

1. Minutes of the City Council Meeting, June 20, 2011
2. Minutes of the City Council Meeting, May 23, 2011 (tabled June 20, 2011).
3. 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, Order No. 11-1002924.
4. Communication from the Mayor re: Water Department transfer request in the amount of \$23,602.10 which moves funds from Fringes to the following accounts which are necessary to pay budgeted expenses associated with an employee's retirement:  
\$4,761.14 - SMEO Equip/Oper  
\$17,140.11 - Sick Leave  
\$1,700.85 - Longevity
5. Communication from the Mayor re: City Clerk transfer request in the amount of \$13,986.13 which moves funds from Fringes to the following accounts which are necessary to pay budgeted expenses associated with an employee's retirement:  
\$12,482.13 – Senior Clerk  
\$1,504.00 – Sick Leave
6. Communication from the Mayor re: Brownfields 2011 Cleanup Grant awarded to the City in the amount of \$200,000.00 for petroleum cleanup.
7. Communication from the Mayor re: TIF Proposal-Vestas Technology R & D Americas, Inc.
8. Communication from the Mayor re: Appointment of Human Services Manager, Janet Hevey.
9. Communication from Attorney Bergeron on behalf of Melanson Development to withdraw the Application for Special Permit to expand the non-conforming use of the existing Walker house and barn located on 93 Framingham Rd, Order No. 11-1002853B.
10. Communication from Michael Staiti of WRT Management Corporation re: granting of liquor license to Vin Bin located at 91 Main St.
11. Communication from Mark Water, USAT Certified Race Instructor re: Westborough Sprint Marathon scheduled to take place on Sunday, August 14, 2011.
12. Communication from Marc and Amanda Millette re: Sewer problem at 148 Boston Post Rd East, Unit 1A.
13. Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 99-8280C) to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 450 Boston Post Rd.
14. Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Wireless Communications Facility pertinent to lease Order No. 96-6861 to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 91 Arnold St.
15. Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Wireless Communications Facility to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 4 Mount Royal Ave.
16. Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Wireless Communications Facility to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 157 Union St.
17. Minutes, Community Development Authority, May 26, 2011.

## 18. CLAIMS:

- A. Deborah MacDonald, 34 Deerfield Rd., Shrewsbury, pothole or other road defect
- B. Carol deOliveira, 209 Chapin Rd., Hudson, pothole or other road defect
- C. Dorothy Manning, 302 Lakeshore Dr., other property damage and/or personal injury
- D. Daniel Verrico, 266 Wilson St., pothole or other road defect
- E. Edward & Melissa Harnish, 12 Dean Rd., other property damage and/or personal injury

## REPORTS OF COMMITTEES:

## UNFINISHED BUSINESS:

**From Public Services Committee**

- 19. **Order No. 11-1002935** - Application of Roman Kimyagarov d/b/a Arthur & Sons Shoe Repair for Junk Dealer's License at 107 Main Street. Chief Leonard is without objection to issuance of the license. **Recommendation of the Public Services Committee is to approve 3-0.**
- 20. **Order No. 11-1002903** - Application for FUEL STORAGE LICENSE, Finishmaster, 272 Lincoln Street - PUBLIC HEARING: JUNE 6, 2011
  - Deputy Chief Flynn is without objection to issuance of the license.
  - Petitioner submitted that storage on the property is less than 500 gallons.**Recommendation of the Public Services Committee is to approve 3-0.**



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

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

**Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723  
JUNE 20, 2011**

Regular meeting of the City Council held on Monday, JUNE 20, 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 10:00 PM.

ORDERED: That the Mayor presented City Scholarships certificates to the following students **FILE**; adopted.

Jessica DeAmicis (not present)  
9 Blaiswood Avenue  
Assabet Valley High School

Akshat Patel  
74 Dufresne Road  
Marlborough High School

Kristin Perdue  
631 Elm Street  
Marlborough High School

Allison Richards (not present)  
81 Roosevelt Street  
Advanced Math and Science Academy

Eric Roberts  
62 Gregoire Drive  
Marlborough High School

ORDERED: That the minutes of the City Council Meeting, MAY 23, 2011, **TABLE UNTIL JULY 18, 2011**; adopted.

ORDERED: That the minutes of the City Council Meeting JUNE 6, 2011 **FILE**; adopted.

ORDERED: That the 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, all were heard who wish to be heard, hearing recessed at 8:45 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 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, all were heard who wish to be heard, hearing recessed at 9:16 p.m.

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

ORDERED: That the IT transfer request in the amount of \$350,000.00 which moves funds from Undesignated to IS Equipment for FY12 capital appropriation, **DENIED**; adopted.

FROM:

Acct. #10000-35900 \$350,000.00

Undesignated

TO:

Acct. # 19300006-58618 \$350,000.00

IS Equipment

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

FROM:

Acct. #10000-35900 \$14,112.00

Undesignated

TO:

Acct. # 11610002-50770 \$12,631.00

Senior Clerk

Acct. # 11610003-51920 \$1,481.00

Sick Leave Buy Back

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

FROM:

Acct. #10000-35900 \$1,991.00

Undesignated

TO:

Acct. # 12200001-50335 \$1,991.00

Deputy Chief

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

ORDERED: That the 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 refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Communication from City Solicitor Rider re: Special Permit of St. Mary's Redevelopment LLC in proper legal form, Order No. 11-1002922, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from City Solicitor Rider re: Special Permit of 110 Pleasant LLC in proper legal form, Order No. 11-1002923, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from Comptroller Tom Abel re: Competitive Bids from Note Underwriters, **FILE**; adopted.

ORDERED: That the Communication from Comptroller Tom Abel re: Competitive Bids from Bond Underwriters, **FILE**; adopted.

ORDERED: That Communication from Retirement Board Director, Margaret Shea re: FY12 Operating Budget, **FILE**; adopted.

ORDERED: That the Communication from Retirement Board Director, Margaret Shea re: Annual Statement of Financial Position, December 31, 2010, **FILE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, AUGUST 1, 2011** as date for a **PUBLIC HEARING** on the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 03-100112B) to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 445 Simarano Dr., refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, AUGUST 1, 2011** as date for a **PUBLIC HEARING** on the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 97-6754F) to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 75 Donald Lynch Blvd., refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, AUGUST 1, 2011** as date for a **PUBLIC HEARING** on the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 08/09-1002083B) to accommodate three additional panel antennae for 4G wireless network, associated cabling and equipment at 860 Boston Post Rd., refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the Minutes, Traffic Commission, April 26, 2011, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, May 9 & 23, 2011, **FILE**; adopted.

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

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

A. Patricia Stewart, 361 Stow Rd., residential mailbox claim 2(a)

**Suspension of the Rules requested – granted to allow the Mayor to submit following Communication:**

ORDERED: That the Fire Department transfer request in the amount of \$5,000.00 which moves funds from Firefighter to Additional Gross O.T. be approved – **DOES NOT CARRY**; adopted.

FROM:

Acct. #12200001-50450

\$5,000.00

Firefighter

TO:

Acct. # 12200003-51300

\$5,000.00

Additional Gross O.T.

Reports of Committees:

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

**Order No. 11-1002935** - Application of Roman Kimyagarov d/b/a Arthur & Sons Shoe Repair for Junk Dealer's License at 107 Main Street. Chief Leonard is without objection to issuance of the license. **Recommendation of the Public Services Committee is to approve 3-0.**

**Order No. 11-1002903** - Application of Application for FUEL STORAGE LICENSE, Finishmaster, 272 Lincoln Street - PUBLIC HEARING: JUNE 6, 2011

- Deputy Chief Flynn is without objection to issuance of the license.

- Petitioner submitted that storage on the property is less than 500 gallons.

**Recommendation of the Public Services Committee is to approve 3-0.**

**Order No. 11-1002924** - Application of Thomas Travers d/b/a Village Clocksmith for Junk Dealer's License at 1015 Boston Post Road East Unit #1.

- Chief Leonard without objection to issuance of the license.
- Note: Mr. Travers requested tabling of the application pending word from his landlord.

**Recommendation of the Public Services Committee is to table in Committee 3-0.**

**ORDERED:** That the City of Marlborough Police Department take all necessary steps to participate in the Federal Secure Communities program at the earliest possible date, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

**ORDERED:** That the following transfer requests in the amount of \$45,251.98 to fund the newly ratified agreement with the Marlborough Municipal Employees Association, **APPROVED**; adopted.

REQUEST TO FUND MARLBORO MUNICIPAL EMPLOYEE ASSOC CONTRACT							
FROM ACCOUNT				TO ACCOUNT			
AVAILABLE AMOUNT BALANCE	ORG CODE	OBJECT	ACCOUNT DISCRIP	AMOUNT	ORG CODE	OBJECT	
							<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



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, **APPROVED**; adopted.

**Yea: 9 – Nay: 2**

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

MOTION made by Councilor Delano to reduce the CDA transfer from \$60,000.00 to \$30,000.00– **CARRIES** therefore;

ORDERED: That the CDA transfer request in the amount of \$30,000.00 from following accounts to Community Development Authority needed for Community Development Block Grant funding as the funding source is no longer available, **APPROVED WITH FOLLOWING CONDITIONS**:

- ✓ Provide a status report of CDA projects by the August 29, 2011 City Council meeting.
- ✓ Provide a transition plan for CDA by September 30, 2011.

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	\$30,000.00	89000	24995	Community Development	\$0.00
	Reason:	Services not needed during FY11				Partial funding for two existing CDA positions			
\$43,238.18	\$10,000.00	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							

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 10:00 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  
 MAY 23, 2011

*Table*  
*June 6, 2011*  
*Table July 18, 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				
		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-Investigative Services	\$60,000.00	89000	24995	Community Development	\$0.00
		Reason: <u>Services not needed during FY11</u>				Reason: <u>Partial funding for two existing CDA positions</u>			
\$43,238.18	\$40,000.00	11620002	50550	Elections - Head Clerk					
		Reason: <u>Unfilled position</u>							
\$26,246.34	\$10,000.00	15430006	57710	Veterans Benefits					
		Reason: <u>Benefits running slightly less than anticipated</u>							

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**

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT			TO ACCOUNT			
		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
	total \$ 54,927				\$ 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		total	

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	





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:			
		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 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**

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT			TO ACCOUNT			AMOUNT AVAIL
		ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	
		<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			
		FROM ACCOUNT:				TO ACCOUNT:			
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							
		FROM ACCOUNT:				TO ACCOUNT:			
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	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

AVAILABLE BALANCE		FROM ACCOUNT			TO ACCOUNT			AMOUNT AVAIL	
AMOUNT	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT
		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.

**Councilor Seymour abstained**

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)  
Councillor Seymour absent

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

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



# IN CITY COUNCIL

Marlborough, Mass.,

MAY 23, 2011

## 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, be and is herewith refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE.**

**Councilor Seymour abstained**

ADOPTED

ORDER NO. 11-1002924



*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

July 13, 2011

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

RE: Transfer Request Water Dept.

Honorable President Vigeant and Councilors:

I am submitting for your approval a transfer in the total amount of \$23,602.10 from account number 11990006-51500 (Fringes) to the following accounts:

Transfer in the amount of \$4,761.14 to account number 61090001-50740 (SMEO Equip/Oper).

Transfer in the amount of \$17,140.11 to account number 61090003-51920 (Sick Leave).

Transfer in the amount of \$1,700.85 to account number 61090003-51430 (Longevity).

The transfer is necessary to pay budgeted 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

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT			TO ACCOUNT			AMOUNT AVAIL
		ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT DESCRIP	
		<b>General Government</b>			<b>DPW Water Dept.</b>			
\$ 318,538.05	\$ 23,602.10	11990006	51500	Fringes	\$ 4,761.14	61090001	50740 SMEO Equip/Oper	\$ 513,156.00
					\$ 17,140.11	61090003	51920 Sick Leave	\$ 16,181.00
					\$ 1,700.85	61090003	51430 Longevity	\$ 21,148.00
					\$ 23,602.10			

Reason: To fund benefits associated with employees retirement.



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July 13, 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 \$13,986.13 from account number 11990006-51500 (Fringes) to the following accounts:

Transfer in the amount of \$12,482.13 to account number 11610002-50770 (Senior Clerk).

Transfer in the amount of \$1,504.00 to account number 1161003-51920 (Sick Leave).

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

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT			TO ACCOUNT			AMOUNT AVAIL
		ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	
		<b>General Government</b>			<b>City Clerk</b>			
\$ 318,538.05	\$ 13,986.13	11990006	51500	Fringes	\$ 12,482.13	11610002	50770 Senior Clerk	\$ 37,422.67
					\$ 1,504.00	11610003	51920 Sick Leave	\$ 3,617.00
					\$ 13,986.13			

Reason: To fund benefits associated with employees retirement.



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July 13, 2011

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

RE: Brownfields 2011 Cleanup Grant

Honorable President Vigeant and Councilors:

The City of Marlborough has received a site-specific grant in the amount of \$200,000 in petroleum cleanup funding under the US Environmental Protection Agency's Brownfields Cleanup Grant program. The petroleum cleanup grant will allow for the removal of the underground gasoline tanks and the cleanup of the contaminated soil at the former Jenney Gas Station located at 25 East Main Street.

As outlined in M.G.L., Chapter 44, Section 53A, I am recommending that the City Council accept this grant for the purposes outlined. I respectfully request your approval this evening.

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

Sincerely,

Nancy E. Stevens  
Mayor

Enclosures

cc: John Ghiloni – Director of Public Facilities



*City of Marlborough*  
**Public Facilities Department**

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

*JOHN L. GHILONI*  
DIRECTOR

*ANDREW J. WHITE*  
ASSISTANT DIRECTOR

July 12, 2011

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

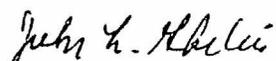
RE: EPA Brownfields Grant

Dear Mayor Stevens:

I have attached the Notice of Grant Award form to be submitted to the City Council for approval. This grant award has been received from the US Environmental Agency in the amount of \$200,000. This grant will allow for the removal of the underground gasoline tanks and the cleanup of the contaminated soil at the former Jenney Gas Station located at 25 East Main Street.

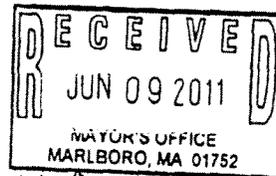
Please contact me if you need any additional information.

Sincerely,

  
John L. Ghiloni,  
Director



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460



JUN 6 2011

*cc: Conservation  
Public Facilities*  
OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

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

Dear Mayor Stevens:

On behalf of the United States Environmental Protection Agency (EPA), I am pleased to congratulate you and confirm that the City of Marlborough was selected as one of the entities EPA will begin negotiations with to award a cooperative agreement for a cleanup grant. The City of Marlborough submitted an outstanding grant proposal, and we deeply appreciate the tremendous commitment of time and energy that went into its preparation.

Through the Small Business Liability Relief and Brownfields Revitalization Act of 2002, EPA is working to help states and communities around the country clean up and revitalize brownfield sites. We fully expect that these brownfield projects will provide benefits to the environment and economy of local communities. Diane Kelley, your Regional Brownfields Coordinator (617-918-1424), will work closely with the City of Marlborough to negotiate the cooperative agreement prior to the grant award.

We look forward to working with your staff on the Brownfields program in continued Federal, state, and local government cooperation.

Sincerely,

David R. Lloyd, Director  
Office of Brownfields and Land Revitalization

cc: Diane Kelley

**CITY OF MARLBOROUGH  
NOTICE OF GRANT AWARD**

DEPARTMENT: Public Facilities DATE: 12-Jul-11

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: John L. Ghiloni

NAME OF GRANT: Jenney Gas Station

GRANTOR: US EPA

GRANT AMOUNT: \$200,000

GRANT PERIOD: TBD

SCOPE OF GRANT/ 25 East Main Street  
ITEMS FUNDED Removal of underground tanks and clean up of contaminated soil on the site.

IS A POSITION BEING  
CREATED: NO

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? N/A

ARE MATCHING CITY  
FUNDS REQUIRED? 20%

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

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS TO  
BE USED:  
29531201-52050 MWRA Mitigation

ANY OTHER EXPOSURE TO CITY?  
N/A

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: Yes-July 20, 2011

**DEPARTMENT HEAD MUST SUBMIT THIS FORM, A COPY OF THE GRANT APPROVAL, AND A COVER  
LETTER TO THE MAYOR'S OFFICE REQUESTING THAT THIS BE SUBMITTED TO CITY COUNCIL  
FOR APPROVAL OF DEPARTMENT TO EXPEND THE FUNDS RECEIVED FOR THE PURPOSE OF THE GRANT**



*City of Marlborough*  
*Office of the Mayor*

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July 14, 2011

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

RE: TIF Proposal -  
Vestas Technology R&D Americas, Inc.

Honorable President Vigeant and Councilors:

I am pleased to submit to you tonight a Tax Increment Financing ("TIF") proposal from Vestas Technology R&D Americas, Inc.

Vestas is the largest manufacturer of utility-scale wind turbines in the world, with more than 22,000 employees worldwide. It currently develops, manufactures, sells, maintains and monitors wind power plants in 65 countries spanning 5 continents. Its market share in 2010 increased by more than 18% over 2009, to 14.8% of the global wind market. Vestas proposes not only to lease some office space in the building presently located at 100 Crowley Drive, but also to buy land and construct an approximate 27,000 square foot building for its Research & Development/Test & Verification facility for electric power generators to be used in its wind turbines. Vestas further proposes to re-locate to Crowley Drive its approximately 34 permanent full-time employees currently working at Locke Drive and in Hudson, and to create 66 new permanent full-time jobs for area residents.

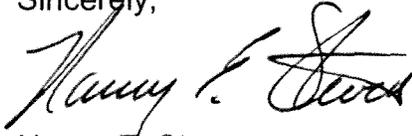
As an essential component of its proposed investment in Marlborough, Vestas has approached the City to propose that the Council approve a TIF agreement. Accordingly, I enclose for the Council's consideration the following documents:

1. the proposed TIF agreement, which is the product of negotiations involving various City officials;
2. a proposed TIF plan;
3. a proposed application for the Crowley Drive Economic Opportunity Area; and
4. a proposed Council resolution.

In addition, Vestas will present at the Finance Committee meeting its proposed Certified Project application, along with any other information the Committee may wish.

On behalf of Vestas and the City, I respectfully request that these documents be referred to the Finance Committee for its review and favorable recommendation.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy E. Stevens". The signature is fluid and cursive, with the first name being the most prominent.

Nancy E. Stevens  
Mayor

Enclosures

**TAX INCREMENT FINANCING AGREEMENT  
BETWEEN  
THE CITY OF MARLBOROUGH,  
VESTAS TECHNOLOGY R&D AMERICAS, INC.  
AND  
FIRST COLONY/CHESTNUT RIDGE, LLC**

**This TAX INCREMENT FINANCING AGREEMENT** (the “TIF Agreement” or the “Agreement”) is made as of this \_\_\_ day of \_\_\_\_\_ 2011 by and between the City of Marlborough (the “City”), Vestas Technology R&D Americas, Inc. (the “Corporation”) and First Colony/Chestnut Ridge, LLC (“the Property Owner”)

**WHEREAS**, the City is a Massachusetts municipal corporation acting through its City Council having its principal office located at 140 Main Street, Marlborough, MA 01752; and

**WHEREAS**, the Corporation is a Delaware corporation having its principal U.S. corporate headquarters located at 1111 Bagby Road, Suite 2100, Houston, Texas 77002 and its local headquarters located at 399 River Road, Hudson, MA 01749, and is authorized to do business in Massachusetts; and

**WHEREAS**, the Property Owner is a Massachusetts Limited Liability Corporation having its principal office at 929 Boston Post Road East, Marlborough, MA 01752; and

**WHEREAS**, the Corporation plans as follows:

- 1) to lease existing office space from the Property Owner, including the construction of tenant improvements and purchase and use of business personal property, in a building presently located at 100 Crowley Drive, Marlborough, MA 01752, as further depicted on Marlborough City Assessor’s Map 16, Lot 1A (the “Leased Office”); and
- 2) to acquire land (the “Land”) and to construct an approximate 27,000 square foot building (the “Building”) for its Research & Development/Test & Verification facility for electric power generators to be used in its wind turbines (Land plus Building, collectively, the “Facility”). The Facility is to be located on a ±8.36 acre parcel to be created from portions of Lots 22 and 23 as they presently exist on Marlborough City Assessor’s Map 15, and will be within walking proximity of the Leased Office; and

**WHEREAS**, the Facility and the Leased Office are to be located within the boundaries of the Marlborough-Framingham Regional Economic Target Area (ETA) (as that term is used in Massachusetts General Laws, Chapter 23A, Section 3D, and referred to below as the “ETA”); and

**WHEREAS**, the Facility and the Leased Office are to be located within the Crowley Drive Economic Opportunity Area (EOA) (as that term is used in Massachusetts General Law, Chapter 23A, Section 3E, and referred to below as the “EOA”); and

**WHEREAS**, the Corporation expects to re-locate to the Facility and/or to the Leased Office the approximately 16 permanent full-time jobs presently located at the Corporation’s facilities at 100 Locke Drive, Marlborough, MA 01752 plus the approximately 18 permanent full-time jobs presently

located at the Corporation's facilities located at 399 River Road, Hudson, MA 01749; and, beginning on the effective date of this agreement, to create and, over the term of this TIF Agreement, to maintain at the Facility and at the Leased Office 66 new permanent full-time jobs open to qualified residents of Marlborough and the ETA region; and

**WHEREAS**, the acquisition and improvement of the Land, the construction of the Building, the purchase of personal property for use at the Facility, the construction of tenant improvements at the Leased Office, the purchase of personal property for use at the Leased Office, and related investments are expected to result in an estimated initial capital investment of \$16 million in real and personal property (the "Project"); and

**WHEREAS**, the parties to the Agreement are desirous of entering into a Tax Increment Financing (TIF) Agreement in accordance with the Massachusetts Economic Development Incentive Program (EDIP) and Chapter 23A of the Massachusetts General Laws; and

**WHEREAS** the City strongly supports increased economic development to provide additional jobs for residents of Marlborough and the ETA region, to expand business within the City, and to develop a healthy economy and stronger tax base; and

**WHEREAS** the Project and its related job creation will further the economic development goals and criteria established for the ETA and EOA; and

**WHEREAS**, by letter dated, July 14, 2011, the Mayor recommended the TIF Plan and the TIF Agreement to the Marlborough City Council;

**NOW, THEREFORE**, in consideration of the mutual promises of the parties contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and contingent upon receipt of authorization from the City Council and in accordance with applicable law, the parties hereby agree as follows:

**A. THE CITY'S OBLIGATIONS**

1. The City Council approved the provisions of this TIF Agreement on \_\_\_\_\_, 2011, pursuant to the Resolution attached hereto. The City hereby authorizes the Mayor to execute this TIF Agreement on the City's behalf, and to monitor and enforce compliance by the Corporation and the Property Owner with this TIF Agreement's terms. The Mayor is authorized to act for and on behalf of the City in proceedings relating to the approval of this Agreement by the EACC.
2. A Tax Increment Financing exemption (the "Exemption") is hereby granted to the Corporation and the Property Owner by the City in accordance with Chapter 23A, Section 3E, Chapter 40, Section 59, and Chapter 59, Section 5, Clause Fifty-first, of the Massachusetts General Laws. The Exemption shall be for a period of ten (10) years (the "Exemption Term"), commencing on July 1, 2012 (the beginning of fiscal year 2013) and ending on June 30, 2022 (the end of fiscal year 2022). The Exemption shall pertain both to real property taxes and to personal property taxes, according to the following four (4) schedules:

a. Real Property.

SCHEDULE 1  
**REAL PROPERTY TAX EXEMPTION SCHEDULE –  
 LEASE OF EXISTING OFFICE SPACE**

Fiscal Year	Nominal TIF Exemption Percentage	Pro Rata Portion of the Existing Office Space Actually Leased by the Corporation	Actual TIF Exemption Percentage
2013	50%	13%	6.5%
2014	50%	13%	6.5%
2015	50%	13%	6.5%
2016	50%	13%	6.5%
2017	50%	13%	6.5%
2018	40%	13%	5.2%
2019	30%	13%	3.9%
2020	20%	13%	2.6%
2021	10%	13%	1.3%
2022	0%	13%	0%

The chart above is illustrative. In any given fiscal year, the Pro Rata Portion of the Existing Office Space Actually Leased by the Corporation will be determined by dividing the floor area of the existing office space actually leased by the Corporation (in such year) by the total floor area (approximately 100,726 s.f.) of the building presently located at 100 Crowley Drive. For any fiscal year in which the Corporation leases the entire building, the Pro Rata Portion would be 100%. The Actual TIF Exemption Percentage in any given fiscal year is the product of the Nominal TIF Exemption Percentage (for that year) times the Pro Rata Portion of the Existing Office Space Actually Leased by the Corporation (for that same year).

SCHEDULE 2  
**REAL PROPERTY TAX EXEMPTION SCHEDULE –  
 LAND OWNED & BUILDING TO BE CONSTRUCTED BY THE CORPORATION**

Fiscal Year	Exemption Percentage
2013	50%
2014	50%
2015	50%
2016	50%
2017	50%
2018	40%
2019	30%
2020	20%
2021	10%
2022	0%

b. Personal Property.

SCHEDULE 3  
PERSONAL PROPERTY TAX EXEMPTION SCHEDULE-  
LEASE OF EXISTING OFFICE SPACE

Fiscal Year	Exemption Percentage
2013	100%
2014	100%
2015	80%
2016	80%
2017	60%
2018	60%
2019	40%
2020	40%
2021	20%
2022	20%

SCHEDULE 4  
PERSONAL PROPERTY TAX EXEMPTION SCHEDULE-  
LAND OWNED & BUILDING TO BE CONSTRUCTED BY THE CORPORATION

Fiscal Year	Exemption Percentage
2013	100%
2014	100%
2015	80%
2016	80%
2017	60%
2018	60%
2019	40%
2020	40%
2021	20%
2022	20%

3. a. The base valuation for the real property pertinent to the Leased Office shall be the assessed valuation of that building presently located at 100 Crowley Drive and its associated land in the base year.
- b. The base valuation for the real property pertinent to the Land owned and the Building to be constructed by the Corporation shall be the assessed valuation of the Facility (collectively, Building plus Land, as hereinbefore defined) in the base year.
- c. The base valuation for the personal property pertinent to the Leased Office shall be the assessed valuation of the personal property situated at that building presently located at 100 Crowley Drive in the base year.
- d. The base valuation for the personal property pertinent to the Building to be constructed by the Corporation shall be the assessed valuation of the personal property situated at the Facility in the base year.

The base year is the fiscal year immediately preceding the fiscal year in which the project becomes eligible for the Tax Increment Financing Exemption. As provided in 760 C.M.R. 22.05(4)(d), see 402 C.M.R. 2.22, the project shall become eligible for the Exemption on the July 1<sup>st</sup> following the date on which the EACC approves the TIF Plan, which is expected to be

September 28, 2011. Therefore, the first year of said eligibility is expected to commence on July 1, 2012, which is the beginning of fiscal year 2013. Accordingly, the base year for this TIF Agreement is fiscal year 2012. Consequently, the base valuation for both the real property and the personal property pertinent to both the Leased Office, as well as the Facility, will be determined as of January 1, 2011.

4. The base valuation shall be adjusted annually by an adjustment factor, which reflects increased commercial and industrial property values within the community, as provided in Chapter 40, Section 59 of the Massachusetts General Laws and in 760 C.M.R. 22.00, see 402 C.M.R. 2.22. This adjusted base valuation will remain fully taxable (i.e., the Tax Increment Financing Exemption shall not apply to or be calculated with respect to the adjusted base valuation and no portion of the adjusted base valuation shall be eligible for exemption from Chapter 59 property taxation) throughout the term of this TIF Agreement. Only the increased value or "increment" created by improvements will be the amount eligible for exemption from taxation.

**B. THE CORPORATION’S AND THE PROPERTY OWNER’S OBLIGATIONS**

1. The City is granting the Tax Increment Financing Exemption for the Project in consideration of the following commitments:
  - a. The Corporation agrees to make capital improvement and investment of approximately \$16 million, and to timely pay all municipal permit fees required in connection with such improvement and investment;
  - b. The Corporation and the Property Owner agree to timely pay all of the taxes owed to the City over the term of this TIF Agreement; and
  - c. The Corporation agrees to re-locate to the Facility and/or to the Leased Office the approximately 16 permanent full-time jobs presently located at the Corporation’s facilities at 100 Locke Drive, Marlborough, MA 01752 plus the approximately 18 permanent full-time jobs presently located at the Corporation’s facilities located at 399 River Road, Hudson, MA 01749 not later than Fiscal Year 2014; and beginning on the effective date of this agreement to create and, over the term of this TIF Agreement, maintain at the Facility and/or at the Leased Office a minimum of 66 cumulative new permanent full time employees, as that term is defined in 402 C.M.R. 2.03, according to the following schedule:

<u>Fiscal Year</u>	<u>Minimum Cumulative New Permanent Full-Time Employee Requirement</u>
2013 (as of 6/30/13)	10
2014 (as of 6/30/14)	25
2015 (as of 6/30/15)	40
2016 (as of 6/30/16)	55
2017 (as of 6/30/17)	66
2018 (as of 6/30/18)	66
2019 (as of 6/30/19)	66
2020 (as of 6/30/20)	66
2021 (as of 6/30/21)	66
2022 (as of 6/30/22)	66

Such employees shall be exclusive of those permanent full-time employees currently employed at the Corporation's facilities at 100 Locke Drive, Marlborough, MA 01752 and 399 River Road, Hudson, MA 01749, who will be re-located to the Facility and/or the Leased Office. In meeting its cumulative new permanent full-time employee commitment above, and consistent with all federal, state and local laws and regulations, the Corporation agrees to use reasonable commercial efforts to open new permanent full-time jobs at the Facility and/or the Leased Office to qualified residents of Marlborough and then the regional ETA as outlined in the Workforce Analysis and Job Creation Plans section of the Certified Project Application submitted to the City by the Corporation in connection with the Corporation's request for a Tax Increment Financing Exemption.

2. The Corporation shall submit annual written reports on job creation and maintenance at, job relocation to, and new investments at the Facility to the City of Marlborough Board of Assessors and Mayor and to the Economic Assistance Coordinating Council by the end of September of each year with respect to the immediately preceding fiscal year during which this TIF Agreement is in effect. Reports shall be submitted for fiscal year 2013, and for every fiscal year thereafter falling within the term of this TIF Agreement; thus, the report for fiscal year 2013, ending on June 30, 2013, shall be submitted by the end of September 2013. In addition to information that may be required by the Economic Assistance Coordinating Council pursuant to 402 C.M.R. 2.14, the annual report shall include:

- (a) Employment levels at the Facility and the Leased Office at the beginning and end of the reporting period, with a designation of which employees are net new employees as of the effective date of this agreement and which employees were employed by the Corporation prior to the effective date of this agreement;

- (b) The specific number of ETA and Marlborough residents respectively employed at the Facility and the Leased Office at the beginning and at the end of the reporting period;

- (c) A full accounting of the reasonable commercial efforts made by the Corporation to open new permanent full-time jobs at the Facility and the Leased Office to qualified residents of Marlborough and then to the regional ETA;

- (d) A narrative of the reasonable efforts made by the Corporation to solicit Marlborough businesses, vendors and suppliers to participate in requests for quotations for goods and services to be purchased by the Corporation as part of the Project, including but not limited to the improvements to the Facility and/or the Leased Office, as well as the purchase of new machinery and equipment as part of the Project;

- (e) The Corporation's financial contribution to the City (including property taxes, motor vehicle excise taxes, and water and sewer fees) for the fiscal year; and

- (f) A description of any private investment, including but not limited to donations and/or perpetual maintenance of land for recreational purposes, made by the Corporation for the benefit of the community during the reporting period.

During the term of this TIF Agreement, the Corporation will also provide the City with any information related to the Project, and/or to the Corporation's improvements to the Facility and/or the Leased Office, which the parties mutually agree upon be provided.

3. The Tax Increment Financing Exemption percentage applicable to each of the four schedules above will automatically be adjusted downward in any particular fiscal year that the Corporation does not meet the minimum cumulative new permanent full-time employee requirements described above. Under this Paragraph 3, the exemption percentage applicable to each of the four schedules above will be changed for the fiscal year beginning after the job requirement date, utilizing the following formula:

(Actual Cumulative New Permanent Full-Time Job Level / Minimum Cumulative New Permanent Full-Time Job Requirement) x Scheduled Exemption Percentage = Actual Exemption Percentage.

For example, if the actual cumulative new permanent full-time employee level at the end of FY 2017 is 45 instead of 66, then the real property exemption percentage applicable to the lease of existing office space (Schedule 1) for FY 2018 would actually be  $(45 / 66) \times 40\%$ , or 27.3%.

The exemption percentages applicable to each of the four schedules above will, for later fiscal years, revert back to the original schedule if the Corporation restores the job level based on the minimum cumulative new permanent full-time job requirement for that later year. If the Corporation meets or exceeds its minimum cumulative new permanent full-time employee requirements, the exemption schedules will not change.

4. The Corporation will be in default of its respective obligations under this TIF Agreement if the City determines that the Corporation fails to meet or comply with any of the requirements of Paragraphs 1 or 2 of this Section B or Paragraph 5 or 6 below, and the City further determines that such failure continues or remains uncured for sixty (60) days (or such longer time as the City may deem appropriate under the circumstances) after the date of written notice, provided by the City to the Corporation, explaining in reasonable detail the grounds for or nature of such failure. Upon the City's determination that any default by the Corporation has continued or remained uncured for such period after the date of such written notice, the City may take such action as it deems appropriate to enforce the Corporation's obligations under this TIF Agreement, including but not limited to a request that EACC revoke its certification of the Project for eligibility for a Tax Increment Financing Exemption; any such request would be in addition to the automatic downward adjustment of the exemption schedule described in Paragraph 3 above. Upon any such decertification, the City shall have the right, upon written notice to the Corporation, to terminate the Tax Increment Financing Exemption benefits described in Paragraph 2 of Section A, commencing as of the fiscal year in which the City has determined the Corporation to be in default or, if such benefits have already been received by the Corporation for the fiscal year in which the City has determined the Corporation to be in default, commencing as of the fiscal year immediately following that fiscal year. Any notice required hereunder shall be sent, certified mail, return receipt requested, or delivered in hand, to the Corporation at the Facility's address (to be determined). Said notice shall be effective upon receipt.
5. If, at any time prior to the expiration of the term of this Agreement, the Corporation moves from, vacates, abandons, or otherwise fails to maintain operations at the Facility, the City shall be entitled forthwith to be paid back by the Corporation a sum equal to a percentage of the amount of tax savings, both as to real property and personal property, that had been enjoyed by the Corporation under this Agreement in the fiscal year immediately prior to the fiscal year

when the Corporation moves from, vacates, abandons, or otherwise fails to maintain operations at the Facility, according to the following schedule:

**CORPORATION'S PAY-BACK SCHEDULE**

Fiscal Year When Corporation Moves From, Vacates, Abandons, or Otherwise Fails to Maintain Operations at the Facility	Percentage of Tax Savings from Prior Fiscal Year to be Paid Back to City
2013	n/a
2014	90%
2015	80%
2016	70%
2017	60%
2018	50%
2019	40%
2020	30%
2021	20%
2022	10%

In any event, the City shall be given sixty (60) days' written notice prior to any proposed move from, vacation of, abandonment of, or other failure to maintain operations at, the Facility. Said notice shall identify the prospective new owner; may include information about such prospective new owner which is not otherwise subject to a confidentiality agreement; and shall be given to: Mayor's Office and to the Board of Assessors Office, City Hall, 140 Main Street, Marlborough, MA 01752. The City shall not, except as required by law, disclose any information provided by the Corporation regarding any proposed disposition of the Facility or any portion thereof by the Corporation.

6. The Corporation shall use reasonable efforts to solicit qualified Marlborough businesses, vendors and suppliers to participate in requests for quotations for goods and services to be purchased by Corporation in regard to the Project.

**C. OTHER CONSIDERATIONS**

1. Pursuant to 760 C.M.R. 22.05(8)(d), see 402 C.M.R. 2.22, this Agreement shall be binding upon the Corporation and its successors and assigns, as well as the Property Owner and its successors and assigns, and all subsequent owners of the Facility and the Leased Office, so long as the Project's certification has not been revoked by EACC.
2. This Agreement is subject to M.G.L. Chapter 23A, Section 3A-3F inclusive, M.G.L. Chapter 40, Section 59, and M.G.L. Chapter 59, Section 5, Cl. 51.

3. The Property Owner shall pass along to the Corporation all property tax savings resulting from this Agreement.
4. Should any part, term or provision of this Agreement be declared or be determined by any court of competent jurisdiction to be illegal or invalid, the validity of the remaining parts, terms, and provisions shall not be affected thereby and said illegal or invalid part, term of provision shall be deemed not to be a part of this Agreement.
5. The effective date of this Agreement shall be September 28, 2011, the (presumptive) date of the Economic Assistance Coordinating Council's approval of the TIF Plan.

WITNESSETH, the execution and delivery of this Agreement by the City of Marlborough, Vestas Technology R&D Americas, Inc., and First Colony/Chestnut Ridge, LLC as an instrument under seal as of the date first above written.

**AGREED TO:**

**VESTAS TECHNOLOGY R&D AMERICAS, INC.**

By: \_\_\_\_\_

Dated: \_\_\_\_\_, 2011

[Name]

[Title]

Vestas Technology R&D Americas, Inc.

**COMMONWEALTH OF MASSACHUSETTS**

\_\_\_\_\_, ss.

On \_\_\_\_\_, 2011, before me, the undersigned notary public, personally appeared [Name], as [Title] of Vestas Technology R&D Americas, Inc., and proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, that he/she is the person whose name is signed on the preceding or attached document.

\_\_\_\_\_  
Notary Public

Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**FIRST COLONY /CHESTNUT RIDGE, LLC**

By: \_\_\_\_\_

Dated: \_\_\_\_\_, 2011

Jon Delli Priscoli

Manager

First Colony/Chestnut Ridge, LLC

**COMMONWEALTH OF MASSACHUSETTS**

\_\_\_\_\_, ss.

On \_\_\_\_\_, 2011, before me, the undersigned notary public, personally appeared Jon Delli Priscoli, as manager of First Colony/Chestnut Ridge, LLC, and proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, that he is the person whose name is signed on the preceding or attached document.

\_\_\_\_\_  
Notary Public

Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**CITY OF MARLBOROUGH**

By: \_\_\_\_\_  
Nancy E. Stevens  
Mayor  
City of Marlborough

Dated: \_\_\_\_\_, 2011

**COMMONWEALTH OF MASSACHUSETTS**

\_\_\_\_\_, ss.

On \_\_\_\_\_, 2011, before me, the undersigned notary public, personally appeared Nancy E. Stevens, as Mayor of the City of Marlborough, and proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, that she is the person whose name is signed on the preceding or attached document.

\_\_\_\_\_  
Notary Public  
Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**CERTIFICATE OF VOTE**

I, \_\_\_\_\_, Clerk of Vestas Technology R&D Americas, Inc. (the "Corporation"), hereby certify that, at a meeting of the Board of Directors of the Corporation duly held on \_\_\_\_\_, which date is earlier than the effective date of the Tax Increment Financing Agreement between the City of Marlborough and Vestas Technology R&D Americas, Inc., at which a quorum was present and voting throughout, the following vote was duly passed and is now in full force and effect:

"Voted: That \_\_\_\_\_ be and hereby is authorized,  
(Name of Officer authorized to sign for the Corporation)  
directed and empowered for, in the name of and on behalf of Vestas Technology R&D Americas, Inc., to sign, seal, execute, acknowledge and deliver the Tax Increment Financing Agreement between the City of Marlborough and Vestas Technology R&D Americas, Inc. by said (Name of Officer) \_\_\_\_\_ to be valid and binding upon the Corporation for all purposes; and that a certificate of the Clerk of the Corporation setting forth this vote shall be delivered to the Mayor for the City of Marlborough; and that this vote shall remain in full force and effect unless and until the same has been altered, amended or revoked by a subsequent vote of such directors and a certificate of such later vote attested to by the Clerk of the Corporation is delivered to the Mayor for the City of Marlborough."

I further certify that (Name of Officer) \_\_\_\_\_

is the duly-elected (Title) \_\_\_\_\_ of the Corporation.

Signed: \_\_\_\_\_  
CLERK-SECRETARY

Place of Business: \_\_\_\_\_

AFFIX SEAL

In the event that the Clerk or Secretary is the same person as the Officer authorized to sign the said Agreement for the Corporation, this Certificate must be counter-signed by another officer of the Corporation.

Countersignature: \_\_\_\_\_  
(Name and Title of Officer)

## City of Marlborough Tax Increment Financing Plan

### Vestas Technology R&D Americas, Inc. (Alternatively, "Vestas" or "the Company")

#### I. Location

- A. The Tax Increment Financing (TIF) Plan described herein related to property defined as 100 Crowley Drive and xxx Crowley Drive located within the proposed Crowley Drive Economic Opportunity Area (EOA) in the City of Marlborough. A map of the proposed EOA is provided in the EOA application.
- B. The aforementioned EOA is located within the City of Marlborough, which is a member community of the Marlborough-Framingham Regional ETA that includes: Ashland, Framingham, Hopkinton, Hudson, Marlborough, Natick, Northborough, and Shrewsbury.
- C. TIF Zone
  1. A map of the proposed TIF Zone, which indicates the general location, parcel, property line and building outline, public uses and easements, land use and zoning, and proximity to other projects is attached.
  2. The TIF Zone is commonly referred as 100 Crowley Drive and xxx Crowley Drive. The legal description of 100 Crowley Drive and xxx Crowley Drive appears in the Crowley Drive EOA application.
  3. The TIF Zone is created so that 100 Crowley Drive and xxx Crowley Drive – the former a vacant, underutilized office building and the latter a vacant, undeveloped and underutilized parcel of land, both in a LIMITED INDUSTRIAL ZONING DISTRICT– could be fully and adequately utilized by Vestas Technology R&D Americas, Inc. (“Vestas” or the “Company”), a growing company that plans to make significant investments and create new jobs in the EOA. Vestas is considering to lease office space in the building located at 100 Crowley Drive, acquire land located at xxx Crowley Drive and construct an approximate 27,000 square foot building for its Research & Development/Test & Verification facility for electric power generators to be used in its wind turbines. This project would establish Marlborough as the North American research hub for the development, design, prototyping and testing of electric power generators for Vestas wind turbines.

4. This expansion project would result in an estimated capital investment of \$16 million: approximately \$8 million for building construction and approximately \$8 million for personal property.
5. If the proposed investment is made, Vestas will create 66 new permanent full-time jobs which will be open to qualified residents of Marlborough and the ETA region. These jobs are in addition to the approximately 16 employees currently located at 100 Locke Drive, Marlborough, and approximately 18 employees currently located at 399 River Road, Hudson. Existing employees will be maintained and eventually relocated to the EOA, with such relocation expected not later than Fiscal Year 2014. Vestas expects to occupy the leased office space at 100 Crowley Drive in Q1 2012 and expects to complete construction and occupy the new building at xxx Crowley Drive in late Q2 2012.
6. The owner of the property within the TIF Zone is expected to be the following:

100 Crowley Drive - First Colony Chestnut Ridge, LLC, a subsidiary of First Colony Development Co., Inc., leasing a portion of the office building to Vestas Technology R&D Americas, Inc.  
xxx Crowley Drive - Vestas Technology R&D Americas, Inc., after purchasing same from First Colony Crowley Drive Two, LLC.

The two properties are expected to be billed as separate tax parcels. Separate tax cards are expected to be issued to First Colony Chestnut Ridge, LLC, as the owner of land and building at 100 Crowley Drive, and to Vestas Technology R&D Americas, Inc., as the owner of the land and future building at xxx Crowley Drive.
7. The property at 100 Crowley Drive is located in a LIMITED INDUSTRIAL ZONING DISTRICT and the property at xxx Crowley Drive is located in a LIMITED INDUSTRIAL ZONING DISTRICT.

## II. Timeframe

The duration of this TIF Plan is ten (10) years, commencing on July 1, 2012 and ending on June 30, 2022.

## III. TIF Zone and Economic Development

- A. This expansion project would result in an estimated capital investment of \$16 million: approximately \$8 million for building construction and approximately \$8 million for personal property.
- B. As a result of this proposed investment, Vestas will open jobs at 100 Crowley Drive and xxx Crowley Drive to qualified job applicants of Marlborough and the regional ETA. The new jobs will have a significant multiplier effect on the local economy.
- C. Vestas would create 66 new permanent full-time jobs. These jobs are a blend of talents and skills including engineers, technicians, management, administration and other professionals. These jobs are in addition to the approximately 16 employees currently located at 100 Locke Drive, Marlborough, and approximately 18 employees currently located at 399 River Road, Hudson. Existing employees will be maintained and eventually relocated to the EOA, with such relocation expected not later than Fiscal Year 2014. Most of these jobs will be high-skill and high-wage.
- D. 100 Crowley Drive is located in a LIMITED INDUSTRIAL ZONING DISTRICT and xxx Crowley Drive is located in a LIMITED INDUSTRIAL ZONING DISTRICT. No change in zoning will be necessary.
- E. The Company is unaware of any evidence of hazardous waste on this property. To the best of the Company's knowledge, the site complies with Chapter 21E, MGL.
- F. The TIF Zone consists of underutilized properties located in Marlborough. Vestas's development plans will continue to revitalize and enhance the economic vitality of Marlborough's business community and contribute to the high-skill, high-wage research and development industry.
- G. In addition to the investments proposed in this TIF Plan, Vestas will, if it makes the proposed investments, purchase enough land at xxx Crowley Drive to accommodate significant future expansion, including a potential tripling in size of the currently proposed R&D facility. The ability of this project to attract TIF and other EDIP incentives and be successful in the EOA will help determine whether this investment and future expansions move forward. Vestas has R&D operations in Texas, Colorado and around the world, but this project would represent a long-term commitment to Marlborough and the Commonwealth of Massachusetts.

#### **IV. TIF Zone Projects**

##### **A. Private Projects**

Vestas Technology R&D Americas, Inc., is the American subsidiary of Vestas Technology R&D A/S, which is responsible for the innovation, development and

continuous product improvement of Vestas Wind Systems A/S. Vestas Wind Systems A/S is the largest manufacturer of utility-scale wind turbines in the world, with more than 22,000 employees worldwide. It currently develops, manufactures, sells, maintains and monitors wind power plants in 65 countries over five continents. The Company's market share in 2010 increased by more than 18% over 2009, to 14.8% of the global wind market, as it set an industry record for the highest order intake in one year.

Two strategic concentrations have helped Vestas remain the world's leading wind turbine manufacturer and increase market share both in the US and globally in 2010: the regionalization of production activities – that is, placing manufacturing “in the region, for the region” – and increasing even more its dedication to quality, research and technology development. Since 2006 Vestas has increased fourfold the number of employees working on the development and design of its turbines, wind modeling and other highly technical, research-related disciplines. This significant investment of human capital – paired with an equally significant investment in the physical expansion of its research and development activities around the world – clearly demonstrates the importance Vestas places on being and staying on the cutting edge of industry technology. By providing the Company with new capabilities for the development and testing of its critically important generator components, this proposed Marlborough investment would help Vestas achieve the goals of its overall corporate strategy.

Currently, Vestas leases office space at 100 Locke Drive, Marlborough, and 399 River Road, Hudson, which collectively house approximately 34 employees. Vestas is considering making a long-term commitment to Massachusetts by establishing in the Commonwealth its North American hub for the research, development, testing and verification of electric power generators. A comprehensive Site Selection process, which included potential sites both inside and outside of Massachusetts, identified the combined location of 100 Crowley Drive and xxx Crowley Drive in Marlborough as the preferred location for this important investment.

If the proposed project moves forward, the Company would retain 34 full-time jobs and create 66 new permanent full-time jobs beginning on the date of Project Approval by the EACC (anticipated to be September 28, 2011), which will be open to qualified residents of Marlborough and the ETA region. These jobs are a blend of talents and skills including engineers, technicians, management, administration and other professionals. Most of the new and retained jobs will be high-skill and high-wage. Existing employees will eventually be relocated to the new Marlborough location, with such relocation expected not later than Fiscal Year 2014. The timing of this relocation is primarily driven by the terms of the existing leases. This proposed project would require a substantial financial investment from the Company that would result in new tax revenue for the City and the Commonwealth as well as substantial economic benefits for Marlborough and the surrounding region.

Due to the project's overall project costs, it is essential that Vestas benefit from the Massachusetts Economic Development Incentive Program, which includes the state EOA Investment Tax Credit and Tax Increment Financing through the City of Marlborough. The availability of incentives will be a material consideration of the

Company as it decides whether to move forward with the proposed investment. Should Vestas decide to proceed with the project, Vestas expects to occupy the leased office space at 100 Crowley Drive in Q1 2012 and expects to complete construction and occupy the new building at xxx Crowley Drive in late Q2 2012. .

B. Public Projects

The City of Marlborough is not proposing any public projects under this TIF.

**V. Financing for TIF Project**

Vestas has financing in place for this project.

**VI. Tax Increment Financing**

Authorization to use TIF has been obtained. Please refer to TIF Agreement for exemption schedule.

**VII. Approval of TIF Projects**

Businesses seeking designation as a Certified Project within the proposed EOA will be required to submit a proposal to the Mayor. The TIF Committee, consisting of but not limited to the City Assessor, City Planner and a member of the City Council, shall negotiate an agreement with the proponent of the proposal for property tax relief for recommendation to the Mayor. Marlborough has a City Council form of government which has the final local approval. Once the project is approved by City Council, the Certified Project is presented to the state's Economic Assistance Coordinating Council for final approval.

# The Massachusetts Economic Development Incentive Program

## APPLICATION FOR DESIGNATION OF ECONOMIC OPPORTUNITY AREA

### PART A: Applicant Information

1. Please check one:

X This is an application for designation of a new EOA within a previously approved ETA.

2. Community submitting this application:

**The City of Marlborough**

**Name of proposed EOA(s): Crowley Drive Economic Opportunity Area**

### PART B: MANDATORY REQUIREMENTS FOR THE PROPOSED EOA

1. Location of Proposed EOA(s):

Provide a detailed map of each proposed EOA, indicating the existing streets, highways, waterways, natural boundaries, and other physical features, along with a legally binding written description of the EOA boundaries (with parcel numbers if appropriate). If the written description is longer than one paragraph, please submit on 3 1/2" computer disk.

**A detailed map produced by GCG Associates, Inc., is attached to this Application. The map clearly shows the boundaries of the Crowley Drive EOA.**

**The Crowley Drive EOA is comprised of the following area:**

**100 Crowley Drive containing 6.57 acres +/- of land as shown on Marlborough Assessors' Map 16, Parcel 001B (hereinafter referred to as "100 Crowley Drive") and xxx Crowley Drive containing 8.36 acres +/- of land and being a portion of Marlborough Assessors' Map 15, Parcel 0023 & 0022 (hereinafter referred to as "xxx Crowley Drive").**

2. Description of EOA(s):

Describe why each proposed EOA was chosen for designation. Include a brief, descriptive narrative of each area which helps to explain the particular situations, issues, or reasons why EOA designation is requested.

**The proposed EOA consists of properties that are planned for use by Vestas Technology R&D Americas, Inc. ("Vestas" or the "Company"). If Vestas chooses to move forward with its proposed investments, Vestas will lease existing office space located at 100**

Crowley Drive, acquire adjacent land located at xxx Crowley Drive and construct thereon for Vestas's ownership an approximate 27,000 square foot building for its Research & Development/Test & Verification facility for electric power generators to be used in its wind turbines. This project, if undertaken, would result in an estimated capital investment of \$16 million: approximately \$8 million for building construction and approximately \$8 million for personal property. Vestas would create and retain 66 new permanent full-time employees in the EOA, beginning on the date of EACC approval (expected September 28, 2011) and continuing through the duration of the term of the TIF Agreement. Vestas also would retain 34 permanent full-time jobs currently located at 100 Locke Drive, Marlborough, and 399 River Road, Hudson, and relocate these employees to the EOA, with such relocation expected not later than Fiscal Year 2014, based on existing lease terms.

The proposed EOA has been targeted because it meets the definition of a "Blighted Open Area" for the vacant lot whereby the property is very costly to develop. Factors that make this site eligible for EOA designation include expensive fill and grading, drainage and flood prevention measures, measures to protect adjacent areas and the water tables therein, inadequate utility systems, unduly expensive cost of site improvements (including the need for an expensive upgrade of electrical infrastructure) for the types of businesses that are expanding in these economic times, and relative remoteness of the EOA from other existing industry.

The proposed EOA has been targeted because it also meets the definition of a "Decadent Area" due to a substantial change in business and economic conditions that have resulted in land and building that have remained vacant for an extended period of time. Specifically, the land at xxx Crowley Drive was originally sold to Toll Brothers, Inc., in November, 2007 for construction of a residential adult housing project. The land was reconveyed in February 2010 due to the collapse of the residential housing market, and continues to sit vacant and undeveloped, with no prospects for development other than the proposed Vestas project. xxx Crowley Drive has been offered for sale as a Limited Industrial parcel since February 2010. The building at 100 Crowley Drive was constructed and finished in March 2008 and has been offered for lease since that date. It has had no tenants in its more than three years of existence, and it continues to sit vacant in a core-and-shell state. In spite of best efforts of the owner of the land and building, the prolonged economic recession, combined with the unfavorable conditions of the properties as described in the above paragraph, have caused the land and building to remain unsold and unleased. Without the support for Vestas via the incentives offered through the Economic Development Incentive Program and the creation of this EOA – which would incentivize Vestas to make the proposed investments and create and retain the permanent full-time employees as described – it is unlikely that the properties would be developed through normal private enterprise.

3. **Basis for EOA Designation:** Check the applicable category or categories (see definitions in attachment at back of application) for each proposed EOA:

X The area proposed for designation as an EOA is a "blighted open area."

X The area proposed for designation as an EOA is a "decadent area."

\_\_\_\_\_ The area proposed for designation as an EOA is a "substandard area."

\_\_\_\_\_ The area proposed for designation as an EOA has experienced a plant closing or permanent layoffs resulting in a cumulative job loss of 2,000 or more full-time employees within the four years prior to the date of filing this application.

4. **Effective Time Period for EOA Designation:** How long do you propose to maintain the EOA designation? The EOA designation may remain in effect for a minimum of five (5) years and a maximum of twenty (20) years.

**The Economic Opportunity Area designation will be effective for a period of 20 years, commencing on July 1, 2012 and ending on June 30, 2032. The proposed TIF Agreement between the City and Vestas for the project described herein, however, will last for 10 years, commencing on July 1, 2012, and ending on June 30, 2022.**

5. **Local Criteria for Designation of EOAs:** Describe how each proposed EOA meets your criteria for designation of EOAs, as specified in your application for designation of the ETA.

1. **EOAs must be locally designated with the approval of the Mayor and City Council.**
2. **EOAs must meet any and all requirements promulgated by the state Economic Assistance Coordinating Council.**
3. **Applications for EOAs must be submitted to the state Economic Assistance Coordinating Council by the Mayor and City Council and reviewed by the Regional Economic Development Administration.**
4. **Such applications must identify one or more of the Regional Economic Development Goals and how the EOA will contribute to the achievement of that goal.**
5. **EOAs must be comprised of land that is appropriate for economic development.**

6. **Economic Development Goals:** Describe the economic development goals for each proposed EOA during the first five years of EOA designation.

**The City of Marlborough has identified an area in a LIMITED INDUSTRIAL ZONING DISTRICT for designation as the Crowley Drive EOA. As stated in the original application designating the Marlborough-Framingham ETA, in which the EOA will reside, “the concept of a regional ETA is designed to foster intermunicipal cooperation among the municipalities, while permitting each to identify and act upon its unique local economic development needs.” The City of Marlborough has adopted the following overall goals of the Marlborough-Framingham ETA:**

1. **Utilization of existing blighted/decadent industrial buildings or sites.**
2. **Creation of jobs in the manufacturing sector.**
3. **Creation of jobs in the telecommunications and environmental industries.**
4. **Promotion and protection of the downtown in each community.**
5. **Carefully planned enhancement of the local and regional transportation network.**

The EOA will directly address the first economic goal of the ETA:

- **Utilization of existing blighted/decadent buildings and sites:**  
If Vestas chooses to make the proposed investments, Vestas will develop a vacant, undeveloped and underutilized property and construct a modern R&D facility that will promote high-skill, high-wage economic development in the ETA. Vestas also would occupy leased office space in an existing office building that has sat vacant and unutilized since its construction.

In addition, the EOA will also address the following:

- **Creation of jobs:**  
Vestas would create and retain 66 new permanent full-time employees in the EOA, beginning on the date of EACC approval (expected September 28, 2011) and continuing through the duration of the term of the TIF Agreement. Vestas also would retain 34 permanent full-time jobs currently located at 100 Locke Drive, Marlborough, and 399 River Road, Hudson, and relocate these employees to the EOA, with such relocation expected not later than Fiscal Year 2014, based on existing lease terms.
  - **Targeted Economic Development:**  
The City of Marlborough specifically targets economic development that will result in the creation of jobs with a living wage and that leverages the specific strengths of the region's labor force and existing industry. Additionally, the City shares the Commonwealth's more recent goal of targeting Renewable Energy companies for attraction and growth. Vestas, which seeks to invest in the creation of a Renewable Energy Research & Development facility in the EOA, will employ area residents at a livable wage expected to be in excess of the ETA's average wage and will undertake business activities that are consistent with the high-tech character of the 495 corridor.
7. **Local Services:** Describe the manner and extent to which the municipality intends to provide for an increase in the efficiency of the delivery of local services within the proposed EOA(s) (i.e. streamlining permit application and approval procedures, increasing the level of services to meet new demand, changing management structure for service delivery).

The City of Marlborough implements an expedited permit review process. The review is coordinated by the City's Administrative Site Plan Review Committee, through the Director of Planning, which includes the Building Inspector/Zoning Enforcement Officer, the Police and Fire Chiefs, the City Engineer, as well as other staff professionals whose input may be required.

The City of Marlborough does not anticipate an increase in service demand and will provide typical municipal services such as water and sewer connections.

8. **Compliance with Community Reinvestment Act:** Include a copy of a municipal plan or policy, if any exists, which links the municipality's choice of banking institutions to the bank's compliance with the requirements of the Community Reinvestment Act.

**The City of Marlborough does not have a municipal Community Reinvestment Act policy.**

**9. Project Approval:**

(a) Identify the municipal official or group/board which shall be authorized to review project proposals for and on behalf of the municipality.

**Marlborough City Council shall be authorized to review and approve project proposals for and on behalf of City of Marlborough. There is a TIF Committee that makes TIF proposal recommendations to the Mayor. The TIF Committee is comprised of but not limited to: the City Assessor, the City Planner, and a member of the City Council.**

(b) Indicate the standards and procedures for review of project proposals, including the application procedures, the timeframe for review and determination, and the criteria and process for approval of project proposals. If you intend to use supplemental application material (i.e. municipal cover letter with instructions, job commitment signoff sheet, supplemental questions to be required by the municipality, etc.), it must be mentioned here and must be approved by the Economic Assistance Coordinating Council (EACC). Please attach (if appropriate).

**Businesses seeking designation as a Certified Project within the proposed EOA will be required to submit a proposal to the Mayor. The TIF Committee shall negotiate an agreement with the proponent of the proposal for property tax relief and recommend to the Mayor. Marlborough has a City Council form of government which has the final local approval. Once the project is approved by City Council, the Certified Project is presented to the state's Economic Assistance Coordinating Council for final approval.**

**10. Intent of Businesses to Locate in EOA:**

Identify the names and the nature of businesses, if any that have indicated an intention to locate or expand in the proposed EOA(s). If possible, include letters of intent from the businesses, outlining the number of jobs that would likely be created and providing a timetable for development of the projects.

**Vestas Technology R&D Americas, Inc., is the American subsidiary of Vestas Technology R&D A/S, which is responsible for the innovation, development and continuous product improvement of Vestas Wind Systems A/S. Vestas Wind Systems A/S is the largest manufacturer of utility-scale wind turbines in the world, with more than 22,000 employees worldwide. It currently develops, manufactures, sells, maintains and monitors wind power plants in 65 countries over five continents. The Company's market share in 2010 increased by more than 18% over 2009, to 14.8% of the global wind market, as it set an industry record for the highest order intake in one year.**

**Two strategic concentrations have helped Vestas remain the world's leading wind turbine manufacturer and increase market share both in the US and globally in 2010: the regionalization of production activities – that is, placing manufacturing “in the region, for the region” – and increasing even more its dedication to quality, research and technology**

development. Since 2006 Vestas has increased fourfold the number of employees working on the development and design of its turbines, wind modeling and other highly technical, research-related disciplines. This significant investment of human capital – paired with an equally significant investment in the physical expansion of its research and development activities around the world – clearly demonstrates the importance Vestas places on being and staying on the cutting edge of industry technology. By providing the Company with new capabilities for the development and testing of its critically important generator components, this proposed Marlborough investment would help Vestas achieve the goals of its overall corporate strategy.

Currently, Vestas leases office space at 100 Locke Drive, Marlborough, and 399 River Road, Hudson, which collectively house 34 employees. Vestas is considering making a long-term commitment to Massachusetts by establishing in the Commonwealth its North American hub for the research, development, testing and verification of electric power generators. A comprehensive Site Selection process, which included potential sites both inside and outside of Massachusetts, identified the combined location of 100 Crowley Drive and land adjacent to it in Marlborough as the preferred location for this important investment.

If the proposed project moves forward, the Company would retain 34 full-time jobs and create 66 new permanent full-time jobs beginning on the date of Project Approval by the EACC (anticipated to be September 28, 2011), which will be open to qualified residents of Marlborough and the ETA region. These jobs are a blend of talents and skills including engineers, technicians, management, administration and other professionals. Most of the new and retained jobs will be high-skill and high-wage. Existing employees will eventually be relocated to the new Marlborough location, with such relocation expected not later than Fiscal Year 2014. The timing of this relocation is primarily driven by the terms of the existing leases. This proposed project would require a substantial financial investment from the Company that would result in new tax revenue for the City and the Commonwealth as well as substantial economic benefits for Marlborough and the surrounding region.

Due to the project's overall project costs, it is essential that Vestas benefit from the Massachusetts Economic Development Incentive Program, which includes the state EOA Investment Tax Credit and Tax Increment Financing through the City of Marlborough. The availability of incentives will be a material consideration of the Company as it decides whether to move forward with the proposed investment.

Should Vestas decide to proceed with the project, Vestas expects to occupy the leased office space at 100 Crowley Drive in Q1 2012 and expects to complete construction and occupy the new building at xxx Crowley Drive in late Q2 2012.

## **PART C: SPECIAL REQUIREMENTS FOR LARGE MUNICIPALITIES**

This section must be completed by any municipality or member of a regional ETA with a population that exceeds fifty thousand (50,000) people. The population threshold should be calculated based on the most recent statistics available from the U.S. Bureau of the Census.

### **1. Permit Streamlining:**

(a) List each officer, board, commission or other decision-making authority in the municipality that issues permits, approvals, and licenses and indicate the type of permit, approval or license issued by each authority.

**City Council - Special Permits**

**Zoning Board of Appeals - Zoning Variances**

**Planning Board - Subdivisions**

**Conservation Commission - Wetlands Construction**

**Board of Health - Food Service, Residential**

**License Commission – Liquor, Used Cars, Automatic Amusements**

**Building Inspector – Building, Occupancy**

**Wiring Inspector - Wiring**

**Plumbing Inspector - Plumbing**

**Department of Public Works - Street Openings, Water and Sewer Connections**

**Police Chief – Sunday Openings**

**Fire Chief – Blasting, Burning**

### **Special Permit**

(b) Provide a proposal and plan to streamline the municipality's permit, approval and license procedures. The plan should reduce the number of steps required to obtain approvals for new development. For example, the municipality could combine two separate application forms into one form, provide for joint review by two or more decision making authorities, and set firm deadlines for final decisions on permits, approvals, or licenses.

If the municipality has already implemented a plan to streamline the permit and approval process, describe that plan, indicating the strengths and weaknesses of the plan and provide a revised plan to improve upon the weaknesses.

**The City of Marlborough implements an expedited permit review process. The review is coordinated by the City's Administrative Site Plan Review Committee, through the Director of Planning, which includes the Building Inspector/Zoning Enforcement Officer, the Police and Fire Chiefs, the City Engineer, as well as other staff professionals whose input may be required. This committee meets with an applicant's development team to review a project in its entirety. This process has reduced the time required to obtain any and all development permits from the City.**

**2. Municipal Services in Proposed EOAs:**

(a) Provide an analysis of the existing infrastructure support and municipal services, including transportation access, water and sewer hook-ups, lighting, and fire and police protection to and for certified projects within the proposed EOA(s). Indicate if the existing level of services and infrastructure is adequate to support the anticipated development in the proposed EOA(s).

**100 Crowley Drive is serviced by all municipal utilities such as public water and sewer. xxx Crowley Drive, upon completion of the proposed development, will be serviced by all municipal utilities. All of these utilities will have sufficient capacity to adequately support the anticipated development.**

(b) Provide a proposal for meeting additional demand for municipal services and infrastructure improvement, including costs and funding sources available for these improvements.

**There is no basis to assume that additional municipal services would be required for this project. The existing infrastructure is sufficient and the project location is well serviced by the City of Marlborough Police and Fire Department.**

**3. Job Training Programs:**

Describe the municipality's plans to secure access to publicly or privately sponsored training programs for employees of certified projects and for residents of the municipality/ETA.

**The Metro South/West Regional Employment Board is an advocate in the development of appropriate job training programs for the business community.**

**4. Local Community Involvement:**

Describe the municipality's plans to increase the level of private sector involvement and the level of involvement by community development organizations in the economic revitalization of the area proposed for designation. For example, local involvement could include commitments from private persons to provide jobs and job training to residents or to employees who for certified projects in the proposed EOA(s).

**The City is prepared to work closely with Vestas to develop job training opportunities. These efforts will ensure that the Crowley Drive EOA designation will benefit the residents of the regional ETA. The City of Marlborough is actively working with the Greater Marlborough Chamber of Commerce and the Marlborough Economic Development Corporation on formulating business retention efforts and enhancing economic development opportunities within the regional ETA. The I-495/MetroWest Corridor Partnership will assist Marlborough with its retention and attraction efforts by providing solutions to infrastructure issues and by enhancing the quality of life within the ETA.**

## **PART D: COMMITMENT TO PROVIDE LOCAL PROPERTY TAX RELIEF**

The municipality completing this application must provide a **binding written offer** to provide either tax increment financing or a special tax assessment to each certified project located within the proposed EOA(s).

Please attach a copy of the municipality's binding written offer.

- In cities, this shall be in the form of a City Council Order or Resolution, along with a Certified Vote by the City Clerk.
- In towns with Town Meeting form of government, this shall be in the form of a Town Meeting Motion, along with a Certified Vote by the Town Clerk.
- In towns with Town Council form of government, this shall be in the form of a Town Council Order or Resolution, along with a Certified Vote by the Town Clerk.

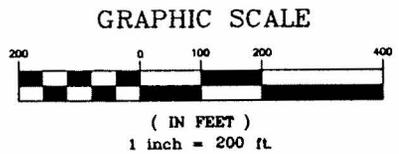
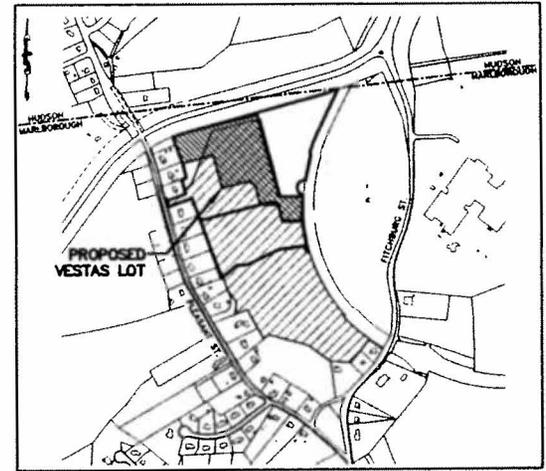
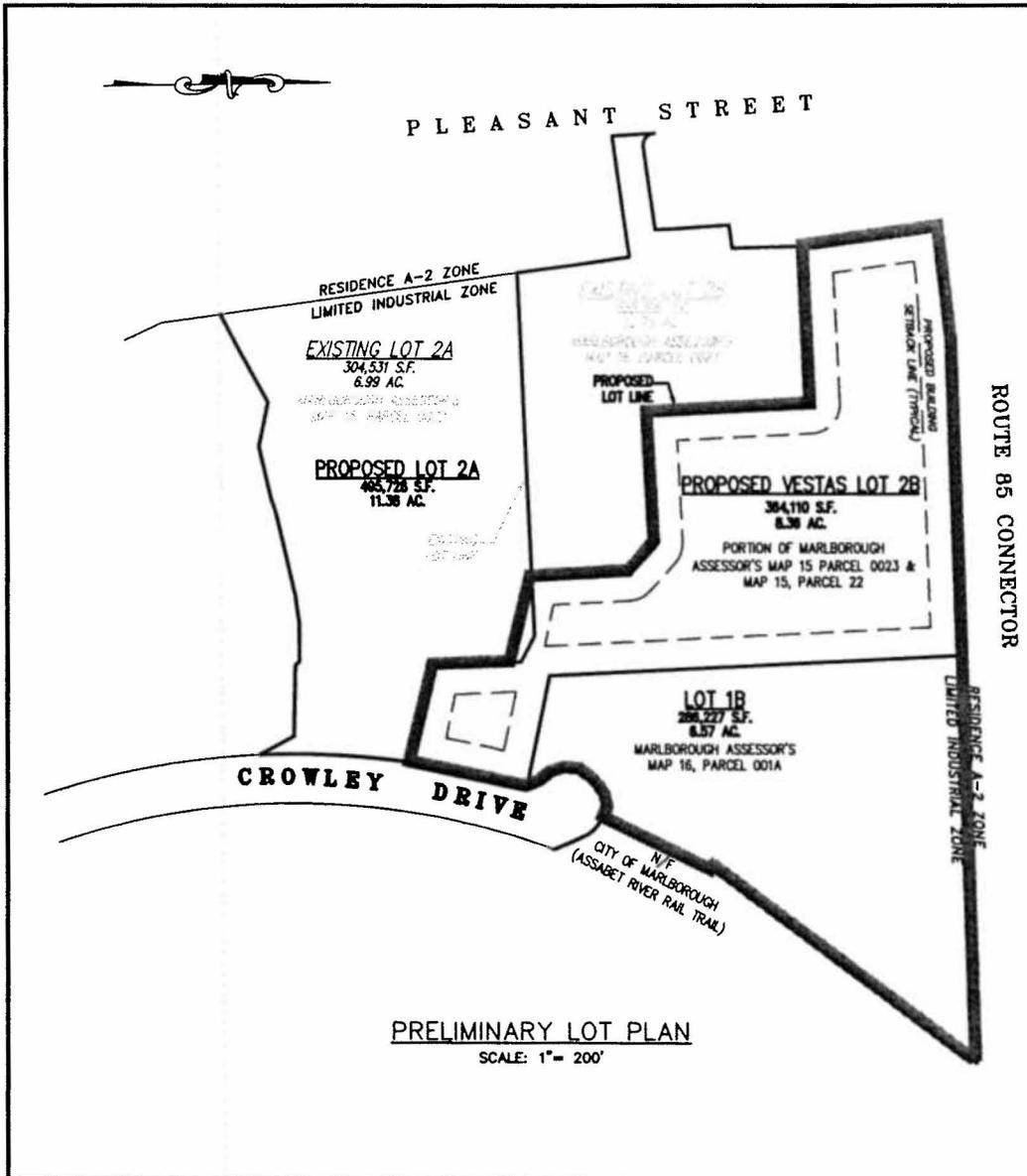
## ATTACHMENT

### DEFINITIONS, as specified in 402 CMR 2.03:

**Blighted Open Area** - a predominantly open area which is detrimental to the safety, health, welfare or sound growth of a community and which is predominantly open because it is unduly costly to develop it soundly through the ordinary operations of private enterprise. Factors which might make an area unduly expensive to develop include, but are not limited to, existence of hazardous materials or other contaminants; existence of ledge, rock, unsuitable soil, or other physical conditions; need for unduly expensive excavation, fill or grading; need for unduly expensive foundations or retaining walls, need for unduly expensive waterproofing, drainage or flood prevention measures; need for unduly expensive measures to protect adjacent areas and the water tables therein; need for unduly expensive measures incident to building around or over rights-of-way through the area; existence of obsolete, inappropriate or otherwise faulty platting or subdividing; deterioration of site improvements or facilities; division of the area rights-of-way; diversity of ownership; inadequate transportation facilities; inadequate utility systems; tax and special assessment delinquencies; a substantial change in business or economic conditions or practices; an abandonment or cessation of work begun on improvements; any combination of the above; or any other condition or conditions which are detrimental to the safety, health, or sound growth of a community.

**Decadent Area** - an area which is detrimental to safety, health, welfare or sound growth of a community because of the existence of buildings which are out of repair, physically deteriorated, unfit for human habitation, obsolete, or in need of major maintenance or repair; or because much of the real estate in recent years has been sold or taken for non-payment of taxes or upon foreclosure of mortgages; or because buildings have been torn down and not replaced and in which under existing conditions it is improbable that the buildings will be replaced; or because of a substantial change in business or economic conditions; or because of inadequate light, air, or open space; or because of excessive land coverage; or because diversity of ownership, irregular lot sizes, or obsolete street patterns make it improbable that the area will be redeveloped by the ordinary operations of private enterprise; or by reason of any combination of the foregoing conditions.

**Substandard Area** - an area wherein dwellings predominate which, by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light, or sanitation facilities, or any combination of these factors, are detrimental to safety, health, welfare or sound growth of a community.



<b>CROWLEY DRIVE MARLBOROUGH, MASSACHUSETTS</b>		
<b>VESTAS TECHNOLOGY R&amp;D AMERICAS, INC. PRELIMINARY PROPOSED LOT PLAN</b>		
<b>GCG ASSOCIATES, INC.</b>		
WILMINGTON		MASSACHUSETTS
SCALE: 1" = 200'		DATE: JULY 13, 2011
JOB NO. \ FILE NAME: 0953-PRELIM-LOT	DESIGNED BY: H.M.C. DRAWN BY: H.M.C. CHECKED BY:	PLAN NO. 1 of 1

**RESOLUTION:**

**WHEREAS**, the City Council of the City of Marlborough strongly supports increased economic development to provide additional jobs for qualified residents of the City and the Marlborough-Framingham Regional Economic Target Area (“ETA”), to expand commercial and industrial activity within the City, and to promote and develop a healthy economy and stronger tax base; and

**WHEREAS**, the City of Marlborough is a part of the regional ETA; and

**WHEREAS**, the City Council of the City of Marlborough supports and endorses the economic development goals for the ETA; and

**WHEREAS**, the City Council of the City of Marlborough desires a beneficial economic use creating jobs for local residents, expanding business within the City, and developing a healthy economy and stronger tax base for Map 15, Lots 22 and 23, and Map 16, Lot 1A, on the Marlborough Assessor’s Map; and

**WHEREAS**, the City Council of the City of Marlborough desires that the area be designated as the Crowley Drive Economic Opportunity Area; and

**WHEREAS**, the City Council of the City of Marlborough finds that the proposed Crowley Drive Economic Opportunity Area meets the regulatory criteria defined as “blighted open area” and “decadent area”; and

**WHEREAS**, the City Council of the City of Marlborough finds that the proposed Crowley Drive Economic Opportunity Area meets the local criteria and economic development goals set forth in the original Economic Target Area application; and

**WHEREAS**, the City Council of the City of Marlborough further supports and endorses the economic development goals contained in the Economic Opportunity Area application; and

**WHEREAS**, the City Council intends to use tax increment financing or special tax assessment economic development tools created by the Massachusetts Economic Development Incentive Program based on the ability of the City of Marlborough, in accordance with needs and community benefits of a specific project, that are reasonably proportional to the economic development incentives from State and local government and the resulting economic development benefits;

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Marlborough that the following activities which are necessary to pursue a Certified Project application within the proposed Economic Opportunity Area in the City of Marlborough be authorized:

1. The City Council of the City of Marlborough hereby approves the Crowley Drive Economic Opportunity Area (“EOA”) and authorizes the submission of the Crowley Drive EOA application (attached hereto as Exhibit 1) to the Massachusetts Economic Assistance Coordinating Council, said EOA to be

defined as Map 15, Lots 22 and 23, and Map 16, Lot 1A, on the Marlborough Assessor's Map; and

2. The City Council of the City of Marlborough hereby adopts the tax increment financing plan and authorizes the submission of a tax increment financing plan (attached hereto as Exhibit 2) to the Massachusetts Economic Assistance Coordinating Council; and
3. The City Council of the City of Marlborough agrees to authorize the use of tax increment financing (attached hereto as Exhibit 3) and the submission of the tax increment financing agreement to the Massachusetts Economic Assistance Coordinating Council; and
4. The City Council of the City of Marlborough hereby requests that the Massachusetts Economic Assistance Coordinating Council approve Vestas Technology R&D Americas, Inc.'s Certified Project application (attached hereto as Exhibit 4).



*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

July 14, 2011

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

RE: Appointment of Human Services Manager

Honorable President Vigeant and Councilors:

I am submitting for your approval the appointment of Janet Hevey to the position of Human Services Manager. I have attached a copy of Ms. Hevey's resume for your review and consideration. Ms. Hevey's educational background and past work experience will make her an excellent addition to the City of Marlborough.

Since this important position is currently staffed on a temporary basis, I respectfully request that Ms. Hevey be referred to the Personnel Committee and that the committee meet at its earliest convenience prior to the August 1, 2011 City Council meeting.

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

Sincerely,

Nancy E. Stevens  
Mayor

Enclosures

cc: David Brumby



May 17, 2011

Dear Mr. David Brumby:

Please consider the enclosed resume for the Manager – Human Services position currently open in the city of Marlborough, Ma. This opportunity was located in the Worcester Telegram & Gazette.

Many aspects of this position correspond to my skill set. I am confident that I will be successful at cultivating volunteers, performing crisis interventions, promoting community awareness, and developing strong relationships with human services agencies. All the essential functions of this position are well within my knowledge and abilities.

My schedule can accommodate any flexibility needed to handle work responsibilities on occasional evenings and or weekends. I even *prefer* these fluctuations to the daily 9 – 5.

I look forward to meeting with you to discuss further details of the position and how my background matches the job requirements. I can be reached at 508 769 7088 or at [jhevey@assumption.edu](mailto:jhevey@assumption.edu).

Thank you in advance.

Regards,

  
Janet C. Hevey

## **Janet C. Hevey**

---

67 Ireta Road • Shrewsbury, MA 01545 •

### **SUMMARY**

*Professional applicant, with outstanding listening, problem-solving and critical thinking skills seeking rewarding opportunity. A team player with the appropriate educational background to address those issues affecting the quality of life for citizens of Marlborough.*

### **EDUCATION**

**Assumption College, Worcester, MA**

- Master of Arts, Counseling Psychology - Conferred December 2010

**University of New Haven, New Haven, CT**

- Graduate work in Industrial Organizational Psychology, 1987-1988

**Rivier College, Nashua, NH**

- Bachelor of Science, Psychology and Business, May 1987

### **ACHIEVEMENTS**

- Counseling Psychology Fellowship Award – Assumption College
- Spearheaded annual fundraising initiative to assist “Friends with Heart,” a support group for families who have members with congenital heart defects. Efforts raised \$4,000 for 2005-2008 for the American Heart Association.
- Co-directed fundraising effort at two Shrewsbury middle schools, managed 50 parent volunteers and 1900 student participants. Raised approximately \$30,000 in fall of 2005.
- Graduate Assistantship – University of New Haven

### **PROFESSIONAL/VOLUNTEER EXPERIENCE**

**Community Healthlink, Worcester, MA January 2010 – May 2010**

Research Assistant

- Summarized clinical data on a Morbidity and Mortality report
- Project supervised by the Chief Medical Officer, Dr. Marie Hobart

**Auburn Youth and Family Services, Auburn, MA 2009-2010**

Clinical Intern

- Conducted individual therapy at Auburn High School and community agency
- Organized and co-directed adolescent groups

**Worcester State College, Worcester, MA 2006-2007**

Human Resource Coordinator

Managed hiring process: included completing travel and interview scheduling for all faculty candidates.

**Worcester Polytechnic Institute, Worcester, MA 2004-2005**

Seminar Assistant - Continuing/Professional Education

Promoted and assisted with workshops designed for management and engineer professionals.

**Paton School, Shrewsbury, MA, August 2002 - June 2004**

Community Service Learning Leader

Organized numerous community service projects, including grant writing. Supported the development of volunteer and community service efforts for young learners.

### **PROFESSIONAL DEVELOPMENT**

*Team player, Resourceful, Conscientious, and a Leader*

- “Cognitive Behavior Therapy for Health Anxiety,” Paul M. Salkovskis, Aaron T. Beck Institute for Cognitive Studies, Assumption College, Worcester, MA, June 2010
- “Treating the Phases of Bipolar disorder in Adulthood,” Peter Moran, Aaron T. Beck Institute for Cognitive Studies, Assumption College, Worcester, MA, March 2010
- “Strategies for Helping: Over-eating or Binge Eating Disorder,” Leslie S. Bourne, Aaron T. Beck Institute for Cognitive Studies, Assumption College, Worcester, MA, June 2009
- “Cognitive-Behavioral Therapy for Substance Use Disorders,” Leonard Doerfler, Aaron T. Beck Institute for Cognitive Studies, Assumption College, Worcester, MA, October 2008
- “Cognitive Therapy for Chronic Worry,” Robert L. Leahy, Aaron T. Beck Institute for Cognitive Studies, Assumption College, Worcester, MA, April 2008
- “A Guide to Conducting Effective Couple Therapy,” James V. Cordova, Aaron T. Beck Institute for Cognitive Studies, Assumption College, Worcester, MA, February 2008
- “Prevention approaches: Partner and Parental Violence,” Amy M. Smith, University of Massachusetts Medical School Department of Psychiatry Grand Rounds, Worcester, MA, January 2008
- “Understanding and Treating Body Dysmorphic Disorder,” Sabina Wilhelm, University of Massachusetts Medical School Department of Psychiatry Grand Rounds, Worcester, MA, December 2007
- “Cognitive Therapy for Suicide Prevention,” Gregory K. Brown, University of Massachusetts Medical School Department of Psychiatry Grand Rounds, Worcester, MA November 2007
- “Cognitive-Behavioral Treatment of Child Anxiety Disorders,” Ellen Flannery-Shroeder Aaron T. Beck Institute for Cognitive Studies, Assumption College, Worcester, MA, September 2007

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# MIRICK O'CONNELL

ATTORNEYS AT

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2011 JUL -8 P 4:37

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

July 8, 2011

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

Re: Special Permit Request, Melanson Development

Dear President Vigeant:

My client, Melanson Development, hereby requests that it's currently pending Request for Special Permit be withdrawn.

Very truly yours,



Arthur P. Bergeron  
Attorney for Melanson Development

APB/alm

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**MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP**

WORCESTER | WESTBOROUGH | BOSTON

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Blackcomb Associates  
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Janelon Associates  
Keystone Development Corp  
LRT Realty Corp  
Newmarket Associates  
Palmer Redevelopment LLC  
The Shop at Whitinsville  
Weir Redevelopment  
Whitinsville Land Associates  
Whitinsville Redevelopment Trust  
35 North Street LLC  
60 Webster Place  
960 Mass. Ave Lmtd. Partnership  
705 Plantation Street  
WRT 180 Shrewsbury Street



COMMERCIAL • INDUSTRIAL • RESIDENTIAL

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2011 JUN 30 P 3 34

June 21, 2010

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

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

Members of the Marlborough City Council  
City of Marlborough  
City Hall – 140 Main Street  
Marlborough, MA 01752

Dear Honorable Mayor Stevens, President Vigeant and Members of the City Council:

My partners and I would like to thank you for your recent efforts in granting a liquor license for the Vin Bin at our building located at 91 Main Street. It is a pleasure to work with Rick Lombardi and we all know how much value he will continue to add to the downtown community.

I realize it took a strong effort and strong support from your office, the City Council and the Marlborough Economic Development Corporation to pull this all together in such a timely fashion. Again thank you for your efforts which will enhance our building and the entire downtown community.

Please do not hesitate to contact me if there is anything further you need. We look forward to working together again in the future.

Sincerely,

Michael J. Staiti  
WRT Management Corporation

July 1, 2011

Karen Boule  
Marlborough Office of the City Council  
City Hall  
140 Main Street  
Marlborough, Massachusetts 01752

Dear Karen/Marlborough Office of the City Council,

I am writing to let you know that the 2<sup>nd</sup> annual Westborough Sprint Triathlon is scheduled to take place on Sunday August 14th, 2011. The race begins and ends at Westborough State Hospital in Westborough, MA and will include cyclists riding along Cedar Hill Street/Northborough Road in Marlborough.

The race start time is 8:00am and cyclists are expected to be traveling the roads within Marlborough from approximately 8:15 am until 9:45 am. Please refer to the attached map to see the portion of the race that will be accessing Middleborough roads.

Once again, this year's race will meet all the safety requirements of a USA Triathlon sanctioned event. I have been in contact with the Marlborough Police Department and I will be coordinating placement of a Marlborough Police detail at the intersection of Cedar Hill Street/Northborough Road and Simarono Drive.

Please don't hesitate to contact us with any questions or comments.

Sincerely,

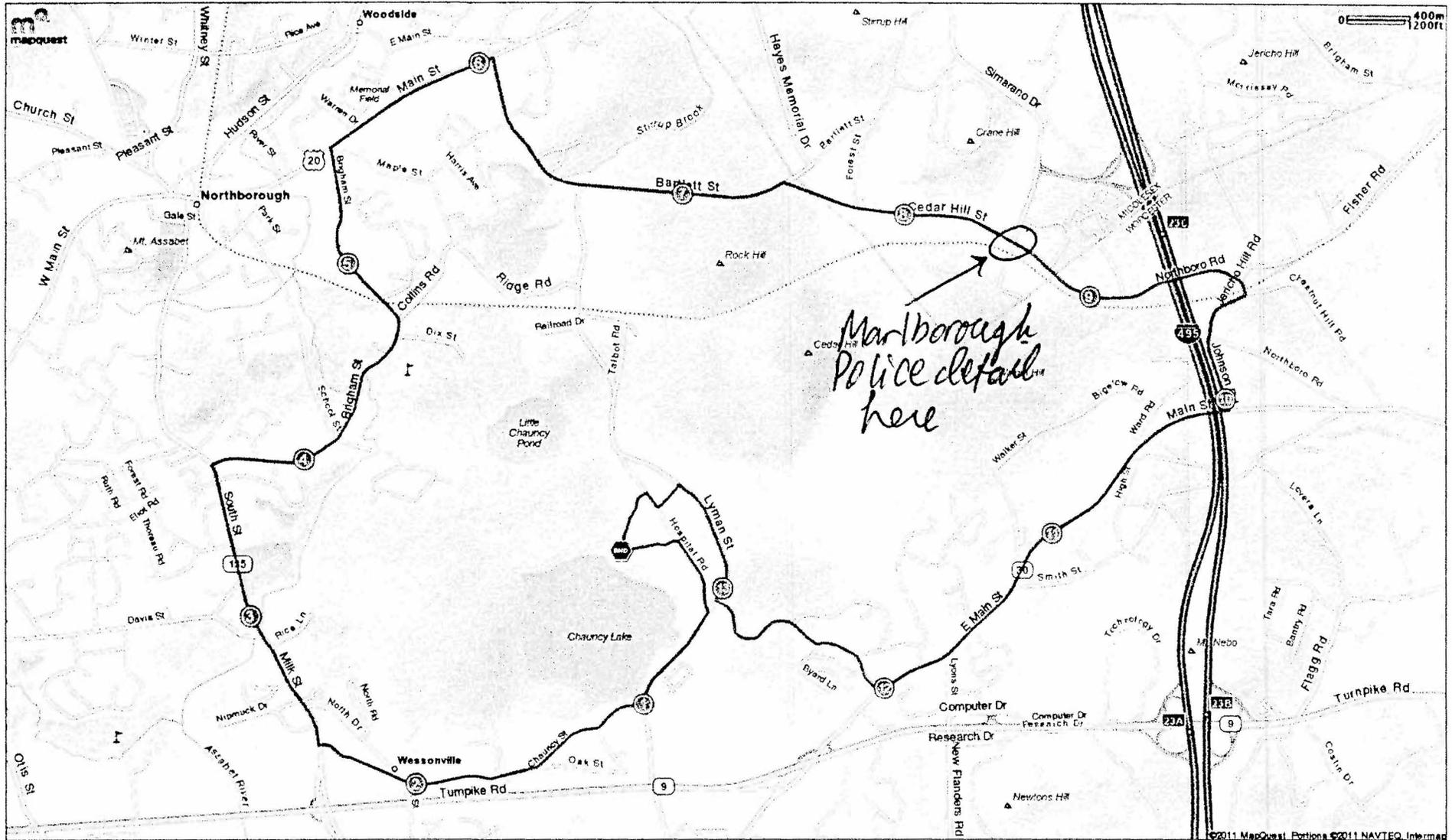


Mark Walter  
USAT Certified Race Director  
Sun Multisport Events  
54 Beechnut Road  
Westwood, MA 02090  
Mobile 781-414-0437  
[www.sunmultisportevents.com](http://www.sunmultisportevents.com)

# Westborough Sprint Triathlon

Starts in Westborough, Massachusetts

## 13.92 miles



Description

# Westborough Sprint Triathlon

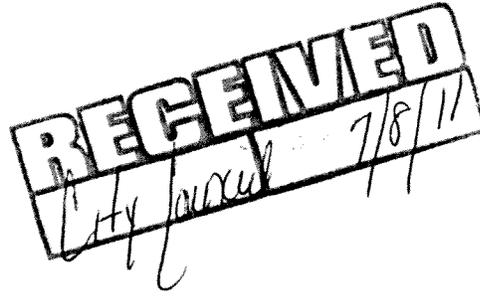
Starts in Westborough, Massachusetts

AT	FOR	NOTES
0.04 mi.	503ft	Head east
0.13 mi.	396ft	Head east toward Hospital Rd
0.21 mi.	236ft	Head northeast toward Hospital Rd
0.25 mi.	18ft	Turn right onto Hospital Rd
0.26 mi.	1230ft	Head southeast on Hospital Rd
0.49 mi.	434ft	Head south on Hospital Rd toward Lyman St
0.57 mi.	362ft	Turn right onto Lyman St
0.64 mi.	2058ft	Head southwest on Lyman St toward Canfield St
1.03 mi.	193ft	Turn right onto Chauncy St
1.07 mi.	2477ft	Head west on Chauncy St toward Chauncy Cir
1.54 mi.	169ft	Slight right onto Oak St
1.57 mi.	4497ft	Head west on Oak St toward Woodman Ave
2.42 mi.	4226ft	Head north on MA-135 W/ Milk St toward Nipmuck DrContinue to follow MA-135 W
3.22 mi.	2268ft	Head north on South St toward Longfellow Rd
3.65 mi.	313ft	Turn right onto Brigham St
3.71 mi.	4636ft	Head east on Brigham St toward Milk Porridge Cir
4.59 mi.	4580ft	Head northeast on Brigham St toward Dix St
5.45 mi.	276ft	Head north on Brigham St toward Main St

AT	FOR	NOTES
5.51 mi.	1454ft	Turn right onto US-20 E/ Main St
5.78 mi.	2362ft	Head northeast on US-20 E/ Boston Post Rd/ Main St toward Bartlett St
6.23 mi.	374ft	Turn right onto Bartlett St
6.3 mi.	2936ft	Head south on Bartlett St toward Hemlock Dr
6.86 mi.	4128ft	Head east on Bartlett St toward Lyman St
7.64 mi.	291ft	Head northeast on Bartlett St toward Cedar Hill Rd
7.69 mi.	3122ft	Turn right onto Cedar Hill Rd
8.29 mi.	1805ft	Head east on Cedar Hill St toward Simarano Dr
8.63 mi.	540ft	Continue onto Northboro Rd
8.73 mi.	4805ft	Head southeast on Northboro Rd toward Jericho Hill Rd
9.64 mi.	1500ft	Head south on Northboro Rd toward Chestnut Hill Rd
9.92 mi.	134ft	Continue onto Johnson Rd
9.95 mi.	1523ft	Head south on Johnson Rd toward MA-30 W/ Main St
10.24 mi.	126ft	Turn right onto MA-30 W/ Main St
10.26 mi.	1mi 166ft	Head west on MA-30 W/ Main St toward Brigham St

AT	FOR	NOTES
11.29 mi.	4070ft	Head southwest on MA-30 W/ E Main St toward Walker Rd
12.06 mi.	79ft	Head southwest on MA-30 W/ E Main St toward Haskell St
12.08 mi.	904ft	Turn right onto Haskell St
12.25 mi.	2861ft	Head northwest on Haskell St toward Byard Ln
12.79 mi.	918ft	Head northwest on Haskell St toward Lyman St
12.96 mi.	1017ft	Turn right onto Lyman St
13.16 mi.	1840ft	Head north on Lyman St toward Hospital Rd
13.51 mi.	22ft	Head southeast on Lyman St
13.51 mi.	384ft	Turn right
13.58 mi.	277ft	Head southwest toward Hospital Rd
13.64 mi.	35ft	Turn right onto Hospital Rd
13.64 mi.	358ft	Head northwest on Hospital Rd
13.71 mi.	225ft	Turn left
13.75 mi.	555ft	Head south
13.86 mi.		Head south

Karen Boule  
Council Secretary  
Office of the City Council  
City Hall  
140 Main St.  
Marlborough, MA 01752



KB  
cc: Journals  
7-8-11

Dear Ms. Boule,

Over six weeks ago, on May 14<sup>th</sup>, the city of Marlborough's sewer backed up into my condo located at 148 Boston Post Road East Unit 1A. This had happened once before since I began living there though I was asleep when it happened. I woke up to find my bath mat sopping wet, a rather foul odor in my bathroom, and a brown gunk covering my bathtub. I initially was unsure of what happened and because it only affected the bathroom I did not think it warranted a call to your office. However, this time it affected not only our bathroom but also our office, bedroom, and living room. All of our wall to wall carpet had to be ripped out as well as two feet up almost every wall in our condo; our toilet has been removed as well as our vanity. Six weeks later our condo is not only uninhabitable, the cleanup is not even complete.

A few days after the sewer backup I was in contact with Michael Beyranevand who manages the Cider Hill Condo complex where I live. He informed me that this had happened at least once before that he was aware of. He didn't go into details and never told me the extent of the damage however, when I purchased this condo back in October one of the selling points was the fact that the condo had been remodeled back in 2008. I only realized after speaking with Michael that the remodel was probably due to a sewage backup like I am currently dealing with.

The claims representative for the city of Marlborough's insurance company has been one of the most difficult people I have dealt with. My husband and I made multiple calls to her each day for a week once we returned from our honeymoon and only reached her after five days. We left multiple messages and she never returned one. We are currently waiting for Servicemaster, who was in charge of the initial cleanup, to go back in and remove the sub-floor as our contractor has deemed the sub floor too saturated to leave in the condo. As I understand it Servicemaster is waiting for the go ahead from your insurance agency.

I would like to know how often, and when, this has happened in the past. I would also like to know the extent of the damage in the past and how long, on average, it took to clean up. I also would like to know what was done in the past to remediate this problem and what you plan to do now to keep this from happening in the future. Thank you.

Sincerely,

Mr. Marc Millette and Mrs. Amanda Derosier Millette

Handwritten signature of Mr. Marc Millette in cursive, appearing as a stylized, somewhat illegible scribble.

Handwritten signature of Amanda Millette in cursive, clearly legible.

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

RECEIVED  
CITY CLERK'S OFFICE  
MARLBOROUGH

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

2011 JUN 30 P 1:12

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.  
450 Boston Post Road East, Map 73, Lot 31

---

3. Name and address of owner of land if other than Petitioner or Applicant:  
Trinity Countryside, Inc., 450 Boston Post Road, Marlborough, MA 01752

---

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:  
Business (B)

---

7. Specific reason(s) for seeking Special Permit  
Modification of Special Permit 99-8280C 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**

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

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

2011 JUN 30 P 1:09

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.  
91 Arnold Street Map 68, Lot 80

---

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:  
Residence A3 (A3)

---

7. Specific reason(s) for seeking Special Permit  
Modification of Antenna Permit 2005- 002 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.

---

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

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CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

2011 JUN 30 P 1:11

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.  
4 Mount Royal Avenue. Map 79, Lot 94

3. Name and address of owner of land if other than Petitioner or Applicant:  
Mount Royal Associates, c/o Haynes Management Inc., 34 Washington Street, Wellesley, MA 02481

4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.) LESSEE

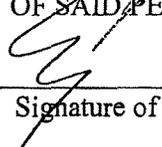
5. Specific Zoning Ordinance under which the Special Permit is sought:  
Article VI Section 650 Paragraph 25 Sub-paragraph et seq.

6. Zoning District in which property in question is located:  
Business (B)

7. Specific reason(s) for seeking Special Permit  
Modification of existing WCF by 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.

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**

RECEIVED  
CITY CLERK'S OFFICE  
MARLBOROUGH

2011 JUN 30 P 1:13

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.  
157 Union Street. Map 43, Lot 56

---

3. Name and address of owner of land if other than Petitioner or Applicant:  
Marlborough Hospital, 157 Union Street, Marlborough, MA 01752

---

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:  
Residential (A-3)

---

7. Specific reason(s) for seeking Special Permit  
Modification of existing WCF by 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

**Marlborough Community Development Authority**

**MINUTES**

**Thursday, May 26, 2011  
Mayor's Conference Room**

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CITY OF MARLBOROUGH  
2011 JUL 13 A 9 16

Members Present: Mayor Stevens, Lynn Faust, Joyce Torelli, Steven Vigeant, Eric Asman

Members Non-Voting: Tom Abel, Treasurer; Diane Smith, Auditor

Excused: David McCabe

Also Present: Julie Pappazisis, Housing Director; Anne Marie Blake, Financial Manager; Rieko Hayashi, Program Manager; Fire Captain James Fortin; Mr. D'Aurora and his Architect, Bruce Saluk; Steve Reid, Building Commissioner; Cynthia Panagore, Assistant Solicitor; Paul Crocetti, MetroWest Daily News

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 April 28, 2011 meeting. On a motion duly made and seconded the Board unanimously voted to approve the revised minutes of the April 12, 2011 meeting.

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

Captain James Fortin of the Marlborough Fire Dept. asked for permission to use 61 Emmett St for drills for search and rescue on a shift basis on weekdays. They will secure the building, not use fire or smoke devices and notify the abutters. On a motion duly made and seconded the board approved the request.

**Housing Director's Report.** The Housing Director's report was accepted as presented.

**121 Main St.** Mr. D'Aurora was present with his architect, Bruce Saluk to further discuss his request to purchase 450 sq ft of land from the city for the purpose of placing an emergency generator on said piece of property. Steve Reid said that on 5/4/11 the proposal went to site plan review. They looked into flows, looked at alternative sights. They determined that the back left corner where the generator is proposed to sit is the best location because of the size of the property. The generator will be tested once a month for one hour. A question was raised by Lynn about the difference is we sold or gave an easement. If sold, there would be no change to the plans but if we grant an easement it could be challenged because the generator would not be the principal use on the property. Steve also said that Tom Cullen, City Engineer, would want easement on slope for access. Noise ordinance was reviewed by Pam Wilderman and found that the noise lever is within the limits for a downtown property.

Cynthia Panagore then discussed the advantages and disadvantages between conveyance of the property, granting an easement, granting a license or leasing. Motion by Steve and seconded by Joyce to proceed with the process to make the land available for disposition. Roll call vote: Steve, aye; Eric, aye; Joyce, aye; Lynn, aye and Mayor, aye.

It was mentioned to Mr. D'Aurora that he would be responsible for the legal costs associated with the transaction. We will let Mr. D'Aurora and his Architect know the estimate for the legal fees. Since Attorney Cipriano cannot be used for this and neither can the City's legal dept., suggestions for another attorney were requested.

**CDA Report.** Linda Overing's final report was accepted as presented and a copy is attached. Anne Marie and Rieko presented their report and discussed the closing of the current grants, updated the board on the 61 Emmett St. project. The CDA report was accepted as presented a copy is attached.

Clinton St. loan closing is scheduled for 11:00 a.m. today in the Mayor's office. We are still waiting on the Emmett St. loan payoff.

Anne Marie's employment status was extended to August 1.

Steve and Joyce will approve decisions related to Emmett St. project.

Tom Abel requested the board to clarify vacation time, specifically related to Anne Marie's receiving of 3 week's vacation. He asked whether the 3 weeks was for the first year only and then she'd go back to 2 weeks in year 2 or whether the 3 weeks was for each year. The Board said it was each year. Tom also brought up that the Board needs to review its sick policy, Lynn to review.

The Board approved the subordination request presented.

Respectfully submitted,

Anne Marie Blake

Marlborough Community Development Authority

Housing Division

255 Main Street, Suite 212, Marlborough, MA 01752

FAX (508) 460-3749 (508) 624-6908 TTY (508) 460-3610

TO: Mayor Nancy E. Stevens, and C.D.A. Members

FROM: Julie M. Pappazisis, Housing Director

DATE: May 20, 2011

RE: CDA Meeting – May 26, 2011  
Housing Division Report

**Monthly Budget Comparatives:** Report from 07/01/2010 through 03/31/2011 to be distributed.

**Update Signatories for the Housing Authority Bank of America Accounts.**

**MCS/PHA-Web (housing software):** Conversion of Housing Assistance Payments and Accounts Payable took place on 5/13/11. Tenant Accounting scheduled for 8/30/11.

**DMH Chapter 689, 20 Front Street:** Reference attached letter from DMH dated 5/10/11. Will discuss DMH proposed lease changes with DHCD and DHCD Legal at NAHRO Conference. Received quotes to replace/repair driveway. Soliciting quotes to repair/replace deck.

**Low Income Multi Family Energy Retrofit Program:** Marty Vickey of Crowley Engineering has been selected to draft specs for 29 Pleasant Street heating systems. 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.

**Installation of 60 Low Flow Toilets at Bolton St:** Project out to bid. Bid opening 6/8/2011.

**Professional Carpet Cleaning:** Carpet Angel of Hudson provided lowest quote \$1550 to clean common hall carpets at Main St., and community room carpets at Bolton & Pleasant.

**CIP and CIMS TRAINING:** I completed DHCD required software training on 5/9 & 5/16 on Capital Improvement Planning and Capital Improvements Management System.

**Tenant Participation in Modernization Projects:** Through a series of meetings at each development, tenants provided input into the draft plan for future improvements (CIP).

**Main Street Lobby:** Continue discussion on alternative uses and No Loitering.

*Approve plan to "fix" Lobby - Approve "No Loitering"*

**Tour of the Developments:** After speaking with Senator Eldridge and State Rep Steve Levy for their support of housing bills and housing initiatives, request board consideration of inviting them to tour the developments mid-June. - *Include 4 NSP properties*

**NAHRO Conference:** May 23 – 25, 2011.



*The Commonwealth of Massachusetts*  
*Executive Office of Health and Human Services*  
*Department of Mental Health*  
*Northeast – Suburban Area*

DEVAL L. PATRICK  
*Governor*

TIMOTHY P. MURRAY  
*Lieutenant Governor*

JUDYANN BIGBY, M.D.  
*Secretary*

BARBARA A. LEADHOLM, M.S., M.B.A.  
*Commissioner*

SUSAN C. WING  
*Area Director*

Reply to:  
Northeast-Suburban Area  
P.O. Box 167 - Lyman Street  
Westborough, MA 01581  
Phone (508) 616-3500  
Fax (508) 616-3599  
TTY (508) 616-3533  
[www.state.ma.us/dmh](http://www.state.ma.us/dmh)

TO: Julie Pappazisis, Marlborough Housing Authority

FROM: Michael Stepansky, Department of Mental Health

RE: DMH Chapter 689 Residential Lease & Capacity: 20 Front Street, Marlborough

DATE: May 10, 2011

---

Per our discussion of the rent and capacity of the DMH Chapter 689 residence in Marlborough:

**CAPACITY & HISTORY:**

Via the Chapter 689/167 Special Needs Housing Program, 20 Front Street was initially created to serve twelve (12) Department of Mental Health (DMH) consumers in two distinct clinical programs: an eight (8) person high intensity residential program, and a four (4) person Dialectical Behavioral Treatment (DBT) program. At the time DMH recognized a need for housing this number of clients, due in part to the demand for such specialized treatment programs, and recognized that this would only be possible through the creation of five shared-bedrooms, in addition to two singles.

Gradually, over the course of several years, the DBT component was relocated, and rather than re-congregate those beds with additional residents, this provided an opportunity to increase the number of single bedrooms in accordance with DMH's renewed focus on providing more independent and more clinically appropriate "home like" environments for the people it serves. In contrast to 25 years ago, DMH now recognizes that clinical care is enhanced, program-management improved, and occupants of residential programs happier when they are not forced to share a room with another adult. While housing is recognized as an integral part of quality service, the mission of DMH is not to provide housing in and of itself, but to provide high quality mental health services, whereby a reduction in capacity of 20 Front Street fully corresponds to that mission by enabling improved services for the remaining residents.

**RENT:**

The rent for 20 Front Street is currently set at \$2,220 per month, and is adjustable depending on the necessary and reasonable operating costs of the program. In this respect, the Marlborough Housing Authority (MHA) is generally entitled to a base rent irrespective of the number of persons residing in the

home. Thus, any change of capacity as reflected on the lease need not de facto result in a reduced rent, provided the operating costs to the MHA are not comparatively reduced.

The MHA operating budget for 20 Front Street in FY'12 includes rent totaling \$28,512 (\$2,376 per month) – an increase of \$156/mo over the current rent level. While the proposed rent appears adequate to cover day-to-day operating costs, it may yet be appropriate to enact a future, modest increase to replenish reserve levels, depending on how accurate estimated capital expenses prove to be. This can also be discussed with DMH and Advocates irrespective of the residential capacity.

#### PROPOSAL:

In light of the preceding history, DMH formally requests that the Marlborough Housing Authority recognize the capacity of 20 Front Street as seven (7) on all future leases and lease renewals, and agrees with Advocates to a rent of \$2,376 per month for the coming lease term, as was proposed in the MHA Budget. Altering the lease to reflect seven residents affirms the principle that all individuals should have their own room and aligns with DMH's and Advocates' positions per appropriate models of care. While we recognize that this is a decrease in the formal capacity of the home, the proposal herein does not reflect a decrease in the sum-total rent collected. Indeed, lowering the census of the house may actually result in less wear-and-tear to the property, such that the same rental amount, maintenance line-item, and reserve fund contributions, may yield an increased benefit.

While there is certainly always the ability to house fewer individuals than the maximum allowable, DMH believes that signing a lease indicating a greater maximum capacity than is desirable 1) allows the possibility of a future increase in capacity where one is undesirable, and 2) contravenes the common understanding of the capacity section of the Ch. 689 lease, whereby "capacity" reflects the actual number of persons residing in the home. Further, while the property's occupancy permit establishes the upper limit of persons who can safely reside, the DHCD lease need not de facto mirror the occupancy permit; indeed, the lease does not in fact reference the occupancy permit anywhere in its text, including the section detailing capacity. In light of this, our view is that the lease need only indicate a capacity that does not exceed the permit.

Of note, the Front Street program is currently operating at this capacity (7), and revising the capacity as stated on the lease is the best means to synchronize the actual, day-to-day functioning of the program with its administrative framework. Without this change, DMH has no other formal or contractual means to preserve the current capacity of the program and maintain the quality of life the current residents experience. Indeed, while the lease does currently allow for fewer occupants to reside than the maximum capacity, preserving twelve as the capacity of the program in effect preserves a service-delivery model and conception of quality care to which DMH and Advocates no longer ascribe. As our service-system has changed, so has our concept of quality programming, and recognizing five additional double-bedrooms via the lease affirms a principle of care DMH can no longer formally endorse.

Thank you for your consideration of this proposal. Please feel free to contact me at (508) 616-3522 or at [Michael.Stepansky@state.ma.us](mailto:Michael.Stepansky@state.ma.us) if you or others at the Marlborough Housing Authority have any additional questions.

cc: Laura Carreiro (DHCD); Marty Robb (DHCD); Susan Wing (DMH); Joseph Vallely (DMH); Barbara Fenby (DMH); Oswald Rambarran (DMH); Jim Mills (Advocates); Beth Lacy (Advocates)

# BREEZEWAY FARM CONSULTING, INC.

222 Wendell Road  
New Salem, Massachusetts 01355-9525  
Phone (978) 544-8505  
Fax (978) 544-7958  
Email [breezewayfarm1@hughes.net](mailto:breezewayfarm1@hughes.net)

## MCDA CONSULTANT'S REPORT – May 19, 2011

May 14 was the last day of the Breezeway Farm Consulting contract as a CDBG/NSP consultant for the MCDA. Our contract had already been extended once from its original end date of March 31. This seems like an appropriate time to end the consultancy as the projects initiated under these two HUD grant programs should be completed by end of June.

This is my final report on the CDBG and NSP activities which we were hired to oversee.

My hope had been to review all the files from the NSP and Housing Rehab projects for completeness and organization before I ended my services. Unfortunately, the staff has been so busy with the deadlines for the Emmett Street project that they did not have time to put them together. I have gone over the potential issues of concern with Anne Marie and Rieko so that they can work on the files, in anticipation of an eventual audit.

### **FY05 CDBG:**

**Bolton Street Roof:** Revised contract documents have been prepared for the General Contractor and Mayor to execute and they have been given to John Ghiloni, at his request, for delivery to the contractor. Work has resumed on the roof and should be completed by June 30.

**Housing Rehabilitation:** One emergency case (heating system) has been completed and the other one (roof) begun. The full case is in progress; because its costs will exceed \$35,000 for one unit, Rieko has submitted a single case waiver request to DHCD on May 17<sup>th</sup> and expects to hear back within a week. Both ongoing cases will require a home repair contract extension as they had been originally scheduled to be completed by May 14.

**Social Services:** All projects are scheduled to be completed by June 30. Once Anne Marie has made her final monitoring visit, final payments will be issued.

### **NSP:**

**Resale Properties:** All proceeds from the two sales (estimated at \$380K) will be deposited in the NSP Program Income account. They can be reused for NSP eligible activities, which will require DHCD approval before a new project is initiated.

**76 Preston:** Sale executed on 5/17/11. The \$197,873.71 proceeds were deposited into the NSP Program Income account. The insurance for this property was cancelled.

**5 Gleason:** The offer for \$200,000 with \$4,000 credit towards closing costs and \$500 credit for the lally columns has been accepted. The Purchase and Sales Agreement was executed with the deposit check. Closing is tentatively scheduled for June 23. I have asked Rieko and Anne Marie to closely scrutinize the NSP Deed Rider and P&S to confirm that they meet the NSP Recapture requirements.

**Rental Properties:**

Both Mechanic Street properties are occupied by income eligible tenants.

**Future Actions for the MCDA's consideration:**

1. Determine long term plan for managing the two Rental Properties.
  - a. DHCD has approved the concept of the MCDA taking a management fee from the rent proceeds. MCDA should develop such a fee, based on market conditions or similar fees charged by the Housing Authority.
  - b. DHCD has approved the concept of the MCDA transferring a percentage of the monthly rent payments to a capital reserve account for the upkeep of the properties. MCDA should develop such a fee, based on market conditions or similar fees charged by the Housing Authority.
  - c. The MCDA has to designate who will have responsibility for the long term management of these properties. It may be possible at some point for the Housing Authority to take over the management of these properties as property based Section 8 units. HUD requires a lengthy process to move Section 8's from tenant based to property based; Julie is familiar with this. However, it is not clear that the Housing Authority currently has the staff capacity to manage more properties.
2. Future NSP Projects
  - a. DHCD must approve a budget amendment for the use of NSP Program Income funds for the rehabilitation of additional properties.
  - b. DHCD must approve an amended Management Plan for the MCDA's new staffing plan before any new projects can take place using NSP funds.
  - c. If the MCDA does not reuse the Program Income funds, they will eventually be recaptured by DHCD.
3. Future CDBG Projects from Program Income – The MCDA has approximately \$30K in undesignated Program Income. Any future use of this for CDBG eligible projects will require that a budget amendment and updated Management Plan receive approvals from DHCD.
4. Clinton Street & Emmett Street Properties
  - a. The MCDA has accepted \$20,000 from the AG's office for the rehabilitation of abandoned properties. These funds are being re-granted from HUD and therefore carry HUD requirements, such as environmental review and lead abatement.
  - b. The City Council has approved the MCDA plans to use some of the Affordable Housing Fund monies to rehabilitate this property. A decision should be made before rehabilitation begins as to the future use of it -- will it be resold or maintained by the MCDA as rental property – so the appropriate renovations are made. We learned from the NSP properties that the scale and types of repair necessary for resale are very different from those needed to rent.
  - c. As a public agency, the MCDA is subject to all state requirements for procurement and prevailing wage.

Linda Overing

## CDA REPORT

### UPDATE ON 61 EMMETT STREET AND 16 CLINTON STREETS

On May 2, 2011, Steve Vigeant and Lynn Faust made a presentation to the City Council's Finance Committee to request \$275,780 for 61 Emmett Street and 16 Clinton Street. At that meeting the Finance Committee voted to approve transferring \$159,730 to the MCDA to demolish and to build a house at 61 Emmett Street with the Assabet School and \$116,050 to renovate 16 Clinton Street.

16 Clinton St.: Lynn Faust with Anne Marie's assistance has been negotiating with the Marlborough Savings Bank to obtain a mortgage loan on 16 Clinton to pay off the mortgage at 61 Emmett Street. That loan closing is scheduled for May 26, 2011.

61 Emmett St.: Aldo Cipriano has been negotiating with People's Bank to pay off the loan at 61 Emmett Street and expects a resolution within the week.

Abutters have been advised of our plans to build. With the understanding that the financing terms are still being finalized, several board members and MCDA staff have been meeting with Assabet staff and moving forward in preparation for demolition. A Building Program Agreement with Assabet needs to be signed. Aldo has reviewed and approved the Agreement. Clarification was made at that meeting that Assabet cannot serve as the General Contractor and that it is the responsibility of the CDA to hire sub-contractors; we will start that process once we have the house plans in hand. Steve Reid has committed to overseeing the demo on behalf of the CDA. Staff have obtained estimates for surveying, have had utilities disconnected, prepared bid documents and placed an ad in the Central Register for demolition assuming a June start date. We are pushing for a June 30 deadline for foundation completion to avoid the new code requirements that go into effect on July 1.

Joyce Torelli and Anne Marie recommended a house plan which meets the zoning requirements, reduces the square footage and fits in architecturally with the neighborhood. Plans have been ordered.