

*\*\*Presentation of 2011 City Scholarship Awards\*\**

1. Minutes of the City Council Meeting, May 23, 2011 (tabled June 6, 2011).
2. Minutes of the City Council Meeting, June 6, 2011.
3. PUBLIC HEARING On the Application for Special Permit from St. Mary's of French Hill Development LLC to modify an existing Special Permit (Order No. 07-1001500C) to allow rental of all proposed condominium units until first sale of each unit at 26 Broad St., Order No. 11-1002922.
4. PUBLIC HEARING On the Application for Special Permit from 110 Pleasant LLC to modify an existing Special Permit (Order No. 10-1002683B) to allow rental of all proposed condominium units until first sale of each unit at 110-118 Pleasant St., Order No. 11-1002923.
5. Communication from the Mayor re: IT transfer request in the amount of \$350,000.00 which moves funds from Undesignated to IS Equipment for FY12 capital appropriation.
6. Communication from the Mayor re: City Clerk transfer request in the amount of \$14,112.00 which moves funds from Undesignated to Senior Clerk and Sick Leave Buy Back in the amounts of \$12,631.00 and \$1,481.00 respectively.
7. Communication from the Mayor re: Fire Department transfer request in the amount of \$1,991.00 which moves funds from Undesignated to Deputy Chief which is necessary to fund additional pay associated with the appointment of an acting chief.
8. Communication from the Mayor re: Easterly Wastewater Treatment Bond Authorization.
9. Communication from the Mayor re: appointment of Brenda Calder to the Parks and Recreation Commission to serve out the remaining term of Robert Lazaros which expires on May 6, 2013 and to reappoint Dennis Zilembo and Jeffrey Long to said Commission for three year terms upon approval.
10. Communication from City Solicitor Rider re: Special Permit of St. Mary's Redevelopment LLC in proper legal form, Order No. 11-1002922.
11. Communication from City Solicitor Rider re: Special Permit of 110 Pleasant LLC in proper legal form, Order No. 11-1002923.
12. Communication from Comptroller Tom Abel re: Competitive Bids from Note Underwriters.
13. Communication from Comptroller Tom Abel re: Competitive Bids from Bond Underwriters.
14. Communication from Retirement Board Director, Margaret Shea re: FY12 Operating Budget.
15. Communication from Retirement Board Director, Margaret Shea re: Annual Statement of Financial Position, December 31, 2010.
16. Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 03-100112B) to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 445 Simarano Dr.
17. Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 97-6754F) to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 75 Donald Lynch Blvd.
18. Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 08/09-1002083B) to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 860 Boston Post Rd.
19. Minutes, Traffic Commission, April 26, 2011.
20. Minutes, Planning Board, May 9 & 23, 2011.

21. Minutes, Community Development Authority, December 10, 2009, January 15, 28, February 3, 25, March 25, April 28, June 24, July 29, September 30, November 18, & December 21, 2010, February 8, & 24, March 31, April 12 & 28, 2011 and Public Hearing minutes, January 28, 2010.
22. CLAIMS:
  - A. Patricia Stewart, 361 Stow Rd., residential mailbox claim 2(a)

#### REPORTS OF COMMITTEES:

23. ORDERED: Ordered that the City of Marlborough Police Department takes all necessary steps to participate in the Federal Secure Communities program at the earliest possible date. Submitted by Councilors Elder, Ferro, Pope and Levy

#### UNFINISHED BUSINESS:

##### **From Finance Committee**

24. **Order No. 11-1002914** – MMEA Contract - \$45,251.98. Police Officer contract and Non-affiliated employee transfers were approved under Suspension of the Rules at the June 6, 2011 City Council meeting.
25. **Order No. 11-1002818 – Memorial Beach Bond for \$1,000,000.** The Finance Committee reviewed the Mayor's letter dated February 8, 2011 requesting a \$1,000,000 bond for the design, permitting, renovation and rehabilitation of Memorial Beach. The Finance Committee was made aware that the City will be applying for \$500,000 reimbursement grant later in the year. The Finance Committee also discussed the possibility of using the remaining Revolving Fund accounts to offset the bond. The Finance Committee voted 3 – 1 (Councilor Ferro opposed and Councilor Seymour absent) to approve the bond. **Recommendation of the Finance Committee is to advertise Bond under Suspension of the Rules. Note: The bond was advertised on June 10, 2011.**

##### **From City Council**

26. **Order No. 11-11-1002913-** Transfer \$60,000 to fund the Community Development Authority for 6 months. **City Council denied the transfer at the June 6, 2011 meeting. MOTION TO RECONSIDER CARRIES - TO BE PLACED ON THE JUNE 20, 2011 AGENDA.**



**CITY OF MARLBOROUGH**  
**OFFICE OF CITY CLERK**  
 Lisa M. Thomas  
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 Marlborough, MA 01752  
 (508) 460-3775 FAX (508) 460-3723  
 MAY 23, 2011

*Table  
June 6, 2011*

Regular meeting of the City Council held on Monday, MAY 23, 2011 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Ossing, Vigeant, Pope, Levy, Delano, Ferro, Elder, Tunnera, Seymour, Clancy, and Landers. Meeting adjourned at 9:10 PM.

ORDERED: That Council President Vigeant recognized and requested a moment of silence for former City Councilor Robert Rennie for his many years of service, **FILE**, adopted.

ORDERED: That the minutes of the City Council Meeting, MAY 9, 2011, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING on the proposed FY2012 budget as submitted by Mayor Stevens in the amount of \$124,999,703.00 in which this spending plan reflects an overall increase of 3.98% over the approved Fiscal Year 2011 budget, Order No. 11-1002894, all were heard who wish to be heard, hearing recessed at 8:02 p.m.; adopted.

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

ORDERED: That the CDA transfer request in the amount of \$60,000.00 from following accounts to Community Development Authority needed for Community Development Block Grant funding as the funding source is no longer available, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS -											
DEPT: Various				FISCAL YEAR: 2011							
Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance	
Amount	Org Code	Object	Account Description:			Amount	Org Code	Object	Account Description:		
\$10,000.00	\$10,000.00	11110005	55825	Council-Investigative Services			\$60,000.00	89000	24995	Community Development	\$0.00
Reason:		Services not needed during FY11				Partial funding for two existing CDA positions					
\$43,238.18	\$40,000.00	11620002	50550	Elections - Head Clerk							
Reason:		Unfilled position									
\$26,246.34	\$10,000.00	15430008	57710	Veterans Benefits							
Reason:		Benefits running slightly less than anticipated									

ORDERED: That the revised transfer request in the amount of \$136,222.84 which will fund the City's two newly ratified agreements with MMEA and the Marlborough Police Patrol Officers Association as well as cost of living adjustments for non-affiliated employees as noted in the attached spreadsheets, refer to **FINANCE COMMITTEE**; adopted.

TRANSFER REQUEST								
FROM ACCOUNT				TO ACCOUNT				
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP
								<b>Police</b>
\$ 121,896.36	\$ 54,627	61090001	50740	Water-Equipment Operators	\$ 39,040	12100001	50420	Police Officer
\$ 5,600.00	\$ 300	61090003	51440	Water-Educational Incentive	\$ 1,196	12100003	51342	Longevity
					\$ 781	12100003	51410	First Responder
	<b>total \$ 54,927</b>				\$ 4,601	12100003	51440	Edu Incent
					\$ 1,164	12100003	51450	Night Shift
					\$ 2,632	12100003	51490	Holiday
					\$ 1,440	12100003	51920	Sick Leave
					\$ 489	12100003	50435	Specialist
					\$ 149	12100003	51370	OT Celebration
					\$ 199	12100003	51360	OT Training
					\$ 2,214	12100003	51310	OT Reg
					\$ 904	12100003	51320	OT Court
					\$ 117	12100003	51329	On Call
					\$ 54,927		<b>total</b>	

REQUEST TO FUND MARLBORO MUNICIPAL EMPLOYEE ASSOC CONTRACT

FROM ACCOUNT				TO ACCOUNT		
AVAILABLE AMOUNT	ORG CODE	OBJECT	ACCOUNT DISCRIP	AMOUNT	ORG CODE	OBJECT
BALANCE						
					<b>COMPTROLLER</b>	
\$9,236.12	\$9,236.00	11620003	51460 Elections-Constables	\$ 1,647.57	11330002	-50062 FIN ASST
\$4,540.56	\$4,540.00	11620004	53930 Elections-Printing	\$ 54.72	11330003	-51430 LONGEV
\$20,937.64	\$10,868.00	14001101	50660 Asst City Engineer	\$ 62.17	11330003	-51920 SICK BB
\$21,357.13	\$15,680.48	14001101	50705 Asst Civil Engineer		<b>AUDITOR</b>	
\$4,927.50	\$4,927.50	14001103	51440 Educational Incentive	\$ 823.78	11350002	-50062 FIN ASST
				\$ 751.26	11350002	-50550 HEAD CLK
<b>total</b>	<b>\$45,251.98</b>			\$ 286.07	11350002	-50770 SR CLK
				\$ 37.61	11350003	-51430 LONGEV.
				\$ 28.35	11350003	-51920 SICK BB
					<b>ASSESSORS</b>	
				\$ 667.68	11410002	-50520 PRIN CLK
				\$ 1,001.38	11410001	-50170 SR ASSR
				\$ 751.26	11410002	-50550 HEAD CL
				\$ 60.71	11410003	-51430 LONGEV
				\$ 91.33	11410003	-51920 SICK BB
					<b>COLLECTOR</b>	
				\$ 1,144.27	11440002	-50770 SR CLK
				\$ 18.44	11440003	-51430 LONGEV
				\$ 43.18	11440003	-51920 SICK BB
					<b>INFO SYSTEMS</b>	
				\$ 893.80	11550001	-50210 SYS ANYL
				\$ 1,147.64	11550001	-50213 NET ENG
					<b>CITY CLERK</b>	
				\$ 572.12	11610002	-50770 SR. CLK
				\$ 53.44	11610003	-51430 LONGEV
				\$ 52.18	11610003	-51920 SICK BB
					<b>ELECTION/REG</b>	
				\$ 572.12	11620002	-50770 SR. CLK
				\$ 37.61	11620003	-51430 LONGEV
				\$ 28.35	11620003	-51920 SICK BB
					<b>PROPERTY &amp; BUILD</b>	
				\$ 2,803.65	11920001	-50292 CRAFTMN
				\$ 781.38	11920001	-50385 ELECTRIC
				\$ 667.68	11920002	-50520 PRIN CLK
				\$ 2,106.76	11920003	-50560 CUSTOD
				\$ 200.78	11920003	-51430 LONGEV
				\$ 192.29	11920003	-51920 SICK BB
					<b>POLICE</b>	
				\$ 712.53	12100002	-50520 PRIN CLK
				\$ 706.88	12100003	-50540 CHF DISP
				\$ 4,941.88	12100003	-51213 PBL DISP
				\$ 795.92	12100003	-51214 PUB ASST
				\$ 110.98	12100003	51342 LONGV
				\$ 30.04	12100003	-51920 SICK BB
				\$ 132.74	12100003	51450 Night SFT



		FROM ACCOUNT			To Account			
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP
\$24,748.50	\$2,873.00	15410001		50190 COA Director	\$ 1,148.43	11210001		50010 MAYOR
\$25,688.00	\$25,688.00	15410001		50391 COA-P/T Nurse	\$ 834.76	11210001		50321 EX AIDE
\$16,240.99	\$7,482.86	16100001		50230 Library Director	\$ 665.44	11210002		50590 EX SECY
					\$ 1,368.15	11330001		50015 COMPTROLLER
					\$ 1,089.17	11350001		50020 AUDITOR
					\$ 1,089.19	11410001		50160 ASSESSOR
					\$ 109.02	11410003		50177 CERTIFICATION
					\$ 1,089.20	11440001		50042 COLLECTOR
					\$ 1,564.30	11110003		50070 CITY COUNCILORS
					\$ 834.76	11110002		50350 CITY COU SECY
					\$ 40.95	11110003		51430 LONG
					\$ 31.51	11110003		51920 SICK LEAVE
					\$ 1,438.59	11510001		50030 SOLICITOR
					\$ 1,164.46	11510001		50172 ASST SOLICITOR
					\$ 887.21	11510001		50174 PROCURE. OFF.
					\$ 1,051.32	11520001		50530 PERS DIRECTOR
					\$ 716.05	11520001		50532 PER ASST.
					\$ 335.21	11520002		50401 PT SR CLK
					\$ 1,089.18	11610001		50050 CITY CLK
					\$ 810.56	11610002		50290 ASST CITY CLK
					\$ 24.62	11610003		51430 LONG
					\$ 30.58	11610003		51920 SICK LEAVE
					\$ 640.38	11920001		50291 DIRECTOR
					\$ 38.44	11920003		51430 LONG
					\$ 48.33	11920003		51920 SICK LEAVE
					\$ 1,475.01	12100001		50140 POLICE CHIEF
					\$ 92.20	12100003		51432 LONG
<b>total</b>	<b>\$36,043.86</b>							

		FROM ACCOUNT			To Account			
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP
					\$ 119.77	12100003		51920 SICK LEAVE
					\$ 368.76	12100003		51440 EDUC
					\$ 36.89	12100003		51410 FIRST RESP
					\$ 1,365.26	12200001		50130 FIRE CHIEF
					\$ 70.22	12200003		51480 EMT
					\$ 168.53	12200003		51440 EDUC
					\$ 28.10	12200003		51226 FIRST RESP
					\$ 1,198.06	12410001		50090 BLDG INSP
					\$ 1,001.38	12410001		50109 ENVIR. OFFICER
					\$ 59.54	12410003		51430 LONG
					\$ 45.21	12410003		51920 SICK LEAVE
					\$ 1,611.30	14001001		50600 DPW COMM
					\$ 1,334.20	14001001		50630 ASST COMM
					\$ 144.51	14001003		51430 LONG
					\$ 111.17	14001003		51920 SICK LEAVE
					\$ 1,334.20	14001101		50640 ENGINEER
					\$ 925.39	14920001		50110 REC DIRECTOR
					\$ 947.58	15120001		50605 SAN/ADMIN
					\$ 182.99	15120001		50220 SEALER
					\$ 882.19	15120001		50390 NURSE
					\$ 44.04	15120003		51430 LONG
					\$ 33.29	15120003		51920 SICK LEAVE
					\$ 953.15	15270001		50595 HUM SER DIR
					\$ 645.66	15410001		50190 COA DIR
					\$ 696.38	15430001		50080 VET DIR
					\$ 719.41	16100001		50230 LIBRARY DIR
					\$ 667.67	16100001		50657 REF LIB
					\$ 641.99	16100003		51259 PT REF LIB
Dept Head signature: _____								
Dept Head signature: _____								
					<b>\$ 36,043.86</b>			

That the Various Year End Inter-department transfers which are necessary to balance FY11 accounts as noted in the attached spreadsheets, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:	Public Facilities	DATE: 15-May-11				FY:	2011			
Available Balance	Amount	FROM ACCOUNT:				TO ACCOUNT:				Available Balance
		Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		
\$31,074	\$25,000.00	11920003	52250	Heating oil	\$25,000.00	11920006	52120	Electricity	\$4,644	
	Reason:	Conversion to natural gas				Electricity costs				
\$54,762	\$35,000.00	11920001	50292	Building Maintenance Craftsman	\$35,000	11920006	52120	Electricity	\$4,644	
	Reason:	Vacant position				Electricity costs				
\$26,199	\$26,198.00	60080001	50630	Sewer-Assistant Chemist	\$184,000	11920006	52120	Electricity	\$4,644	
	Reason:	Unfilled position				Electricity costs				
\$69,863	\$69,863.00	60080001	50890	Sewer-Sr Chemist						
	Reason:	Unfilled position								
\$73,500	\$73,500.00	60080004	53110	Sewer-Legal Services						
	Reason:	Legal services to be addressed in FY12								
\$17,312	\$14,439.00	15410001	50190	COA-Director Elderly Affairs						
	Reason:	Funds available when position was unfilled								
total	\$244,000.00				total	\$244,000.00				

TRANSFER REQUEST									
		FROM ACCOUNT				TO ACCOUNT			
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
		<b>BAN Other Interest</b>				<b>School Support &amp; Medicare</b>			
\$	40,000.00	\$	9,000.00	17520006 59253 Other Int	\$	9,000.00	13100003 51753 Medicare School	\$	73,172.00
		\$	5,482.00		\$	5,482.00	13100003 57406 Life iNsurance	\$	1,518.00
		\$	5,000.00		\$	5,000.00	11980006 51752 Medicare City	\$	22,852.00
		\$	19,482.00		\$	19,482.00			

That the Various Year End Intra-department transfers which are necessary to balance FY11 accounts as noted in the attached spreadsheets, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:	Police			DATE:	16-May-11	FY:	2011		
Available Balance	Amount	FROM ACCOUNT:	TO ACCOUNT:	Available Balance					
		Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$25,509	\$8,000.00	12100003	51450	Night Shift Differential	\$8,000.00	12100003	51490	Holiday	\$18,719
	Reason:	Account will have surplus				Not enough in account to cover final holiday pay			
\$9,732	\$700.00	12100006	57380	Conference and Training	\$700	12100004	52820	Paging/Telephone	\$338
	Reason:	Able to utilize alternate sources for some funding				Increases in paging costs			
\$9,732	\$600.00	12100006	57380	Conference and Training	\$600.00	12100006	57340	Dues & Subscriptions	\$66
	Reason:	Same				Increased subscription costs - Westlaw			
\$9,732	\$1,500.00	12100006	57380	Conference and Training	\$1,500	12100006	52560	Vehicle Maintenance	\$2,535
	Reason:	Same				More repairs needed - some due to winter damage			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:	Inspectional Services 2410			FISCAL YEAR:	11				
Available Balance	Amount	FROM ACCOUNT:	TO ACCOUNT:	Available Balance					
		Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$1,584	\$38.00	12410004	53180	Professional & Technical	\$38.00	12410002	50770	Senior Clerks	\$17,754
	Reason:	Savings realized on technical supply purchases				Coverage for remainder of year (Calculation error)			
\$1,584	\$186.00	12410002	51050	Professional & Technical	\$186	12410004	53180	Board Secretary	\$110
	Reason:	Savings realized on technical supply purchases				Coverage remainder of Planning Board and Zoning Board meeting			
\$1,584	\$60.00	12410002	51050	Professional & Technical	\$60	1241003	51185	Fence Viewers	\$28
	Reason:	Savings realized on technical supply purchases				Payment for pending decisions			
	Reason:								

CITY OF MARLBOROUGH  
BUDGET TRANSFERS

DEPT: FIRE		FROM ACCOUNT:				TO ACCOUNT:				FISCAL YEAR: FY11
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$48,087.53	\$2,500.00	12200003	51490	HOLIDAY	\$2,500.00	12200001	50335	DEPUTY CHIEF	\$38,630.19	
	Reason:	Excess due to 1 resignation & 1 retirement				More needed for Acting Chief pay when Chief is on vacation				
\$48,087.53	\$3,500.00	12200003	51490	HOLIDAY	\$3,500.00	12200001	50450	FIREFIGHTER	\$413,156.95	
	Reason:	Excess due to 1 resignation & 1 retirement				Had a Lieutenant on injury leave causing additional out of grade pay				
\$5,546.37	\$1,266.71	12200003	51226	FIRST RESPONDER	\$1,266.71	12200003	51430	LONGEVITY	\$7,866.72	
	Reason:	Excess due to 1 resignation & 1 retirement				3 employees became eligible 5/7/11				
\$48,087.53	\$15.69	12200003	51450	HOLIDAY	\$15.69	12200003	51430	LONGEVITY	\$7,866.72	
	Reason:	Excess due to 1 resignation & 1 retirement				3 employees became eligible 5/7/11				
	Reason:									

CITY OF MARLBOROUGH  
BUDGET TRANSFERS

DEPT: FIRE		FROM ACCOUNT:				TO ACCOUNT:				FISCAL YEAR: FY11
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$48,087.53	\$3,669.20	12200003	51490	HOLIDAY	\$3,669.20	12200003	51300	OVERTIME	\$33,329.41	
	Reason:	Excess due to 1 resignation & 1 retirement				Funds needed to complete FY11 based on average				
\$17,586.55	\$4,647.75	12200003	51480	EMT	\$4,647.75	12200003	51300	OVERTIME	\$33,329.41	
	Reason:	Less than expected personnel took EMT class				Funds needed to complete FY11 based on average				
\$29,243.50	\$5,000.00	12200003	51440	EDUCATIONAL	\$5,000.00	12200003	51300	OVERTIME	\$33,329.41	
	Reason:	Less than expected personnel took college courses				Funds needed to complete FY11 based on average				
\$7,782.40	\$1,683.05	12200003	51450	NIGHT SHIFT	\$1,683.05	12200003	51300	OVERTIME	\$33,329.41	
	Reason:	The amount varies depending on unscheduled leave this varies night shifts worked				Funds needed to complete FY11 based on average				

CITY OF MARLBOROUGH -BUDGET TRANSFERS -									
DEPT:		PUBLIC WORKS				FISCAL YEAR:		2011	
Available Balance	Amount	FROM ACCOUNT:			Amount	TO ACCOUNT:			Available Balance
		Org Code	Object	Account Description:		Org Code	Object	Account Description:	
\$600	\$100	14001403	51440	Fleet- Educational Incentive	\$100	14001403	51470	Fleet- Interim Foreman	\$283
		Funds available funds due to retirement.				Funds needed for contractual coverage for the remainder to the fiscal year.			
\$23,021	\$5,000	14001406	54830	Fleet- Fuel & Lubricants	\$5,000	14001406	54810	Fleet- Repair/Maintenance	\$564
		Funds available due to reduced fuel prices earlier this year.				Anticipated funds needed to repair and maintain vehicles for remainder of fiscal year.			
\$13,852	\$13,852	60086006	52925	Solid Waste & Sludge Removal Curbside Recycling	\$13,852	60086006	52920	Solid Waste & Sludge Removal Rubbish Collection	\$0
		Funds available due contract extension revised pricing.				Anticipated funds required based on contract extension pricing and fuel adjustments.			
\$26,198	\$5,000	60080001	50630	Sewer Assistant Commissioner	\$5,000	60080003	51380	Sewer- O. T -Water/Sewer Police	\$0
		Funds available due to retirement.				Anticipated funds needed for emergency details for the remainder of the fiscal year			
\$24,868	\$10,000	60081006	55950	East Wastewater Plant- East WWTP	\$10,000	60080006	55660	Sewer Pumping Station	\$257
		Funds available due to price decrease in Alum.				Funds needed to rebuild and/or replace pumps at the Matheson Drive & Hosmer Street sewer pumping stations.			

TRANSFER REQUEST									
		FROM ACCOUNT				TO ACCOUNT			
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
		Comptroller & Sewer				Comptroller & Sewer			
\$ 24,400.00	\$ 5,000.00	11330006	57850	Bond Exp	\$ 5,000.00	11330006	53460	Postage	\$ 13,311.00
\$ 20,000.00	\$ 5,000.00	60019904	53110	Legal Services	\$ 5,000.00	60019906	53460	Postage	\$ 4,317.00
\$ 20,000.00	\$ 4,500.00	60019904	53110	Legal Services	\$ 4,500.00	60019904	53080	Audit Services	\$ -

Reason: To fund postage required to mail bills and additional audit service charges

ORDERED: That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does hereby authorize a revolving fund during fiscal year 2012 for park and recreational facility maintenance and improvement purposes to be administered through the Department of Public Works. It is further ordered that:

(a) departmental receipts credited to the fund, unless otherwise directed by the General Laws, shall be limited to: 1) payments, fees and/or rental income due the City from owners of antennae and related telecommunications equipment located or co-located at the wireless communications facility situated on property under the care, custody, management and control of the Department of Public Works at the Easterly Wastewater Treatment Plant at 860 Boston Post Road in Marlborough or any land adjacent thereto; and 2) lease payments and fees due the City from owners of antennae and related telecommunications equipment located on Fairmount Hill; and

(b) that expenditures from said fund shall be limited to the maintenance and improvement of municipal parks and municipal recreational facilities; and

(c) that the Commissioner of Public Works shall be the only officer authorized to approve expenditures from the fund; and

(d) that no more than one hundred thousand dollars shall be expended during fiscal year 2012, unless otherwise authorized by the City Council and Mayor; and

(e) the Commissioner of Public Works shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and

(f) that no provisions of this order shall be changed unless approved by the Mayor and City Council, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2012, re-authorize the revolving fund utilized by the Public Facilities Department. It is further ordered that:

(a) departmental receipts credited to the fund shall be limited to lease payments and fees due the City from owners of antennae and related telecommunications equipment on property that is maintained by, or assigned or transferred to be maintained by, the Public Facilities Department, unless otherwise directed by the General Laws; and

(b) that expenditures from said fund shall be limited to the maintenance and related expenses for Sligo Hill and Stevens Park; and

(c) that the Director of Public Facilities shall be the only officer authorized to approve expenditures from the same; and

- (d) that no more than one hundred thousand dollars shall be expended during Fiscal Year 2012, unless otherwise authorized by the City Council and Mayor; and
- (e) that the Director of Public Facilities shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (f) that no provisions of this order shall be changed unless approved by the Mayor and City Council, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2012, re-authorize a revolving fund to be utilized by the Mayor. It is further ordered that:

- (a) receipts credited to the fund shall be limited to an emergency dispatch fee due the City pursuant to its contract with Patriot Ambulance, unless otherwise directed by the General Laws; and
- (b) that expenditures from said fund shall be limited to public safety training; and
- (c) that the Mayor shall be the only officer authorized to approve expenditures from the same; and
- (d) that no more than forty-five thousand dollars shall be expended during Fiscal Year 2012, unless otherwise authorized by the City Council and Mayor; and
- (e) that the Mayor shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (f) that no provisions of this order shall be changed unless approved by the Mayor and City Council, refer to **FINANCE COMMITTEE**; adopted.

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

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

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

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

ORDERED: That the appointment of Patricia Carlson and Cheryl Soucy to the Commission on Disabilities to serve three year terms from date of approval, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Communication from City Solicitor Rider re: Special Permit of Verizon Wireless in proper legal form, Order No. 10/11-1002623F, **MOVED TO ITEM 31 OF THE MAY 23, 2011 CITY COUNCIL AGENDA**; adopted.

ORDERED: That the Communication from Attorney Bergeron on behalf of Melanson Development Group, Inc, re: request to extend time limitations to expand the non-conforming use of the existing Walker house and barn located on 93 Framingham Rd, to September 15, 2011, Order No. 11-1002853A, **APPROVED**; adopted.

ORDERED: That the Communication from Attorney Bergeron on behalf of U. S. Wireless re: request to review Application for Wireless Special Permit from Verizon Wireless (Order No. 10/11-1002623F), to permit, construct, operate and maintain a Wireless Communication Facility consisting of a 130' antenna-monopole-tower at 800 Bolton St, **FILE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JUNE 20, 2011** as date for a **PUBLIC HEARING** on the Application for Special Permit from St. Mary's of French Hill Development LLC to modify an existing Special Permit (Order No. 07-1001500C) to allow rental of all proposed condominium units until first sale of each unit at 26 Broad St., refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JUNE 20, 2011** as date for a **PUBLIC HEARING** on the Application for Special Permit from 110 Pleasant LLC to modify an existing Special Permit (Order No. 10-1002683B) to allow rental of all proposed condominium units until first sale of each unit at 110-118 Pleasant St., be and is herewith refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JULY 18, 2011** as date for a **PUBLIC HEARING** on the Application for Special Permit from Marlborough Hospital at 157 Union St. to extend prior non-conforming use by constructing a cancer pavilion to be connected to the present main hospital building, and to reconfigure the site parking, which will result in an increase in lot coverage from 47.8% to 48.4% of the site, refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the Application of Thomas Travers d/b/a Village Clocksmith, for Junk Dealer's license at 1015 Boston Post Rd. E. #,1 refer to **PUBLIC SERVICES**; adopted.

MOTION made by Councilor Clancy to refer to Public Services Committee - **WITHDRAWN**

ORDERED: That the Junk Dealer's License for Bernard Novitch d/b/a Collector's Paradise at 771 Boston Post Rd. East, **DENIED**; adopted.

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

- A. Eleanor Bouvier, 47 Walcott Circle, pothole or other road defect
- B. John Chatalian, 56 Norwood St., other property damage
- C. Encompass Insurance Company, on behalf of Edmuth Matthews, 30 East Park Rd., Sterling, MA, other property damage
- D. Patricia Clark, 194 Broad St., other property damage

**ORDERED: FY12 MUNICIPAL OPERATING BUDGET**

That the City Council held a Public Hearing on May 23, 2011 regarding the Proposed Budget for FY12 as submitted by Mayor Stevens. The Public Hearing was conducted through its required four stages; In Favor, Questions from the Public, Oppositions from the Public, and Question from the Councilors. The Public Hearing recessed at 8:02 PM.

**Suspension of the Rules requested by Chairman Ossing of the Finance Committee to adopt the FY12 Budget as recommended by the Finance Committee in the amount of \$123,506,153.00 which represents an increase of 2.8% or \$3,292,354.00 from the FY11 Budget – granted**

Therefore the FY12 Municipal Operating Budget, be and is herewith **APPROVED**.

REPORT OF THE FINANCE COMMITTEE IS HEREWITH ATTACHED AND MADE PART OF THIS RECORD.

**A Report of the City Council Finance Committee on  
Mayor Steven's Proposed FY12 Budget – Order #11-100-2894**

The Finance Committee met for over 18 hours on the following dates to review the FY12 budget submitted by Mayor Stevens in a letter dated May 5, 2011. The Mayor provided an additional letter dated May 17, 2011 that clarified the funding for the Council on Aging, Veteran's, Human Services and Community and Economic Development. The meeting dates are listed below:

- May 11, 2011 – 6:06 PM to 9:25 PM
- May 12, 2011 – 6:03 PM to 9:30 PM
- May 13, 2011 – 8:03 AM to 4:04 PM
- May 16, 2011 – 6:03 PM to 9:35 PM
- May 17, 2011 – 6:07 PM to 7:01 PM

A summary of the Finance Committee recommendations as a result of these meetings is presented in Attachment 1.

Attachment 2 contains the projected tax implications based on various scenarios. Based on the Finance Committee's recommended reduction, the typical average house tax bill will increase by ~\$225.00. It should be noted that this is only an estimate based on the projections. Actual values will be finalized in December 2011.

Attachment 3 contains the projections for the state and local revenues for FY12 that were used in developing the tax implications.

The Finance Committee voted 4 - 0 (Councilor Seymour absent) to approve a \$1,493,947 reduction to the proposed Mayor's FY12 budget of \$125,000,100.00. The Finance Committee approved a FY12 budget of \$123,506,153.00. This represents a 2.8% increase from the FY11 budget or an increase of \$3,292,354.00.

The Finance Committee voted 5 – 0 to approve the order contained in the Mayor’s May 5, 2011 letter to authorize Snow & Ice spending in excess of budgeted amount with prior council approval.

Submitted by Chairman Michael H. Ossing  
May 23, 2011

**Attachment 1**

**Finance Committee FY12**

**Summary**

**By Account Number**

**Fiscal Year 2012 Finance Committee Budget  
Reduction Summary**

<b>Account (Fund # - Department)</b>	<b>Proposed Reduction (\$)</b>	<b>Finance Committee Recommendation (\$)</b>
1110 – City Council	4,487	178,977
1210 – Mayor	0	243,723
1330 – Comptroller	6,200	350,496
1350 – Auditor	0	206,708
1410 – Assessor	134,000	379,140.73
1440 – City Collector	0	177,527
1510 – Legal	25,000	364,052
1520 – Personnel	0	212,320
1550 – Information Systems	0	563,543
1610 – City Clerk	0	195,070
1620 – Elections	0	130,992.02
1650 – License Commission	0	9,150
1740 – Community & Economic Dev.	175,000	200,000
1920 – Property Building Maintenance	100,000	2,748,162
1930 – Other Insurance	0	279,640
1940 – Retirement	13,000	4,451,667
1960 – Workers Comp	0	398,768
1970 – Unemployment	0	41,748
1980 – Health/Life Insurance	0	5,670,674
1990 – Other Government	0	867,135
2100 – Police	2,797	6,905,229
2200 – Fire	50,000	6,472,342.01
2410 – Inspection	0	528,550
2910 – Emergency Management	0	17,567
3000 – School Department	250,000	49,514,206
3100 – School Support	57,000	9,534,751

3102 – City/School Support	138,261	497,954
3800 – Retirement of Debt	0	931,475
3850 – Long Term Debt Interest Schools	0	261,338
3860 – Short Term Interest	0	27,000
3900 – Assabet Valley	0	3,906,343
4000-100 – DPW Admin	0	364,364
4000-110 – DPW Engineering	3,500	684,458
4000-120 – Snow & Ice	0	500,000
4000-130 – DPW Streets	14,800	1,662,389
4000-140 – DPW Fleet Maintenance	81,400	879,293
4000-150 – DPW Forestry	10,000	1,250,237
4920 – Recreation Department	0	249,535
5120 – Health & Licensing	0	279,797
5270 – Human Services	0	47,822
5410 – Council on Aging	4,450	199,693
5430 – Veterans Agency	0	178,332
6100 – Library	0	823,132.35
6920 – Celebrations	0	37,750
6990 – Ft. Meadow	0	18,450
7110 – Retirement of Debt	0	2,829,237
7510 – Long Term Debt Interest	0	677,884
7520 – Short Term Debt Interest	0	152,500
9300 – Capital Projects	423,052	0
600-1940 – Retirement/Pensions Sewer	0	341,207
600-1960 – Workers Comp Sewer	0	34,786
600-1980 – Health/Life Insurance Sewer	0	316,968
600-1990 – Sewer Other Government	0	250,615
600-7110 – Retirement of Debt Sewer	0	1,767,082
600-7510 – Long Term Debt Int Sewer	0	800,066
600-7520 – Short Term Debt Int Sewer	0	54,000
600-8000 – Sewer Service Fund	1,000	395,191
600-8100 – Sewer East WWT	0	844,837
600-8500 – Sewer West WWT	0	603,512
600-8600 – Solid Waste	0	4,325,943
610-1940 – Retirement/Pensions Water	0	315,014
610-1960 – Workers Comp Water	0	31,961
610-1980 – Health/Life Insurance Water	0	266,041
610-1990 – Water Other Government	0	30,300

610-7110 – Retirement of Debt Water	0	653,400
610-7510 – Long Term Debt Int Water	0	141,968
610-7520 – Short Term Debt Int Water	0	40,500
610-9000 – Water Enterprise Fund	0	5,191,639
<b>TOTAL</b>	<b>1,493,947</b>	<b>123,506,151.11</b>

Note: Combining the FY12 budgets submitted by the Mayor in the May 5, 2011 letter (\$124,999,703) and the May 17, 2011 letter (net increase of \$397) yield a FY12 budget submitted by the mayor of \$125,000,100.

**FY12 Line Item Details**

<b>1210 – City Council</b>	<b>FY12 Mayor Recommendation (\$)</b>	<b>Reduction (\$)</b>	<b>Vote</b>	<b>FY12 Finance Committee Recommendation (\$)</b>
50070 - Councilors	108,427	4,487	5 – 0	103,940
	<b>TOTAL</b>	<b>4,487</b>		

**1210 – Mayor’s Office** – Approved budget of \$243,723 – no changes (5 – 0)

<b>1330 – Comptroller*</b>	<b>FY12 Mayor Recommendation (\$)</b>	<b>Reduction (\$)</b>	<b>Vote</b>	<b>FY12 Finance Committee Recommendation</b>
53460 – Postage	60,000	6,200	3 – 1 (Ossing)	53,800
	<b>TOTAL</b>	<b>6,200</b>		

\* R. Seymour abstained

**1350 – Auditor** – Approved budget of \$206,707 – no changes (5 – 0)

<b>1410 – Assessor</b>	<b>FY12 Mayor Recommendation (\$)</b>	<b>Reduction (\$)</b>	<b>Vote</b>	<b>FY12 Finance Committee Recommendation</b>
53082 – Valuation Services	158,200	134,000	5 - 0	24,200
	<b>TOTAL</b>	<b>134,000</b>		

**1440 – Collector** – Approved budget of \$177,527 – no changes (5 – 0)

<b>1550 – Legal</b>	<b>FY12 Mayor Recommendation (\$)</b>	<b>Reduction (\$)</b>	<b>Vote</b>	<b>FY12 Finance Committee Recommendation</b>
53110 – Legal Services	75,000	25,000	5 - 0	50,000
	<b>TOTAL</b>	<b>25,000</b>		

**1520 – Personnel** – Approved budget of \$212,320 – no changes (5 – 0)

**1550 – Information Technologies** – Approved budget of \$563,543 – no changes (5 – 0)

**1610 – City Clerk** – Approved budget of \$195,070 – no changes (5 – 0)

**1620 – Elections** – Approved budget of \$130,992.02 – no changes (5 – 0)

**1650 – Licensing Board** – Approved budget of \$9,150 – no changes (5 – 0)

The Mayor’s initial budget, in the letter dated May 5, 2011, contained the Community & Economic Development budget for \$374,603. The Finance Committee made the following reduction on May 12, 2011:

<b>1740 – Community &amp; Economic Development</b>	<b>FY12 Mayor Recommendation (\$)</b>	<b>Reduction (\$)</b>	<b>Vote</b>	<b>FY12 Finance Committee Recommendation</b>
Entire Budget	374,603	374,603	4 – 0*	0
	<b>TOTAL</b>	<b>374,603</b>		

\*Councilor Seymour absent

The Mayor’s letter dated May 17, 2011 resubmitted the Community & Economic Development budget with one line item for \$375,000. The Finance Committee made the following reduction on May 17, 2011:

<b>1740 – Community &amp; Economic Development</b>	<b>FY12 Mayor Recommendation (\$)</b>	<b>Reduction (\$)</b>	<b>Vote</b>	<b>FY12 Finance Committee Recommendation</b>
53940 – Economic Stabilization	375,000	175,000	4 – 0*	200,000
	<b>TOTAL</b>	<b>175,000</b>		

\*Councilor Seymour absent

<b>1920 – Prop, Bldg &amp; Mnt</b>	<b>FY12 Mayor Recommendation</b>	<b>Reduction (\$)</b>	<b>Vote</b>	<b>FY12 Finance Committee Recommendation</b>
52120 - Electricity	1,600,000	100,000	4 – 1 (Pope)	1,500,000
	<b>TOTAL</b>	<b>100,000</b>		

**1930 - Other Insurance** – Approved budget of \$279,640 – no changes (5 – 0)

<b>1940 Retirement &amp; Pensions City</b>	<b>FY12 Mayor Recommendation (\$)</b>	<b>Reduction (\$)</b>	<b>Vote</b>	<b>FY12 Finance Committee Recommendation</b>
51770 - Retirement	4,385,098	13,000	5 - 0	4,372,098
	<b>TOTAL</b>	<b>13,000</b>		

**1960 – Workers Comp City** – Approved budget of \$398,768 – no changes (5 – 0)

**1970 – Unemployment Compensation** – Approved budget of \$41,748 – no changes (5 – 0)

**1980 – Health/Life Insurance City** – Approved budget of \$5,670,674 – no changes (5 – 0)

**1990 – Other Government City** – Approved budget of \$867,135 – no changes (5 – 0)

<b>2100 – Police</b>	<b>FY12 Mayor Recommendation</b>	<b>Reduction (\$)</b>	<b>Vote</b>	<b>FY12 Finance Committee Recommendation</b>
51214 – Public Safety Asst.	57,327	2,797	5 – 0	54,530
	<b>TOTAL</b>	<b>2,797</b>		

<b>2200 – Fire</b>	<b>FY12 Mayor Recommendation</b>	<b>Reduction (\$)</b>	<b>Vote</b>	<b>FY12 Finance Committee Recommendation</b>
51310 - Overtime	200,000	50,000	5 – 0	150,000
	<b>TOTAL</b>	<b>50,000</b>		

**2410 – Inspection** – Approved budget of \$528,550 – no changes (5 – 0)

**2910 – Emergency Management** – Approved budget of \$17,567 – no changes (5 – 0)

<b>3000 - Schools</b>	<b>FY12 Mayor Recommendation</b>	<b>Reduction (\$)</b>	<b>Vote</b>	<b>FY12 Finance Committee Recommendation</b>
57000 – Other Expenses	49,764,206	250,000	3 – 2 (Pope/ Ferro)	49,514,206 4 – 1 (Ferro)
	<b>TOTAL</b>	<b>250,000</b>		

<b>3100 – School Support</b>	<b>FY12 Mayor Recommendation</b>	<b>Reduction (\$)</b>	<b>Vote</b>	<b>FY12 Finance Committee Recommendation</b>
51730 – Health Insurance	407,625	57,000	5 - 0	350,625
	<b>TOTAL</b>	<b>57,000</b>		

<b>3102 – City/School Support</b>	<b>FY12 Mayor Recommendation</b>	<b>Reduction (\$)</b>	<b>Vote</b>	<b>FY12 Finance Committee Recommendation</b>
57410 – Property Liability	288,390	138,261	5 - 0	150,129
	<b>TOTAL</b>	<b>138,261</b>		

**3800 – Retirement of Debt Schools** – Approved budget of \$931,475 – no changes (4 – 0)  
Councilor Seymour absent

**3850 – Long Term Debt Interest Schools** – Approved budget of \$261,338 – no changes (4 – 0)  
Councilor Seymour absent

**3860 – Short Term Debt Interest School** – Approved budget of \$27,000 – no changes (4 – 0)  
Councilor Seymour absent

**3900 – Assabet Valley** – Approved budget of \$3,906,343 – no changes (5 – 0)

**4000 – 100 DPW Admin** – Approved budget of \$364,364 – no changes (5 – 0)

<b>4000 – 110 DPW Engineering</b>	<b>FY12 Mayor Recommendation</b>	<b>Reduction (\$)</b>	<b>Vote</b>	<b>FY12 Finance Committee Recommendation</b>
51310 - Overtime	5,000	3,500	5 - 0	1,500
	<b>TOTAL</b>	<b>3,500</b>		

**4000-120 – Snow and Ice** – Approved budget of \$500,000 – no changes (5 – 0). Finance Committee voted 5 – 0 to approve the order to authorize spending in excess of budgeted amount with prior council approval.

<b>4000 – 130 DPW Streets</b>	<b>FY12 Mayor Recommendation</b>	<b>Reduction (\$)</b>	<b>Vote</b>	<b>FY12 Finance Committee Recommendation</b>
51310 - Overtime	46,000	10,000	5 - 0	36,000
51470 – Interim Foreman	10,000	4,800	5 - 0	5,200
	<b>TOTAL</b>	<b>14,800</b>		

<b>4000 – 140 DPW Fleet Mnt</b>	<b>FY12 Mayor Recommendation</b>	<b>Reduction (\$)</b>	<b>Vote</b>	<b>FY12 Finance Committee Recommendation</b>
51310 – Overtime	4,000	1,000	5 – 0	3,000
51470 – Interim Foreman	2,600	400	4 – 1 (Pope)	2,200
54810 – R&M Supply - Vehicles	102,000	10,000	4 – 1 (Pope)	92,000
54830 - Fuels	495,000	70,000	4 – 1 (Pope)	425,000
	<b>TOTAL</b>	<b>81,400</b>		

<b>4000 – 150 DPW Forestry &amp; Parks</b>	<b>FY12 Mayor Recommendation</b>	<b>Reduction (\$)</b>	<b>Vote</b>	<b>FY12 Finance Committee Recommendation</b>
51310 – Overtime	30,500	5,000	5 – 0	25,500
51470 – Interim Foreman	15,000	5,000	5 – 0	10,000
	<b>TOTAL</b>	<b>10,000</b>		

**4920 – Recreation** – Approved budget of \$249,535 – no changes (3 – 0)

- Councilor’s Pope and Seymour abstained. Councilor Elder abstained.

**5120 – Health & Licensing** – Approved budget of \$279,797 – no changes (5 – 0)

The Mayor’s initial budget included the Human Services budget as part of the Council on Aging. The Mayor’s letter dated May 17, 2011 created a separate Human Services budget. The FINANCE COMMITTEE approved the following on May 17, 2011:

- **5270 – Human Services** – Approved budget of \$47,822 - no changes (4 – 0) Councilor Seymour absent

The Mayor’s initial budget for the Council on Aging included the Veteran’s and Human Services. The Finance Committee reduced the budget on May 16, 2011 as follows:

<b>5410 – Council on Aging</b>	<b>FY12 Mayor Recommendation</b>	<b>Reduction (\$)</b>	<b>Vote</b>	<b>FY12 Finance Committee Recommendation</b>
50080 – Veterans Agent	47,357	47,357	3 – 2 Delano/Seymour	0
50190 - Director	64,745	4,250	3 – 2 Delano/Seymour	60,495
50596 – HS Manager	47,672	47,672	3 – 2 Delano/Seymour	0
54220 – Office Supplies	1,225	225	3 – 2 Delano/Seymour	1,000
52750 – Veteran Services	10,000	10,000	3 – 2 Delano/Seymour	0
57100 – Instate travel	600	500	3 – 2 Delano/Seymour	100
57340 – Dues and Subsc.	400	300	3 – 2 Delano/Seymour	100
57710 – Veterans Benefits	120,000	120,000	3 – 2 Delano/Seymour	0
57780 – S&S Graves	300	300	3 – 2 Delano/Seymour	0
	<b>TOTAL</b>	<b>230,604</b>		

The Mayor's letter dated May 17, 2011 created a separate Council on Aging budget. The Finance Committee approved the following Council on Aging budget of \$199,603. This resulted in a reduction in the Council of Aging budget of \$4,450 (Reduction of \$4,250 from Director and \$200 reduction from Dues and Subscription).

- **5410 – Council on Aging** – Approved budget of \$199,603 – changes indicated above (3 - 2) Councilors Seymour and Delano

The Mayor's initial budget included the Veteran's budget as part of the Council on Aging. The Mayor's letter dated May 17, 2011 created a separate Veteran's budget. The Finance Committee approved the following on May 17, 2011:

- **5430 – Veterans Agency** – Approved budget of \$178,332 no changes (4 – 0) Councilor Seymour absent

**6100 – Library** – Approved budget of \$823,132.35 – no changes (4 – 1 Councilor Ferro opposed)

**6920 – Celebrations** – Approved budget of \$37,750 – no changes (4 – 1 Councilor Ferro opposed)

**6990 – Fort Meadow** – Approved budget of \$18,450 – no changes (5 – 0)

**7110 – Retirement of Debt City** – Approved budget of \$2,829,237 – no changes (4 – 0)  
 Councilor Seymour absent

**7510 – Long Term Debt Interest City** – Approved budget of \$677,884 – no changes (4 – 0)  
 Councilor Seymour absent

**7520 – Short Term Debt Interest City** – Approved budget of \$152,500 – no changes (4 – 0)  
 Councilor Seymour absent

<b>9300 – Capital Outlay</b>	<b>FY12 Mayor Recommendation</b>	<b>Reduction (\$)</b>	<b>Vote</b>	<b>FY12 Finance Committee Recommendation</b>
All line items -Note 1	423,052	423,052	5 - 0	0
	<b>TOTAL</b>	<b>423,052</b>		

Note 1 – Finance Committee agreed to reconsider capital outlay after free cash is certified.

**Sewer Department Fund - 600**

**1940 – Retirement & Pensions Sewer** – Approved budget of \$341,207 – no changes (5 – 0)

**1960 – Workers Comp Sewer** - Approved budget of \$34,786 – no changes (5 – 0)

**1980 – Health/Life Insurance Sewer** – Approved budget of \$316,968 – no changes (5 – 0)

**1990 – Other Government Sewer** – Approved budget of \$250,615 – no changes (5 – 0)

**7110 – Retirement of Debt Sewer** - Approved budget of \$1,767,082 – no changes (4 – 0)  
 Councilor Seymour absent

**7510 – Long Term Debt Interest Sewer** - Approved budget of \$800,066 – no changes (4 – 0)  
 Councilor Seymour absent

**7520 – Short Term Debt Interest Sewer** – Approved budget of \$54,000 – no changes (4 – 0)  
 Councilor Seymour absent

<b>8000 – Sewer Service Fund</b>	<b>FY12 Mayor Recommendation</b>	<b>Reduction (\$)</b>	<b>Vote</b>	<b>FY12 Finance Committee Recommendation</b>
51470 – Interim Foreman	1,450	1,000	5 – 0	450
	<b>TOTAL</b>	<b>1,000</b>		

**8100 – Easterly Waste Water Treatment Plant** - Approved budget of \$844,837 – no changes (5 – 0)

**8500 – Westerly Waste Water Plant** - Approved budget of \$603,512 – no changes (5 – 0)

**8600 – Solid Waste** - Approved budget of \$4,325,943 – no changes (5 – 0)

**Water Department Fund 610**

**1940 – Retirement & Pensions Water** - Approved budget of \$315,014 – no changes (5 – 0)

**1960 – Workers Comp Water** - Approved budget of \$31,961 – no changes (5 – 0)

**1980 – Health/Life Insurance Water** – Approved budget of \$266,041 – no changes (5 – 0)

**1990 – Other Government Water** – Approved budget of \$30,300 – no changes (5 – 0)

**7110 – Retirement of Debt Water** - Approved budget of \$653,400 – no changes (4 – 0)

Councilor Seymour absent

**7510 – Long Term Debt Interest Water** - Approved budget of \$141,968 – no changes (4 – 0)

Councilor Seymour absent

**7520 – Short Term Debt Interest Water** - Approved budget of \$40,500 – no changes (4 – 0)

Councilor Seymour absent

**9000 – Water Enterprise** - Approved budget of \$5,191,639 – no changes (5 – 0)

**Suspension of Rules requested – granted**

**ORDERED:** That the Reprecincting Committee, be and is herewith **APPROVED FINAL 2011 DRAFT CENSUS MAP FOR THE CITY OF MARLBOROUGH AS PROPOSED BY ENGINEERING**; adopted.

**ORDERED:** That the Personnel Department transfer in the amount of \$1,681.00 which moves funds from Medical Exams to Part-Time Senior Clerk to cover retroactive step increases as well as increased accruals in the department, **APPROVED**; adopted.

**FROM:**

Acct. #11520004-53010	\$1,681.00
Medical Exams	

**TO:**

Acct. # 11520002-50401	\$1,681.00
Part Time Senior Clerk	

ORDERED: That the Conservation Maintenance Funds transfer request in the amount of \$10,000.00 which moves funds from Undesignated to Conservation Trust fund as part of conditions of two special permits, **APPROVED**; adopted.

FROM:

Acct. #10000-35900 \$10,000.00  
Undesignated Funds

TO:

Acct. # 84500-48300 \$10,000.00  
Conservation Trust Fund

**Councilor Clancy abstained**

ORDERED: That the Acceptance of Gift to the Conservation Commission in the amount of \$1,400.00 from the Butler Family Foundation to be used to maintain the Felton Conservation Land on Elm St. for purposes as outlined in MGL, Chapter 44, Section 53A, **APPROVED**; adopted.

**Councilor Clancy abstained**

ORDERED: That the Bond for Design of the Easterly Wastewater Treatment Plant item 24 of the May 23, 2011 City Council agenda, Order No. 11-1002887, **MOVED TO ITEM 33 OF THE SAME AGENDA**; adopted.

ORDERED: That the Communication from Comptroller Tom Abel re: Disclosure Report for FY10 as required, **FILE**; adopted.

ORDERED: That the Application of Sergey Yeghiyan, d/b/a C.T.C. Gold & Diamond Refinery for Junk Dealer's license at 149 Main St., **TABLED UNTIL JUNE 6, 2011**; adopted.

ORDERED: That the Application of Best Buy Stores, LP for renewal of Junk Dealer's license at 769 Donald Lynch Blvd., **APPROVED**; adopted.

ORDERED: The Application of Tony Bitar, d/b/a Hannoush Jewelers, for renewal of Junk Dealer's license, at 601 Donald Lynch Blvd., **APPROVED**; adopted.

ORDERED: That the Petition from Massachusetts Electric Co. and Verizon New England, Inc. to install stub P. 17-34 and remove pole on Church St. **APPROVED**; adopted.

ORDERED: That the Communication from Attorney Norris re: Easement Agreement of Blum Property on Shorter St., **TABLED IN COMMITTEE TO LET THE ORDER EXPIRE WITHOUT ACTION AT THE END OF THIS LEGISLATIVE SESSION**; adopted.

ORDERED: That the application for Special Permit by Verizon Wireless to permit, construct and maintain a Wireless Communication Facility consisting of a 130' antenna-monopole-tower at 800 Bolton St. (Kane Self Storage) in proper legal form, **TABLED UNTIL JUNE 6, 2011**; adopted.

ORDERED: That the sum of \$3,458,000.00 (three million four hundred fifty eight thousand dollars) be and is hereby appropriated for sewer treatment plant construction.

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 \$3,458,000.00

Pursuant to the provisions of Chapter 44, Section 8 (15) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than thirty (30) years from its date of issue, **APPROVED** adopted.

**Yea: 11- Nay: 0**

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

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:10 p.m.



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK  
Lisa M. Thomas  
140 Main St.  
Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723  
JUNE 6, 2011**

Regular meeting of the City Council held on Monday, JUNE 6, 2011 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Vigeant, Pope, Levy, Delano, Ferro, Elder, Tunnera, Seymour, Clancy, and Landers. Absent: Ossing. Meeting adjourned at 10:40 PM.

**ORDERED:** That the minutes of the City Council Meeting, MAY 23, 2011, **TABLE UNTIL JUNE 20, 2011**; adopted.

**ORDERED:** That the PUBLIC HEARING On the Application for Special Permit US Wireless, LLC, to construct a Wireless Communications Facility consisting of 180' tall monopole tower with ancillary antennas and ground based telecommunications equipment at 402 Bolton St. (formerly known as 402 Hudson St.), Order No. 11-1002902, all were heard who wish to be heard, hearing recessed at 9:00 p.m.; adopted.

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

**ORDERED:** That the PUBLIC HEARING On the Application for Fuel Storage License, Finishmaster, at 272 Lincoln St., Order No. 11-1002903 all were heard who wish to be heard, hearing recessed at 9:03 p.m.; adopted.

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

MOTION made by Councilor Ferro to refer the \$5,000.00 transfer to Finance Committee – DOES NOT CARRY.

**ORDERED:** That the DPW transfer requests in the amounts of \$20,000.00 & \$5,000.00 which moves funds from F/P/C Equipment Operator to Water-Overtime Regular and from Streets Equipment Operator to Fleet Vehicle Repair & Maintenance respectively for purposes outlined on attached spreadsheet, **APPROVED**; adopted.

CITY OF MARLBOROUGH --BUDGET TRANSFERS--												
DEPT:		PUBLIC WORKS				FISCAL YEAR:		2011				
Available Balance		FROM ACCOUNT:				TO ACCOUNT:		Available Balance				
Amount	Org Code	Object	Account Description:			Amount	Org Code	Object	Account Description:			
\$65,971	\$20,000	14001503	50740	F/P/C Equipment Operator			\$20,000	61090003	51310	Water- Overtime -Regular		\$0
		Money available due to WC case						Anticipated funds needed for hydrant flushing program -2-week time frame remaining and emergency coverage for remaining fiscal year				
\$68,150	\$5,000	14001303	50740	Streets Equipment Operators			\$5,000	14001406	52560	Fleet Vehicle Repair & Maint.		\$51
		Money available due to WC case						Funds required to repair street sweepers (2)				

ORDERED: That the Fire Department transfer request in the amount of \$4,000.00 which moves funds from Holiday to Deputy Chief which is necessary to fund pay associated with the appointment of an acting chief, **APPROVED**; adopted.

FROM:

Acct. #12200003-51490 \$4,000.00

Holiday

TO:

Acct. # 12200001-50335 \$4,000.00

Deputy Chief

ORDERED: That the reappointment of Albert DeSimone as plumbing inspector for a three year term ending February 11, 2014, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE FOLLOWING DOCUMENTS RELATIVE TO THE CITY'S 2011 RE-PRECINCTING SHALL BE, AND HEREBY ARE, APPROVED:

1. Ward and Precinct Map (Final Draft), City of Marlborough, MA, 2011;
2. City of Marlborough Redistricting 2010 Population (by Ward and Precinct);
3. Ward Descriptions (Final Copy), and Ward and Precinct Descriptions (Final Copy); and
4. Marlborough 14 Precinct Plan-2010 Blocks.

**APPROVED**; adopted.

**Councilors Elder, Ferro and Levy requested to be recorded in opposition.**

ORDERED: That the City Council of the City of Marlborough hereby authorizes the Chief Procurement Officer to issue a Notice of Award to New Cingular Wireless PCS, LLC, a Delaware limited liability company, by and through its manager AT&T Mobility Corporation (collectively "AT&T"), and both being indirect, wholly-owned subsidiaries of AT&T Inc., in the amount of \$48,857.00 for the first year of the lease, increasing annually by three (3%) on each anniversary of the Rent Commencement Date, subject to the approval of the Director of Public Facilities and the approval of a Special Permit by the City Council, if applicable, pursuant to the applicable Articles and Sections of the Marlborough Zoning Ordinance; and it is **FURTHER ORDERED**: that the Mayor is hereby authorized to negotiate a lease with AT&T for its existing Facility at the Sligo Hill Water Tank site, located at 97 Arnold Street, Extension, Marlborough, MA 01752, shown on Assessors' Map 68, Parcel 80. Said municipal property has been declared available for disposition by City Council Order No. 96-6861A, **APPROVED**; adopted.

**ORDERED:** That the City Council of the City of Marlborough hereby authorizes the Chief Procurement Officer to issue a Notice of Award to Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless (collectively "Verizon Wireless"), in the amount of \$48,857.00 for the first year of the lease, increasing annually by three (3%) on each anniversary of the Rent Commencement Date, subject to the approval of the Director of Public Facilities and the approval of a Special Permit by the City Council, if applicable, pursuant to the applicable Articles and Sections of the Marlborough Zoning Ordinance; and it is **FURTHER ORDERED:** that the Mayor is hereby authorized to negotiate a lease with Verizon Wireless for its existing Facility at the Sligo Hill Water Tank site, located at 97 Arnold Street, Extension, Marlborough, MA 01752, shown on Assessors' Map 68, Parcel 80. Said municipal property has been declared available for disposition by City Council Order No. 96-6861A, **APPROVED;** adopted.

**ORDERED:** That the Roman Kimyagarov d/b/a Arthur & Sons Shoe Repair, for Junk Dealer's license at 107 Main St., refer to **PUBLIC SERVICES;** adopted.

**ORDERED:** That the Communication from Steve Morawski, Principal Environmental Representative re: Tennessee Gas Pipeline 2011 Vegetation Management Plan, **FILE;** adopted.

**ORDERED:** That the Minutes, Planning Board, April 25, 2011, **FILE;** adopted.

**ORDERED:** That the Minutes, Council on Aging, May 10, 2011, **FILE;** adopted.

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

A. Linda Zimmerman, 24 McNeil Circle, pothole or other road defect

B. Alexandra Demers, 118G Broadmeadow Rd., pothole or other road defect

Reports of Committees:

Councilor Ferro reported the following out of the Finance Committee:

**Order No. 11-1002914A- Transfer \$136,222.84 to Fund the Non-affiliated Employees and the Police Officer and MMEA Contracts.** The Finance Committee reviewed the Mayor's letter dated May 18, 2011 requesting the transfer of \$136,222.84 from surplus accounts to fund the following items:

- Police Officer contract - \$54,927 (supersedes Order #11-1002871)
- MMEA contract - \$45,251.98 (supersedes Order #11-1002885)
- Non-affiliated employees - \$36,043.86 (supersedes Order #11-1002886)

The Finance Committee voted 3 – 1 (Ossing opposed and Seymour abstained) to go into executive session. The Finance Committee reconvened and took the following actions:

- Police Officer contract - \$54,927 – Finance Committee voted 5 – 0 to approve
- MMEA contract - \$45,251.98 Councilor Seymour abstained. Initial vote to deny did not pass (2 in favor – Councilors Ferro and Delano and 2 opposed – Councilors Pope and Ossing). The Finance Committee then voted 3 in favor and 1 opposed (Councilor Ferro) to report the contract out to the full council with no recommendation.
- Non-affiliated employees - \$36,043.86 – Finance Committee voted 5 – 0 to approve

**Recommendation of the Finance Committee is to approve under Suspension of the Rules the Police Officer contract in the amount \$54,927.00 and Non-affiliated employees in the amount of \$36,043.86.**

**Order No. 11-1002799 – Transfer \$23,000 from Undesignated to Fund Senior Center Feasibility Study.** The Finance Committee reviewed the Mayor's letter dated January 20, 2011 requesting the transfer of \$23,000 from the Undesignated Fund to fund the Senior Center Feasibility Study. The Finance Committee reviewed the results of the May 2, 2011 Finance Committee meeting that recommended:

- Mayor to appoint a committee to review the existing plan and provide recommendations on the plan for a new senior center.
- Mayor to provide copies of the existing plan to the City Council and Senior Center.
- The Finance Committee tabled the order and will reconvene on June 13 to review the committee's findings.

**Recommendation of the Finance Committee is to table until the next Finance Committee meeting 4-0.**

**Order No. 11-1002818 – Memorial Beach Bond for \$1,000,000.** The Finance Committee reviewed the Mayor's letter dated February 8, 2011 requesting a \$1,000,000 bond for the design, permitting, renovation and rehabilitation of Memorial Beach. The Finance Committee was made aware that the City will be applying for \$500,000 reimbursement grant later in the year. The Finance Committee also discussed the possibility of using the remaining Revolving Fund accounts to offset the bond. The Finance Committee voted 3 – 1 (Councilor Ferro opposed and Councilor Seymour absent) to approve the bond. **Recommendation of the Finance Committee is to advertise Bond under Suspension of the Rules.**

**Suspension of Rules requested – granted**

**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, with the approval of the Mayor, approves expenditures in excess of available appropriation for snow and ice removal for fiscal year 2012, **APPROVED**; adopted.

**Suspension of Rules requested – granted**

ORDERED: That the following transfer requests in the amount of \$54,927.00 to fund the Police Officer Contract and \$36,043.86 to fund Non-affiliated employees from various surplus accounts, **APPROVED**; adopted.

TRANSFER REQUEST								
FROM ACCOUNT			TO ACCOUNT					
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP
								<b>Police</b>
\$ 121,896.36	\$ 54,627	61090001	50740	Water-Equipment Operators	\$ 39,040	12100001	50420	Police Officer
\$ 5,600.00	\$ 300	61090003	51440	Water-Educational Incentive	\$ 1,196	12100003	51342	Longevity
					\$ 781	12100003	51410	First Responder
	<b>total</b>				\$ 4,601	12100003	51440	Edu Incent
					\$ 1,164	12100003	51450	Night Shift
					\$ 2,632	12100003	51490	Holiday
					\$ 1,440	12100003	51920	Sick Leave
					\$ 489	12100003	50435	Specialist
					\$ 149	12100003	51370	OT Celebration
					\$ 199	12100003	51360	OT Training
					\$ 2,214	12100003	51310	OT Reg
					\$ 904	12100003	51320	OT Court
					\$ 117	12100003	51329	On Call
					\$ 54,927		<b>total</b>	

AVAILABLE BALANCE	FROM ACCOUNT				AMOUNT	To Account		
	AMOUNT	ORG CODE	OBJECT	ACCOUNT DISCRIP		AMOUNT	ORG CODE	OBJECT
\$24,748.50	\$2,873.00	15410001	50190	COA Director	\$ 1,148.43	11210001	50010	MAYOR
\$25,688.00	\$25,688.00	15410001	50391	COA-P/T Nurse	\$ 834.76	11210001	50321	EX AIDE
\$16,240.99	\$7,482.86	16100001	50230	Library Director	\$ 665.44	11210002	50590	EX SECY
					\$ 1,368.15	11330001	50015	COMPTROLLER
					\$ 1,089.19	11350001	50020	AUDITOR
					\$ 1,089.19	11410001	50160	ASSESSOR
					\$ 109.02	11410003	50177	CERTIFICATION
					\$ 1,089.20	11440001	50042	COLLECTOR
					\$ 1,564.30	11110003	50070	CITY COUNCILORS
					\$ 834.76	11110002	50350	CITY COU SECY
					\$ 40.95	11110003	51430	LONG
					\$ 31.51	11110003	51920	SICK LEAVE
					\$ 1,438.59	11510001	50030	SOLICITOR
					\$ 1,164.46	11510001	50172	ASST SOLICITOR
					\$ 887.21	11510001	50174	PROCURE. OFF.
					\$ 1,051.32	11520001	50530	PERS DIRECTOR
					\$ 716.05	11520001	50532	PER ASST.
					\$ 335.21	11520002	50401	PT SR CLK
					\$ 1,089.18	11610001	50050	CITY CLK
					\$ 810.56	11610002	50290	ASST CITY CLK
					\$ 24.62	11610003	51430	LONG
					\$ 30.58	11610003	51920	SICK LEAVE
					\$ 640.38	11920001	50291	DIRECTOR
					\$ 38.44	11920003	51430	LONG
					\$ 48.33	11920003	51920	SICK LEAVE
					\$ 1,475.01	12100001	50140	POLICE CHIEF
					\$ 92.20	12100003	51432	LONG
					\$ 119.77	12100003	51920	SICK LEAVE
					\$ 368.76	12100003	51440	EDUC
					\$ 36.89	12100003	51410	FIRST RESP
					\$ 1,365.26	12200001	50130	FIRE CHIEF
					\$ 70.22	12200003	51480	EMT
					\$ 168.53	12200003	51440	EDUC
					\$ 28.10	12200003	51226	FIRST RESP
					\$ 1,198.06	12410001	50090	BLDG INSP
					\$ 1,001.38	12410001	50109	ENVIR. OFFICER
					\$ 59.54	12410003	51430	LONG
					\$ 45.21	12410003	51920	SICK LEAVE
					\$ 1,611.30	14001001	50600	DPW COMM
					\$ 1,334.20	14001001	50630	ASST COMM
					\$ 144.51	14001003	51430	LONG
					\$ 111.17	14001003	51920	SICK LEAVE
					\$ 1,334.20	14001101	50640	ENGINEER
					\$ 925.39	14920001	50110	REC DIRECTOR
					\$ 947.58	15120001	50605	SAN/ADMIN
					\$ 182.99	15120001	50220	SEALER
					\$ 882.19	15120001	50390	NURSE
					\$ 44.04	15120003	51430	LONG
					\$ 33.29	15120003	51920	SICK LEAVE
					\$ 953.15	15270001	50595	HUM SER DIR
					\$ 645.66	15410001	50190	COA DIR
					\$ 696.38	15430001	50080	VET DIR
					\$ 719.41	16100001	50230	LIBRARY DIR
					\$ 667.67	16100001	50657	REF LIB
					\$ 641.99	16100003	51259	PT REF LIB
Dept Head signature: _____								
Dept Head signature: _____								
					<b>total</b>	<b>\$</b>	<b>36,043.86</b>	

**Suspension of Rules requested – granted**

ORDERED: That the DPW transfer requests as follows with explanations noted on the spreadsheet, **APPROVED**; adopted.

CITY OF MARLBOROUGH --BUDGET TRANSFERS --									
DEPT:		PUBLIC WORKS				FISCAL YEAR:		2011	
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$31,022	\$10,000	60080001	50580	Sewer- Assistant Chemist	\$10,000	61090006	54620	Water- Maintenance Trenches	\$2,015
				Funds available due resignation				Funds needed to repair trench areas resulting from emergency water main breaks and sewer blockages.	
\$31,022	\$5,000	60080001	50580	Sewer- Assistant Chemist	\$5,000	60080006	55660	Sewer- Pumping Station Maint.	\$307
				Funds available due resignation				Anticipated funds needed to repair and/or maintain pumping stations for remaining fiscal year.	
\$44,199	\$3,000	60080001	50630	Sewer- Assistant Commissioner	\$3,000	60085003	51310	WWTP Overtime - Regular	\$1,122
				Funds available due to retirement				Higher than expected use associated with plant upgrades.	
\$44,199	\$865	14001403	50745	Fleet- Motor Equipment Repairman	\$865	14001403	51940	Fleet- Clothing Allowance	\$200
				Funds available due to prior vacancy				New employee	
\$44,199	\$15,000	60080001	50630	Sewer- Assistant Commissioner	\$15,000	61090003	51310	Water- Overtime -Regular	\$12,590
				Funds available due to retirement				Anticipated funds needed for hydrant flushing program off hours ~5-week time frame and emergency coverage for remaining fiscal year	

**Suspension of Rules requested – granted**

ORDERED: That the Library transfer request in the amount of \$3,200.00 which moves funds from Library Director to part-time Reference Librarians to cover FY11 staff salaries for employees who worked in excess of budgeted hours, **APPROVED**; adopted.

FROM:

Acct. #116100001-50230 \$3,200.00  
Library Director

TO:

Acct. # 116100003-51259 \$3,200.00  
Part Time Reference Librarians

**Suspension of Rules requested – granted**

**ORDERED:** That the Green Communities Grant awarded to the City of Marlborough in the amount of \$217,125.00 from the Massachusetts Department of Energy Resources Green Communities Division to enable the City to make significant progress towards its energy and sustainability related goals to be uses for purposes outlined in MGL, Chapter 44, Section 53A, **APPROVED**; adopted.

**Suspension of Rules requested – granted**

**MOTION** made by Councilor Delano to approve \$30,000.00 – **DOES NOT CARRY**

**ORDERED:** That the CDA transfer request in the amount of \$60,000.00 from following accounts to Community Development Authority needed for Community Development Block Grant funding as the funding source is no longer available, **DENIED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS –									
DEPT: Various					FISCAL YEAR: 2011				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$10,000.00	\$10,000.00	11110005	55825	Council-Invstigative Services	\$60,000.00	89000	24995	Community Development	\$0.00
Reason: Services not needed during FY11					Partial funding for two existing CDA positlons				
\$43,238.18	\$40,000.00	11620002	50550	Elections - Head Clerk					
Reason: Unfilled position									
\$26,246.34	\$10,000.00	15430006	57710	Veterans Benefits					
Reason: Benefits running slightly less than anticipated									

**MOTION TO RECONSIDER CARRIES AND TO BE PLACED ON THE JUNE 20, 2011 AGENDA.**

**Suspension of Rules requested – granted**

**ORDERED:** That the Various Year End Inter-department transfers which are necessary to balance FY11 accounts as noted in the attached spreadsheets **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS –									
DEPT: Public Facilities					DATE: 15-May-11				
FROM ACCOUNT:					FY: 2011				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$31,074	\$25,000.00	11920003	52250	Heating oil	\$25,000.00	11920006	52120	Electricity	\$4,644
Reason: Conversion to natural gas					Electricity costs				
\$54,762	\$35,000.00	11920001	50292	Building Maintenance Craftsman	\$35,000	11920006	52120	Electricity	\$4,644
Reason: Vacant position					Electricity costs				
\$26,199	\$26,198.00	60080001	50630	Sewer-Assistant Commissioner	\$184,000	11920006	52120	Electricity	\$4,644
Reason: Unfilled position					Electricity costs				
\$69,863	\$69,863.00	60080001	50890	Sewer-Sr Chemist					
Reason: Unfilled position									
\$73,500	\$73,500.00	60080004	53110	Sewer-Legal Services					
Reason: Legal services to be addressed in FY12									
\$17,312	\$14,439.00	15410001	50190	COA-Director Elderly Affairs					
Reason: Funds available when position was unfilled									
total	\$244,000.00				total	\$244,000.00			

TRANSFER REQUEST									
FROM ACCOUNT					TO ACCOUNT				
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
				<b>BAN Other Interest</b>				<b>School Support &amp; Medicare</b>	
\$ 40,000.00	\$ 9,000.00	17520006	59253	Other Int	\$ 9,000.00	13100003	51753	Medicare School	\$ 73,172.00
	\$ 5,482.00				\$ 5,482.00	13100003	57406	Life Insurance	\$ 1,518.00
	\$ 5,000.00				\$ 5,000.00	11980006	51752	Medicare City	\$ 22,852.00
	\$ 19,482.00				\$ 19,482.00				

**Suspension of Rules requested – granted**

That the Various Year End Intra-department transfers which are necessary to balance FY11 accounts as noted in the attached spreadsheets, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:	Police			DATE:	16-May-11	FY:	2011		
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$25,509	\$8,000.00	12100003	51450	Night Shift Differential	\$8,000.00	12100003	51490	Holiday	\$18,719
	Reason:	Account will have surplus				Not enough in account to cover final holiday pay			
\$9,732	\$700.00	12100006	57380	Conference and Training	\$700	12100004	52820	Paging/Telephone	\$338
	Reason:	Able to utilize alternate sources for some funding				Increases in paging costs			
\$9,732	\$600.00	12100006	57380	Conference and Training	\$600.00	12100006	57340	Dues & Subscriptions	\$66
	Reason:	Same				Increased subscription costs - Westlaw			
\$9,732	\$1,500.00	12100006	57380	Conference and Training	\$1,500	12100006	52560	Vehicle Maintenance	\$2,535
	Reason:	Same				More repairs needed - some due to winter damage			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:	Inspectional Services 2410			FISCAL YEAR:	11				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$1,584	\$38.00	12410004	53180	Professional & Technical	\$38.00	12410002	50770	Senior Clerks	\$17,754
	Reason:	Savings realized on technical supply purchases				Coverage for remainder of year (Calculation error)			
\$1,584	\$186.00	12410002	51050	Professional & Technical	\$186	12410004	53180	Board Secretary	\$110
	Reason:	Savings realized on technical supply purchases				Coverage remainder of Planning Board and Zoning Board meeting			
\$1,584	\$60.00	12410002	51050	Professional & Technical	\$60	1241003	51185	Fence Viewers	\$28
	Reason:	Savings realized on technical supply purchases				Payment for pending decisions			
	Reason:								

CITY OF MARLBOROUGH BUDGET TRANSFERS										
DEPT: FIRE					FISCAL YEAR: FY11					
Available Balance	FROM ACCOUNT:				TO ACCOUNT:				Available Balance	
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		
\$48,087.53	\$2,500.00	12200003	51490	HOLIDAY	\$2,500.00	12200001	50335	DEPUTY CHIEF	\$38,630.19	
	Reason:	Excess due to 1 resignation & 1 retirement				More needed for Acting Chief pay when Chief is on vacation				
\$48,087.53	\$3,500.00	12200003	51490	HOLIDAY	\$3,500.00	12200001	50450	FIREFIGHTER	\$413,156.95	
	Reason:	Excess due to 1 resignation & 1 retirement				Had a Lieutenant on injury leave causing additional out of grade pay				
\$5,546.37	\$1,266.71	12200003	51226	FIRST RESPONDER	\$1,266.71	12200003	51430	LONGEVITY	\$7,866.72	
	Reason:	Excess due to 1 resignation & 1 retirement				3 employees became eligible 5/7/11				
\$48,087.53	\$15.69	12200003	51450	HOLIDAY	\$15.69	12200003	51430	LONGEVITY	\$7,866.72	
	Reason:	Excess due to 1 resignation & 1 retirement				3 employees became eligible 5/7/11				
	Reason:									

CITY OF MARLBOROUGH BUDGET TRANSFERS										
DEPT: FIRE					FISCAL YEAR: FY11					
Available Balance	FROM ACCOUNT:				TO ACCOUNT:				Available Balance	
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		
\$48,087.53	\$3,669.20	12200003	51490	HOLIDAY	\$3,669.20	12200003	51300	OVERTIME	\$33,329.41	
	Reason:	Excess due to 1 resignation & 1 retirement				Funds needed to complete FY11 based on average				
\$17,586.55	\$4,647.75	12200003	51480	EMT	\$4,647.75	12200003	51300	OVERTIME	\$33,329.41	
	Reason:	Less than expected personnel took EMT class				Funds needed to complete FY11 based on average				
\$29,243.50	\$5,000.00	12200003	51440	EDUCATIONAL	\$5,000.00	12200003	51300	OVERTIME	\$33,329.41	
	Reason:	Less than expected personnel took college courses				Funds needed to complete FY11 based on average				
\$7,782.40	\$1,683.05	12200003	51450	NIGHT SHIFT	\$1,683.05	12200003	51300	OVERTIME	\$33,329.41	
	Reason:	The amount varies depending on unscheduled leave this varies night shifts worked				Funds needed to complete FY11 based on average				

CITY OF MARLBOROUGH --BUDGET TRANSFERS --									
DEPT:		PUBLIC WORKS				FISCAL YEAR:		2011	
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$600	\$100	14001403	51440	Fleet- Educational Incentive	\$100	14001403	51470	Fleet- Interim Foreman	\$283
Funds available funds due to retirement.					Funds needed for contractual coverage for the remainder to the fiscal year.				
\$23,021	\$5,000	14001406	54830	Fleet- Fuel & Lubricants	\$5,000	14001406	54810	Fleet- Repair/Maintenance	\$564
Funds available due to reduced fuel prices earlier this year.					Anticipated funds needed to repair and maintain vehicles for remainder of fiscal year.				
\$13,852	\$13,852	60086006	52925	Solid Waste & Sludge Removal Curbside Recycling	\$13,852	60086006	52920	Solid Waste & Sludge Removal Rubbish Collection	\$0
Funds available due contract extension revised pricing.					Anticipated funds required based on contract extension pricing and fuel adjustments.				
\$26,198	\$5,000	60080001	50630	Sewer Assistant Commissioner	\$5,000	60080003	51380	Sewer- O. T -Water/Sewer Police	\$0
Funds available due to retirement.					Anticipated funds needed for emergency details for the remainder of the fiscal year				
\$24,868	\$10,000	60081006	55950	East Wastewater Plant- East WWTP	\$10,000	60080006	55660	Sewer Pumping Station	\$257
Funds available due to price decrease in Alum.					Funds needed to rebuild and/or replace pumps at the Matheson Drive & Hosmer Street sewer pumping stations.				

TRANSFER REQUEST									
		FROM ACCOUNT				TO ACCOUNT			
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
Comptroller & Sewer					Comptroller & Sewer				
\$ 24,400.00	\$ 5,000.00	11330006	57850	Bond Exp	\$ 5,000.00	11330006	53460	Postage	\$ 13,311.00
\$ 20,000.00	\$ 5,000.00	60019904	53110	Legal Services	\$ 5,000.00	60019906	53460	Postage	\$ 4,317.00
\$ 20,000.00	\$ 4,500.00	60019904	53110	Legal Services	\$ 4,500.00	60019904	53080	Audit Services	\$ -

Reason: To fund postage required to mail bills and additional audit service charges

**Suspension of Rules requested – granted**

**ORDERED:** That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does hereby authorize a revolving fund during fiscal year 2012 for park and recreational facility maintenance and improvement purposes to be administered through the Department of Public Works. It is further ordered that:

(a) departmental receipts credited to the fund, unless otherwise directed by the General Laws, shall be limited to: 1) payments, fees and/or rental income due the City from owners of antennae and related telecommunications equipment located or co-located at the wireless communications facility situated on property under the care, custody, management and control of the Department of Public Works at the Easterly Wastewater Treatment Plant at 860 Boston Post Road in Marlborough or any land adjacent thereto; and 2) lease payments and fees due the City from owners of antennae and related telecommunications equipment located on Fairmount Hill; and

(b) that expenditures from said fund shall be limited to the maintenance and improvement of municipal parks and municipal recreational facilities; and

(c) that the Commissioner of Public Works shall be the only officer authorized to approve expenditures from the fund; and

(d) that no more than one hundred thousand dollars shall be expended during fiscal year 2012, unless otherwise authorized by the City Council and Mayor; and

(e) the Commissioner of Public Works shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and

(f) that no provisions of this order shall be changed unless approved by the Mayor and City Council.

**APPROVED;** adopted.

**Suspension of Rules requested – granted**

**ORDERED:** That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2012, re-authorize the revolving fund utilized by the Public Facilities Department. It is further ordered that:

(a) departmental receipts credited to the fund shall be limited to lease payments and fees due the City from owners of antennae and related telecommunications equipment on property that is maintained by, or assigned or transferred to be maintained by, the Public Facilities Department, unless otherwise directed by the General Laws; and

(b) that expenditures from said fund shall be limited to the maintenance and related expenses for Sligo Hill and Stevens Park; and

(c) that the Director of Public Facilities shall be the only officer authorized to approve expenditures from the same; and

(d) that no more than one hundred thousand dollars shall be expended during Fiscal Year 2012, unless otherwise authorized by the City Council and Mayor; and

(e) that the Director of Public Facilities shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and

(f) that no provisions of this order shall be changed unless approved by the Mayor and City Council.

**APPROVED;** adopted.

**Suspension of Rules requested – granted**

**ORDERED:** That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2012, re-authorize a revolving fund to be utilized by the Mayor. It is further ordered that:

(a) receipts credited to the fund shall be limited to an emergency dispatch fee due the City pursuant to its contract with Patriot Ambulance, unless otherwise directed by the General Laws; and

(b) that expenditures from said fund shall be limited to public safety training; and

(c) that the Mayor shall be the only officer authorized to approve expenditures from the same; and

(d) that no more than forty-five thousand dollars shall be expended during Fiscal Year 2012, unless otherwise authorized by the City Council and Mayor; and

(e) that the Mayor shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and

(f) that no provisions of this order shall be changed unless approved by the Mayor and City Council.

**APPROVED;** adopted.

**Suspension of Rules requested – granted**

**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, **ADVERTISED**; adopted.

**ORDERED:** That item 18, Special Permit by Verizon Wireless in proper legal form, be moved after Reports of Committees, **APPROVED**; adopted.

**NOTICE OF DECISION  
DENIAL OF SPECIAL PERMIT**

In City Council  
Order No. 10/11-1002623J

Application of:

Bell Atlantic Mobile of Massachusetts Corporation, Ltd. and Cellco Partnership, d/b/a Verizon Wireless  
400 Friberg Parkway  
Westborough, MA 01581

Locus:

Kane Self Storage Facility  
800 Bolton Street  
Marlborough, MA  
(Marlborough Assessors Map 16, Parcel 6)

**DECISION**

The City Council of the City of Marlborough, by a vote of seven to three (with one absent) in favor of approval, **DENIES** a Special Permit to Bell Atlantic Mobile of Massachusetts Corporation, Ltd. and Cellco Partnership, d/b/a Verizon Wireless, 400 Friberg Parkway, Westborough, MA 01581 ("Verizon Wireless"), to permit, construct, operate and maintain, at the above Locus, a wireless communication facility consisting of a 120-foot antenna monopole-type tower, which would support the antenna/cable equipment of Verizon Wireless and up to four other wireless carriers, along with a fenced compound area enclosing a 12' x 8' generator room, a 12' x 22' equipment room, a storage shed, and future equipment areas for the other wireless carriers. Verizon Wireless failed to carry its burden under the Telecommunications Act of 1996 of developing a record demonstrating that it had made a full effort to evaluate all other available alternative sites, including the City of Marlborough's site located at 402 Bolton Street f/k/a 402 Hudson Street, and further, that the available alternative sites were not technically feasible for Verizon Wireless' purpose of closing the gap in coverage between Verizon Wireless' site at Sligo Hill in Marlborough and its site at or near Route 62 in Hudson.

**Yea: 7 – Nay: 3 – Absent: 1**

**Yea: Clancy, Landers, Pope, Levy, Elder, Tunnera & Seymour**

**Nay: Delano, Ferro, Vigeant**

**Absent: Ossing**

**ORDERED:** That the City Council review the methods, rules and regulations, systems, and practices regarding the communication of city departments and city employees with the residents and businesses of Marlborough, and to recommend changes if necessary. The review shall include notifications to and from the public regarding emergencies such as power outages, and sewer, water and road problems, outages or emergencies, weather related issues or other natural disasters, flooding, routine road and other miscellaneous repair projects which may affect traffic or otherwise inconvenience residents and businesses, and any other timely information of necessity or interest to the general public.

Included in the review shall be the reverse 911 system, the city website, road signage and traffic control at repair sites, and any other systems or practices which play a role in such communications, and those systems or practices which are not being utilized and may be beneficial to the proper and convenient two-way communication with the public, refer to **PUBLIC SAFETY COMMITTEE**; adopted.

**ORDERED:** That the Marlborough City Council meet with appropriate city officials, including the Mayor and the Community Development Authority, to consider an audit of existing Comprehensive Permit Projects for excess profits. Such audit shall assess the likelihood of recovering excess profits and provide an evaluation of certified cost and income statements and an evaluation of the project, and an estimated cost for future action and the likelihood of success, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

**ORDERED:** That the application of Sergey Yeghiyan, d/b/a C.T.C. Gold & Diamond Refinery for Junk Dealer's license at 149 Main St, **APPROVED**; adopted.

At President Vigeant's request to recess at 10:20 PM and returned to open meeting at 10:29 PM, **APPROVED**; adopted.

At President Vigeant's request to recess at 10:35 PM and returned to open meeting at 10:40 PM, **APPROVED**; adopted.

**MOTION** made by Councilor Clancy to Suspend the Rules to reconsider item #18, Special Permit by Verizon Wireless vote to place on the JUNE 20, 2011 agenda – **DOES NOT CARRY**

**ORDERED:** There being no further business, the regular meeting of the City Council is herewith adjourned at 10:40 p.m.



# IN CITY COUNCIL

Marlborough, Mass., MAY 23, 2011

## ORDERED:

That there being no objection thereto set **MONDAY, JUNE 20, 2011** as date for a **PUBLIC HEARING** on the Application for Special Permit from St. Mary's of French Hill Development LLC to modify an existing Special Permit (Order No. 07-1001500C) to allow rental of all proposed condominium units until first sale of each unit at 26 Broad St., be and is herewith refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER NO. 11-1002922  
X-07-1001500C



# IN CITY COUNCIL

MAY 23, 2011

Marlborough, Mass., \_\_\_\_\_

## ORDERED:

That there being no objection thereto set **MONDAY, JUNE 20, 2011** as date for a **PUBLIC HEARING** on the Application for Special Permit from 110 Pleasant LLC to modify an existing Special Permit (Order No. 10-1002683B) to allow rental of all proposed condominium units until first sale of each unit at 110-118 Pleasant St., be and is herewith refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER NO. 11-1002923  
X-10-1002683B



*City of Marlborough*  
*Office of the Mayor*

*Nancy E. Stevens*  
MAYOR

*Krista J. Holmi*  
EXECUTIVE AIDE

*Katherine M. LaRose*  
EXECUTIVE SECRETARY

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

June 15, 2011

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

RE: Transfer Request –IT

Honorable President Vigeant and Councilors:

I am submitting for your approval the following transfer request from the Information Technology (IT) Department:

Transfer in the amount of \$350,000.00 moving funds from account number 10000-35900 (Undesignated) to account number 19300006-58618 (IS Equipment).

As you are aware, the IT Department has a five-year capital plan. This transfer request is the planned capital appropriation for Fiscal Year 2012.

For your review, I have attached the IT equipment list provided by IT Director Mark Gibbs. If you have any questions with regard to these items prior to the meeting on Monday, don't hesitate to contact Mr. Gibbs or me. We will also be present to address any of your questions at the City Council meeting on June 20<sup>th</sup>.

Within the school department, upgrades are typically done during the summer months while the students are out of the buildings. Since June 30<sup>th</sup> is the last day to make expenditures from the undesignated fund until recertification in December, I respectfully request your authorization tonight. Your authorization this evening will allow the necessary upgrades to begin immediately.

Sincerely,

Nancy E. Stevens  
Mayor

TRANSFER REQUEST

DEPT: IT

FISCAL YEAR: 2012

Available Balance	Amount	FROM ACCOUNT:			Amount	TO ACCOUNT:			Available Balance
		Org Code	Object	Account Description:		Org Code	Object	Account Description:	
<u>\$1,421,278</u>	<u>\$350,000.00</u>	<u>10000</u>	<u>-</u>	<u>35900</u>	<u>\$350,000.00</u>	<u>19300006</u>	<u>-</u>	<u>58618</u>	<u>\$1,253</u>
	Reason:	PC replacement for both City & School for FY12							



*Information Technology Department*

City of Marlborough & Marlborough Public Schools

MARK GIBBS – IT DIRECTOR  
140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL. (508) 460-3763 / FACSIMILE (508) 481-6058

[mgibbs@marlborough-ma.gov](mailto:mgibbs@marlborough-ma.gov)



Mayor Nancy Stevens,

As the City is not considering capital requests until after the abbreviated summer session, I am respectfully requesting a transfer of \$350,000 from undesignated accounts, to cover the expected costs of computer and capital equipment purchases for the coming fiscal year.

Equipment rollouts of this nature require a significant amount of time and preparation by my staff and the summer break presents us with a satisfactory timeframe with which to accomplish this, and other capital equipment related tasks.

Thank You,

Mark Gibbs

# Marlborough City & Schools IT 5 Year Capital Plan

Capital Plan to Replace  
Computer Hardware  
Over a 4-Year Period

Equipment Descriptions

Units

Total Yearly Costs

Total Cost 5 Years

## Year 2012 Capital Budget Numbers

SCHOOL	CAPITAL TECHNOLOGY	# Machines	CAPITAL FUNDS	OTHER
City	Replace end user machines	60	60,000	
Library	Replace Machines	10	10,000	
City Wide	Network Upgrades		0	
	Replace Switches & Wireless Equipment cycle	10	60,000	
	Replace Servers	3	30,000	
Jaworek School	Replace end user machines - Classrooms	0		
	Replace Teacher Machines	0		
	Lab Upgrade	0		
	Student PC's	0		
Kane School	Replace end user machines - Classrooms	0		
	Replace Teacher Machines	60	60,000	
	Lab Upgrade	0		
	Student PC's	0		
Richer School	Replace end user machines - Classrooms	0		
	Replace Teacher Machines	60	60,000	
	Lab Upgrade	0		
	Student PC's	0		
4-7 School	Replace end user machines - Classrooms	0		
	Replace Teacher Machines	0		
	Lab Upgrade	0		

	<b>Student PC's</b>
<b>High School</b>	<b>Replace end user machines - Classrooms</b> <b>Replace Teacher Machines</b> <b>Lab Upgrades Art/Music</b> <b>Student PC's</b>
<b>DEC</b>	<b>Replace end user machines - Desktops</b> <b>ECC Classrooms</b>
<b>ALL Administration</b>	<b>Replace Laptops</b>
	<b>TOTAL</b>

0	
0	
0	
20	30,000
0	
20	40,000
243	350,000



*City of Marlborough*  
*Office of the Mayor*

2011 JUN 16 P 3 18

140 Main Street  
Marlborough, Massachusetts 01752  
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*Nancy E. Stevens*  
MAYOR

*Krista J. Holmi*  
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EXECUTIVE SECRETARY

June 14, 2011

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

RE: Transfer Request City Clerk

Honorable President Vigeant and Councilors:

I am submitting for your approval a transfer in the total amount of \$14,112.00 from account number 1000-35900 (Undesignated Funds) to the following accounts:

Transfer in the amount of \$12,631.00 to account number 11610002-50770 (Senior Clerk).

Transfer in the amount of \$1,481.00 to account number 1161003-51920 (Sick Leave Buy Back).

The transfer is necessary to fund expenses associated with an employee's retirement.

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

Sincerely,

Nancy E. Stevens  
Mayor

Enclosure

TRANSFER REQUEST

DEPT: City Clerk

FISCAL YEAR: 2012

Available Balance	FROM ACCOUNT:				TO ACCOUNT:				Available Balance		
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:			
<u>\$1,421,278</u>	<u>\$14,112.00</u>	<u>10000</u>	<u>-</u>	<u>35900</u>	<u>Undesignated Funds</u>	<u>\$12,631.00</u>	<u>11610002</u>	<u>-</u>	<u>50770</u>	<u>Senior Clerk</u>	<u>\$38,908</u>
	Reason:	Vacation time and sick leave buy back owed to a retiring employee				<u>\$1,481.00</u>	<u>11610003</u>	<u>-</u>	<u>51920</u>	<u>Sick Leave Buy Back</u>	<u>\$3,617</u>



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*Nancy E. Stevens*  
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*Katherine M. LaRose*  
EXECUTIVE SECRETARY

June 15, 2011

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

RE: Fire Transfer Request

Honorable President Vigeant and Councilors:

I am submitting for your approval the following transfer request:

Transfer in the amount of \$1991.00 moving funds from account number 1000-35900 (Undesignated) to account number 12200001-50335 (Deputy Chief).

The transfer is necessary to fund additional pay associated with the appointment of an acting chief. 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

Enclosure

TRANSFER REQUEST

DEPT: Fire

FISCAL YEAR: 2012

		FROM ACCOUNT:			TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$1,421,278</u>	<u>\$1,991.00</u>	<u>10000</u>	<u>- 35900</u>	<u>Undesignated Funds</u>	<u>\$1,991.00</u>	<u>12200001</u>	<u>- 50335</u>	<u>Deputy Chief</u>	<u>\$303,178</u>
	Reason:	21 days of additonal funding needed to cover Acting Chief pay for FY12							



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EXECUTIVE SECRETARY

June 14, 2011

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

RE: Easterly Wastewater Treatment Plant Bond Authorization

Honorable President Vigeant and Councilors:

As you are aware, the City of Marlborough is in the process of designing the upgrades to the Easterly Wastewater Treatment Plant. As in the case of the West Plant upgrades, the City's East Plant project has been approved for construction funding under the State Revolving Fund (SRF), and it appears as an eligible project on the Massachusetts Department of Environmental Protection's (MassDEP) Intended Use Plan (IUP). This program will allow Marlborough to borrow funds at a priority funding interest rate of 2% for a 20 year period with total interest payments of \$11,911,200. This compares to a projected market rate of 4.5%, or \$26,800,200 in total interest payments, for an estimated savings in interest payments over the term of the loan of \$14,889,000.

To be considered for funding priority, communities must have appropriated the necessary local project funds by August 31<sup>st</sup>, 2011 (deadline extended beyond June 30). Also, complete applications must be submitted to MassDEP no later than October 15, 2011. I am submitting for your review and approval a loan authorization for \$56,720,000 for the upgrades to the East Plant. This amount is based on the most recent estimate of costs from our design consultants (\$60,000,000), less the amount of money recently approved for CDM's final design, (\$3,530,000) plus the estimated cost of OPM services during construction (\$250,000).

To ensure the City's eligibility for priority funding, I recommend that the bond be advertised concurrently with your deliberations. For your review, I have attached a copy of the Intended Use Plan distributed by the MassDEP.

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

Sincerely,

Nancy E. Stevens  
Mayor



CITY OF MARLBOROUGH

## IN CITY COUNCIL

Marlborough, MA June 20, 2011

ORDERED:

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



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

DEWOLF PATRICK  
Governor

TIMOTHY P. MURRAY  
Lieutenant Governor

RICHARD M. SULLIVAN JR.  
Secretary

KENNETH L. KIMMEL  
Commissioner

# BUREAU OF RESOURCE PROTECTION

## State Revolving Fund Loan Program For Clean Water Projects

### Final CY 2011 Intended Use Plan And Project Priority List

April 20, 2011



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

DEWALD PATRICK  
Governor

TIMOTHY P. MURPHY  
Lieutenant Governor

RICHARD K. SULLIVAN JR.  
Secretary

KENNETH L. KIMMELL  
Commissioner

April 20, 2011

To All Interested Parties:

On behalf of the Patrick Administration, I am pleased to present the 2011 Intended Use Plan (IUP), which details the projects, borrowers and amounts that will be financed through the Clean Water State Revolving Fund (CWSRF) program. The CWSRF is a joint federal-state financing program that provides subsidized interest loans to wastewater systems for water pollution abatement projects. As noted in Table 1, Massachusetts is offering approximately \$300 million to finance clean water projects across the Commonwealth. Approximately \$268.6 million will fund 31 new projects and an additional \$19.7 million will be allocated funding for previously approved multi-year projects. An additional \$11.7 million will fund planning projects and an emergency set-aside account. The Project Priority List (PPL) of the Final IUP is presented in Table 2.

In 2010 Congress compelled states to distribute a share of the CWSRF grant as additional subsidy. A similar requirement is expected for 2011 federal grant. MassDEP is expecting the 2011 federal grant to be approximately \$69M. Massachusetts will easily exceed the federal additional subsidy requirement for 2011 by directing over \$99M in additional subsidy to projects in Environmental Justice Communities of low income, and 53M to projects that contain renewable energy components. The funds will be distributed in a pro-rated share to all of the proponents meeting either or both criteria and who execute a construction contract on or before April 1, 2012.

Although the Department plans to move forward with the Intended Use Plan described herein, it fully recognizes that the federal budget for 2011 has not yet been finalized. Therefore the amount of federal money Massachusetts ultimately receives from the U.S. EPA for its SRF Clean Water Program may change. If Massachusetts ultimately receives less than the expected \$69M federal funds expected, the Department may be forced to reduce the number of IUP projects scheduled to receive funds. If this comes to be, projects receiving the lowest ranked scores may have their funding reduced or eliminated.

The investment in clean water infrastructure is expected to be a boost to the engineering and construction industries in Massachusetts. The principal forgiveness is intended to catalyze action on infrastructure improvements, even during these difficult budget times. The wide availability of contractors and engineers, and an abundant supply of materials have created a

favorable bidding environment for project owners. The addition of the principal forgiveness to the SRF Borrowers makes this an ideal time to pursue these infrastructure projects.

In the upcoming weeks, the Division of Municipal Services and the Water Pollution Abatement Trust (the Trust) will conduct joint meetings with IUP-listed proponents to detail the next steps in the SRF process. Since SRF project financing requires coordination between engineering and financing professionals, participation of both in the sessions is strongly recommended. Details of the "Borrowers Meetings" will arrive under separate cover.

MassDEP appreciates the efforts that proponents invested in the development of applications. We know that significant effort goes into every application, and appreciate your efforts to enhance and protect the quality of waters of the Commonwealth.

Sincerely,

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

Steve McCurdy, Director  
MassDEP Municipal Services

**TABLE 1  
CLEAN WATER STATE REVOLVING FUND  
Calendar Year 2011 CWSRF Intended Use Plan**

**NEW PROJECTS**

Rating	Applicant	SRF ID	Project	Project Cost	2011 IUP Cost
155	LOWELL REGIONAL WASTEWATER UTILITY #	3507	Phase 1A LTCP Implementation	\$32,000,000	\$12,000,000
139	FALL RIVER (EJ)	3610	CSO Program	\$25,000,000	\$7,000,000
137	NEW BEDFORD (EJ)(RE)#	3609	CSO Program	\$161,500,000	\$8,000,000
132	GLSD (EJ)#	3492	WWTP improvements	\$4,750,000	\$4,750,000
129	GLSD (EJ)	3491	New Force Main for Riverside PS	\$13,640,000	\$13,640,000
128	TAUNTON (EJ)	3580	Phases 8 - 9 SSES and Pump Station Upgrades	\$10,000,000	\$6,000,000
127	SAUGUS	3493	Sewer System Rehabilitation	\$5,073,000	\$5,073,000
123	BILLERICA #	3540	Sewer Extension 34B & Pump Station Improvements	\$14,663,000	\$14,663,000
122	MWRA	3541	CSO Phase 12	\$679,265,000	\$22,000,000
121	CHICOPEE (EJ)#	3545	WPCF and Pump Station Upgrade	\$1,159,000	\$1,159,000
119	REVERE (EJ)#	3518	SSES Phase 2 Construction	\$6,750,000	\$6,750,000
112	LOWELL REGIONAL WASTEWATER UTILITY #	3523	Phase1C WWTF and coll System CIP Imple.	\$13,000,000	\$13,000,000
107	BARNSTABLE (EJ)	3581	Sewer Extensions	\$74,359,000	\$10,000,000
106	MARLBOROUGH (EJ)(RE)#	3569	Marlborough Easterly WWTP Upgrades	\$61,000,000	\$20,000,000
106	GROTON #	3600	Sewer Extension	\$17,800,000	\$10,000,000
104	NORWOOD	3615	Hawes Brook Area Rehabilitation	\$2,175,000	\$2,175,000
102	ATTLEBORO #	3583	WPCF Upgrades	\$41,300,000	\$20,000,000
97	SHREWSBURY (RE)#	3567	Lake Street Water Reclamation Facility	\$10,000,000	\$10,000,000
96	BILLERICA #	3539	WWTF CIP - Phase 1	\$7,510,000	\$7,510,000
92	SHREWSBURY	3599	Sewer Interceptor and Pump Station Rehabilitation	\$7,885,000	\$7,885,000
92	YARMOUTH (EJ)(RE)#	3584	Phase I - Wastewater Improvements Program	\$55,000,000	\$15,000,000
91	NORTH READING	3536	Wastewater Collection & Treatment System	\$48,433,000	\$10,000,000
89	FRAMINGHAM (EJ)#	3511	Pump Station Replacements	\$6,870,000	\$6,870,000
88	ACTON	3619	Sewer Extension	\$3,455,000	\$3,455,000
88	NANTUCKET	3579	II Rehab Phase II-B	\$5,000,000	\$5,000,000
87	EASTON #	3596	WWTP and Collection System	\$4,819,000	\$4,819,000
87	PLAINVILLE	3582	Sewer Expansion Phase I and II	\$12,101,000	\$7,711,000
84	PEMBROKE #	3592	Landfill Closure	\$2,214,000	\$2,214,000
80	SUDBURY	3487	WWTP Route 20 Business District	\$13,800,000	\$5,000,000

78 NORTHBOROUGH	3555 Sunset Dr. and Milk Porridge Cir. Sewer Extensions	\$1,910,000	\$1,910,000
78 KINGSTON	3593 WWTP Upgrade	\$12,500,000	\$5,000,000
<b>TOTAL OF NEW PROJECTS</b>		<b>\$1,354,931,000</b>	<b>\$268,584,000</b>

(Count: 31)

(Average Rating: 106.32)

(EJ) - Environmental Justice Communities

(RE) - Potential Renewable Energy Projects

# - Projects contains Energy Efficiency, Renewable Energy, and/or meets EPA's definition of a Green Project  
 (<http://water.epa.gov/aboutow/eparecovery/index.cfm>)

**MULTI-YEAR CARRYOVER AND STATUTORY PROJECTS**

Applicant	SRF ID	Project	Project Cost	2011 IUP Cost
MWRA	1762	Plant Optimization/Ancillary Modifications	\$26,657,515	\$300,000
MWRA	2870	Electrical Upgrades	\$28,751,850	\$3,000,000
MWRA	2885	Wastewater Treatment Plant and Sewer Improvements	\$29,480,968	\$1,700,000
MWRA	3134	Deer Island Treatment Plant Improvements	\$70,664,500	\$13,000,000
SOUTHBRIDGE (EJ)	3100	Brownfields Redevelopment	\$3,146,166	\$1,700,000
<b>TOTAL OF MULTI-YEAR CARRYOVER AND STATUTORY PROJECTS</b>			<b>\$158,700,999</b>	<b>\$19,700,000</b>

(Count: 5)

**MassDEP PRIORITY PROJECTS**

Applicant	SRF ID	Project	Project Cost	2011 IUP Cost
EMERGENCY SRF SET-A-SIDE	2977		\$2,000,000	\$2,000,000
<b>TOTAL OF MassDEP PRIORITY PROJECTS</b>			<b>\$2,000,000</b>	<b>\$2,000,000</b>

(Count: 1)

**PLANNING PROJECTS**

Applicant	SRF ID	Project	Project Cost	2011 IUP Cost
ANDOVER	3496	Ledge Road Landfill Closure Planning	\$550,000	\$550,000
BILLERICA	3517	Sewer Modeling and SSO Abatement Plan	\$400,000	\$400,000
BOURNE (EJ)	3562	CWMP and Nutrient Management Plan	\$350,000	\$350,000
BOURNE (EJ)	3561	Stormwater Management Plan	\$300,000	\$300,000
CANTON	3577	Stormwater Management Plan	\$491,000	\$491,000
CLINTON	3597	Stormwater Management Plan	\$285,000	\$285,000
DARTMOUTH (EJ)	3560	I/I and SSES	\$450,000	\$450,000
HADLEY	3546	Stormwater Management Plan	\$220,000	\$220,000
LEOMINSTER (EJ)	3566	Stormwater Management Plan	\$585,000	\$585,000
LEXINGTON	3501	Stormwater Management Plan	\$687,500	\$687,500
MARLBOROUGH (EJ)	3616	I/I and SSES	\$500,000	\$500,000
MASHPEE	3591	GW Demonstration Project	\$190,000	\$190,000
MEDWAY	3598	IWRMP	\$500,000	\$500,000
NORTH ANDOVER	3537	I/I Investigations	\$288,500	\$288,500
NORWOOD	3578	SSES/CMOM/Stormwater Planning	\$500,000	\$500,000
QUINCY (EJ)	3533	I/I Investigations	\$156,000	\$156,000
REVERE (EJ)	3513	SSES Phase 3 and SWSMP	\$1,500,000	\$1,500,000

RUTLAND	3565 CWMP	\$350,000	\$350,000
SALEM (EJ)	3524 Storm Water Management Plan	\$435,000	\$435,000
SHERBORN	3497 Stormwater Management Plan	\$400,000	\$400,000
WEBSTER (EJ)	3611 Storm Water Management Plan	\$575,000	\$575,000

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<b>TOTAL OF PLANNING PROJECTS</b>		<b>\$9,713,000</b>	<b>\$9,713,000</b>
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(Count: 21)

	<b>TOTAL OF INTENDED USE PLAN</b>	<b>\$1,525,344,999</b>	<b>\$299,997,000</b>
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**Bureau of Resource Protection  
Clean Water State Revolving Fund Loan Program  
Calendar Year 2011 Intended Use Plan and Project Priority List**

***Introduction***

The Federal Water Quality Act of 1987 phased out the EPA Construction Grants Program and replaced it with a program of capitalization grants to the States to create Clean Water State Revolving Fund (CWSRF) programs. These programs provide state-administered below market rate financing for the construction of publicly owned water pollution abatement facilities. Under the CWSRF program, States are required to match the federal capitalization grant to create the loan fund. Projects to be financed are selected using a priority ranking system based upon the public health and environmental protection benefits of the proposed projects.

Pursuant to the applicable provisions of the Federal Water Pollution Control Act of 1972, as amended, Chapter 21 of the General Laws, and 310 CMR 44.00, the Massachusetts Department of Environmental Protection (MassDEP) has developed its 2011 Calendar Year Intended Use Plan/Project Priority Lists (IUP/PPL), with its attendant ranking of water pollution abatement projects. In order for a project to receive financial assistance under the State Revolving Loan Fund program, that project must appear on the Project Priority List and the Intended Use Plan Project Listing.

Notice of availability of the Draft 2011 Calendar Year IUP/PPL was made on January 21, 2011, and a Public Hearing was held on February 23, 2011 at the offices of MassDEP at One Winter Street in Boston at 11:00 A.M. Written public comments were accepted until 5:00 P.M. on February 25, 2011.

All new projects receiving financial assistance from the CWSRF will be eligible for loans at 2% interest. The Commonwealth subsidizes these loans, funding the spread between market interest rates and the 2% loan. This subsidy, so-called Contract Assistance, will continue to be allotted to the SRF programs in this and upcoming budget cycles.

Certain projects, whose primary purpose is nutrient reduction, may be eligible for 0% interest loans, if they meet specific statutory requirements. The 2008 Environmental Bond Bill contained language providing access to a reduced rate (0% from 2%) of financing for projects that treat for nutrient reduction, subject to the following conditions:

- (1) The project is primarily intended to remediate or prevent nutrient enrichment of a surface water body or a source of water supply;
- (2) The applicant is not currently subject, due a violation of a nutrient-related total maximum daily load standard or other nutrient based standard, to a Department of Environmental Protection enforcement order, administrative consent order or unilateral administrative order, enforcement action by the United States Environmental Protection Agency or subject to a state or federal court order relative to the proposed project;
- (3) The applicant has a Comprehensive Wastewater Management Plan approved pursuant to regulations adopted by the Department of Environmental Protection;
- (4) The project has been deemed consistent with the regional water resources management plans if one exists;
- (5) The applicant has adopted land use controls, subject to the review and approval of the Department of Environmental Protection in consultation with the Department of Housing and Economic Development and, where applicable any regional land use regulatory entity, intended to limit wastewater flows to the amount authorized under zoning and wastewater regulations as of the date of the approval of the CWMP.

Any borrower on the 2011 IUP who wishes to seek 0% funding must submit documentation describing how conditions contained in the 5 provisions listed above are met for their project(s). MassDEP will review all submitted information to determine the project(s)' eligibility for the reduced rate financing prior to committing to permanent financing. MassDEP is developing regulations that will clarify and define the process for pursuing and attaining this reduced funding option.

### ***Program requirements***

As noted in the cover letter there are several program requirements that are particularly worthy of the readers' attention and those are highlighted in this section.

- ***Principle Forgiveness***

In its 2010 SRF allocation, Congress required states to use a share of the CW grant for additional loan subsidy. A similar requirement is expected for 2011. *Additional subsidy* is defined by Congress as principle forgiveness,

grants or negative interest loans. Congress required that 30% of the federal allocation above \$1B go to cost reduction. Against an approximate \$2.1B national allocation, that works to 15.7% for additional subsidy. MassDEP proposed to use 15.7% of its expected \$69M grant (\$10.8M) as additional subsidy for projects on the final IUP to target two purposes: A) Renewable Energy Generation and B) certain Environmental Justice Communities.

The Department gave priority to *communities with below average Median Household Income* as identified by the EOEA Environmental Justice Program [http://www.mass.gov/mgis/ej\\_statewide.pdf](http://www.mass.gov/mgis/ej_statewide.pdf). The 2011 Final IUP includes a proposed total expenditure of \$99,169,000 for new projects in 11 communities within the Commonwealth having Environmental Justice designation(s) listed as below 65% of the State's MHI. This is well above the minimum additional loan subsidy expected to be required by the U.S. EPA.

In addition proponents that included *Renewable Energy* generation as a component of the project are eligible for enhanced subsidy. Additional subsidy for Renewable Energy loans is against the cost of the energy technology and not the total project.

- *Timeliness*

*Apportionment of the additional subsidy funding will be distributed over construction contracts that are executed by April 1, 2012. Award will be based on a prorated share of the total eligible cost of all of the subsidy-eligible projects that meet the deadline.* The April 1, 2012 deadline insures that the forgiveness will be used in a timely manner.

- *Green Infrastructure*

For 2010, Congress required that at least 20 % of the grant be dedicated to Green Infrastructure projects or components as defined by USEPA. A similar mandate is expected for 2011, thereby requiring about \$13.8M be allocated towards Green Infrastructure projects. MassDEP has identified and highlighted 16 projects on the Final IUP that meet EPA guidelines for Green Infrastructure, specifically energy-related components. The total value of those projects is approximately \$47.4 M, well in excess of the minimum \$13.8M EPA will require be allocated towards Green Infrastructure projects. MassDEP recommended additional subsidy for those projects including *renewable energy* components, and the standard 2% loan for *energy efficiency* measures. The Department will work with the proponents to identify utility rebates and other subsidies as may be appropriate for the projects.

- *Applicant Cap*

MassDEP proposed an applicant cap for this IUP of \$25 million of the available funding which will limit any one applicant from receiving any more than \$25 million of the available funding.

## **1.0 Long-Term And Short-Term Goal Statements**

### **1.1 Long Term Goals**

The Massachusetts Clean Water State Revolving Fund (SRF) has the following long-term goals:

- Continue correction of combined sewer overflows (CSO), Sanitary Sewer Overflows (SSO) and inflow/infiltration (I/I) problems, which retain high environmental priority as serious sources of water quality degradation;
- Continue upgrading of secondary treatment to address nutrients;
- Develop infrastructure projects that promote and support smart growth by concentrating development and avoiding sprawl into green space;
- Ensure that wastewater treatment projects financed through the SRF fully consider cost-effective energy efficiency measures and/or renewable energy strategies;
- Promote investments in nutrient reduction particularly as they affect waterbodies that have established Total Maximum Daily Loads (TMDLs) or those that have been identified through the Massachusetts Estuaries Program (MEP)
- Continue financing projects identified in the statewide Nonpoint Source Program.

### *1.2 Short Term Goals*

The short-term goals of the Massachusetts Clean Water SRF include:

- Provide additional subsidy to designated Environmental Justice Communities of low income in compliance with Congressional intent for the 2011 SRF allotments.
- Financing projects that focus on rehabilitation of wastewater infrastructure that promote sustainable infrastructure and smart growth principles; to include prioritization of regional wastewater management alternatives where appropriate.
- Provide enhanced subsidy to projects that include renewable energy components recommended by comprehensive energy audits.
- Financing projects to correct combined sewer overflows, including those affecting the Connecticut and Merrimack Rivers, Boston Harbor and Buzzards Bay;
- Financing wastewater treatment plants to address nutrient removal, especially in the SuAsCo River watershed and MEP areas;
- Utilizing the SRF program to provide assistance for the correction/upgrade of failed septic systems through the Collection Systems, Non Point Source, and Community Septic Management Programs;
- Financing studies that encourage comprehensive water resource management planning;
- Performing outreach activities to Clean Water SRF borrowers that identify the focus on and eligibility of energy efficiency/alternative energy projects; and

- Reserving \$2.0 million in available program capacity, to finance at MassDEP's discretion unanticipated problems of acute public health concern, such as arise during the year. To be financed under this reserve, proposed projects must constitute an imminent public health threat and otherwise meet MassDEP's applicable criteria.

## ***2.0 Sources and Spending Limits for the 2011 Funding Period***

Funding for the SRF program will consist of Federal capitalization funds, the required 20 percent State match, and other moneys available to the fund. MassDEP will leverage these funds in order to provide approximately \$300 million in financial assistance.

Congress has compelled states to distribute a share of the 2011 CWSRF grant as additional subsidy. Massachusetts will direct \$99.27M in additional subsidy to projects in Environmental Justice Communities of low income and to projects that contain renewable energy components. The funds will be distributed in a pro-rated share to all of the proponents meeting either criteria and who execute a construction contract on or before April 1, 2012.

MassDEP, upon receipt of additional federal and/or state allotments, or other available funds, if any, may move projects from the Project Priority List to the IUP Project Listing or may make increases to previously approved projects. The projects moved to the IUP Project Listing will be the highest ranked priority projects from the Project Priority List that are ready to proceed.

*Applicant Cap Limitation.* The regulations at 310 CMR 44 place a limit on any one proponent receiving any more than thirty-three percent (\$116.67 M) of the available funding in a given year. Because of the shortfall of available funding relative to the number of worthwhile projects, and in order to extend financial assistance to as many highly ranked projects as possible, MassDEP is proposing to implement an applicant cap of \$25 million for the 2011 funding period. MassDEP, however, reserves the right to waive the applicant cap limitation if MassDEP determines that one or more projects on the Intended Use Plan Project Listing is not ready to proceed. If the applicant cap is waived, communities may see an increase in financing support for projects not fully funded on the IUP listing.

*Allocation Formula.* From funding expected to be available during the 2010 Calendar Year, MassDEP has allocated funds to a variety of construction projects, as well as a set-aside for projects focused on planning. The regulations provide for a ten percent cap (10%) for planning and design projects. Because of the shortfall of available funding relative to the number of worthwhile water pollution abatement projects, MassDEP will continue to exclude design costs from eligibility for this IUP as it has in the last several years. MassDEP has allotted approximately 3.24 % of the 2011 CWSRF available funding capacity to planning projects.

*Administrative Costs of the SRF.* The Commonwealth of Massachusetts intends to use the full 4 percent of the Federal capitalization grant funds for administrative support of activities related to the Federal Fund. Use of those funds is detailed in the CWSRF Grant Application that the Massachusetts Water Pollution Abatement Trust (the Trust) files each year with the USEPA.

*Loan Administration fees.* The Water Pollution Abatement Trust (the Trust) charges approximately \$7 per \$1,000 (7 basis points) as a loan origination fee to offset the cost(s) incurred during bond issuance. Recipients

of SRF loans are charged an annual administrative fee of .15% (15 basis points) against the outstanding loan principle to fund salaries and expenses of the Trust and of MassDEP, related to SRF project development and loan management. As of December 31, 2009, the Trust had \$25,706,911.68 in administrative fees available.

### ***3.0 Eligible Projects***

Any water pollution abatement project of an eligible borrower is eligible to receive financial assistance from the Trust. Such eligible projects include, but are not limited to:

- a) Wastewater Treatment Projects, as defined in 310 CMR 44.03;
- b) Infiltration Inflow (“I/I”) Projects, as defined in 310 CMR 44.03;
- c) Collection System Projects, as defined in 310 CMR 44.03, provided, however, that 85% of the expected wastewater flow into the proposed collection system will be for wastewater flows in existence as of July 1, 1995;
- d) Nonpoint Source Projects, as defined in 310 CMR 44.03; and
- e) The planning and/or design for any project in one of the categories identified above.

### ***4.0 Eligible Project Costs***

Costs of construction that MassDEP determines are necessary for the completion of the project are eligible for financing in the loan and to receive a subsidy under the loan, subject to the applicant cap. Although costs for design are eligible, they will not be financed during this funding period due to the high demand for construction funding.

### ***5.0 Intended Use Plan Project Listing***

The IUP Project Listing, Table 1, lists those projects and their 2011 funding levels, for which MassDEP expects to issue funding agreements and for which the **communities have committed to obtaining local funding authorization by June 30, 2011, and filing a complete loan application by October 15, 2011.** At MassDEP’s discretion, a project on the IUP that will not be ready to proceed during the Calendar Year can be replaced by the highest ranked proposal(s) on the Project Priority List that is ready to proceed at the time funds are freed up.

All projects receiving financial assistance from the SRF will be eligible for subsidized financing or for refinancing of existing debt obligations incurred after March 7, 1985. All projects appearing on the IUP for the first time will be provided a subsidy through a 2% interest loan. Carry-over projects from 2001 or earlier shall carry forward the subsidy level accorded the project at the time of listing. Other projects may have differing subsidy level as provided for by law.

### ***6.0 Project Priority List***

The Project Priority List, Table 2, includes all proposals received at MassDEP by August 31, 2010 at the full cost of those projects over their duration. All projects submitted for funding are reviewed to assure general

conformance with Water Quality Management Plans and other applicable water resource management plans. Eligibility includes consistency with the special conditions described in this document and the requirements contained within MassDEP's financial assistance regulations. Each submission received has been evaluated for impact to public health and environmental protection, and has been ranked, with the highest rated projects included on the IUP.

### ***7.0 Development of the IUP Project Listing***

With the available capacity of approximately \$300 million for the CWSRF program, the Commonwealth intends to provide assistance to those projects on the Final 2011 IUP Project Listing, Table 1. That Project Listing was developed based upon the following three-step process:

- Rate and rank the projects based on the information submitted by the applicants in accordance with the environmental, public health, and programmatic factors set out in the Commonwealth's priority ranking system.
- Evaluate the amount of financing requested by each community including the application of limitation on financial assistance.
- Identify the sources and spending limits for available CWSRF funds; and List Planning Projects, MassDEP Priority Projects, Carry-over Projects and New Projects in ranked order that are ready to proceed within the 2011 funding period up to the amount of available CWSRF funding.

To be considered for funding, projects must meet State and Federal eligibility requirements, must be ready to proceed during the funding period, must have appropriated local funds necessary to finance the project, and must have a MassDEP-approved planning element. An approvable planning element can be a Project Evaluation Report, Comprehensive Water Resources Management Plan, Long-term CSO Strategy, Stormwater Management Plan, or other MassDEP sanctioned planning document.

Eligibility includes consistency with the assurances described in this document and the requirements contained within MassDEP's financial assistance regulations. Certain projects on the 2011 Project Priority List (Table 2) may have higher priority point totals than the projects on the 2011 IUP Project Listing (Table 1). That occurs because those particular projects on the Project Priority List are not ready to proceed. An important indicator of readiness to proceed is that a project has completed the State Environmental Review Process (SERP).

### ***8.0 Project Bypass Procedure***

A project on the IUP Project Listing may be bypassed if MassDEP determines that the bypassed project will not be ready to proceed during the Funding period. Project(s) bypassed will be replaced by the highest ranked priority project(s) on the Project Priority List that are ready to proceed or the funds may be used for cost increases to other projects previously approved. As previously stated, complete project applications not received by MassDEP by October 15, 2011 will be automatically considered for bypassing.

### ***9.0 Certification for Priority***

To be considered for funding priority, communities must have appropriated the necessary local project funds or have committed to a schedule to **obtain those funds by June 30, 2011**. Also, complete applications must be submitted to MassDEP at the earliest possible time, **but not later than October 15, 2011**. A complete application must contain the local funding authorization and the required supporting documentation. Any project not meeting these deadlines will be removed from the IUP Project Listing.

All projects submitted for funding are reviewed to assure that they are consistent with existing state, regional, and local water resource and wastewater planning requirements.

### *10.0 Assurances and Special Conditions*

- Title VI of the Federal Clean Water Act (FWCA) and subsequent regulations and guidance require that the Commonwealth certify compliance with or acceptance of a number of conditions. These include the following: 602(a)--Environmental Reviews. All projects receiving funding during the 2011 Calendar Year will be required to complete environmental reviews.
- 602(b)(3)--Binding Commitments. The Commonwealth will enter into binding commitments for 120 percent of each quarterly Federal payment within one year of receipt of that payment.
- 602(b)(4)--Expeditious and Timely Expenditures. The Commonwealth will expend all funds in the SRF in a timely and expeditious manner.
- 602(b)(5)--First Use for Enforceable Requirements. The Commonwealth will use funds first to assure maintenance of progress towards enforceable deadlines, goals and requirements of the CWA by providing funding to those projects on the National Municipal Policy list. The timing of that funding will be affected by enforcement schedules and a particular project's readiness for funding. The Commonwealth reserves the right to bypass a project that is not ready for financing in order to maintain its preceding two commitments.
- 602(b)(7)--Compliance with Title II requirements. The Commonwealth agrees to meet the specific statutory requirements for publicly owned wastewater treatment projects constructed in whole or in part with funds directly made available by Federal capitalization grants.
- 602(b)(2)--State Matching Funds. The Commonwealth agrees to deposit into the SRF from State moneys an amount equal to 20 percent of the amount of each grant payment on or before the date on which the State receives each payment from the grant award.
- 602(b)(7)--The Commonwealth agrees to expend each quarterly grant payment according to its laws and procedures.
- Consistency with Planning. The Commonwealth agrees that it will not provide assistance to any project unless that project is consistent with plans developed under Section 205(j), 208, 303(e), 319 or 320.

- **National Reporting Requirements.** The Commonwealth agrees to provide data or information to EPA as may reasonably be required for national reports, public inquiries, or Congressional inquiries.

**TABLE 2**  
**CLEAN WATER STATE REVOLVING FUND**  
**Calendar Year 2011 CWSRF Project Priority List**

**NEW PROJECTS**

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91	NORTH READING	TBD	3536	Wastewater Collection & Treatment System	\$48,433,000
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87	EASTON #	TBD	3596	WWTP and Collection System	\$4,819,000
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80	SUDBURY	TBD	3487 WWTP Route 20 Business District	\$13,800,000
78	KINGSTON	GW Permit	3593 WWTP Upgrade	\$12,500,000
78	NORTHBOROUGH	MA0100480	3555 Sunset Dr. and Milk Porridge Cir. Sewer Extensions	\$1,910,000
75	DRACUT	MA0100633	3516 Sewer Extension	\$7,746,000
75	TYNGSBOROUGH	MA0100633	3514 Sewers - Sunset Park Downtown & Middlesex North	\$21,824,000
70	WESTBOROUGH #	MA0100412	3601 Sewer Extensions	\$26,550,000
70	NORTH ANDOVER	MA0100447	3490 Osgood St. Sewer Project	\$6,026,500
69	ACTON #	GW Permit	3602 West Acton Center Sewer	\$4,449,000
64	MARSHFIELD	MA0101737	3594 Lift Station Upgrade	\$2,525,000
64	QUINCY (EJ)#	MA0103284	3532 I/I Rehabilitation	\$2,823,929
63	NORTH ANDOVER	MA0100447	3538 I/I Rehabilitation	\$4,534,625
62	MWRA #	MA0103284	3543 DITP Electrical and Plant Upgrades	\$49,831,000
62	MWRA #	MA0103284	3542 DITP Digester and Cryogenics Upgrade	\$21,780,000
59	NORTON	MA0100897	3564 Sewer Extension	\$8,055,000
56	NORTON	MA0100897	3563 GW Disposal System	\$1,450,000
52	NEEDHAM	MA0103284	3530 Replacement of Reservoir B Sewer Pump Station	\$5,000,000
42	WEBSTER (EJ)	MA0100439	3568 Worcester Road Area Sewer Extension Project	\$7,000,000
39	NEWBURYPORT #	MA0101427	3506 Pump Station and Sewer Main Replacements	\$2,475,000
37	MELROSE	MA0103284	3534 Sewer, Drains, MH Rehab	\$3,200,000
28	ACTON (RE)#	GW Permit	3620 Photovoltaic Installation	\$3,511,000
5	CARLISLE	TBD	3503 Sewer Extension	\$500,000
5	HOLBROOK	MA0103284	3585 Contract No. 13 - Phase V Sewers	\$5,467,000

---

**TOTAL OF NEW PROJECTS**
**\$1,539,679,054**

(Count: 50)

(Average Rating: 85.86)

(EJ) - Environmental Justice Communities

(RE) - Potential Renewable Energy Projects

# - Projects contains Energy Efficiency, Renewable Energy, and/or meets EPA's definition of a Green Project  
(<http://water.epa.gov/aboutow/eparecovery/index.cfm>)

**MULTI-YEAR CARRYOVER AND STATUTORY PROJECTS**

Applicant	NPDES/PERMIT	SRF ID	Project	Project Cost
MWRA	MA0103284	1762	Plant Optimization/Ancillary Modifications	\$26,657,515
MWRA	MA0103284	2870	Electrical Upgrades	\$28,751,850
MWRA	MA0103284	2885	Wastewater Treatment Plant and Sewer Improvements	\$29,480,968
MWRA	MA0103284	3134	Deer Island Treatment Plant Improvements	\$70,664,500
PLAINVILLE	TBD	3467	Sewer Expansion Phase I and II Project	
SOUTHBRIDGE (EJ)	TBD	3100	Brownfields Redevelopment	\$3,146,166
<b>TOTAL OF MULTI-YEAR CARRYOVER AND STATUTORY PROJECTS</b>				<b>\$158,700,999</b>

(Count: 6)

**MassDEP PRIORITY PROJECTS**

Applicant	NPDES/PERMIT	SRF ID	Project	Project Cost
EMERGENCY SRF SET-A-SIDE	N/A	2977		\$2,000,000
<b>TOTAL OF MassDEP PRIORITY PROJECTS</b>				<b>\$2,000,000</b>

(Count: 1)

**PLANNING PROJECTS**

Applicant	SRF ID	Project	Project Cost
ANDOVER	3496	Ledge Road Landfill Closure Planning	\$550,000
BILLERICA	3517	Sewer Modeling and SSO Abatement Plan	\$400,000
BOURNE (EJ)	3562	CWMP and Nutrient Management Plan	\$350,000
BOURNE (EJ)	3561	Stormwater Management Plan	\$300,000
CANTON	3577	Stormwater Management Plan	\$491,000
CLINTON	3597	Stormwater Management Plan	\$285,000
DARTMOUTH (EJ)	3560	I/I and SSES	\$450,000
HADLEY	3546	Stormwater Management Plan	\$220,000
LEOMINSTER (EJ)	3566	Stormwater Management Plan	\$585,000
LEXINGTON	3501	Stormwater Management Plan	\$687,500
MARLBOROUGH (EJ)	3616	I/I and SSES	\$500,000
MASHPEE	3591	GW Demonstration Project	\$190,000
MEDWAY	3598	IWRMP	\$500,000
NORTH ANDOVER	3537	I/I Investigations	\$288,500
NORWOOD	3578	SSES/CMOM/Stormwater Planning	\$500,000
QUINCY (EJ)	3533	I/I Investigations	\$156,000
REVERE (EJ)	3513	SSES Phase 3 and SWSMP	\$1,500,000

RUTLAND	3565 CWMP	\$350,000
SALEM (EJ)	3524 Storm Water Management Plan	\$435,000
SHERBORN	3497 Stormwater Management Plan	\$400,000
WEBSTER (EJ)	3611 Storm Water Management Plan	\$575,000
<b>TOTAL OF PLANNING PROJECTS</b>		<b>\$9,713,000</b>

(Count: 21)

**TOTAL OF PROJECT PRIORITY LIST** **\$1,710,093,053**



*City of Marlborough*  
*Office of the Mayor*

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

*Nancy E. Stevens*  
MAYOR

*Krista J. Holmi*  
EXECUTIVE AIDE

*Katherine M. LaRose*  
EXECUTIVE SECRETARY

2011 JUN 15 12 34 18  
June 6, 2011

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

RE: Parks and Recreation Commission Appointments

Honorable President Vigeant and Councilors:

I am submitting for your approval the appointment of Brenda Calder to the Parks and Recreation Commission. Upon confirmation, Ms. Calder will serve out the remaining term of Robert Lazaros. Ms. Calder's term will expire on May 6, 2013.

I am additionally submitting the names of Dennis Zilembo and Jeffrey Long for reappointment to the Parks and Recreation Commission. Upon approval, Mr. Zilembo and Mr. Long will serve three-year terms.

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

Sincerely,

Nancy E. Stevens  
Mayor

cc: Bob Kays  
David Grasso



**CITY OF MARLBOROUGH  
RECREATION DEPARTMENT**

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

**COMMISSIONERS**

Thomas Evangelous  
Craig Hunt  
Robert Kays: Chairman  
Robert Lazaros  
Jeffrey Long  
Dennis Zilembo

**DIRECTOR**

David T. Grasso

**PROGRAM MANAGER**

Charles Thebado

June 3, 2011

Dear Mayor,

The Parks and Recreation Commission would like for you to consider appointing Brenda Calder to the Parks and Recreation Commission to replace Bob Lazaros who passed away last summer 2010. His term expires May 6, 2013.

Respectfully,

Bob Kays  
Chairman, Parks & Recreation Commission



**CITY OF MARLBOROUGH  
RECREATION DEPARTMENT**

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

**COMMISSIONERS**

Thomas Evangelous  
Craig Hunt  
Robert Kays: Chairman  
Robert Lazaros  
Jeffrey Long  
Dennis Zilembo

**DIRECTOR**

David T. Grasso

**PROGRAM MANAGER**

Charles Thebado

June 3, 2011

Dear Mayor,

The Parks and Recreation Commission would like for you to reappoint Jeff Long to the Parks and Recreation Commission. His term expired May 1, 2011.

Respectfully,

Bob Kays  
Chairman, Parks & Recreation Commission



**CITY OF MARLBOROUGH  
RECREATION DEPARTMENT**

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

**COMMISSIONERS**

Thomas Evangelous  
Craig Hunt  
Robert Kays: Chairman  
Robert Lazaros  
Jeffrey Long  
Dennis Zilembo

**DIRECTOR**

David T. Grasso

**PROGRAM MANAGER**

Charles Thebado

June 3, 2011

Dear Mayor,

The Parks and Recreation Commission would like for you to reappoint Dennis Zilembo to the Parks and Recreation Commission. His term expired May 1, 2011.

Respectfully,

Bob Kays  
Chairman, Parks & Recreation Commission



*City of Marlborough*  
**Legal Department**

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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

LEGAL@MARLBOROUGH-MA.GOV

*DONALD V. RIDER, JR.*  
CITY SOLICITOR

*CYNTHIA M. PANAGORE GRIFFIN*  
ASSISTANT CITY SOLICITOR

*BEVERLY J. SLEEPER*  
CHIEF PROCUREMENT OFFICER

*ELLEN M. STAVROPOULOS*  
PARALEGAL

June 16, 2011

Arthur Vigeant  
President  
Marlborough City Council

RE: Order No. 11-1002922/x 07-1001500C  
Application for Amendment to Special Permit  
St. Mary's of French Hill Redevelopment LLC  
26-30 Broad Street – St. Mary's Condominiums

Dear President Vigeant and Members:

Councilor Levy, in his capacity as chairman of the Urban Affairs & Housing Committee, has requested of me that I submit this communication to the full Council relative to the application by St. Mary's of French Hill Redevelopment LLC proposing to amend the special permit originally granted on June 25, 2007 concerning St. Mary's Condominiums. The LLC primarily seeks to amend the original special permit's condition number 27 pertaining to owner-occupancy.

As you know, the LLC's proposed amendment will have a public hearing tonight. If, after that hearing is held, it is the Council's pleasure to vote on the merits of the proposed amendment, the enclosed decision would be available for that vote.

Accordingly, pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter certifying that the Council's proposed decision is in proper legal form.

Very truly yours,

Donald V. Rider, Jr.  
City Solicitor

Enclosure  
cc: Arthur Bergeron, Esquire

AMENDMENT  
TO ORIGINAL SPECIAL PERMIT  
GRANTED TO ST. MARY'S OF FRENCH HILL REDEVELOPMENT, LLC  
ON JUNE 20, 2011

St. Mary's of French Hill Redevelopment LLC  
26 Elderwood Drive, Stoughton, MA 02072

St. Mary's Condominiums  
26-30 Broad Street, 2-22 St. Mary's Way Marlborough, MA 01752

The City Council of the City of Marlborough hereby GRANTS the application of St. Mary's of French Hill Redevelopment LLC, a Massachusetts limited liability company having a mailing address of 26 Elderwood Drive, Stoughton, MA 02072, as provided in this Decision and subject to the following Findings of Fact and Conditions.

PROCEDURAL FINDINGS OF FACT

1. St. Mary's of French Hill Redevelopment LLC, a Massachusetts limited liability company having a mailing address of 26 Elderwood Drive, Stoughton, MA 02072, is referred to hereinafter as the "Applicant."
2. Applicant is the owner of certain real estate located at 26-30 Broad Street, Marlborough, MA, as further described in a deed recorded at the Middlesex South District Registry of Deeds in Book 50143, Page 588 (hereinafter, the "Premises").
3. On June 25, 2007, the City Council of the City of Marlborough voted to grant the Applicant a special permit concerning the Premises, as further described in a document recorded at the Middlesex South District Registry of Deeds in Book 50144, Page 1 (hereinafter, the "Original Special Permit").
4. On May 19, 2011, the Applicant submitted to the City Clerk for the City of Marlborough an application seeking to amend the Original Special Permit under the provisions of M.G.L. c. 40A, § 9 and the Marlborough Zoning Ordinance, Article VI, § 650-59C(20) (hereinafter, the "Application"). In connection with the Application, the Applicant submitted a Special Permit Summary Impact Statement, certified list of abutters, and filing fee.
5. Pursuant to the Rules and Regulations of the City Council and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application and the City Clerk caused to be advertised the public hearing's date in the MetroWest Daily News and sent notice of said hearing to abutters entitled to notice under law.
6. On June 20, 2011, the City Council held a public hearing concerning the Application. The hearing was opened and closed on that date.

7. The Applicant presented testimony at the public hearing detailing the Application. All testimony made by those speaking at the public hearing have been duly considered in making this Decision.

8. The Procedural Findings of Fact specified above supplement those made in the Original Special Permit, which are expressly incorporated herein by reference.

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

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

B) The City Council finds that the proposed use of the site, subject to the conditions imposed below, will not be in conflict with the public health, safety, convenience and welfare and will not be detrimental or offensive. Further, the City Council finds that the proposed new use of the non-conforming structures at the site will not be substantially more detrimental to the neighborhood than the original uses of those structures. The visual impacts from the proposed use have been mitigated, and the traffic impacts will be no more detrimental than the possible impacts from alternative uses. In addition, the City Council finds that the proposed residential use may act as a catalyst in encouraging further growth and improvements to the surrounding area.

C) The City Council, pursuant to its authority under M.G.L. c. 40A, § 9 and Chapter 650 of the Marlborough City Code, GRANTS the Applicant an amendment to the Original Special Permit, a) deleting the condition number 21 of the Original Special Permit and substituting therefor a new condition number 21, as set forth below; and b) deleting the condition number 27 of the Original Special Permit and substituting therefor a new condition number 27, as set forth below. All other conditions of the Original Special Permit shall continue in full force and effect, and are expressly incorporated herein by reference.

21. Recording. This Amendment to the Original Special Permit shall be recorded at the Middlesex South District Registry of Deeds in accordance with the provisions of M.G.L. Chapter 40A, § 11 promptly after any appeal period from the issuance hereof as expired, or after any said appeal has been resolved. The Applicant (St. Mary's of French Hill Redevelopment LLC), including its successors and assigns, shall be responsible for recording, at its expense, this Amendment to the Original Special Permit; and shall present evidence of said recording to the City Solicitor's office, which thereupon shall duly forward said recording evidence to the Building Inspector.

27. Owner-Occupancy. It shall be a condition of the condominium by-laws of the project that all units in the project, consisting of a total of thirty-six units, that are sold will be purchased by a person or persons who intend to reside in the units. The condominium documents shall provide for appropriate daily fines for the violation of this

section of the condominium by laws, and will provide that this section may not be amended. No occupancy permit regarding the project shall be issued unless and until the City Solicitor has certified to the Building Commissioner that the condominium by-laws for the project conform to this provision and that the condominium by-laws, along with the condominium master deed, have been recorded. Applicant (St. Mary's of French Hill Redevelopment LLC) may, following the issuance of the occupancy permit for a particular unit but prior to the conveyance thereof to the purchaser of the unit, rent said unit to tenants; provided, however, that:

- a. No said unit shall be or continue to be rented after September 1, 2016;
- b. The number of units being rented and occupied by tenants shall not exceed (9) units;
- c. An executed "rent to own" contract shall qualify the subject unit as owner-occupied, so long as transfer of title for that unit occurs within 36 months of the starting date of the rental agreement for that unit; this condition shall not apply to 4 rented units for the first year of rent with rental agreements signed prior to June 20, 2011;
- d. Applicant, including its successors and assigns, shall continue to market the units as condominiums;
- e. No sign at the premises shall market any units as being for rent; however, "rent to own" signs are permissible so long as they are in compliance with City's sign ordinance without variance; and
- f. No unit shall be rented to any person or persons for more than three years unless, prior to the expiration of those three years, said person or persons execute(s) a purchase and sale agreement.

ADOPTED

In City Council  
Order No. 11-1002922/x 07-1001500C  
Adopted

Approved by Mayor  
Nancy E. Stevens  
Date:

A TRUE COPY  
ATTEST:



*City of Marlborough*  
**Legal Department**

140 MAIN STREET  
MARLBOROUGH, MASSACHUSETTS 01752  
TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610  
LEGAL@MARLBOROUGH-MA.GOV

*DONALD V. RIDER, JR.*  
CITY SOLICITOR

*CYNTHIA M. PANAGORE GRIFFIN*  
ASSISTANT CITY SOLICITOR

*BEVERLY J. SLEEPER*  
CHIEF PROCUREMENT OFFICER

*ELLEN M. STAVROPOULOS*  
PARALEGAL

June 16, 2011

Arthur Vigeant  
President  
Marlborough City Council

RE: Order No. 11-1002923/x 10-1002683B  
Application for Amendment to Special Permit  
110 Pleasant LLC  
110-118 Pleasant Street – Corbin Plaza

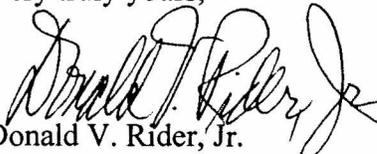
Dear President Vigeant and Members:

Councilor Levy, in his capacity as chairman of the Urban Affairs & Housing Committee, has requested of me that I submit this communication to the full Council relative to the application by 110 Pleasant LLC proposing to amend the special permit originally granted on September 27, 2010 concerning Corbin Plaza. The LLC primarily seeks to amend the original special permit's condition number 22 pertaining to owner-occupancy.

As you know, the LLC's proposed amendment will have a public hearing tonight. If, after that hearing is held, it is the Council's pleasure to vote on the merits of the proposed amendment, the enclosed decision would be available for that vote.

Accordingly, pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter certifying that the Council's proposed decision is in proper legal form.

Very truly yours,

  
Donald V. Rider, Jr.  
City Solicitor

Enclosure  
cc: Arthur Bergeron, Esquire

AMENDMENT  
TO ORIGINAL SPECIAL PERMIT  
GRANTED TO 110 PLEASANT LLC  
ON JUNE 20, 2011

110 Pleasant LLC  
26 Elderwood Drive, Stoughton, MA 02072

110-118 Pleasant Street  
Marlborough, MA 01752

The City Council of the City of Marlborough hereby GRANTS the application of 110 Pleasant LLC, a Massachusetts limited liability company having a mailing address of 26 Elderwood Drive, Stoughton, MA 02072, as provided in this Decision and subject to the following Findings of Fact and Conditions.

PROCEDURAL FINDINGS OF FACT

1. 110 Pleasant LLC, a Massachusetts limited liability company having a mailing address of 26 Elderwood Drive, Stoughton, MA 02072, is referred to hereinafter as the “Applicant.”
2. Applicant is the owner of certain real estate located at 110-118 Pleasant Street, Marlborough, MA, as further described in a deed recorded at the Middlesex South District Registry of Deeds in Book 55633, Page 468 (hereinafter, the “Premises”).
3. On September 27, 2010, the City Council of the City of Marlborough voted to grant the Applicant a special permit concerning the Premises, as further described in a document recorded at the Middlesex South District Registry of Deeds in Book 55633, Page 471 (hereinafter, the “Original Special Permit”).
4. On May 19, 2011, the Applicant submitted to the City Clerk for the City of Marlborough an application seeking to amend the Original Special Permit under the provisions of M.G.L. c. 40A, § 9 and the Marlborough Zoning Ordinance, Article VI, § 650-59C(20) (hereinafter, the “Application”). In connection with the Application, the Applicant submitted a Special Permit Summary Impact Statement, certified list of abutters, and filing fee.
5. Pursuant to the Rules and Regulations of the City Council and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing on the Application and the City Clerk caused to be advertised the public hearing’s date in the MetroWest Daily News and sent notice of said hearing to abutters entitled to notice under law.

6. On June 20, 2011, the City Council held a public hearing concerning the Application. The hearing was opened and closed on that date.

7. The Applicant presented testimony at the public hearing detailing the Application. All testimony made by those speaking at the public hearing have been duly considered in making this Decision.

8. The Procedural Findings of Fact specified above supplement those made in the Original Special Permit, which are expressly incorporated herein by reference.

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

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

B) The City Council finds that the proposed use of the site, subject to the conditions imposed below, will not be in conflict with the public health, safety, convenience and welfare and will not be detrimental or offensive. Further, the City Council finds that the proposed new use of the site, and the structure as altered, will not be substantially more detrimental to the neighborhood than the continued use of the existing site and structure for manufacturing and other non-conforming uses. The visual impacts from the proposed use have been mitigated, and the traffic impacts will be no more detrimental than the possible impacts from industrial uses. In addition, the City Council finds that the proposed residential use may act as a catalyst in encouraging further growth and improvements to the surrounding area.

C) The City Council, pursuant to its authority under M.G.L. c. 40A, § 9 and Chapter 650 of the Marlborough City Code, GRANTS the Applicant an amendment to the Original Special Permit, a) deleting the condition number 22 of the Original Special Permit and substituting therefor a new condition number 22, as set forth below; and b) adding a new condition number 26, as set forth below. All other conditions of the Original Special Permit shall continue in full force and effect, and are expressly incorporated herein by reference.

22. Owner-Occupancy. It shall be a condition of the condominium by-laws of the project that all residential units in the project, consisting of a total of seventeen units, that are sold will be purchased by a person or persons who intend to reside in the units. The condominium documents shall provide for appropriate daily fines for the violation of this section of the condominium by-laws, and will provide that this section may not be amended. No occupancy permit regarding the project shall be issued unless and until the City Solicitor has certified to the Building Inspector that the condominium by-laws, along with the condominium master deed, have been recorded. Applicant (110 Pleasant LLC, 26 Elderwood Drive, Stoughton, MA 02072), including its successors and assigns, may, following the issuance of the occupancy permit for a particular unit but prior to the

conveyance thereof to the purchaser of the unit, rent said units to tenants; provided, however, that:

- a. No said unit shall be or continue to be rented after the fifth anniversary of the date of issuance of the occupancy permit of said unit;
- b. No unit shall be rented or continue to be rented after the seventh anniversary of the date of issuance of the first occupancy permit for the site;
- c. The number of units being rented and occupied by tenants shall not exceed (17) units;
- d. An executed “rent to own” contract shall qualify the subject unit as owner-occupied, so long as transfer of title for that unit occurs within 36 months of the starting date of the rental agreement for that unit;
- e. Applicant, including its successors and assigns, shall continue to market the units as condominiums;
- f. No sign at the premises shall market any units as being for rent; however “rent to own” signs are permissible so long as they are in compliance with City’s sign ordinance without variance; and
- g. No unit shall be rented to any person or persons for more than three years unless, prior to the expiration of those three years, said person or persons execute(s) a purchase and sale agreement.

26. Recording. This Amendment to the Original Special Permit shall be recorded at the Middlesex South District Registry of Deeds in accordance with the provisions of M.G.L. Chapter 40A, § 11 prior to the issuance of any occupancy permit regarding the Project. The Applicant (110 Pleasant LLC, 26 Elderwood Drive, Stoughton, MA 02072), including its successors and assigns, shall be responsible for recording, at its expense, this Amendment to the Original Special Permit; and shall present evidence of said recording to the City Solicitor’s office, which thereupon shall duly forward said recording evidence to the Building Inspector as a condition of his issuance of any occupancy permit regarding the site.

ADOPTED

In City Council  
Order No. 11-1002923/x 10-1002683B  
Adopted

Approved by Mayor  
Nancy E. Stevens  
Date:

A TRUE COPY  
ATTEST:



RECEIVED  
CITY OF MARLBOROUGH OFFICE  
CITY OF MARLBOROUGH  
2011 JUN 15 PM 4:07

CITY OF MARLBOROUGH  
**OFFICE OF THE COMPTROLLER/TREASURER**  
140 MAIN STREET  
MARLBOROUGH, MASSACHUSETTS 01752  
VOICE (508) 460-3731 FACSIMILE (508) 481-5180 TDD (508) 460-3610

June 15, 2011

President and Members  
Marlborough City Council

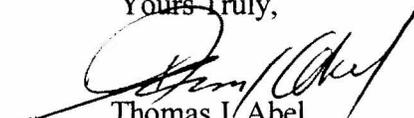
Dear President and Members,

This is to notify you that the City of Marlborough received competitive bids from note underwriters on Tuesday, June 14 for a \$4,350,000 one-year bond anticipation note. T.D. Securities provided the lowest of the six bids received on the notes with a net interest rate of **point** three, one, nine percent (.319%). As you know, proceeds of the notes will be used to finance departmental equipment, street construction, sewer and drainage construction, water construction, and other various capital projects.

Prior to the sale, Standard & Poor's and Moody's Investor Service, two municipal credit rating agencies, assigned **the notes ratings of SP1+ and MIG1, the highest short-term ratings attainable.**

Marlborough continues to attract numerous bids on its notes and continues to enjoy a very favorable rating.

Yours Truly,

  
Thomas J. Abel  
Comptroller/Treasurer



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2011 JUN 15 2 4:07

CITY OF MARLBOROUGH  
**OFFICE OF THE COMPTROLLER/TREASURER**  
140 MAIN STREET  
MARLBOROUGH, MASSACHUSETTS 01752  
VOICE (508) 460-3731 FACSIMILE (508) 481-5180 TDD (508) 460-3610

June 15, 2011

President and Members  
Marlborough City Council

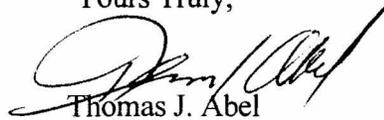
Dear President and Members,

This is to notify you that the City of Marlborough received eight competitive bids from bond underwriters on Tuesday, June 14<sup>th</sup> for a \$7,874,000 bond. Hutchinson, Shockey, Erley & Co. provided the lowest of the eight bids received on the bonds with a net interest rate of **1.901%**. As you know, proceeds of the bonds will be used to finance school equipment, departmental equipment, street construction, sewer and drainage construction, water construction, and other various capital projects.

Prior to the sale, Standard & Poor's and Moody's Investor Service, two municipal credit rating agencies, assigned **bond ratings of AA+ and Aa2**. Moody's and Standard & Poor's cited the city's healthy financial position, manageable debt burden, sizeable and diverse tax base, above average wealth profile and very strong reserves as positive credit factors.

Marlborough continues to attract numerous bids on its bonds and continues to enjoy a very favorable rating.

Yours Truly,

  
Thomas J. Abel  
Comptroller/Treasurer

# MARLBOROUGH RETIREMENT BOARD

140 Main Street, City Hall  
Marlborough, Massachusetts 01752-3812

Telephone (508) 460-3760

Fax (508) 481-7814

CITY OF MARLBOROUGH  
2011 JUN 14 P 4:47

## Board Members

*Gregory P. Brewster, Chairman*  
*Thomas J. Abel*  
*Diane Smith*  
*Christopher M. Sandini, Sr.*  
*William S. Taylor*

June 14, 2011

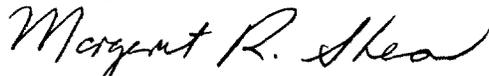
President and Members  
Marlborough City Council  
City Hall  
Marlborough, MA 01752

Dear President and Members:

Enclosed for your review is a copy of the Marlborough Retirement Board's FY2012 operating budget. The Board's operating expenses will be paid from the investment income of the system as required by the provisions of Chapter 306 of the Acts of 1996.

Should you have questions, please do not hesitate to contact me.

Sincerely,



Margaret R. Shea  
Director

Enclosure

**Marlborough Retirement Board  
FY 2012 Operating Budget  
Paid from Investment Income**

	<b>FY12</b>
<b>Personnel Costs</b>	
Director	74071
Director Retro	1069
Assistant	51091
Assistant Retro	737
Longevity	6211
Longevity Retro	50
Board Members	15000
<b>Total Personnel Costs</b>	<b>148229</b>
<b>Professional Services</b>	
Custodian	30000
Consultant	35000
Legal	6000
Rhumblin	24500
Boston Company	69000
Clarion Partners	43903
Shenkman Management	65500
SSGA	23500
PENN Capital	56000
Standard Life	45000
Actuarial Services	15000
<b>Total Professional Services</b>	<b>413403</b>
<b>Administrative Costs</b>	
Printing	2500
Office Supplies	700
Travel & Conference	6000
Software Maintenance Contract	13000
Dues & Subscriptions	1300
Other Services	725
Bond	6907
<b>Total Administrative Costs</b>	<b>31132</b>
<b>TOTAL OPERATING BUDGET</b>	<b>592764</b>



# Marlborough Retirement Board

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**Annual Statement of Financial Position  
December 31, 2010**

**Annual Statement  
For the Year Ending December 31, 2010  
Of the Conditions and Affairs of the  
Marlborough Contributory Retirement System**

**Organized Under the Laws of the  
Commonwealth of Massachusetts to the  
Public Employee Retirement Administration Commission**

**Date of Certification:      December 5, 1936  
Effective Date:             July 1, 1937**

**Marlborough Retirement Board  
140 Main Street - City Hall  
Marlborough, MA 01752  
508 460 3760**

We, the undersigned members of the Board of Retirement of the Marlborough Contributory Retirement System, certify under the penalties of perjury, that we are the official board members of said retirement system, and that on the thirty-first day of December last all of the herein described assets were the absolute property of said retirement system, free and clear from any liens or claims thereon, except as stated, and the following statements, with the schedules and explanations therein contained, annexed, or referred to, are a full and correct exhibit of all the assets, liabilities, income and disbursements, changes in fund balances and of the conditions and affairs of the said retirement system on the thirty-first day of December last, and for the year ended on that date, according to the best of our information, knowledge, and belief, respectfully.

**Board of Retirement**

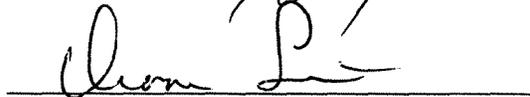
Gregory P. Brewster, Chairman  
Elected Member  
Term Expires: 11/17/2011



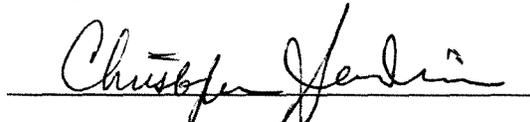
Thomas J. Abel  
Appointed Member



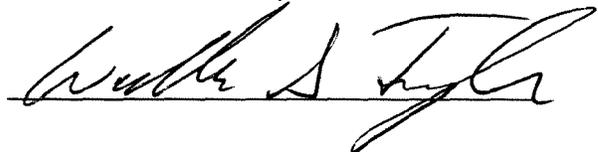
Diane Smith  
Ex-officio Member



Christopher M. Sandini, Sr.  
Appointed by Other Members  
Term Expires: 01/26/2012



William S. Taylor  
Elected Member  
Term Expires: 12/31/2011



**Annual Statement of the Marlborough Retirement System  
for the Year Ended December 31, 2010**

**Investment Advisors**

Batterymarch Financial Management	200 Clarendon Street Boston, Massachusetts 02116
Clarion Partners	601 S. Figueroa St. Los Angeles, CA 90017
Rhumblin Advisors	30 Rowes Wharf Boston, Massachusetts 02110
State Street Global Advisors	One Lincoln Street Boston, Massachusetts 02110
The Boston Company	One Boston Place Boston, Massachusetts 02108
Shenkman Capital Management, Inc.	461 Fifth Avenue, 22 <sup>nd</sup> Floor New York, New York 10017
Penn Capital Management	Navy Yard Corporate Center Three Crescent Drive, Suite 400 Philadelphia, PA 19112
Standard Life Investments	1 George Street Edinburgh, Scotland EH2 2LL
Neuberger Berman	605 Third Avenue New York, New York 10158

**Annual Statement of the Marlborough Retirement System  
for the Year Ended December 31, 2010**

**Custodian**

State Street Bank & Trust

One Lincoln Street  
Boston, Massachusetts 02111

**Consultant**

Meketa Investment Group

100 Lowder Brook Drive, Suite 1100  
Westwood, Massachusetts 02090

**Annual Statement for the Marlborough Retirement Board  
for the Year Ending December 31, 2010**

**Annual Statement of Balance Tests**

<b>1. Asset Balance</b>	
Assets Previous Year.....	93,131,411.84
Income Current Year.....	21,062,528.94
Disbursements Current Year.....	9,495,612.79
Assets Current Year.....	<b>104,698,327.99</b>
<b>2. Asset Difference</b>	
Assets Current Year.....	104,698,327.99
Assets Previous Year.....	93,131,411.84
Difference.....	<b>11,566,916.15</b>
<b>3. Income Difference</b>	
Income Current Year.....	21,062,528.94
Disbursements Current Year.....	9,495,612.79
Difference.....	<b>11,566,916.15</b>
<b>4. Fund Change Difference</b>	
Total Fund Change Credits.....	22,201,733.79
Total Fund Change Debits.....	10,634,817.64
Difference.....	<b>11,566,916.15</b>

**Annual Statement for the Marlborough Retirement Board  
For the Year Ending December 31, 2010**

**Assets and Liabilities**

	<u>2010</u>	<u>2009</u>	<u>2008</u>
1040 - 1043 Cash	3,169,009.53	750,325.61	2,905,089.64
1100 Short-Term Investments	0.00	0.00	0.00
1101 Pooled Short Term Funds	0.00	0.00	0.00
1180 Fixed Income Sec (book value)	0.00	0.00	0.00
1170 Equities	0.00	0.00	0.00
1172 Pooled Domestic Equity Funds	34,802,228.30	31,685,227.00	23,606,211.01
1173 Pooled International Equity Funds	14,248,188.25	12,884,099.55	8,508,706.29
1174 Pooled Global Equity Funds	0.00	0.00	0.00
1181 Pooled Domestic Fixed Income Funds	43,468,676.63	38,010,415.17	34,611,484.42
1182 Pooled Intn'l Fixed Income Funds	0.00	0.00	0.00
1183 Pooled Global Fixed Income Funds	0.00	0.00	0.00
1193 Pooled Alternative Investments	2,863,955.54	2,605,313.21	2,484,090.19
1194 Pooled Real Estate Funds	2,731,433.00	2,433,431.00	4,201,983.00
1195 Pooled Domestic Balanced Funds	0.00	0.00	0.00
1196 Pooled Intn'l Balanced Funds	0.00	0.00	0.00
1198 PRIT Cash	0.00	0.00	0.00
1199 PRIT Fund	0.00	0.00	0.00
1550 Interest Due and Accrued	226.98	15.98	621.07
1398 Accounts Receivable (A)	3,464,214.25	4,805,342.90	3,107,479.87
2020 Accounts Payable (A)	<u>-49,604.49</u>	<u>-42,758.58</u>	<u>-63,455.17</u>
<b>Total</b>	<b>104,698,327.99</b>	<b>93,131,411.84</b>	<b>79,362,210.32</b>
 <b>Funds</b>			
3293 Annuity Savings Fund	29,609,948.18	28,275,930.02	26,334,059.56
3294 Annuity Reserve Fund	8,424,394.35	8,194,775.81	8,240,366.33
3295 Military Service Fund	10,773.04	2,631.83	2,618.74
3296 Pension Fund	5,020,541.99	5,133,641.68	5,447,648.58
3298 Expense Fund	0.00	0.00	0.00
3297 Pension Reserve Fund	<u>61,632,670.43</u>	<u>51,524,432.50</u>	<u>39,337,517.11</u>
<b>Total Assets at Market Value</b>	<b>104,698,327.99</b>	<b>93,131,411.84</b>	<b>79,362,210.32</b>

(A) Detail for Accounts Receivable and Accounts Payable Appear on Schedule A.

**Annual Statement for the Marlborough Retirement Board  
for the Year Ending December 31, 2010**

	Balance 12/31/09	Receipts	Interfund Transfers	Disbursements	Balance 12/31/10
Annuity Savings Fund	28,275,930.02	2,946,538.84	-1,139,204.85	473,315.83	29,609,948.18
Annuity Reserve Fund	8,194,775.81	250,336.92	1,137,218.49	1,157,936.87	8,424,394.35
Pension Fund	5,133,641.68	7,268,346.01	0.00	7,381,445.70	5,020,541.99
Military Service Fund	2,631.83	8,141.21	0.00	0.00	10,773.04
Expense Fund	0.00	482,914.39	0.00	482,914.39	0.00
Pension Reserve Fund	<u>51,524,432.50</u>	<u>10,106,251.57</u>	<u>1,986.36</u>	<u>0.00</u>	<u>61,632,670.43</u>
<b>Total All Funds</b>	<b>93,131,411.84</b>	<b>21,062,528.94</b>	<b>0.00</b>	<b>9,495,612.79</b>	<b>104,698,327.99</b>

**2010 Transfers:**

<b>From Annuity Savings to Annuity Reserve</b>	in amount of	<b>\$1,137,218.49</b>	for retirements
<b>From Annuity Savings to Pension Reserve</b>	in amount of	<b>\$1,986.36</b>	members inactive for 10+ years

**Annual Statement for the Marlborough Retirement Board  
For the Year Ending December 31, 2010**

**Receipts**

	<u>2010</u>	<u>2009</u>	<u>2008</u>
<b>1. Annuity Savings Fund</b>			
(a) 4891 - Members Deductions	2,622,729.27	2,664,329.80	2,527,417.61
(b) 4892 - Trans from Other Sys.	216,734.58	316,559.92	86,848.18
(c) 4893 - Make-up and Redeposits	16,749.11	23,424.50	20,703.62
(e) Invest Income Cr to Mem. A/C	<u>90,325.88</u>	<u>129,023.48</u>	<u>144,768.71</u>
<b>Subtotal</b>	<b>2,946,538.84</b>	<b>3,133,337.70</b>	<b>2,779,738.12</b>
<b>2. Annuity Reserve Fund</b>			
(a) Investment Income Credited to Annuity Reserve Fund	<u>250,336.92</u>	<u>241,738.60</u>	<u>240,440.40</u>
<b>Subtotal</b>	<b>250,336.92</b>	<b>241,738.60</b>	<b>240,440.40</b>
<b>3. Pension Fund</b>			
(a) 4898 - 3(8)(c) Reimbursements from Other Systems	168,431.95	163,406.96	159,481.05
(b) 4899 - Received from State for COLA & Survivors	153,197.06	138,918.00	173,923.35
(c) 4840 - Workers' Comp Settlement	1,500.00	0.00	0.00
(d) 4894 - Pension Fund Approp.	<u>6,945,217.00</u>	<u>6,370,663.00</u>	<u>6,235,842.00</u>
<b>Subtotal</b>	<b>7,268,346.01</b>	<b>6,672,987.96</b>	<b>6,569,246.40</b>
<b>4. Military Service Fund</b>			
(a) 4880 - Military Service Contribution from Municipality	8,133.31	0.00	0.00
(b) Investment Income Credited	<u>7.90</u>	<u>13.09</u>	<u>15.62</u>
<b>Subtotal</b>	<b>8,141.21</b>	<b>13.09</b>	<b>15.62</b>
<b>5. Expense Fund</b>			
(a) 4896 - Expense Fund Approp.	0.00	0.00	0.00
(b) Investment Income Credit to Expense Fund	<u>482,914.39</u>	<u>433,201.16</u>	<u>392,067.69</u>
<b>Subtotal</b>	<b>482,914.39</b>	<b>433,201.16</b>	<b>392,067.69</b>
<b>6. Pension Reserve Fund</b>			
(a) 4897 - Fed. Grant Reimbursement	21,230.63	12,664.59	18,416.94
(b) 4895 - Pension Reserve App.	0.00	0.00	0.00
(c) 4822 - Interest not Refunded	2,640.77	1,795.88	5,934.13
(d) 4825 - Misc. Income	0.00	0.00	0.00
(e) Excess Investment Income	<u>10,082,380.17</u>	<u>12,168,447.60</u>	<u>-20,207,143.64</u>
<b>Subtotal</b>	<b>10,106,251.57</b>	<b>12,182,908.07</b>	<b>-20,182,792.57</b>
<b>Total Receipts</b>	<b>21,062,528.94</b>	<b>22,664,186.58</b>	<b>-10,201,284.34</b>

**Annual Statement for the Marlborough Retirement Board  
for the Year Ending December 31, 2010**

**Disbursements**

	<u>2010</u>	<u>2009</u>	<u>2008</u>
<b>1. Annuity Savings Fund</b>			
(a) 5757 - Refunds to Members	209,830.54	223,375.25	152,755.09
(b) 5756 - Trans to Other Sys.	<u>263,485.29</u>	<u>110,209.77</u>	<u>256,940.69</u>
<b>Subtotal</b>	<b>473,315.83</b>	<b>333,585.02</b>	<b>409,695.78</b>
<b>2. Annuity Reserve Fund</b>			
(a) 5750 - Annuities Paid	1,148,562.31	1,062,832.58	1,025,630.45
(b) 5759 - Option B Refunds	<u>9,374.56</u>	<u>78,371.44</u>	<u>9,679.98</u>
<b>Subtotal</b>	<b>1,157,936.87</b>	<b>1,141,204.02</b>	<b>1,035,310.43</b>
<b>3. Pension Fund</b>			
(a) 5751 - Pensions Paid			
Regular Pension Payments	5,137,059.74	4,805,498.61	4,666,811.11
Survivor Payments	416,353.83	394,023.29	401,028.23
Ordinary Disability Payments	100,811.58	103,894.80	102,255.42
Accidental Disability Payments	1,147,952.85	1,138,898.14	1,148,322.39
Accidental Death Payments	324,883.22	343,981.95	337,076.72
Section 101 Benefits	43,358.29	48,314.10	47,872.80
(b) 5755 - 3(8)(C) Reimbursements to Other Systems	<u>211,026.19</u>	<u>152,383.97</u>	<u>83,515.27</u>
<b>Subtotal</b>	<b>7,381,445.70</b>	<b>6,986,994.86</b>	<b>6,786,881.94</b>
<b>4. Military Service Fund</b>			
(a) 4890 – Return to Municipality for Members Who Withdrew Funds	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<b>Subtotal</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>5. Expense Fund</b>			
(a) 5118 Board Member Stipend	15,000.00	15,000.00	15,000.00
(b) 5119 Salaries	124,813.94	125,600.28	121,274.70
(c) 5304 Management Fees	254,444.81	206,379.29	200,150.09
(d) 5305 Custodial Fees	30,000.00	30,000.00	4,933.07
(e) 5307 Consultant Fees	35,000.04	26,666.64	24,999.96
(f) 5308 Legal Expenses	12,296.25	185.50	0.00
(g) 5309 Medical Expenses	0.00	0.00	0.00
(h) 5310 Fiduciary Insurance	6,263.00	5,783.00	5,476.00
(i) 5311 Service Contracts	0.00	0.00	12,011.00
(j) 5315 Professional Services	0.00	11,750.00	0.00
(k) 5320 Education & Training	1,882.69	1,500.00	0.00
(l) 5589 Administrative Expenses	2,786.86	9,987.38	4,192.80
(m) 5599 Furniture and Equipment	0.00	0.00	0.00
(n) 5719 Travel	<u>426.80</u>	<u>349.07</u>	<u>4,030.07</u>
<b>Subtotal</b>	<b>482,914.39</b>	<b>433,201.16</b>	<b>392,067.69</b>
<b>Total Disbursements</b>	<b>9,495,612.79</b>	<b>8,894,985.06</b>	<b>8,623,955.84</b>

**Annual Statement for the Marlborough Retirement Board  
for the Year Ending December 31, 2010**

**Investment Income**

	<u>2010</u>	<u>2009</u>	<u>2008</u>
<b>Investment Income Received From:</b>			
(a) Cash (Schedule 1)	1,849.49	2,005.47	38,381.53
(b) Short-term Investments (Schedule 2)	0.00	0.00	0.00
(c) Fixed Income Sec. (Sch. 3A & 3C)	0.00	0.00	0.00
(d) Equities (Schedules 4A & 4C)	2,890.81	31,045.28	2,380.78
(e) Pooled Funds (Schedule 5)	<u>1,001,111.40</u>	<u>694,508.60</u>	<u>503,162.24</u>
<b>4821 - Total Investment Income</b>	<b>1,005,851.70</b>	<b>727,559.35</b>	<b>543,924.55</b>
 <b>Plus:</b>			
4884 - Realized Gains	210,094.56	34,688.01	264,511.90
4886 - Unrealized Gains	15,440,582.93	18,175,588.45	2,865,848.82
1550 - Interest Due & Accrued (Current)	<u>226.98</u>	<u>15.98</u>	<u>621.07</u>
	<b>15,650,904.47</b>	<b>18,210,292.44</b>	<b>3,130,981.79</b>
 <b>Less:</b>			
4823 - Pd. Accrued Interest – Fixed Inc	0.00	0.00	0.00
4885 - Realized Losses	-4,225.00	-120,314.00	-267,277.00
4887 - Unrealized Losses	-5,746,549.93	-5,844,492.79	-22,834,064.93
1550 - Interest Due & Accrued Prior Year	<u>-15.98</u>	<u>-621.07</u>	<u>-3,415.63</u>
	<b>-5,750,790.91</b>	<b>-5,965,427.86</b>	<b>-23,104,757.56</b>
 <b>Net Investment Income</b>	<b>10,905,965.26</b>	<b>12,972,423.93</b>	<b>-19,429,851.22</b>
 <b>Income Required:</b>			
Annuity Savings Fund	90,325.88	129,023.48	144,768.71
Annuity Reserve Fund	250,336.92	241,738.60	240,440.40
Expense Fund	482,914.39	433,201.16	392,067.69
Military Service Fund	<u>7.90</u>	<u>13.09</u>	<u>15.62</u>
	<b>823,585.09</b>	<b>803,976.33</b>	<b>777,292.42</b>
 <b>Total Income Required:</b>	<b>823,585.09</b>	<b>803,976.33</b>	<b>777,292.42</b>
 <b>Net Investment Income:</b>	<b>10,905,965.26</b>	<b>12,972,423.93</b>	<b>-19,429,851.22</b>
<b>Less: Income Required:</b>	<u>-823,585.09</u>	<u>-803,976.33</u>	<u>-777,292.42</u>
 <b>Excess Income to Pension Reserve</b>	<b>10,082,380.17</b>	<b>12,168,447.60</b>	<b>-20,207,143.64</b>

# Annual Statement of the Marlborough Retirement System for the Year Ending December 31, 2010

## Membership for Current Year

<u>Active Members</u>	<u>Group One</u>	<u>Group 2 &amp; 4</u>	<u>Total</u>
Active Membership Prior Year	556	137	693
Inactive Membership Prior Year	135	1	136
Enrolled during current year	62	0	62
Transfers between groups	0	0	0
Reinstatement of disabled (retired) members	0	0	0
<b>SUBTOTAL</b>	<b>753</b>	<b>138</b>	<b>891</b>
Deduct:			
Death	1	0	1
Withdrawal	53	0	53
Retirements	9	2	11
<b>SUBTOTAL</b>	<b>690</b>	<b>136</b>	<b>826</b>
Active Membership Current Year	546	135	681
Inactive Membership Current Year	144	1	145
 <b><u>Retired Members, Beneficiaries, and Survivors</u></b>			
Membership prior year	253	98	351
Retirements during the year:			
Superannuation	9	2	11
Ordinary Disability	0	0	0
Accidental Disability	0	0	0
Termination	0	0	0
Beneficiary of Deceased Retiree	3	0	3
Survivor Benefits from Active	1	0	1
<b>SUBTOTAL</b>	<b>266</b>	<b>100</b>	<b>366</b>
Deduct:			
Deaths	11	1	12
Termination of Survivor Benefits	2	0	2
Reinstatements	0	0	0
<b>SUBTOTAL</b>	<b>253</b>	<b>99</b>	<b>352</b>
Retired Membership Current Year			
Superannuation	196	56	252
Ordinary Disability	3	1	4
Accidental Disability	11	21	32
Termination	0	1	1
Beneficiaries from Accidental Death	4	9	13
Section 101 Beneficiaries	1	5	6
Option C Survivor	20	6	26
Active Member Survivor	18	0	18
<b>TOTAL RETIRED AND BENEFICIARY MEMBERSHIP CURRENT YEAR</b>	<b>253</b>	<b>99</b>	<b>352</b>
 <b>TOTAL MEMBERSHIP ACTIVE, INACTIVE, RETIRED, &amp; BENEFICIARY</b>	 <b>943</b>	 <b>235</b>	 <b>1178</b>

**Annual Statement for the Marlborough Retirement Board  
for the Year Ending December 31, 2010**

**Schedule A  
Detail of Accounts Receivable and Accounts Payable**

**Accounts Receivable**

4821	Clarion 4 <sup>th</sup> Qtr. Distribution	28,214.00
4894	Pension Fund Appropriation	3,419,477.50
5759	FIT Due from City	7,499.64
5751	Retiree Overpayment	67.10
5751	Deductions Reimbursement Due from City	806.67
4891	Member Contribution	16.03
3295	Military Appropriation	8,133.31

**Total Accounts Receivable** **3,464,214.25**

**Accounts Payable**

5118	Board Member Comp.	1,250.00
5119	Staff Salaries	16,556.42
5304	Management Fees	20,452.12
5305	Custodial Fees	7,500.00
5308	Legal Fees	69.00
5307	Consultant Fee	2,916.67
4891	Excess Contr. Due to City	860.28

**Total Accounts Payable** **49,604.49**

# **Marlborough Retirement System Accompanying Investment Schedules**

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Schedule 1A **Cash Held on 12/31/10**

Schedule 2A **Short-term Securities Owned on 12/31/10**

Schedule 2B **Short-term Securities Purchased in 2010**

Schedule 2C **Short-term Securities Sold in 2010**

Schedule 3A **Fixed Income Securities Owned on 12/31/10**

Schedule 3B **Fixed Income Securities Purchased in 2010**

Schedule 3C **Fixed Income Securities Sold or Matured in 2010**

Schedule 4A **Equities Owned on 12/31/10**

Schedule 4B **Equities Purchased in 2010**

Schedule 4C **Equities Sold in 2010**

Schedule 5 **Schedule of Pooled Fund**

Schedule 6 **Summary of Investment Owned**

**Annual Statement of the Marlborough Retirement System for the Year Ending December 31, 2010**  
**Cash Held at the End of the Year**  
**Schedule 1A**

Description Account	CUSIP	Book Value at end of Previous Yr.	Total Deposits/Withdrawal This Year	Total Book Value Dec. 31st This Year	Income Received This Year	Interest Due and Accrued Dec. 31st
State Street Bank Govt STIF 3837479G9		\$736,238.35	\$2,413,220.90	\$3,149,459.25	\$1,849.49	\$226.98
Cash on Hand		\$22.83	\$0.00	\$22.83	\$0.00	\$0.00
Bank of America		\$14,064.43	\$5,463.02	\$19,527.45	\$0.00	\$0.00
<b>Total</b>		<b>\$750,325.61</b>	<b>\$2,418,683.92</b>	<b>\$3,169,009.53</b>	<b>\$1,849.49</b>	<b>\$226.98</b>

Annual Statement of the Marlborough Retirement System for the Year Ending December 31, 2010  
Short-Term Securities Held at the End of the Year  
Schedule 2A

Description	Account	CUSIP	Date Acquired	Par Value	Cost (Incl. Commissions)	Amount Rec'd at	Market Value	Interest Received During Year	Due and Accrued Dec. 31st
						Maturity less Commissions	Dec. 31st Current Year		
<b>Total</b>				<b>\$0.000</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

Annual Statement of the Marlborough Retirement System for the Year Ending December 31, 2010  
Short-Term Securities Purchased During the Year  
Schedule 2B

Description	Account	CUSIP	Date Acquired	Par Value	Cost (Incl. Commissions)	Interest Rate	Date of Maturity	Commission / Broker Name	Accrued Interest Paid
<b>Total</b>				<b>\$0.000</b>	<b>\$0.00</b>			<b>\$0.00</b>	<b>\$0.00</b>

Annual Statement of the Marlborough Retirement System for the Year Ending December 31, 2010  
Short-Term Securities Sold or Matured During Year  
Schedule 2C

Description	Account	CUSIP	Date Acquired	Par Value	Interest Rate	Date Sold or Matured	Amount Received Less Commission / Broker's Name	Book Value	Commission	Interest Received During Year	Profit / Loss
<b>Total</b>				<b>\$0.000</b>				<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>



Annual Statement of the Marlborough Retirement System for the Year Ending December 31, 2010  
 Fixed Income Securities Purchased During the Year  
 Schedule 3B

Description Account	CUSIP	Par Value	Date Acquired	Name of Broker	Commissions Paid	Paid Accrued Interest	Cost excl. Interest incl. Commissions
<b>Total</b>		<b>\$0.000</b>			<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

**Annual Statement of the Marlborough Retirement System for the Year Ending December 31, 2010**  
**Fixed Income Securities Sold or Matured During Year**  
**Schedule 3C**

Name of Broker	Commissions of Broker	Market Value or Cost	Amount Rec'd Less Commissions Excl. Acc. Interest	Realized Gain	Realized Loss	Interest Received During Year Inc. Interest Sold
<b>Total</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>



**Annual Statement of the Marlborough Retirement System for the Year Ending December 31, 2010  
Equities Purchased During the Year  
Schedule 4B**

Description Account	CUSIP	Number of Shares	Date Acquired	Name of Broker	Commissions Paid	Cost to System Incl. Commissions
<b>Total</b>		0.00			<b>\$0.00</b>	<b>\$0.00</b>



**Annual Statement of the Marlborough Retirement System for the Year Ending December 31, 2010**  
**Schedule of Pooled Funds**  
**Schedule 5**

Description CUSIP	Market Value Prior Year	Total Purchases at Cost	Reinvested Investment Income	Realized Gain	Realized Loss	Unrealized Gain	Unrealized Loss	Total Sales	Distributions Dividends	Fees Paid	Market Value at End of Year
CLARION LION PROPERTIES FUND 18099A986	\$2,433,431.00	\$0.00	\$181,309.00	\$4,838.00	\$4,225.00	\$290,687.00	\$21,919.00	\$0.00	\$123,328.00	\$29,360.00	\$2,731,433.00
LEGG MASON BATTMAR S/C EQ-IN 502082811	\$4,749,720.03	\$0.00	\$33,835.77	\$0.00	\$0.00	\$1,559,310.57	\$501,828.35	\$900,000.00	\$0.00	\$0.00	\$4,941,038.02 fees pd from investment income
RHUMBLINE S&P 500 FUND 338997992	\$22,574,725.90	\$0.00	\$0.00	\$0.00	\$0.00	\$5,972,772.05	\$2,640,285.40	\$600,000.00	\$0.00	\$0.00	\$25,307,212.55 fees pd from investment income
NEUBERGER BERMAN INTL 641224704	\$6,041,333.97	\$0.00	\$53,519.11	\$0.00	\$0.00	\$1,443,880.84	\$582,811.05	\$0.00	\$0.00	\$0.00	\$6,955,922.87 fees pd from investment income
BOSTON CO EQUITY POOLED FD 100583988	\$6,842,765.58	\$0.00	\$0.00	\$0.00	\$0.00	\$1,351,005.08	\$901,505.28	\$0.00	\$0.00	\$0.00	\$7,292,265.38 fees pd from investment income
SHENKMAN HIGH YIELD BOND FUNI 74199D933	\$9,101,901.00	\$0.00	\$683,035.00	\$0.00	\$0.00	\$606,322.00	\$131,186.00	\$0.00	\$0.00	\$53,252.00	\$10,206,820.00
NORTH AMERICAN STRATEGIC PTNRS 2006 66099A928	\$2,605,313.21	\$297,894.01	\$42,477.39	\$205,256.56	\$0.00	\$218,736.37	\$54,169.88	\$0.00	\$407,307.69	\$44,244.43	\$2,863,955.54

**Annual Statement of the Marlborough Retirement System for the Year Ending December 31, 2010**  
**Schedule of Pooled Funds**  
**Schedule 5**

Description CUSIP	ACCOUNT	Market Value Prior Year	Total Purchases at Cost	Reinvested Investment Income	Realized Gain	Realized Loss	Unrealized Gain	Unrealized Loss	Total Sales	Distributions Dividends	Fees Paid	Market Value at End of Year
PENN MID CAP EQUITY FUND LP 70899D959		\$4,360,781.07	\$0.00	\$0.00	\$0.00	\$0.00	\$1,689,973.63	\$558,292.04	\$900,000.00	\$0.00	\$38,484.93	\$4,553,977.73
STATE STREET BK MKT INDEX FD 78599V989		\$16,780,016.75	\$0.00	\$5,096.39		\$0.00	\$1,028,003.25	\$0.00	\$17,808,020.00		\$5,096.39	\$0.00
											fees pd from securities lending***	
STATE STREET BD MKT NL 910ELU901		\$3,560,797.47	\$18,708,020.00	\$0.00	\$0.00	\$0.00	\$633,582.14	\$283,995.38	\$0.00	\$0.00	\$0.00	\$22,618,404.23
											fees included in Bond Market Index Fd	
SSGA TREASURY INFLATED PROTECTED SEC 88899A965		\$4,728,155.73	\$0.00	\$1,838.74	\$0.00	\$0.00	\$262,095.27	\$0.00	\$4,990,251.00	\$0.00	\$1,838.74	\$0.00
											fees pd from securities lending ***	
SSGA TREASURY INFLATE NL FUND 910BRRR908		\$3,839,544.22	\$6,490,251.00	\$0.00	\$0.00	\$0.00	\$384,214.73	\$70,557.55	\$0.00	\$0.00	\$0.00	\$10,643,452.40
											fees included in SSGA TIPS Fund	
<b>Total</b>		<b>\$87,618,485.93</b>	<b>\$25,496,165.01</b>	<b>\$1,001,111.40</b>	<b>\$210,094.56</b>	<b>\$4,225.00</b>	<b>\$15,440,582.93</b>	<b>\$5,746,549.93</b>	<b>\$25,198,271.00</b>	<b>\$530,635.69</b>	<b>\$172,276.49</b>	<b>\$98,114,481.72</b>

\*\*\* Actual Fees: \$5,877.47 SSGA TIPS Funds  
\$13,087.61 SSGA Bond Market Index Fund  
excess over SL paid from Investment income

**Annual Statement of the Marlborough Retirement System for the Year Ending December 31, 2010**  
**Summary of Investments Owned**  
**Schedule 6**

Category of Investment	Market Value Current Year	Interest Due and Accrued	Paid Accrued Interest	Commission	Unrealized Gain	Unrealized Loss	Realized Gain	Realized Loss	Investment Income Received
1. 1040 Cash	\$19,527.45	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1 1041 Cash on Hand	\$22.83	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1 1043 Cash Investors Bank & Trust	\$3,149,459.25	\$226.98	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,849.49
2 1100 Short-term Securities	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
3 1180 Fixed Income Securities	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
4. 1170 Equities	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,890.81 **
5b. 1172 Pooled Domestic Equity Funds	\$34,802,228.30	\$0.00	\$0.00	\$0.00	\$9,222,056.25	\$3,700,405.79	\$0.00	\$0.00	\$33,835.77
5 1173 Pooled International Equity Fund	\$14,248,188.25	\$0.00	\$0.00	\$0.00	\$2,794,885.92	\$1,484,316.33	\$0.00	\$0.00	\$53,519.11
5e. 1181 Pooled Domestic Fixed Income Funds	\$43,468,676.63	\$0.00	\$0.00	\$0.00	\$2,914,217.39	\$485,738.93	\$0.00	\$0.00	\$689,970.13
5h. 1193 Pooled Alternative Investments / Private Equity	\$2,863,955.54	\$0.00	\$0.00	\$0.00	\$218,736.37	\$54,169.88	\$205,256.56	\$0.00	\$42,477.39
5 1194 Pooled Real Estate Investments	\$2,731,433.00	\$0.00	\$0.00	\$0.00	\$290,687.00	\$21,919.00	\$4,838.00	\$4,225.00	\$181,309.00
<b>Total</b>	<b>\$101,283,491.25</b>	<b>\$226.98</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$15,440,582.93</b>	<b>\$5,746,549.93</b>	<b>\$210,094.56</b>	<b>\$4,225.00</b>	<b>\$1,005,851.70</b>

\*\* Proceeds from Securities Litigation

## APPENDIX PAGE 1

### PLAN DESCRIPTION

The plan is a contributory defined benefit plan covering all Marlborough Retirement System member unit employees deemed eligible by the retirement board, with the exception of school department employees who serve in a teaching capacity. The pensions of such school employees are administered by the Teachers' Retirement Board.

Instituted in 1937, the System is a member of the Massachusetts Contributory Retirement System and is governed by Chapter 32 of the Massachusetts General Laws. Membership in the plan is mandatory immediately upon the commencement of employment for all permanent, full-time employees.

The system provides for retirement allowance benefits up to a maximum of 80% of a member's highest three-year average annual rate of regular compensation. Benefit payments are based upon a member's age, length of creditable service, level of compensation, and group classification.

Members become vested after ten years of creditable service. A superannuation retirement allowance may be received upon the completion of twenty years of service or upon reaching the age of 55 with ten years of service. Normal retirement for most employees occurs at age 65 (for certain hazardous duty and public safety positions, normal retirement is at age 55).

A retirement allowance consists of two parts: an annuity and a pension. A member's accumulated total deductions and a portion of the interest they generate constitute the annuity. The differential between the total retirement benefit and the annuity is the pension. The average retirement benefit is approximately 80-85% pension and 15-20% annuity.

Active members contribute 5, 7, 8, or 9% of their gross regular compensation. Members joining the retirement system after January 1, 1979 must contribute an additional 2% on regular compensation earned at a rate in excess of \$30,000. The percentage rate is keyed to the date upon which an employee's membership commences. These deductions are deposited in the Annuity Savings Fund and earn interest at a rate determined by the Executive Director of PERAC according to statute. When a member's retirement becomes effective, his/her deductions and related interest are transferred to the Annuity Reserve Fund. Cost-of living adjustments and any other increase in benefits imposed by state law granted between 1981 and 1996 are borne by the state.

The pension portion of any retirement benefit is paid from the Pension Fund of the System. The governmental unit employing the member must annually appropriate and contribute the amount of current year pension payments as determined by PERAC's Actuary. Until recently, retirement systems were paying only the actual retirement benefits that were due each year. Systems had no statutory authorization to put aside any money

## APPENDIX PAGE 2

for the future benefits of employees who are now working. Large unfunded liabilities resulted from operating upon this pay-as-you-go basis. In 1977, legislation authorized local governments to appropriate funds to meet future pension obligations.

In 1983, additional legislation was passed requiring the transfer of investment earnings (in excess of the amount credited to member accounts) into the Pension Reserve Fund. These initiatives have significantly reduced the rate of growth of the retirement systems' unfunded liabilities, and in some systems have actually reduced such liability.

Administrative expenses are funded through excess investment income.

Members who become permanently and totally disabled for further duty may be eligible to receive a disability retirement allowance. The amount of benefits to be received in such cases is dependent upon several factors including: whether or not the disability is work related, the member's age, years of creditable service, level of compensation, veteran's status, and group classification.

Employees who resign from service and who are not eligible to receive a retirement allowance or elect not to receive a retirement allowance are entitled to request a refund of their accumulated total deductions. In addition, depending upon the number of years of creditable service, such employees are entitled to receive either zero (0%) percent, fifty (50%) percent, or one hundred (100%) percent of the regular interest which has accrued upon those deductions. Survivor benefits are extended to eligible beneficiaries of members whose death occurs prior to or following retirement.

### **SIGNIFICANT ACCOUNTING POLICIES**

The accounting records of the System are maintained on a calendar year basis in accordance with the standards and procedures established by the Executive Director of Public Employee Retirement Administration Commission. All investments are stated at market value at the end of the year.

The Annuity Savings Fund is the fund in which members' contributions are deposited. Active members contribute 5, 7, 8 or 9% of their gross regular compensation. Voluntary contributions, redeposits, and transfers to and from other systems, are also accounted for in this fund. Members' contributions to the fund earn interest at a rate determined by PERAC. Interest for some members who withdraw with less than ten years of service is transferred to the Pension Reserve Fund. Upon retirement, members' contributions and interest are transferred to the Annuity Reserve Fund. Dormant account balances must be transferred to the Pension Reserve Fund after a period of ten years of inactivity.

### APPENDIX PAGE 3

The Annuity Reserve Fund is the fund to which a member's account is transferred upon retirement from the Annuity Savings Fund and Special Military Service Credit Fund. The annuity portion of the retirement allowance is paid from this fund. Interest is credited monthly to this fund at the rate of 3% annually on the previous month's balance.

The Special Military Service Credit Fund contains contributions and interest for members while on a military leave for service in the Armed Forces who will receive creditable service for the period of that leave.

The Expense Fund contains amounts transferred from investment income or appropriated by the governmental units for the purposes of administering the retirement system.

The Pension Fund contains the amounts appropriated by the governmental units as established by PERAC to pay the pension portion of each retirement allowance.

The Pension Reserve Fund contains amounts appropriated by the governmental units for the purposes of funding future retirement benefits. Any profit or loss realized on the sale or maturity of any investment or on the unrealized gain of a market valued investment as of the valuation date is credited to the Pension Reserve Fund. Additionally, any investment income in excess of the amount required to credit interest to the Annuity Savings Fund, Annuity Reserve Fund, Expense Fund, and Special Military Service Credit Fund is credited to this Reserve account.

The Investment Income Account is credited with all income derived from invested funds. At the end of the year the interest credited to the Annuity Savings Fund, Annuity Reserve Fund, Expense Fund, and Special Military Service Credit Fund is distributed from this account and the remaining balance is transferred to the Pension Reserve Fund.

**APPENDIX PAGE 4**

**ACTUARIAL VALUATION AND ASSUMPTIONS**

The most recent actuarial valuation of the System was prepared by Buck Consultants as of January 1, 2009.

The normal cost for employees on that date was:	\$2,504,660	8.30% of payroll
The normal cost for the employer was:	\$1,399,430	4.70% of payroll

The actuarial liability for active members was:	\$80,150,900
The actuarial liability for retired members was:	\$71,236,571
Total actuarial accrued liability:	\$151,387,471
System assets as of that date:	\$95,234,652
Unfunded actuarial accrued liability:	\$56,152,819

The ratio of system's assets to total actuarial liability was: 62.9%

The principal actuarial assumptions used in the valuation are as follows:

<b>Investment Return:</b>	8.0% per annum
<b>Rate of Salary Increase:</b>	5.5% per annum

**SCHEDULE OF FUNDING PROGRESS**

Actuarial Valuation Date	Actuarial Value of Assets (a)	Actuarial Accrued Liability (AAL) (b)	Unfunded AAL (UAAL) (b-a)	Funded Ratio (a/b)	Covered Payroll (c)	UUAL as a % of Covered Payroll (b-a)/(c)
1/01/09	95234652	151387471	56152819	62.90%	15449152	187.00%
1/01/07	87226966	135300461	48073495	64.50%	26853365	179.00%
1/01/05	73679832	119539852	45860020	61.60%	25702903	178.40%
1/01/03	64469594	105714645	41245051	61.00%	24404601	169.00%
1/01/01	56442796	89860187	33417391	62.80%	22546184	148.20%
1/1/99	47693554	77713114	30019560	61.40%	19719922	152.20%
1/1/97	34858241	62255744	27397503	56.00%	18363323	149.20%
1/1/95	25030129	54808683	29778554	45.70%	15449152	192.80%

**CITY OF MARLBOROUGH  
OFFICE OF THE CITY CLERK**

**APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT**

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

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2. Specific Location of property including Assessor's Plate and Parcel Number.  
445 Simarano Drive (a/k/a 40 Crane Meadow Road). Map 116, Lot 1

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3. Name and address of owner of land if other than Petitioner or Applicant:  
445 Simarano Drive Marlborough LLC, c/o Crown Castle USA, Inc. 500 W. Cummings Park #3600, Woburn, MA 01801

---

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

---

7. Specific reason(s) for seeking Special Permit  
Modification of Special Permit 03-100112B to accommodate three (3) additional panel antennae for Applicant's fourth generation ("4G") wireless network, along with associated cabling and equipment as shown on plans included herewith.

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

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

  
\_\_\_\_\_  
Signature of Petitioner or Applicant

Address: c/o Centerline Communications LLC  
960 Turnpike Street, Suite 28  
Canton, MA 02021

Telephone No. 617-329-1152

Date: \_\_\_\_\_  
City Clerk's Office

**CITY OF MARLBOROUGH  
OFFICE OF THE CITY CLERK**

**APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT**

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

---

2. Specific Location of property including Assessor's Plate and Parcel Number.  
75 Donald C. Lynch Boulevard. Map 13 Lot 2

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3. Name and address of owner of land if other than Petitioner or Applicant:  
Lincoln Bombard, 75 Donald Lynch Boulevard, Marlborough, MA

---

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

---

7. Specific reason(s) for seeking Special Permit  
Modification of Special Permit 97-6754F to accommodate three (3) additional panel antennae for Applicant's fourth generation ("4G") wireless network, along with associated cabling and equipment as shown on plans included herewith.

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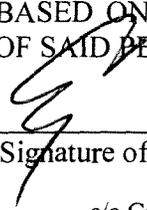
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8. List of names and addresses of abutter. SEPARATE SHEET ATTACHED

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

  
\_\_\_\_\_  
Signature of Petitioner or Applicant

Address: c/o Centerline Communications LLC  
960 Turnpike Street, Suite 28  
Canton, MA 02021

Telephone No. 617-329-1152

Date: \_\_\_\_\_  
City Clerk's Office

**CITY OF MARLBOROUGH  
OFFICE OF THE CITY CLERK**

**APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT**

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

---

2. Specific Location of property including Assessor's Plate and Parcel Number.  
860 Boston Post Road East, Map 6, Lot 16

---

3. Name and address of owner of land if other than Petitioner or Applicant:  
City of Marlborough, 140 Main Street, Marlborough, MA

---

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

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7. Specific reason(s) for seeking Special Permit  
Modification of Special Permit 08/09-1002083B to accommodate three (3) additional panel antennae for Applicant's fourth generation ("4G") long term evolution ("LTE") wireless network, along with associated cabling and equipment as shown on plans included herewith.

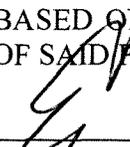
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8. List of names and addresses of abutter. SEPARATE SHEET ATTACHED

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

  
\_\_\_\_\_  
Signature of Petitioner or Applicant

Address: c/o Centerline Communications LLC  
960 Turnpike Street, Suite 28  
Canton, MA 02021

Telephone No. 617-329-1152

Date: \_\_\_\_\_  
City Clerk's Office



RECEIVED  
CITY OF MARLBOROUGH  
CITY CLERK  
2011 APR 26 10:03

**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, April 26, 2011 at 10:00 a.m. in the City Council Committee Room, City Hall. Members present: Chairman Police Chief Mark Leonard, Vice Chairman – DPW Commissioner Ronald LaFreniere and City Clerk Lisa Thomas. Also present: City Engineer Thomas Cullen, Asst. City Engineer Tim Collins, City Councilor Trisha Pope and Code Enforcement Officer Pam Wilderman. Minutes taken by: Karen Lambert, MPD Records Clerk.

**1- Minutes**

The minutes of the Traffic Commission meeting of Friday, April 1, 2011.

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

**2-New Business**

**2a. Communication from New Hope Community Church, re: parking on Main Street for church services.**

The Pastor, Rev. Rob Woods, is requesting that 10 spaces be reserved in front of the building on Sunday mornings for handicapped and elderly congregants. Chief Leonard advised that this could not be done; however, he would contact Pastor Woods and advise as to where parking is available.

MOTION was made, seconded, duly VOTED to REFER to CHIEF LEONARD. He will contact the Pastor directly to discuss parking.

**3-Old Business**

**3c. Stop signs on Bigelow Street.**

The community informational meeting was held at Hillside School on Wednesday, April 13<sup>th</sup> at 7:00 pm. The minutes from the meeting are currently under review and will be available shortly on the City's website. One of the items that came up at the meeting was about possibly using solar powered speed signs in specific areas. The commission needs

to look at the cost of each unit. It would be nice to have four but it may be cost prohibitive. Chief Leonard commented that this whole issue is a balancing act and that the radar boards would at least be a form of mitigation. Ron LaFreniere noted that we need to follow up with additional vehicle counts so that the Commission would have good baseline information. Additional follow up is necessary before any stop signs can come down. Lisa commented that what she heard from the community meeting was that the majority were concerned with speed. Residents wanted cars to at least slow down and the stop signs seemed to be the "lesser of the evils". Ron had the sense that it was more of a 50-50 split with those wanting to keep the signs and those wanting them taken down. Chief Leonard noted that the "ironic twist" is that you can't enforce any of the stop signs because they are not warranted. Councilor Pope noted that she understands that Bigelow Street is not the driving force here relative to the multiway stops. It is the side streets that don't have enough traffic. Those at the community meeting did not want to hear this. They focused on counts being done at the wrong time etc. Ron said that we need to have a plan in place before any changes are made. Councilor Pope said that there are several vacant spots on Bigelow that may be better placement for the solar signs. Chief Leonard said that we are "still in research mode". Shea Drive also came up as a concern at the meeting but it could be just a matter of cutting back vegetation.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to develop a plan and proposal for the location of speed signs. The optimum would be four but what would two look like and where would they be placed. Also, to look into the issue of Shea Drive.

**3g. Communication from Councilor Pope, re: Pedestrian crossing concerns near Hillside School.**

Tim Collins advised that the best location for the crosswalk would be across from the barn. It can be nice and wide (i.e. 8 feet) to accommodate a group of kids walking across. Councilor Pope noted that Mr. Beecher has already indicated that the school would install the required sidewalk. Advance warning signs and a crosswalk sign would also be included as part of the crosswalk installation. Councilor Pope asked if it was OK for her to contact Mr. Beecher now. Tim advised that she could give Mr. Beecher his contact information and that he could then get in touch with Tim directly to discuss the specifics.

MOTION was made, seconded, duly VOTED to REFER Councilor Pope to contact Mr. Beecher at Hillside School.

**3k. Communication from Pam Wilderman, re: Sign on Maple @ Walker Street.**

Chief Leonard advised Pam that the Traffic Commission has discussed this issue, however, does not seem to find the sign to be much of an issue from a traffic safety standpoint. He said that the sign is on the side of the building and that you do see the traffic light first when you approach the intersection. Ron said that he tends to agree with the Chief on this issue. Pam commented that if you are coming Northbound on Maple there is a bit of a curve in the roadway, where two lanes of traffic need to stay in their specific lanes. She thinks it can be an issue. However, she can note that the matter was referred to the Traffic Commission and that they did not find it to be a big problem. Ron did note that sometimes the sign is so bright that it is distracting when you are trying to read it. Pam said that she has already asked them to lower the intensity but maybe it can

be lowered a bit more. Chief Leonard commented that it would be ideal if they “could tone it down a notch”. It would be less of a distraction.

MOTION was made, seconded, duly VOTED to REFER to Pam Wilderman to talk to owners to see if sign intensity can be lowered.

**3j. Communication from Pam Wilderman, re: parking on Belmont and Newton Streets.**

Parking issues on Belmont Street seem to have quieted down. Pam mentioned that the original complaints came from the area where there are 2 houses on 1 lot and also an illegal rooming house.

Newton Street is more of an issue. Pam mentioned that she again cited the owners who have the junk cars on the property and nowhere for the tenants to park. She said that it could just be an ongoing enforcement issue. Ron commented that the legally parked cars also create an issue. It is also a problem for the fire department. Tim noted that when cars are parked legally on both sides there are only 12 feet down the center. The fire chief was going to look into this with the ladder truck.

MOTION was made, seconded, duly VOTED to TABLE until the issue on Newton Street can be discussed with Fire Chief Plummer in more detail.

**3d. Traffic Commission rules and regulations update.**

Chief Leonard mentioned that he has a meeting with the Mayor today and is hoping that she will agree to hire the same company that updated the City’s General Code. Lisa Thomas again noted that there is a cost per year (\$1,195.) to maintain the general code, i.e. to put new amendments on the web page but that does not include incorporating them into the document. “Recodification” will need to be considered at a later date as it becomes difficult for someone to review a specific section when there are so many amendments that are listed at the top of the page.

MOTION was made, seconded, duly VOTED to REFER to CHIEF LEONARD to discuss with Mayor Stevens in more detail.

**3h. Traffic regulations at the elderly housing properties.**

The group reviewed that parking is currently allowed in “marked spaces only”, as noted with signage. At the last meeting there was confusion as to how to word the parking restrictions in the regulations. Ron commented that the paving conditions on Windsor Street are “inappropriate”. Seniors from 240 Main Street have to use this area to get through. He would like to see this project get started soon. It is on the schedule for the spring of 2011.

MOTION was made, seconded, duly VOTED to TABLE until DPW completes improvements.

**3i. Communication from Councilor Clancy, re: parking at Rail Trail head on Lincoln Street.**

Chief Leonard has been checking this area daily and has not seen any cars parked here.

MOTION was made, seconded, duly VOTED to REMOVE this item from the Agenda. This issue should be resolved with the upcoming roadway improvements.

**3l. Communication from Ann Richards, AMSA Charter School, re: School zone on Forest Street.**

Tim Collins presented a diagram of Forest Street with the proposed school zone indicated. It lists the school starting time at 7:30am and ending time of 3:15pm. The proposed school zone would be in effect from 7:15am to 8:15am and 3:00pm to 4:00pm. He also noted that the MUTCD has changed the regulations relative to schools. A school zone is now 300 feet from the property line. It used to be 300 feet from the building. The diagram shows a 40mph speed limit entering the school zone in both directions. Ron asked about the MUTCD requirements for Advance Warning signs and Reduce Speed signs. Tim advised that the proper signage would be in place. Ron also asked about flashing signs. They are more costly but would be preferable due to the high traffic in this area. Chief Leonard commented that AMSA has said that they would pay for these signs. This led to a question about wiring on the bridge over Rte. 495. The designated school zone would fall in the center of the bridge. Tom said that the State would not allow "features on the bridge" and that they would need to be located before or after the bridge. There was some discussion about posted speed limits indicated on the diagram. The posted speed in one direction is listed as 30 mph while in the other direction it says 40 mph. This will need to be clarified. Normally the City could move forward with the proposed school zone, however, due to the proximity of Rte. 495, MA DOT will probably need to be involved. Chief Leonard asked about the next step in the process. Tom Cullen said that he would like to get in touch with his contact at MA DOT and see if "they want to weigh in or not".

MOTION was made, seconded, duly VOTED to refer to ENGINEERING to contact MA DOT and get their feedback.

**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.

**Additional item not included on original agenda:**

**Communication from Ed Spaulding regarding specific stop signs.**

Ed Spaulding sent an e-mail to Tim Collins stating that he is working on replacing stop signs and found several signs that are not in the traffic regulations. He included diagrams

of each location. These are existing single stop signs that intersect a through street. Tim advised him not to install any new signs unless the proper regulations were in place. Ron asked if the issue could be referred to him. He has a book that specifically references all city stop signs and warrants. It is possible that the regulations may actually exist.

MOTION was made, seconded, duly VOTED to refer to Ron LaFreniere for further research.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 11:05 am.

Respectfully submitted,

Karen L. Lambert - Records Clerk, MPD

**List of documents and other exhibits used at the meeting:**

**- Meeting Agenda for Tuesday, April 26, 2011**

**-Includes the following attachments:**

\*Correspondence from Rev. Rob Woods to Chief Leonard, dated 3/28/11, re: reserved parking for Sunday church services.

**-Additional Handouts**

\*Diagram of proposed School Zone on Forest Street for AMSA.

\*Correspondence from Ed, Spaulding to Tim Collins, dated 4/13/11, re: stop signs including 7 diagrams.

*City of Marlborough*  
*Commonwealth of Massachusetts*

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CITY OF MARLBOROUGH

**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**

**May 9, 2011**  
**7:00 PM**

The Planning Board for the City of Marlborough met on Monday, May 9, 2011 in Memorial Hall, 3<sup>rd</sup> floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Colleen Hughes, Clerk, Philip Hodge, Edward Coveney, Clyde Johnson and Sean Fay. Also present: City Engineer Thomas Cullen.

**MINUTES**

***April 25, 2011***

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

To table the meeting minutes.

**CHAIRS BUSINESS**

**APPROVAL NOT REQUIRED PLAN**

**PUBLIC HEARING**

**Walker Estates**  
**Open Space Special Permits**

The Planning Board of the City of Marlborough held a public hearing on Monday, May 9, 2011, at 7:15p.m. in Memorial Hall, 3<sup>rd</sup> Floor, City Hall, 140 Main Street, Marlborough on the Open Space Special Permit Known as "Walker Estates", located off of Framingham Road, Marlborough, MA. Members present: Chairperson Barbara L. Fenby, Clerk Colleen Hughes, Philip Hodge, Clyde Johnson, Sean Fay and Edward Coveney. Also present: City Engineer Thomas Cullen.

Ms. Hughes read the advertisement into record.

Notice is hereby given that the Planning Board of the City of Marlborough will hold a public hearing on Monday, May 9, 2011 at 7:15 P.M., at Memorial Hall, City Hall, 140 Main Street, Marlborough, MA on the following Open Space Development Plan known as "Walker Estates" in which the proposal is herewith published in compliance with the requirements of the M.G.L. 41, §81T and is hereby set forth as follows:

NAME OF SUBDIVIDER: Melanson Development Group, Inc.  
P.O. Box 564  
Woburn, MA 01801

NAME OF ENGINEER: Bruce Saluk & Associates  
576 Boston Post Road East  
Marlborough, MA 01752

LOCATION OF PROPERTY: Property located at 93 Framingham Road  
Map 93, Parcels 87, 93, 93A, 94 and portion of  
City Owned Property

A plan of the proposed subdivision is on file in the City Clerk's Office, the Planning Board Office, and the City Engineer's Office and may be seen prior to the public hearing.

Mr. Saluk presented the plan to the Planning Board. He stated that the Walker Estate consists of 3 parcels with a combined area over 5 acres. This land abuts the Walker Brook and the existing Walker Estate remains on the property. Mr. Saluk briefly described the Open Space concept plan with 8 lots all having frontage along Framingham Road and the rear of the properties abutting the existing sewer easement. He also showed the conventional plan with 8 lots that would be allowed under the subdivision rules and regulations. He also then explained that the developer is also before the City Council for a Comprehensive Special Permit to renovate the existing residence into 7 units.

Mr. Bergeron explained that the City Council has not advanced the Comprehensive Special Permit to the Urban Affairs until all taxes due are paid. He explained that Celeste Walker, current owner of the property, needs more time to pay those taxes. He will be asking the City Council and the Planning Board for an extension for consideration.

In Favor:

No one spoke in favor.

In Opposition:

William Brewin  
126 Woodridge Road

Mr. Brewin submitted several concerns including the parking for the Walker Estate, the projection sale of the homes and he also submitted documents in opposition to the special permit. He stated in his documents that the neighborhood would lose wide open environment. He also submitted to the Board a request for conditions to the Special Permit which includes that all lots proposed in the "93 Framingham Road Open Space Development" be restricted to single family dwellings as defined in the City of Marlborough Zoning Ordinance.

Marian Hopkins  
151 Framingham Road

Ms. Hopkins asked that date of the submittal. Ms. Fenby stated that this is the first time the Planning Board is reviewing the plans. She is also concerned about the walking trails and the safety of their homes and if the people walking the trail would know if they were on the open space land or private property. Another concern of hers was the trash from various neighboring business's that accumulate on Framingham Road.

Thelma Balsa  
125 Framingham Road

Ms. Balsa was asking why Ms. Walker was not foreclosed on by the City as of today. Councilor Ferro stated that Ms. Walker was current on her taxes as of a few years ago and until recently she has lapsed in payment.

Dick Anderson  
193 Dartmouth Street

Mr. Anderson asked why the property is not being kept up, he stated the grass was overgrown and the property was in true despair. Ms. Fenby stated that was a code enforcement issue.

Mark Tucker  
70 Dartmouth

Mr. Tucker asked what the sizes of the lots are smaller than what the zoning would allow. (Property is A2 which under the Open Space would allow 12,000 sq ft), Lot 1 is 16,020 sq ft, Lot 2 is 12,330 sq ft, Lot 3 is 20,190 sq ft, Lot 4 is 13,230 sq ft, Lot 5 is 33,030 sq ft, Lot 6 is 22,620 sq ft, Lot 7 is 37,530 sq ft and Lot 8 is 12,980 sq ft.

Marjorie Vallee  
47 Framingham Road

Ms. Vallee stated asked where the pathway to the open space would be, Mr. Saluk pointed it out for her on the map. She is concerned on who will be in charge of the upkeep once the developer has completed the project. Ms. Fenby stated that Conservation is generally paid a fee for the upkeep. She also is concerned about the parking for the Open Space and the security in her neighborhood. She stated she sees no need for more open space.

Grant LaPlante  
29 Farm Road

Mr. LaPlante stated that he agreed with Mr. Brewin. The neighborhood has a scenic quality that he would hate to lose. He also stated that he does not agree that the historic home should be turned into 7 units and this would only exhaust the City's services even more.

Chris Heinz  
108 Framingham Road

Mr. Heinz asked what the impact would be of the home values in the neighborhood. Mr. Melanson stated through a study a few years ago, that there would be a slight increase to the surrounding homes.

John Esposito  
2 Woodridge Road

Mr. Esposito stated he just sees the Open Space as a bargaining chip. He believes this is not a great use of the "ugly open space" concept.

George Cumming  
58 Dartmouth

Mr. Cumming stated that the parking spaces for the units would be an eye sore to the scenic road. Mr. Melanson stated they can shield the parking spaces by mounding the front and adding landscape.

Michael Spitanik  
152 Framingham Road

Mr. Spitanik asked about the houses themselves, how many bedrooms will be in each home? Mr. Melanson stated that they would be three bedrooms.

Clement Santos  
1 Beverly Drive

Mr. Santos stated several years ago the residents expressed their opinions, and most of the opinions were opposed to any development to the Walker Estate. He asked why they seem to keep coming back and also stated that this would kill all property investments.

## **SUBDIVISION PROGRESS REPORTS**

### ***City Engineer Update***

Mr. Cullen provided a new subdivision status report to the Board. He stated the following:

- Indian Hill Subdivision: Several meetings with Conservation Commissioner, the Building Commissioner and the City Solicitor regarding the access to Callahan State Park and is reviewing the resubmitted acceptance plans.
- Shaughnessy Estates II: He has spoken to the bond holder's Engineer and Contractor, and is expecting a new subdivision completion schedule.
- The Residences of Oak Crest: He has spoken to the developer regarding his completion schedule and building out as needed, Mr. Cullen stated to finish the subdivision.
- Mauro Farms: he would like to see an update completion schedule; work was progressing but has since stopped.

### ***Black Horse Farms Extension Request***

Mr. Donald Seaberg, on behalf of the developer, is asking for a two year extension for this subdivision. He also provided a new completion schedule. Mr. Seaberg also stated that the erosion controls have been inspected and repaired, the streets have been cleaned and catch basins have been inspected.

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

To accept and file the correspondence.

Ms. Fenby questioned the completion schedule with its resume date of work to start in April of 2012. Mr. Seaberg stated that he pushed back the time frame for resuming the construction because lack of home sales in the subdivision. He stated he can revise the schedule.

Mr. Fay questioned whether the Board was required to grant a two year extension. Mrs. Lizotte stated that the current extension will expire on May 15, 2011.

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

To extend the subdivision until June 15, 2011 and have the developer submit a new completion schedule.

### ***Cider Mill Estates City Engineer's Correspondence***

Mr. Collins stated in his report that he has reviewed the status of the subdivision and can recommend the Planning Board reduce the current bond of \$462,000.00 to \$410,000.00. He also noted that the several items including drainage, pavement, curbing, sidewalks and streetscapes have not been completed.

Mr. Fay asked if the infrastructure progress being made was in keeping with the completion schedule. Mr. Seaberg stated that he will provide to the Board with new information.

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

To accept and file correspondence; have the developer provide an update to the completion schedule.

### ***Elm Farm Valley Estates***

*Correspondence from Attorney Norris*

Mr. Norris and his clients are asking to resolve the ongoing matter of the error of the easement on the original subdivision plan. The original plan shows a Sewer Easement, however the easement includes both water and sewer lines; and the acceptance plan shows it as a Utility Easement as requested by our Engineering Office.

His suggestion is for either the City Engineer, or the City Solicitor, or the Engineer or even himself, sign an affidavit stating that the easement stating utility easement is truly a water and sewer easement and record the plan with the affidavit.

Mr. Rider stated that he believes this may not hold up in the court of law when there becomes an issue with a water breakage on any of the lots with the easement error. He stated that if you could convince a judge of the original intent was for the easement to show both the water and sewer then you would have a valid ruling.

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

To table the matter and to discuss after the public hearing.

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

To remove the matter off the table.

Mr. Fay stated that a notice should be provided to the abutters. He suggested that he and Mr. Hodge would work on a letter that would expedite the plan. Mr. Rider stated that he could draft up an addendum to show the intent of the water and sewer line easement before the next scheduled meeting.

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

To ask the City Solicitor to draft language to show the intent of the easement.

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

### ***Water's Edge***

*Correspondence from Attorney Flood*

In a letter our City Solicitor, Attorney Flood stated the following has been completed as requested:

- On Gaucher Circle, couch has been removed;
- Replaced missing trail signs;
- Removed the dead tree leaning over Gaucher Circle.

Mr. Flood stated that will be in contact with Mr. Rider regarding the deeds and grants of easements prior to the Planning Board's acceptance.

*Correspondence from Developer*

Mr. Ansari stated all work that was requested to be completed by the Planning Board. He has asked to expedite the Planning Board's acceptance.

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

To accept and file all correspondence.

***West Ridge Estates***  
*City Engineer's Correspondence*

At the Planning Board's request, the Assistant City Engineer, Timothy Collins, has reviewed the subdivision and can recommend the current bond at \$216,000.00 can be reduced to \$127,000.00. He noted that the pavement, roadway and streetscape is not completed.

Mr. Fay asked if the developer was on track with the completion schedule. Mr. Seaberg will provide an update.

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

To accept and file correspondence; have the developer provide more information.

**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. Hodge, it was duly voted:

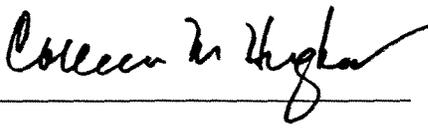
To accept all of the items listed under communications and/or correspondence.

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

To adjourn at 9:05 p.m.

**A TRUE COPY**

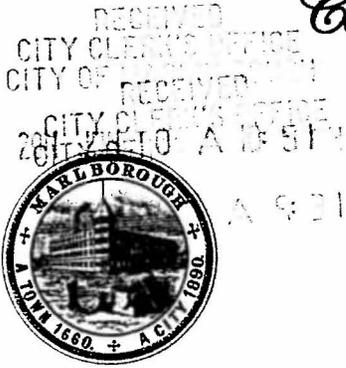
ATTEST:



A handwritten signature in black ink, reading "Colleen Hughes", written over a horizontal line.

Colleen Hughes, Clerk

*City of Marlborough*  
*Commonwealth of Massachusetts*



**PLANNING BOARD**

**Barbara L. Fenby, Chair**  
**Colleen M. Hughes, Clerk**  
**Philip J. Hodge**  
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**Sean N. Fay**

**Carrie Lizotte, Board Secretary**

**Phone: (508) 460-3769**

**Fax: (508) 460-3736**

**Email: CLizotte@marlborough-ma.gov**

**May 23, 2011**  
**7:00 PM**

**The Planning Board for the City of Marlborough met on Monday, May 23, 2011 in Memorial Hall, 3<sup>rd</sup> floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Colleen Hughes, Philip Hodge, and Sean Fay. Also present: City Engineer Thomas Cullen.**

**MINUTES**

***April 25, 2011***

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

To accept and file the meeting minutes.

***May 9, 2011***

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

To table the meeting minutes for needed amendments.

**CHAIRS BUSINESS**

**APPROVAL NOT REQUIRED PLAN**

***14 Eager Court***

Mr. Thomas Dipersio, Sr. presented to the Planning Board with the ANR plan known as "14 Eager Court". This plan shows 2 lots, Lot 2A which consists of 12,539.16 Sq Ft with a proposed utility easement and "Parcel A" with 8,439.08 Sq Ft, clearly stating in the notes not to be a buildable lot.

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

To accept and refer the proposed plan to the City Engineer for his review and recommendation at the next meeting on Monday, June 6, 2011.

***424 South Street***

Mr. Thomas Dipersio, Sr. presented the Planning Board with the ANR known as "424 South Street". This plan was before the Planning Board in the fall of 2010; however there is a slight

change in size of square footage to Lot 5. The two lots consist of "Lot 4" with an area of 8.638 acres and "Lot 5" consists of 2,010.90 Sq Ft.

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

To accept and refer the proposed plan to the City Engineer for his review and recommendation at the next meeting on Monday, June 6, 2011.

## **PUBLIC HEARING**

### **SUBDIVISION PROGRESS REPORTS**

#### ***City Engineer Update***

Mr. Cullen stated not much has taken place due to the weather.

#### ***Forest Trail*** *42 Mosher Lane*

Mr. Greg Aho spoke to the Planning Board regarding the fencing around the detention basin. He explained that the home is for sale and the plain chain link fence for the basin is unattractive site. They are proposing to level out the remaining rear yard and add a retaining wall with a faux wrought iron fence around the basin.

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

To refer the proposal to the City Engineer for his review and recommendation.

#### ***Mauro Farms***

The developer is asking for the Planning Board to review the Tri-Partite agreement and once agreed upon, to sign the document. They are also asking for release of all lots.

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

To accept and file correspondence and to refer the tri-party performance bond to the Legal Department for their approval.

Mr. Fay stated that it is not the regular practice of the Planning Board to issue blanket releases of all lots in a subdivision. He suggested that the Planning Board should send a reminder of their policy.

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

To send the developer a notice notating the Planning Board's policy on lot releases.

### **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. Hodge, it was duly voted:

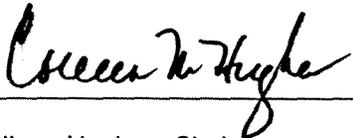
To accept all of the items listed under communications and/or correspondence.

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

To adjourn at 7:20 p.m.

**A TRUE COPY**

**ATTEST:**

  
\_\_\_\_\_  
Colleen Hughes, Clerk

RECORDED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
Marlborough Community Development Authority  
MINUTES

2009 JUN 10 A 3:05  
Thursday, December 10, 2009  
140 Main St., 4<sup>th</sup> FL Conference Room

Members Present: Nancy Stevens, Lynn Faust, Dave McCabe, Steven Vigeant, Mike Hogan,

Also Present: Kevin Flynn, Tom Abel, Anne Marie Blake, press reporters.

Mayor Stevens opened the meeting at 8:42 a.m.

**Approval of Minutes.** On a motion duly made and seconded the Board unanimously voted to approve the minutes of the October 29, 2009 meeting.

**Bills Payable.** On a motion duly made and seconded the Board unanimously voted to approve the bills payable.

**Board Comments.** Mayor Stevens requested a copy of the thank you letter to Shannon for the Yvette Peltak memorial. DPW does not want the old housing authority truck; recommends scrapping it. The analog antenna at 240 Main Street may need to be adjusted for better reception. CDA Board is covered under the city's public officials' liability insurance except for actions it takes as a housing authority; Kevin to ask Atty. Aldo Cipriano for an opinion. M. Hogan requested a copy of the chart of accounts and Don Bucchianeri's fee scheduled.

**Public Comment.** None

**Directors report.** K. Flynn addressed key points of his report (on file).

- ***Non-Profit Entity.*** The Board discussed establishing a non-profit housing development entity to undertake and manage housing development projects. Members would like more information. On a motion duly made and seconded it was voted to table the issue until next meeting. Approved unanimously.
- ***Community Development Strategy.*** K. Flynn reviewed DHCD's requirements for a Community Development Strategy as part of the CDBG application process. The CD Strategy summarizes existing planning documents, identifies the proposed target area, and prioritizes projects. The Strategy is required for any projects to be included in the FY2010 grant application but also includes projects that may be undertaken that are not CDBG eligible. On a motion duly made and seconded it was voted to approve the target area. Approved unanimously.
- ***FY04 CDBG Amendment.*** Following discussion on a motion duly made and seconded, it was voted unanimously to approve the amendment allocating an additional \$74,500 of program income to the FY04 housing rehab program delivery and general administration line items.

- **Housing Manager.** Following discussion, K. Flynn modified the job tasks and qualifications. On a motion duly made and seconded, it was voted unanimously to approve the description and authorize posting and hiring at the recommended salary range.

On a motion duly made and seconded the Board voted by roll call to go into executive session for the purpose of discussing bargaining with non-union employee and litigation. Roll call vote: Nancy Stevens, aye; Lynn Faust, aye; Dave McCabe, aye; Steve Vigeant, aye; Mike Hogan, aye.

The Board recessed to executive session at 9:48 a.m.

The Regular meeting reconvened at 9:57 a.m.

On a motion duly made and seconded the Board voted unanimously to set Betsy Rozko's retirement date as of January 8, 2010.

### **Other Business.**

Inquire whether the Council on Aging turns down the heat on weekends.

Include the affordable housing trust funds on the consolidated agency budget.

Members expressed concern that some of the seniors at Main Street were not offered sufficient help with preparing their units for the recent pest extermination process. K. Flynn will discuss this with staff.

Mayor Stevens again offered to pay for mattress covers for senior residents who cannot afford the full cost. The agency is keeping a list of potential parties.

Mike Hogan moved to take from the table the question of stipends for certain city officials; and to stop the stipends effective December 31, 2009. K. Flynn reminded the Board that DHCD has disallowed payment of part of the last drawdown in an amount equal to the stipends paid since July 1 this year. M. Hogan then amended his motion to be effective immediately. Duly seconded and passed unanimously.

Noting that free cash has now been certified, M. Hogan asked that the Mayor to consider submitting a request to the City Council to reimburse the CDA for the approximately \$59,000 paid to Mirick O'Connell for legal fees incurred for the 2006 administrative investigation.

On a motion duly made, seconded and voted, the meeting adjourned at 10:21 a.m.

**Marlborough Community Development Authority**

**MINUTES**

**Thursday, January 15, 2010  
Mayor's Conference Room**

Members Present: Nancy Stevens, Lynn Faust, Dave McCabe, Steven Vigeant, Mike Hogan, and Dr. Muir by conference call.

Also Present: Kevin Flynn, Diane Smith, Tom Abel, Anne Marie Blake, press reporters.

Mayor Stevens opened the meeting at 8:35 a.m.

**Approval of Minutes.** On a motion duly made and seconded the Board unanimously voted to hold the minutes of the December 10, 2009 until the January 28 regular meeting.

**Bills Payable.** On a motion duly made and seconded the Board unanimously voted to approve the bills payable.

**Directors report.** K. Flynn announced that the results of our NSP audit were favorable, the Attorney General's office awarded us a \$150,000 grant for the purchase and rehab of foreclosed properties and that it did not have the same restrictions as our NSP grant, we had also received a \$1,000 peer-to-peer grant.

K. Flynn passed out a synopsis of the RFP's which were received for the FY10 CDBG grant application along with his recommendations for funding. The Board unanimously approved the funding of three social service agencies from available program income and to submit a request for housing rehab funds and funding for repairs of our Pleasant Street senior housing facility on the FY10 grant application.

A member suggested exploring the potential for a solar power installation at 240 Main Street. A members suggested inviting. Another suggestion was to invite SMOC to make a presentation of the programs they offer. K. Flynn informed the board that Rieko Hayashi was already working with SMOC and their programs coordinate with our housing rehab clients.

On a motion duly made and seconded the Board voted by roll call to go into executive session for the purpose of contract negotiations, real estate, and litigation and to return to open session solely to adjourn. Roll call vote: Nancy Stevens, aye; Lynn Faust, aye; Dave McCabe, aye; Steve Vigeant, aye; Mike Hogan, aye; Dr. Muir, aye.

The Board adjourned to executive session at 9:16 a.m.

The Regular meeting reconvened at 9:42 a.m. for the purpose of adjournment. On a motion duly made and seconded and unanimously approved, the meeting adjourned at 9:43 a.m.

Marlborough Community Development Authority

MINUTES

Thursday, January 28, 2010  
Mayor's Conference Room

Members Present: Mayor Nancy Stevens, Lynn Faust, Dave McCabe, Steven Vigeant, Tom Abel, and Diane Smith.

Absent: Dr. Muir, Mike Hogan.

Also Present: Kevin Flynn, Anne Marie Blake, reporters.

Mayor Stevens opened the meeting at 8:35 a.m.

**Approval of Minutes.** On a motion duly made and seconded the Board unanimously voted to approve the minutes of the December 10, 2009 and January 15, 2010 meetings.

**Bills Payable.** On a motion duly made and seconded the Board unanimously voted to approve the bills payable.

**Public Hearing.** 8:40 – 8:50 a.m. See attached minutes.

**Directors report.** K. Flynn informed the board that the Get The Lead Out program has been re-started and funding is now available. Rieko Hayashi is the contact for this program.

K. Flynn updated the board on the additional NSP funding that we have been told would be made available to us but that we had not yet received official notification. The additional funding requirements are stricter in that we have to target 50% of the funding to LMI individuals at the 50% or less income levels.

Members discussed a City owned lot on Second St. The Mayor said that she would hold the lot for a future affordable housing project. Lynn noted that building an affordable home on the property would give us more points on our Commonwealth Capital plan

K. Flynn met with the representatives of Assabet Vocational Technical High School this morning at the Emmett St. site. They are enthusiastic about building a duplex on the site. We would do the demo, site prep and foundation. The school committee must approve the project.

**New Business:** On a motion by Mayor Stevens and seconded by Lynn Faust the board unanimously voted to approve the FY10 Community Development Block Grant application.

**Old Business:** In a discussion about the parking lots Kevin reported that he and Tim Collins from DPW toured the parking lots and it was found that the back parking lot at Bolton St. is actually on school property. We will work with the school in acquiring enough land for 8 more spaces. At Pleasant St. we can fit in 3 more spaces on existing paved area. Several parking issues mostly regarding signage at Main St. that can be corrected.

**Other Business:**

- K. Flynn updated the Board on 85 Broad Street.
- A discussion of creating a non-profit followed. The Mayor wants to talk to Aldo Cipriano. We will invite him to a special meeting to be held next week on Wednesday or Friday. We will arrange and let the board know the time and day.

On a motion duly made, seconded, and unanimously approved, the meeting adjourned at 9:40 a.m.

**Marlborough Community Development Authority**

**MINUTES**

**Thursday, February 3, 2010  
Mayor's Conference Room**

Members Present: Mayor Nancy Stevens, Lynn Faust, Dave McCabe, Steven Vigeant.

Absent: Dr. Muir, Mike Hogan

Also Present: Kevin Flynn, Anne Marie Blake, Attorney Aldo Cipriano

Mayor Stevens opened the meeting at 2:03 p.m.

**Approval of Minutes.** On a motion duly made and seconded the Board unanimously voted to forego the minutes of the last meeting until the regular meeting on February 25, 2010.

**New Business.** Attorney Cipriano discussed the process of establishing a non-profit subsidiary organization for affordable housing development. The Massachusetts filings can be accomplished quickly, while the IRS's issuing tax-exempt status may take longer. He recommended the Board consider using a CPA to assist in initial filings. He expressed the opinion that he could word the incorporation documents to ensure the entity satisfied the agency's requirements. There could be some overlap of Board members between the agencies. Members raised questions about insurance requirements and the potential liability of Board members for the new organization. Aldo said he would confer with City Solicitor Don Rider and offer an opinion at a later meeting.

Members also questioned Aldo about Conflict of Interest situations. This will require another meeting to explore the issues.

On a motion duly made and seconded the meeting adjourned at 2:55 p.m.

## Marlborough Community Development Authority

### MINUTES

Thursday, February 25, 2010  
Mayor's Conference Room

Members Present: Mayor Nancy Stevens, Lynn Faust, Dave McCabe, Steven Vigeant, Mike Hogan, Tom Abel, and Diane Smith.

Absent: Dr. Muir.

Also Present: Kevin Flynn, Julie Pappazisis, Anne Marie Blake, reporters.

Mayor Stevens opened the meeting at 8:30 a.m.

**Approval of Minutes.** On a motion duly made and seconded the Board unanimously voted to approve the minutes of the January 28, 2010 meeting.

**Bills Payable.** On a motion duly made and seconded the Board unanimously voted to approve the bills payable.

**Directors report.** K. Flynn introduced Julie Pappazisis as our new Housing Services Manager. The board said that they were going to be looking to Julie at the next meeting to answer questions about the housing. Kevin asked the board members to forward questions beforehand to Julie. Anne Marie to send out Julie's e-mail address to board members.

K. Flynn informed the board of the additional award of \$500,000 of NSP grant funds.

A discussion was held about the three houses we are currently purchasing and their rehab. The board would like to see figures for the cost of the rehabbing 5 Gleason and 76 Preston St properties using prevailing wages even though Kevin told the board that the cost would be 35% greater and that it would knock local contractors out of the ballpark because of the certifications, payment bonds and performance bonds that will be required.

Mayor Stevens indicated that she would like to see a report of prices, rehab \$, income, sources of funds report as a regular agenda item.

Questions were raised about how and who will manage our properties. Mike Hogan suggested that we look into a financing package with CityBank using TARK money. Kevin told the board that we pay cash for our properties and there is no reason at this time to finance; however, the board would still like to pursue it. Mayor Stevens is concerned about 40B and questioned putting our houses on the 40B inventory.

Steve Vigeant would like to see qualification and certifications of maintenance people. He didn't indicate whether he meant our maintenance people or maintenance people who we may hire to manage our houses.

**New Business:** On a motion by Mayor Stevens and seconded by Steve Vigeant the board unanimously voted to approve the final payment for the windows at Main St. Although there are still some issues with the windows, Kevin said that staff is putting together a list of unit problems and they will be addresses under their 1 year workmanship warranty.

**Old Business:** DHCD is still getting together an estimate for the roof replacements at Bolton St. We are still awaiting a time frame for the low-flow toilets from DHCD. We will continue to use the Middlesex Sheriff's work program to do as much work for us as possible.

**Other Business:**

The Mayor informed the board that the city council approved Joyce Torelli as a new board member but that the personnel process is slow and it may take another couple of weeks to have her confirmed.

The board wants to hire an independent auditor to audit the audits?

Mirick O'Connell invoice is an open issue.

Steve Vigeant wants an update on 3 South St.

On a motion duly made, seconded, and unanimously approved, the meeting adjourned at 9:20 a.m.

# Marlborough Community Development Authority

## MINUTES

Thursday, March 25, 2010  
Mayor's Conference Room

Members Present: Lynn Faust, Dave McCabe, Steven Vigeant, Mike Hogan, Dr. Muir, Tom Abel, Diane Smith

Absent: Mayor Nancy Stevens.

Also Present: Julie Pappazisis, Anne Marie Blake, Rieko Hayashi, press reporters.

Vice-Chair Mike Hogan opened the meeting at 8:30 a.m.

**Approval of Minutes.** On a motion duly made and seconded the Board unanimously voted to approve the minutes of the February 25, 2010 meeting.

**Bills Payable.** On a motion duly made and seconded the Board unanimously voted to approve the bills payable.

The board accepted the resignation of Kevin Flynn.

On a motion duly made and seconded, the board unanimously voted to appoint Julie Pappazisis as interim Executive Director.

On a motion duly made and seconded, the board unanimously voted to give the interim Executive Director the authority to approve invoices up to \$5,000.

**Housing Manager's report.** The housing manager's report was accepted as presented. Discussion followed. Julie asked about hiring a temp to help. She'll check with Rich Conlon re availability of funds.

**CDA report.** The board approved a subordination agreement for a housing rehab client. The board approved the purchase of two sump pumps for the 5 Gleason St. and 76 Preston St. houses. DHCD required a letter from the board committing to making at least \$350,000 of NSP money available to households in the <50% of median income level; the board approved. Wire transfer forms were signed for the upcoming purchase of three foreclosed homes.

Mike Hogan has contacted Aldo for an opinion as to the status of the CDA with regards to public bidding requirements. He also talked to the Lynn Housing Authority about their non-profit entity and will follow up with further discussion with the board.

Steve Vigeant will meet with Assabet re: 61 Emmett St. property. They have a meeting scheduled for next Tuesday.

Dr. Muir tendered his resignation with much sadness. He expressed that it was an honor and privilege to have served on the board. The mayor will accept his resignation.

**Marlborough Community Development Authority**

**MINUTES**

**Wednesday, April 28, 2010  
Mayor's Conference Room**

Members Present: Mayor Stevens, Lynn Faust, Dave McCabe, Joyce Torelli, Steven Vigeant, Mike Hogan

Members Non-Voting: Tom Abel, Comptroller/Treasurer; Diane Smith, Auditor

Also Present: Julie Pappazisis, Housing Services Manager; Anne Marie Blake, Financial Manager; Rieko Hayashi, Program Manager.

Mayor Stevens opened the meeting at 8:31 a.m.

**Approval of Minutes.** On a motion duly made and seconded the Board unanimously voted to approve the minutes of the March 25, 2010 meeting.

**Bills Payable.** On a motion duly made and seconded the Board unanimously voted to approve the bills payable.

**Housing Manager's report.** The housing manager's report was accepted as presented. Discussion followed. New cabinets are being installed in vacant units. Board members expressed a desire to see the updated units. Julie will look into having an energy audit completed. Steve V. asked Julie for a staffing plan and employee certifications. Julie will supply NAHRO Board Member handbooks to the board and also advise them of any upcoming training.

**CDA report.** Anne Marie Blake gave an update on the status of the CDBG FY04 and FY05 grants. 5 Gleason and 76 Preston are out to bid with prevailing wages. The board would like Don Bucchaneri to prepare bid docs for the next 3 houses both as prevailing wages and without and has authorized the additional costs.

**New Business.** The City will use their existing job description to look for and hire a new Executive Director. A sub-committee consisting of Lynn Faust, Steve Vigeant and David McCabe will review applications and interview and present the final three recommendations to the board. Marilyn Whalley was approved as a consultant to help eight hours a week in the department until a new director is hired.

Joyce Torelli was introduced as the new board member representing the real estate sector. The board will need to find a replacement for Dr. Muir who resigned and represented the public housing sector.

The board approved the NSP Affirmative Marketing Plan with changes.

The board unanimously approved the extension request of the Capital Improvement Work Plan for the 667-3, Work Plan 170021005, Liberty Hills Elevator project, to June 30, 2012.

Steve Vigeant to let us know of volunteers for yard work on our NSP properties.

Two minute recess called at 10:47.

Motion to adjourn to executive session for the purpose of legal and litigation. Steve, aye; Dave, aye; Mike, aye; Joyce, aye; Lynn, aye; Mayor, aye. Meeting adjourned to executive session at 10:50 a.m.

## Marlborough Community Development Authority

### MINUTES

Thursday, June 24, 2010  
Mayor's Conference Room

Members Present: Mayor Stevens, Lynn Faust, Joyce Torelli, Steven Vigeant

Members Non-Voting: Tom Abel, Comptroller/Treasurer; Diane Smith, Auditor

Excused: Mike Hogan, David McCabe

Also Present: Julie Pappazisis, Housing Services Manager; Anne Marie Blake, Financial Manager; Rieko Hayashi, Program Manager; Marilyn Whalley, Consultant

Mayor Stevens opened the meeting at 8:35 a.m.

**Approval of Minutes.** On a motion duly made and seconded the Board unanimously voted to approve the minutes of the May 27, 2010 meeting.

**Bills Payable.** On a motion duly made and seconded the Board unanimously voted to approve the bills payable.

**Housing Manager's report.** Discussion followed. Construction on Liberty Hills elevator has begun and is on schedule. Julie distributed the NAHRO Board Member Handbooks to members present. The housing manager's report was accepted as presented.

**CDA report.** Marilyn discussed the sign and façade program. Will put together a review committee and work on design guidelines. Several suggestions for the committee were: Pam Wilderman, Larry Reeves, Gary Brown.

Anne Marie presented a CDA update. A discussion as to who made the decision and why to sell the first two properties instead of renting was held. If we want to receive program income in order to finish the fourth house and/or purchase additional homes, we need to sell one or two of the properties. The decision to sell Preston and Gleason was made because they were the most saleable properties and could be sold to 100% LMI households. Since 25% of our NSP funding must be spent on <50% LMI households, renting is the easiest way to achieve this goal and the Mechanic St. properties were better suited to renting.

A discussion also followed as to why the 223 Mechanic St. property has an issue. The CDA purchased the property correctly. The sale price was 1.5% less than the appraisal as it should have been; however, the HUD settlement statement and the deed listed the property at the listed price. The net proceeds paid were what we should have paid; however, HUD would not accept the NSP discount listed on the HUD settlement. Steve V. asked Anne Marie why that wasn't caught as she's the Financial Manager. Anne Marie replied that the net price was paid correctly and that she wouldn't have known that there was anything wrong with the way the sale was handled. She said that Aldo was the closing attorney, he knew what the agreed to price was for the property, and he expressed no concern about the way the HUD settlement was stated or the deed was prepared. Steve reiterated that the Financial Manager and was responsible for making sure payments were made properly.

**New Business.** Julie Pappazisis was asked to continue to be the interim executive director for another 30 days. The board unanimously approved.

**Other Business.** Steve and Lynn gave an update on the search for an executive director. They had 30 applicants; had nine phone interviews and will bring in three or four for face-to-face interviews.

Motion to adjourn to executive session for the purpose of legal and litigation. Steve, aye; Joyce, aye; Lynn, aye; Mayor, aye. Meeting adjourned to executive session at 9:39 a.m.

**Marlborough Community Development Authority**

**MINUTES**

**Thursday, July 29, 2010  
Mayor's Conference Room**

Members Present: Mayor Stevens, Lynn Faust, Joyce Torelli, Steven Vigeant

Members Non-Voting: Diane Smith, Auditor

Excused: David McCabe, Tom Abel

Also Present: Julie Pappazisis, Housing Services Manager; Anne Marie Blake, Financial Manager; Rieko Hayashi, Program Manager; Marilyn Whalley, Consultant

Mayor Stevens opened the meeting at 8:34 a.m.

**Approval of Minutes.** On a motion duly made and seconded the Board unanimously voted to approve the minutes of the June 24, 2010 meeting.

**Bills Payable.** On a motion duly made and seconded the Board unanimously voted to approve the housing bills payable.

**Housing Manager's report.** The board unanimously voted to approve the HUD 5-Year Agency Plan. The board unanimously voted to approve the roof replacement at Bolton St. The new water tank at Main St. has a leak and Julie and John Ghiloni are working with the contractor to find a solution. Julie was given permission to request the services of the city clerk's office to supervise the election of officers for the tenant organization at each of the three housing facilities. The elevator project at Main St. is continuing with the state inspection of the first cab scheduled for August 5<sup>th</sup>. Permission was granted to extend the two part-time temporary office positions to Oct. 8<sup>th</sup>. Julie was advised to not attend the Community Preservation Act meetings. Julie reported that she attended the Code Enforcement Impact Team meeting and that it was very informative. Marilyn stated that her participation would help with our next grant application. The housing manager's report was accepted as presented.

**CDA report.** Anne Marie presented the CDA report. She received recognition from the board for her effort in bringing the HUD/223 Mechanic St. issue to a favorable closure. The Treasurer/Vice-Treasurer/Banking proposition will remain tabled. Don Bucchianeri's contract amendment was unanimously approved. A discussion was held as to the approval process of paying invoices. Steve requested that each invoice be verified as having been reviewed by the finance/compliance manager. The CDA report was accepted as presented.

**Consultant's Report.** Marilyn presented the board with the spreadsheet showing the expenses and projected expenses of our four NSP properties. She wanted them to note that we will be short fund to finish the projects but hopefully with the sale of our first house, we can cover the costs of any additional expenses. She presented two scenarios for the administrative positions and suggested that the city consider paying for an executive director. The board voted to not hire an executive director but for Marilyn to solicit quotes for a grant writer. She also suggested that the board consider applying for a CDF2 grant instead of a CDF1 and explained the difference in the two. The Mayor and Marilyn will meet with DHCD to review the last grant

July 29, 2010

Page Two

application and receive guidance for moving forward. A decision as to which grant to apply for will be made after their meeting. The Consultant's Report was accepted as presented.

Motion to adjourn to executive session for the purpose of exemption 6. Steve, aye; Joyce, aye; Lynn, aye; Mayor, aye. Meeting adjourned to executive session at 9:40 a.m.

Meeting reconvened at 9:42 for the purpose of adjournment. Meeting adjourned at 9:43 a.m.

Respectfully submitted,

Anne Marie Blake

## Marlborough Community Development Authority

### MINUTES

Thursday, September 30, 2010

Mayor's Conference Room

Members Present: Lynn Faust, David McCabe, Joyce Torelli, Steven Vigeant

Members Non-Voting: Diane Smith, Auditor

Excused: Mayor Stevens, Tom Abel

Also Present: Julie Pappazisis, Housing Services Manager; Manager; Rieko Hayashi, Program Manager; Linda Overing, Breezeway Farms Consultant

In the Mayor's absence, Vice Chair, Lynn Faust opened the meeting at 8:34 a.m.

**Approval of Minutes.** On a motion duly made and seconded the Board unanimously voted to approve the minutes of the September 1, 2010 meeting.

**Bills Payable.** Regarding the CDA bills payable, Steve Vigeant questioned why only one of the cover sheets for bills payable was signed. Lynn Faust also asked if Bucchianeri Management Services Contract had been signed off and approved by the Mayor and all parties. The Auditor confirmed that all the payables listed had been signed off by Financial Manager at the time they were sent over and that the Comptroller had already met with the Financial Manager and Procurement Office and recommended the Mayor sign the contracts. The contracts have been signed and the check issued to Bucchianeri Management Services. On a motion duly made and seconded the Board unanimously voted to approve the Housing bills and the CDA bills payable contingent upon a letter confirming the Comptroller's recommendation to sign the contracts will be forwarded to the Board.

**Housing Manager's Report.** The Housing Services Manager's Report was accepted as presented. (see attached)

**CDA report.** The Financial and Program Manager's report was accepted as presented.

As mentioned in the report, Board member, Joyce Torelli of Distinctive Realty was asked by the staff to look at 76 Preston Street from a realtor's perspective and give some suggestions for helping to sell the property. It was recommended that if additional work is to be required of the Contractor, beyond the originally approved scope of work and budget, that \$10,000 would be the maximum allowed and that a Board member be designated to work with the staff on deciding what that work should be.

Joyce was asked whether she thought the additional items she has recommended was due to shoddy workmanship and she responded "no".

The Board voted to authorize the CDA to spend an additional \$10,000 beyond the original contract for change orders which are to be determined in conjunction with Board member Joyce Torelli.

Vice Chair, Lynn Faust reiterated that the priority for the CDA until December will be to work on the CDBG Grant. She then introduced Linda Overing of Breezeway Farms as the Grant Consultant.

### **Consultant's Report.**

The Consultant distributed a schedule and items for consideration with recommendations to complete the grant application.

The first item was meeting the timely expenditure threshold for CDBG 2005 housing rehab funds. Currently, the CDA has \$35,000 in unexpended housing rehab funds which need to be expended by December 10<sup>th</sup> and a Sign and Façade Program with \$87,500 in funds which need to be expended by June 2011.

Since the CDA only received one Sign and Façade applicant in the target area and the only response to the RFQ for a Design Consultant exceeded the budget, Linda recommended transferring \$38,000 of Sign and Façade funds to Housing Rehab to allow the CDA to complete one last case while still having enough funds in the Sign and Façade program to complete one sign and façade. DHCD has been consulted and they agreed to approve this request if submitted.

A motion was made and seconded to approve the transfer of \$38,000 from the Sign and Façade program to the Housing Rehab program and issue a "Notice to Proceed to Don Bucchianeri" to complete the housing case described.

The second item was the target area. The proposed target area map was distributed. It was explained that the area was determined by taking the census tracts with the lowest income level and included the majority of the housing rehab cases on the waiting list. In determining the size, there was also consideration for the feasibility of documenting the need in the short time that remains. Rieko Hayashi mentioned that the MCDA Housing Subcommittee reviewed the target area and the Code Enforcement Officer and Director of Human Services agreed that a majority of their cases fall within this area.

A motion was made and unanimously approved to accept the target area as proposed.

The current Community Development Strategy was distributed. The consultant explained that although the current strategy was generally acceptable, it too closely mimicked the priorities of the CDBG application and should be broader to reflect the priorities of the City. The Mayor agreed to distribute this to her Department heads to comment on.

As required by the Grant, a Public Meeting and Public Hearing will be held on October 7, 2010 to receive Citizen input for the CDS strategy on priorities and outline the CDA's proposal for the CDBG application.

### **CDBG Projects Proposed**

In the previous grant application, renovations at the City's Senior Housing development on 29 Pleasant Street were to be included, however, in order to include this project in the current application, DHCD requires design ready plans and specs by an architect at a cost which exceeds the CDA's budget. An Architect's approval would also require going through DHCD's Designer Selection process which would cause further delays. Housing Services Director, Julie Pappazisis

confirmed the CDA's housing does not have the funds at this time to hire an architect but will continue looking into funding sources for fixing portions of the work that need to be addressed at 29 Pleasant.

Joyce announced that Distinctive Realty has offered to donate the fee to list the two NSP properties for sale on the MLS web site. She also recommended that a broker's fee of 2.5 % be included to add incentive to a broker. That broker would not be Joyce because of the conflict of interest with her position as a Board member.

A motion was made and unanimously approved to accept Distinctive Realty's donation to list the two NSP properties on MLS.

Regarding 61 Emmett Street, Joyce has estimated that the current sales price would be approximately \$100,000-\$120,000. S. Vigeant will further explore the financial implications of selling the property and contact Assabet School to see if they are still interested in working with the CDA on this property.

The Consultant's Report was accepted as presented.

Motion to adjourn to executive session to discuss legal mitigation. Steve, aye; Joyce, aye; Lynn, aye; Dave, aye. Meeting adjourned to executive session at 9:40 a.m.

Respectfully submitted,

Rieko Hayashi

**Marlborough Community Development Authority**

**MINUTES**

**Thursday, November 18, 2010  
Mayor's Conference Room**

Members Present: Mayor Stevens, Lynn Faust, Joyce Torelli, Steven Vigeant

Members Non-Voting: Tom Abel, Treasurer

Excused: David McCabe, Diane Smith

Also Present: Julie Pappazisis, Housing Services Manager; Anne Marie Blake, Financial Manager; Rieko Hayashi, Program Manager; Linda Overing, Consultant

Mayor Stevens opened the meeting at 8:33 a.m.

**Approval of Minutes.** On a motion duly made and seconded the Board unanimously voted to approve the minutes of the September 30, 2010 meeting.

**Bills Payable.** On a motion duly made and seconded the Board unanimously voted to approve the bills payable.

**Housing Director's Report.**

The Housing Director's Report was accepted as presented. On a motion duly made and seconded the Board unanimously voted to approve the FY2011 Budgets for 400-01; 689-1; MRVP, and Section 8. On a motion duly made and seconded the Board unanimously voted to approve the Reorganization Plan as presented effective 11/22/2010. On a motion duly made and seconded the Board unanimously voted to award the HUD Single Audit contract to Hurley, O'Neill & Company, P.C. for each of the years ended 6/30/10; 6/30/11, and 6/30/12, in the amount of \$5200 per year. On a motion duly made and seconded the Board unanimously voted to approve an advance of its formula funding to pay for elevator change orders. On a motion duly made and seconded the Board unanimously voted to donate our old standpipe hoses to the City of Marlborough Fire Department. The board approved giving the old standpipe hoses to the Fire Dept for use in their cellar pumps.

**CDA Consultant's Report.** Consultant, Linda Overing, updated the board on the progress of the NSP properties, the housing rehab case, and the sign and façade project. The MLS posting of the Preston and Gleason Street properties has been delayed for a number of reasons. Initially, Joyce hoped to have the renovations completed before listing, but has decided to go forward with the property as is. However, DHCD has yet to provide guidance to Rieko as to whether it should be listed at the appraised value or a discounted value, in order to comply with NSP regulations. Rieko will follow-up with her NSP representative at DHCD.

Then regarding the FY11 CDBG grant application, Linda discussed the windshield survey and that we surveyed over 650 properties, that we now have 23 units on the housing rehab waiting list, that we had good turnouts at our two public hearings, that the Community Development

Strategy (CDS) has been drafted and that DPW is finalizing plans and estimates for the Preston St. project.

On a motion by Joyce and seconded by Lynn the board unanimously voted to approve the CDS as presented.

It was agreed that it was not necessary to take a vote to authorize Nancy Stevens, Mayor, to sign as the grant application paperwork as she is already Chairman of the MCDA as well as CEO of the City.

On a motion by Steve and seconded by Lynn and after a discussion about the FY11 grant management plan concerning the approval of invoices, the board unanimously voted that Steve Vigeant, Treasurer, would come to our offices on Thursday of each week to approve invoices and sign checks, if needed.

On a motion by Lynn and seconded by Steve the board unanimously voted that the terms of housing rehabilitation loans beginning with the FY11 grant would be as follows: A deferred payment loan at 0% interest for 15 years. At the end of the 15 years, 75% of the loan would be forgiven, 25% of the loan would remain as a permanent lien to be paid back upon the sale or transfer of the property. If the property is sold before the end of the 15 years, 100% of the loan would be due and payable.

The board unanimously voted to increase the amount for Grant Administration Consulting Fees for the FY11 grant to \$25,000 with \$5,000 coming from CDA funds.

**CDA Report.** Anne Marie Blake presented her report and asked the board to re-class the \$23,170 that was received last year from the sale of a LIP unit from program income to CDA funds and to allow those funds to be used on the NSP properties for expenses not covered by NSP or Program Income. Per a discussion with Elsa Campbell of DHCD, these funds weren't program income and didn't need to be deposited as program income revenue. On a motion by Steve and seconded by Lynn the board unanimously approved the motion.

With regards to the \$40,000 of CDA funds encumbered on the books for Deborah Fairbanks, Steve will talk to her about her continued need for these funds.

Anne Marie also presented a current administrative budget and reminded the board that funds are only available to staff the office until March 31, 2011.

The December board meeting will be held on December 16<sup>th</sup>.

Respectfully submitted,

Anne Marie Blake

**Marlborough Community Development Authority**

**MINUTES**

**Tuesday, December 21, 2010  
Mayor's Conference Room**

Members Present: Mayor Stevens, Lynn Faust, Joyce Torelli, Steven Vigeant

Members Non-Voting: Tom Abel, Comptroller, Diane Smith, Auditor

Excused: David McCabe

Also Present: Julie Pappazisis, Housing Director; Program Manager; Rieko Hayashi, Program Consultant; Linda Overing, Breezeway Farms Consultant

Mayor Stevens called the meeting to order at 8:40 a.m.

**Housing Director's Report dated 12/16/2010:** The Housing Director's Report was accepted as presented.

**CDA Report**

The Board opened discussion on the remaining monies in the CDA budget for staffing. Tom Abel explained the budgetary scenarios regarding vacation pay, unemployment, reduction of hours, and lay off. A sub-committee with Joyce Torrelli and Steven Vigeant was formed to further discuss with Tom Abel cost effective ways to proceed with future fiscal needs of the CDA.

R. Hayashi provided an update on the status of the four properties:

76 Preston is now a three bedroom to make it more marketable. The guidelines for both properties have been made more flexible by increasing income limits, allowable monthly mortgage payments and eliminating asset limit.

275 Mechanic Street is on schedule to be rented by February 1<sup>st</sup>.

The Mayor asked for verification as to whether or not 5 Gleason has a two car garage as listed on MLS.

Budget expense reports were distributed showing what remains in the administrative budget.

There was a discussion as to what are the possible uses for the remaining CDBG funds besides Housing Rehabilitation. Are public housing expenses eligible?

Need clarification on line item marked , " ED". Does this relate to financial literacy?

Need to make a determination on what is the best scenario for staffing with the funds remaining. Steve Vigeant asked for a description of how staff time will be spent until the end of March 31, 2011.

Meeting adjourned at 9:40 AM on 12/21/11.

Respectfully submitted,

Rieko Hayashi

**Marlborough Community Development Authority**

**MINUTES**

**Tuesday, February 8 2010  
Mayor's Conference Room**

Members Present: Mayor Stevens, Lynn Faust, Joyce Torelli, Steven Vigeant

Members Non-Voting: Diane Smith, Auditor

Excused: David McCabe, Tom Abel, Comptroller

Also Present: Julie Pappazisis, Housing Director; Rieko Hayashi, Program Manager; Linda Overing, Breezeway Farm Consulting, Program Consultant; Aldo Cipriano, Esquire; Steve Reid, Building Commissioner; Pam Wilderman, Code Enforcement.

Guest Speaker: Andrew Howarth, Director of Development, Worcester Community Housing Resources.

Mayor Stevens called the meeting to order at 8:43 a.m.

A motion was made to go into Executive Session to discuss the value of real property, the public discussion of which would impair the Marlborough Community Development Authority's position. The motion was seconded and unanimously approved.

Executive Session was adjourned at 9:05

Andrew Howarth, Director of Development for the Worcester Community Housing Resources (WCHR) was introduced. The WCHR on behalf of the City of Worcester has been a Receiver for three years and is considered a pioneer in using Receivership as a community development tool. WCHR has been contracted to work with other communities, including Marlborough, to establish Receiverships. They also have funds to reimburse communities for the cost of running these programs.

Andy gave an overview of the priorities of the program and various ways Receivership has worked in Worcester. The priority of the program is to target occupied buildings and quickly get them up to Code by transferring responsibility to a third party who is appointed by the Court. Properties which are blighted but where the owner is paying the taxes would be eligible. Two kinds of Receivership cases were described.

Pam Wilderman brought everyone up to date on the status of blighted properties in Marlborough and the role of Code Enforcement in the process. Pam has identified several properties in the past which could be good candidates for Receivership. She has also identified a Property Manager who could handle the inspection, rehab and administration of the program. The MCDA is a necessary partner because WCHR lends to public or nonprofit agencies. Therefore a potential scenario would be for the MCDA to participate, select a property manager as a sub-recipient, and work with Code Enforcement and the Property Manager to fix up blighted properties.

Andy clarified that the property manager as sub-recipient does not have to pay prevailing wage on the rehab of these properties. Also, if the property does go into foreclosure, the MCDA would have right of first refusal and they would be free to decide what to do with the property.

It was recommended that at the next meeting, Pam Wilderman and Steve Reid return to make their suggestions as to what they think the best scenario would be for proceeding with Receivership.

Motion to approve the minutes from the 12/16/10 and 12/21/10 meetings was made seconded and unanimously approved. Minutes of 1/10/11 (from the Executive Session) meeting were tabled until further review.

A motion to Approve of Bills for and Housing was made, seconded and unanimously approved.

#### **Housing Director's Report dated 1/20/11**

The report was accepted as presented.

**Motion made by Steve Vigeant, seconded by Lynn Faust and unanimously voted to approve the Certificate of Substantial Completion for elevator project, DHCD #170016.**

**Motion made by Lynn Faust, seconded by Steve Vigeant and unanimously voted to approve Final Application for Payment for the balance due in the amount of \$84,695.49 for elevator project, DHCD #170016.**

**Motion made by Lynn Faust, seconded by Steve Vigeant and unanimously voted to approve 6% increase to the 2011 HUD established Fair Market Rents to determine the Payment Standard for the Section 8 HCV Program effective March 1, 2011 as presented.**

**Motion made by Lynn Faust, seconded by Steve Vigeant and unanimously voted to waive the annual rent recertification for 667-1, 667-2, and 667-3 for 2011.**

#### **CDA Bills**

A motion was made and unanimously approved to approve bills.

#### **Consultant's Report**

Regarding the sale of the two NSP properties, Linda asked the Board to consider who should be appointed to negotiate sales price, if the buyer makes a counter offer. A motion was made and unanimously approved to appoint Joyce Torelli as the person who will direct the negotiations through Rieko Hayashi and with Mayor's approval. To avoid the appearance of Conflict of Interest, Joyce will file full disclosure with the Ethics Commission. Correspondence on these negotiations on price will be from Joyce to the Mayor and Rieko. Rieko will direct all correspondence regarding negotiations on price to Joyce, cc to the Mayor.

A request to discuss extending staff and the Consultant's contract at least thru May in order to complete the Housing Rehab projects was tabled until the next MCDA meeting.

#### **Other Business**

Steve Vigeant asked that 16 Clinton Street be put on the agenda for the next meeting. Rieko was asked to investigate if the Attorney General's Office (who provided funding for the purchase of the property) has stipulations for the rehab or sale of the property in their guidelines.

The meeting adjourned at 10:30

Respectfully submitted,

Rieko Hayashi

**Marlborough Community Development Authority**

**MINUTES**

**Thursday, February 24 2011  
Mayor's Conference Room**

Members Present: Mayor Stevens, Lynn Faust, Dave McCabe, Joyce Torelli, Steven Vigeant

Members Non-Voting: Tom Abel, Comptroller, Diane Smith, Auditor

Also Present: Julie Pappazisis, Housing Director; Rieko Hayashi, Program Manager;  
Linda Overing, Breezeway Farm Consulting, Program Consultant; Pam  
Wilderman, Code Enforcement.

Mayor Stevens called the meeting to order at 8:35 a.m.

Eric Asman is expected to be approved as a new CDA Board member next Monday at the City Council Meeting.

A Motion to approve minutes of February 8, 2011 was made and unanimously approved.

**Housing Director's Report dated February 17, 2011**

Accepted as presented.

A Motion to approve the Housing bills payable was made and unanimously approved.

A Motion to approve putting an advertisement in the NAHRO conference booklet was made and unanimously approved

A Motion to approve Housing Manager's Report was made and unanimously approved.

**MCDA Consultant and Staff Report**

To increase publicity for the two NSP properties which are for sale and advertise the newly revised guidelines and price, Rieko will do another Open House with assistance from Joyce Torelli.

Linda distributed a spreadsheet showing that there are sufficient CDBG and NSP funds to continue staffing until early May. The additional time is needed to complete the last housing rehab cases. Linda recommended that the Board extend the staff and the consultant through May 14.

A motion was made and passed with one objection. It was suggested that staff and Board members meet to discuss a long term plan for staffing. CDA staff will identify the long term obligations of the CDA and the Board will be asked to identify goals.

There was a discussion as to how the CDA should manage and pay for the maintenance of the NSP rental properties. The CDA is obligated to follow Mass. Prevailing Wage rates and Davis Bacon regulations and use whichever rate is higher for maintenance services, including any work performed by a warranty company.

Since minimal maintenance expense is anticipated while the properties are under warranty, a motion was made and unanimously approved to table the discussion of maintenance.

### **16 Clinton Street**

Joyce will inspect the property with Rieko and prepare an estimate as to what she feels the CDA could sell the property for "as is" and if rehabbed.

Linda is looking into whether the CDA can extend the target area for this project in order to have the ability to use NSP funds on this or other properties.

### **CDA Bills Payable**

Steve would like to see if Anne Marie could scan her signature onto the bills payable in addition to putting her approval stamp.

A motion to approve CDA bills payable unanimously approved.

### **Update on Receivership by Pam Wilderman, Code Enforcement Officer**

A property at 49 Warren Street has become available which Pam feels is a perfect candidate for receivership. A chronicle of the current owner's history of nonpayment and neglect was distributed along with photos of the property. Pam requested that the Board give her office approval to move forward with this first case which would name the MCDA as the Receiver. A court-approved contractor, whom Pam has worked with, Debra Jean of the Phoenix Company, will be contracted to the CDA. If the Board approves Pam moving forward, she and Rieko will contact the Attorney General's office (who handles the legal proceedings) and Andy Howarth of Worcester Community Housing Resources) which provides the funding to set up a meeting.

A motion was made a unanimously approved for Pam Wilderman to move forward with the property at 49 Warrant Street as a first case for Receivership.

### **61 Emmett Street**

After reviewing the plans suggested by Assabet, Joyce and Lynn recommended that a colonial or cape style home would better suit the neighborhood on Emmett Street.

An appraisal was done which assessed the price "as is" at \$78,000.

Aldo Cipriano has written a letter to People's Bank regarding the possibility of their reducing the mortgage or interest and we are waiting to hear back.

Joyce distributed a list of options for the CDA to consider when trying to evaluate the "best use" for this property.

A discussion of this property will be continued at the next meeting.

Motion to adjourn at 10: 07 AM

**Marlborough Community Development Authority**

**MINUTES**

**Thursday, March 31, 2011  
Mayor's Conference Room**

Members Present: Mayor Stevens, Lynn Faust, Dave McCabe, Joyce Torelli, Steven Vigeant, Eric Asman

Members Non-Voting: Diane Smith, Auditor

Also Present: Julie Pappazisis, Housing Director; Rieko Hayashi, Program Manager; Linda Overing, Program Consultant, Breezeway Farm Consulting

Guests: Russell Mangsen, Director of Technical Programs, Assabet Valley Regional Technical School, Mary Jo Nawrocki, Assabet Superintendent, Wayne Coulson and William Italiano, Carpentry Instructors.

Mayor Stevens called the meeting to order at 8:34 a.m.

A Motion to approve minutes of February 24, 2011 was made and unanimously approved.

Eric Asman of Fairway Mortgage and the French Hill Neighborhood Association was introduced as the newly appointed MCDA Board member.

Steve Vigeant outlined the background of the 61 Emmett Street property, how it came to be in disrepair and how Assabet Valley Regional Technical School came to be involved in the discussion of a joint project. Steve outlined the three options that the Board is considering for the site. In summary, they are:

- Option 1 - Selling "as is;
- Option 2 - demolishing building and creating a cul de sac with parking;
- Option 3 - demolishing building and having Assabet School build a new house.

Russell Mangsen, Director of Technical Programs, introduced the Assabet teachers who have been doing the ground work for the project and the Superintendent. He then gave an overview of what kind of building programs Assabet offer, other building projects Assabet has worked on and explained that the Emmett Street project would be a particularly exciting project because it would allow the students to build a house from the "ground up".

Given the site limitations and input from MCDA Board members for the construction of a colonial or cape style dwelling, the Assabet teachers with MCDA staff developed a preliminary cost estimate, which was distributed. The estimates are based on a colonial of 1,768 square feet. The budget includes a construction contingency of 10%. Unknowns are general administrative costs such as legal, permit, insurance. Demolition costs will be clearer once the final hazardous materials survey is completed. Assabet would provide all labor and carpentry. Insulation, sheet rock and plastering would not be included and would need to be contracted by the MCDA. To provide more detailed costs, plans would have to be finalized with the assistance of an architect and engineer. Steve suggested that until the Board decides whether or not to move forward, the MCDA hold off on getting more detailed information.

In response to the question of "how long would the project take for completion", the answer was about one year. However, in order for this to happen, the building would have to be demolished, excavated and foundation laid by September.

In response to the question regarding what kind of insurance the MCDA would need to obtain, the answer was shared liability insurance between MCDA and the school.

There was a question as to whether or not variances would be required. If so, this would be a 60 day process.

Joyce and Lynn added that the plan presented is subject to modification depending on cost and zoning requirements.

Lynn asked if there would be utility costs during construction. Russell responded that there would be heating and electricity required during construction.

Russell added that the Assabet Superintendant and School Committee have approved moving forward with this project.

Steve Vigeant reiterated that if the Assabet project is to go forward, demolition would need to start by May so the Board will need to make a decision as to whether or not they will move forward with this project.

The Mayor made a motion to convene the meeting and go into Executive Session for the purpose of discussing the value of real property, as such discussions may have a detrimental effect on the negotiating position of the MCDA in accordance with MGL, Chapter 39, Section 23B. A roll call was taken of Board members and it was unanimously voted to go into Executive Session. The meeting did not resume in public session.

**Marlborough Community Development Authority**

**MINUTES**

**Tuesday April 12, 2011  
Mayor's Conference Room**

Members Present: Mayor Stevens, Lynn Faust, Joyce Torelli, Steven Vigeant, Eric Asman

Members Non-Voting: Tom Abel, Comptroller, Diane Smith, Auditor

Also Present: Finance and Compliance Manager, Anne Marie Blake; Program Manager, Rieko Hayashi; Program Consultant, Linda Overing, Breezeway Farm Consulting

Mayor Stevens called the meeting to order at 8:05 a.m. Since there was an error in the Meeting notice listing the starting time as 8:00 and the first Agenda item at 8:30, she asked Rieko not to list specific times for Agenda items in the future.

The two purposes of this meeting are to discuss Staffing and Options for Emmett and Clinton Street.

**CDA STAFFING**

Mayor reported that after visiting Washington to lobby for the Treatment Plant and CDBG funds (among other things), that her sense was that the prospect of Marlborough receiving funding was very bleak. Therefore, it would be best to plan for not getting CDBG funding

The recommendation for dealing with the budget shortfall for staff is to layoff the Program Manager as of May 14<sup>th</sup> and has the Financial Manager continue until June 30, 2011 to close out accounts and finish financial reporting.

The Mayor does not feel the plan proposed by Staff and the Consultant to have the Mayor's Office, Comptroller and Housing absorb CDA responsibilities is feasible, given that those staff people are already over extended. She has considered requesting City Council to fund a consolidated department that would support CDA, Planning and Economic Development responsibilities.

Board members asked if the Program Manager going half-time was a possibility but Rieko responded that it would not be possible to complete all job responsibilities and contractual deadlines with only one half time person in the office. Linda made the point that, in the time remaining, the staff has to spend its time on completing grant funded activities such as CDBG and NSP in order to fulfill their obligations and to not have problems when the CDA is audited. Anne Marie said she would probably be able to return to work full-time on May 5, 2011, assuming she has no medical issues.

Board members asked if the encumbrance for unemployment from MCDA funds could be used to pay for staff beyond May 14<sup>th</sup>. However, if the CDA does not get the CDBG grant, there would be inadequate unemployment reserves left.

A motion was made to approve the staff and consultant's recommendations for staffing as proposed. This was seconded and approved.

### ASSABET PROPOSAL

Rieko distributed the newest budget from Assabet with the information that was previously listed as "unknown" included.

Lynn added that if the Board needs to obtain a zoning variance, this would add additional time and cost to the project.

Linda has verified that NSP funds could be used for demolition of the house if it is determined that 51% of the households on the street are low and moderate income and the property is formally condemned. NSP funds could not be used for Clinton Street since it is not in the target area.

The Mayor worked with DPW staff to obtain estimates for a parking area; this exceeded \$250,000 because it accounted for many unknowns, such as the potential for ledge. It is assumed that the MCDA would not undertake this project unless the property were turned over the City and the DPW created the parking.

The Mayor made a motion to convene the meeting and go into Executive Session for the purpose of discussing the value of real property, as such discussions may have a detrimental effect on the negotiating position of the MCDA in accordance with MGL, Chapter 39, Section 23B. A roll call was taken of Board members and it was unanimously voted to go into Executive Session. The meeting did not resume in public session.

**Marlborough Community Development Authority**

**MINUTES**

**Tuesday April 28, 2011  
Mayor's Conference Room**

Members Present: Mayor Stevens, Lynn Faust, Joyce Torelli, Steven Vigeant, Eric Asman, Dave McCabe.

Members Non-Voting: Tom Abel, Comptroller, Diane Smith, Auditor

Also Present: Finance and Compliance Manager, Anne Marie Blake; Program Manager, Rieko Hayashi; Program Consultant, Linda Overing, Breezeway Farm Consulting, Julie Pappazisis, Housing Director

Mayor Stevens called the meeting to order at 8:32 AM.

Minutes from April 12, 2011 meeting were approved.

**Housing Manager's Report**

On a motion duly made and seconded the Board unanimously voted to approve the Housing Director's Report dated April 28, 2011.

Housing Director updated Board on Low-Income Multifamily Retrofit Program, Administered by LEAN. They are doing a follow up visit to Pleasant Street with Accelerated Energy on May 5<sup>th</sup> to scope out the work they would like to do. They will be preparing a spec/scope of work for 29 Pleasant Street, to include Heating System Replacement. If a heating system upgrade passes their Cost Effective Test, LEAN thru NStar Gas will pay 100% of replacement cost. If it doesn't pass they will refer us to Nat'l Grid for equipment rebate. They are referring Bolton Street and Main Street to National Grid for electrical energy audit.

On a motion duly made and seconded the Board unanimously voted to transfer \$100,000.00 from the MMDT account to Bank of America/Revolving Account for overdraft protection.

On a motion duly made and seconded the Board unanimously voted to approve the Contract for State-Aided Capital Improvement for \$12,600.00 for low-flow toilet procurement funded through DHCD's Water Conservation Sustainability Program.

On a motion duly made and seconded the Board unanimously voted to approve a rent collection loss write-off in the amount of \$5,060.00 for the State 400 Program.

Board will consider alternative uses for the first floor, 240 Main Street, lobby area as presented by the Housing Director.

All Bills Payables were unanimously approved.

**Requests to CDA**

- 1) The owner of a LIP unit has requested that she be allowed to buy out her ex-husband, the co-owner of the unit, and refinance to obtain a lower rate. DHCD has approved this request.

Motion to approve request from LIP owner at regarding buyout and refinancing was made and unanimously approved.

- 2) Engineer, Bruce Saluk, on behalf of Peter D'Aurora the owner of a property at 121A Main Street, requested that he be allowed to put a generator on the CDA property to provide emergency back- up power to the property he is renovating.
  - Board requested that prior to responding to this request, the owner do the following:
    - Notify the direct abutters with their intentions
    - Go to City Engineer, DPW and the Building Department for a Site Review of their proposal.
    - Consider an alternative location behind the building

A motion was made and unanimously approved to request the owner of 121A Main Street to have their proposal got to site plan review and notify direct abutters of their plans.

The Owner is also putting in a request to purchase the area (indicated on the map) from the CDA for the generator in order to be able to better maintain the area with landscaping and grading.

A motion was made and unanimously approved to have Attorney Cipriano review the request to purchase the area for the generator.

- 3) A request for an easement to install additional lighting in the Post Office Parking lot on Florence Street was presented. The Engineer has already gone through Site review and the Building Department and DPW approve the Engineer's plans.

A motion was made a unanimously approved to approve the installation of four new lights on the Florence Street property as presented.

### **CDA/Consultant's Report**

The City Council will be voting on transferring Affordable Housing Funds to the CDA for the purpose of building a house with Assabet on Emmett Street and renovating Clinton Street. The Finance Committee will be meeting on May 2, 2011.

Joyce asked if the CDA could notify the abutters about the CDA's plans for Emmett Street. Rieko will draft a letter to go the neighbors.

Rieko has resigned and will be taking another job. Therefore since the CDA will not need to reserve her unemployment funds, Anne Marie position can be extended to full time until June 1<sup>st</sup> and Rieko's last day will be extended until the end of May pending confirmation with her new employer.

A Motion was made and unanimously approved to extend Anne Marie's position to full time until the end June 1<sup>st</sup> and Rieko until the end of May using the unemployment encumbrance.

A motion was made and unanimously approved to pay out Rieko's remaining vacation pay out of the unemployment encumbrance.

The Mayor made a motion to convene the meeting and go into Executive Session for the purpose of discussing the value of real property; as such discussions may have a detrimental effect on the negotiating position of the MCDA in accordance with MGL, Chapter 39, and Section 23B. A roll call was taken of the Board members and it was unanimously voted to go into executive Session at 10:08.

**Marlborough Community Development Authority**

**PUBLIC HEARING MINUTES**

**Thursday, January 28, 2010  
Mayor's Conference Room**

Present: Mayor Nancy Stevens, Lynn Faust, Dave McCabe, Steven Vigeant, Mike Hogan, Tom Abel, Diane Smith, Kevin Flynn, Anne Marie Blake, Marie Cheatham from Addiction Referral Center (A.R.C.), Joan Simoneau, reporter and ARC.

Mayor Stevens opened the meeting at 8:35 a.m.

K. Flynn discussed the projects proposed to be included in our FY10 Block Grant application. He explained the opportunity that we had to fix our Senior Housing on Pleasant St. and how our Pleasant St. facility was in the approved target area. He also discussed our housing rehab program and how with that being considered our second construction project in the target area that we could ask for up to \$1,000,000 in our application.

He then discussed the proposals from Social Service Agencies and explained that they could be funded from available program income. Lynn stated that she was very, very happy with the choices.

Marie Cheatham explained how the needs of the low and moderate-income households were growing and that she would like to find a way to receive funding at the municipal level. Mayor Stevens spoke about how the City Council several years ago eliminated most of the funding available to social service agencies.

Joan Simoneau spoke of how ARC was working with schools to address drug and alcohol related issues. She said that they have been talking with the local schools about an Al-A-Teen program.

Lynn said that she was disappointed that no agency proposed offering financial planning, considering the current economy.

Meeting closed at 8:50 a.m.