the proposal of a double barreled culvert to replace the existing culvert. He did a new hydraulic study to come up with this new design. He looked first at installing a box culvert then looked at the 48" plastic pipe. The problem with both of these is that there is a sewer and water line that crosses the top of the existing culvert that needs to be accommodated. There is a drop in elevation from the upstream to the downstream side of the existing culvert which is helpful. The new double barreled culvert design provides a slightly flatter pipe which will remove some of the energy. The plan proposes to armor the outlet area for the culvert to ensure there is no scour. Stone size was discussed. Stone armoring will be 3' deep. They will insulate the sewer and water lines. The proposal will require them to remove the culvert entirely and replace the headwall with a poured concrete headwall; they would like to excavate the pond to remove accumulated silt. This should help to reduce the flooding a bit, although as shown on the plan during some of the annual floods, the parking lot will still be underwater, but this new design will allow the water easier exit and still provide an overflow over the stone embankment and swale.

Chairman Clancy asked if this design would have any effect on the wetland upstream and whether this new pipe system would increase the flow. Mr. Saluk explained that the new culverts would have 6 times more capacity than the existing pipes. So, although it will still overtop during some larger storms and the parking lot will be underwater, it will be an improvement from the current conditions. The flow increase is a negligible change.

Ms. Ryder noted that Tom Cullen the City Engineer has not yet reviewed the plan. His criteria are that there be no impact downstream due to culvert change or reconfiguration. Mr. Saluk indicated the calculations show a .2% and a .1% change in flows for the 2 & 10 year storm, but in his opinion these are negligible.

Chairman Clancy noted that Tom Cullen needs to review the drainage calculations. The watershed area as noted by Mr. Saluk is 360 acres of drain area with a lot of impervious

surfaces. Mr. Demers asked what the condition of the 36" pipe is below the culvert. Mr. Saluk indicated that it is off the property, but it is falling apart and will eventually fail.

The Commission determined that because input is still needed from the City Engineer, the meeting would be continued to the Nov. 18th meeting at which time the applicant should provide comments from City Engineer, total wetland alteration information, and a construction sequence plan.

Dean Clark from the church explained that this whole repair is extremely expensive and he was wondering if the state or city would be able to add some funds to correct the problem.

Pastor Robert Woods wanted to confirm that a decision could be rendered at the next meeting on Nov. 18th. The Commission noted that if the items have been addressed by the City Engineer, this would be possible.

Steve McGosa, from the church, asked if the city would have any liability or responsibility for the flooding.

Answer: Chairman Clancy indicated that there is the same volume, but the rate of flow seems to be the problem.

Mr. Saluk noted that the church was built in 1968 and the spillway at that time was designed to overtop. Over the years, it just got weakened and failed. So, we are here to determine a repair.

Mr. Skarin noted that at the previous meeting there was discussion that the culvert cleaning along I-495 may have caused this increase in flow, and perhaps this should be looked at too.

Marilyn Gaudet of 21 Mill St. also a church member noted that they would like to help expedite this process, so a resolution can be found. The Commission noted that if a solution acceptable to the City Engineer can be found, before the next meeting, the Conservation Officer can draft a set of conditions for review at the next meeting.

The meeting was continued to November 18, 2010.

Certificates of Compliance

- DEP 212-839 Crystal Ridge Estate – Full There are a few more items to be checked, so this item was continued to Nov. 18th meeting.
- DEP 212-1059 355 Boston Post Rd. – Full Ms. Ryder reported that this is the new Car Wash on Rte 20 near the Northborough line. Based on her inspection and the As-Built Plan the landscaping was well done, and the wetland and watershed district 50 foot buffer zone was restored, storm water system is in place and working fine and they have met all the conditions of the Order. The Commission voted 6-0 to issue a Full Certificate of Compliance for this project.
- DEP 212-1078 24 Hager Street- Partial Ms. Ryder noted she did an inspection that morning. The area has been hydro seeded (just before the rain), but clearly has not rooted. All conditions have been met except for final stabilization with vegetation and the removal of the erosion controls. The proponents were present and expressed concern that it was a Partial

- Certificate of Compliance. The Commission noted that the Partial Certificate would clearly outline the items that had not been achieved yet as noted above. Both these Conditions can likely be met in the spring as soon as the growing season kicks in. On a motion by Mr. Skarin second by Mr. Demers, the Commission voted 6-0 to issue a Partial Certificate of Compliance for this project noting the two remaining outstanding items.

Extension Permits

- DEP 212-1028 (Lot 3), 212-1029 (Lot 4), 212-1030 (Lot 5), 212-1031 (Lot 6), 212-1034 (Lot 11), 212-1035 (Lot 12), 212-1036 (Lot 13), and 212-1037 (Lot 14) - all for Boivin Dr. (Bette Davis Estates) – Requesting 3 yr. extension permits.
(Dennis Demers abstained from these discussions due to a conflict of interest)
The Davis Estates Subdivision on Farm Rd. has 8 lots still to be built. The roadway and drainage work has been complete, but the individual house lots have not yet been built. Mr. Valchius the owner, requested a three year extension for each of these lots. Each lot has an individual Order of Conditions as noted above. The Commission voted unanimously 5-0 (Dennis Demers abstaining) to issue a three year extension to each of these eight (8) individual house lot as referenced above.
- DEP 212-1016 Mauro Farm - The Commission reviewed a letter requesting an extension to this Order of Conditions for the Mauro Farm subdivision at 150 Cook Lane. Not having any further correspondence from the State regarding the new automatic extension rules, the Commission voted unanimously 6-0 to issue a three year extension permit for this subdivision that is currently under construction.

Other Business/Correspondence

The following correspondence was reviewed and the Commission voted to accept and place on file.

- Letter to Eagle Scout Ben Gowaski, dated October 29, 2010
- Notice of Public Meeting for Open Space & Recreation Plan – November 16, 2010 (Tuesday) 7:00 p.m. - 3rd Floor, Memorial Hall

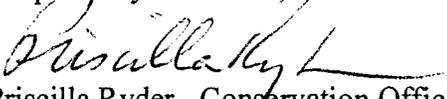
Discussion - There is a mural that has been painted at the tunnel in Hudson on the ARRT; there will be a grand opening ceremony on Sat. Nov. 6th.

Project Updates - None.

Meetings – Next Conservation Commission meetings – Nov. 18th and December 16th, 2010

Adjournment - There being no further business, the meeting was adjourned at 8:18 PM.

Respectfully submitted,


Priscilla Ryder - Conservation Officer

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**CITY OF MARLBOROUGH
CONSERVATION COMMISSION
MINUTES**

2011 FEB 15 P 3:41

November 18, 2010
Memorial Hall, 3rd Floor, City Hall
Marlborough, MA 01752

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

Absent: Allan White, Michele Higgins, and Lawrence Roy

Public Hearing

Notice of Intent (DEP 212-1076) - Continuation

358 Berlin Rd. - New Hope Church of the Assembly of God

Proposes to repair drainage and provide scour protection for brook flow (Millham Brook).

Bruce Saluk of Bruce Saluk and Associates, and Pastor Woods were present along with members of the church congregation.

Chairman Clancy opened the meeting and read the e-mail from Thomas Cullen dated 11-18-2010 to Priscilla Ryder recommending that the first alternative, rather than the new culvert alternative be pursued. He also included an attachment of correspondence with the Mass. Dept. of Transportation (DOT) (formerly Mass Highway Department).

Bruce Saluk explained that they will go with the gabions and reno mats and curbing along the driveway slope as discussed several meetings before. The area will continue to act like a spillway. It is a sound plan. He noted that an operation and maintenance plan will be included on the plan.

There was discussion about the impacts of upstream waters and how cleaning along I-495 may have changed the drainage patterns. Bruce Saluk said he would contact Mr. Resca from Mass DOT to see if they can evaluate the issue. Mr. Clancy also noted that perhaps the church should write a letter to the State to see if they can help out with the solution.

Robert Woods, Pastor for the church asked if the Mass DOT takes care of the water upstream, then why should a small church with limited funds spend a lot of money to do work that Mass DOT should be doing? Mr. Clancy noted that in fact the Church would not have to do anything; the Commission is interested in preventing a further washout. Pastor Woods then explained the history of the damage and the washouts, they addressed the immediate issues and complied with the Commission's request to find a solution and did much of the work already. One of the church members asked that the root cause be addressed instead of having the church invest money in the repairs, he noted that it is not the churches water and the problem is beyond them. Pastor Woods asked if Mass DOT could address the issue. Bruce Saluk after being asked said he estimated the materials stone and labor to be \$30,000 at least.

There was a lengthy discussion about responsibility and how Mass DOT should be involved and whether and why the church had to file for the Notice of Intent permit. Pastor Woods indicated he was just following the letter sent to him by the Commission to try to address the problems.

Marilyn Gaudett a church member asked if the church did not do the work and it washes out again then who is responsible and how does it get addressed. Chairman Clancy asked that hypothetically if the church doesn't do the work and the parking lot washes out again, will the church be liable? He said he was not sure what the answer is.

There was further discussion about the design and who had the final say on the design. Bruce Saluk confirmed that on the larger storms there is no change between the existing and new design, however the smaller storms are different and that is where Tom Cullen was not comfortable. Mr. Clancy confirmed that the City Engineer's recommendation stands. There was some discussion about the proposed design. Mr. Skarin asked if it will hold up along the downhill slope near the neighbor's garage. Mr. Saluk said it would and also confirmed it would disperse the velocity as well. He has designed a similar system in Natick which was built with the gabions and it works fine.

The Commission closed the hearing and reviewed a draft Order of Conditions. The draft was amended and on a motion by Mr. Williams second by the chair, the Commission voted unanimously 4-0 to issue an Order of Conditions for this project.

Mr. Demers reiterated to the applicant, that the Commission cannot force anyone to do the work. The permit issued just allows them to do the work should they wish to proceed. Waiting to do the work is at their own risk. Chairman Clancy also suggested the church might seek help from their local state representatives as well.

Certificates of Compliance

- DEP 212-839- Crystal Ridge Estate – Full Ms. Ryder confirmed that all issues on this subdivision Order of Conditions has been addressed. The site is stable, drainage systems have been approved by the DPW, and the project is complete. The Commission voted unanimously 4-0 to issue a Full Certificate of Compliance for this project with any ongoing conditions as required.

Other Business/Correspondence/ Discussion

The following correspondences were reviewed and the Commission voted unanimously to accept and place on file.

- The Permit Extension Act, November 2010 Frequently Asked Questions
- New England Power Company Maintenance Project Structure #5-2 D'Angelo Dr.; letter dated November 9, 2010 from National Grid.
- Letter to Planning Board from Priscilla Ryder, regarding Forest Grove Subdivision dated Nov. 8, 2010
- Notice of Public Meeting for Open Space & Recreation Plan – November 16, 2010 (Tuesday) 7:00 p.m. 3rd Floor, Memorial Hall)

Project Updates

- DCR timber harvest- Ms. Ryder reported that Chris White from the DPW Forestry Dept. had inquired whether the logger could use a small section of the city's conservation land as a staging area because his current staging area is a traffic hazard getting in and out onto

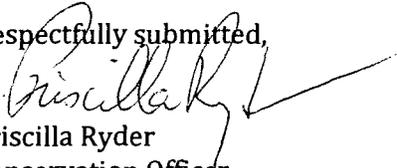
- Parmenter Rd. Visibility on Parmenter Rd. is already poor without adding a logging operation going in and out. The return the Commission would get is the removal of a large stand of Ailanthus trees which are invasive and will continue to crowd out the native trees on this lot if left unchecked. These trees would be removed and the disturbed areas seeded. Ms. Ryder provided a marked up map of the area. Mr. Williams said he had also been to the site and agreed with Chris White's assessment. He also agreed that the invasive removal would be an advantage and that Chris White offered to mow the area once it's restored to prevent the Ailanthus from returning right away. The Commission agreed to the plan, but required that a written agreement, acceptable to the city's legal department be drafted that reflects the conditions noted above. Once it is in an acceptable form, it shall be signed by both the logger and Conservation Officer. Once executed, the Commission will receive a copy.
- Mr. Williams also noted that the stairs have not yet been replaced at the Holts Grove Bridge and it is impeding walkers from getting across. Ms. Ryder indicated she would contact DPW as they had agreed to put them back. She will report the results when she gets them.

Meetings – Next Conservation Commission meetings – December 16th, 2010 (note only one meeting in December) and January 6, 2011.

Adjournment

There being no further business, the meeting was adjourned at 8:30 PM

Respectfully submitted,


Priscilla Ryder
Conservation Officer

RECEIVED CITY OF MARLBOROUGH
CITY CLERK'S OFFICE CONSERVATION COMMISSION
CITY OF MARLBOROUGH MINUTES

2011 FEB 15 P 3:4 December 16, 2010
Memorial Hall, 3rd Floor, City Hall
7:00 P.M.

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

Absent: Michele Higgins and Allan White

Public Hearings - None

Certificates of Compliances

- DEP 212-246 (Subdivision Order), 212-299 (House Lot) and 212-491 (Pool)
54 Stacy Road (Orchard Hill Estates) – Full Certificates
The Commission reviewed all three requests for Certificates for this property. They voted unanimously, 5-0 to issue a Full Certificate of Compliance for DEP 212-246; 212-299 and DEP 212-490.
- DEP 212-1018 – Maple Street sewer pump station – Fairfield Development – Full Certificate
The Commission reviewed the planting plan pictures and Ms. Ryder reported she'd done a site inspection with Bernie Raftery, the consultant and all looks fine. The Commission voted unanimously, 5-0 to issue a Full Certificate of Compliance for DEP 212-1018.

Extension Permits

The Commission reviewed the following requests for Extension Permits. (For the Boivin Dr. lots Dennis Demers abstained completely from this discussion since he has a conflict of interest)

- DEP 212-1032 73 Boivin Dr. (Lot 9) – Bette Davis Estates – 3 yrs. Extension
Ms. Ryder reported that this house has been completed; the remaining work to be done is the landscaping. The Commission voted 4-0 (Mr. Demers abstained) to approve a three year extension, but to request the owner to finish the landscaping the summer of 2011 and get a Certificate of Compliance.
- DEP 212-1033 63 Boivin Dr. (Lot 10) – Bette Davis Estates – 3 yrs. Extension
Mr. Ryder reported that this house is currently under construction. They are installing a geothermal system and may be back before the Commission to discuss changes; if they are needed. The Commission voted 4-0 (Mr. Demers abstained) to approve a three year extension for this permit.
- DEP 212-824 Cedar Hill St. - Signature Park (also known as Crane Meadow Corporate Center) Boston Properties.
This project falls under the new "automatic permit extension" law. A letter from Boston Properties explained their understanding of the rules. The Commission concurred, and

voted to send a letter back to Boston Properties acknowledging receipt and concurrence with the letter that this permit is now automatically extended to April 5, 2011.

Correspondence/Other Business:

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

- Temporary Use Permit Document entitled "A Temporary Use Permit to Allow Scott Burris (Burco Inc.) to Use a Certain Parcel of Marlborough City Land for a Landing Area for DCR Timber sale Permit No. 6024" signed by Priscilla Ryder on 11/29/2010.
- The Permit Extension Act – November 2010 – Frequently Asked Questions

Discussion

• Conservation Land Management

Ms. Ryder explained that she has been having discussion with several different people about various conservation land management projects as follows:

- Elm Street – Felton Conservation Land Management – Linda Butler, a dedicated volunteer who has tirelessly worked to keep the fields open at the Felton Conservation Land, has offered to provide some funds to the Commission for field restoration if the Commission would match or exceed her funds. A proposal to clear three areas along the field edge was reviewed, each with varying estimated costs. One of the fields would cost \$3,200 to clear the trees along the edge to a point that it can be mowed, by the farmer who has a license agreement to cut hay and keep the fields open. The Commission agreed that up to \$1,600 of the Conservation Maintenance Fund could be used for this purpose and asked Ms. Ryder to inform Ms. Butler of this decision.
- Concord Rd. – Desert Conservation Land Management- as discussed at a previous meeting with Laura Mattie from the Sudbury Valley Trustees, Ms. Ryder explained that SVT has an Americor Volunteer who will be working on some education and outreach about land management and habitat protection on their portion of the SVT Desert/Memorial forest property. In this effort, they are offering to expand this educational effort onto the Marlborough Desert Conservation Land property as well. Especially as it relates to a possible prescribed burn to restore the pitch pine scrub oak forest type which habitat that is disappearing. The Commission noted that there is no funding as of yet on the Marlborough side to support any type of land management, so before doing education on it, it would be good to see what sources of funding might be available, since there isn't any from the Commission's budget. Also Dennis Demers requested information about whether the Tennessee Gas line folks would allow prescribed burns over their pipeline. Since that is right in the middle of the proposed burn location that could kill the project if it is not permitted. Ms. Ryder will find out some answers. The Commission continued this discussion to the next meeting.

- Stow Rd. – Cider Knoll, Mello Family Meadow – Community Garden idea and field maintenance. Ms. Ryder will provide additional information for the next meeting.
- **Project Updates**
 - Mauro Farm off Cook Lane (212-1016) – subdivision. Ms. Ryder noted that there was a violation after the last rain event. She will be meeting with the contractor on Friday and wanted to confirm with the Commission that a violation notice and ticket were appropriate. The Commission discussed the violation and voted unanimously to issue a \$100 fine and require additional mitigation be added to the site to avoid the problem again.

Meetings

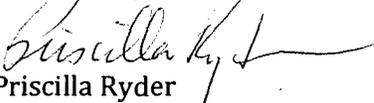
- Next Conservation Commission meetings – January 6th and 20th, 2011 (Thursday)
- List of 2011 Conservation meetings attached.

Ms. Ryder noted that the conflict of interest law acknowledgement must be signed and returned to the City Clerks' office. All members present signed it and provided it to Ms. Ryder to deliver.

Adjournment

There being no further business, the meeting was adjourned at 7:56 PM.

Respectfully submitted,


Priscilla Ryder
Conservation Officer