

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 NOV 17 P 5:30

1. Minutes of the City Council Meeting, October 17, 2011, Order No, 11-1003059.
2. Minutes of the City Council Meeting, November 7, 2011, not completed.
3. Communication from City Solicitor, Donald Rider, re: request for Executive Session for the purpose of discussing strategy with respect to litigation as an open meeting may have a detrimental effect on the litigating position of the City of Marlborough.
4. Communication from the Mayor re: Other Post Employment Benefits (OPEB) transfer request in the amount of \$1,000,000.00 which moves funds from Undesignated to OPEB Stabilization.
5. Communication from the Mayor re: October Nor'easter transfer request in the amount of \$50,000.00 which moves funds from Undesignated to Halloween Snow Storm.
6. Communication from the Mayor re: budget transfer request in the amount of \$39,850.24 which moves funds from Open Space Stabilization to Open Space account for annual payment to Ward Mountain LLC.
7. Communication from the Mayor re: Update Concerning Request for Proposals for a New Senior Center.
8. Communication from City Solicitor Rider re: Requested Conveyance of Two Parcels of Municipal Property off Pleasant St.
9. Communication from the Planning Board re: Proposed Zoning Amendment, Section 650-26 (A)(1)(a), Order No. 11-1002985A.
10. Communication from the Mayor re: the Planning Board re: Acceptance of Perry Lane as a Public Way, Order No. 11-1003005.
11. Communication from the Mayor re: Attorney Bergeron re: Notice of Application for Site Eligibility for Construction of 290 Units of Affordable Housing on a Site Between Glenn St. and Ames St., Map 89, Parcel 3B.
12. Communication from Rossella Mercuri, Agent for Sprint, re: Reschedule of Public Hearing to the First Available Date in January 2012, for Application for Special Permit for modification of a wireless facility located at 450-460 Boston Post Rd.
13. Communication from Rossella Mercuri, Agent for Sprint, re: Reschedule of Public Hearing to the First Available Date in January 2012, for Application for Special Permit for modification of a wireless facility located at 157 Union St.
14. Minutes, Traffic Commission, September 27, 2011.
15. Minutes, Conservation Commission, September 15, 2011.
16. CLAIMS:
 - A. Daniel Jenkins and Kelly Maloney, 6 Maplewood Ave., other property damage
 - B. Edward Philmon, 165 Dartmouth St., pothole or other road defect

REPORTS OF COMMITTEES:



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
Lisa M. Thomas
140 Main St.
Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723
OCTOBER 17, 2011**

Regular meeting of the City Council held on Monday, OCTOBER 17, 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 8:45 PM.

Suspension of the Rules requested-granted

ORDERED: It is moved, in conformance with the provisions of section 21(a)(3) of Chapter 30A of the General Laws of the Commonwealth, that the City Council conduct an executive session for the purpose of discussing strategy with respect to litigation, as an open meeting may have a detrimental effect on the litigating position of the City and other defendants, and the chair hereby declares that an open meeting may have that effect. It is further moved and stated that the City Council will re-convene in open session after the executive session, **APPROVED** and returned to open meeting at 8:12 PM.

Yea: 11- Nay: 0

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

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

ORDERED: That the minutes of the City Council Meeting September 26, 2011, **FILE**; adopted.

ORDERED: That the 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 as Bill H1452-An Act Establishing a Business and Economic Development Special Revenue Fund is now law, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: Under authority of MGL, Chapter 44, Section 53A, the City Council **APPROVES** the 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; adopted.

ORDERED: That the Sustainability Action Plan 2011, **FILE**; adopted.

Wed address is: http://www.marlborough-ma.gov/Gen/MarlboroughMA_ConCommisn/SustainAP

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

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	1LT Charles W. Whitcomb School, 25 Union St., Library
WARD SEVEN: Prec. 1 and 2	Hildreth School Gymnasium, 85 Sawin St.

ORDERED: That the Communication from Brona Simon, Executive Director of the Massachusetts Historical Commission re: Marlborough Armory, 354 Lincoln St., **MOVED TO REPORTS OF COMMITTEE**; adopted.

ORDERED: That the That the Application for Taxi and Livery license, Yan Chun Zhang d/b/a Japan Car Service for Livery License at 197 Boston Post Rd. West., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, Traffic Commission, August 30, 2011, **FILE**; adopted.

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

A. Ernest Amidon Jr., 81 Oakcrest Ave., other property damage

Reports of Committees:

Councilor Seymour reported the following out of the Legislative and Legal Affairs Committee:

Order No.#11-1003042 - That Asst. City Solicitor Panagore-Griffin submit her draft letter requesting a month extension to November 17, 2011 to Brona Simon, Executive Director of the Massachusetts Historical Commission, pertinent to September 27, 2011 Communication from Secretary of the Commonwealth, Massachusetts Historical Commission re: Marlborough Armory, 354 Lincoln Street. Seeking comment from the City Council and the Marlborough Historical Commission regarding alternatives to demolition that may be available to the property owner and the adequacy of the exploration and consideration of those alternatives. The Committee reviewed the letter from Brona Simon, Executive Director of the Massachusetts Historical Commission (MHC) dated September 27, 2011 requesting feedback from the City Council regarding the proposed demolition of the Armory Building, and the letter dated October 3, 2011 from Ms. Simon extending the deadline for response until November 14, 2011. A letter from Lewis Clark was read into the record in support of the preservation of the Armory. Building Commissioner Steve Reid provided a report to the Committee entitled "Analysis of the Old Armory Building" on the allowable uses of the property and the options available to the developer. Pam Wilderman, Code Enforcement Officer, informed the Committee of her efforts responding to a variety of issues that have arisen at the property. **Recommendation of the legislative and Legal Affairs committee is to authorize 2-0 the Assistant City Solicitor to draft a letter to Ms. Simon, for approval of the City Council, noting the following:**

- The Marlborough Economic Development Corporation is not an entity of the City Council.
- The developer can submit a Special Permit request for the same project as previously proposed or a new project.
- The developer can attempt to sell the property based on fair market value.
- The City Council believes that there are reasonable alternatives available to the developer, and therefore does not support the demolition of the property.
- The owners have failed to maintain the property and have created blight for the neighborhood.
- Demolition of the Armory is not in the best interest of the developer as the destruction of the building eliminates any possibility for tax credits related to historical preservation and eliminates the City Council's and the developer's flexibility for approval of a project as it relates to non-conforming uses of the property.
- Included with the letter shall be copies of the report provided by Mr. Reid and copies of pictures provided Ms. Wilderman depicting an example of the blight at the property.

Order No. 11-1003031 - Communication from Asst. Solicitor Panagore Griffin with Order of Acceptance for Jaworek School Driveway Layout as a public way pursuant to state and federal requirements of the Safe Routes to School Infrastructure Program. The Committee reviewed the letter dated September 22, 2011 from Assistant City Solicitor Cynthia Panagore-Griffin. **Recommendation of the Legislative and Legal Affairs Committee is to approve 2-0.**

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

Order No. 11-1002954D - The Wireless Committee met on 10/11/2011 at 6:10 PM and took up Council Order No. 11-1002954D. The request by AT&T Wireless PCS LLC, seeking permission to allow co-location at the 135' level of three (3) LTE (Long Term Evolution) panel antennas onto an existing wireless communication facility tower; one (1) LTE GPS antenna; one (1) 23" LTE rack in the existing equipment shelter and one (1) 2.5" flex conduit connecting the antennae to the existing equipment shelter. Members Present: Councilors Clancy, Pope and Landers. Also: City Solicitor Rider. Applicants Present Atty. Michael Dolan and Stephen Longton. Solicitor Rider introduced changes which would streamline the application request and clarify that the proposal is a modification to the original Special Permit granted under the Order Number 03-100112B. This would add wording that would impose new regulations covering the proposed additions to the Site. **Recommendation of the Wireless Communications Committee is approve the application and under Suspension of the Rules, send the document to the City Solicitor to be placed in proper form for the November 7, 2011 meeting 3-0.**

Order No. 11-1003004A - The Wireless Committee met on 10/11/2011 at 6:55 PM and took up Council Order No. 11-1003004A. Modification of Special Permit 99-8311B. The Project will consist of installing three additional wireless communication antennae and appurtenant cabling and equipment inside and existing stealth flagpole located at 175 Maple St. The diameter of the existing flagpole will be increased from 22" to 28.5". The antennae will be located at a centerline height of 134' and would be completely concealed from view. Members Present: Councilors Clancy, Pope and Landers. Also: City Solicitor Rider. Applicants Present: Atty. Michael Dolan and Stephen Longton Discussion of the changes to the preexisting facility was undertaken by all present and it was determined that the proposal is a modification to the original Special Permit granted under the Order Number 99-8311B. Concern for the possible interference with the communication system located at the Main Fire Station, which is located on the next property on

Maple St. was discussed and the applicant stated that they would work with Mr. Cusson to prevent anything from occurring. Also discussion about the size of the American Flag which is flown at the facility and the prevention from it being flown when it was in need of replacement was heard. The Applicant stated that it was the responsibility of AT&T to fly a flag of proper size commensurate with the size of the pole and to change the flag, when it is beginning to deteriorate. Wording would be added to the new Special Permit Conditions that were not present in 1999. **Recommendation of the Wireless Communications Committee is approve the application and under Suspension of the Rules, send the document to the City Solicitor to be placed in proper form for the November 7, 2011 meeting 3-0.**

Order No. 11-1003018A - The Wireless Committee met on 10/11/2011 at 6:45 PM and took up Council Order No. 11-1003018A. Modification of Special Permit 04-100527B to replace existing four roof top panel antennas and the addition of three new LTE panel antennas for a total count of seven. The proposed antennas will still remain hidden from view and will be concealed within five separate flue pipes with a diameter of twenty eight inches each. Members Present: Councilors Clancy, Pope and Landers. Also: City Solicitor Rider. Applicants Present: Atty. Michael Dolan and Stephen Longton. Discussion of the changes to the preexisting facility was undertaken by all present and it was determined that the proposal is a modification to the original Special Permit granted under the Order Number 08/09-1002083B. No other wireless carriers are now presently on the roof and the flue pipes were to mimic ventilation tubes. Wording would be added to the new Special Permit Conditions that were not present in 2004. **Recommendation of the Wireless Communications Committee is approve the application and under Suspension of the Rules, send the document to the City Solicitor to be placed in proper form for the November 7, 2011 meeting 3-0.**

Order No. 11-1002956D - The Wireless Committee met on 10/11/2011 at 6:25 PM and took up Council Order No. 11-1002956D. The request by AT&T wireless PCS LLC, seeking permission to allow co-location at the 135' level of three (3) LTE (Long Term Evolution) panel antennas onto an existing wireless communication facility tower; one (1) LTE GPS antenna; one (1) 23" LTE rack in the existing equipment shelter and one (1) 3" flex conduit connecting the antennae to the existing equipment shelter. Members Present: Councilors Clancy, Pope and Landers. Also: City Solicitor Rider. Applicants Present: Atty. Michael Dolan and Stephen Longton. Solicitor Rider introduced changes which would streamline the application request and clarify that the proposal is a modification to the original Special Permit granted under the Order Number 08/09-1002083B. This would add wording that would impose new regulations covering the proposed additions to the Site. **Recommendation of the Wireless Communications Committee is approve the application and under Suspension of the Rules, send the document to the City Solicitor to be placed in proper form for the November 7, 2011 meeting 3-0.**

Councilor Clancy, Chairman of the Public Services Committee, orally reported that Order No. 11-1003040, Communication from Veeder-Root regarding Fuel Storage Licenses for Global Station #2483, 270 West Main St. and 656 Boston Post Rd. require no further action from the Committee; therefore can be filed.

Suspension of the Rules requested- granted

ORDERED: WHEREAS for over thirty years the City of Marlborough has been represented on Beacon Hill by a single State Representative and a single State Senator and

WHEREAS that political unity has allowed for effective representation of the entire city's interests on Beacon Hill, and

WHEREAS the population of the City of Marlborough according to the 2010 decennial census is well below the target population for a State Representative District, easily allowing for the continued unity of the City of Marlborough in a single State Representative District.

BE IT RESOLVED that the City Council of the City of Marlborough supports the continued unity of the entire City of Marlborough within a single State Representative District and

BE IT FURTHER RESOLVED that the City Council of the City of Marlborough supports the continued unity of the City of Marlborough within a single State Senate District.

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

Councilor Levy abstained

Suspension of the Rules requested-granted

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 TO THE CITY SOLICITOR TO BE PLACED IN PROPER FORM FOR THE NOVEMBER 7, 2011 MEETING.**; adopted.

Suspension of the Rules requested- granted

ORDERED: That 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., **REFER TO THE CITY SOLICITOR TO BE PLACED IN PROPER FORM FOR THE NOVEMBER 7, 2011 MEETING**; adopted.

Suspension of the Rules requested- granted

ORDERED: That 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., **REFER TO THE CITY SOLICITOR TO BE PLACED IN PROPER FORM FOR THE NOVEMBER 7, 2011 MEETING**; adopted.

Suspension of the Rules requested-granted

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 TO THE CITY SOLICITOR TO BE PLACED IN PROPER FORM FOR THE NOVEMBER 7, 2011 MEETING;** adopted.

Suspension of the Rules requested- granted

ORDERED: That the DPW Engineer's transfer request to fund the new ratified agreement between the City of Marlborough and the DPW Engineer's Union, refer to **FINANCE COMMITTEE;** 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	\$ 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	\$3,977.94	11990006	57820	Reserve for Salaries & Ben.	\$ 461.93	14001103	51920	SLBB, Engineering	\$10,090.00
	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	\$8,897.92	11990006	57820	Reserve for Salaries & Ben.	\$8,897.92	60081001	50850	Treatment Plant Operators	\$166,101.47
	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	\$124,576.90
	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	\$2,742.97	11990006	57820	Reserve for Salaries and Ben.	\$2,742.97	60085001	50910	Chief Plant Operator	\$51,203.80
	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	\$77,946.39
	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	\$46,552.60
	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	\$134,021.90
	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	\$70,128.20
	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	\$2,965.11	11990006	57820	Reserve for Salaries & Ben.	\$2,965.11	14001501	50680	General Foreman, FP&C	\$55,350.75
	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.	\$55,350.91
	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	\$55,350.74
	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	\$54,086.10
	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	\$54,213.10
	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:			
\$516,499	\$ 150.57	11990006	57820	Reserve for Salaries & Ben.	\$ 150.57	14001503	51920	SLBB, FP&C	\$13,615.00	
	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		
Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:			
\$516,499	\$1,000	11990006	57820	Reserve for Salaries & Ben.	\$1,000	60085003	51440	Educational Inc. West Plant	\$4,600.00	

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:			
\$516,499	\$ 38.63	11990006	57820	Reserve for Salaries & Ben.	\$ 38.63	60080003	51310	Overtime, Sewer Service	\$2,469.50	
	Reason:	Funding for Engineers MOA								
\$516,499	\$ 146.11	11990006	57820	Reserve for Salaries & Ben.	\$ 146.11	14001103	51310	Overtime, Engineering	\$1,175.54	
	Reason:	Funding for Engineers MOA								
\$516,499	\$ 569.17	11990006	57820	Reserve for Salaries & Ben.	\$ 569.17	60081003	51310	Overtime, East Plant	\$16,674.22	
	Reason:	Funding for Engineers MOA								
\$516,499	\$ 701.88	11990006	57820	Reserve for Salaries & Ben.	\$ 701.88	60085003	51310	Overtime, West Plant	\$15,888.57	
	Reason:	Funding 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
\$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	\$124,577
Reason: Reorganization of West Plant/MOA					Reorganization of West Plant/MOA				
\$77,946	\$48,584	60080001	50580	Assistant Chemist	\$48,584	60085001	50850	Treatment Plant Operator	\$124,577
Reason: Reorganization of West Plant/MOA					Reorganization of West Plant/MOA				

Suspension of the Rules requested- granted

ORDERED: That the Communication from the Planning Board to recommend favorable recommendation to the City council to accept the subdivision known as Davis Estates, Boivin Dr., **FILE**; adopted.

ORDERED: WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that BOIVIN DRIVE be accepted as a public way

From BOIVIN DRIVE To Terminus and the associated easements, with the exception of the drainage easements on Lots 6, 8, and 9, be accepted as municipal easements as shown on plans thereof and as hereinafter described:

DESCRIPTION

Plan entitled "Acceptance Plan of Boivin Drive and Easements in Marlborough MA, Scale: 40 Feet to an Inch, Date: October 30, 2009, Revised through December 3, 2010, Guerriere & Halnon, Inc., 333 West Street, Milford, MA 01757," recorded herewith in the Middlesex South Registry Of Deeds at Plan Book ____ as Plan ____ Of ____; Title to the roadway known as BOIVIN DRIVE and title to all of the easements, including sight and drainage easements, as shown on said plan has been granted to the City of Marlborough in Quitclaim Deeds from Scott M. McCabe and Kelli-Ann McCabe, Mark A. Cappadona and Traci Vanzini Cappadona as Trustees of J.O.L. Realty Trust, John G. Iannone and Stephanie G. Iannone, and Robert Valchuis to be recorded herewith at the Middlesex County South Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

BOIVIN DRIVE be accepted as a public way, and its associated easements, with the exception of the drainage easements on Lots 6, 8, and 9, be accepted as municipal easements in the City of Marlborough.

Yea: 11- Nay: 0

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

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 Center, refer to the **MAYOR**; adopted.

ORDERED: That the Application of Jean Rabelo, Post Rd. Used Auto Parts, for renewal of Junk Dealer's license at 785 Boston Post Road, **APPROVED**; adopted.

ORDERED: That the Application of Best Buy Stores, LP for Junk Dealer's license at 601 Donald Lynch Blvd., **APPROVED**; adopted.

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

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

FROM:

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

TO:

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

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., **REFER TO THE CITY SOLICITOR TO BE PLACED IN PROPER FORM FOR THE NOVEMBER 7, 2011 MEETING**; 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., **REFER TO THE CITY SOLICITOR TO BE PLACED IN PROPER FORM FOR THE NOVEMBER 7, 2011 MEETING**; 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, **REFER TO THE CITY SOLICITOR TO BE PLACED IN PROPER FORM FOR THE NOVEMBER 7, 2011 MEETING**; 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., **REFER TO THE CITY SOLICITOR TO BE PLACED IN PROPER FORM FOR THE NOVEMBER 7, 2011 MEETING**; adopted.

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



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
City of Marlborough
Legal Department

2011 NOV 17 P 2:23
140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610
LEGAL@MARLBOROUGH-MA.GOV

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

ELLEN M. STAVROPOULOS
PARALEGAL

November 17, 2011

Arthur Vigeant, President
Marlborough City Council
City Hall
Marlborough, MA

RE: Request for Executive Session -
Litigation Strategy in Employee Matter

Dear President Vigeant and Members:

I hereby request that an executive session be scheduled during the City Council meeting scheduled for November 21, 2011. The executive session would be for the purpose of discussing strategy with respect to litigation, as an open meeting may have a detrimental effect on the litigating position of the City of Marlborough.

For your convenience, I have attached a suggested motion.

Thank you for your attention to this matter.

Very truly yours,

Donald V. Rider, Jr.
City Solicitor

Enclosure
cc: Nancy Stevens, Mayor

ORDERED:

It is moved, in conformance with the provisions of section 21(a)(3) of Chapter 30A of the General Laws of the Commonwealth, that the City Council conduct an executive session for the purpose of discussing strategy with respect to litigation, as an open meeting may have a detrimental effect on the litigating position of the City and other defendants, and the chair hereby declares that an open meeting may have that effect. It is further moved and stated that the City Council will re-convene in open session after the executive session.



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
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2011 NOV 17 P 3:15
Robin J. Holmi
EXECUTIVE AIDE
Katherine M. LaRose
EXECUTIVE SECRETARY

November 16, 2011

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

RE: Transfer Request- Other Post Employment Benefits (OPEB)

Honorable President Vigeant and Councilors:

Following the certification of free cash, I am submitting for your approval the following transfer request:

Transfer in the amount of \$1,000,000.00 from account number 1000-35900
(Undesignated Fund) to account number 836000-32726 (OPEB Stabilization).

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

TRANSFER REQUEST

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT		TO ACCOUNT			AMOUNT AVAIL
		ORG C	OBJECT ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	
		Undesignated Fund		OPEB Stabilization			
\$ 7,641,863.00	\$ 1,000,000.00	10000	35900 Undesignated Fund	\$ 1,000,000.00	836000	32726 Stab OPEB	\$ 1,000,000.00

\$1,000,000.00

Reason See Attached request from Mayor



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

RECEIVED

CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Rosa J. Holmi
EXECUTIVE AIDE

2011 NOV 17 P 3:17

Katherine M. LaRose
EXECUTIVE SECRETARY

November 17, 2011

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

RE: Transfer Request – October Nor'easter

Honorable President Vigeant and Councilors:

As you are well aware, the October 29, 2011 nor'easter caused extensive power losses and storm damage throughout the City. In the immediate wake of the storm, I requested that department heads provide their best guess estimates of storm-related expenses. Due in large part to the significant volume of downed trees and limbs, grinding expenses have exceeded estimates. I am submitting the following supplemental transfer request in the amount of \$50,000.00 to cover these expenses:

Transfer in the amount of \$50,000.00 from Account No. 1000-35900 (Undesignated) into account number 11990006-53019 (Halloween Snow Storm).

We anticipate there will be state and federal reimbursement for storm-related expenses.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

TRANSFER REQUEST

Mayor's Office

FISCAL YEAR: 2012

Available Balance	FROM ACCOUNT:				TO ACCOUNT:				Available Balance		
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:			
<u>\$7,641,863.00</u>	<u>\$50,000.00</u>	<u>10000</u>	<u>-</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$50,000.00</u>	<u>11990006</u>	<u>-</u>	<u>53019</u>	<u>Halloween Snow Storm</u>	<u>\$414</u>

Reason: To fund expenses associated with the October 29th snow storm



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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2011 NOV 17 P 3:16

November 16, 2011

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

RE: Transfer Request Ward Mountain

Honorable President Vigeant and Councilors:

Pursuant to the City's agreement with Ward Mountain LLC, the annual payment of \$39,850.24 for the property is now due. To complete this transaction, I am submitting for your approval the attached transfer request:

Transfer in the amount of \$39,850.24 moving funds from account number 83600-11520 (Open Space Stabilization) to account number 1930006-58170 (Open Space Acquisition).

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

TRANSFER REQUEST

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT		TO ACCOUNT			AMOUNT AVAIL
		ORG C	OBJECT	AMOUNT	ORG CODE	OBJECT	
		Open Space Stabilization		Capital Outlay			
\$ 823,422.57	\$ 39,850.24	83600	11520 Open Space Stabilization	\$ 39,850.24	19300006	58170 Open Space Acquisition	\$ -

Reason: To Fund Annual Land Purchase Payment for Mt. Ward

Ward Mountain
782 Boston Post Road
Marlborough, MA 01752
508-229-2488
Fax: 508-624-7054

November 7, 2011

INVOICE

Mr. Tom Able
City of Marlborough
140 Main Street
Marlborough, MA 01752

Dear Mr. Able:

On December 7th, 2011, the annual payment of **\$39,850.24** is due to Ward Mountain, per our agreement.

Please mail the check to the above address.

Thank you in advance for your attention in this matter.

Sincerely,



Korina Z. Peltak
Office Manager



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
RECEIVED MAYOR
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Kasia J. Holmi
EXECUTIVE AIDE
2011 NOV 17 P 4:46

Katherine M. LaRose
EXECUTIVE SECRETARY

November 17, 2011

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

RE: Update Concerning Request for Proposals for a New Senior Center

Honorable President Vigeant and Councilors:

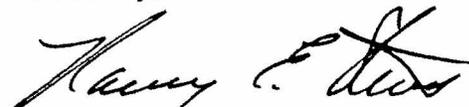
As you know, the City is obligated under section 16 of chapter 30B of the Mass. General Laws to solicit proposals for the purchase or lease-purchase of an existing building, or of vacant land, for the purposes of a new Senior Center. Accordingly, the Chief Procurement Officer advertised the City's Request For Proposals (RFP) in the Central Register on November 16, 2011. The advertisement will run for a minimum of 30 days before proposals are publicly opened on December 20, 2011. The RFP will also be advertised in the Metrowest Daily News once a week for two consecutive weeks prior to December 20, 2011.

After proposals have been opened, a committee formed by the Mayor will evaluate each submission for responsiveness to the RFP, including price and whether it meets or exceeds the criteria set forth in the RFP. The expertise of certain outside professionals may be required during the evaluation period, including an appraiser and an architect or engineer. After evaluations are completed, the Chief Procurement Officer will identify to the Mayor the most advantageous proposal. The Mayor will recommend a property to the Council, and will also request an appropriation for the purchase or lease of the property (or will recommend that all proposals be rejected).

In accordance with the RFP, an award of contract and subsequent execution of a Purchase and Sale Agreement, or a Lease With An Option To Purchase, is contingent upon an appropriation by the City Council. The Chief Procurement Officer, however, must make a notice of award within 180 days of December 20, 2011, as specified in the RFP, unless the time period is extended.

As always, please feel free to call with any questions or concerns. Thank you for your attention to this matter.

Sincerely,


Nancy E. Stevens
Mayor



City of Marlborough
Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

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

LEGAL@MARLBOROUGH-MA.GOV

DONALD V. RIDER, JR.
CITY SOLICITOR

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

ELLEN M. STAVROPOULOS
PARALEGAL

NOV 17 2 38 PM '11
November 17, 2011

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

Re: Requested Conveyance of Two Parcels of Municipal Property Off Pleasant Street

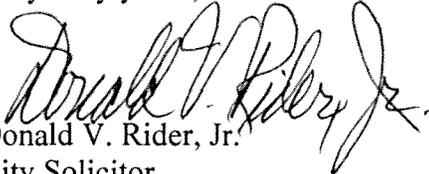
Dear President Vigeant and Members:

Gregory Mitrakas, Sr., Trustee of 882 Pleasant Street Realty Trust, 297 East Main Street, Marlborough, MA, has submitted to the City a request to purchase all of the City's right, title and interest in two parcels of municipal property off Pleasant Street. I am informed that Mr. Mitrakas wishes to purchase the land in order to provide himself with sufficient legal frontage on Pleasant Street relative to an abutting piece of property owned by the Trust. The parcels are depicted as Parcel 1 (1,964 sq. ft.) and Parcel 2 (9,304 sq. ft.) on the attached plan prepared by Bruce Saluk & Associates, Inc. last revised on July 1, 2011.

A proposed order will be prepared for consideration by the relevant Council committee. The order will consist in part of a discontinuance of Parcel 1 as a public way, since Parcel 1 lies within the former layout for Pleasant Street. The order will also consist of a Council declaration, pursuant to MGL c. 30B, § 16, that the municipal property is available for disposition by sale. Next, the order will contain language that will enable the Council to set the minimum price to be paid pursuant to a determination of the assessed value by the City Assessors, as well as language that will authorize the Mayor to negotiate such larger amount and such terms as the Mayor shall consider proper that would maximize the total economic return to the City. Note that the price the City will receive for the sale is distinct from the assessed value of the property.

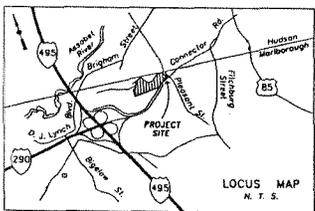
Thank you for your attention to this matter.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: Nancy Stevens, Mayor
Ronald LaFreniere, Commissioner of Public Works
Daniel Brogie, Assistant Assessor
Beverly Sleeper, Chief Procurement Officer
Gregory Mitrakas, Petitioner

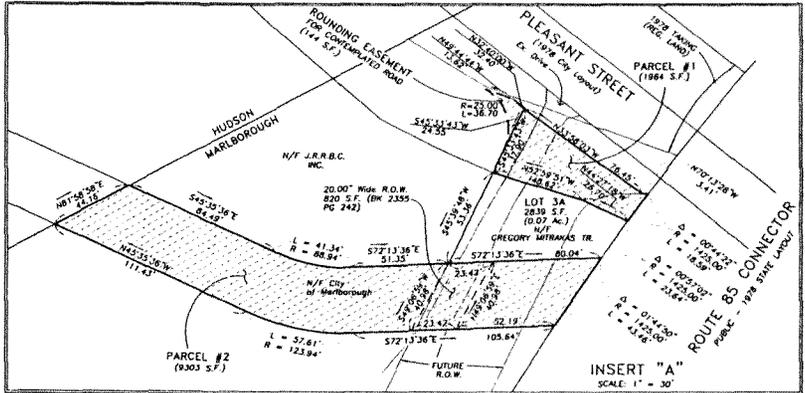
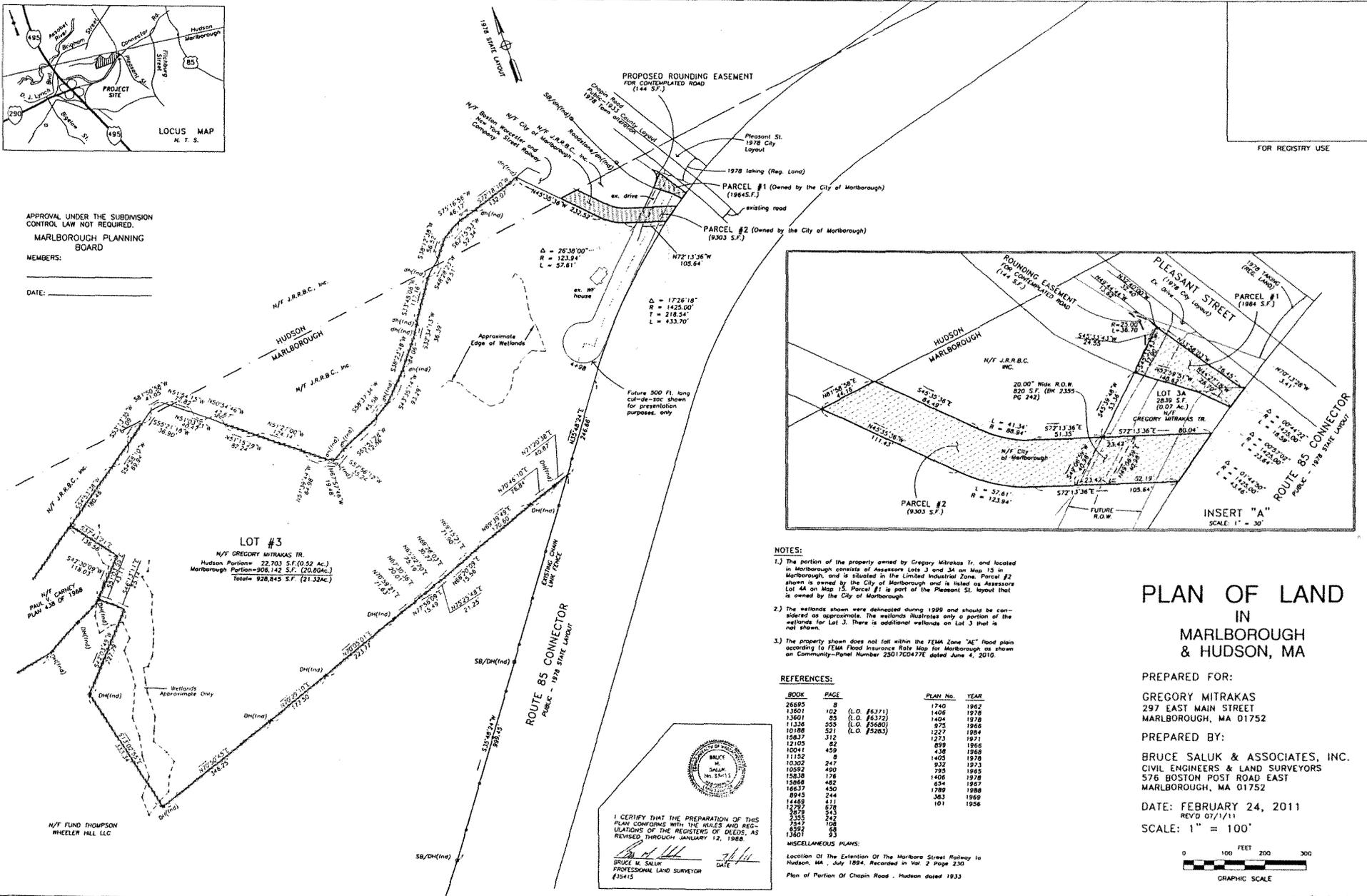


APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED.

MARLBOROUGH PLANNING BOARD

MEMBERS:

DATE: _____



- NOTES:**
- 1.) The portion of the property owned by Gregory Mitrakas Tr. and located in Marlborough consists of Assessor Lots 3 and 3A on Map 15 in Marlborough, and is situated in the Limited Industrial Zone. Parcel #2 shown is owned by the City of Marlborough and is listed as Assessor Lot 4A on Map 15. Parcel #1 is part of the Pleasant St. layout that is owned by the City of Marlborough.
 - 2.) The wetlands shown were delineated during 1999 and should be considered as approximate. The wetlands illustrates only a portion of the wetlands for Lot 3. There is additional wetlands on Lot 3 that is not shown.
 - 3.) The property shown does not fall within the FEMA Zone "AE" flood plain according to FEMA Flood Insurance Rate Map for Marlborough as shown on Community-Plan Number 2301PCD472 dated June 4, 2010.

REFERENCES:

BOOK	PAGE	PLAN No.	YEAR
26695	8	1740	1967
13601	102 (L.O. #6271)	1406	1976
13601	85 (L.O. #6372)	1404	1976
11536	253 (L.O. #5600)	975	1966
10198	521 (L.O. #5283)	1227	1984
19637	312	1273	1971
12105	82	899	1966
10041	459	1402	1976
11152	87	436	1966
10302	247	932	1973
10592	490	785	1965
15838	176	1406	1976
13668	462	654	1967
16637	450	1789	1988
89145	244	363	1988
14489	411	101	1988
12719	678		
9579	543		
1315	247		
2517	108		
6352	68		
13601	93		

MISCELLANEOUS PLANS:

Location Of The Extension Of The Marlboro Street Railway to Hudson, MA, July 1884. Recorded in Vol. 2 Page 230

Plan of Portion Of Chapin Road - Hudson dated 1933

I CERTIFY THAT THE PREPARATION OF THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS, AS REVISED THROUGH JANUARY 12, 1908.

Bruce Saluk
 PROFESSIONAL LAND SURVEYOR
 #35415

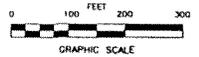
DATE: 7/6/11

PLAN OF LAND IN MARLBOROUGH & HUDSON, MA

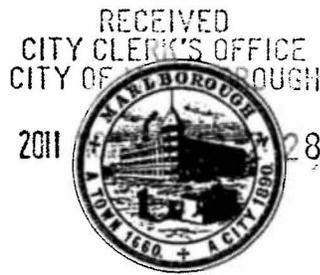
PREPARED FOR:
GREGORY MITRAKAS
 297 EAST MAIN STREET
 MARLBOROUGH, MA 01752

PREPARED BY:
BRUCE SALUK & ASSOCIATES, INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 576 BOSTON POST ROAD EAST
 MARLBOROUGH, MA 01752

DATE: FEBRUARY 24, 2011
 REVD 07/1/11
 SCALE: 1" = 100'



City of Marlborough
Commonwealth of Massachusetts



November 9, 2011

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

PLANNING BOARD

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

Carrie Lizotte, Board Secretary
Phone: (508) 460-3769
Fax: (508) 460-3736
Email: CLizotte@marlborough-ma.gov

RE: Proposed Zoning Amendment
650-26 (1) (a)

Dear Mr. Vigeant:

At its regular meeting on Monday, November 7, 2011, the Planning Board took the following action:

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

To send a **negative** recommendation to the City Council on the proposed amendment to Chapter 650-26 (1)(a) of Code of the City of Marlborough, Affordable Housing.

The Board Members were concerned when they asked the CDA if they were in favor of the amendment as proposed, however they were not in favor. The CDA stated in the enclosed letter of the changes they would be in favor of, which the Planning Board would consider, if the suggested changes are made to the amendment.

Sincerely,

Barbara L. Fenby
Chairperson

/cal

Cc: City Clerk
File

Lizotte, Carrie

From: Lynn faust [lynn.faust@verizon.net]
Sent: Monday, November 07, 2011 4:00 PM
To: Lizotte, Carrie
Cc: 'Steve Vigeant'; 'Eric'; 'Joyce'; Stevens, Nancy
Subject: CDA response to Planning Board

Dear Chairman Fenby and Planning Board Members:

With this email I respond on behalf of the Marlborough Community Development Authority, which took up the matter of a proposed amendment by Arthur Bergeron at its meeting of October 27, 2011.

The CDA voted unanimously to affirm the following three points:

- ❖ That the CDA is not in favor of the proposal to amend 650-26 (A)(1)(a) as written in the legal notice announcing the Planning Board meeting of Oct. 3, 2011.
- ❖ That the CDA would be in favor of the amendment if the last sentence ended with "...as affordable housing units in the SHI." In other words, that the last part of the last sentence in the amendment is dropped. The reasoning for this is that the CDA believes that Marlborough's housing inventory should spread affordable units as evenly as possible throughout the city.
- ❖ That, if the above change is not made to the amendment, that the CDA would consider the amendment as improved if the last sentence would read, "... or a sum not less than the amount necessary, in the opinion of the CDA, pursuant to its input into the special permit process, to cause the construction of said number of affordable housing units plus 18% for administrative expenses, shall be paid to the Community Development Authority at such time as the city council shall determine."

I regret that I have another meeting on the evening of Nov. 7 to attend, and cannot be present personally to answer your questions. If you have any questions before 6:30 PM tonight, you may call me on my cell phone at 508-736-5229.

Sincerely,

Lynn Faust
Vice Chair, Marlborough Community Development Authority

City of Marlborough Commonwealth of Massachusetts



September 15, 2011

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

RE: Fiddlehead Open Space
Road Acceptance
Perry Lane

Dear Mr. Vigeant:

At its regular meeting on Monday, September 12, 2011, the Planning Board took the following action:

To send correspondence to the City Council that the Planning Board endorsed the acceptance of Perry Lane on August 1, 2011.

Sincerely,

A handwritten signature in cursive script that reads 'Barbara L. Fenby'.

Barbara L. Fenby
Chairperson

/cal

Cc: R. Paul Faxon
City Engineer
file

PLANNING BOARD

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

Carrie Lizotte, Board Secretary

Phone: (508) 460-3769

Fax: (508) 460-3736

Email: CLizotte@marlborough-ma.gov



IN CITY COUNCIL

Marlborough, Mass., AUGUST 29, 2011

ORDERED:

That the Communication from R. Paul Faxon re: Acceptance of Perry Lane as a Public Way, be and is herewith refer to **CITY SOLICITOR, PLANNING BOARD & PUBLIC SERVICES COMMITTEE.**

ADOPTED

ORDER NO. 11-1003005

MIRICK O'CONNELL

A T T O R N E Y S A T L A W

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 NOV 15 P 1:21

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

November 15, 2011

VIA HAND DELIVERY

Hon. Nancy Stevens, Mayor
City of Marlborough
City Hall
Marlborough, MA 01752

Re: Notice of Application for Site Eligibility

Dear Mayor Stevens:

Pursuant to the provisions of 760 CMR 56, my client, Marlborough/Northborough Land Realty Trust, hereby notifies you and, through a copy hereof, the Marlborough City Council of its intention to file, after January 1, 2012, an application for site eligibility to apply for a comprehensive permit for the construction of 290 units of affordable housing on a site between Glen Street and Ames Street, further described on Assessors Map 89 Parcel 3B. A copy of the proposed conceptual plan is enclosed. My client would be happy to meet with you or your staff at any time to obtain your input in this matter before we file.

Very truly yours,



Arthur P. Bergeron

APB/alm
Enclosure

cc: Marlborough City Council
Lisa M. Thomas, City Clerk

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

November 10, 2011

City Council
ATTN: Karen Boule
City of Marlborough
140 Main Street
Marlborough, MA 01752

RE: *Re-schedule hearing date*
157 Union Street, Marlborough, MA
450-460 Boston Post Road, Marlborough, MA

Applicant: *Sprint (“Sprint”, the “Applicant”)*
1 International Blvd. Suite 800
Mahwah, NJ 07495

Ms. Boule,

As per our conversation, I am requesting that the December 5, 2011 hearing scheduled for the sites mentioned above be cancelled. Please re-schedule these to the first available regular scheduled hearing in January.

Please note, that we acknowledge that the address for the Union Street site is incorrect. We will revise to reflect 157 Union Street and supplement the application.

Thank you for your attention to this matter. Please feel free to contact me if you have any issues or concerns.

Respectfully,

/s/ Rossella Mercuri

Rossella Mercuri
CDavis Associates
Agent for Sprint

66-H CONCORD STREET



November 10, 2011

City Council
ATTN: Karen Boule
City of Marlborough
140 Main Street
Marlborough, MA 01752

RE: *Re-schedule hearing date*
157 Union Street, Marlborough, MA
450-460 Boston Post Road, Marlborough, MA

Applicant: *Sprint ("Sprint", the "Applicant")*
1 International Blvd. Suite 800
Mahwah, NJ 07495

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Respectfully,

/s/ Rossella Mercuri

Rossella Mercuri
CDavis Associates
Agent for Sprint

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 NOV -7 A



**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, September 27, 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 Assistant Civil Engineer Mark Dascoli. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Tuesday, August 30, 2011.

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

2-New Business

2a. Communication from Sgt. Ney, re: Belmont St. parking

Sgt. Ney, from the midnight shift, indicated that when cars are parked across from each other on opposite sides of the street there is no room to get a cruiser through. Chief Leonard advised that he drove by this area and observed the same thing. This issue has come up in the past; however, the Commission thought that it had rectified itself when several issues concerning residents had been addressed. Parking on both sides is currently allowed, however, the raised granite curbing makes it difficult to get a cruiser through never mind another emergency vehicle. Engineering put together a map a few months ago with a recommendation for parking on only one side. Chief Leonard asked if Engineering could “resurrect the recommendation” and bring it to the next meeting for further discussion.

MOTION was made, seconded, duly VOTED to TABLE this item and keep it as new business for the next meeting.

2b. Communication from Councilor Clancy, re: Clinton St. speed issues.

Mr. David Cormier, resident of Old Charter Road, is very concerned about this issue. His property has been damaged twice within one year by vehicles driving too fast on Clinton Street and losing control. He made several suggestions in his correspondence as to how he felt this issue could be helped i.e. warning signage that dangerous curve approaching and a change in speed limit. He indicated that the Thickly Settled 30mph is “much too fast and dangerous for this type of road”.

Chief Leonard commented that we may be looking at a speed study here, however, it is unlikely that it would result in a lower speed limit. Warning signage alerting drivers to the sharp turn may be an option.

Ron LaFreniere recalled that there was a guard rail here in the past. He is not 100% sure what happened to it. He commented that this is not the first time the Commission has discussed this location. He feels that the guardrail is the only mechanism that would actually prevent damage to the homeowner’s property. This was not mentioned in Mr. Cormier’s correspondence. He may not want this for appearances.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING for recommendations on improved signage that can be presented at next meeting.

3-Old Business

3c. Stop signs on Bigelow Street.

Chief Leonard advised that he is still not sure what to do with this issue. The group talked about finding funding for solar powered speed signs, however, there does not appear to be any funding on the horizon. All agreed that the solar powered signs do cause people to slow down. One’s first reaction is to take your foot off the gas pedal. It was discussed that this type of sign would have more of any effect on the “out of towners” that travel this route to the NESC than on the daily commuters or residents. All are in the mindset that some of the signs should come down.

The group is trying to determine the next best step to take. Chief Leonard said that he was looking for suggestions. He mentioned that he e-mailed Councilor Pope some time ago but that he has not yet heard back. It is OK to table this issue until something can be done on funding. Fire Chief Flynn commented that it could be several years before any funding was available. Ron LaFreniere said that part of the problem is that the Commission really hasn’t made a formal request for funding. The reality is that it is the obligation of the City to take care of this issue not necessarily to obtain private funding. We need to make a formal request to the Capital Program for funding for the signs. Chief Leonard commented that we have missed this cycle for capital funding and will now have to wait. Tim Collins indicated that the signs cost \$10,000 each. Chief Leonard said that he would make some calls for quotes. Fire Chief Flynn asked about options. Are there different prices if installed on an existing pole vs. free standing etc.

Tom Cullen asked if there was any mitigation money available from the mall or the new rink at NESC. Chief Leonard said there was nothing with the new 6th rink.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to take affirmative steps to confirm the funding request with the mayor.

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

Chief Leonard prepared the proposed wording for the amendment to the Rules and Regulations that would add the School Zone on Forest Street. He wants to be able to go to AMSA and give them the regulation and advise them that they can now go ahead and install the appropriate signage. Tim advised that there is a better way to describe the location of the school zone under "limits". He will forward the specifics to Chief Leonard so that he can revise it for the next meeting.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to revise the wording in the regulation, as per the specifications that Tim Collins will forward to him.

3g. Mauro Farms subdivision stop signs and crosswalks.

3h. Cook Lane stop signs and crosswalks.

These two items discussed together:

Chief Leonard prepared the two new regulations for discussion and vote. One regulation is for crosswalk locations, the other is for stop signs. In Mauro Farms all stop signs are at T-Intersections and therefore all are warranted. Tim commented that the stop signs are actually already there but there were no regulations to support them. However, two of the streets listed on the regulation, Reagin Lane and Nolan Way, are not even constructed yet. Ron questioned the timing on this. Tim Collins said that the subdivision map shows these streets and there is the possibility that people will be living there this winter. Ron said that this is a private way until the City accepts it and we would require a grant-of-authority from the developer for this area. Chief Leonard advised that he can pull these 2 streets out of the regulation and have the developer give the grant-of-authority.

It was discussed that only one of the crosswalk locations is actually inside of the subdivision. Nolan Way, Reagin Lane and Spencer Circle will be taken out of the regulation for Crosswalk Locations. They will be added when the streets are actually completed. One additional street, with a crosswalk on Farm Road at Eldorado, will also be added. Also the crosswalk on Cook Lane at Hildreth Street was taken out when Cook Lane was reconstructed in 2002. It was moved to a better location.

The group voted on the two new regulations, with the specific streets removed for now until they are completed. 1) Regulation for 10 stop signs with T-intersections at Cook Lane and one at Cook Lane and Farm Rd – All in favor. 2) Regulation for 12 new crosswalks locations – All in Favor. The Group also voted on the regulation to delete the crosswalk location on Cook at Hildreth – All in Favor.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to revise the two regulations as outlined above.

3d. Traffic Commission rules and regulations update.

Chief Leonard advised that General Code has everything they need from us at this point. We are waiting to hear back from them.

Ron LaFreniere questioned whether or not there would be a mapping component when the additions go to General Code. There are three main areas that come to mind: 1) Downtown Parking 2) Parking at the High Scholl and other schools 3) Parking at Ghiloni Park. These three areas are all better referenced by a map. A visual is much clearer than 40 difference regulations. Lisa Thomas said that since General Code is starting from scratch she would think that they could do whatever we wanted. Chief Leonard commented that there could be reference made to a map number after specific regulations. Ron advised that there is no problem producing the maps for General Code and we can commit to any changes that are necessary. General Code is simply compiling any reference material we give them. Ron said that it all comes down to making sure that the maps match the regulations exactly so there is a proper visual available for reference. Tin Collins can forward the maps that we want to use as reference to Chief Leonard so that he can take this issue to General Code and see what it entails.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to discuss maps with General Code. This item will remain on the TABLE as we are still waiting for information from the initial request to General Code.

3f. Request for crosswalk on Farm Rd at El Dorado Dr.

As discussed under **Section 3g and 3h (Mauro Farms and Cook Lane)**, this specific crosswalk will be added to the regulation for "Crosswalk locations".

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to prepare the regulation as previously discussed.

3i. Communication from Michael Manning.

Tom Cullen advised that he has not yet had an answer from the DOT on this issue

MOTION was made, seconded, duly VOTED to TABLE.

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.

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, September 27, 2011

-Includes the following attachments:

- *City of Marlborough Meeting Posting.
 - *E-mail from Sgt. Ney to Chief Leonard, dated 9/14/11, re: Belmont Street.
 - *Correspondence from Dave Cormier to Councilor Clancy, dated 9/19/11, re: Clinton Street Traffic Speed.
 - *E-mail from Councilor Clancy to Ron LaFreniere and Chief Leonard, dated 9/18/11, re: Clinton Street Corner.
 - *Proposed Amendment to Rules and Regulations Manual regarding school zone on Forest Street.
 - *Proposed Amendment to Rules and Regulations Manual regarding Stop Signs on various streets intersecting with Cook Lane and Farm Road.
 - *Proposed Amendment to Rules and Regulations Manual regarding Crosswalks at various intersection locations.
 - *Proposed Amendment to Rules and Regulations Manual regarding Deletion of Crosswalk on Cook Lane at Hildreth Street.
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**City of Marlborough
Conservation Commission
Minutes**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2011 NOV 15 A 11:13

September 15, 2011
Memorial Hall, 3rd floor, City Hall
7:00 PM

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

Absent: Michele Higgins and Dave Williams

Amend Order of Conditions

- DEP 212-1033 63 Boivin Dr. (Lot 10) - Minor Amendment to Order of Conditions. (Dennis Demers abstained from this discussion due to a conflict of interest.)

Mr. Cappadona was present and explained that his Engineer, Tom Dipersio Jr. had submitted a letter explaining the minor change needed to install a permanent discharge pipe from the geothermal well they had drilled. Mr. Clancy read the letter from Mr. Dipersio Jr. dated September 8, 2011 which outlined the request. Mr. Cappadona explained that the well was drilled last spring and has been running through a temporary piping system since then. At first they thought the well might reach equilibrium and not run. But that has not been the case and a permanent discharge location is needed. He showed the Commission a plan dated March 23, 2011 showing the discharge location which will be through the buffer zone to the edge of the wetland. The Commission asked whether this would impact the pond freezing. Mr. Cappadona said it may make this upper part of the pond not freeze, but they are aware of that. Ms. Ryder explained that the discharge pipe also requires a discharge permit from DEP which is about to be approved, but the state wanted to be sure the pipe location and installation was first approved by the local conservation commission. Mr. Cappadona explained that the well is 680' deep and is constantly flowing by gravity down to the pond. The grade difference is significant, so no back flow preventer is needed.

The Commission, having no further questions closed the hearing and on a motion from Mr. White and second by Mr. Skarin voted 4-0 to approve the changes as minor amendments to the Order of Conditions. Ms. Ryder was asked to send a letter of approval from the Commission and send a copy to DEP. (Note Dennis Demers did not participate in this discussion)

Discussion and Other Business:

- Ft. Meadow Drawdown – Request for Nov. 1, 2011 – Ft. Meadow Commission, Lee Thomson - Lee Thomson was present as Chairman of the Ft. Meadow Commission. He explained that the consultant Aquatic Control Technologies, the city has hired to do the weed control, have recommended that the lake be drawn down to help control the weeds and the Asian Clam. The drawdown is requested to start on November 1st to allow for boater use through the month of October.

Mr. Thomson explained that he had attended the Hudson Conservation Commission meeting two weeks ago and the Hudson Commission had approved this request. The Commission, having no other questions on a motion by Mr. White and seconded by Mr. Skarin voted unanimously to approve the drawdown from Nov. 1, 2011 to March 1, 2012.

- Flagg Brook Wildlife Mgt. Area – Agreement with Dept. of Fisheries and Wildlife (DFW) - Ms. Ryder explained that in the past few weeks through her discussions with Dept. of Fish and Wildlife's Ms. Pat Huckery decided that it would be best if the DFW managed the 54 acres of newly acquired land themselves rather than entering into any kind of license agreement with the Commission. Ms. Ryder noted that the city owns a 22 acre parcel of land north of this site and another 21 acre parcel of land to the southwest of this parcel. The Commission discussed how best to manage the two parcels. Ms. Ryder noted that the DFW has indicated they would allow full hunting on the 54 acres of land. However, the City parcels are closer to residential areas and may not be suitable for this activity. Mr. White indicated that he is concerned with hunters in close proximity to the neighborhoods; he feels it is too close. Mr. Roy said that DFW does a good job at education and communication for their properties and he feels that it would be OK to hunt on this property. Ms. Ryder noted that the state is encouraging communities to allow hunting, even if it is just bow and arrow, since the deer population is growing exponentially and harming the forest by foraging too many of the small saplings. The Commission asked Ms. Ryder to talk to the Police Chief and get his input on this matter before they make any decision on whether to allow or not allow hunting on the city's conservation land.
- 2011 Turtle Survey Summary for Project Partners - Ms. Ryder noted that the report for the Turtle Survey done at the Desert Natural Area has been completed and that it revealed a healthy population of turtles in this area including a few species that are species of special concern. The members each received a copy of the report titled: 2011 Turtle Survey Summary for Project Partners and dated August 2011.

Certificate of Compliance

- DEP 212-997 Regency at Assabet Ridge – Full Certificate - As explained in the letter from William Keating of Toll Brothers dated August 12, 2011, the work related to this subdivision that lies within the 100 ft. buffer zone has been completed and they were requesting a Certificate of Compliance to close out the project. However, Ms. Ryder noted that this project was the subject of a violation notice after the most recent rain event and much muddy water left the detention basin and made its way to the stream and pond below. The Commission decided that given this existing condition and much additional activity is to continue on the site, that they would prefer to keep this file open until the site is stabilized to the Commission's satisfaction. The Commission asked Ms. Ryder to send a letter explaining that a full Certificate of Compliance had been denied and that an Extension Permit would be considered for the next meeting.

- DEP 212-528 - #94 unit 62 Crystal Brook Condo Association - Partial Certificate of Compliance - This is an old filing and one of the condos is being sold and this Order of Conditions is still bound to the deed. All work has been completed and the only outstanding item is the submittal of an as-built plan. The Commission indicated they would release this unit under a partial Certificate of Compliance, but requested that Ms. Ryder contact the Condo Association to request that they request a full Certificate of Compliance for this Order of Conditions to close out this file.

Correspondence/Other Business

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

- OARS (the Assabet, Sudbury and Concord Rivers) 25th Annual River Cleanup – Sat. 9/17/2011 – 9:00 a.m. – noon.
- MACC Fall Conference

Project Updates and Wetland Violations:

Wetland Violations: Violation notices were submitted to the following project locations. Copies of the violation letters were provided to the Commission for review. Comments were made as follows:

- 656 Farm Rd. – Fill violation - Ms. Ryder asked the Commission to view this property before the next meeting. The applicant has been asked to cease all work at the rear of the house until the Commission has reviewed the Notice of Intent to be heard on the Oct. 6th meeting.
- 56 Concord Rd. – Silt washing off the site - Several Commission members had seen the washout that occurred from this site and drained into the street drain and into the stream which flows through the Country Club. The site has since been hydro seeded and should be stabilized.
- 340, 342, & 358 Berlin Rd. – New Hope Community Church – Small washout - This washout should be repaired. Ms. Ryder asked the Commission how they would like to handle this. The Commission suggested that Ms. Ryder send a letter to the church informing them that some repair is needed to prevent further washouts which will occur when large storms arrive. Ms. Ryder will send a letter.
- CrowleyDr. – Toll Bros. - During the Sept. 8th storm event mud left the site from the detention basin into the adjacent wetland. Ms. Ryder required that Toll Brothers' site manager identify the problem and correct it, so this doesn't happen again. They did inspect the drain pipes and found them to be full of silt and indicated the pipes would be cleaned immediately.
- Crowley Dr. – Vestas site - During the Sept. 8th storm event muddy water left the site and entered the wetland system and flowed under the bike path. The site contractor was very responsive and corrected the problem immediately.

Conservation Land:

- Felton Conservation Land – Tree clearing updates and discussion - Ms. Ryder said that she walked the areas to be cleared with a company called The Axe Brothers who have provided a quote on the clearing project to bring the fields back to the stone walls. The cost is slightly more than the funds we have, so

Ms. Butler has agreed to pitch in another \$1,300 as long as the city can spray the bittersweet and poison ivy to keep it at bay until the hay can grow and be cut and maintained. The Commission agreed to pay the cost of the herbicide and asked Ms. Ryder to get two more quotes from tree clearing companies to be sure the bids are competitive. They also authorized an additional \$500 to be spent to get more of the fields cleared if that is needed once the bids come in. Ms. Ryder will do so.

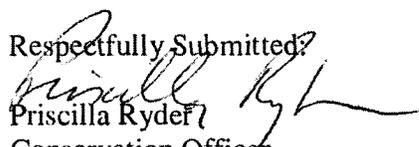
Other Business

- **Wilkins Way cul-de-sac** - Ms. Ryder explained that she met with the (DPW) at Wilkins Way to discuss the drainage problem they have been experiencing. The end of the cul-de-sac is about at the same elevation as the wetland. During the spring and winter months the cul-de sac is under water. There are two ways to address this; rebuild the cul-de-sac, so the existing drainage catch basins work to collect the water, or dig a trench in the wetland until a positive grade is found which will help to convey the water. The Commission noted they needed more information about the grades before they can give an opinion on which option seems more acceptable to them. Ms. Ryder will let DPW know.
- **Kirby Street** - Ms. Ryder noted that during the past storm event the (DPW) was called out to check the drains on Kirby Street. They found several of them to be clogged which discharge into the wetland. Some work to open up the pipes had to be done in the wetland to clear this blockage. During this process they noticed that a great deal of dumping has been occurring over this wetland slope which will need to be cleaned up. Ms. Ryder will send a letter to the owner to begin this process and ask that they attend the next meeting.
- **Assabet River Rail Trail repair** - An Eagle Scout will be doing repairs on the guardrail between Ash and Fairbanks/Boston Scientific Way on Sept. 17th.
- **Hosmer St. sewer line break** - Mr. Clancy and Mr. Demers indicated they had seen the leak on Hosmer St. Saturday morning, Sept. 17th and it was gushing at 7:00 AM. They both indicated that it looked like some raw sewerage entered the stream. Ms. Ryder said she had followed up with Mr. Lavallee at the DPW and his crew had told him nothing reached the stream. Mr. Clancy and Demers indicated that they had spoken to Mr. Clark on site and he had added chlorine to the roadway as a disinfectant. Ms. Ryder will follow up with the DPW to be sure that the proper notification to DEP and protocol were met if discharge made it to the stream.

Meetings – Conservation Meetings – October 6, 2011 and October 20, 2011 (Thursdays)

Adjournment

Respectfully Submitted,


Priscilla Ryder

Conservation Officer