

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

1. Minutes of the City Council Meeting, October 3, 2011. 2011 OCT 13 P 5:17
2. Minutes of the City Council Meeting, September 26, 2011.
3. Communication from the Mayor re: Marlborough Economic Development Corporation (MEDC) transfer request in the amount of \$150,000.00 which moves funds from Economic Development Special Revenue to MEDC funding.
4. Communication from the Mayor re: formula grant awarded to the Council on Aging in the amount of \$41,894.00 based on the 2010 federal census for seniors over sixty.
5. Communication from the Mayor re: Sustainability Action Plan.
6. Communication from the City Clerk re: Municipal Election Call.
7. Communication from Brona Simon, Executive Director of the Massachusetts Historical Commission re: Marlborough Armory, 354 Lincoln St.
8. Communication from Yan Chun Zhang d/b/a Japan Car Service for Livery License at 197 Boston Post Rd. West.
9. Minutes, Traffic Commission, August 30, 2011.
10. CLAIMS:
 - A. Ernest Amidon Jr., 81 Oakcrest Ave., other property damage

REPORTS OF COMMITTEES:

11. ORDERED: That the Mayor be requested to investigate the feasibility of leasing with an option to purchase the building commonly referred to as the West Meeting House on Pleasant Street as the site for a new Senior CenterSubmitted by Councilor Vigeant

UNFINISHED BUSINESS:

From Public Services Committee

12. **Order No.11-1002789A - Communication from Attorney Cipriano re: Street Acceptance-Boivin Dr., Davis Estates.** **Communication from Asst. Solicitor Panagore Griffin together with documents in proper legal form for acceptance (emailed to City Councilors), cover letter attached herewith. **Communication from Planning Board dated December 10, 2010, endorsing and accepting City Engineer's recommendation that the subdivision known as "Davis Estates", as-built plot plan dated November 4, 2004 with revised date of August 8, 2010 drawn by: "Guerriere and Halnon, Inc." has remained in satisfactory condition for the year long maintenance period. On a motion by Mr. Fay, seconded by Mr. Johnson, it was duly voted to reduce the bond amount to \$85,000.00 which will remain in place until accepted by the City Council and all streets and easements have been registered. It is the responsibility of the developer to contact the City Council to have the street accepted. **Recommendation of the Public Services Committee is to recommend approval of the acceptance as a Public Way of Boivin Drive and certain easements as municipal easements and, further, to Suspend the Rules for referral to the Planning Board, requesting that their recommendation regarding the acceptance of Boivin Drive and easements be forwarded to the City Council for the October 17, 2011 agenda.**

13. **Order No.11-1003006** - Renewal of Junk Dealers License, Jean Rabelo, Post Rd. Used Auto Parts, 785 Boston Post Road. Email from Police Chief Leonard: **From:** Leonard, Mark **Sent:** Monday, September 26, 2011 9:40 AM **To:** City Council **Subject:** RE: Pub. Services Comm. I have no issues with the renewal of a Junk Dealer's license for Post Road Auto and Best Buy. **Recommendation of the Public Services Committee is to recommend approval of the Renewal of the Junk Dealers License to Post Road Used Auto Parts, 785 Boston Post Road.**
14. **Order No.11-1003007** - Application of Junk Dealer's License, Best Buy Stores LP, at 601 Donald Lynch Blvd. NOTE: This location differs from the Best Buy Store and is located at the Solomon Pond Mall.*Email from Police Chief Leonard: **From:** Leonard, Mark **Sent:** Monday, September 26, 2011 9:40 AM **To:** City Council **Subject:** RE: Pub. Services Comm. I have no issues with the renewal of a Junk Dealer's license for Post Road Auto and Best Buy. **Recommendation of the Public Services Committee is to recommend approval of a Junk Dealer's License to Best Buy Stores LP, at 601 Donald Lynch Blvd.**
15. **Order No.11-1003033** - Application of Frederick Kenney, Jr. d/b/a The Carousel, for Junk Dealer's license at 266 Main Street. **Email from Police Chief Leonard: **From:** Leonard, Mark **Sent:** Monday, October 03, 2011 9:30 AM **To:** City Council **Subject:** RE: Pub. Services Comm. Karen, I have spoken with Mr. Kenney regarding his application for a junk dealer's license for 266 Main St. He is intending to sell used children's clothing, shoes, etc. on consignment, and I have no objection to the issuance of a junk dealer's license to him for that purpose. He will be utilizing available on street and municipal parking for customers, and his hours of operation will be somewhat limited so I do not have any other concerns. Mark F. Leonard, Chief of Police. **Recommendation of the Public Services Committee is to recommend approval of a Junk Dealer's License to Frederick Kenney, Jr., d/b/a The Carousel, at 266 Main Street.**

From Finance Committee

16. **Order No. 11-1003026 – Transfer \$34,397.58 from Fringes to Fire Fighter Sick Leave Buy Back.** The Finance Committee reviewed the Mayor's letter dated September 21, 2011 requesting the transfer of \$34,397.58 from Fringes to Fire Fighter Sick leave Buy Back for an employee's retirement. **Recommendation of the Finance Committee is to approve the transfer 4-0.**
17. **Order No. 11-1003027 – Transfer \$30,000 from Short Term Interest to Legal Services.** The Finance Committee reviewed the Mayor's letter dated September 20, 2011 requesting the transfer of \$30,000 from City short term interest account to Legal Services account for a variety of legal services. **Recommendation of the Finance Committee is to approve the transfer 4-0.**

From City Council

18. **Order No. 11-1002973 – The Wireless Committee met on 9/13/2011 at 6:07 PM and took up Council Order No. 11-1002973.** The request by AT&T wireless PCS LLC, seeking permission to modify a existing rooftop wireless facility to accommodate three additional (3) LTE (Long Term Evolution) panel antennae at a height of 42.4’, one (1) LTE GPS antenna on the rooftop which would be invisible from any vantage point, except the rooftop itself. The antennae will be connected via fiber optic or hybrid cables to appurtenant radio equipment also located on the rooftop. Members Present: Councilors Clancy, Pope and Landers. Also: City Solicitor Donald Rider. Applicants Present: Peter Fales and Atty. Michael Dolan. Discussion was begun on the application for a Special Permit for an upgrade to an existing location on a rooftop located at 450 Boston Post Rd. No new testimony was heard but it was noted that coverage maps would be developing by the installation of each new facility, due to the fact that the technology was new and currently no coverage maps existed. It should be noted that the facility will only extend 10’ above the existing roofline. This was brought out due to its proximity to Marlborough Airport. It was agreed that the applicant would work with the owner of Marlborough Airport if a lifting device, such as crane, would be needed during the installation. A review of the “Decision” was begun covering the Evidence, Findings of Fact and the 11 Conditions, that would be applied. Minor changes were made to the wording for clarification. It was noted that the Applicant objected to Condition #6, which pertained to the \$1,500 payment to the Open Space Account. **Recommendation of City Council is to table until the October 17, 2011 City Council meeting.**
19. **Order No. 11-1002974– The Wireless Committee met on 9/13/2011 at 6:07 PM and took up Council Order No. 11-1002974.** The request by AT&T wireless PCS LLC, to modify a existing wireless facility pertinent to lease Order No. 96-6861 to accommodate three additional (3) LTE (Long Term Evolution) panel antennae on to an existing water tank, owned by the City of Marlborough, MA, antenna. The antennae will be connected via fiber optic or hybrid cables to appurtenant radio equipment mounted behind the antennae and to an existing equipment shelter located within the WCF compound. One (1) LTE GPS will be mounted to a post at the existing ice bridge at the minimum height necessary to prevent obstruction from vegetation and snow accumulation. Members Present: Councilors Clancy, Pope and Landers. Also: City Solicitor Donald Rider. Applicants Present: Peter Fales and Atty. Michael Dolan. Discussion was begun on the application for a Special Permit for an upgrade to an existing location on water tank located at 97 Arnold St. Ext. No new testimony was heard but it was noted that coverage maps would be developing by the installation of each new facility, due to the fact that the technology was new and currently no coverage maps existed. The color of the equipment will matching its background and will not exceed the height of the tank. A review of the “Decision” was begun covering the Evidence, Findings of Fact and the 11 Conditions, that would be applied. Minor changes were made to the wording for clarification. It was noted that the Applicant objected to Condition #6, which pertained to the \$1,500 payment to the Open Space Account. **Recommendation of City Council is to table until the October 17, 2011 City Council meeting.**

20. **Order No. 11-1002975 – The Wireless Committee met on 9/13/2011 at 6:07 PM and took up Council Order No. 11-1002975.** The request by AT&T wireless PCS LLC, seeking permission to replace three existing and obsolete wireless communication antennae with three new (3) LTE (Long Term Evolution) panel antennae and appurtenant equipment painted to match the façade of the building to minimize their visibility from public ways. Two antennae will be located at a height of 52.6' and one at a height of 55.2'. The antennae will be connected via fiber optic or hybrid cables to appurtenant radio equipment also located on the rooftop. Members Present: Councilors Clancy, Pope and Landers. Also: City Solicitor Donald Rider. Applicants Present: Peter Fales and Atty. Michael Dolan. Discussion was begun on the application for a Special Permit for an upgrade to an existing location on a rooftop located at 4 Mt. Royal Ave. No new testimony was heard but it was noted that coverage maps would be developing by the installation of each new facility, due to the fact that the technology was new and currently no coverage maps existed. A review of the "Decision" was begun covering the Evidence, Findings of Fact and the 11 Conditions, that would be applied. Minor changes were made to the wording for clarification. It was noted that the Applicant objected to Condition #6, which pertained to the \$1,500 payment to the Open Space Account. **Recommendation of City Council is to table until the October 17, 2011 City Council meeting.**
21. **Order No. 11-1002976 – The Wireless Committee met on 9/13/2011 at 6:07 PM and took up Council Order No. 11-1002976.** The request by AT&T wireless PCS LLC, seeking permission install three new (3) LTE (Long Term Evolution) panel antennae and appurtenant equipment on the existing smokestack located at 157 Union St. (Marlborough Hospital). They are to be located at a height of 64.5' and are to be painted to match façade of the smokestack. The antennae will be connected via fiber optic or hybrid cables to appurtenant radio equipment, also located on the rooftop. One (1) GPS antenna will be mounted to existing equipment on the rooftop. Members Present: Councilors Clancy, Pope and Landers. Also: City Solicitor Donald Rider. Applicants Present: Peter Fales and Atty. Michael Dolan. Discussion was begun on the application for a Special Permit for an upgrade to an existing location on a smokestack located at 157 Union St. No new testimony was heard but it was noted that coverage maps would be developing by the installation of each new facility, due to the fact that the technology was new and currently no coverage maps existed. A review of the "Decision" was begun covering the Evidence, Findings of Fact and the 11 Conditions, that would be applied. Minor changes were made to the wording for clarification. It was noted that the Applicant objected to Condition #6, which pertained to the \$1,500 payment to the Open Space Account. **Recommendation of City Council is to table until the October 17, 2011 City Council meeting.**



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

**Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723
OCTOBER 3, 2011**

Regular meeting of the City Council held on Monday, OCTOBER 3, 2011 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Ossing, Vigeant, Pope, Levy, Ferro, Elder, Tunnera, Seymour, Clancy, and Landers. Absent: Delano. Meeting adjourned at 8:45 PM.

ORDERED: That the WELCOME ceremony for our Japanese students from our sister city of Akiruno, Japan, **FILE**; adopted.

ORDERED: That the minutes of the City Council Meeting September 26, 2011, **TABLED UNTIL OCTOBER 17, 2011**; adopted.

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from Peter Fales on behalf of At & T Wireless PCS LLC, to modify Special Permit 04-100527B to replace four existing panel antennae and the addition of three LTE antennas for Applicant's fourth generation (4G) wireless network along with associated cabling at 53 Brigham St., Order No. 11-1003018, hearing recessed at 8:11 p.m.

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

Absent: Delano

ORDERED: Under authority of MGL, Chapter 44, Section 53A, the City Council hereby **APPROVES** the BayPath Elder Service grant awarded to the Council on Aging in the amount of \$10,000.00 which provides educational, preventive, health, socialization and language programs for underserved Portuguese and Latino seniors; adopted.

Councilor Pope abstained

ORDERED: That the request for Executive Session for October 17, 2011 re: Litigation Strategy in an Employee Matter to be heard when City Council convenes for the meeting, **FILE**; adopted.

ORDERED: That the Communication from the Local Election Districts Review Commission regarding Approval of Marlborough's Re-Precincting, refer to **BACK TO RE-PRECINCTING COMMITTEE**; adopted.

ORDERED: That the Communication from Gilbarco Veeder-Root re: Global Station #2483, 270 West Main St. and 656 Boston Post Rd., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Massachusetts Development Finance Agency's preliminary approval to issue a revenue bond on behalf- of the Justice Resource Institute, Inc., **FILE**; adopted.

ORDERED: That **ASSISTANT CITY SOLICITOR PANAGORE-GRIFFIN SUBMIT HER LETTER REQUESTING A MONTH EXTENSION TO NOVEMBER 17, 2011 TO BRONA SIMON, EXECUTIVE DIRECTOR OF THE MASSACHUSETTS HISTORICAL COMMISSION**, pertinent to Communication from Secretary of the Commonwealth, Massachusetts Historical Commission re: Marlborough Armory, 354 Lincoln St., and be and is herewith refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**.

ORDERED: That the Communication from the Central Mass. Mosquito Control Project re: Mosquito Control Update, **FILE**; adopted.

Reports of Committees:

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

Order No.11-1002789 - Communication from Attorney Cipriano re: Street Acceptance-Boivin Dr., Davis Estates. **Communication from Asst. Solicitor Panagore Griffin together with documents in proper legal form for acceptance (emailed to City Councilors), cover letter attached herewith. **Communication from Planning Board dated December 10, 2010, endorsing and accepting City Engineer's recommendation that the subdivision known as "Davis Estates", as-built plot plan dated November 4, 2004 with revised date of August 8, 2010 drawn by: "Guerriere and Halnon, Inc." has remained in satisfactory condition for the year long maintenance period. On a motion by Mr. Fay, seconded by Mr. Johnson, it was duly voted to reduce the bond amount to \$85,000.00 which will remain in place until accepted by the City Council and all streets and easements have been registered. It is the responsibility of the developer to contact the City Council to have the street accepted. **Recommendation of the Public Services Committee is to recommend approval of the acceptance as a Public Way of Boivin Drive and certain easements as municipal easements and, further, to Suspend the Rules for referral to the Planning Board, requesting that their recommendation regarding the acceptance of Boivin Drive and easements be forwarded to the City Council for the October 17, 2011 agenda.**

Order No.11-1003006 - Renewal of Junk Dealers License, Jean Rabelo, Post Rd. Used Auto Parts, 785 Boston Post Road. Email from Police Chief Leonard: **From:** Leonard, Mark **Sent:** Monday, September 26, 2011 9:40 AM **To:** City Council **Subject:** RE: Pub. Services Comm. I have no issues with the renewal of a Junk Dealer's license for Post Road Auto and Best Buy. **Recommendation of the Public Services Committee is to recommend approval of the Renewal of the Junk Dealers License to Post Road Used Auto Parts, 785 Boston Post Road.**

Order No.11-1003007 - Application of Junk Dealer's License, Best Buy Stores LP, at 601 Donald Lynch Blvd. NOTE: This location differs from the Best Buy Store and is located at the Solomon Pond Mall.*Email from Police Chief Leonard: **From:** Leonard, Mark **Sent:** Monday, September 26, 2011 9:40 AM **To:** City Council **Subject:** RE: Pub. Services Comm. I have no issues with the renewal of a Junk Dealer's license for Post Road Auto and Best Buy. **Recommendation of the Public Services Committee is to recommend approval of a Junk Dealer's License to Best Buy Stores LP, at 601 Donald Lynch Blvd.**

Order No.11-1003033 - Application of Frederick Kenney, Jr. d/b/a The Carousel, for Junk Dealer's license at 266 Main Street. **Email from Police Chief Leonard: **From:** Leonard, Mark **Sent:** Monday, October 03, 2011 9:30 AM **To:** City Council **Subject:** RE: Pub. Services Comm. Karen, I have spoken with Mr. Kenney regarding his application for a junk dealer's license for 266 Main St. He is intending to sell used children's clothing, shoes, etc. on consignment, and I have no objection to the issuance of a junk dealer's license to him for that purpose. He will be utilizing available on street and municipal parking for customers, and his hours of operation will be somewhat limited so I do not have any other concerns. Mark F. Leonard, Chief of Police. **Recommendation of the Public Services Committee is to recommend approval of a Junk Dealer's License to Frederick Kenney, Jr., d/b/a The Carousel, at 266 Main Street.**

Councilor Ossing reported the following out of the Finance Committee:

Order No. 11-1003026 – Transfer \$34,397.58 from Fringes to Fire Fighter Sick Leave Buy Back. The Finance Committee reviewed the Mayor's letter dated September 21, 2011 requesting the transfer of \$34,397.58 from Fringes to Fire Fighter Sick leave Buy Back for an employee's retirement. **Recommendation of the Finance Committee is to approve the transfer 4-0.**

Order No. 11-1003027 – Transfer \$30,000 from Short Term Interest to Legal Services. The Finance Committee reviewed the Mayor's letter dated September 20, 2011 requesting the transfer of \$30,000 from City short term interest account to Legal Services account for a variety of legal services. **Recommendation of the Finance Committee is to approve the transfer 4-0.**

Suspension of the Rules requested- granted

ORDERED: That the Fire Department intra-departmental transfer requests in the amount of \$79,329.43 which moves funds from various accounts to OT to fund shift coverage as indicated on the spreadsheet, **APPROVED;** adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS									
DEPT: FIRE					FISCAL YEAR: 2012				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$63,836.36	\$20,000.00	12200001	50130	FIRE CHIEF	\$20,000.00	12200003	51300	OVERTIME	\$8,101.30
	Reason:	Transfer is available due to a resignation							
\$2,438,988.33	\$40,000.00	12200001	50450	FIREFIGHTER	\$40,000.00	12200003	51300	OVERTIME	\$8,101.30
	Reason:	Transfer is available due to two retirements							
\$2,438,988.33	\$6,329.43	12200001	50450	FIREFIGHTER	\$6,329.43	12200003	51300	OVERTIME	\$8,101.30
	Reason:	Transfer is available due to 111F payments being made to Firefighters							
\$193,376.58	\$10,000.00	12200003	51480	EMT	\$10,000.00	12200003	51300	OVERTIME	\$8,101.30
	Reason:	Transfer is available due to 3 employees not enrolling in EMT class							
\$3,000.00	\$3,000.00	12200003	51412	HAZMAT	\$3,000.00	12200003	51300	OVERTIME	\$8,101.30
	Reason:	Transfer is available due to 3 new Firefighters not being hired until January 2012							

Suspension of the Rules requested- granted

ORDERED: That the Street Acceptance of Boivin Dr., Davis Estates, refer to the **PLANNING BOARD REQUESTING THAT THEIR RECOMMENDATION REGARDING THE ACCEPTANCE OF BOIVIN DR. AND EASEMENTS BE FORWARDED TO THE CITY COUNCIL FOR THE OCTOBER 17, 2011 AGENDA**; adopted.

ORDERED: That the 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., **TABLED UNTIL OCTOBER 17, 2011**; adopted.

ORDERED: That the 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 97 Arnold St., **TABLED UNTIL OCTOBER 17, 2011**; adopted.

ORDERED: That the 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., **TABLED UNTIL OCTOBER 17, 2011**; adopted.

ORDERED: That the Application for Special Permit 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., **TABLED UNTIL OCTOBER 17, 2011**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:45 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

SEPTEMBER 26, 2011

Regular meeting of the City Council held on Monday, SEPTEMBER 26, 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 10:19 PM.

ORDERED: That the minutes of the City Council Meeting September 12, 2011, **FILE**; adopted.

ORDERED: That the **PUBLIC HEARING** On the Application for Special Permit from AT & T Wireless PCS, LLC to modify an existing Special Permit (Order No. 99-8311B)) to accommodate three additional panel antennae for Long Term Evolution (LTE) wireless network, along with associated cabling and equipment at 175 Maple St., Order No. 11-1003004, hearing recessed at 8:11 p.m.; adopted.

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

Councilor Clancy read a communication from the Emergency Manager, Donald Cusson, which is on file with the City Clerk's office.

ORDERED: That the **PUBLIC HEARING** On the Application for Special Permit from Marlborough/Northborough Land Realty Trust to construct a development consisting of 5 multi-family residential buildings, with clubhouse, containing a total of 290 units on Rt. 20, Map 78, Lots 12, 14, 38 and 39, Order No. 11-1002986, **MOVED PRIOR TO ITEM #12**; adopted.

ORDERED: That the Fire Department intra-departmental transfer requests in the amount of \$79,329.43 which moves funds from various accounts to OT to fund shift coverage as indicated on the spreadsheet, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS									
DEPT: FIRE					FISCAL YEAR: 2012				
Available Balance	Amount	FROM ACCOUNT:			Amount	TO ACCOUNT:			Available Balance
		Org Code	Object	Account Description:		Org Code	Object	Account Description:	
\$63,836.36	\$20,000.00	12200001	50130	FIRE CHIEF	\$20,000.00	12200003	51300	OVERTIME	\$8,101.30
	Reason:	Transfer is available due to a resignation							
\$2,438,988.33	\$40,000.00	12200001	50450	FIREFIGHTER	\$40,000.00	12200003	51300	OVERTIME	\$8,101.30
	Reason:	Transfer is available due to two retirements							
\$2,438,988.33	\$6,329.43	12200001	50450	FIREFIGHTER	\$6,329.43	12200003	51300	OVERTIME	\$8,101.30
	Reason:	Transfer is available due to 111F payments being made to Firefighters							
\$193,376.58	\$10,000.00	12200003	51480	EMT	\$10,000.00	12200003	51300	OVERTIME	\$8,101.30
	Reason:	Transfer is available due to 3 employees not enrolling in EMT class							
\$3,000.00	\$3,000.00	12200003	51412	HAZMAT	\$3,000.00	12200003	51300	OVERTIME	\$8,101.30
	Reason:	Transfer is available due to 3 new Firefighters not being hired until January 2012							

ORDERED: That Fire Department transfer request in the amount of \$34,397.58 which moves funds from Fringes to Sick Leave for budgeted expenses associated with an employee's retirement, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. #11990006-51500 \$34,397.58
Fringes

TO:

Acct. # 12200003-51920 \$34,397.58
Sick Leave

ORDERED: That the Legal Services transfer request in the amount of \$30,000.00 which moves funds from Short-Term Debt Interest to Legal Services to fund a variety of legal services, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. #17520006-59254 \$30,000.00
Short Term-Debt Interest

TO:

Acct. # 11510004-53110 \$30,000.00
Legal Services

ORDERED: That the FY11 End of Year Close Timeline, **FILE**; adopted.

ORDERED: That, by a two-thirds vote under M.G.L. c. 40, § 15, the City Council of the City of Marlborough, pursuant to a recommendation from the Commissioner of the Department of Public Works that a portion of Granger Boulevard is no longer required for public purposes, hereby authorizes the abandonment of the City's rights, title and interest in a portion of Granger Boulevard as more particularly described on a plan to be recorded herewith and entitled, "Plan of Abandonment of a Portion of Granger Boulevard, Marlborough, MA," prepared for the City of Marlborough Department of Public Works, prepared by Hancock Associates, 315 Elm Street, Marlborough, MA 01752, dated July 26, 2011, latest revision dated September 19, 2011, said abandonment to be in the amount of \$1.00 (one dollar), **APPROVED**; adopted.

Yea: 11- Nay: 0

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

ORDERED: That the Communication from the Mayor re: Japanese Exchange Visitors, **FILE**; adopted.

ORDERED: That the appointments/reappointments of Peggy Schwarz Ayres, Rosalind Baker, John Nicholson, Jean Peters, Marylou Vanzini, Rick Lacina, Patty Zilembo, Deb Foster Smith and Danielle Gregoire to the Youth Commission by which each newly appointed and reappointed member will serve a term of three years from date of confirmation, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: WHEREAS, the School Committee of the City of Marlborough has endorsed acceptance of the driveway layout, which includes the sidewalks, at the Jaworek School by the City Council as a public way pursuant to the requirements for approval by the Massachusetts Department of Transportation and the Federal Highway Administration for a program of safety improvements along said driveway layout under the Safe Routes To School Infrastructure Program, and

WHEREAS, in the opinion of the City Council, the common convenience and necessity require that the LAYOUT OF THE ENTRANCE DRIVEWAY AT THE JAWOREK SCHOOL be accepted as a public way

From HOSMER STREET to terminus at the entrance to the Jaworek School building

Title to said layout of the entrance driveway shall remain in the City of Marlborough and control of said layout of the entrance driveway shall remain with the School Committee.

IT IS THEREFORE ORDERED THAT:

The ENTRANCE DRIVEWAY LAYOUT AT THE JAWOREK SCHOOL be accepted as a public way in the City of Marlborough.

Refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the PUBLIC HEARING On the Application for Special Permit from Marlborough/Northborough Land Realty Trust to construct a development consisting of 5 multi-family residential buildings, with clubhouse, containing a total of 290 units on Rt. 20, Map 78, Lots 12, 14, 38 and 39, Order No. 11-1002986, hearing recessed at 9:55 p.m.; adopted.

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

ORDERED: That the following notification from the City Clerk re: 2011 Preliminary Municipal Election Call, **FILE**; adopted.

CITY OF MARLBOROUGH
OFFICE OF CITY CLERK

That the City Clerk be and is herewith directed to have proper notices issued notifying the VOTERS of the City of Marlborough that the **PRELIMINARY MUNICIPAL ELECTION** will be held in the polling locations as noted below on **OCTOBER 4, 2011** as follows: Office of Mayor.

THE POLLS WILL OPEN AT 7:00 A.M. AND WILL CLOSE AT 8:00 P.M.
POLLING LOCATIONS ARE AS FOLLOWS:

- WARD ONE: Prec. 1 and 2 Francis J. Kane School, 520 Farm Rd.
- WARD TWO: Prec. 1 and 2 Francis J. Kane School, 520 Farm Rd.
- WARD THREE: Prec. 1 Masonic Hall, 8 Newton St. (corner of Main/Newton Sts.), rear
- WARD THREE: Prec. 2 Raymond J. Richer School, 80 Foley Rd.
- WARD FOUR: Prec. 1 and 2 Boys & Girls Club, 169 Pleasant St.
- WARD FIVE: Prec. 1 Senior Center, 250 Main St.
- WARD FIVE: Prec. 2 Masonic Hall, 8 Newton St. (corner of Main/Newton Sts.), rear
- WARD SIX: Prec. 1 and 2 1LT Charles W. Whitcomb School, 25 Union St., Library
- WARD SEVEN: Prec. 1 and 2 Hildreth School Gymnasium, 85 Sawin St.

ORDERED: That the Application of Frederick Kenney, Jr. d/b/a The Carousel, for Junk Dealer's license at 266 Main St., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, Planning Board, August 1, 2011, **FILE**; adopted.

Reports of Committees:

Councilor Clancy reported the following out of the Wireless Communication Committee:

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

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

Order No. 11-1002975 – The Wireless Committee met on 9/13/2011 at 6:07 PM and took up Council Order No. 11-1002975. The request by AT&T wireless PCS LLC, seeking permission to replace three existing and obsolete wireless communication antennae with three new (3) LTE (Long Term Evolution) panel antennae and appurtenant equipment painted to match the façade of the building to minimize their visibility from public ways. Two antennae will be located at a height of 52.6’ and one at a height of 55.2’. The antennae will be connected via fiber optic or hybrid cables to appurtenant radio equipment also located on the rooftop. Members Present: Councilors Clancy, Pope and Landers. Also: City Solicitor Donald Rider. Applicants Present: Peter Fales and Atty. Michael Dolan. Discussion was begun on the application for a Special Permit for an upgrade to an existing location on a rooftop located at 4 Mt. Royal Ave. No new testimony was heard but it was noted that coverage maps would be developing by the installation of each new facility, due to the fact that the technology was new and currently no coverage maps existed. A review of the “Decision” was begun covering the Evidence, Findings of Fact and the 11 Conditions, that would be applied. Minor changes were made to the wording for clarification. It was noted that the Applicant objected to Condition #6, which pertained to the \$1,500 payment to the Open Space Account. **Recommendation of the Wireless Communication Committee is to approve the application, motion made by Councilor Pope and seconded by the Chair 3-0.**

Order No. 11-1002976 – The Wireless Committee met on 9/13/2011 at 6:07 PM and took up Council Order No. 11-1002976. The request by AT&T wireless PCS LLC, seeking permission install three new (3) LTE (Long Term Evolution) panel antennae and appurtenant equipment on the existing smokestack located at 157 Union St. (Marlborough Hospital). They are to be located at a height of 64.5’ and are to be painted to match façade of the smokestack. The antennae will be connected via fiber optic or hybrid cables to appurtenant radio equipment, also located on the rooftop. One (1) GPS antenna will be mounted to existing equipment on the rooftop. Members Present: Councilors Clancy, Pope and Landers. Also: City Solicitor Donald Rider. Applicants Present: Peter Fales and Atty. Michael Dolan. Discussion was begun on the application for a Special Permit for an upgrade to an existing location on a smokestack located at 157 Union St.. No new testimony was heard but it was noted that coverage maps would be developing by the installation of each new facility, due to the fact that the technology was new and currently no coverage maps existed. A review of the “Decision” was begun covering the Evidence, Findings of Fact and the 11 Conditions, that would be applied. Minor changes were made to the wording for clarification. It was noted that the Applicant objected to Condition #6, which pertained to the \$1,500 payment to the Open Space Account. **Recommendation of the Wireless Communication Committee is to approve the application, motion made by Councilor Pope and seconded by the Chair 3-0.**

ORDERED: That the Communication from the Mayor re: DPW transfer request in the amount of \$179,973.09 which moves funds from various accounts to fund the newly ratified agreement between the City of Marlborough and the DPW Engineers' Union as detailed in the spreadsheets below, refer to **BACK TO THE MAYOR**; adopted.

CITY OF MARLBOROUGH --BUDGET TRANSFERS --									
DEPT:		PUBLIC WORKS				FISCAL YEAR:		2012	
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$516,499	\$2,965.11	11990006	57820	Reserve for Salaries & Ben.	\$2,965.11	14001501	50680	General Foreman, FP&C	\$71,806.20
	Reason:	Funding required for Engineers MOA							
\$516,499	\$2,965.11	11990006	57820	Reserve for Salaries & Ben.	\$2,965.11	14001401	50692	Supt. Of Automotive Maint.	\$71,806.19
	Reason:	Funding required for Engineers MOA							
\$516,499	\$2,965.11	11990006	57820	Reserve for Salaries & Ben.	\$2,965.11	14001301	50660	General Foreman, Streets	\$71,806.20
	Reason:	Funding required for Engineers MOA							
\$516,499	\$2,835.84	11990006	57820	Reserve for Salaries & Ben.	\$2,835.84	61090001	50680	General Foreman, W&S	\$69,909.16
	Reason:	Funding required for Engineers MOA							
\$516,499	\$3,599.00	11990006	57820	Reserve for Salaries & Ben.	\$3,599.00	14001101	50660	Asst. City Engineer	\$70,036.16
	Reason:	Funding required for Engineers MOA							

CITY OF MARLBOROUGH --BUDGET TRANSFERS --									
DEPT:		PUBLIC WORKS				FISCAL YEAR:		2012	
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$516,499	\$2,742.97	11990006	57820	Reserve for Salaries and Ben.	\$2,742.97	60085001	50910	Chief Plant Operator	\$66,426.48
	Reason:	Funding required for Engineers MOA							
\$516,499	\$1,835.87	11990006	57820	Reserve for Salaries and Ben.	\$1,835.87	60080001	50580	Assistant Chemist	\$88,135.04
	Reason:	Funding required for Engineers MOA							
\$516,499	\$2,493.76	11990006	57820	Reserve for Salaries and Ben.	\$2,493.76	14001101	50108	GIS Administrator	\$60,392.36
	Reason:	Funding required for Engineers MOA							
\$516,499	\$6,882.09	11990006	57820	Reserve for Salaries and Ben.	\$6,882.09	14001101	50710	Junior Civil Engineer	\$167,580.75
	Reason:	Funding required for Engineers MOA							
\$516,499	\$3,734.95	11990006	57820	Reserve for Salaries and Ben.	\$3,734.95	14001101	50700	Senior Engineering Aide	\$90,976.72
	Reason:	Funding required for Engineers MOA							

CITY OF MARLBOROUGH
--BUDGET TRANSFERS --

DEPT:		PUBLIC WORKS				FISCAL YEAR:		2012	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$516,499	\$8,897.92	11990006	57820	Reserve for Salaries & Ben.	\$8,897.92	60081001	50850	Treatment Plant Operators	\$215,482.24
	Reason:	Funding required for Engineers MOA							
\$516,499	\$6,673.44	11990006	57820	Reserve for Salaries & Ben.	\$6,673.44	60085001	50850	Treatment Plant Operators	\$161,612.52
	Reason:	Funding required for Engineers MOA							
\$516,499	\$89.24	11990006	57820	Reserve for Salaries & Ben.	\$89.24	14001503	51430	Longevity, FP&C	\$25,287.00
	Reason:	Funding required for Engineers MOA							
\$516,499	\$31.12	11990006	57820	Reserve for Salaries & Ben.	\$31.12	14001403	51430	Longevity, Fleet	\$1,556.00
	Reason:	Funding required for Engineers MOA							
\$516,499	\$83.25	11990006	57820	Reserve for Salaries & Ben.	\$83.25	14001303	51430	Longevity, Streets	\$45,592.00
	Reason:	Funding required for Engineers MOA							

CITY OF MARLBOROUGH
--BUDGET TRANSFERS --

DEPT:		PUBLIC WORKS				FISCAL YEAR:		2012	
FROM ACCOUNT:						TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$516,499	\$160.59	11990006	57820	Reserve for Salaries & Ben.	\$160.59	14001103	51430	Longevity, Engineering	\$6,417.00
	Reason:	Funding required for Engineers MOA							
\$516,499	\$183.78	11990006	57820	Reserve for Salaries & Ben.	\$183.78	60085003	51430	Longevity, West Plant	\$11,961.00
	Reason:	Funding required for Engineers MOA							
\$516,499	\$164.35	11990006	57820	Reserve for Salaries & Ben.	\$164.35	60081003	51430	Longevity, East Plant	\$8,769.00
	Reason:	Funding required for Engineers MOA							
\$516,499	\$93.24	11990006	57820	Reserve for Salaries & Ben.	\$93.24	14001003	51920	SLBB, Administration	\$11,456.14
	Reason:	Funding required for Engineers MOA							
\$516,499	\$3,977.94	11990006	57820	Reserve for Salaries & Ben.	\$3,977.94	14001103	51920	SLBB, Engineering	\$10,090.00

CITY OF MARLBOROUGH
--BUDGET TRANSFERS --

DEPT:		PUBLIC WORKS			FISCAL YEAR:		2012		
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$516,499	\$ 150.57	11990006	57820	Reserve for Salaries & Ben.	\$ 150.57	14001503	51920	SLBB, FP&C	\$516,499.00
		Reason: Funding required for Engineers MOA							
\$516,499	\$ 150.57	11990006	57820	Reserve for Salaries & Ben.	\$ 150.57	14001403	51920	SLBB, Fleet	\$2,992.00
		Reason: Funding required for Engineers MOA							
\$516,499	\$ 148.26	11990006	57820	Reserve for Salaries & Ben.	\$ 148.26	14001303	51920	SLBB, Streets	\$33,763.00
		Reason: Funding required for Engineers MOA							
\$516,499	\$ 252.26	11990006	57820	Reserve for Salaries & Ben.	\$ 252.26	60085003	51920	SLBB, West Plant	\$5,013.00
		Reason: Funding required for Engineers MOA							
\$516,499	\$ 256.92	11990006	57820	Reserve for Salaries & Ben.	\$ 256.92	60081003	51920	SLBB, East Plant	\$5,515.00
		Reason: Funding required for Engineers MOA							

CITY OF MARLBOROUGH
--BUDGET TRANSFERS --

DEPT:		PUBLIC WORKS			FISCAL YEAR:		2012		
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$516,499	\$2,700.00	11990006	57820	Reserve for Salaries & Ben.	\$2,700.00	14001103	51440	Educational Inc. Engineering	\$10,700.00
		Reason: Funding required for Engineers MOA							
\$516,499	\$700	11990006	57820	Reserve for Salaries & Ben.	\$700	14001003	51440	Educational Inc. Admin. New Account Number	\$0.00
		Reason: Funding required for Engineers MOA							
\$516,499	\$1,000	11990006	57820	Reserve for Salaries & Ben.	\$1,000	60085003	51440	Educational Inc. West Plant	\$4,600.00
		Reason: Funding required for Engineers MOA							
\$516,499	\$2,700.00	11990006	57820	Reserve for Salaries & Ben.	\$2,700.00	60080003	51440	Educational Inc. Sewer Serv.	\$4,500.00
		Reason: Funding required for Engineers MOA							
\$516,499	\$1,609.04	11990006	57820	Reserve for Salaries & Ben.	\$1,609.04	14001003	51430	Longevity, Administration	\$14,160.28
		Reason: Funding required for Engineers MOA							

CITY OF MARLBOROUGH
--BUDGET TRANSFERS --

DEPT:		PUBLIC WORKS				FISCAL YEAR:		2012		
Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Amount	Available Balance	
\$516,499	\$ 38.63	11990006	57820	Reserve for Salaries & Ben.	\$ 38.63	60080003	51310	Overtime, Sewer Service	\$2,654.75	
	Reason:	Funding for Engineers MOA								
\$516,499	\$ 146.11	11990006	57820	Reserve for Salaries & Ben.	\$ 146.11	14001103	51310	Overtime, Engineering	\$1,500.00	
	Reason:	Funding for Engineers MOA								
\$516,499	\$ 569.17	11990006	57820	Reserve for Salaries & Ben.	\$ 569.17	60081003	51310	Overtime, East Plant	\$20,740.25	
	Reason:	Funding for Engineers MOA								
\$516,499	\$ 701.88	11990006	57820	Reserve for Salaries & Ben.	\$ 701.88	60085003	51310	Overtime, West Plant	\$20,605.82	
	Reason:	Funding for Engineers MOA								

CITY OF MARLBOROUGH
--BUDGET TRANSFERS --

DEPT:		PUBLIC WORKS				FISCAL YEAR:		2012		
Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Amount	Available Balance	
\$66,891	\$60,263	60080001	50890	Senior Treatment Chemist	\$60,263	60080001	50570	Chemist	\$0	
	Reason:	Reorganization of West Plant/MOA						Reorganization of West Plant/MOA		
\$66,891	\$6,628	60080001	50890	Senior Treatment Chemist	\$6,628	60085001	50850	Treatment Plant Operator	\$161,812	
	Reason:	Reorganization of West Plant/MOA						Reorganization of West Plant/MOA		
\$88,135	\$48,584	60080001	50580	Assistant Chemist	\$48,584	60085001	50850	Treatment Plant Operator	\$161,812	
	Reason:	Reorganization of West Plant/MOA						Reorganization of West Plant/MOA		

ORDERED: That the Fire Transfer Department request in the amounts of \$7,547.42 which moves funds from Firefighter to OT and \$29,638.80 which moves funds from Firefighter to OT, **APPROVED**; adopted.

FROM:

Acct. #12200001-50450 \$7,547.42
Firefighter
Acct. #12200001-50450 \$29,638.80
Firefighter

TO:

Acct. # 12200003-51300 \$7,547.42
OT
Acct. # 12200003-51300 \$29,638.80
OT

ORDERED: That the following Fire Department transfer request in the amounts in the amounts of \$60,000.00, \$20,000.00 and \$20,000.00 which moves funds from various Short-Term Debt Interest accounts to Overtime to fund shift coverage, **DENIED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT: Short Term Debt Interest				FISCAL YEAR:		Fire			
FROM ACCOUNT:		TO ACCOUNT:							
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$112,500	\$60,000.00	17520006	59254	Short Term debt Interest	\$60,000.00	12200003	51300	OT	\$17,482
Reason:									
\$54,000	\$20,000.00	60075206	59050	Short Term debt Interest	\$20,000	12200003	51300	OT	\$17,482
Reason:									
\$40,500	\$20,000.00	61075206	59080	Short Term debt Interest	\$20,000	12200003	51300	OT	\$17,482
Reason:									
Total					\$100,000.00				
Reason: To fund the Fire Departments budgeted overtime line item at approximately the eight year expenditure rate									

ORDERED: That the State 911 Department Support and Incentive Grant awarded to the Police Department in the amount of \$95,091.00 to reimburse salary and overtime costs in the 911 Dispatch Center, to be used for purposes outlined in MGL, Chapter 44, Section 53A, **APPROVED**; adopted.

ORDERED: That 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 **BACK TO WIRELESS COMMUNICATIONS COMMITTEE**; adopted.

**DECISION ON A SPECIAL PERMIT
AT & T
NEW CINGULAR WIRELESS PCS, LLC
CITY COUNCIL ORDER NO. 11-1002955 (x97-6754F)**

Re: 75 Donald Lynch Blvd.

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to New Cingular Wireless PCS, LLC, having a usual place of business at 550 Cochituate Road, Suite 13 and 14, Framingham, MA 01701, as provided in the Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is New Cingular Wireless PCS, LLC, which has a business address of 550 Cochituate Road, Suite 13 and 14, Framingham, MA 01701 (hereinafter "Applicant").
2. Through its Application for a Special Permit (hereinafter "Application"), the Applicant seeks permission to allow co-location of three (3) LTE panel antennas onto an existing wireless communication facility tower; one (1) LTE GPS antenna on the existing ice bridge; six(6) Radiohead units; one (1) LTE cabinet and one (1) LTE power plant in the existing equipment area; as well as the placement of one (1) 3" flex conduit connecting the antennae to the existing equipment area (hereinafter "Proposed WCF Project"), all substantially as depicted on a set of plans entitled "Marlborough 290/495 (MA-3296), 75 Donald Lynch Boulevard, Marlborough, MA" by Pro Terra Design Group, LLC and dated 5/2/11, a copy of which were provided as Exhibit 11 to the Special Permit Application (hereinafter "Plans").
3. The location of the Proposed WCF Project is 75 Donald Lynch Blvd., Marlborough, MA. The site is more particularly identified on the Assessor's Map of the City of Marlborough as Map 13, Lot 2 (hereinafter "Site"). The owner of record for the Site is Albert Bombard.
4. The Applicant is a lessee of the Site's owner for purposes of the Application.
5. The Site is zoned Limited Industrial (LI). Wireless communication devices are allowed by grant of Special Permit in Limited Industrial (LI) Zoning Districts.
6. The Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
7. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Building Inspector, on behalf of the City Planner, certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
8. The Applicant has complied with all of the applicable rules of the Rules and Regulations.
9. The City of Marlborough City Council opened a public hearing on the Proposed WCF Project on August 1, 2011, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law. Said hearing was continued to and closed on August 29, 2011.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCF Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59.

11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCF Project's compliance with the applicable Special Permit criteria.
12. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

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

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a Special Permit.
- B) The Site is an appropriate location for the Proposed WCF Project and the Proposed WCF Project is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this approval.
- C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCF Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.
- D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a Special Permit, **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 11:**
 - 1) The Proposed WCF Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Application, as amended during the application/hearing process, and in compliance with the conditions of the grant of this Special Permit as well as with the conditions set forth in Chapter 650-25F of the Marlborough Zoning Ordinance.
 - 2) All plans, site evaluations, briefs and other documentation provided by the Applicant as part of the Application are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
 - 3) The Applicant shall comply with all rules, regulations, ordinances and statutes of the City of Marlborough, the Commonwealth of Massachusetts and the Federal Government as they may apply to the construction, maintenance and operation of the Proposed WCF Project.

- 4) All terms, conditions, requirements, approvals, plans and drawings required hereunder are hereby made a part of and incorporated herein as a condition to the issuance of this Special Permit.
- 5) Applicant shall minimize the visual impacts of the Proposed WCF Project by screening and/or color coordination as may be depicted on the Plans and other demonstrative evidence submitted as part of the Application.
- 6) Applicant shall pay to the City of Marlborough Open Space Account #100-2410-44515, as mitigation for the alleged impacts caused by the subject of this Special Permit, the annual sum of One Thousand Five Hundred (\$1,500.00) dollars, the first payment due and payable at the time of the issuance of the building permit hereunder, or within one year of the approval of Special Permit, whichever is earlier, and the subsequent payments to be due and payable on January 2, or the first business day thereafter, of each calendar year in which the WCF referenced in this Special Permit is still in operation. Failure to make the payment in a timely manner shall constitute a violation of the Special Permit, and the Applicant shall pay an additional sum of \$500 per quarter or portion thereof after the payment due date that the Applicant has failed to make payment.
- 7) Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the Proposed WCF Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCF Project only in cases of power outages to the Proposed WCF Project and for purposes of routine testing and maintenance. The temporary generator shall be operated in a safe manner and the noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 431 of the City Code. Batteries used in the operation of the facility shall be disposed of off-site at the expense of the Applicant.
- 8) No operation of the Proposed WCF Project shall commence until the Applicant has received written approval from the Building Inspector that all the conditions herein have been satisfied.
- 9) Applicant's Proposed WCF Project shall be subject to site plan review, if applicable.
- 10) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Inspector for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Special Permit to the City Council's office and to the City Solicitor's office.

11) As soon as practicable but in any event within one (1) month after the date when a certificate of use and occupancy has been issued to the Applicant by the City of Marlborough's Building Inspector for the Proposed WCF Project, Applicant shall submit a written report to the City Council; provided, however, that if the Proposed WCF Project has not yet become operational within the one-month period after said issuance date, then the Applicant must immediately provide the City Council with written notification as to the date when the Proposed WCF Project does become operational and, further, must submit said written report within one (1) month after said operational date. The written report to the City Council shall i) provide measurements as to the actual output of radio frequency energy emitted by the Proposed WCF Project; ii) shall include a professional opinion by a qualified third party certifying that the Proposed WCF Project fully complies with all applicable health and safety standards; and iii) shall provide measurements of the actual output of the total radio frequency energy being emitted by all Wireless Communications Facilities (as defined in Section 650-25 of the Marlborough Zoning Ordinance) then located at the Site. The Applicant agrees to operate its Proposed WCF Project in compliance with all applicable health and safety standards. In the event that there are any changes in or upgrades to the Proposed WCF Project that may increase the actual output of radio frequency energy emitted by the Proposed WCF Project, the Applicant shall submit a letter to the City Council as soon as practicable but in any event within one (1) month after the date of completion of those changes or upgrades. The letter shall i) state what the changes or upgrades are; ii) shall provide measurements specifying how the actual output of radio frequency energy emitted by the Proposed WCF Project has been increased; iii) shall provide measurements of the actual output of all radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site; and iv) shall include a professional opinion by a qualified third party certifying that the Applicant's changes or upgrades have not caused the total radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site to exceed any applicable health and safety standards.

Yea: 11- Nay: 0

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

ORDERED: That 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 **BACK TO WIRELESS COMMUNICATIONS COMMITTEE**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 10:19 p.m.



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 OCT 13 P 4: 07

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

October 13, 2011

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

RE: Transfer Request - MEDC

Honorable President Vigeant and Councilors:

As you are aware H1452- An Act Establishing A Business And Economic Development Special Revenue Fund In The City Of Marlborough is now law. As requested in the attached letter from Arthur Bergeron, Chairman of the Marlborough Economic Development Corporation, I am submitting for your approval the following transfer request:

Transfer in the amount of \$150,000.00 moving funds from account number 27000099-42440 (Economic Development Special Revenue) to account number 11740006-53950 (MEDC Funding).

By the Council's November 22, 2010 vote to amend Marlborough's local room occupancy excise from the rate of 4% to the rate of 6%, as well as the state's passage of the above mentioned act establishing the special revenue account for economic development in the City, these funds are now available.

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

Sincerely,

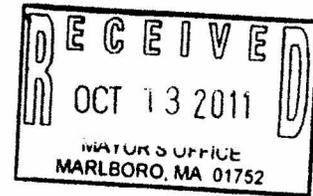
Nancy E. Stevens
Mayor

Enclosures



October 13, 2011

Honorable Nancy Stevens, Mayor
City Hall
Marlborough, MA 01752



Re: Request for Funds

Dear Mayor Stevens:

On behalf of the Marlborough Economic Development Corporation, I am requesting that you ask the City Council to transfer the sum of \$150,000 from the recently received rooms tax funds to the Marlborough Economic Development Corporation (MEDC) for the purpose of allowing the MEDC to continue its work in promoting the economic development of the City. It is my hope that, once this matter has been referred to the Finance Committee, I will be able to present to the Finance Committee a summary of the recently completed Economic Development Master Plan along with MEDC's strategy for implementing the plan.

It is anticipated that the \$150,000 in funds will be expended by MEDC as follows:

• General operations, 10/1/11-2/28/12 @\$20,000 per month	\$100,000
• Capitalization of MEDC to provide cash flow cushion	\$30,000
• Purchase of services to provide drafting of zoning ordinance changes to implement the Master Plan	\$20,000
TOTAL	\$150,000

I would anticipate that, once this transfer has been approved, you will be authorized to release the funds for capitalization (\$30,000), for the purchase of zoning services (\$20,000) and to pre-fund operations for October and November (\$40,000) immediately, and to release the remaining monthly operations funds the week before the 1st of each month.

The MEDC is now going through the process of developing its comprehensive strategy to implement the Master Plan. We hope to have that Plan, together with the related budget request, ready for presentation to the new Mayor and City Council on January 2, 2012. We are requesting operations funds through Feb 28, 2012 to assure that the incoming Mayor and City Council have ample opportunity to review our Implementation Plan.

Very truly yours,

Arthur P. Bergeron, Chairman

TRANSFER REQUEST

Mayor's Office

FISCAL YEAR: 2012

Available Balance	Amount	FROM ACCOUNT:			Amount	TO ACCOUNT:			Available Balance
		Org Code	Object	Account Description:		Org Code	Object	Account Description:	
<u>\$165,166.12</u>	<u>\$150,000.00</u>	<u>27000099</u>	<u>- 42440</u>	<u>Economic Development Special Revenue</u>	<u>\$150,000.00</u>	<u>11740006</u>	<u>- 53950</u>	<u>MEDC Funding</u>	<u>\$0</u>

Reason: To allow the MEDC to continue its work in promoting the economic development of the City

THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Eleven

AN ACT ESTABLISHING A BUSINESS AND ECONOMIC DEVELOPMENT SPECIAL REVENUE FUND IN THE CITY OF MARLBOROUGH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the city of Marlborough shall establish in the city treasury a special revenue account to be known as the Business and Economic Development Special Revenue Fund, into which shall be deposited certain receipts comprising a portion of the total local room occupancy tax received annually by the city under section 3A of chapter 64G of the General Laws, as provided in section 2. The fund shall be used to promote and sustain the development of business and the local economy in the city of Marlborough.

SECTION 2. (a) Notwithstanding any general or special law to the contrary, the amount of the room occupancy excise based on a rate in excess of 4 per cent collected under said section 3A of said chapter 64G by the city of Marlborough for the fiscal year beginning July 1, 2011 and each fiscal year thereafter shall be credited to the Business and Economic Development Special Revenue Fund, and shall be subject to further appropriation by a majority vote of the city council.

(b) Notwithstanding any general or special law to the contrary, the amount of the room occupancy excise based on a rate equal to 4 per cent collected under said section 3A of said chapter 64G by the city of Marlborough for the fiscal year beginning July 1, 2011 and each fiscal year thereafter shall be credited to the General Fund of the city of Marlborough.

(c) Notwithstanding any general or special law to the contrary, any interest accruing on any amount on deposit in the Business and Economic Development Special Revenue Fund shall be credited to the General Fund of the city of Marlborough.

SECTION 3. Nothing in or resulting from this act shall affect amounts distributed in any fiscal year to the city of Marlborough from the Local Aid Fund.

SECTION 4. If the city of Marlborough revokes, by a majority vote of its city council, under said section 3A of said chapter 64G and sections (2)(h) and (2)(i) of 830 CMR 64G.3A.1, its acceptance of the room occupancy excise rate in excess of 4 per cent under said section 3A of said chapter 64G, the city council shall then decide, by a two-thirds vote, whether the Business and

Economic Development Special Revenue Fund shall cease to have effect in the city. If two-thirds of the city council votes that the Business and Economic Development Special Revenue Fund shall cease to have effect in the city, all unexpended and uncommitted amounts on deposit in the fund, as of the date of the vote to revoke the rate in excess of 4 per cent, shall be credited to the General Fund of the city on the first day of the calendar quarter following 30 days after the date of the revocatory vote, under said section (2) (i) of 830 CMR 64G.3A.1; provided, however, that if two-thirds of the city council does not vote that the Business and Economic Development Special Revenue Fund shall cease to have effect in the city, the fund shall continue to have effect in the city, and all unexpended and uncommitted amounts on deposit in the fund, as of the date of the vote to revoke the rate in excess of 4 per cent, shall be subject to further appropriation by a majority vote of the city council.

SECTION 5. The city of Marlborough may close the fund by a two-thirds vote of its city council. Such vote to close shall designate that: (a) the Business and Economic Development Special Revenue Fund shall cease to have effect in the city; (b) all unexpended and uncommitted amounts on deposit in the Business and Economic Development Special Revenue Fund, as of the date of the vote to close, shall forthwith be credited to the General Fund of the city; and (c) the portion of the total room occupancy excise in excess of 4 per cent received annually by the city under said section 3A of said chapter 64G and credited to the Business and Economic Development Special Revenue Fund, as provided in section 2, shall thereafter be credited to the General Fund of the city.

SECTION 6. This act shall take effect upon its passage.

House of Representatives, September 29, 2011.

Passed to be enacted,

Paul J. Drate, Speaker.

In Senate, October 3, 2011.

Passed to be enacted,

Karen Spilka, President.

7 October, 2011.

Approved,

at *12* o'clock and *43* minutes, *P*. M.

[Signature]
Governor.



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

2011 OCT 13 P 4:06

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

October 6, 2011

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

RE: Council on Aging Formula Grant

Honorable President Vigeant and Councilors:

The Marlborough Council on Aging has received notification of a formula grant appropriation in the amount of \$41,894.00 from the Executive Office of Elder Affairs. This yearly grant is based on the 2010 federal census for seniors over the age of sixty. The grant provides supplemental support to local funding for personnel, programming and expenses. Details of the grant are provided for your review.

As outlined in MGL, Chapter 44, Section 53A, I am recommending that the City Council approve the expenditure of these funds for the purposes outlined. I respectfully request your approval this evening which will enable senior instruction to proceed without delay.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosures



City of Marlborough

Council on Aging and Senior Center

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

October 5, 2011

To: The Honorable Mayor Stevens

I am submitting documentation for the Marlborough Council on Aging's FY12 Formula Grant Award from the Executive Office of Elder Affairs, Commonwealth of Massachusetts, in the amount of \$41,894.00. This yearly grant award is based on the 2010 federal census for seniors over the age of 60 at a rate of \$6.25 per elder, per municipality. This grant provides supplemental funding to other local support for programming and expenses. Attached you will find details of the grant for your review.

In closing, I respectfully request your expeditiously approval so there will be no interruptions in current delivery of programs and services.

Thank you for your consideration,

Jennifer C. Claro
Executive Director
Marlborough Council on Aging

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



This form is jointly issued and published by the Executive Office for Administration and Finance (ANF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors may not require any additional agreements, engagement letters, contract forms or other additional terms as part of this Contract without prior Department approval. Click on hyperlinks for definitions, instructions and legal requirements that are incorporated by reference into this Contract. An electronic copy of this form is available at www.mass.gov/oeac under Guidance For Vendors - Forms or www.mass.gov/oad under OSD Forms.

CONTRACTOR LEGAL NAME: CITY OF MARLBOROUGH		COMMONWEALTH DEPARTMENT: Executive Office of Elder Affairs MMARS Department Code: ELD	
Legal Address: 140 MAIN ST MARLBOROUGH, MA 01752		Business Mailing Address: One Ashburton Place, 5 th Floor Boston, MA 02108	
Contract Manager: Jenni Clare E-Mail: jclare@marlborough-ma.gov		Billing Address (if different): Contract Manager: Emmett Schmarow E-Mail: Emmett.schmarow@state.ma.us	
Phone: 508-485-8492 Fax:		Phone: 617-222-7471 Fax: 617-727-9368	
Contractor Vendor Code: VC6000192112		MMARS Doc ID(s): CTELD 12COA170000000002012	
Vendor Code Address ID: AD001 (Note: The Address ID must be set up for EFT payments.)		RFR/Procurement or Other ID Number:	
<p align="center">XX NEW CONTRACT</p> <p>PROCUREMENT OR EXCEPTION TYPE: (Check one option only)</p> <p><input type="checkbox"/> <u>Statewide Contract</u> (OSD or an OSD-designated Department)</p> <p><input type="checkbox"/> <u>Collective Purchase</u> (Attach OSD approval, scope, budget)</p> <p><input type="checkbox"/> <u>Department Procurement</u> (includes State or Federal grants <u>815 CMR 2.00</u>) (Attach RFR and Response or other procurement supporting documentation)</p> <p><input type="checkbox"/> <u>Emergency Contract</u> (Attach justification for emergency, scope, budget)</p> <p><input type="checkbox"/> <u>Contract Employee</u> (Attach <u>Employment Status Form</u>, scope, budget)</p> <p><input checked="" type="checkbox"/> <u>Legislative/Legal or Other: COA FORMULA GRANT</u></p>		<p align="center">__ CONTRACT AMENDMENT</p> <p>Enter Current Contract End Date <u>Prior</u> to Amendment: ____ 20. Enter Amendment Amount: \$ _____ (or "no change")</p> <p>AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.)</p> <p><input type="checkbox"/> <u>Amendment to Scope or Budget</u> (Attach updated scope and budget)</p> <p><input type="checkbox"/> <u>Interim Contract</u> (Attach justification for Interim Contract and updated scope/budget)</p> <p><input type="checkbox"/> <u>Contract Employee</u> (Attach any updates to scope or budget)</p> <p><input type="checkbox"/> <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification and updated scope and budget)</p>	
The following COMMONWEALTH TERMS AND CONDITIONS (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract. <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services			
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> <u>Rate Contract</u> (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> <u>Maximum Obligation Contract</u> Enter Total Maximum Obligation for total duration of this Contract (or new Total if Contract is being amended). \$41,894.00			
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days __% PPD; Payment issued within 15 days __% PPD; Payment issued within 20 days __% PPD; Payment issued within 30 days __% PPD. If PPD percentages are left blank, identify reason: <input checked="" type="checkbox"/> agree to standard 45 day cycle <input type="checkbox"/> statutory/legal or Ready Payments (G.L. c. 29, § 23A); <input type="checkbox"/> only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)			
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE OR REASON FOR AMENDMENT: This contract is to locally distribute a formula grant award to the Councils on Aging of the municipalities of the Commonwealth. The award amount is determined by a census-based allocation of available grant funding. Funds may support Council on Aging activities as identified in the annually published COA Formula Grant Guide. The activity performance period for this award is 7/1/2011 – 6/30/2012. The municipality will complete a final fiscal report accounting for how these grant funds were applied. Ongoing eligibility for formula grant funding is contingent on satisfactory prior year performance.			
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input type="checkbox"/> 1. may be incurred as of the <u>Effective Date</u> (latest signature date below) and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . <input type="checkbox"/> 2. may be incurred as of ____ 20____, a date <u>LATER</u> than the <u>Effective Date</u> below and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . <input checked="" type="checkbox"/> 3. were incurred as of <u>JULY 1ST 2011</u> , a date <u>PRIOR</u> to the <u>Effective Date</u> below, and the parties agree that payments for any obligations incurred prior to the <u>Effective Date</u> are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.			
CONTRACT END DATE: Contract performance shall terminate as of <u>JUNE 30TH 2012</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.			
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached <u>Contractor Certifications</u> (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable <u>Commonwealth Terms and Conditions</u> , this Standard Contract Form including the <u>Instructions and Contractor Certifications</u> , the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in <u>801 CMR 21.07</u> , incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.			
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: <u>Jennifer C. Clare</u> Date: <u>11-13-2011</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Jennifer C. Clare</u> Print Title: <u>Executive Director of Council on Aging</u>		AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>PETER J. TIERNAN</u> Print Title: <u>Director of Administration and Finance</u>	

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Council on Aging DATE: 5-Oct-11

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Jennifer C. Claro, Director

NAME OF GRANT: FY12 Formula Grant

GRANTOR: Commonwealth of Massachusetts

GRANT AMOUNT: \$41,894.00

GRANT PERIOD: FY12

SCOPE OF GRANT/
ITEMS FUNDED Annual State Formula Grant on U.S. Census for services to seniors 60*
multiple specialized fitness instructors and programs, program supplies,
conference and training (Board/Staff) , volunteer recognition,
Clinic Nurse for Wellness Clinic- VNA contract and transportation for staff
and clients.

IS A POSITION BEING
CREATED: No

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

ARE MATCHING CITY
FUNDS REQUIRED? No

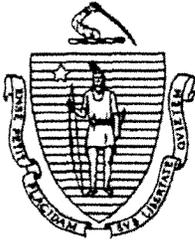
IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS
TO BE USED:

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: Urgent

**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**



The Commonwealth of Massachusetts
Executive Office of Elder Affairs
One Ashburton Place, Boston, MA 02108

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

ANN L. HARTSTEIN
Secretary

SANDRA K. ALBRIGHT
Undersecretary

Tel: (617) 727-7750
Fax: (617) 727-9368
TTY/TTD 1-800-872-0166
www.mass.gov/elder

**A Message to Massachusetts Council on Aging (COA) Directors
Regarding FY2012 Formula Grant Allocation and Award Process**

This document provides guidance to the FY2012 Formula Grant Allocation and Award Process. It is intended to serve as a reference for COA Directors and interested municipal officials.

With the passage of the FY2012 General Appropriation Agreement (GAA), the Executive Office of Elder Affairs (EOEA) intends to issue Formula Allocations at a rate of \$6.25 per elder, per municipality. Regardless of size, all communities are eligible to apply for *at least* \$3,500 (*View allocations in table below*).

EOEA will use the latest (2010) federal census as the foundation for award allocations. All Formula awards will be issued as above *except for communities for which the calculation results in a loss of more than ten percent* compared to your FY2011 Formula award. For communities experiencing a loss of more than ten percent (10.0%), EOEA will apply a transition formula so that no Formula Grant will be reduced by more than 10% in FY2012. This will be a one-time measure.

To ensure that initial payments (of 50% of your award amount) will be made to your agency by the target date of September 30, 2011, COAs are asked to complete and submit the "Statement of Allocation/Grant Balance for FY2011" by **September 16, 2011** and the "Formula Grant Award Agreement" (contract) to Elder Affairs by **September 30, 2011**. Late Agreements and Statements of Balance will be subject to payment processing delays. The Statement of Allocation/Grant Balance form has already been issued to COAs by e-mail (or hard copy, if applicable). The Allocation Award contract will be emailed to COAs by **Friday, August 26, 2011**.

Allocation By Municipality				
Municipality	Historical Count	Elders aged 60+ per 2010 Census	FY2012	Formula Grant: Payment 1*
Dalton	1,428	1,679	\$10,494	\$5,247
Danvers	5,419	6,314	\$39,463	\$19,731
Dartmouth	5,978	7,473	\$46,706	\$23,353
Dedham	4,983	5,973	\$37,331	\$18,665
Deerfield	865	1,214	\$7,588	\$3,794
Dennis	5,590	5,910	\$36,938	\$18,469
Dighton	1,033	1,349	\$8,431	\$4,215
Douglas	700	1,081	\$6,756	\$3,378
Dover	884	1,146	\$7,163	\$3,581
Dracut	4,326	5,387	\$33,669	\$16,834
Dudley	1,637	1,981	\$12,381	\$6,190
Dunstable	295	509	\$3,500	\$1,750
Duxbury	2,300	3,530	\$22,063	\$11,031
E. Bridgewater	1,745	2,651	\$16,569	\$8,284
East Brookfield	370	436	\$3,500	\$1,750
East Longmeadow	3,246	4,026	\$25,163	\$12,581
Eastham	1,741	2,169	\$13,556	\$6,778
Easthampton	2,766	3,505	\$21,906	\$10,953
Easton	2,808	4,163	\$26,019	\$13,009
Edgartown	625	959	\$5,994	\$2,997
Egremont	349	451	\$3,500	\$1,750
Erving	267	391	\$3,500	\$1,750
Essex	563	753	\$4,706	\$2,353
Everett	6,972	6,527	\$43,924	\$21,962
Fairhaven	3,860	4,171	\$26,069	\$13,034
Fall River	18,879	18,194	\$118,940	\$59,470
Falmouth	9,265	10,857	\$67,856	\$33,928
Fitchburg	7,010	6,872	\$44,163	\$22,081
Florida	120	172	\$3,500	\$1,750
Foxborough	2,614	3,228	\$20,175	\$10,087
Framingham	11,187	12,887	\$80,544	\$40,272
Franklin	3,263	4,399	\$27,494	\$13,747
Freetown	1,087	1,751	\$10,944	\$5,472
Gardner	4,048	4,122	\$25,763	\$12,881
Georgetown	924	1,428	\$8,925	\$4,462
Gill	214	343	\$3,500	\$1,750
Gloucester	6,003	7,404	\$46,275	\$23,137
Goshen	145	225	\$3,500	\$1,750
Gosnold	16	22	\$3,500	\$1,750
Grafton	2,162	2,882	\$18,013	\$9,006
Granby	953	1,262	\$7,888	\$3,944
Granville	208	320	\$3,500	\$1,750
Great Barrington	1,699	1,875	\$11,719	\$5,859
Greenfield	3,775	4,070	\$25,438	\$12,719
Groton	952	1,635	\$10,219	\$5,109
Groveland	840	1,356	\$8,475	\$4,237
Hadley	1,119	1,389	\$8,681	\$4,340
Halifax	1,264	1,561	\$9,756	\$4,878
Hamilton	1,144	1,398	\$8,738	\$4,369
Hampden	944	1,347	\$8,419	\$4,209
Hancock	135	182	\$3,500	\$1,750
Hanover	1,854	2,704	\$16,900	\$8,450
Hanson	1,163	1,793	\$11,206	\$5,603
Hardwick	450	584	\$3,650	\$1,825
Harvard	709	1,114	\$6,963	\$3,481
Harwich	4,410	4,629	\$28,931	\$14,465
Hatfield	675	876	\$5,475	\$2,737

Allocation By Municipality				
Municipality	Historical Count	Elders aged 60+ per 2010 Census	FY2012	Formula Grant: Payment 1*
Haverhill	9,497	10,620	\$66,375	\$33,187
Hawley	76	111	\$3,500	\$1,750
Heath	118	211	\$3,500	\$1,750
Hingham	3,700	5,735	\$35,844	\$17,922
Hinsdale	302	519	\$3,500	\$1,750
Holbrook	2,180	2,210	\$13,813	\$6,906
Holden	2,878	3,584	\$22,400	\$11,200
Holland	278	453	\$3,500	\$1,750
Holliston	1,744	2,586	\$16,163	\$8,081
Holyoke	7,565	7,658	\$47,863	\$23,931
Hopedale	1,082	1,120	\$7,000	\$3,500
Hopkinton	1,239	1,933	\$12,081	\$6,040
Hubbardston	369	648	\$4,050	\$2,025
Hudson	2,977	3,915	\$24,469	\$12,234
Hull	1,834	2,481	\$15,506	\$7,753
Huntington	279	409	\$3,500	\$1,750
Ipswich	2,609	3,436	\$21,475	\$10,737
Kingston	1,955	2,668	\$16,675	\$8,337
Lakeville	1,480	1,991	\$12,444	\$6,222
Lancaster	985	1,370	\$8,563	\$4,281
Lanesborough	492	737	\$4,606	\$2,303
Lawrence	9,054	9,529	\$59,556	\$29,778
Lee	1,289	1,543	\$9,644	\$4,822
Leicester	1,644	2,111	\$13,194	\$6,597
Lenox	1,489	1,843	\$11,519	\$5,759
Leominster	7,105	8,023	\$50,144	\$25,072
Leverett	253	514	\$3,500	\$1,750
Lexington	7,248	7,898	\$49,363	\$24,681
Leyden	91	146	\$3,500	\$1,750
Lincoln	1,145	1,518	\$9,488	\$4,744
Littleton	1,276	1,746	\$10,913	\$5,456
Longmeadow	3,514	4,081	\$25,506	\$12,753
Lowell	14,486	15,200	\$95,000	\$47,500
Ludlow	4,098	4,750	\$29,688	\$14,844
Lunenburg	1,505	2,106	\$13,163	\$6,581
Lynn	14,407	14,483	\$90,764	\$45,382
Lynnfield	2,577	2,793	\$17,456	\$8,728
Malden	9,941	9,834	\$62,628	\$31,314
Manchester	1,132	1,435	\$8,969	\$4,484
Mansfield	1,938	2,987	\$18,669	\$9,334
Marblehead	4,085	4,920	\$30,750	\$15,375
Marion	1,162	1,437	\$8,981	\$4,490
Marlborough	5,465	6,703	\$41,894	\$20,947
Marshfield	3,248	5,143	\$32,144	\$16,072
Mashpee	3,053	4,374	\$27,338	\$13,669
Mattapoisett	1,359	1,704	\$10,650	\$5,325
Maynard	1,683	1,883	\$11,769	\$5,884
Medfield	1,530	2,010	\$12,563	\$6,281
Medford	11,929	11,425	\$75,155	\$37,577
Medway	1,478	2,003	\$12,519	\$6,259
Melrose	5,459	5,979	\$37,369	\$18,684
Mendon	608	939	\$5,869	\$2,934
Merrimac	889	1,232	\$7,700	\$3,850
Methuen	8,208	9,063	\$56,644	\$28,322
Middleborough	2,663	4,935	\$30,844	\$15,422
Middlefield	71	115	\$3,500	\$1,750
Middleton	1,018	1,674	\$10,463	\$5,231
Milford	4,388	5,124	\$32,025	\$16,012
Millbury	2,570	2,894	\$18,088	\$9,044
Millis	1,026	1,459	\$9,119	\$4,559

Executive Office of Elder Affairs

1 Ashburton Place, 5th Floor
Boston, MA 02108-1518

ATTACHMENT B – COA Formula Allocation Budget – **FY 2012 (pg. 1 of 2)**

Name of COA: Marlborough Council on Aging

#	Personnel	Municipal Funding* FY 2012	(A) At \$6.25 (or min. from Att.D).	(B) At \$6.50 (or min. from Att. D)	Hours/ week w/ELD funds	NOTES/CALCULATIONS Note totals for ELD funded positions: X dollars/hour (or unit) X hours/week X number of weeks= Formula amount/s. ID fringe benefits (if applicable).	EOEA Use Only
<input checked="" type="checkbox"/>	Director/Coordinator	\$60,495.00				35 hours/full-time	
<input type="checkbox"/>	Administrative Ass't						
<input checked="" type="checkbox"/>	Program Coordinator Coord. of Volunteers	\$19,000.00				19 hours/part-time	
<input type="checkbox"/>	Fiscal Manager						
<input checked="" type="checkbox"/>	Principle Clerk Secretary Receptionist	\$44,097.00				35 hours/full-time	
<input type="checkbox"/>	Chef/Cook						
<input type="checkbox"/>	Site Manager Custodian						
<input type="checkbox"/>	Driver						
<input type="checkbox"/>	Dispatcher						
<input checked="" type="checkbox"/>	Outreach Worker	\$41,741.00				40 hours/full time	
<input type="checkbox"/>	Outreach Coord./Spec.						
<input checked="" type="checkbox"/>	Social Service Coord.	\$15,460.00					
<input type="checkbox"/>	Social Worker						
<input type="checkbox"/>	Other: e.g. program instructors	\$28,910.00	\$28,910.00	\$28,910.00		Cardio Fitness classes (1) Aerobic classes (1) Chair and Floor Yoga (3) Swimming (1) Muscle Strengthening (1) Balance (1) Tchai (1) Functional class (1) Line dancing (1) Sr. Boot Camp (1)	

Sub-total \$211,203.00 \$28,910.00 \$28,910.00 _____ * Optional please note municipal positions. (Job title/s, funding totals and hours are appreciated.) Thank you. FY2012(6.3.11) AttB (W), H&E 6.25.50+ [--8a--]

Non-Personnel Cost Category	(A) At \$6.25 (or min. from Att.D).	(B) At \$6.50 (or min. from Att. D)	NOTES
Staff/Volunteer Trans. Client Transportation	\$800.00	\$800.00	Staff mileage is 50 cents per mile and we would purchase gas cards for those who are having a financial hardship as well as provide for volunteers who provide a special service (which would provide using their own vehicle) for our center. We occasionally might have to rely on some sort of public transportation for transporting clients and we would use funds for taxi, bus ride, etc..
Rent/Mortgage			
Utilities			
Renovation/Construction			Describe concisely. Secure and retain quotes/estimates. Note (estimated) completion date of project.
Equipment/furnishings			Specify/itemize and attach to budget.
Office/program supplies	\$2000.00	\$2000.00	(Cite representative items, costs)
Facility Maintenance/ supplies			(Cite representative items, costs)
Printing/Copying	\$400.00	\$400.00	Ink cartridges for printer and copier and other program and special event printing
Postage			
Dues	\$1000.00	\$1000.00	MCOA membership and other membership/publication costs
Newsletter Printing			ELD to be recognized as supporting this activity.
Conference/Education Training (Board/Staff)	\$304.00	\$304.00	Maximums cited in EOE "THE GUIDE" eligible cost information.
Volunteer Recognition	\$2240.00	\$2240.00	Note education/in-service training. Max. \$16/yr. with Formula \$'s. VRS required.*
Contractors / Other	\$6240.00	\$6240.00	Clinic Nurse for Wellness Clinic- VNA Contract

EOEA Use Only

Sub-total (page 2)	\$ 12,984.00	\$ 12,984.00
Sub-total (page 1)	\$ 211,203.00	\$ 28,910.00
TOTAL	\$ 224,187.00	\$ 41,894.00

Date of this budget: 08 / 01 / 2011

E 6.25.50+6.3.11

*Volunteer Resource Sheet to be submitted by 23 August 2011

[-8b-]



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OF MARLBOROUGH

City of Marlborough
Office of the Mayor

2011 OCT 13 P 4: 01

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

October 11, 2011

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

RE: Sustainability Action Plan

Honorable President Vigeant and Councilors:

As detailed in the attached letter from Conservation Officer Priscilla Ryder, the "Sustainability Action Plan 2011" is now available. The document is the updated plan of the fourteen- member Sustainability Action Plan Taskforce which completed its original plan in 2008 and provided further input in the first half of 2010. An electronic copy of the document has been sent to each of you, and the public may access the plan on the Conservation Commission's department page on the City of Marlborough website. The web address is http://www.marlborough-ma.gov/Gen/MarlboroughMA_ConCommisn/SustainAP

Our city has made great strides in sustainable practices during this time, but the process is ongoing. As noted, this is a working document which is meant to be shared and utilized as a tool to maximize Marlborough's progress as a Green Community. Please accept this document and join me in recognizing the important work of the taskforce and our continuing efforts to make the City of Marlborough a cleaner, greener and more sustainable community.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure



City of Marlborough Conservation Commission

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3768 Facsimile (508) 460-3747

Edward Clancy – Chairman
Dennis Demers
Michele Higgins
Lawrence Roy
John Skarin
Allan White
David Williams
Priscilla Ryder Conservation Officer

September 22, 2011

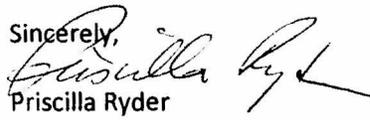
Nancy Stevens, Mayor
140 Main Street City Hall
Marlborough, MA 01752

RE: Sustainability Action Plan 2011

Dear Mayor Stevens,

At long last I am pleased to present to you, on behalf of the taskforce, the "Sustainability Action Plan 2011" report which is the result of the Sustainability Action Plan taskforce you assembled in 2009 and which met the first six months of 2010. This report is a working document and provides recommendations on the steps the city as a whole can make to be a more sustainable community environmentally and economically. It provides the actual "What, Who, How and When" resources to achieve the goals set out in the original 2008 Sustainability Action Plan. It includes action steps to take for each of the three sectors which make up the city: Municipal, Business and Residential. The report represents the input from the 14 member Sustainability Action Plan Taskforce which I was honored to work with and who deserve much thanks for their commitment to putting this plan together. Their names are included in the front of the document. Thanks in particular go to Nancy Savoie and Jennifer Boudrie who were co-chairs with me on this taskforce. It is a comprehensive plan and a real "working document" that we will continue to implement and add to in the coming years through our green communities grant and other related efforts. We have already achieved several of the actions outlined including becoming a Green Community, hiring an energy manager and passing the Stretch Energy Code provision. Many local businesses and residents have also made retrofits to building and heating/ventilation systems to reduce energy use and water use. The plan is well on its way to being implemented.

Please accept this document as the result of the work of the Sustainability Action Plan taskforce. We hope you will accept and share this document with others as a tool to make Marlborough a "greener" city. We all hope the actions outline will guide the city's leaders, various board, departments, local citizens groups and businesses to continue to make the City a more sustainable place to live, work and play.

Sincerely,

Priscilla Ryder
Conservation Officer
Sustainability Action Plan Co-chair

Enclosed – Marlborough Sustainability Action Plan 2011
E-mail: Sustainability Action Plan Taskforce members



CITY OF MARLBOROUGH
OFFICE OF CITY CLERK

That the City Clerk be and is herewith directed to have proper notices issued notifying the VOTERS of the City of Marlborough that the **MUNICIPAL ELECTION** will be held in the polling locations as noted below on **NOVEMBER 1, 2011** as follows: Office of Mayor, Four Councilors At-Large, Ward Councilors, Three School Committee members and Assabet Valley Regional Vocational School Committee member.

THE POLLS WILL OPEN AT 7:00 A.M. AND WILL CLOSE AT 8:00 P.M.

POLLING LOCATIONS ARE AS FOLLOWS:

WARD ONE: Prec. 1 and 2	Francis J. Kane School, 520 Farm Rd.
WARD TWO: Prec. 1 and 2	Francis J. Kane School, 520 Farm Rd.
WARD THREE: Prec. 1	Masonic Hall, 8 Newton St. (corner of Main/Newton Sts.), rear
WARD THREE: Prec. 2	Raymond J. Richer School, 80 Foley Rd., Gym
WARD FOUR: Prec. 1 and 2	Boys & Girls Club, 169 Pleasant St.
WARD FIVE: Prec. 1	Senior Center, 250 Main St.
WARD FIVE: Prec. 2	Masonic Hall, 8 Newton St. (corner of Main/Newton Sts.), rear
WARD SIX: Prec. 1 and 2	ILT Charles W. Whitcomb School, 25 Union St., Library
WARD SEVEN: Prec. 1 and 2	Hildreth School Gymnasium, 85 Sawin St.



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CITY OF MARLBOROUGH

October 4, 2011

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

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

RE: Marlborough Armory, 354 Lincoln St., Marlborough

Dear Councilor Seymour:

This is in response to your October 3, 2011 e-mail regarding the Massachusetts Historical Commission's (MHC) request for comments from the City Council regarding the property owner's application to MHC to cancel the restriction against demolition contained in the historic covenant held by MHC.

MHC asked that the City Council submit its comments by October 17, 2011. In your email, you noted that the item was on the agenda for the City Council's October 3, 2011 meeting but that the issue may not be resolved as issues requiring material review/consideration are typically referred to a subcommittee which then makes recommendations to the City Council. You have requested an extension of the time limit. In order to give the City Council sufficient time to review this matter and provide comments, MHC will extend the date for submission of their comments. It is my understanding that the next two meetings of the City Council are October 17th and November 7th, 2011. MHC would appreciate any comments the City Council may have by November 14, 2011.

Thank you for your attention to this matter.

Sincerely,

Brona Simon
Executive Director
Massachusetts Historical Commission

xc: Attorney Jack P. Milgram
Cynthia Panagore Griffin, Assistant City Solicitor, Marlborough
Marlborough City Council
Gary Brown, Marlborough Historical Commission

100. fd.



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

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CITY OF MARLBOROUGH

2011 SEP 30 A 10:24

**Lisa M. Thomas
City Clerk**

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

1. TYPE OF LICENSE: _____ TAXI _____ LIVERY

2. APPLICANT'S (LICENSEE) INFORMATION:

A. Name: YAN CHUN ZHANG

B. Address: 30 magnolia ln marlborough

C. Business Name: Japan ~~car~~ car service

D. Business Address: 197 Boston Post Rd west marlborough

E. Telephone Number(s): 978-868-2123

3. NUMBER OF VEHICLES: 2

APPLICANT'S SIGNATURE yan chun zhang

**CITY OF MARLBOROUGH
TAXI/LIVERY LICENSE**

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

EXPIRATION DATE: _____

A TRUE COPY
ATTEST:

City Clerk



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CITY OF MARLBOROUGH

2011 SEP 30 P 3:17

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

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held on Tuesday, August 30, 2011 at 10:00 a.m. in the City Council Committee Room, City Hall. Members present: Chairman Police Chief Mark Leonard, Vice Chairman – DPW Commissioner Ronald LaFreniere, Acting Fire Chief Fred Flynn and City Clerk Lisa Thomas. Also present: City Engineer Thomas Cullen, Asst. City Engineer Tim Collins and Code Enforcement Officer Pam Wilderman. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Tuesday, July 26, 2011.

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

2-New Business

- 2a. Mauro Farms subdivision stop signs and crosswalks.**
- 2b. Cook Lane stop signs and crosswalks.**

These two items taken simultaneously.

Tim Collins had asked that this item be added to the agenda. He provided a copy of an e-mail that he had sent to Chief Leonard which outlined the Stop Signs/lines and crosswalks indicated in the "Approved Definitive Subdivision plans for Mauro Farms (off Cook Lane)". He also provided a diagram/map of the site. He indicated that the proposed stop signs/lines and crosswalks had not been regulated and approved by the Traffic Commission. Tim also reviewed all of Cook Lane and found several other locations where the stop signs and crosswalks were not regulated. He also found one Crosswalk Regulation that should be deleted. These locations are all outlined in his e-mail.

Ron LaFreniere asked if the warrants were met for the stop signs and crosswalks. Tim advised that these are "T" intersections and that yes, they are warranted. It is not a question of whether or not they can go up. They just need to be formally regulated by the

Traffic Commission. Ron brought up the cost of advertizing for all these individual locations. Chief Leonard advised that he would actually lump them together into two regulations, one for the crosswalks and one for the stop intersections. They will be lengthy but less costly. Chief Leonard agreed that it makes sense to regulate these items as outlined in Tim's e-mail. He asked if there were any comments. All agreed that this was the best action.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to create the new regulations based on Tim's specifications.

Motion to suspend the rules - Change agenda order and move to Item 3f under Old Business. Pam Wilderman is in attendance for this item. All in Favor.

3-Old Business

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

Pam Wilderman requested that Belmont and Newton Streets be removed from the agenda at this time. The original complainant on Belmont Street had been cited for having illegal apartments and was losing the house to foreclosure. The issue on Newton Street involves residents who are not following parking conditions/regulations. It is not an issue for the Traffic Commission at this time.

Ron commented that he has also seen cars parked too close to the intersection. This causes the lights to be tripped as they are activated by a sensor.

MOTION was made, seconded, duly VOTED to remove this item from the agenda.

3e. Traffic regulations at the elderly housing properties.

There is a problem with vehicles parking in the fire lane at the elderly housing complex on Bolton Street. It is not clearly marked so people are parking here. Tim commented that Julie from the Housing Department does not want people parking here either. He said that the problem in the past was that it was difficult to come up with the proper wording for the regulation. Ron suggested showing the location of the restrictions on a plan similar to the parking plan for the downtown area. Tim said that because of the loop a fire truck has trouble making the turn when vehicles are parked here. It causes them to run over the curbing which can cause damage to the tires. The trucks have to be able to circle around freely. It was discussed that as long as the Fire Chief agrees that this area should be a fire lane, this issue does not need to come before the Traffic Commission. It can be marked as a Fire Lane. Pam said that she feels that vehicles will continue to park here but hopefully not as many if it is clearly marked as a fire lane.

Ron commented that the bigger problem is that there appears to be insufficient parking here. Pam feels that the problem has more to do with others coming onto the property than with residents, i.e. visitors, day workers, nurses etc. Ron said that ideally the Housing Authority should define the parking needs for residents, workers and visitors and come up with the money to construct what is necessary. Tim commented that

technically the regulation is already there and potential signage can indicate “no parking from here to corner”.

MOTION was made, seconded, duly VOTED to refer to Engineering and the Fire Department to come up with appropriate signage.

2- New Business - Continued

2c. Communication from Michael Manning.

Mr. Manning forwarded communication to Commissioner LaFreniere regarding Traffic Improvement Ideas, specifically for the areas of 1) Ghiloni Field 2) Boston Post Road East at Wilson Street and 3) Union Street at Bolton Street. Commission LaFreniere has already spoken to him on these issues. Ron agreed that there is an issue at Boston Post Road East and Wilson Street. The conflict is with the right on red onto BPRE. When Wilson Street has a green arrow for the left turn onto BPRE it has a red arrow for the right turn onto BPRE. It appears that some drivers are taking the right on red while others are not. Chief Leonard commented that unless it is posted as “no right on red” you can always take the right on red. The red arrow appears to be causing some confusion. Ron is concerned that vehicles are idling at the intersection needlessly. Perhaps an additional sign stating that right on red is allowed here would be helpful. He is waiting on a response from MA DOT.

Acting Fire Chief Flynn commented on the intersection of Bolton and Union. He noted that sometimes he has had to wait for several light changes in order to take the left onto Bolton toward the Police Station. He questioned if the Commission discussed a left turn arrow here in the past. Ron LaFreniere commented that adding a lead in phase here would take capacity away from Bolton St. This was done at Pleasant and Lincoln Street and will be done at Lincoln and Bolton. We are waiting for a price to change the light.

MOTION was made, seconded, duly VOTED to TABLE for now. Ron LaFreniere has communicated with Mr. Manning already and is waiting for a response from MA DOT.

3-Old Business - Continued

3c. Stop signs on Bigelow Street.

Chief Leonard advised that no further action is necessary at this time. Councilor Pope is out of the country and he has not yet been able to speak with her further on this issue.

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

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

Chief Leonard advised that he recently met with AMSA to talk about vehicle flow issues but they did not discuss the School Zone. He did advise them that the school zone was approved by the Traffic Commission, however, he did not get a chance to prepare the

regulation as he was extremely busy with the storm situation. Tom Cullen reiterated that it is our understanding that the Traffic Commission would regulate the school zone and that AMSA would put up the proper signage.

Suspension of rules requested by Lisa Thomas – Side issue.

Traffic Commission Meeting Dates

Lisa wanted to discuss the dates of the Traffic Commission Meetings. Currently the meetings take place the day after the City Council Meetings. There have been times that she was here in the building but was unable to make the Traffic Commission meeting because she was tied up with other issues from the City Council meeting. She asked if the meeting could be a different day next year, perhaps a Wednesday instead. Chief Leonard advised that he tried to change the date before because of the Site Plan Meeting which contains several of the same members but it didn't work out. Hopefully, once the act which makes up the Traffic Commission is revised and approved by the legislature Steve Reid will be in attendance, at least sporadically. Lisa wanted the Commission to be aware that she is trying her best to make the meetings. Chief Leonard has created his schedule so that Tuesday is his meeting day. Maybe the best option is to make the Traffic Commission meeting at 11:00 instead of 10:00 or maybe the 3rd Tuesday of the month instead of the last Tuesday. This way it wouldn't follow the Monday night City Council Meeting.

Return to Old Business

3i. Valley St. parking concerns – DPW Commissioner.

Chief Leonard has not yet had a chance to write up the regulation, however, Tim Collins presented a diagram and e-mail with the necessary specifications for the regulation. Basically, we need to eliminate the existing regulation and create 3 new regulations. Chief Leonard advised that this is actually the information he needed in order to create the new regs. The Commission decided to vote on the approval now and Ron can review it later.

Acting Fire Chief Flynn also noted that there is a strip of land in this area that is owned by the fire department, however, a resident has cleaned it up and put a bench there and is using it as his own property. This area is technically under the care, custody and control of the fire department and no one should be parking there. Ron LaFreniere advised that he will contact legal and have them get in touch with the fire department on this issue. Notices can be sent to residents advising them on the no parking area. It is really the fire chief's call as to what he wants to do here.

MOTION was made, seconded, duly VOTED to DELETE the existing regulation and APPROVE the 3 new regulations for Valley Street as per Tim's specifications.

3a. Municipal off street parking regulation.

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

3b. High School parking regulations.

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

3d. Traffic Commission rules and regulations update.

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

2a. Request for crosswalk on Farm Rd at El Dorado Dr.

MOTION was made, seconded, duly VOTED:
To TABLE for now as Chief Leonard still needs to write up the regulation.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 11:15 pm.

Respectfully submitted,

Karen L. Lambert - Records Clerk, MPD

List of documents and other exhibits used at the meeting:**- Meeting Agenda for Tuesday, August 30, 2011****-Includes the following attachments:**

*City of Marlborough Meeting Posting.

*Revised Draft of Traffic Commission Minutes from meeting on 7/26/11.

*Correspondence from Michael Manning to Ron LaFreniere, dated 8/15/11, re: Traffic Improvement Ideas.

-Additional Handouts

*Map of Valley St./Neil St. – with proposed No Parking Regulation

*E-mail from Tim Collins to Chief Leonard, dated 8/24/11, re: No Parking Regulation – Valley St. & Neil St.

*E-mail from Tim Collins to Chief Leonard, dated 8/30/11, re: Traffic Commission Agenda for 8/30/11 (relative to Mauro Farms and Cook Lane).