

Presentation and Award of 2010 City Scholarships

1. Minutes of the City Council Meeting, May 24, 2010.
2. Communication from the Mayor re: transfer request in the amount of \$2,455.00 which moves funds from Undesignated to R-911 Support as the City utilized the R-911 call service following the MWRA water main break on May 1, 2010.
3. Communication from the Mayor re: following transfer requests totaling \$18,000 necessary to fund emergency callouts associated with recent water main breaks:
Transfer in the amount of \$14,000.00 moving funds from Equipment Operators to Overtime-Regular.
Transfer in the amount of \$1,000.00 moving funds from Longevity to Overtime-Regular.
Transfer in the amount of \$3,000.00 moving funds from Sick Leave Buyback to Overtime-Regular.
4. Communication from the Mayor re: transfer request in the amount of \$687.85 which moves funds from Undesignated to Sick Leave associated with an employee's termination.
5. Communication from the Mayor re: Detailed Year-End Report Pertinent to Renewal of Public Safety Revolving Fund, Order No. 10-1002587.
6. Communication from the Mayor re: Detailed Year-End Report Pertinent to Renewal of Sligo Hill Water Tank Revolving Fund, Order No. 10-1002588.
7. Communication from the Mayor re: reappointment of Diane Smith to the position of Auditor for a three year term.
8. Communication from Superintendent Mary Carlson re: Renaming of the 4-7 School, Order No. 10-1002447A.
9. Application from Stanislav Nester d/b/a US Comfort Express, LLC for Livery license at 133 Broadmeadow St., Apt 10.
10. Minutes, Planning Board, May 10 and 24, 2010.
11. Minutes, Traffic Commission, April 27, 2010.
12. CLAIMS:
 - A. Joseph Arsenault and Dianna Clark, 211 Bolton St., other property damage

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Public Services Committee

13. **Order No. 10-1002576 – Application of Tony Bitar, d/b/a Hannoush Jewelers for Junk Dealer's License at 601 Donald Lynch Blvd.** Chief Leonard had no objection. **Recommendation of the Public Services Committee is to approve 3-0.**
14. **Order No. 10-1002560 – Application of Andrew Youngman, d/b/a Arch Stanton LLC for Junk Dealer's License at 225 Cedar St.** Chief Leonard had no objection. **Recommendation of the Public Services Committee is to approve 3-0.**
15. **Order No. 10-1002501 - Communication from John Crowe Associates, Inc. re: Extension of Time for Sewer Connection Permit, Boston Scientific, Boston Scientific Way to December 1, 2011.** Commissioner LaFreniere was in support.

- *See email from DPW Commissioner LaFreniere in support of the extension of the Sewer Connection Permit previously granted to Boston Scientific:*

From: LaFreniere, Ron

Sent: Monday, May 17, 2010 7:44 AM

To: City Council

Subject: Boston Scientific; Request to extend the period of time to utilize their sewer connection permit To Councilor Juairé:

Councilor, my office has reviewed and hereby supports the request by Boston Scientific to further extend the period of time the council has granted to the company to connect future facilities to the city's sewer system.

Should you have any questions regarding the above, please do not hesitate to contact me.

Ron

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

From Finance Committee

16. **Order No. 10-1002570 – Transfer \$3,000.00 from Personnel Medical Exams to the Advertising and Conference & Training Accounts:** The Finance Committee reviewed the Mayor's letter dated May 5, 2010 requesting the transfer of \$3,000.00 in the Personnel Department Medical Exam account to the Advertising and Conference and Training Accounts. **Recommendation of the Finance Committee is to approve 5-0 the following two transfers:**
- **\$1,000.00 from Medical Exams to Advertising**
 - **\$2,000.00 from Medical Exams to Conference and Training**
17. **Order No. 10-1002571 – Transfer \$31,308.63 to Fund Police Retirement:** The Finance Committee reviewed the Mayor's letter dated May 5, 2010 requesting the transfer of \$31,308.63 from Fringes and Council on Aging Nurse accounts to the Police sick leave buy back account to cover an employee's retirement. **Recommendation of the Finance Committee is to approve 5-0 the following two transfers:**
- **\$5,620.63 from Fringes to Police sick leave buy back.**
 - **\$25,688.00 from COA Nurse to Police sick leave buy back**
18. **Order No. 10-1002565-3 - Order to Approve Expenditures in Excess of Available Appropriation in the Snow and Ice Accounts:** The Finance Committee reviewed the Mayor's letter dated May 6, 2010 requesting the City Council approve an order to over spend the appropriations in the FY11 snow and ice accounts. The Finance Committee approved the expenditure of \$500,000.00 over the FY11 appropriations. The Mayor will be required to request prior City Council approval to expend more than \$1,000,000.00 in the snow and ice accounts for FY11. **Recommendation of the Finance Committee is to approve 5-0 the revised order below (revision in bold text):**

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, **upon the recommendation** of the Mayor, approves the expenditures of **\$500,000.00** in excess of available appropriation for snow and ice removal for fiscal year 2011.

From Veterans Affairs Committee

19. **Order No. 10-1002447A** - 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 1st 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 1st LT Charles Willis Whitcomb School.

Vote: Motion made, and seconded, to recommend the addition of the word “Intermediate” to the name so that it reads as follows:

The 1st Lt. Charles Willis Whitcomb Intermediate School

Recommendation of the Veterans Affairs Committee is to approve 3-0 as amended.



CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
Lisa M. Thomas
140 Main St.
Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723
MAY 24, 2010

Regular meeting of the City Council held on Monday, MAY 24, 2010 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Ferro, Elder, Juairé, Seymour, Clancy, and Landers. Councilor Delano was absent. Meeting adjourned at 9:07 p.m.

ORDERED: That the minutes of the City Council Meeting May 10, 2010, **FILE AS AMENDED**; adopted.

ORDERED: That the following various year-end inter-departmental transfer requests necessary to balance FY10 accounts, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS -									
DEPT: Council on Aging					FISCAL YEAR: 2010				
Available Balance	Amount	FROM ACCOUNT:			Amount	TO ACCOUNT:			Available Balance
		Org Code	Object	Account Description:		Org Code	Object	Account Description:	
\$9,628.79	\$2,913.00	11210002	50590	Executive Secretary	\$1,913.00	15410001	50190	Director of Edarty Affairs	\$1,960.37
	Reason:	Available funds due to no step increases in FY10				Funds needed for vacation buy-out due to employee's departure			
					\$1,000.00	15410003	51920	Sick Leave Buy Back	\$0.00
	Reason:					Due to employee upon departure			

TRANSFER REQUEST									
AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT			AMOUNT	TO ACCOUNT			AMOUNT AVAIL
		ORG CODE	OBJECT	ACCOUNT DESCRIP		ORG CODE	OBJECT	ACCOUNT DESCRIP	
		Interest on Ban				School Support			
\$ 55,000.00	\$ 23,152.00	13860008	59254	Int BAN	\$ 23,152.00	13100003	51753	Medicare Insurance	\$ 53,207.51
	\$ 4,127.00	13860008	59254	Int BAN	\$ 4,127.00	13100003	57408	Life Insurance	\$ 3,227.58
	\$ 27,279.00				\$ 27,279.00				
		Reason: To fund shortfall in budgeted items							

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TRANSFER REQUEST									
FROM ACCOUNT					TO ACCOUNT				
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
			Interest on Ban				Unemployment		
\$ 55,000.00	\$ 4,624.00	13860006	59254	Int BAN	\$ 4,624.00	11970006	51730	Unemployment	\$ 2,620.00
Reason: To fund shortfall in budgeted item									

TRANSFER REQUEST									
FROM ACCOUNT					TO ACCOUNT				
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
			Interest on Ban				Comptroller		
\$ 55,000.00	\$ 11,500.00	13860006	59254	Int BAN	\$ 11,500.00	11330006	53460	Postage	\$ 2,849.00

ORDERED: That the following various year-end intra-departmental transfer requests necessary to balance FY10 accounts, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS -									
DEPT: Library					FISCAL YEAR: 2010				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$427.25	\$169.00	16100001	50471	YOUNG ADULT LIBRARIAN	\$169.00	16100003	51920	SICK LEAVE BUYBACK	\$821
Reason: YOUNG ADULT LIBRARIAN HAS RESIGNED. NO ACTIVITY IS EXPECTED IN THIS ACCOUNT FOR THE REST OF THE FISCAL YEAR.					EXTRA FUNDING REQUIRED TO PAY EARNED SICK LEAVE FOR AN EMPLOYEE WHO HAS JUST RESIGNED.				

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CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:		PUBLIC WORKS				FISCAL YEAR:		2010		
Available Balance	Amount	FROM ACCOUNT:		Account Description:	Amount	TO ACCOUNT:		Account Description:	Available Balance	
		Org Code	Object			Org Code	Object			
\$5,765	\$1,000.00	60085006	54340	WWTP - Maintain Machinery	\$1,000.00	60085003	51310	WWTP - Overtime	\$2,570	
								Anticipated amount needed for emergency callouts		
\$400	\$200.00	60081003	51940	EWTP - Clothing Allowance	\$200	60081003	51310	EWTP - Overtime	\$2,594	
								Anticipated amount needed for emergency callouts		
\$14,328	\$8,600.00	61090001	50460	Water meter reader	\$8,600	61090003	51310	Water - Overtime	\$5,165	

CITY OF MARLBOROUGH
BUDGET TRANSFERS
MONTH OF MAY 2010

DEPT: FIRE						FISCAL YEAR:		2010		
Available Balance	Amount	FROM ACCOUNT:		Account Description:	Amount	TO ACCOUNT:		Account Description:	Available Balance	
		Org Code	Object			Org Code	Object			
14,816.53	\$474.00	12200001	50130	FIRE CHIEF	\$474.00	12200001	50335	DEPUTY CHIEF	34,344.00	
				Reason: Balance available due to new hire at a lower rate				Reason: deficit due to employee working as Acting Chief		
14,816.53	\$406.90	12200001	50130	FIRE CHIEF	\$406.90	12200001	50810	FIRE LIEUTENANT	55,889.60	
				Reason: Balance available due to new hire at a lower rate				Reason: anticipated deficit based on FY09 payroll		
14,816.53	\$514.97	12200001	50130	FIRE CHIEF	\$514.97	12200003	51226	FIRST RESPONDER	\$3,174.55	
				Reason: Balance available due to new hire at a lower rate				Reason: account not properly funded		
14,816.53	\$52.82	12200001	50130	FIRE CHIEF	\$52.82	12200003	51430	LONGEVITY	\$5,609.74	
				Reason: Balance available due to new hire at a lower rate				Reason: account not properly funded		
14,816.53	\$2,794.03	12200001	50130	FIRE CHIEF	\$2,794.03	12200003	51450	NIGHT SHIFT	\$2,794.03	
				Reason: Balance available due to new hire at a lower rate				Reason: account not properly funded		

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CITY OF MARLBOROUGH BUDGET TRANSFERS MONTH OF MAY 2010										
DEPT:	FIRE								FISCAL YEAR:	2010
FROM ACCOUNT:					TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
14,816.53	\$710.23	12200001	50130	FIRE CHIEF	\$710.23	12200003	51300	GROSS OVERTIME	\$469.46	
Reason: Balance available due to new hire at a lower rate					Reason: anticipated deficit based on FY09 payroll					
3521.63	\$3,266.63	12200003	51440	EDUCATION INCENTIVE	\$3,266.63	12200003	51300	GROSS OVERTIME	\$469.46	
Reason: anticipated increased educational credits did not occur					Reason: anticipated deficit based on FY09 payroll					
8,370.42	\$8,370.42	12200003	51480	EMT	\$8,370.42	12200003	51300	GROSS OVERTIME	\$469.46	
Reason: anticipated new EMT's not certified					Reason: anticipated deficit based on FY09 payroll					
9,477.43	\$9,477.43	12200003	51490	HOLIDAY	\$9,477.43	12200003	51300	GROSS OVERTIME	\$469.46	
Reason: estimated surplus based on one remaining FY10 holiday					Reason: anticipated deficit based on FY09 payroll					
366,405.84	\$5,915.54	12200001	50450	FIREFIGHTER	\$5,915.54	12200003	51300	GROSS OVERTIME	\$469.46	
Reason: unused salaries due to employees out on IOD					Reason: replenish overtime used for coverage of IOD					

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:									FISCAL YEAR:	
FROM ACCOUNT:					TO ACCOUNT:					
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance		
\$368.00	11510006	53880	Registry of Deeds	\$368.00	11510006	57100	Instate Travel	\$132		
Reason: Fewer recordings than expected					Reason: More in-state travel than expected					

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:	Inspectional Services 2410								FISCAL YEAR:	10
FROM ACCOUNT:					TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$375	\$285.00	12410003	51430	Longevity	\$285.00	12410002	51050	Board Secretary	\$58	
Reason: Excess available in acct					Reason: Coverage remainder of Planning Board and Zoning Board meetings					
\$3,261	\$250.00	12410004	53180	Professional & Tech Services	\$250	12410002	51050	Board Secretary	\$58	
Reason: Excess available in acct					Reason: Coverage remainder of Planning Board and Zoning Board meetings					

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CITY OF MARLBOROUGH
BUDGET TRANSFERS -

DEPT:	Police			DATE:	17-May-10			FY:	2010		
Available Balance	Amount	FROM ACCOUNT:	Org Code	Object	Account Description:	Amount	TO ACCOUNT:	Org Code	Object	Account Description:	Available Balance
\$73,369	\$20,000.00		1210003	51310	Overtime - Regular	\$20,000.00		12100001	50420	Police Officers	\$223,067
	Reason:	Will have surplus due to return of injured officers					Will have deficit due to Fairfield officer's salaries				
\$73,369	\$2,905.00		1210003	51310	Overtime - Regular	\$2,905.00		12100003	51410	First Responder	\$3,219
	Reason:	Same as above					Had to pay 2 officers retro pay				
\$28,159	\$11,540.00		12100003	51360	Overtime - Training	\$11,540		12100003	51490	Holiday	\$13,600
	Reason:	Reduced training due to earlier budget concerns					Anticipated funds needed for final holiday of FY2010				
\$28,159	\$10,000.00		12100003	51360	Overtime - Training	\$10,000.00		12100001	50420	Police Officers	\$223,067
	Reason:	Same as above					Will have deficit due to Fairfield's officers salaries				
\$70,992	\$32,300.00		12100003	51320	Overtime - Court Time	\$32,300		12100001	50420	Police Officers	\$223,067
	Reason:	Unexpected surplus in account					Same as above				
\$783	\$783.00		12100003	51370	Overtime - Celebration	\$783		12100001	50420	Police Officers	\$223,067
	Reason:	Unused funds from Labor Day parade					Same as above				

TRANSFER REQUEST

		FROM ACCOUNT				TO ACCOUNT			
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
				Water Legal Services				Water Audit	
\$	5,000.00	\$	4,500.00	61019904 53110 Legal Svs	\$	4,500.00	61019904 53080 Audit Svs	\$	1,000.00
Reason: To fund short fall in budgeted item									

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ORDERED: That the following transfer requests totaling \$70,809.00 which moves funds from Undesignated to various accounts for the purpose of funding FY10 step increase, refer to **FINANCE COMMITTEE**; adopted.

TRANSFER REQUEST									
		FROM ACCOUNT			TO ACCOUNT				
AVAILABLE BALANCE	AMOUNT	ORG C	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
Undesignated Fund				VARIOUS DEPARTMENTS					
\$ 2,430,483.30	\$ 70,809.00	10000	35900	Undesignated Fund	\$ 2,768.00	14001101	50700	GR 2 ENG	\$ -
					\$ 100.00	14001103	51310	OT	
					\$ 4,017.00	14001301	50660	GEN FOREMAN	
					\$ 240.00	14001303	51920	SICK BB	
					\$ 201.00	14001303	51430	LONG	
					\$ 1,190.00	14001303	50790	DISPATCHER	
					\$ 180.00	14001303	51310	OT	
					\$ 6,209.00	14001503	50740	EQUIP OP	
					\$ 572.00	14001503	51310	OT	
					\$ 1,252.00	14001101	50710	JR ENG	
					\$ 3,420.00	14001403	50745	EQUIP OP	
					\$ 309.00	14001403	51310	OT	
					\$ 999.00	14001002	50520	PRINC CLK	
					\$ 471.00	14001002	50550	HEAD CLK	
					\$ 137.00	14001003	51920	SICK BB	
					\$ 73.00	14001003	51430	LONG	
					\$ 14,056.00	12200001	50450	FIREFIGHTER	
					\$ 965.00	12200003	51480	EMT	
					\$ 395.00	12200003	51226	RESPONDER	
					\$ 575.00	12200003	51450	NIGHT DIF	
					\$ 1,406.00	12200003	51300	OT	
					\$ 879.00	11920001	50292	CRAFTSMAN	
					\$ 605.00	11920003	50560	CUSTODIAN	
					\$ 1,234.00	16100001	50470	CHILD. LIB.	
					\$ 1,270.00	16100002	50520	PRINC CLK	
					\$ 2,651.00	16100001	50230	LIB DIR	
					\$ 495.00	16100003	51261	PT CLK	
					\$ 155.00	16100003	51262	PAGE	
					\$ 378.00	16100003	51259	RELFP PT	
					\$ 230.00	16100003	50860	LIB CLK	
					\$ 1,511.00	11350002	50062	FIN ASST.	
					\$ 432.00	12410001	50370	PLUMB INSPC	
					\$ 151.00	12410002	50770	SR CLK	
					\$ 447.00	11610002	50770	SR CLK	
					\$ 60.00	11610003	51920	SICK BB	
					\$ 23.00	11610003	51430	LONG	
					\$ 1,076.00	11620002	50770	SR CLK	
					\$ 1,080.00	11210002	50590	EXEC SCTRY	
					\$ 1,809.00	11520001	50530	PERSONNEL DIR	
					\$ 720.00	11520002	50401	PT SR CLK	
					\$ 7,420.00	12100001	50420	POLICE OFFICER	
					\$ 1,725.00	12100003	51213	PUB SAF DISP	
					\$ 288.00	12100003	51410	FIRST RESP	
					\$ 720.00	12100003	51450	NIGHT DIF	
					\$ 5,000.00	12100003	51440	EDU	
					\$ 915.00	12100003	51310	OT	
					\$ 70,809.00				

Reason: To fund city wide step increases

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ORDERED: That the transfer request in the amount of \$13,896.00 which moves funds from Fringes to Sick Leave Buy Back to fund benefits associated with an employee's retirement, refer to the **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 11990006-51500 \$13,896.00
Fringes

TO:

Acct. # 14001303-51920 \$13,896.00
Sick Leave Buy Back

ORDERED: That the transfer request in the amount of \$7,500.00 which moves funds from Junior Civil Engineer to Foreman to fund benefits associated with an employee's retirement, refer to the **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 14001101-50710 \$7,500.00
Junior Civil Engineer

TO:

Acct. # 14001301-50690 \$7,500.00
Foreman

ORDERED: That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2011, re-authorize a revolving fund to be utilized by the Mayor. It is further ordered that:

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

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

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

(d) no more than forty-five thousand dollars shall be expended during Fiscal Year 2011, unless otherwise authorized by the City Council and Mayor; and

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

(f) no provisions of this order shall be changed unless approved by the Mayor and City Council, refer **BACK TO THE MAYOR FOR PROPER DOCUMENTATION CLARIFYING THE BASIS OF EXPENDITURES**; adopted.

ORDERED: That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2011, re-authorize the revolving fund utilized by the Public Facilities Department. It is further ordered that:

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- (a) departmental receipts credited to the fund shall be limited to lease payments and fees due the City from owners of antennae and related telecommunications equipment on property that is maintained by, or assigned or transferred to be maintained by, the Public Facilities Department, unless otherwise directed by the General Laws; and
- (b) expenditures from said fund shall be limited to the maintenance and related expenses for Sligo Hill and Stevens Park; and
- (c) the Director of Public Facilities shall be the only officer authorized to approve expenditures from the same; and
- (d) no more than three hundred thousand dollars shall be expended during Fiscal Year 2011, unless otherwise authorized by the City Council and Mayor; and
- (e) the Director of Public Facilities shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (f) no provisions of this order shall be changed unless approved by the Mayor and City Council, refer back to the **MAYOR FOR PROPER DOCUMENTATION CLARIFYING THE BASIS OF EXPENDITURES**; adopted.

ORDERED; That, pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during Fiscal Year 2011, authorize the establishment of a revolving fund to be utilized by the Department of Public Works.

It is further ordered that:

- (a) departmental receipts credited to the fund shall be limited to payments, fees and/or rental income due the City from owners of antennae and related telecommunications equipment located or co-located at the wireless communications facility ("WCF") situated on property under the care, custody, management and control of the Department of Public Works at the Easterly Wastewater Treatment Plant ("EWTP") at 860 Boston Post Road in Marlborough or any land adjacent thereto and unless otherwise directed by the General Laws; and
- (b) expenditures from said fund shall be limited to the maintenance and improvement of municipal parks and playgrounds; and,
- (c) the Commissioner of Public Works shall be the only officer authorized to approve expenditures from the fund; and,
- (d) no more than \$75,000.00 shall be expended during Fiscal Year 2011, unless otherwise authorized by the City Council and Mayor; and,

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(e) priority for expenditure of said payments, fees and/or rental income from the WCF at the EWTP shall, through Fiscal Year 2011, be utilized for the maintenance and improvement of Byrne Field; and,

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

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

ORDERED: That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does hereby re-authorize a revolving fund during fiscal year 2011 for parks and playground improvement purposes to be administered through the Department of Public Works. It is further ordered that:

(a) departmental receipts credited to the fund shall be limited to lease payments and fees due the City from owners of antennae and related telecommunications equipment located on Fairmount Hill; and

(b) expenditures from said fund shall be limited to the maintenance and improvement of neighborhood parks and playgrounds, and that priority for such expenditures shall, through fiscal year 2011, be utilized for the maintenance and improvement of Artemus Ward Park; and

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

(d) no more than \$100,000.00 shall be expended during fiscal year 2011, unless otherwise authorized by the City Council and Mayor; and

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

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

ORDERED: That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does hereby re-authorize a revolving fund during fiscal year 2011 for Geographical Information System (GIS) purposes to be administered by the Department of Public Works. It is further ordered that:

(a) departmental receipts credited to the fund shall be limited to payments and fees due the City from those who purchase data and related copy-written material that has been created by the City of Marlborough Geographical Information System, unless otherwise directed by the General Laws; and

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(b) expenditures from said fund shall be limited to the maintenance, improvement and related expenses for the maintenance and improvement of the City of Marlborough Geographical Information System; and

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

(d) no more than \$10,000.00 shall be expended during fiscal year 2011, unless otherwise authorized by the City Council and Mayor; and

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

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

FY2011 SUPPLEMENTAL BUDGET:

ORDERED: MOTION made by Councilor Seymour to fund the Human Services Department as follows:

Acct. # 1527001-50595	Director's Salary	\$31,665.91
Acct. # 1527005-54220	Office supplies	\$75.00

CARRIES WITH A HAND VOTE; adopted.

Suspension of the Rules requested to move agenda item #20 to #12 – granted

ORDERED: That the Mayor be requested to submit for City Council consideration a reorganization plan and funding request for delivering human services for FY11.

MOTION made by Councilor Seymour to amend the order to add the following text after FY11, "said plan should be submitted by September 30, 2010", **APPROVED**; adopted.

ORDERED: That Pursuant to Section 12(b) of M.G.L. c. 30B (Uniform Procurement Act), the City Council hereby authorizes the Chief Procurement Officer to award a contract for a term not to exceed five years, including any renewal, extension, or option, if the Chief Procurement Officer deems such term to be in the best interest of the City for any procurement subject to Chapter 30B.

Said authorization shall allow the Chief Procurement Officer to determine the costs and benefits of the City entering into contracts for a term not to exceed five years, as appropriate. The Chief Procurement Officer shall cancel any contract if funds are not appropriated or otherwise made available to support continuation of performance in any fiscal year succeeding the first year as required by Chapter 30B. The City shall retain sole discretion in exercising any renewal, extension, or option. The City shall not exercise any renewal, extension, or option unless, after reasonable investigation of costs and benefits, the procurement officer has determined in writing that the exercise of the renewal, extension, or option is more advantageous than alternate means of procuring comparable supplies or services as required by Chapter 30B refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the following notification from the City Clerk re: Special Ward Four Preliminary Election Call, **FILE**; adopted.

CITY OF MARLBOROUGH
OFFICE OF CITY CLERK

That the City Clerk be and is herewith directed to have proper notices issued notifying the VOTERS of the City of Marlborough that the **SPECIAL WARD FOUR PRELIMINARY ELECTION** will be held in the polling locations as noted below on **TUESDAY, JUNE 15, 2010** as follows:

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

POLLING LOCATIONS ARE AS FOLLOWS:

WARD FOUR: Prec. 1 Boys and Girls Club, 169 Pleasant Street
WARD FOUR: Prec. 2 Boys and Girls Club, 169 Pleasant Street

ORDERED: That the communication from the Gary White, White Real Estate, re: Street Acceptance for Fahey St., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: The communication from Attorney Bergeron, on behalf of Melanson Development, requesting to **WITHDRAW WITHOUT PREJUDICE** Special Permit application to allow preservation and adaptive reuse of the Walker home on Framingham Rd., while also allowing construction of 17 new homes, **APPROVED**; adopted.

ORDERED: That the communication from Mosquito Control Project re: investigating resident's mosquito complaints during May 2010 on May 26 and June 3, 9, 16, 23 and 30, **FILE**; adopted.

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

A. Frank Cosolito, 1 Tannery Dr., pothole or other road defect

Suspension of the Rules requested-granted

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 July 27, 2010 at 11:00 PM, **APPROVED**; adopted.

Reports of Committees:

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

Order No. 10-1002576 – Application of Tony Bitar, d/b/a Hannoush Jewelers for Junk Dealer's License at 601 Donald Lynch Blvd. Chief Leonard had no objection. **Recommendation of the Public Services Committee is to approve 3-0.**

Order No. 10-1002560 – Application of Andrew Youngman, d/b/a Arch Stanton LLC for Junk Dealer's License at 225 Cedar St. Chief Leonard had no objection. **Recommendation of the Public Services Committee is to approve 3-0.**

Order No. 10-1002501 - Communication from John Crowe Associates, Inc. re: Extension of Time for Sewer Connection Permit, Boston Scientific, Boston Scientific Way to December 1, 2011. Commissioner LaFreniere was in support.

- *See email from DPW Commissioner LaFreniere in support of the extension of the Sewer Connection Permit previously granted to Boston Scientific:*

From: LaFreniere, Ron

Sent: Monday, May 17, 2010 7:44 AM

To: City Council

Subject: Boston Scientific; Request to extend the period of time to utilize their sewer connection permit

To Councilor Juaire:

Councilor, my office has reviewed and hereby supports the request by Boston Scientific to further extend the period of time the council has granted to the company to connect future facilities to the city's sewer system.

Should you have any questions regarding the above, please do not hesitate to contact me.

Ron

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

Councilor Ossing reported the following out of the Finance Committee:

Order No. 10-1002568 – Transfer \$4,000 for Part Time Library Clerks: The Finance Committee reviewed the Mayor's letter dated May 5, 2010 requesting two transfers in the amount of \$4,000.00 to fund the part time library clerk's line item. **Recommendation of the Finance Committee is to table 5-0 the following two transfers pending discussion with the Library Director:**

- **\$2,000.00 from Library Pages to Part Time Library Clerks**
- **\$2,000.00 from Full Time Library Clerk to Part Time Library Clerks**

Order No. 10-1002570 – Transfer \$3,000.00 from Personnel Medical Exams to the Advertising and Conference & Training Accounts: The Finance Committee reviewed the Mayor's letter dated May 5, 2010 requesting the transfer of \$3,000.00 in the Personnel Department Medical Exam account to the Advertising and Conference and Training Accounts. **Recommendation of the Finance Committee is to approve 5-0 the following two transfers:**

- **\$1,000.00 from Medical Exams to Advertising**
- **\$2,000.00 from Medical Exams to Conference and Training**

Order No. 10-1002571 – Transfer \$31,308.63 to Fund Police Retirement: The Finance Committee reviewed the Mayor's letter dated May 5, 2010 requesting the transfer of \$31,308.63 from Fringes and Council on Aging Nurse accounts to the Police sick leave buy back account to cover an employees retirement. **Recommendation of the Finance Committee is to approve 5-0 the following two transfers:**

- **\$5,620.63 from Fringes to Police sick leave buy back.**
- **\$25,688.00 from COA Nurse to Police sick leave buy back**

Order No. 10-1002565-3 - Order to Approve Expenditures in Excess of Available Appropriation in the Snow and Ice Accounts: The Finance Committee reviewed the Mayor's letter dated May 6, 2010 requesting the City Council approve an order to over spend the appropriations in the FY11 snow and ice accounts. The Finance Committee approved the expenditure of \$500,000.00 over the FY11 appropriations. The Mayor will be required to request prior City Council approval to expend more than \$1,000,000.00 in the snow and ice accounts for FY11. **Recommendation of the Finance Committee is to approve 5-0 the revised order below (revision in bold text):**

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, **upon the recommendation** of the Mayor, approves the expenditures **of \$500,000.00** in excess of available appropriation for snow and ice removal for fiscal year 2011.

Councilor Ferro reported the following out of the Veterans Affairs Committee:

Order No. 10-1002447A - 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 1st 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 1st LT Charles Willis Whitcomb School.

Vote: Motion made, and seconded, to recommend the addition of the word "Intermediate" to the name so that it reads as follows:

The 1st Lt. Charles Willis Whitcomb Intermediate School

Recommendation of the Veterans Affairs committee is to approve 3-0 as amended.

ORDERED: That the Public Safety Committee meet with the staff of the Marlboro Airport to determine if there are methods to obtain federal funding to repair the damaged sustained during the President of the United States landing at the Marlboro Airport on April 1, 2010, refer to **PUBLIC SAFETY COMMITTEE**; adopted.

ORDERED: That the transfer request in the amount of \$30,500.00 which moves funds as follows for expenses associated with an employee's retirement, **APPROVED**; adopted.

FROM:

Acct. # 11990006-51500 \$4,715.00

Fringes

Acct. # 11990006-51500 \$25,785.00

Fringes

TO:

Acct. # 12100001-50510 \$4,715.00

Police Lieutenant

Acct. # 12100003-51920 \$25,785.00

Sick Leave Buy Back

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

FROM:

Acct. # 12200001-50450

\$7,637.56

Firefighter

TO:

Acct. # 12200003-51300

\$7,637.56

Gross Overtime

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:07 p.m.; adopted.



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 F. Holml
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

June 10, 2010

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

RE: Transfer Request – Department of Emergency Management

Honorable President Vigeant and Councilors:

I am submitting herewith the following transfer request:

Transfer in the amount of \$2,455.00 moving funds from account number 10000-35900 (Undesignated Fund) to account number 12910004-53182 (R-911 Support).

The City utilized the R-911 call service following the MWRA water main break on May 1, 2010. The calls were placed to notify residents that Marlborough's water supply was safe for use.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosures

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City of Marlborough
Emergency Management

696 CONCORD ROAD
MARLBOROUGH, MASSACHUSETTS 01752-5617
TEL. (508) 481-1933 FACSIMILE (508) 460-3795 TDD (508) 460-3610
CELL (508) 726-1088 PAGER (978) 803-2061

Don Cusson
EMERGENCY MANAGEMENT
DIRECTOR
dcusson@marlborough-ma.gov

Nancy Stevens, Mayor
140 Main St. City Hall
Marlborough, MA 01752
June 7, 2010

Request for funds:

Dear Mayor Stevens

In receipt of an invoice from Plant*CML, this week-end for the R-911 call made on May 1st for the MWRA water main break to notify the public of the safe use of our water for the sum of \$2,455.00. Per your request this message was sent out on May 1st. My account # #12910004-53182 R911 Support would be \$2,445.99 short. I am requesting a transfer of this amount to pay for the services rendered.

I am not sure if there are funds available in the Sewer and Water Account to cover this service, if not then I would request the funds from undesignated funds. Please advise as to which account I should be requesting from.

Thank you for your response on this matter. If there are any questions please do not hesitate to call or email.

Account # 12910004-53182 Bal. \$9.01
Invoice # 5675 \$2,455.00

Respectfully,

Donald E. Cusson

Cc: TAbel
DSmith
RLaFreniere
KHolmi

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TRANSFER REQUEST

AVAILABLE BALANCE	AMOUNT	ORG C/ OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
			Undesignated Fund				Emergency Management Department	
\$ 2,430,483.30	\$ 2,455.00	10000	35900 Undesignated Fund	\$ 2,455.00	12910004	53182 R911 Support		\$ 9.01

Reason: To fund E911 Calls during MWRA Water main break



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Office of the Mayor

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Nancy E. Stevens
MAYOR

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Katherine M. Kimber
EXECUTIVE SECRETARY

June 10, 2010

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

RE: Transfer Request – Department of Public Works

Honorable President Vigeant and Councilors:

I am submitting herewith the following transfer requests:

Transfer in the amount of \$14,000.00 moving funds from Account No. 61090001-50740 (Equipment Operators) to Account No. 61090003-51310 (Overtime-Regular).

Transfer in the amount of \$1,000.00 moving funds from Account No. 61090003-51430 (Longevity) to Account No. 61090003-51310 (Overtime-Regular).

Transfer in the amount of \$3,000.00 from Account No. 61090003-51920 (Sick Leave Buyback) to Account No. 61090003-51310 (Overtime-Regular).

The transfers are necessary to fund emergency callouts associated with recent water main breaks as well as anticipated expenses through the remainder of this fiscal year. For your review, we have included details on the most recent incurred expenses.

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

Sincerely,

Nancy E. Stevens
Mayor


Enclosures

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:		PUBLIC WORKS		FISCAL YEAR:		2010			
FROM ACCOUNT:		TO ACCOUNT:		Org Code		Object		Account Description:	
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$49,104	\$14,000.00	61090001	50740	Equipment Operators	\$14,000.00	61090003	51310	Overtime-Regular	-\$6,930 *
	Reason:	Funds available due Workman's Comp injuries							
\$1,946	\$1,000.00	61090003	51430	Longevity	\$1,000	61090003	51310	Overtime-Regular	-\$6,930 *
	Reason:	Funds available due to retirement							
\$5,018	\$3,000.00	61090003	51920	Sick Leave Buyback	\$3,000	61090003	51310	Overtime-Regular	-\$6,930 *
	Reason:	Funds available due to retirement							

* This balance assumes account is to be supplemented with the \$8,600 transfer request dated 5/17/10

TOTAL \$18,000.00

Department Head signature:  6/9/10

Bigelow Street - Water Main Break Overtime Expenditures

Personnel	O.T. Hours	Hourly Rate	Total
Water Division			
Roland LaChapelle	23	\$ 46.01	\$ 1,058.23
Andy Flint	24	\$ 35.70	\$ 856.80
Gersh Pertarb	20	\$ 35.70	\$ 714.00
Rob Robinson	20	\$ 35.70	\$ 714.00
Mark Estabrook	16	\$ 46.01	\$ 736.16
Kieren Moore	20	\$ 35.70	\$ 714.00
Eric Jewett	14.5	\$ 35.70	\$ 517.65
Steven Colacchio	14.5	\$ 35.70	\$ 517.65
Joe Zina	14.5	\$ 35.70	\$ 517.65
Streets Division			
Dick Cloutier	20	\$ 35.70	\$ 714.00
Ed Spaulding	9.5	\$ 35.70	\$ 339.15
Jim Rinaldo	20	\$ 35.70	\$ 714.00
			\$ 8,113.29

Transfer Request Summary

Account Number	Description	Current balance	Transfer Request 6/9/10	Balance	Bigelow St. Water Main Break (Labor Cost)	Account Balance After Transfers
61090003-51310	Water - Overtime	-\$6,930.00	\$ 18,000.00	\$ 11,070.00	\$ 8,113.29	\$ 2,956.71

• This balance assumes account is to be supplemented with \$8,600 transfer dated 5/17/10



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Office of the Mayor

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June 10, 2010

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

RE: Transfer Request – Planner

Honorable President Vigeant and Councilors:

Attached herewith is a transfer request in the amount of \$687.85 from account number 10000-35900 (Undesignated) to account number 11740003-51920 (Sick Leave).

This transfer request is necessary to fund benefits associated with the employee's termination.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

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TRANSFER REQUEST

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT	ORG C/OBJECT	ACCOUNT DESCRIP	AMOUNT	TO ACCOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
				Undesignated Fund					PLANNING DEPARTMENT	
\$ 2,430,483.30	\$ 687.85	10000	35900	Undesignated Fund	\$ 687.85	11740003	51920	Sick Leave		\$ -

Reason: To fund employees benefits upon termination.



City of Marlborough
Office of the Mayor

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Nancy E. Stevens
MAYOR

Krista F. Holmi
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Katherine M. Kimber
EXECUTIVE SECRETARY

June 10, 2010

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

RE: Renewal of Public Safety Revolving Fund _ Order 10-1002587

Honorable President Vigeant and Councilors:

Last year, your body authorized a revolving fund for emergency dispatch fees from Patriot Ambulance's contract with the City. The account is to be utilized by the City for public safety training.

To be effective in fiscal year 2011, state law requires approval before the new fiscal year begins. Per Council Order 10-1002587, I have included a year-end report submitted by City Auditor Diane Smith. The memo details funds received, funds expended, encumbered funds, a description of expenditures and the fund balance.

As always, if you have any questions or concerns about this issue, please feel free to contact me anytime.

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

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CITY OF MARLBOROUGH

Office of the City Auditor
140 Main St.
Marlborough, MA 01752

May 17, 2010

MEMORANDUM

TO: Mayor Nancy E. Stevens
FROM: Diane Smith, City Auditor
RE: Public Safety Training Revolving Account

The income and expenditures of the Public Safety Training Revolving account are as follows:

Beginning balance as of July 1, 2009	\$32,624.94
Funds received to date	37,500.00
Expenditures to date-	
Rapid Intervention Training	(1,149.96)
Incident Command Training	(2,856.08)
Fire Arson & Explosion Invest.	(700.00)
Encumbrances-	
Tower Training	<u>(16,710.42)</u>
Balance as of May 17, 2010	<u>\$48,708.48</u>



City of Marlborough
Office of the Mayor

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Nancy E. Stevens
MAYOR

Krista F. Holmi
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Katherine M. Kimber
EXECUTIVE SECRETARY

June 10, 2010

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

RE: Renewal of the Sligo Water Tank Revolving Fund_ Order 10-1002588

Honorable President Vigeant and Councilors:

Since 1996, your body has authorized revolving funds for the Public Facilities and Public Works departments to utilize income from telecommunications companies to maintain and improve adjacent neighborhood parks and property.

While I recognize there may be an effort to consolidate revolving telecommunication accounts, to be effective in Fiscal Year 2011, state law requires renewal approval before the new fiscal year begins; therefore, I am re-submitting for your approval the renewal of the revolving fund for the Sligo site off Arnold Street.

Per Council Order 10-1002588, I have included a year-end report submitted by John Ghiloni, Director of Public Facilities. The memo details funds received, funds expended a description of expenditures and the fund balance.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure



City of Marlborough
Public Facilities Department

John L. Ghiloni, Director
Andrew J. White,
Assistant Director
85 Sawin Street
Marlborough, MA 01752
Phone: (508) 460-3521
Fax: (508) 460-3565

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To: Mayor Nancy E. Stevens

From: John L. Ghiloni

Date: May 14, 2010

Re: Sligo Revolving Account

The income and expenditures of the Sligo account are as follows:

Balance as of 7/1/2009:	\$517,116.00
Revenue to date	<u>120,897.38</u>
	\$638,013.38
Expenditure Summary to date (7/1/2009 to 5/14/2010)	
Postage	\$ (479.48)
Lift to access lights	(2,085.00)
Advertising	(99.00)
Carpentry	(1,200.00)
Electrical supplies	(980.62)
Backboards and hoops	<u>(1,468.00)</u>
Total expenditures	\$(6,312.10)
Balance 5/14/2010	\$631,701.28



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June 10, 2010

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

RE: City Auditor Reappointment

Honorable President Vigeant and Councilors:

I am submitting for your approval the reappointment of Diane Smith to the position of City Auditor. Ms. Smith is an invaluable member of the City's financial team and works efficiently and collaboratively with Administration as well the City's departments. I respectfully request your approval of her reappointment. Upon confirmation, Ms. Smith will serve a three-year term.

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

Sincerely,

Nancy E. Stevens
Mayor



May 26, 2010

Mr. Arthur Vigeant, President
Marlborough City Council
City Hall
Marlborough, Massachusetts 01752

Office of the
Superintendent

Mary E. Carlson
Superintendent

Dear Mr. President:

I understand that on your agenda for discussion on Monday is the naming of the school now known as the 4- 7 School. As you know, previously the City Council referred this to the School Committee for clarification after receiving letters from some students about incorporating a grade level designation of some sort in the name of this building.

Speaking on behalf of the School Committee and at their request, we would like the council to be informed that this issue was thoroughly vetted by the full committee at our March 9 meeting. It was the decision of the full School Committee based upon my recommendation that the name not include a grade level designation for a myriad of reasons. We very much appreciate that the council referred this matter to us previously.

The City ordinance does require that all public buildings be named after a veteran – and we appreciate the efforts of many city employees and parents who have worked hard this past year to help get this settled so we can begin our school year next fall with a name for this building. The issue of whether the building should include a grade designation is a school committee matter and is more complicated than it seems. In years past, Marlborough has reorganized buildings and grade level configurations. Each time you do it requires onerous reporting requirements with DESE and a myriad of other steps. In this instance, the building is being prepared for accreditation next year as one building under one principal housing grades 4 – 7. While students on one side of the building may desire to have the word “middle” or “intermediate” included in the name, parents of children entering this building on the other end for 4th grade do so with great trepidation as they would prefer to have their child in an elementary school. These schools operate separate – with an elementary class configuration on one side of the building, and a middle school model on the other. It is my considered opinion that we not include the word intermediate or middle in the naming of this building.

I would like to thank you for your support of the Marlborough Public Schools. I appreciate the council's consideration of this letter, and would be happy to discuss this further with you at your convenience.

Sincerely,

Mary Carlson, Superintendent

Cc: Members of the Council



District
Education
Center

17 Washington Street
Marlborough, MA
01752-8505

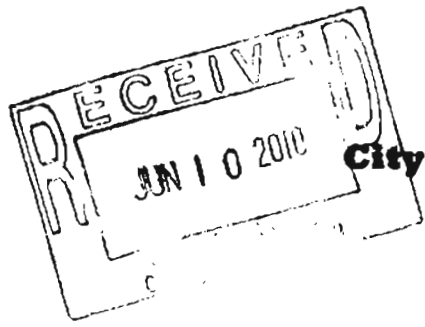
Telephone:
508.480.3609

FAX:
508.486.1142

www.mps-edu.org

8

100.00 PD. 9



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

**Lisa M. Thomas
City Clerk**

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

1. TYPE OF LICENSE: _____ TAXI _____ LIVERY

2. APPLICANT'S (LICENSEE) INFORMATION:

- A. Name: Stanislav L Nester
- B. Address: 133 Broadmeadow st apt #10 Marlborough MA 017
- C. Business Name: US Comfort Express, LLC
- D. Business Address: 133 Broadmeadow st apt #10 Marlborough MA 01752
- E. Telephone Number(s): 857-241-0200

3. NUMBER OF VEHICLES: 3

APPLICANT'S SIGNATURE [Signature]

**CITY OF MARLBOROUGH
TAXI/LIVERY LICENSE**

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

EXPIRATION DATE: _____

A TRUE COPY
ATTEST:

City Clerk



City of Marlborough
Commonwealth of Massachusetts

10,



PLANNING BOARD

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

PLANNING BOARD MINUTES
May 10, 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, May 10, 2010 in Memorial Hall, 3rd floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Steven Kerrigan, Phil Hodge, Clyde Johnson, Edward Coveney and Sean Fay. Also present: City Engineer Thomas Cullen.

MINUTES

Meeting Minutes April 26, 2010

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

To accept and file the minutes of April 26, 2010 with noted corrections.

CHAIRS BUSINESS

APPROVAL NOT REQUIRED PLAN

*Boston Post Road West
Marlborough/Northborough Realty Trust
Submittal*

The Honorable Santo Ruma for Smerczynski & Conn, P.C., presented to the Planning Board the ANR plan for Boston Post Road West. This plan is showing is showing lots 12A, 63.8 acres and lot 12B, 1.2 acres.

Mr. Cullen stated that the parcel is intended for the new Sonic restaurant and has gone through the special permit process for their drive through. The developers are still in the Site Plan process and prior to moving forward with the Site Plan, the ANR needs to be reviewed.

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

To accept and refer the proposed plan to the City Engineer for his review and recommendation at the next meeting on Monday May 24, 2010.

PUBLIC HEARING

SUBDIVISION PROGRESS REPORTS

Update from City Engineer

Mr. Cullen provided a new subdivision report. He is still awaiting a few documents and stated he is diligently to complete the Fiddlehead Subdivision.

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

After review of the subdivision files for all three subdivisions, Mr. Rider found four documents that indicated that Fafard Development has previously asked extensions.

- Dec 2002: request for a two year extension for West Ridge Estates.
- Feb 2005: Planning Board sent correspondence for expiration of subdivision approval for West Ridge Estates and Cider Mill Estates.
- Feb 2005: Request for two year extensions for West Ridge Estates and Cider Mill Estates with a bond request amount for Cider Mill.
- Mar 2005: Planning Board approved subdivision approvals for both subdivisions.

Mr. Rider stated in the Boards own Rules and Regulations section B.1.b states "a properly executed application form C and petition for Approval of Final Plan, Form D including the name of record owner of the land....The Board may decline to approve a plan unless the applicant agrees to complete the ways shown thereon and install the public utilities aforesaid within two years of the date of the approval of his definitive plan. (Amended 1/7/91)." He stated this sets forth the time period for all three subdivisions.

Mr. Rider also stated that through a telephone conversation with the developer's Attorney, Jeffery Roelofs, they have discussed the approvals, but more so the completion schedules. As mentioned by Mr. Rider, Mr. Roelofs would have to speak to his clients regarding any extension, approval or bond increase.

Mr. Rider stated that the one thing the Board has not asked the developer was to ask for an extension of subdivision approval. He asked the Board for their opinion, if there is a subdivision extension request letter similar to the Feb 2005 letter, would the Board be willing to accept and approve the request.

Mr. Fay stated that has been fundamental the issue since the beginning. If the developer was aware they needed extensions, the Planning Board would not be in this position. However, Mr. Fay stated it was the developer's obligation to ask for these extensions in a timely manner.

Mr. Kerrigan disagreed with Mr. Fay. He stated that the bonds have been in place and at any time there has been the possibility of the Board pulling the existing bonds if needed. Mr. Kerrigan also stated that if the Board so chooses to increase the bond as recommended by the City Engineer, it would put the Board and City in a better position if this situation arises again.

Mr. Hodge stated that he would vote to approve to the extensions as long as the bonds were increased. Mr. Coveney and Mr. Johnson agreed with Mr. Hodge.

There was no motion granted. Mr. Rider stated that the will duplicate the information as needed to seek the extension of the subdivision approvals.

The Residences of Oak Crest (Graves Lane)
Subdivision Completion Schedule & Extension

Completion Schedule

Mr. Baldelli sent correspondence stating that the subdivision completion schedule is more reasonable than previously submitted. He stated it is compatible for a two year subdivision extension request.

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

To accept and file correspondence.

Extension

Mr. Breslouw is seeking a two year extension for his subdivision until June 2012.

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

To accept and file correspondence.

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

To extend the subdivision approval until June 12, 2012.

PENDING SUBDIVISION PLANS: Updates and Discussion

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

SCENIC ROADS

SIGNS

Mr. Fay asked Mr. Rider if there was any further movement in the City Council on the proposed sign amendment. Mr. Rider did state that he was asked by Councilor Seymour if the amendment would be legal. Mr. Rider stated that the language was the same exact that was submitted to the council last year and was never acted upon; however Mr. Seymour has not responded to Mr. Riders email as of this evening.

INFORMAL DISCUSSION

Proposed Change to the Rules and Regulations

Mr. Rider stated he has not been able to review the proposed change.

COMMUNICATIONS/CORRESPONDENCE

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

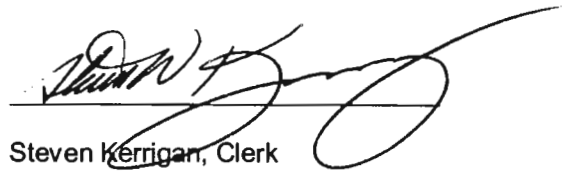
To accept all of the items listed under communications and/or correspondence.

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

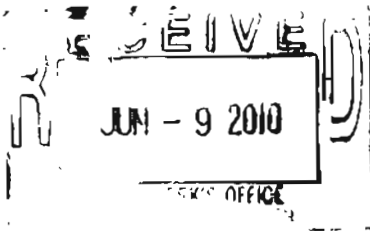
To adjourn at 7:48 p.m.

A TRUE COPY

ATTEST:

A handwritten signature in black ink, appearing to read "Steven Kerrigan", is written over a horizontal line. The signature is stylized and extends to the right of the line.

Steven Kerrigan, Clerk



City of Marlborough
Commonwealth of Massachusetts

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PLANNING BOARD

Barbara L. Fenby, Chair
Steven Kerrigan, 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

PLANNING BOARD MINUTES
May 24, 2010
7:00 PM

The Planning Board for the City of Marlborough met on Monday, May 24, 2010 in Memorial Hall, 3rd floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Steven Kerrigan, Phil Hodge, Clyde Johnson, Edward Coveney and Sean Fay. Also present: City Engineer Thomas Cullen.

MINUTES

Meeting Minutes May 10, 2010

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

To accept and file the minutes of May 10, 2010 with noted corrections.

CHAIRS BUSINESS

APPROVAL NOT REQUIRED PLAN

Boston Post Road West
Marlborough/Northborough Realty Trust
Correspondence from Smerczynski & Conn

In a letter from Mr. Donald Conn, Attorney for the applicant, he is requesting to continue to the next regular scheduled meeting. He stated that his Engineer has not finalized the plans according to the recommended comments from the City Engineer.

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

To accept and file correspondence, to delay taking action until the next regular scheduled meeting on June 7, 2010.

PUBLIC HEARING

Proposed Zone Map Change

Map 78, Parcels 12, 38 & 39

Map 89, Parcel 77

The Planning Board of the City of Marlborough held a public hearing on Monday, May 24, 2010, at 7:15p.m. in Memorial Hall, 3rd Floor, City Hall, 140 Main Street, Marlborough on the proposed changes to the amend the Zoning Map of the City of Marlborough, established by Chapter 650, Zoning Article III, Establishment of Districts Section 650-8, "Boundaries Established; Zoning Map": Members present: Chairperson Barbara L. Fenby, Clerk Steven Kerrigan, Philip Hodge, Edward Coveney, Clyde Johnson and Sean Fay. Also present: City Engineer Thomas Cullen.

Mr. Kerrigan read the advertisement into record.

Notice is hereby given that the Planning Board of the City of Marlborough will hold a public hearing on Monday, May 24 at 7:15 P.M., at Memorial Hall, City Hall, 140 Main Street, Marlborough, MA to amend the Zoning Map of the City of Marlborough, established by Chapter 650, Zoning Article III, Establishment 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.

A copy of Chapter 650 and the proposed amendment material are available for review in the Office of the City Clerk, City Hall, 140 Main Street, Marlborough, MA.

Per order of the City Council
#10-1002512

Attorney David Gadbois is representing the developers, the Gutierrez Company. They are seeking to amend the zoning map for Map 78, Parcels 12, 38 & 39 and for Map 89 Parcel 77 to extend the Business District back 300 feet. Mr. Gadbois stated that by changing the zone to Business, his client would have a greater marketability for this site including the possibility of a mixed residential use.

Attorney Gadbois has already met with the City Council and the Urban Affairs committee. It was discussed as a possibility of leaving a 50 foot landscape strip of Limited Industrial Zone along the Glen Street. Mr. Gadbois stated that Glen Street would be for emergency access. Mr. Gadbois stated they have started the MEPA process and will continue keep the Conservation Commission aware of the notifications.

Scott Weiss of the Gutierrez Companies presented to the Board the scope of the zone change. He explained that in previous meetings, they had envisioned a mix use of the Beacon Site including retail, office space and a possible of residential space. He stated that the terrain for the corner of Boston Post Road West (Route 20) and Glen Street would be possible residential units similar to townhomes or apartments.

Mr. Kerrigan asked what was the purpose of leaving the 50 foot limited industrial. Mr. Gadbois stated that it was more of the request of the residents that live along Glen Street and creating a buffer for the residents. It would be impossible to do a private covenant to leave that strip in if it was to remain part of the Business zone.

In Favor

No one spoke in Favor.

In Opposition

Ron Bucchino
88 Glen Street

Mr. Bucchino spoke in opposition stating that this is the first he is hearing of the possible residential units and that he did not learn of the public hearing until this past Friday. He stated there was not enough time to warrant his neighbors to speak out against this change. He submitted a list of names that were against the proposal of 300 apartments. He sees this as more of a complex issue then just a zoning change. He requested the Planning Board continue the hearing so he can alert the neighbors.

Elisha Simon
147 Desimone Drive

Ms. Simon spoke that she is employed by the Marlborough Public Schools and she has seen first hand the overcrowding issues that the Richer School. An residential complex would have an awful affect on the school system.

The public hearing closed at 7:35pm.

On a motion by Mr. Kerrigan, seconded By Mr. Coveney with Mr. Fay and Mr. Hodge opposed it was duly voted:

To continue the public hearing to June 7, 2010.

Mr. Fay presented to the Board the Disclosure Act he has presented to Mayor Stevens. Mr. Fay stepped out of the room for the public hearing.

Proposed Zoning Change
Open Space Subdivision Provision

The Planning Board of the City of Marlborough held a public hearing on Monday, May 24, 2010, at 7: 35 p.m. in Memorial Hall, 3rd Floor, City Hall, 140 Main Street, Marlborough on the proposed amendment to Chapter 650 of 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 the section 650-28.E(3), after the words "Lot area(square feet)", Members present: Chairperson Barbara L. Fenby, Clerk Steven Kerrigan, Philip Hodge, Edward Coveney, Clyde Johnson and Sean Fay. Also present: City Engineer Thomas Cullen.

Mr. Kerrigan read the advertisement into record:

"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."

A copy of Chapter 650 and the proposed amendment material are available for review in the Office of the City Clerk, City Hall, 140 Main Street, Marlborough, MA.

Per order of the City Council
#10-1002515

Attorney Bergeron is presented the Developer, Robert Moss and the Engineer, Michael Sullivan of Connorstone Engineering. Mr. Bergeron stated that Mr. Moss has a long term option to purchase the land that consists of several parcels of what is known as "Shoestring Hill". This land consists of 88.4 Acres with a total of 17.7 acres of wetlands, and abuts Bracken Drive, Desimone Drive, and South Street.

They are looking to amend the current open space table lot area for developments over 50 acres to allow lots sizes to be 8,000 square feet per lot and the common open space shall not be less than 50% of the total site. They provided an plan showing an conventional as of right plan showing 71 lots including the roadway coming through Bracken Drive to South Street. The next plan they showed was an open space plan with the current zoning of 71 lots consisting of lot sizes to be 15,000 for the A1 zone. This plan has a proposed area of 24.5 acres disturbed with 10 acres proposed impervious area. The last plan they showed would be with the proposed zone change of the 71 lots with the 8,000 square feet for lot sizes. With this plan comes to a 19.6 acre that is disturbed with 8.5 impervious areas and with an open space of 65 acres.

Mr. Bergeron showed a similar subdivision known as Rose Point built by Fafard Development. This development is a considered detached condominium with exclusive use areas. Since this is the only development in the City that has close approximates, he was stated that what they are proposing are further apart.

There was also a study done by Mr. Bergeron's office regarding the affect of the occupancies would have on the school system. The following is what the result of the study is:

- 1069 Students in 4 bedroom homes with 2360 4 bedroom homes throughout the City
- 1169 Students in 3 bedroom homes with 3651 3 bedroom homes through the City

The study also showed that if there are 71 homes built in this subdivision, only 32 students would be an average amount for 4 bedrooms home and 22 students for 3 bedroom homes per average.

Mr. Moss then stated that he has built several subdivisions with similar or smaller lots then what the current zone requires. He is looking to build homes that are in the 1800 to 1900 square foot range.

Mr. Sullivan prepared the plans and discussed the waivers if necessary including one for the road length of 7200 feet for the open space, 8700 feet for the conventional plan. He stated that the 8,000 lots would be ideal in this situation because of the less impacted wetland space. He also stated that after the plan has been decided on, they will contact the proper authorities for local and state conservation.

This part of the hearing closed.

In Favor:

No one spoke in favor.

In Opposition:

Sasha Simone
254 Desimone Drive

Ms. Simone is opposed to the zone change. She stated that this would further impact the City and used the phrase "pave paradise for a parking lot". She thinks it's a horrible proposal.

Mark Simon
147 Desimone Drive

Mr. Simon is opposed to changing the open space to 8,000 square feet. He sees no sense in an access road over wetlands. Mr. Simon thinks that that preservation is the key for all open spaces in New England. Ideally, he would not like to see a development.

Jeff Kisty
273 Desimone Drive

Mr. Kisty is just opposed to the rezoning of the already existing zoning. He sees no issue with the 15,000 square lot. He is concerned of the assessed values of the lots and the honesty of the builder.

Monique Duross
261 Desimone Drive

Ms. Duross stated she has been a life long resident of Marlborough and has always enjoyed the open space. She stated that this plan has no economic sense and questions if this is spot zoning. She would rather see a conventional subdivision.

Elisha Simon
147 Desimone Drive

Ms. Simon stated that she and her neighbor have taken pride in their neighborhood. She is questioning the price values of the subdivision and that Marlborough has a lot of vacancy at this time.

Karen Kisty
273 Desimone Drive

Ms. Kisty stated that the closest comparison to the new subdivision would be the Fafard project. She questioned the occupancy study of the students and how many seniors reside in those residents compared to those families that have school aged children. She stated that the as of right plan is acceptable, that the majority of the neighbors are in favor of the current zoning for open space.

John Morgello
278 Desimone Drive

Mr. Morgello stated that there is no foundation or date for the occupancy study. He would not like to see the development behind his home look like the Fafard development. He is also concerned about the condensed roadways for emergency travel and snow disposal.

Barbara Earley
84 Desimone Drive

Ms. Earley stated that this bothers her to see the residential units and does Marlborough really need new homes. She stated that she sees all this discussion just on one parcel of land. Is there any other parcel in the City this would apply too?

Lori Renfo Rutberg
107 Bracken Drive

Ms. Rutberg states she is opposed to the zone change as well. She would rather see a conventional subdivision. She also asked how emergency apparatus would be able to maneuver.

10/10

She is also concerned of the property values, the wetlands and the effect it would have on the school system.

Ty Rollin
213 Desimone Drive

Mr. Rollin is opposed to changing the zoning to 8,000 square feet. He stated from an engineering prospect the street that will connect from Bracken Drive would be the windiest in the city and there would be cliffs.

Danielle Monreau Rollin
213 Desimone Drive

Ms. Rollin is opposed to changing the open space zoning to 8,000 sq feet and is concerned of the wetlands.

Krista Holmi
232 Desimone Drive

Ms. Holmi stated that she has provided a disclosure of interest as Mayor Stevens's aide; however she is speaking as a private citizen. She is not in favor of changing the current open space zoning to 8,000 sq feet. She stated the City should provide planning for the future. She said the purpose of the current zoning ordinance is too able to have guidelines and be able to stay within the guidelines to achieve the goals of what is provided in the current use.

Ellen Pollack
25 Desimone Drive

Ms. Pollack is against changing the zoning and it will not be a positive change for the City.

James O'Neil
254 Desimone Drive

Mr. O'Neil stated that he against the change in the zoning ordinance.

The Public hearing was closed at 9:00pm

On a motion by Mr. Hodge, seconded by Mr. Coveney it was unanimously voted:

To send a negative recommendation to the City Council on the proposed amendment to Chapter 650 of 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 the section 650-28.E(3), after the words "Lot area(square feet).

No information was provided on the city-wide impact of the proposed change to the code. The proponent did not even present clear evidence that the proposed change would benefit the city in the single project discussed, though it did appear that it would be advantageous for the proponent. The Board is unanimously opposed to making this change without being clearly convinced that the effects would be beneficial for the City.

SUBDIVISION PROGRESS REPORTS

Update from City Engineer

Mr. Cullen stated that he has attended a preconstruction meeting with the developers of Mauro Farm.

10/11

Blackhorse Farms, Cider Mill Estates and West Ridge Estates (Fafard Development)
City Solicitor Donald Rider

Mr. Rider advised the Planning Board that he sent to Attorney Roelofs, and that Mr. Roelofs has not heard back from his client to date. Mr. Rider then asked if he had any more information regarding the continuation bond for Cider Mill Estates or the extension request, Mr. Roelofs had no further information. Mr. Rider stated he is hoping to have further information at the next meeting.

Shaungnessy Estates (Kelber Drive)
Correspondence from Attorney Joseph Connolly

Attorney Connolly is representing Avidia Bank, who is seeking to complete the infrastructure of the subdivision. He is requesting a remaining completion schedule of work necessary. Once they have this schedule, they will explore their options as the holders of the performance bond.

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

To accept and file correspondence, to refer this to the City Engineer for a report back at the next meeting on the completion schedule.

PENDING SUBDIVISION PLANS: Updates and Discussion

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

Shoestring Hill
Submittal

Michael Sullivan from Connorstone Engineering submitted Preliminary Plan 71 building lots for Shoestring Hill, Rawchuck Land. The application is complete except for the comparative analysis, will be submitted after a decision from the City Council on a zoning change request.

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

To accept and file correspondence, to set a public hearing date of June 28, 2010 at 7:30pm.

DEFINITIVE SUBDIVISION SUBMISSIONS

SCENIC ROADS

SIGNS

Sudbury Militia and Minute Companies
Temporary sign on Boston Post Road West and Hagar Road

Mr. Matthew Mees is requesting on the behalf of the Sudbury Militia and Minute Companies to place a sign to advertise and provide directions to their faire from September 18, 2010 to September 26, 2010.

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

To accept and file correspondence, to approve the temporary sign from September 18, 2010 to September 26, 2010 and to send notification to the City Council.

INFORMAL DISCUSSION

10/12

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

After some discussion, and the first draft to the City Solicitor, he provided several amendments to section III.B.7 of the Rules and Regulations to their Subdivision R&R which states:

7. Performance Guarantee

Before endorsement of the Board's approval of a Definitive Plan of subdivision, the subdivider shall agree to complete the required improvements specified in Section V for any lots in a subdivision, such construction and installation to be secured by one, or in part by one and in part by the other, of the following methods which may from time to time be varied by the applicant with the written consent of the Planning Board.

(a) Approval with Bonds or Surety

The subdivider shall either file a proper bond or a deposit of money or negotiable securities in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements specified in Section V not covered by a covenant under sub-section (b) hereof. The amount of the security provided hereunder shall be determined by the Planning Board in consultation with the City Engineer, taking into consideration the City Engineer's standard contingency and inflation factors.

Such bond or security, if filed or deposited shall be approved as to form and manner of execution by the City Solicitor and as to sureties by the City Treasurer. The legal sufficiency of the bond shall be contingent upon the completion by the subdivider of the required improvements specified in Section within two (2) years of the date of the bond.

If the improvements specified in Section V not covered by a covenant under sub-section (b) hereof are not completed within two (2) years of the date of the bond, such completion to be certified in writing by the City Engineer, the Planning Board shall proceed with enforcement thereof as provided in §81Y of the Subdivision Control Law unless the Planning Board first takes one of the following actions:

- i. The Planning Board, on its own, grants an extension of the two (2) year completion date for a period of not more than sixty (60) days to allow a subdivider to submit the documentation required for a complete extension request; or,
- ii. The Planning Board, upon request of the subdivider, grants a request not to exceed two (2) years from the date such extension is approved. Any such extension shall be contingent upon the following:
 - a. Written certification from the City Engineer that the bond or other security currently in place, or in place at the date such approval is granted by the Planning Board, is in an amount sufficient to cover the cost of all or any part of the improvements specified in Section V not covered by a covenant under sub-section (b) hereof, taking into consideration the City Engineer's standard contingency and inflation factors;
 - b. Written certification from the City Tax Collector that all real estate taxes for the sub-division are paid to date; and,
 - c. Written certification from the Code Enforcement Officer or Building Commissioner stating that the sub-division is free from any violations of the City's Anti-Blight Ordinance.

(b) Approval with Covenant

10/13

The subdivider shall file a covenant, executed and duly recorded in the Registry of Deeds by the owner of record, running with the land, whereby such ways and services as specified in Section V, not covered by bond or deposit under (a) hereof, shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed.

The developer shall also note on his Definitive Plan that any and all lots within the subdivision are subject to the restrictions of the covenant.

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

To accept and file correspondence; to set a public hearing date of June 28, 2010 at 7:15pm on the proposed changes.

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

To adjourn at 9:38 p.m.

A TRUE COPY

ATTEST:


Steven Kerrigan, Clerk

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**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 April 27, 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, Fire Chief Ricky Plummer, City Clerk Lisa Thomas, City Planner Nancy Savoie, Also present: City Engineer Thomas Cullen, Asst. Civil Engineer Tim Collins, City Councilor Joe Delano and community residents: Phil Bouvier, Bob Kays and Lois Abel. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Tuesday, March 30, 2010.

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

2-New Business

2a. Parking issues on Farm Rd., west of airport.

Councilor Delano was present to discuss a parking situation on Farm Road near the apartment complex by Trombetta's Creamery. He has received complaint from residents regarding vans parked in front of the apartment complex near the crosswalk to Trombetta's. As cars come around the bend, the vans block the view of the crosswalk. It creates a very dangerous situation for people trying to cross at the crosswalk. Chief Leonard advised that parking is currently allowed on the street as the roadway is capable of handling on street parking. He asked if there are any restrictions in MUTCD for parking near a crosswalk. The problem with the sight distance due to the curve was discussed in more detail and it was noted that parking is available in back of the apartment complex. Tim Collins advised that Advance Warning signs for the crosswalk were installed 2 years ago. He also noted that 1 more crosswalk is scheduled to be added 2 houses up from the airport. Also, parking is restricted at the airport and maybe it does make sense to extend the restriction down to the existing crosswalk.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING for further review with an update at the next meeting.

2b. Lincoln Street parking near Cross Street.

Phil Bouvier and Bob Kays were in attendance relative to this issue. Phil Bouvier presented his understanding of the no parking issue at this location. About 15 years ago the no parking signs went up in conjunction with the widening of Lincoln Street. The restriction was required as part of the financing agreement. As he understood it, the signs had to stay up for a specific period of time, i.e. five years. The signs were subsequently taken down after 8 years. Before the widening of the road, there were no parking restrictions in this area. He understands the concern with the sun problem; however, this situation only exists for about 2 weeks in the spring and 2 weeks in the fall. Mr. Bouvier went on to explain that the majority of his customers are elderly or handicapped and are now being made to park on the opposite side of the street and are potentially crossing in the crosswalk with the sun situation. Approx. 130 customers per day come into his store and 60-70% are handicapped. Having these people be forced to now cross the street seems to be more of a public safety situation. At one time, the pharmacy was given an orange cone to put outside during business hours. It was brought into the store at night. Someone came and took it from them. Ron LaFreniere brought up the fact that a designated handicapped parking spot would require handicapped plates which could be a further problem for pharmacy customers. He mentioned that there is parking available behind the store and on Cross Street, however, there is no "legitimate handicapped path to the store". Bob Kays asked why the issue came up again anyways. There was no sign for such a long time. He commented that most people just cross outside of his place, The Prospector, as it's too inconvenient to go down to the crosswalk. His side of the street never had a sign before for one hour parking. Chief Leonard explained that the public safety issue was brought to his attention by his Community Policing Officers. In addition to the sun situation when traveling west, the center line is closer to Bouvier's side of the street. If cars are parked in front of the pharmacy, passing vehicles need to pull out into the eastbound lane. His officers have witnessed many close calls. When a public safety issue is brought to his attention it needs to be addressed. Based on the width of the road, there cannot be parking on both sides. The regulation was already in existence, the City simply replaced signs that were missing. Bob Kays asked why there was 1 hour parking on his side. Ron explained that it is to prevent residents from parking in front of businesses all day. Phil Bouvier said that he would love to see two 15 minute parking spots in front of his location. He also mentioned that the crosswalk needs painting. Tim Collins advised that this crosswalk is a number one priority for line painting. He also mentioned that there is no sign at this crosswalk and no advance warning signage either. Councilor Delano commented that we need to support our small businesses. Chief Leonard advised that we will try to make it work. Hopefully, we can accomplish both the public safety issue and the small business concern.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to look into the possibility of restricted parking at Bouvier's Pharmacy. Crosswalk painting is already on the DPW's schedule.

2c) Parking restrictions on Warren Ave.

This issue was brought to Chief Leonard's attention by Tom Abel. His wife, Lois, was present at the meeting. They have concerns regarding new signs that have appeared on

Warren Ave. restricting parking from 7:00am to 6:00pm. Their daughter lives in a group home for severely handicapped individuals at 6 Warren Ave. There are currently four residents of this home. The home was built 11 years ago and there have never been signs restricting parking out front. They explained that this creates an extremely difficult if not impossible situation for parents, family, and nurses etc. who visit the home. There is designated parking for a van and 2 staff members. Lois went on to explain that many parents are elderly and would not be able to take their children out if they could not park in front of the home. They are requesting that the no parking restriction be eliminated altogether. Tim Collins advised that the parking regulations were already in place even if there were no signs there. The signs were recently replaced when another resident of Warren Ave. complained that someone was continually parking in front of her home. Chief Leonard asked Lois how long a vehicle would need to be parked in this location. Lois indicated that sometimes she stays to visit instead of taking her daughter out so a car could be parked there for a few hours. Ron LaFreniere advised that if we eliminated the parking restriction it may create more problems with others parking there. Tim mentioned that if we modify it for one location others will then call. He is aware of a 3 family apartment that only has parking for two vehicles. Chief Leonard commented that it may make sense to look at the entire section of Warren Ave. and possibly allow restricted parking on one side – perhaps two hour parking.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING for review.

2d. Construction Speed Zone – Forest Street.

Tim Collins brought up this issue as a result of work being done on Forest and Bartlett Streets. He has received complaints from workers (and officers on details) complaining of the high speed at which motorists are traveling through the work zone. There is one speed limit sign at the top of the hill between I-495 and Sandini Road indicating a speed limit of 40mph. There are no other signs but the “rule of the road” is 40 mph. Tim explained (in his e-mail to Chief Leonard – dated 4/22/10) that MUTCD allows for a “floating work zone” to be created, with a speed limit reduction of no more than 10mph, in the specific portion of the temporary traffic control zone where the work is being conducted. Tim is requesting that the speed limit in this particular area, on Forest Street between I-495 and Bartlett Street and all of Bartlett Street be reduced temporarily to 30 mph. Appropriate advance warning signs for the reduced speed, 300 ft. and 150 ft. in advance of the actual work zone, and end work zone speed limit signs would be installed.

The Commission went on to discuss that it would make more sense to create the authority to reduce speeds in a work zone for future projects in general rather than project specific. Chief Leonard proposed adding this to the section of the Regulations where the Commission has the authority to temporarily close roads for parades etc. At issue, however, is the fact that speed limits are set at the state level. The MUTCD, however, does not appear to preclude a municipality from creating work zone speed limits. It appears that it can be added within the context of our own regulations. Chief Leonard questioned under what regulations his officers would be able to write speeding citations. Chapter 90-17 authorizes the doubling of fines for speeding in state regulated speed zones. Chapter 90-17 does not take into account local authority. His officers could possibly write citations under Chapter 90-18 which refers to “special speed zones”. For this project, Chief Leonard suggested posting signs indicating – Construction Zone – Fines Doubled – and putting directed patrols in this area. The threat of a double fine may

slow drivers down. Tim Collins' concern, however, is that 40 mph is too fast for a construction zone.

MOTION was made, seconded, duly VOTED:

- 1) to REFER to ENGINEERING to arrange for the posting of the appropriate signage - doubling the speeding fines in the construction zone.
- 2) To REFER to the POLICE DEPARTMENT for enforcement and to CHIEF LEONARD to look further into the possibility of reducing speed limits in a construction work zone (at the local level).

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. @ Phippen Rd.

Tim Collins presented data from traffic counts done at the intersections of Ridge Road and Lodi Road and Phippen Road and Lodi Road. Counts were done by an outside consultant on Tuesday, April 13th and included counts from the AM peak hour and PM peak hour. Tim advised that the counts showed that the approach volumes at the intersections were not even close to meeting the warrants for four way stop signs. He believes that the “problem is unfounded”.

MOTION was made, seconded, duly VOTED:

To ACCEPT and PLACE ON FILE.

3d) Stop signs on Bigelow Street.

The Commission provided a brief overview of this issue for the benefit of Ricky Plummer, the new Fire Chief. Tim Collins then presented data from traffic counts at the intersection of Bigelow Street and Nashoba Drive. The counts were conducted by an outside consultant on Thursday, April 15th and Tuesday, April 20th. The counts are done by a tube in the road that clicks and counts the vehicle as it drives over the tube. The packet included an MUTCD Warrant Analysis for stop signs in this area. Chief Leonard asked how many warrants need to be met for a stop sign to be approved. Tim advised that only 1 of the warrants needs to be met. An analysis was done for a “Multi-way” stop sign and a stop sign on the minor approach. The analysis showed that none of the warrants were met for a “Multi-way” stop sign and one warrant was met for a stop sign on the minor approach. (Warrant 2 – Street entering a through highway or street –

Bigelow Street is the through way.) Chief Leonard's concern is that there is no count for the weekend. The Mall and the NESC are busy on the weekend and he would be curious to see the difference. Tim believes that it would still not meet any of the warrants for a multi-way stop sign. There would need to be at least 200 cars in an eight hour period on the side street to meet the warrant. The mid-week count showed a weekly average of 12 cars. Chief Leonard still feels that the weekend count needs to be officially completed before we can make a determination. Ron agreed that even though there is a good chance that the warrants would not be met on the weekend the counts still need to be done. Chief Leonard mentioned that the area will soon have a new City Councilor as Councilor Juare's seat is open. He would like to get all the information together to present to the new ward councilor. Ron also mentioned that he would like to see three days of data to get a more accurate weekly average.

MOTION was made, seconded, duly VOTED:

To TABLE for now until the weekend data is completed.

3e) Traffic Commission rules and regulations update.

MOTION was made, seconded, duly VOTED:

To TABLE.

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 – (Chief Leonard advised that there are only 50 runners preregistered and that race organizers have arranged for 2 detail officers and the appropriate orange cones to mark the course.

3j) Request for protected left turn signal for eastbound traffic on Lincoln St. @ Bolton St.

MOTION was made, seconded, duly VOTED:

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To TABLE

3k) Communication from Councilor Delano, re: Request for sunset to sundown parking restriction at the end of Langelier Lane.

Chief Leonard presented the proposed regulation prohibiting parking at the end of Langelier Lane from 9:00 pm to 6am.

MOTION was made, seconded, duly VOTED:

To APPROVE. Chief Leonard will forward the regulation to Lisa Thomas for advertisement.

Additional item no on original agenda:

“Do Not Enter” sign on at the entrance of Sandini Road.

Chief Leonard received a letter from Paul Hogan, a resident of Sandini Road, with regard to this issue. He mentioned that it is a very “split” issue which has come up in the past. Some residents want it enforced while others do not. Ron LaFreniere briefly reviewed the history and how the signage was initially put into place to keep business traffic from traveling through the neighborhood. This was before the interchange at Simarano Drive was constructed. Chief Leonard has spoken to Mr. Hogan and advised him to contact his Ward Councilor to see if they can determine what the majority of residents in this area would like to see.

That there being no further business of the Traffic Commission held on this date, meeting adjourned at 11:40 a.m.

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