

1. Minutes of the City Council Meeting, April 26, 2010.
2. PUBLIC HEARING: On the proposed Zoning Map amendment from The Gutierrez Co. established by Chapter 650, Zoning Article III, Establishments of Districts Section 650-8 "Boundaries Established; Zoning Map". Said map is amended by extending the Business District shown on the City of Marlborough Massachusetts Zoning Map by including in said Business District all of Map 78, Parcels 12, 38, and 39 and Map 89, Parcel 77 of the City of Marlborough Massachusetts Assessor's Map, Order No. 10-1002512.
3. PUBLIC HEARING: On the Application for Proposed Comprehensive Special Permit from the Melanson Development Group, Inc. to allow preservation and adaptive reuse of the Walker home on Framingham Rd. while also allowing construction of 17 new homes, Order No. 10-1002516.
4. Communication from the Mayor re: proposed FY2011 budget.
5. Communication from the Mayor re: Board of Health transfer request in the amount of \$2,000.00 which moves funds from Prof/Tech to Contract Nursing to fund contract nursing for the remainder of the fiscal year.
6. Communication from the Mayor re: Veterans' Services transfer request in the amount of \$5,000.00 to meet unanticipated costs associated with veterans' medical benefits covered under MGL, Chapter 115.
7. Communication from the Mayor re: Library transfer requests in the amount of \$4,000.00 as follows to meet payroll requirements for part-time library clerks:  
\$2,000.00 from Pages to Part-time Library Clerks,  
\$2,000.00 from Full-time Library Clerk to Part-time Library Clerks.
8. Communication from the Mayor re: transfer request in the amount of \$324.00 from Inaugural Expense to Dues and Subscriptions to meet known expenses through the end of the fiscal year.
9. Communication from the Mayor re: Personnel transfer request in the amount of \$3,000.00 from Medical Exams as follows to meet variable expenses associated with advertising and training requirements as follows:  
\$1,000.00 to Advertising,  
\$2,000.00 to Conference & Training.
10. Communication from the Mayor re: Retirement Benefits transfer request in the amount of \$31,308.63 to fund benefits associated with an employee's retirement:  
\$5,620.63 from Fringes to Sick Leave Buy Back,  
\$25,688.00 from COA Nurse to Sick Leave Buy Back.
11. Communication from the Mayor re: temporary appointment of Jack Gracey to the position of Acting Director of the Council on Aging effective May 3, 2010 for a period of up to 60 days.
12. Communication from the Mayor re: appointments of Debra Foster-Smith and Kelly French and reappointments of Peggy Ayres, Rosalind Baker, Brent DeBraga and Tony Evangelous to the Marlborough Youth Commission with three year terms from date of confirmation.
13. Communication from Massachusetts Electric Company d/b/a National Grid re: Condensed Annual Return.
14. Communication from Mosquito Control Project re: Launch of a Tire Collection and Recycling Program.
15. Application of Tony Bitar, d/b/a Hannoush Jewelers, for Junk Dealer's license at 601 Donald Lynch Blvd.
16. Minutes, Traffic Commission, March 30, 2010.
17. Minutes, Planning Board, April 5, 2010.
18. CLAIMS:
  - A. Bradford Lewis, 15 Gordon St., Shrewsbury, pothole or other road defect
  - B. Micaela Connor, 297 Desimone Dr., pothole or other road defect
  - C. Harold Morse, 5 Red Spring Rd., other property damage and/or personal injury
  - D. Lynn McClay, 49 Teller St., pothole or other road defect

## REPORTS OF COMMITTEES:

## UNFINISHED BUSINESS:

**From Finance Committee**

19. **Order No. 10-1002509 – Transfer \$10,000.00 in DPW Fleet Accounts.** The Finance Committee reviewed the Mayor's letter dated March 31, 2010 requesting the transfer of \$10,000.00 from the DPW Fuel & Lubricants account to the Repair/Maintenance Supplies account. **Recommendation of the Finance Committee is to approve 4-0.**
  
20. **Order No. 10-1002510 - Transfer \$106,915.00 within the Public Facilities Department.** The Finance Committee reviewed the Mayor's letter dated March 31, 2010 requesting multiple intradepartmental transfer requests in the amount of \$106,915.00 for the Department of Public Facilities. **Recommendation of the Finance Committee is to approve 4-0.**
  
21. **Order No. 10-1002511 - Transfer \$11,300.00 from Senior Chemist Account to Pumping Station Maintenance and Interim Foreman Accounts.** The Finance Committee reviewed the Mayor's letter dated March 30, 2010 requesting the transfer of \$11,300.00 from Senior Chemist Account to the Pumping Station maintenance account (\$10,100.00) and the interim foreman account (\$1,200.00). All accounts are in the DPW Sewer account. **Recommendation of the Finance Committee is to approve 4-0.**



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

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

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

**APRIL 26, 2010**

Regular meeting of the City Council held on Monday, APRIL 26, 2010 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Vigeant, Delano, Ferro, Elder, Clancy, and Landers. Absent were: Pope, Juairé, & Seymour. Meeting adjourned at 10:25 p.m.

ORDERED: That the minutes of the City Council Meeting April 5, 2010, **FILE AS AMENDED**; adopted.

ORDERED: That the Council President recognized Boy's Scout Pack 42, **FILE**; adopted.

ORDERED: Now being the time set for the PUBLIC HEARING On the Petition from Massachusetts Electric Co. and Verizon New England, Inc. to relocate P.22 and P.23 on Forest St. due to a city road widening project, all were heard who wish to be heard, hearing recessed at 8:05 p.m.; adopted.

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

ORDERED: Now being the time set for the PUBLIC HEARING On the Petition from Massachusetts Electric Co. and Verizon New England, Inc. to relocate P.35 and P.37 3' ± from present location to back of sidewalk due to a city road widening project on Forest St., all were heard who wish to be heard, hearing recessed at 8:07 p.m.; adopted.

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

ORDERED: Now being the time set for the PUBLIC HEARING On the Petition from Massachusetts Electric Co. and Verizon New England, Inc. to install new P.48 45' ± west of existing P.48 and install intermediate P.47-50 120' ± west of existing P.47 for the purpose of moving P.48 out of the proposed future road entrance on Forest St., all were heard who wish to be heard, hearing recessed at 8:09 p.m.; adopted.

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

ORDERED: Now being the time set for the PUBLIC HEARING On the proposed Zoning Change from Moss Development, to request that City Council amend Chapter 650 of the Code of the City of Marlborough, by adding, in the Table of Lot Area and Yard Requirements for Open Space Development that is part of section 650-28.E(3), after the words "Lot area (square feet)", a Note to read as follows: "For Open Space Developments of more than 50 acres, the required Lot area may be reduced by as much as 50%, but not below 8,000 square feet per lot. provided that, in that case, the Common Open Space required pursuant to Sec. 650-28.F(6) shall be not less than 50% of the total site.", all were heard who wish to be heard, hearing recessed at 10:02 p.m.; adopted.

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

1  
2

ORDERED: That the transfer request in the amount of \$61,808.63 which moves funds as follows for expenses associated with an employee's retirement, refer to **FINANCE COMMITTEE**; adopted.

**FROM:**

Acct. # 11990006-51500	\$4,715.00
Fringes	
Acct. # 11990006-51500	\$25,785.00
Fringes	
Acct. # 10000-35900	\$31,308.63
Undesignated Fund	

**TO:**

Acct. # 12100001-50510	\$4,715.00
Police Lieutenant	
Acct. # 12100003-51920	\$25,785.00
Sick Leave Buy Back	
Acct. # 12100003-51920	\$31,308.63
Sick Leave Buy Back	

ORDERED: That the transfer request in the amount of \$7,637.56 from Firefighter to Gross Overtime to fund coverage for an injured employee, refer to **FINANCE COMMITTEE**; adopted.

**FROM:**

Acct. # 12200001-50450	\$7,637.56
Firefighter	

**TO:**

Acct. # 12200003-51300	\$7,637.56
Gross Overtime	

ORDERED: That the Central MA Regional Library Grant awarded to the Public Library in the amount of \$1,000.00 from the Central Massachusetts Regional Library System to develop a Playaway collection for the library, as outlined in MGL, Chapter 44, Section 53A to be used for purposes intended, **APPROVED**; adopted.

ORDERED: That a new salary ordinance proposal for the Council on Aging Program Coordinator, refer to **BACK TO MAYOR**; adopted.

ORDERED: Be it ordained by the City Council of the City of Marlborough that the 4-7 School located at 25 Union Street shall be named after 1<sup>st</sup> LT Charles Willis Whitcomb, a resident of Marlborough killed in action in 1864 during the Civil War Battle of Spotsylvania Courthouse, and that it shall henceforth be known as the 1<sup>st</sup> LT Charles Willis Whitcomb School, refer to **VETERANS AFFAIRS COMMITTEE**; adopted.

ORDERED:

THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING SUBMITTED FOR ITS OWN CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

13

1. Section 650-14, entitled "Use regulations applicable in all districts," is hereby amended by deleting therefrom subsection B(2) in its entirety.
2. Section 650-17, entitled "Table of Uses," is hereby amended by amending in said section, under "Business Uses," the business use entitled, "Drive-in facilities," which henceforth shall not be regulated by special permit in the B and CA zoning districts, but instead shall be regulated as follows:

RR	A1	A2	A3	RB	RC	B	CA	LI	I
N	N	N	N	N	N	Y	Y	N	N

3. Section 650-17, entitled "Table of Uses," is hereby amended by amending in said section, under "Business Uses," the business use entitled, "Restaurant with drive-in or drive-thru facilities," which henceforth shall not be regulated by special permit in the B and CA zoning districts, but instead shall be regulated as follows:

RR	A1	A2	A3	RB	RC	B	CA	LI	I
N	N	N	N	N	N	Y	Y	N	N

Refer to **URBAN AFFAIRS COMMITTEE**; adopted.

**ORDERED:** That the Communication from the Department of Conservation and Recreation re: Sudbury Public Access Plan update, refer to **MAYOR AND CONSERVATION OFFICER**; adopted.

**ORDERED:** That the Communication from NSTAR Gas Company re: Condensed Financial Return for year 2009, **FILE**; adopted.

**ORDERED:** That the Communication from David Renzi and Linda Renzi Senecal re: donated contents of the Renzi Shoe Repair shop formerly located at 12 Main St., refer to **MAYOR AND HISTORICAL COMMISSION**; adopted.

**ORDERED:** That the Application of Andrew Youngman, d/b/a Arch Stanton, LLC, for Junk Dealer's license at 225 Cedar Hill St., 3<sup>rd</sup> Floor, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

**ORDERED:** That the communication from Andy Candiello, on behalf of Metro PCS Massachusetts, LLC, re: request to extend time limitations to install a Telecommunications Facility onto the existing utility pole at 257 Donald Lynch Blvd., to May 26, 2010 at 11:00 PM, **APPROVED**; adopted.

**ORDERED:** That the minutes, Planning Board, March 22, 2010, **FILE**; adopted.

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

- A. April Lehrman, 25 Balcom Rd., other
- B. Joseph Bartulis, 3 Waterview Ter., Southboro, pothole or other road defect
- C. Downtown Marlboro, LLC, 17 Weed St., other property damage and/or personal injury
- D. David Giblin, 84 Ruggles St., Westborough, pothole or other road defect
- E. Marybeth Fantasia, 23 Walcott Cir., pothole or other road defect
- F. Carol Schwab, 2E Rotherham Way, Hudson, pothole or other road defect

14

## Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

**Order No. 10-1002509 – Transfer \$10,000.00 in DPW Fleet Accounts.** The Finance Committee reviewed the Mayor’s letter dated March 31, 2010 requesting the transfer of \$10,000.00 from the DPW Fuel & Lubricants account to the Repair/Maintenance Supplies account. **Recommendation of the Finance Committee is to approve 4-0.**

**Order No. 10-1002510 - Transfer \$106,915.00 within the Public Facilities Department.** The Finance Committee reviewed the Mayor’s letter dated March 31, 2010 requesting multiple intradepartmental transfer requests in the amount of \$106,915.00 for the Department of Public Facilities. **Recommendation of the Finance Committee is to approve 4-0.**

**Order No. 10-1002511 - Transfer \$11,300.00 from Senior Chemist Account to Pumping Station Maintenance and Interim Foreman Accounts.** The Finance Committee reviewed the Mayor’s letter dated March 30, 2010 requesting the transfer of \$11,300.00 from Senior Chemist Account to the Pumping Station maintenance account (\$10,100.00) and the interim foreman account (\$1,200.00). All accounts are in the DPW Sewer account. **Recommendation of the Finance Committee is to approve 4-0.**

ORDERED: That the reappointment of Barbara Fenby as a member of the Planning Board for a term of five years expiring the 1<sup>st</sup> Monday in February, 2015, **APPROVED**; adopted.  
(The reappointment of Edward Coveney is still in Personnel Committee)

## ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 540, ENTITLED “SOLID WASTE,” AS FOLLOWS:

Section 540-20, entitled “Issuance of stickers,” is hereby amended by adding thereto a new subsection F:

F. There shall be no annual fee for stickers issued to Marlborough residents who are disabled American veterans. Any Marlborough resident claiming status as a disabled American veteran, in addition to presenting a Massachusetts motor vehicle registration to prove Marlborough residence, shall also present proof of membership in the Disabled American Veterans or other suitable documentary proof of both veteran and disabled status.

**APPROVED**; adopted.

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

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 10:25 p.m.; adopted.



# IN CITY COUNCIL

2

APRIL 5, 2010

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

## ORDERED:

That there being no objection thereto set **MONDAY, MAY 10, 2010** as a date for a **PUBLIC HEARING** requested by Attorney David Gadbois, on behalf of The Gutierrez Co., to amend the Zoning Map of the City of Marlborough, established by Chapter 650, Zoning Article III, Establishments of Districts Section 650-8 "Boundaries Established; Zoning Map". Said map is amended by extending the Business District shown on the City of Marlborough Massachusetts Zoning Map by including in said Business District all of Map 78, Parcels 12, 38, and 39 and Map 89, Parcel 77 of the City of Marlborough Massachusetts Assessor's Map, be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD AND ADVERTISE.**

(Attorney Gadbois provided Exhibit A- Proper Language for Ad)

ADOPTED

ORDER 10-1002512



# IN CITY COUNCIL

3

APRIL 5, 2010

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

ORDERED:

That there being no objection thereto set **MONDAY, MAY 10, 2010** as date for a **PUBLIC HEARING** on the Application for Proposed Comprehensive Special Permit to allow preservation and adaptive reuse of the Walker home on Framingham Rd. while also allowing construction of 17 new homes, be and is herewith refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER 10-1002516





*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 4

*Krista J. Holmi*  
EXECUTIVE AIDE

*Katherine M. Kimber*  
EXECUTIVE SECRETARY

May 6, 2010

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

Honorable President Vigeant and Councilors:

As the City of Marlborough's Chief Executive Officer, I am submitting herewith my Administration's proposed Fiscal Year 2011 (FY11) budget for your review and appropriation. This spending plan reflects an overall increase of 4.94% over the approved Fiscal Year 2010 budget.

I would like to acknowledge Comptroller /Treasurer Tom Abel, City Auditor Diane Smith and all of the Department Heads for their significant input in helping to balance the need to provide necessary and essential services to the City with the fiscal reality facing all cities and towns within the Commonwealth and the Nation.

There are changes in this year's submittal that I would like to call to your attention.

For Fiscal Year 2011 there are 53 pay periods. This represents an increase of \$341,795.00 just for the additional pay period. The budget for the Assessor's office has increased by \$392,089.00 or 65.90%. This is directly related to our state-required real property valuation, of which we are in the third year of a three-year cycle. In addition, we are also in the last year of a ten-year contract for personal property valuation, again as required by the state.

In the Department of Public Works we have shifted personnel for better departmental efficiency. We have eliminated one SMEO Laborer position and added one Foreman position in the Water and Sewer division. The duties of the SMEO Laborer assigned to dispatch will be combined with the Streets division dispatcher. The addition of the Water and Sewer Foreman is necessary to reestablish a second crew to address routine maintenance as well as emergencies. In addition, we have a 274.20% increase in the Forestry, Parks and Cemetery division. This is directly related to the increase in contract services necessary for normal tree removal. As you know, last year the City Council eliminated a foreman's position within this division. The result of that reduction has been that we have only been able to address emergency tree removals. We currently have an extensive list of trees that require removal. It is imperative that we address these non-emergency tree removals before they become a public safety hazard.

Just this past week, with the intense wind storms, we saw three trees on this list come down. The increase in contract services adequately reflects the costs associated with the removal of trees on the current list.

42

We have combined the Weights and Measures department with the Board of Health. This allows use of combined clerical resources. In addition, I have added a second Assistant Sanitarian position. With the current staff we have not been able to address all of the current inspections necessary for a City of our size. We have proposed cross-training this position to also allow for increased services in our Weights and Measures division. The plan is to have this person perform food inspections, and while at the establishment, certify the scales. This will result in our being able to meet all statutory inspection requirements. Within the Board of Health, we are shifting the current nursing contract services to a permanent 19 hour part-time nursing position. This change is necessary to comply with the current guidelines for independent contractors.

The Police Department has a new line item in the amount of \$3000.00 for the rental costs associated with the French Hill Substation. I want to once again thank the White family for donating this space to the City in the current fiscal year. In addition, they have agreed to a discounted rent for Fiscal Year 2011. This has been a great addition to the French Hill neighborhood and Community Policing Program. Also within the Police Department, we have reduced the telephone line item to zero. This line item was earmarked for the wireless air cards for the laptops used in the cruisers. Facilities Director John Ghiloni was able to negotiate these as well as five additional cards for the Fire Department within the current cell service contract for a very modest increase.

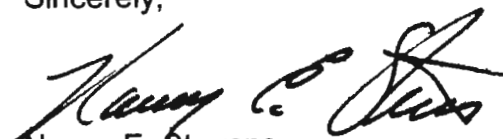
Within the Mayor's budget, I have included \$8000.00 for temporary part-time help. The Traffic Commission has requested funds to update the rules and regulations in a usable electronic format. It is the ultimate goal to have these available on the City website.

I have included \$1,000,000.00 for the OPEB liability. In my submission to the Council last year regarding this matter, I suggested that we begin funding this in FY12, but that if possible, I would include funds prior to 2012. As you recall, we began addressing this in the current fiscal year with a transfer from undesignated funds into a designated stabilization fund in the amount of \$1,000,000.00. In analyzing the FY11 budget, I feel that it is appropriate to include this funding.

In addition, attached is a letter from City Solicitor Don Rider outlining Massachusetts General Law c. 44, § 32 detailing the forty-five day timetable for Council action on the FY11 Budget, as well as an order authorizing deficit spending in snow and ice accounts for FY11.

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

Sincerely,



Nancy E. Stevens  
Mayor

Enclosures



*City of Marlborough*  
**Legal Department**

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

DONALD V. RIDER, JR.  
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN  
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER  
CHIEF PROCUREMENT OFFICER

DENISE M. LINDBERG  
PARALEGAL

April 30, 2010

Mayor Nancy E. Stevens  
City Hall, 4<sup>th</sup> Floor  
Marlborough, MA 01752

RE: City Council's Receipt of Budget

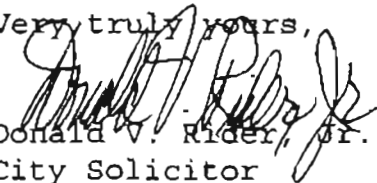
Dear Mayor Stevens:

You have inquired as to how Massachusetts law determines the date of a city council's receipt of a mayor's annual budget.

In pertinent part, Mass. Gen. Laws c. 44, § 32 provides that a city council must take action, whether by approval, reduction or rejection, with respect to any amount recommended in a mayor's annual budget "within forty-five days after the receipt of the budget." Section 32 does not itself define how "the receipt of the budget" is determined, nor has there been occasion for a court to supply that definition. However, a proper reading of § 32 is that a city council receives the annual budget on the date when the mayor submits it to the city clerk on behalf of the city council.

Therefore, if you submit your annual budget to the Marlborough City Clerk, in her capacity as Clerk of the Marlborough City Council, on Thursday, May 6, 2010, that date would be the date of receipt by the Council. In turn, the Council would be required by § 32 to take action within 45 days of May 6, 2010, i.e., on or before June 20, 2010. However, since that date will be a Sunday, Mass. Gen. Laws c. 4, § 9 dictates that the Council's 45-day deadline would be "on the next succeeding business day," i.e., Monday, June 21, 2010.

Very truly yours,

  
Donald V. Rider, Jr.  
City Solicitor

44

**ORDERED:**

That pursuant to Chapter 44, section 31D of the General Laws of the Commonwealth of Massachusetts, which authorizes the City to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal, the City Council of the City of Marlborough, with the approval of the Mayor, approves expenditures in excess of available appropriation for snow and ice removal for fiscal year 2011.

ADOPTED  
In City Council  
Order No. 10-

Adopted

Approved by Mayor  
Nancy E. Stevens  
Date:

A TRUE COPY  
ATTEST:



# 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. Kimber*  
EXECUTIVE SECRETARY

May 5, 2010

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

RE: Board of Health Transfer Request

Honorable President Vigeant and Councilors:

Attached herewith is a transfer request in the amount of \$2,000.00 from account number 15120006-53180 (Prof. /Tech.) to account number 15120004-53061 (Contract Nursing). As detailed in the attached memorandum from Bob Landry, the Marlborough Board of Health incurred additional nursing expenses to execute the department's planned response to the H1N1 virus. The transfer is necessary to fund contract nursing for the remainder of the fiscal year.

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

Sincerely,

Nancy E. Stevens  
Mayor

Enclosures



## CITY OF MARLBOROUGH BOARD OF HEALTH

255 Main St. Rom 101  
Marlborough, MA 01752  
Facsimile (508) 460-3625 Tel (508) 460-3751

Robert Landry M.Ed.,R.S.,  
*Administrator*

Massachusetts Environmental Health Association  
*Member*

Massachusetts Health Officer's Association  
*Member*

May 6, 2010

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

***Re: Budget transfer request FY2010***

Dear Mayor Stevens,

Due to an unprecedented response to the H1N1 Flu Pandemic, it has been necessary to increase services of Marlborough's Public Health Nurses during fiscal year 2010. The demand on Nurses for weekly Flu Clinics, Mass Vaccination Clinics and School-Based Clinics has been great. Massachusetts has lead the nation in vaccinating its residents while providing not only the customary Seasonal Flu Vaccine, but also in coordinating clinics and other opportunities to ensure maximum compliance for the H1N1 vaccine.

The "novel" nature of the H1N1 virus has posed many challenges throughout the past year causing Board of Health staff to attend additional trainings and conferences as well as weekly webcasts and conference calls with Department of Public Health personnel.

As a result of this increased activity, funds to cover nursing contract services have been depleted. With two months remaining in the fiscal year, it is necessary to request a transfer of funds to continue the delivery of services to the community in addition to performing the regular, daily duties of the contract nurse through June 30, 2010.

Respectfully submitted,

Robert Landry M.Ed.,R.S.  
Administrator

53

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: HEALTH & LICENSING

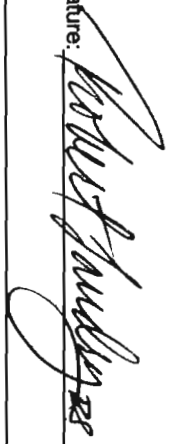
FISCAL YEAR: FY '10

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
2,500	2,000	15120006	53180	PROF/TECH	2,000	15120004	53061	CONTRACT NURSING	261.50
				Contract Nursing Line will be depleted — (May & June remain to be paid)					
				Reason:					
				Reason:					
				Reason:					

Department Head signature:



Mayor's signature:



*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 61

*Krista J. Holmi*  
EXECUTIVE AIDE

*Katherine M. Kimber*  
EXECUTIVE SECRETARY

MAY - 6 2010  
May 5, 2010

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

RE: Veterans' Services Transfer Request

Honorable President Vigeant and Councilors:

Attached herewith is a transfer request in the amount of \$5,000.00 from Gray Brown, Marlborough's Veterans' Services Agent. As detailed in Mr. Brown's accompanied letter, the transfer is necessary to meet unanticipated costs associated with veterans' medical benefits covered under Massachusetts General Law Chapter 115.

It is expected that the transfer will cover the anticipated shortfall in the Veterans' Benefits Line Item for the remainder of this fiscal year.

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

Sincerely,

Nancy E. Stevens  
Mayor

Enclosures





**CITY OF MARLBOROUGH  
VETERANS' SERVICES DEPARTMENT**

255 Main St. Room 107  
Marlborough, MA 01752  
Facsimile (508) 460-3733 Tel (508) 460-3782

62  
Gary Brown  
Director

TO: MAYOR NANCY STEVENS                      DATE: MAY 5, 2010  
FROM: GARY BROWN, VETERANS' AGENT  
RE: SUPPLEMENTAL APPROPRIATION

Dear Mayor Stevens:

Due to unexpected increases in demand for Veterans' Benefits and an expected medical procedure that is covered under Chapter 115 MGL Schedule of Benefits, I do not have sufficient funds in the Veterans' Benefits Line Item in my budget to meet expenditures through the end of this fiscal year.

My May expenditure for benefits was \$8,253 and the month has just begun. I also have an expected medical expense of around \$1,000 that will be charged against my May or June budget. I now have \$7,463.53 in my Benefits Line Item.

Therefore, I request an additional \$5,000 to cover this shortfall and any additional unexpected costs associated with MGL Chapter 115 expenses.

Sincerely yours,

Gary Brown  
Veterans' Agent  
City of Marlborough

cc: Tom Abel, Comptroller

63

### TRANSFER REQUEST

FROM ACCOUNT				TO ACCOUNT			
AVAILABLE BALANCE	AMOUNT	ORG C/ OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
			<b>Undesignated Fund</b>			<b>Department of Veteran's Services</b>	
\$ 2,430,483.30	\$ 5,000.00	10000	35900 Undesignated Fund	\$ 5,000.00	15430006	57710 Veteran's Benefits	\$ 7,463.53

Reason: See attachment from Department Head



*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. Kimber*  
EXECUTIVE SECRETARY

May 5, 2010

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

RE: Library Transfer Request

Honorable President Vigeant and Councilors:

Attached herewith are two transfer requests from the Marlborough Public Library.

Transfer in the amount of \$2,000.00 moving funds from account number 16100003-51262 (Pages) to account number 16100003-51261 (Part-time Library Clerks).

Transfer in the amount of \$2,000.00 from account number 16100003-50860 (Full-time Library Clerk) to account number 16100003-51261 (Part-time Library Clerks).

The transfers are necessary to meet payroll requirements for part-time library clerks. As detailed in the attached enclosure, funds to meet these needs are available in other library personnel accounts.

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

Sincerely,

Nancy E. Stevens  
Mayor

Enclosure

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: Library		FISCAL YEAR: 2010		TO ACCOUNT:		Available Balance		
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$8,538	16100003	51262	Pages	\$2,000	16100003	51261	Part-time Library Clerks	\$23,385
	Reason: Funds available due to position being unfilled for a short time.							
\$6,907	16100003	50860	Full-time Library Clerk	\$2,000	16100003	51261	Part-time Library Clerks	\$23,385
	Reason: Funds available due to position being unfilled for a short time.							
	Reason:							

Department Head signature: *[Signature]*  
 Mayor's signature: \_\_\_\_\_

72



RECEIVED  
MAY 11 2010

*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. Kimber*  
EXECUTIVE SECRETARY

May 5, 2010

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

RE: Transfer Request - Dues and Subscriptions

Honorable President Vigeant and Councilors:

Attached herewith is a transfer request in the amount of \$324.00 from account number 1121006-57840 (Inaugural Expense) to account number 11210006-57340 (Dues and Subscriptions). This transfer is necessary to meet known expenses through the end of the fiscal year. The account was used to fund higher than budgeted dues for the Massachusetts Municipal Association.

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

Sincerely,

Nancy E. Stevens  
Mayor

Enclosure

82

TRANSFER REQUEST

Mayor's Office

FISCAL YEAR: 2010

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$531	\$324.00	11210006	57840	Inaugural Expense	\$324.00	11210006	57340	Dues & Subscriptions	\$1,177

Reason: Additional funds needed for Professional Dues and Subscriptions

Department Head signature





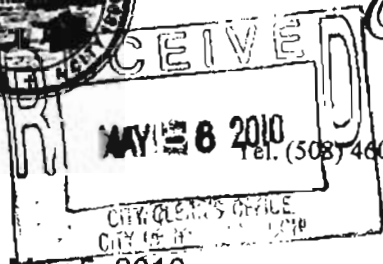
*City of Marlborough*  
*Office of the Mayor*

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

*Nancy E. Stevens*  
MAYOR 9

*Krista J. Holmi*  
EXECUTIVE AIDE 1

*Katherine M. Kimber*  
EXECUTIVE SECRETARY



May 5, 2010

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

RE: Transfer Request - Personnel Department

Honorable President Vigeant and Councilors:

Attached herewith is a transfer request in the total amount of \$3,000.00 from account number 11520004-53010 (Medical Exams) to the following accounts:

\$1,000.00 to account number 115200004-53150 (Advertising)

\$2,000.00 to account number 115200006-57380 (Conference & Training)

These intra-departmental transfers will enable us meet the variable expenses associated with advertising and training requirements within the Personnel Department.

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

Sincerely,

Nancy E. Stevens  
Mayor

Enclosures

# TRANSFER REQUEST

FROM ACCOUNT		TO ACCOUNT	
AVAILABLE BALANCE	AMOUNT	AMOUNT	AMOUNT AVAIL
		ORG CODE	OBJECT ACCOUNT DESCRIP
			<b>Personnel</b>
\$ 5,825.00	\$ 3,000.00	11520004	53010 Medical Exams
			<b>Personnel</b>
	\$ 1,000.00	11520004	53150 Advertising
	\$ 2,000.00	11520006	57380 Conf & Training
	\$ 3,000.00		
			\$ 83.48
			\$ 3,429.94

Reason: See Department Heads Request..

92





*City of Marlborough*  
*Personnel Department*

140 MAIN STREET  
MARLBOROUGH, MA 01752  
TELEPHONE (508) 460-3705, FACSIMILE (508) 481-6354

**DAVID BRUMBY**  
PERSONNEL DIRECTOR

**MARY WARD**  
PERSONNEL ASSISTANT

**DLANE REGO**  
ADMINISTRATIVE CLERK

93

To: Mayor Stevens

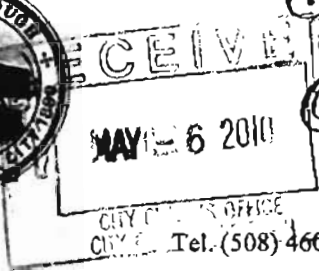
From: Dave Brumby, Personnel Director

Subj: Budget Transfer Request

Date: 05/05/2010

Please consider the transfer of funds from the Personnel Department Medical Exams Account in the amount of \$1,000 to the Personnel Department Advertising Account. The funds are available in the Medical Exams Account due to fewer than anticipated physicals for new employees, particularly in the Fire and Police Departments. The funds are needed in the Advertising Account due higher than anticipated advertising activity.

Please also consider the interdepartmental transfer of funds from the Personnel Department Medical Exams Account in the amount of \$2,000 to the Personnel Department Conference and Training Account. The funds are available in the Medical Exams Account due to fewer than anticipated physicals for new employees, particularly in the Fire and Police Departments. The funds are needed to cover costs for the remainder of FY2010 in the Conference and Training Account because of a budget shortfall due to the unbudgeted Fire Chief Assessment Center cost (\$3750).



*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 101  
*Krista F. Holmi*  
EXECUTIVE AIDE  
*Katherine M. Kimber*  
EXECUTIVE SECRETARY

May 5, 2010

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

RE: Transfer Request – Retirement Benefits, Police

Honorable President Vigeant and Councilors:

Attached herewith is a transfer request in the amount of \$31,308.63 as detailed below:

Transfer in the amount of \$5,620.63 from account number 11990006-51500 (Fringes) to account number 12100003 -51920 (Sick Leave Buy Back).

Transfer in the amount of \$25,688.00 from account number 15410001-50391 (COA Nurse) to account number 12100003-51920 (Sick Leave Buy Back).

The transfers will fund benefits associated with an employee's retirement.

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

Sincerely,

Nancy E. Stevens  
Mayor

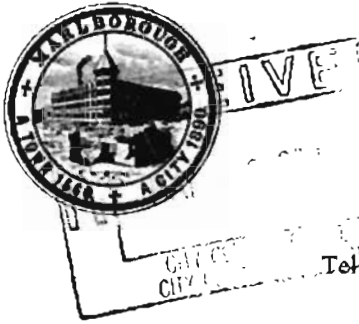
Enclosure

102

### TRANSFER REQUEST

FROM ACCOUNT				TO ACCOUNT			
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT AVAIL
			<b>General Government</b>			<b>Police</b>	
	\$ 5,620.63	11990006	51500 Ftnges	\$ 5,620.63	12100003	51920 Sick Leave BB	\$ -
\$ 25,688.00	\$ 25,688.00	15410001	50391 COA Nurse	\$ 25,688.00	12100003	51920 Sick Leave BB	\$ -
				\$ 31,308.63			

Reason: To fund benefits associated with employees retirement.



*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. Kimber*  
EXECUTIVE SECRETARY

May 5, 2010

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

RE: Temporary Appointment to Director, Council on Aging  
Under M.G.L. c. 41, § 61A

Honorable President Vigeant and Councilors:

This letter serves to inform you that in accordance with the authority vested in me under M.G.L. c. 41, § 61A, I have appointed Mr. Jack Gracey to the position of Acting Director of the Council on Aging. Under this appointment, effective 9:00 a.m. May 3, 2010, Mr. Gracey will serve in the capacity of Council on Aging Director for a period of up to 60 days.

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

Sincerely,

Nancy E. Stevens  
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 121

*Krista J. Holmi*  
EXECUTIVE AIDE

*Katherine M. Kimber*  
EXECUTIVE SECRETARY

May 5, 2010

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

RE: Youth Commission Appointments/Reappointments

Honorable President Vigeant and Councilors:

I am submitting for your approval the appointments of Debra Foster-Smith and Kelley French to the Marlborough Youth Commission. For your review, Rosalind Baker, a current Youth Commission member as well as Marlborough's Director of Human Services, has enclosed brief profiles of the candidates along with resumes detailing the appointees' relevant experiences.

In addition, I am also submitting the reappointments of the following individuals the Marlborough Youth Commission:

Peggy Ayres - Chairperson  
Rosalind Baker  
Brent DeBraga  
Tony Evangelous

Upon approval, each newly appointed member and re-appointed member will serve a term of three years from the date of confirmation.

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

Sincerely,

Nancy E. Stevens  
Mayor

Enclosures



122

*City of Marlborough*  
*Department of Human Services*  
*Rosalind Baker, Director*  
Frank D. Walker Building  
255 Main Street, Room 105  
Marlborough, MA 01752  
(508) 460-3739 ~ Fax (508) 460-3733

## MEMO

**Date:** April 15, 2010

**To:** Nancy Stevens, Mayor  
City of Marlborough

**From:** Rosalind Baker, Director  
Department of Human Services

**Re:** Youth Commission Appointment – Debra Foster - Smith

---

***Debra Foster - Smith***

Mrs. Smith and her family have been a resident of Marlborough for the past 22 years. She has two children in the Marlborough Public Schools. Mrs. Smith has worked for the Massachusetts Department of Developmental Services (formerly Department of Mental retardation), for the past 24 years. In her current position as the Children's Coordinator Mrs. Smith provides critical services for families with intellectual challenged children. As the Children's Coordinator for DDS she has worked cooperatively with the Youth Commission to secure funding for out of school time programming for children with Developmental Disabilities in the city of Marlborough. Debbie brings her experience working with families, program development and resource management to the Youth Commission.

123

1160 Concord Road  
Marlborough, Ma. 01752  
Phone (508) 485-4997  
(508) 494-3923 cell

# Debra Foster-Smith

---

**Objective** To promote community education and inclusion on behalf of individuals with disabilities.

**Work experience** 1982- 1983 **Perkins School for the Blind** Watertown, Ma

**Intern**

- Internship in a vocational training program as part of the educational placement for students with Developmental Disabilities. Daily responsibilities included assigning work groups to complete contracted tasks, 1:1 training, data collection on vocational performance, generate monthly and quarterly progress notes, provide travel assistance as needed on campus.
- Internship in a residential dorm as part of the educational placement for students with Developmental Disabilities. Daily responsibilities included 1:1 assistance and trainings for students in the areas of hygiene, socialization, travel training, daily living skills, and cooking and community access.

1983-1986 **Learning Center for the Multiply Handicapped** Belmont. Ma.

Assistant Teacher

Provided 1:1 teaching to students with Developmental Disabilities in an educational setting. Responsibilities included developing and implementing individualized instruction in academics and life skills in accordance with each student's individualized educational plan, participated in the development of students individualized educational plan, provided data on student progress through daily data collection on identified goals, assisted students with community access, implemented behavioral interventions as prescribed by treating clinician.

1986- Present **Department of Developmental Services** Waltham, Ma

Vocational Trainer (12/86-5/89)

Served as a member of a vocational team in a substantially separate training facility. Provided individualized training on vocational tasks, oversaw production of assigned workgroup, implemented individualized behavioral guidelines, collected data on each member of the workgroups daily production, calculated payroll for each member of assigned workgroup, prepared monthly progress reports and annual evaluations of each member of work group

Onsite Manager (5/89-8/90)

Provided primary transportation, supervision and training for adults with disabilities in a factory setting. Provided daily work assignments based on the needs of the company and abilities of member of the work group. Assisted individuals with promoting positive employment characteristics, collected data on identified goals, participated in annual review and goal setting evaluations and meetings.

124

Program Manager (8/90-8/92)

Provided active supervision and oversight of direct care staff and individuals with disabilities in a vocational training site. Responsibilities included daily meeting with Production staff to review contracted work to be completed, developing staff assignments, coordination of services with outside professionals and residential care providers, developing behavioral guidelines to be implemented by direct care staff, preparing data collection sheets for direct care staff, identifying annual goals and objectives for individuals attending the site, representing the site at annual review meetings, prepare site for annual licensing inspection and participated in agency program development opportunities.

Service Coordinator (8/92-6/99)

Supported Adults with Mental Retardation in their home, vocational and community setting by providing oversight and coordination of funded and generic services. Completed monthly site visits, compiled monthly progress notes, conducted annual service delivery evaluations. Maintained individual confidential records for each individual on caseload including current and historical information, assisted in obtaining guardianship as needed, provided information and referral to funded and generic service, obtained transportation to individuals to attend day or vocational services, participated in ongoing liaison meetings with DMR contracted vendor agencies, maintained consumer registry information for all individuals on caseload.

Children's Service Coordinator (6/99-Present)

Functioned as a primary contact for families with children with Developmental Disabilities. Completed intake and eligibility evaluations, provided information and referral for DMR funded and generic resources, managed and oversaw all DMR funded family support contracts for children, drafted program proposals for prevention grants from Department of Education and coordinated in home supports for at risk children, arranged and oversaw clinically based in-home services for children with significant developmental needs, provided case management supports for all children on caseload, maintained Meditech information for all children on caseload, participated in case reviews as needed with additional state agencies and local school districts, coordinated transfer of children's cases to adult service providers.

**Education**

1981 - 1983 Middlesex Community College Bedford, Ma

**Associates Degree**

- Associates awarded in the field of Mental Health
- President of Psychology Club 1981-1983

1983-1984 Fitchburg State College Fitchburg, Ma.

Undergraduate classes

Ongoing Framingham Sate College Framingham, Ma.

Undergraduate classes





125

*City of Marlborough*  
*Department of Human Services*

*Rosalind Baker, Director*  
Frank D. Walker Building  
255 Main Street, Room 105  
Marlborough, MA 01752  
(508) 460-3739 ~ Fax (508) 460-3733

## MEMO

April 21, 2010

**To:** Nancy Stevens, Mayor

**From:** Rosalind Baker, Director  
Department of Human Services

**Re:** Youth Commission Appointment - Kelley French

---

### *Kelley French*

Ms. French has been a resident of Marlborough for the past 5 years. Ms French held the position of Connecting Activities Coordinator at Marlborough High school working with young adults in developing job readiness skills and job placement. While in the Connecting activities position; Ms. French created two internship programs for Marlborough High School students at Marlborough Hospital and Raytheon. Additionally Ms. French was the creator of the Teen Jobs Fair now facilitated by the Boys & Girls Clubs of Metrowest. Currently Ms. French is the Program Coordinator for the Young Adult Initiative at the Regional Employment Board overseeing funding for youth programs for 35 cities and towns.

# KELLEY FRENCH

126

21 Hillcrest Road • Marlborough • MA 01752 • 978-580-5906 • Kelley.French@gmail.com

Motivated professional with proven ability to work with diverse groups in a multi-faceted, fast paced environment

- |                      |                      |                       |
|----------------------|----------------------|-----------------------|
| ▪ Program Management | ▪ Capacity Building  | ▪ Database Management |
| ▪ Recruitment        | ▪ Budget Management  | ▪ Presentation Skills |
| ▪ Program Developer  | ▪ Event Coordination | ▪ Grant Writing       |

## EXPERIENCE

### Metro South West Regional Employment Board

Framingham, MA

#### Program Manager

July 2007-Present

- Supervise, train and provide professional development for 16 staff including human resource function, work plans, performance appraisals and ensuring staff accountability towards program outcomes
- Management of a 1.5 million dollar program budget including understanding and adhering to laws and regulations relating to grants, procuring vendors and managing contract process and reporting to funders
- Oversight of 3 youth career centers, working with center directors to ensure community partners are fully engaged, partnerships continue to develop with quality services, appropriate and accessible in targeted communities

### Career Specialist/Data Management Specialist

November 2001-June 2007

- Educate and train youths on pre-employment skills: resume writing, interviewing and employer expectations through instruction and demonstration
- Recruit and screen candidates for placement in local corporate businesses such as Raytheon and Intel
- Develop "Med 101" internship program with the Marlborough Hospital to promote medical careers
- Organize and coordinates "Job Shadow" day for over 200 students from two different schools

### Ceridian Inc.

Boston, MA

#### Client Consultant

1997 to June 2001

- Delivered new hire training in software, consultant skills, productivity and time management
- Curriculum development for software and new hire training
- Consulted and educated customers on work/life issues including effective communication, work relationships, career development, stress, parenting and elder issues

### Community Teamwork Inc.

Lowell, MA

#### Senior Counselor/Supervisor

1993 to 1997

- Recruited, interviewed and recommended candidates for counseling positions
- Conducted new hire training, supervision and evaluation of a team of 5-8 employees
- Generated statistical reports required by funding sources

## COMPUTER SKILLS:

Proficient in Microsoft 2000, XP, Word, Excel, Access, PowerPoint, FrontPage and several proprietary relational databases

## EDUCATION

### Framingham State College

Framingham, MA

HR Graduate Certificate

### Framingham State College

Framingham, MA

Bachelor of Science: Elementary Education\Psychology

Cum Laude

## PROFESSIONAL ORGANIZATIONS

Society of Human Resource Management

MetroWest Human Resource Management Association

131



**nationalgrid**

**Memorandum**

**To:** Town Clerk  
**From:** Thomas P. O'Neill, Senior Counsel  
**Date:** May 4, 2010  
**Subject:** Massachusetts Electric Company d/b/a National Grid Annual Return

---

Dear Sir/Madam:

In accordance with G.L. c. 164 § 84A enclosed is a copy of the condensed annual return to the Massachusetts Department of Public Utilities for Massachusetts Electric Company d/b/a National Grid to be kept on file and open to public inspection during office hours.

132

# DEPARTMENT OF PUBLIC UTILITIES

This statement is filed in accordance with Chapter 164, Section 84A

## CONDENSED FINANCIAL RETURN FOR THE YEAR ENDED DECEMBER 31, 2009

FULL NAME OF COMPANY - MASSACHUSETTS ELECTRIC COMPANY

LOCATION OF PRINCIPAL BUSINESS OFFICE - 25 Research Drive, Westborough, MA 01582

### STATEMENT OF INCOME FOR THE YEAR

See Copy of Income Statement Filed with the DPU Return Attached

Item	Current Year	Increase or (Decrease) from Preceding Year
<b>OPERATING INCOME</b>	\$	\$
Operating Revenues .....		
Operating Expenses: .....		
Operation Expense     See Copy of Statement of Income Filed		
Maintenance Expense   with the DPU Return, attached.		
Depreciation Expense .....		
Amortization of Utility Plant .....		
Amortization of Property Losses .....		
Amortization of Conversion Expenses .....		
Taxes Other Than Income Taxes .....		
Income Taxes .....		
Provisions for Deferred Federal Income Taxes .....		
Federal Income Taxes Deferred in Prior Years - Cr .....		
Total Operating Expenses .....		
Net Operating Revenues .....		
Income from Utility Plant Leased to Others .....		
Other Utility Operating Income .....		
Total Utility Operating Income .....		
<b>OTHER INCOME</b>		
Income from Mdse. Jobbing & Contract Work .....		
Income from Nonutility Operations .....		
Nonoperating Rental Income .....		
Interest and Dividend Income .....		
Miscellaneous Nonoperating Income .....		
Total Other Income .....		
Total Income .....		
<b>MISCELLANEOUS INCOME DEDUCTIONS</b>		
Miscellaneous Amortization .....		
Other Income Deductions .....		
Total Income Deductions .....		
Income Before Interest Charges .....		
<b>INTEREST CHARGES</b>		
Interest on Long-Term Debt .....		
Amortization of Debt Discount and Expense .....		
Amortization of Premium on Debt - Credit .....		
Interest on Debt to Associated Companies .....		
Other Interest Expense .....		
Interest Charged to Construction - Credit .....		
Total Interest Charges .....		
Net Income .....		

133

BALANCE SHEET			
See Copy of Balance Sheet Filed with the DPU Return Attached			
Title of Account	Balance End of Year	Title of Account	Balance End of Year
	\$		\$
<b>UTILITY PLANT</b>		<b>PROPRIETARY CAPITAL</b>	
Utility Plant .....		<b>CAPITAL STOCK</b>	
<b>OTHER PROPERTY AND INVESTMENTS</b>		Common Stock Issued.....	
Nonutility Property.....		Preferred Stock Issued.....	
Investment in Associated Companies.....		Capital Stock Subscribed.....	
Other Investments.....		Premium on Capital Stock.....	
Special Funds.....		Total.....	
Total Other Property and Investments		<b>SURPLUS</b>	
<b>CURRENT AND ACCRUED ASSETS</b>		Other Paid-In Capital.....	
Cash.....		Earned Surplus.....	
Special Deposits.....		Surplus Invested in Plant.....	
Working Funds.....		Total.....	
Temporary Cash Investments.....		Total Proprietary Capital.....	
Notes and Accounts Receivable.....		<b>LONG-TERM DEBT</b>	
Receivables from Associated Companies		Bonds.....	
Materials and Supplies.....		Advances from Associated Companies...	
Prepayments.....		Other Long-Term Debt.....	
Interest and Dividends Receivable.....		Total Long-Term Debt.....	
Rents Receivable.....		<b>CURRENT AND ACCRUED</b>	
Accrued Utility Revenues.....		<b>LIABILITIES</b>	
Misc. Current and Accrued Assets.....		Notes Payable.....	
Total Current and Accrued Assets...		Accounts Payable.....	
<b>DEFERRED DEBITS</b>		Payables to Associated Companies.....	
Unamortized Debt Discount and Expense		Customer Deposits.....	
Extraordinary Property Losses.....		Taxes Accrued.....	
Preliminary Survey and Investigation		Interest Accrued.....	
Charges.....		Dividends Declared.....	
Clearing Accounts.....		Matured Long-Term Debt.....	
Temporary Facilities.....		Matured Interest.....	
Miscellaneous Deferred Debits.....		Tax Collections Payable.....	
Total Deferred Debits.....		Misc. Current and Accrued Liabilities...	
<b>CAPITAL STOCK DISCOUNT AND EXPENSE</b>		Total Current and Accrued Liabilities...	
Discount on Capital Stock.....		<b>DEFERRED CREDITS</b>	
Capital Stock Expense.....		Unamortized Premium on Debt.....	
Total Capital Stock Discount and		Customer Advances for Construction...	
Expense.....		Other Deferred Credits.....	
<b>REACQUIRED SECURITIES</b>		Total Deferred Credits.....	
Reacquired Capital Stock.....		<b>RESERVES</b>	
Reacquired Bonds.....		Reserves for Depreciation.....	
Total Reacquired Securities.....		Reserves for Amortization.....	
Total Assets and Other Debits.....		Reserve for Uncollectible Accounts.....	
		Operating Reserves.....	
		Reserve for Depreciation and Amort... of Nonutility Property.....	
		Reserves for Deferred Federal Income...	
		Taxes.....	
		Total Reserves.....	
		<b>CONTRIBUTIONS IN AID</b>	
		<b>OF CONSTRUCTION</b>	
		Contributions in Aid of Construction.....	
		Total Liabilities and Other Credits.....	
<b>NOTES:</b>			

134

STATEMENT OF EARNED SURPLUS		
Unappropriated Earned Surplus (at beginning of period).....	\$	
Balance Transferred from Income.....		
Miscellaneous Credits to Surplus.....		
Miscellaneous Debits to Surplus.....		
Appropriations of Surplus.....		
Net Additions to Earned Surplus.....		
Dividends Declared -- Preferred Stock.....		
Dividends Declared -- Common Stock.....		
Unappropriated Earned Surplus (at end of period).....		

ELECTRIC OPERATING REVENUES		
Account	Operating Revenues	
	Amount for Year	Increase or (Decrease) from Preceding Year
<b>SALES OF ELECTRICITY</b>		
Residential Sales.....	\$ 818,835,700	\$ -111,345,050
Commercial and Industrial Sales.....		
Small (or Commercial).....	289,128,178	-117,547,587
Large (or Industrial).....	32,205,449	-34,297,196
Public Street and Highway Lighting.....	1,966,408	-567,049
Other Sales to Public Authorities.....		
Sales to Railroad and Railways.....		
Interdepartmental Sales.....		
Miscellaneous Electric Sales.....		
Provision for Rate Refunds.....	-20,241,559	7,075,018
Total Sales to Ultimate Consumers.....	1,121,894,176	-256,681,864
Sales for Resale.....	826,531	-379,633
Total Sales of Electricity.....	1,122,720,707	-257,061,497
<b>OTHER OPERATING REVENUES</b>		
Forfeited Discounts.....	2,641,324	-1,650,844
Miscellaneous Service Revenues.....	184,683,025	30,269,296
Sales of Water and Water Power.....	0	0
Rent from Electric Property.....	8,629,460	1,061,056
Interdepartmental Rents.....	0	0
Other Electric Revenues.....	808,676,725	-23,156,815
Total Other Operating Revenues.....	1,004,630,534	6,522,693
Total Electric Operating Revenues.....	2,127,351,241	-250,538,804

## SUMMARY OF ELECTRIC OPERATION AND MAINTENANCE EXPENSES

Functional Classification	Operation	Maintenance	Total
Power Production Expenses	\$	\$	\$
Electric Generation:			
Steam Power.....			0
Nuclear Power.....			
Hydraulic Power.....			
Other Power.....		0	0
Other Power Supply Expenses.....	1,134,333,067		1,134,333,067
Total Power Production Expenses.....	1,134,333,067		1,134,333,067
Transmission Expenses.....	293,253,078	1,781,830	295,034,908
Distribution Expenses.....	90,561,252	51,733,924	142,295,176
Customer Accounts Expenses.....	172,204,224		172,204,224
Sales Expenses.....	9,243		9,243
Administrative and General Expenses.....	163,779,148	1,099,787	164,878,935
Total Electric Oper. and Maint. Expenses	1,854,140,012	54,615,541	1,908,755,553

135

4  
**MASSACHUSETTS ELECTRIC COMPANY** **YEAR ENDED DECEMBER 31, 2009**  
**GAS OPERATING REVENUES** (Not Applicable)

Account	Operating Revenues	
	Amount for Year	Increase of (Decrease) from Preceding Year
<b>SALES OF GAS</b>		
Residential Sales.....	\$	\$
Commerical and Industrial Sales.....		
Small (or Commerical).....		
Large (or Industrial).....		
Other Sales to Public Authorities.....		
Interdepartmental Sales.....		
Miscellaneous Gas Sales.....		
Total Sales to Ultimate Consumers.....		
Sales for Resale.....		
Total Sales of Gas.....		
<b>OTHER OPERATING REVENUES</b>		
Forfeited Discounts.....		
Miscellaneous Service Revenues.....		
Revenues from Transportation of Gas of Others.....		
Sales of Products Extracted from Natural Gas.....		
Revenues from Natural Gas Processed by Others.....		
Rent from Gas Property.....		
Interdepartmental Rents.....		
Other Gas Revenues.....		
Total Other Operating Revenues.....		
Total Gas Operating Revenues.....		

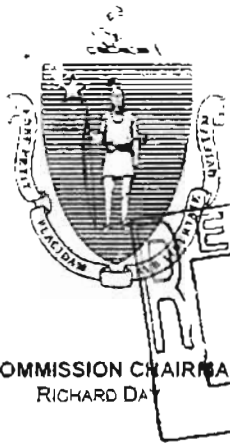
**SUMMARY OF GAS OPERATION AND MAINTENANCE EXPENSES** (Not Applicable)

Functional Classification	Operation	Maintenance	Total
Steam Production.....	\$	\$	\$
Manufactured Gas Production.....			
Other Gas Supply Expenses.....			
Total Production Expenses.....			
Local Storage Expenses.....			
Transmission and Distribution Expenses.....			
Customer Accounts Expenses.....			
Sales Expenses.....			
Administrative and General Expenses.....			
Total Gas Operation and Maintenance Exp....			

.....20..... I hereby certify that the foregoing statements are full, just and true to the best of my knowledge and belief. This statement is signed under the penalties of perjury.

Martin Wheatcroft *Martin Wheatcroft*  
 Vice President and Controller

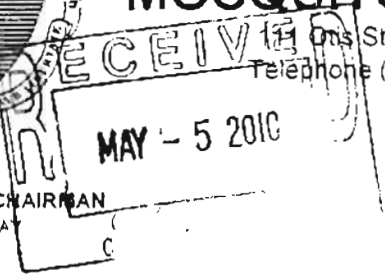
Lorraine Lynch *Lorraine M Lynch*  
 Assistant Treasurer



THE COMMONWEALTH OF MASSACHUSETTS  
STATE RECLAMATION & MOSQUITO CONTROL BOARD  
**CENTRAL MASSACHUSETTS  
MOSQUITO CONTROL PROJECT**




One Street, Northborough, MA 01532 - 2114  
Telephone (508) 393-3055 • Fax (508) 393-8492  
[www.cmmcp.org](http://www.cmmcp.org)



COMMISSION CHAIRMAN  
RICHARD DAY

EXECUTIVE DIRECTOR  
TIMOTHY D. DESCHAMPS

TO: CMMCP member Boards of Health  
FROM: Timothy D. Deschamps, Executive Director   
RE: New program added to CMMCP scope of services  
DATE: April 28, 2010

In recognition of Earth Day 2010, I would like to announce the launch of a **tire collection and recycling** program as a value-added service to our member communities. Using grant monies received as well as our standard operational budget, we have begun to collect and transport for recycling used tire casings as part of our Integrated Pest Management (IPM) program, a technique called "source reduction" (reduction or elimination of larval mosquito habitat).

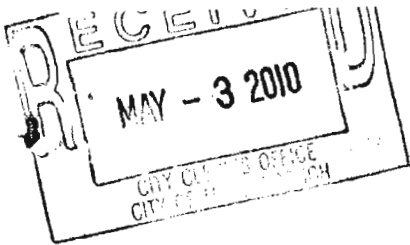
Tire piles provide an ideal habitat for larval mosquito development, including those species known to carry West Nile virus. During the course of one season, the potential exists for hundreds or even thousands of mosquitoes to emerge from just one tire. If tires infested with mosquito eggs, larvae or pupae are transported, the potential to introduce mosquito species into new areas and/or the potential for the spread of arboviruses and their transmission may increase significantly. Tires accepted as part of this program will be sent to an approved facility for recycling or disposal at **no additional cost** to residents or member cities or towns. This program is subject to certain rules and restrictions; for more information please access [www.cmmcp.org/tires.htm](http://www.cmmcp.org/tires.htm) or call Tim McGlinchy at (508) 393-3055.

I am also pleased to announce we have been recognized by the Environmental Protection Agency (EPA) for the fourth year in a row as a partner in their Pesticide Environmental Stewardship Program (PESP). The PESP program promotes the adoption of innovative, alternative pest control practices, such as Integrated Pest Management (IPM) and the use of biological pesticides ("biopesticides") in both agricultural and non-agricultural settings. More information is available here: [www.cmmcp.org/pesp.htm](http://www.cmmcp.org/pesp.htm).

We are working hard to maintain and even increase the level of service we have provided in years past in this difficult economy; all while operating under a level-funded budget. With grants, quarterly budget analyses and other cost savings measures, we will continue to offer a cutting edge program of mosquito control and bring new services and control techniques to our membership whenever possible.

cc: Mayor & City Council  
Conservation Commission





#25.20 pd.

15

MARLBOROUGH, MASS. MAY 4th 19 2010

TO THE CITY COUNCIL:

(RENEWAL)

The undersigned Tony Bitar (Hannoush Jewelers) respectfully requests that he be granted a Junk Dealers License

To Buy Gold At Hannoush Jewelers, 500 on pond Mall

P. O. Address 601 DONALD GUNN BLVD MARLBOROUGH, MA 0173.  
(508) 303-6595

IN CITY COUNCIL

19

Referred to Committee on Public Safety.

Clerk.

REPORT ON THE ABOVE PETITION

IN CITY COUNCIL

19

The Committee on Public Safety, to whom the above petition was referred, having considered the same, report in favor of granting the same.

.....  
.....  
.....

Committee

IN CITY COUNCIL

19

Accepted and report of committee adopted.

Attest: ..... Clerk.

Issued .....



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

Traffic Commission

The Regular Meeting of the Traffic Commission was held on March 30, 2010 at 10:05 a.m. in City Council Committee Room, City Hall. Members present: Chairman Police Chief Mark Leonard, Vice Chairman – DPW Commissioner Ronald LaFreniere, Acting Fire Chief Fred Flynn, City Clerk Lisa Thomas, City Planner Nancy Savoie, Also present: City Engineer Thomas Cullen, Asst. Civil Engineer Tim Collins and City Councilors Ed Clancy and Joe Delano. Minutes taken by: Karen Lambert, MPD Records Clerk.

**1- Minutes**

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

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

**2-New Business**

**2b. Communication from Councilor Delano, re: Request for sunset to sundown parking restriction at the end of Langelier Lane.**

Councilor Delano has received complaints from residents regarding young people parking at the end of Langelier Lane and entering the Mt. Ward trails at night and “partying” in the woods. Councilor Delano has polled the neighbors, with the help of Diana DeFalco, and all are in favor of a sign that would prohibit parking after sunset/sundown. Chief Leonard suggested that neighbors call the police when they see cars parked in this area at night. Tim Collins advised that there is already a sign at the trail entrance, put in place by the Conservation Commission, which specifies no motorized vehicles, campfires etc. from dusk to dawn. This, however, does not prohibit cars from parking on the street near the entrance. It was determined that the best location for a sign restricting parking would be just beyond the retaining wall and guardrail on Langelier Lane and that parking would be prohibited from 9:00pm to 6:00am. The sign can be installed immediately, however, the restriction would not be “legally enforceable” until the regulation is properly approved and advertized. Chief Leonard will also send an e-mail to his officers requesting that the sector car drive through this area on nights and

162

weekends, however, it would be best if residents were asked to call the police station if they notice cars parked in this area.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to put together the proper regulation for the next meeting. Engineering will provide the Chief with the specifics, i.e. linear feet etc.

**2a) Request for protected left turn signal for eastbound traffic on Lincoln St. @ Bolton St.**

Chief Leonard advised that this issue was brought up by one of his officers. When traveling eastbound on Lincoln Street, with the intent of turning northbound onto Bolton Street, it can be extremely difficult to make the turn. This causes a long queue to backup on Lincoln Street. Ron LaFreniere indicated that it is possible to create a protected left turn at this location. Chief Leonard's only concern is whether this would cause any problems for westbound travel. This is a very busy intersection and we do not want to create any new problems.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to look into this issue further for the next meeting.

**2c) Parking restrictions in lot next to old fire station.**

Chief Leonard received an e-mail from Councilor Vigeant asking why the restrictions in this lot are not consistent with the lot across from City Hall. (The lot across from City Hall has signs indicating "2 hour parking" and "no parking between 2:00am and 5:00am".) Chief Leonard recalled discussing this issue previously and referred back to the minutes from an '04 meeting which indicated that parking was to be restricted from 2:00am to 5:00am and limited to 2 hour parking. The current regulations reflect the no overnight parking at this location but not the 2 hour limit. Ron LaFreniere indicated that, whether it is posted or not, a municipal lot has a two hour parking restriction. Tim Collins advised that when the original map was drawn up there were no restrictions on parking at that time. All members were in favor of adding the signage for 2 hour parking.

MOTION was made, seconded, duly VOTED to REFER to the DPW to install the proper signage to make this lot consistent with the other lot on Main Street.

**2d) Communication from Ken Calder, re: Notification to property abutters regarding changes to traffic regs.**

Ken Calder, from the DPW, advised that they often get angry calls when changes are made to parking, traffic patterns etc. The Commission discussed that the best way to notify abutters at this point is with a letter to their specific location. The problem being that this takes time and costs money and the Traffic Commission has no budget. An internet based notification system called Connect CTY was discussed briefly, however, it was looked into previously and the cost was prohibitive. The City decided to stay with the reverse 911 system. Chief Leonard advised that he would try to make the Traffic Commission agenda available earlier so that it can be put on the city's website for review. The problem is that people with concerns are not necessarily checking the website to see what issues are coming up for discussion.

Councilor Clancy again brought up the situation with Bouvier's Pharmacy and how they could really use a specific parking spot out in front so that their customer's (a majority of which are elderly) can park for a short period of time. The DPW has recently replaced the No Parking Sign in front of the pharmacy. Chief Leonard reiterated the fact that all the City did was replace a sign that indicated a restriction that had always been there. The Chief can understand the arguments on both sides and he sympathizes with the Bouviers, however, we need to balance public safety with individual owner's concerns. There has been at least one pedestrian accident at this location and his patrol officers have witnessed many close calls. The group went on to discuss a possible designated parking spot on Cross Street for the pharmacy. This spot could be restricted to 20 minute parking during business hours.

1) MOTION was made, seconded, duly VOTED:

To TABLE for now until Ron LaFreniere has had the opportunity to discuss funding with the mayor's office. He will also look into possibility of using the reverse 911 system to make specific notifications.

2) MOTION was made, seconded, duly VOTED:

To REFER to Chief Leonard to look into the parking situation on Cross Street. Councilor Clancy also indicated that he would discuss this matter with the Bouviers.

### **3-Old Business**

**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.

**3c) Communication from Kenneth Almeida, re: Four way stop request – Porter Rd. @ Pippen Rd.**

MOTION was made, seconded, duly VOTED:  
To TABLE for now as traffic counts have not yet been conducted.

**3d) Stop signs on Bigelow Street.**

MOTION was made, seconded, duly VOTED:  
To TABLE for now as traffic counts have not yet been completed. Engineering to try to work on for next meeting.

**3e) Traffic Commission rules and regulations update.**

MOTION was made, seconded, duly VOTED:

164

To TABLE for now, however, Chief Leonard indicated that an appropriation to update the Rules and Regulations manual would be a #1 item for his next meeting with Mayor Stevens.

**3f) Communication from Kevin Flynn, re: Grant of Authority to enforce traffic regulations at CDA (Community Development Authority) senior housing locations.**

MOTION was made, seconded, duly VOTED:  
To TABLE

**3g) Request for stop signs on Weed St. at Court St.**

MOTION was made, seconded, duly VOTED:  
To TABLE – waiting on further review by Engineering.

**3h) Communication from Amy Loveless, re: van parking spaces in front of Senior Center, 240 Main Street.**

MOTION was made, seconded, duly VOTED:  
To TABLE

**3i) Traffic management plan for “Reach Out for Schools” road race on Donald Lynch Blvd., May 2, 2010.**

MOTION was made, seconded, duly VOTED:  
To TABLE – no word yet from parties involved.

**2j) Request for 2 hour parking in front of 12 Main Street.**

Chief Leonard presented the new Regulation to the Commission for approval.

MOTION was made, seconded, duly VOTED:  
To APPROVE the regulation adding the 2 hour parking restriction at this location.  
The Chief will forward the wording to Lisa Thomas for advertisement.

That there being no further business of the Traffic Commission held on this date, meeting adjourned at 11:20 a.m.

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



*City of Marlborough*  
*Commonwealth of Massachusetts*

17,



**PLANNING BOARD**

**Barbara L. Fenby, Chair**  
**Steven Kerrigan, Clerk**  
**Philip J. Hodge**  
**Edward F. Coveney**  
**Clyde L. Johnson**  
**Sean N. Fay**

**PLANNING BOARD MINUTES**  
**April 5, 2010**  
**7:00 PM**

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

The Planning Board for the City of Marlborough met on Monday, April 5, 2010 in Memorial Hall, 3<sup>rd</sup> floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Steven Kerrigan, Phil Hodge, Edward Coveney, Clyde Johnson and Sean Fay. Also present: Asst. City Engineer Richard Baldelli.

**MINUTES**

***Meeting Minutes March 22, 2010***

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

To accept and file the minutes of March 22, 2010 with spelling corrections.

**CHAIRS BUSINESS**

**APPROVAL NOT REQUIRED PLAN**

**PUBLIC HEARING**

**SUBDIVISION PROGRESS REPORTS**

***Update from City Engineer***

Mr. Baldelli stated they are almost ready to bring the Fahey Street Subdivision to the Planning Board for road acceptance; they are just waiting for the stamped plans. He also stated that he and Mr. Cullen walked the sites for Indian Hill and Forest Grove, with recommendations to be forthcoming.

***Blackhorse Farms, Cider Mill Estates and West Ridge Estates (Fafard Development)***  
***Correspondence from the City Solicitor***

Donald Rider, the City Solicitor, sent correspondence explaining that he has been out of the office and that he has had a conversation since his return with Attorney Roelofs. It is his understanding from Attorney Roelofs that the developers have been in talks with our City Engineers Department. Mr. Rider will be providing a further update when one is available.

1/2

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

To accept and file the correspondence.

*Correspondence from City Engineer  
(Cidermill Estates, West Ridge Estates)  
McDermont Way, Goodwin Street and DuFresne Drive  
Subdivision Bond Reviews and Recommendations*

*This was read into record on March 22, 2010; Mr. Kerrigan read it into record once again.*

In his correspondence to the Planning Board, Mr. Cullen has reviewed the current bond status for these subdivisions; he is asking to increase the bonds.

- Cider Mill Estates- Increase bond from \$462,000 to \$581,000.
- West Ridge Estates- Increase bond from \$195,000 to \$246,000.

The assumption has been made by the Engineering Division that the subdivision should be completed within the next two years. Mr. Cullen also noted that the major infrastructure items still remain (installation of curbing, sidewalks, finish pavement, landscape obligations, misc cleanup, approvable as-buils and approvable acceptance plans).

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

To accept and file the bond recommendation.

*Correspondence from the City Engineer  
Subdivision Bond Review (Blackhorse Farms)  
Slocumb Lane*

*This was read into record on March 22, 2010; Mr. Kerrigan read it into the record once again.*

Mr. Cullen has reviewed the current subdivision bond and is recommending the Planning Board increase the bond amount from \$248,000 to \$334,000. It is the Engineering Departments assumption that the subdivision will be completed within the next two years. He also noted that the subdivision still has many items before completion including curbing, sidewalks, finish pavement, landscaping, misc cleanup, approvable as-built plans and approvable acceptance plans.

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

To accept and file the bond recommendation.

Mr. Kerrigan asked if the Planning Board has ever increased a bond, when the normal practice is to reduce the bonds. Mr. Fay stated that the bond amount is only one of many issues related to the subdivisions in question and questioned whether increasing the bond amount would make sense at this point without acknowledgement from the developer that the developer has an affirmative obligation to request an appropriate extension. Mr. Fay questioned whether the developer would be willing to request an extension if the bond amounts were increased.

Mr. Baldelli stated that if the Planning Board does agree to increase the bond, the City would be in a better position to be able to pull the bond if needed to complete the work as needed.

Mr. Hodge stated that the increase is necessary. The current bonds monies dates back to 2006 when construction costs were less then today's standards.

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

To notify Fafard Development that the Planning Board is increasing the bond amount for Cider Mill Estates from \$462,000 to \$581,000; to increase the bond amount for West Ridge Estates from \$195,000 to \$246,000; and to increase the bond amount of Blackhorse Farms from \$248,000 to \$334,000.

All members acknowledged the importance of the developer posting the increased bond amounts. Mr. Fay stated the reason he opposed the vote was because he did not want the Board's actions to be construed as a waiver of the two year time limit imposed by the Planning Board's Rules and Regulations and that he would like to get further guidance from the City Solicitor.

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

To reconsider the vote to increase the bond amounts.

Mr. Kerrigan stated that he did not fully understand the previous motion made by Mr. Hodge.

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

To table any motion on the bond increases; to send correspondence to the City Solicitor seeking guidance as to whether a vote to increase the bond amounts prohibits the Board from acting on the bonds should the developer choose not to seek an appropriate extension.

***Davis Estates (Bouvin Drive)***

*Correspondence from the City Engineer*

At the last meeting on March 22, 2010, the Planning Board asked the City Engineer to review the verbal requests made by Mr. Valchuis. Mr. Cullen provided the following on the trees:

- Pursuant to Section V, F Trees of the Rules and Regulation Governing the Subdivision of Land, Marlborough, MA last updated in December 1991: "Trees of a species approved by the City Forester shall be planted on each side of each street in subdivision, except where the Definitive Plan showed trees to be retained which are healthy and adequate. Such trees shall be located outside of the Right-of-Way as shown...approximately at 40' intervals, and shall be at least 12' in height, and a minimum of 3" caliper".
- Note that the developer can plant the trees get approval from the City that the trees have been planted, and the property owner can then cut the trees down. Without a landscape easement in place, he believes the developer may not be able to comply with making sure that the trees stay up until such time the subdivision is accepted.
- Also discussed at the Planning Board meeting was placing a deed restriction (through a formal change to the approved subdivision land plan) on the land to assure that the trees or replacement trees are required in the event that a site contractor destroys the planted trees.
- Also discussed was placing money into a fund to be used at the discretion of the City for planting elsewhere in the City. Note this defeats the purpose of the streetscape which he thought was the original intent.
- Also discussed was planting the trees and hope for the best as the lots are developed. Under this scenario, the developer has met his obligations.

Mr. Cullen stated that his recommendation would be that the developer be required to meet his obligations for the subdivision relating to the tree plantings.



On the fencing issue, Mr. Cullen provided the following:

- The developer is looking to eliminate the requirement of the fence around his detention basins. Mr. Cullen noted the fence indicated on the attached plan does not have a required height. Standard practice has been 6', however:
- Although not stated in the Rules and Regulations, Mr. Cullen believes the inclusion of a fence or other around a detention basin which has the possibility of having over several inches (24") of water in it is directly related to the general safety of the lot(s) in question and the requirements of the building code and/or City Code (see old chapter 176 attached herewith) come into play. Therefore, any recommendation that comes from the City Engineer's office will/needs to be directly related to the Codes.
- With all that said, as we move forward, the City will not be responsible for the maintenance of any aesthetically pleasing wall or fencing. Access needs to be maintained for the purpose of maintenance, passing, re-passing, etc.

Mr. Cullen is recommending that the developer be required to meet his obligation for his subdivision relating to the fencing or decorative fencing would be feasible as well, as long as it meets the height requirements. However, Mr. Cullen stated that the City will not be responsible to maintain the fence and the developer would have to provide a "shop" drawing prior to installation.

Mr. Kerrigan stated that the request for not installing the trees is a reasonable request since the lots have not been built yet.

Trees:

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

To send notification to the developer that the requirements of the tree plantings must be fulfilled to meet his required obligation for his subdivision.

Fencing:

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

To send notification to the developer needs to meet the obligation for this subdivision relating to fencing requirements or other noting that decorative fencing is feasible assuming that it meets the height requirements and must submit a shop drawing prior to installation to the City Engineer.

***The Residences of Oak Crest (Graves Lane)***

*Subdivision Extension*

*Code Enforcement and Blight Conditions*

Ms. Pamela Wilderman, Code Enforcement for the City Solicitor, stated that the subdivision appears to be in acceptable condition under the terms of the blight ordinance. She mentioned there were numerous dirt piles on one of the lots, sufficient precautions have been taken to prevent impact on the already constructed detention basin and noted the uninstalled light pole lying in the end of the cul de sac.

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

To accept and file the correspondence.

*Correspondence from the City Collector*

175

Ms. Deborah Puleo, the City of Marlborough Tax Collector, sent correspondence to Mr. Breslouf stating that the taxes are current for: 8 Graves Lane, 18 Graves Lane, 25 Graves Lane and 26 Graves Lane.

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

To accept and file the correspondence.

*Extension*

Mr. Baldelli stated that Mr. Cullen spoke to Mr. Breslouf and stated he needs to resubmit a more realistic subdivision completion schedule before he could recommend to the Planning Board an extension.

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

To table the decision of an extension until the next meeting on April 26, 2010.

**PENDING SUBDIVISION PLANS: Updates and Discussion**

**PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS**

**DEFINITIVE SUBDIVISION SUBMISSIONS**

**SCENIC ROADS**

**SIGNS**

***265A Lakeside Ave, Holiday Inn***  
*Request for Variance*

Mr. Kerrigan reminded the board of his disclosure of Appearance of Conflict of Interest.

Mr. Peter Zahka, the Attorney for the Hotel, presented to the Planning Board his variance request for the Holiday Inn. The Hotel was built in 1972, the current signage dates back to 1984 and the hotel itself has currently gone through a \$5,000,000 renovation project including new hotel branding logos.

He stated in his findings for a variance the reasons would be:

- "Way finding" for patrons on I-495 and Route 20
- Locating hotel is impacted by distance, topography, vegetation and location
- Difficulty determining actual entrance due to proximity to on/off ramps
- Hotel located approx 300 feet from entrance on Route 20
- Hotel entrance immediately off-ramp for I-495

In his correspondence he stated the following for satisfaction of standard for issuance of variance:

- City Ordinance: "The Planning Board may vary the provision of [Sign Ordinance] in specific cases which appear to it not to have been contemplated by this chapter, and in case where enforcement would involved practical difficulties, if, in each instance, desirable relief may be granted without substantially derogating from intent and purposes of this chapter"
- Unique situation due to distance topography, vegetation and location not contemplated by the ordinance

176

- Enforcement would involve practical difficulties since signs needed for “way finding” from I-495 and Route 20 – given distance and site line signs of the proposed size are required
- No substantial derogation from Ordinance since all proposed sign are less non-conforming than signs being replaced- Overall major improvement to the area – no adverse impact on others
- Hardship (not actual required - Need for appropriate signs is shown by complaints as well as significant loss of business

Mr. Kerrigan stated that applicant demonstrated his case and was willing to consider the signs.

Mr. Hodge asked the Board if they should consider the whole package and not just the ones needing variance. Ms. Fenby confirmed that has been past practice to review the whole package. Mr. Hodge also mentioned that the overall sign calculations were incorrect on how the signs were configured.

Ms. Fenby stated that the signs are less then what the current variance, however as pointed out by Mr. Hodge, the calculations seem to be mis-represented. Mr. Hodge stated the applicant should recalculate the signs dimensions.

Mr. Hodge stated that the applicant should consider moving the pylon sign to the current location of the message board signage, would eliminate some of the entrance to the site issues. Mr. Coveney and Mr. Johnson agreed with Mr. Hodge and the placement of the pylon sign. Mrs. Lizotte asked if the current pylon sign is removed, would the variance for the on-street message board sign should be null and void? Ms. Fenby stated that would be correct.

Mr. Zakra stated he would like to discuss with his client about the sign calculations and the possible change in location for the pylon sign.

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

To table the sign discussion until the next meeting on April 26, 2010.

## **INFORMAL DISCUSSION**

*Proposed Change to the Rules and Regulations  
Correspondence from the City Solicitor*

Mr. Rider stated that he has not had the opportunity to review the proposed amendment to the Planning Board Rules and Regulations. He is hoping to submit his thoughts on this matter at the next Planning Board.

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

To accept and file correspondence.

## **COMMUNICATIONS/CORRESPONDENCE**

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

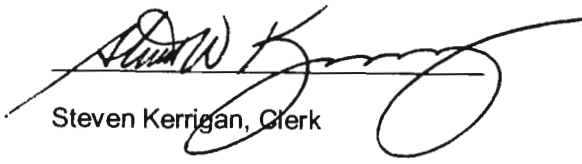
To accept all of the items listed under communications and/or correspondence.

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

To adjourn at 8:45 p.m.

**A TRUE COPY**

ATTEST:



Steven Kerrigan, Clerk