

1. Minutes of the City Council Meeting, February 22, 2010.
2. PUBLIC HEARING: On the Application for Revised Special Permit from Attorney Gadbois, on behalf of Donald Lynch Boulevard Realty Trust, to amend Special Permit to add a sixth rink, Order No. 94-5460B.
3. Communication from the Mayor re: General Obligation Bonds.
4. Communication from the Mayor re: Capital Bond Request for FY2010.
5. Communication from the Mayor re: Bond Request in the amount of \$4,000,000.00 for partial construction of the newer sewer services in the Sudbury St. area.
6. Communication from the Mayor re: DPW Equipment Bond Authorization in the amount of \$1,236,280.00 to fund much needed equipment for DPW as an alternative to the transfer request of same, Order No. 10-1002414.
7. Communication from the Mayor re: Snow and Ice Removal Expenditure Request, Order No. 09-1002197-2A.
8. Communication from the Mayor re: transfer request in the amount of \$92,907.39 which moves funds from Insurance Proceeds Over 20K to Public Facilities Capital Outlay pertinent to damage to the Marlborough High School chillers.
9. Communication from the Mayor re: Fire Department transfer request in the amount of \$51,003.96 which moves funds for sick leave buy back associated with an employee's retirement as follows:
\$13,790.40 from Fringes to Fire Chief
\$13,137.60 from Fringes to SLBB
\$12,364.26 from Interest Ban to SLBB
\$11,711.70 from Undesignated Fund to SLBB
10. Communication from the Mayor re: transfer request in the amount of \$37,500.00 which moves funds from Undesignated to Open Space Stabilization for the purpose of moving the City's wireless antennae receipts for FY2009.
11. Communication from the Mayor re: Fire Department transfer request in the amount of \$12,239.06 which moves funds from Firefighter to Gross OT to fund coverage for an injured employee.
12. Communication from the Mayor re: Weights and Measurers transfer request in the amount of \$300.00 which moves funds from Contract Services to Instate Travel to fund the cost of projected travel.
13. Communication from the Mayor re: DPW transfer request in the amount of \$43,000.00 which moves funds from Undesignated for multiple emergency repair incidents as detailed in the attached documentation.
14. Communication from the Mayor re: DPW transfer request in the amount of \$44,450.00 to supplement funding in certain accounts out of other accounts that have anticipated surplus funding as detailed in the attached documentation.
15. Communication from the Mayor re: DPW transfer in the amount of \$14,000.00 which moves funds from Undesignated to OT-Forestry, Parks and Cemeteries to meet the projected OT costs for the remainder of FY2010.
16. Communication from the Mayor re: Water Conservation Grant awarded to DPW in the amount of \$38,000.00 from the Department of Environmental Protection which provides funding for the purchase of a data-logger.
17. Communication from the Mayor re: a FY2010 State 911 Department Training Grant awarded to the Police Department in the amount of \$14,574.00 from the Executive Office of Public Safety and Security which provides funding for training expenses.
18. Communication from the Mayor re: a FY2010 State 911 Department Support and Incentive Program Grant awarded to the Police Department in the amount of \$84,195.00 from the Commonwealth of Massachusetts which provides funding for the purchase of a new fire alarm receiving and alerting system, equipment integration costs and public safety dispatcher salaries.

19. Communication from the Mayor re: Traffic Enforcement and Equipment Grant awarded to the Police Department in the amount of \$13,000.00 from the Office of Public Safety and Security for the purpose of traffic enforcement OT as well as the purchase of traffic enforcement equipment.
20. Communication from the Mayor re: appointment of George Stein to the Planning Board to serve the remainder of Mr. Hanson's term which expires February 6, 2012.
21. Communication from Council President Vigeant re: Special Election –Ward Four Council Seat.
22. Communication from City Solicitor, Donald Rider re: Special Permit, Verizon Wireless, 303 Boundary St. in proper legal form, Order No. 09/10-1002161E.
23. Communication from the Planning Board re: amendment to the Sign Ordinance.
24. Minutes, Board of Assessors, February 25, 2010.
25. Minutes, Planning Board, January 25 & February 8, 2010.
26. CLAIMS:
 - A. Frida Silva, 72 Millham St., residential mailbox claim 2(b)
 - B. Heather Flaherty, 2 Hayden Ln., Shrewsbury., pothole or other road defect
 - C. Carmelo Echevarria, 165 Collins Dr., pothole or other road defect
 - D. Sandra DeOliveira, 60 Mosher Ln., additional documentation re: Claim Number M09GL55896
 - E. Krishna Ramachandra, 480 Farm Rd., other property damage and/or personal injury

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Personnel Committee

27. Order No. 10-1002429 – **Appointment of Ricky Plummer as Fire Chief.** The Personnel Committee met on Monday, February 1st, at 5:30 pm to review Order No. 10-100-2429, the appointment of Mr. Ricky Plummer to the position of Fire Chief for a term of five years. This was our initial meeting on the matter at which Chief Plummer provided the Personnel Committee and assembled Councilors with an overview of his background, along with a question and answer session. The Personnel Committee next met on Tuesday, February 16th, at 5:30 pm to continue the evaluation of the Mayor's appointment for Fire Chief. Since the last meeting the Personnel Chairman forwarded a list of questions assembled from City Councilors to Chief Plummer and his written responses were added to the record. This information and other questions were discussed by the Committee and Councilors in attendance. Among issues discussed was Mr. Plummer's idea to cut one Deputy Chief, and elevate one Deputy Chief to Assistant Chief. This would save over \$140K. It was also noted that there are no physical fitness policies in place in the MFD, nor mandatory drug and alcohol testing, both of which Chief Plummer endorsed. It was further noted that all of the above would require union impact bargaining, and could not be unilaterally imposed. Chief Plummer also expressed his strong desire to improve customer service to Marlborough businesses and residents alike. Councilor Juaire made a motion to approve the appointment of Ricky Plummer to the position of Fire Chief. The motion carried 3-0. **Recommendation of the Personnel Committee is to approve 3-0.**



CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
 Lisa M. Thomas
 140 Main St.
 Marlborough, MA 01752
 (508) 460-3775 FAX (508) 460-3723
FEBRUARY 22, 2010

/ /

Regular meeting of the City Council held on Monday, February 22, 2010 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Elder, Juairé, Seymour, and Clancy. Councilor Landers was absent. Meeting adjourned at 8:55 p.m.

ORDERED: That the minutes of the City Council Meeting February 8, 2010, **FILE**; adopted.

Suspension of the Rules requested - granted

ORDERED: It is moved, in conformance with the provisions of § 23B(3) of Chapter 39 of the General Laws of the Commonwealth, that the Marlborough City Council conduct an executive session for the purpose of discussing strategy with respect to litigation, as an open meeting may have a detrimental effect on the litigating position of the City of Marlborough. It is further moved and stated that the Marlborough City Council will re-convene in open session after the executive session. **APPROVED and returned to open meeting at 8:20 p.m.**

Yea: 10 -Nay: 0

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

Absent: Landers

ORDERED: That the intra-departmental transfer request with explanations as follows, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH

--BUDGET TRANSFERS --

DEPT: PUBLIC WORKS

FISCAL YEAR:

2010

Available Balance	FROM ACCOUNT:				TO ACCOUNT:				Available Balance
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	
<u>\$30,707</u>	<u>\$4,000.00</u>	<u>61090001</u>	<u>50460</u>	<u>Water Meter Reader</u>	<u>\$4,000.00</u>	<u>61090003</u>	<u>51470</u>	<u>Interim Foreman</u>	<u>\$3,129</u>
	Reason:	<u>Funds available due to Workman's Comp Injury</u>				<u>Funds needed to cover GF resignation and lack of foremen</u>			
<u>\$257,017</u>	<u>\$390.00</u>	<u>61090001</u>	<u>50740</u>	<u>Equipment Operator</u>	<u>\$390</u>	<u>61090003</u>	<u>51940</u>	<u>Clothing Allowance</u>	<u>\$2,580</u>
	Reason:	<u>Funds available due to Workman's Comp Injury</u>				<u>Shortage was caused by new hires in Water & Sewer Division who are eligible for Clothing Allowance with 60 days of hire.</u>			
<u>\$58,882</u>	<u>\$31,000.00</u>	<u>60080001</u>	<u>50890</u>	<u>Sr. Chemist</u>	<u>\$31,000</u>	<u>61090006</u>	<u>52322</u>	<u>Water - Plant</u>	<u>\$11,215</u>
	Reason:	<u>Monies available due to retirement</u>				<u>Monies needed to produce excess water to reduce demand on MWRA water purchase at a substantially higher cost.</u>			
<u>\$257,017</u>	<u>\$22,000.00</u>	<u>61090001</u>	<u>50740</u>	<u>Equipment Operator</u>	<u>\$22,000</u>	<u>61090006</u>	<u>52322</u>	<u>Water - Plant</u>	<u>\$11,215</u>
	Reason:	<u>Funds available due to Workman's Comp Injury</u>				<u>Monies needed to produce excess water to reduce demand on MWRA water purchase at a substantially higher cost.</u>			

ORDERED: That the transfer request in the amount of \$39,292.26 which will move funds for sick leave buy back and vacation expenses associated with an employee's retirement in the Fire Department as follows:

\$13,790.40 from Fringes to Fire Chief account

\$13,137.60 from Fringes to Sick Leave Buy Back account

\$12,364.26 from Interest Ban to Sick Leave Buy Back account,

refer to **BACK TO MAYOR FOR RECALCULATION**; adopted.

FROM:

Acct. # 11990006-51500

\$13,790.40

Fringes

TO:

Acct. # 12200001-50130

\$13,790.40

Fire Chief

FROM:

Acct. # 11990006-51500

\$13,137.60

Fringes

TO:

Acct. # 12200003-51920

\$13,137.60

Sick Leave Buy Back

FROM:

Acct. # 17520006-59254

\$12,364.26

Interest Ban

TO:

Acct. # 12200003-51920

\$12,364.26

Sick Leave Buy Back

ORDERED: That the temporary appointment of Deputy Chief Flynn to the position of Acting Fire Chief effective 5:00 PM on February 19, 2010, **FILE**; adopted.

ORDERED: That the appointment of Joyce Torelli to the Community Development Authority to a term which expires June 25, 2012 due to the resignation of Camille Duridas, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Communication from the Mayor re: Easterly Wastewater Treatment Plant Upgrades **REFER TO THE WESTERLY TREATMENT PLANT COMMITTEE**; adopted.

ORDERED: T That the Communication from Councilor Juaire re: resignation as Ward 4 City Councilor effective midnight on Wednesday, June 30, 2010, **FILE**; adopted.

ORDERED: That the Communication from Sudbury Companies of Militia & Minute re: Permission to Place a Temporary Sign at Rt. 20 and Hagar Rd., **APPROVED BY CITY COUNCIL TO PLACE A SIGN ON CITY PROPERTY WITH THE CONDITION THAT THE PLANNING BOARD APPROVE A SIGN VARIANCE**; adopted.

- ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.
- A. Ryan Hurley, 38 Schofield Dr., residential mailbox claim 2(a)
 - B. Susan Pedro-Nunes, 388 Berlin Rd., residential mailbox claim 2(b)

Reports of Committees:

Councilor Delano reported the following out of the Personnel Committee:

Order No. 10-1002429 – Appointment of Ricky Plummer as Fire Chief. The Personnel Committee met on Monday, February 1st, at 5:30 pm to review Order No. 10-100-2429, the appointment of Mr. Ricky Plummer to the position of Fire Chief for a term of five years. This was our initial meeting on the matter at which Chief Plummer provided the Personnel Committee and assembled Councilors with an overview of his background, along with a question and answer session. The Personnel Committee next met on Tuesday, February 16th, at 5:30 pm to continue the evaluation of the Mayor's appointment for Fire Chief. Since the last meeting the Personnel Chairman forwarded a list of questions assembled from City Councilors to Chief Plummer and his written responses were added to the record. This information and other questions were discussed by the Committee, and Councilors in attendance. Among issues discussed was Mr. Plummer's idea to cut one Deputy Chief, and elevate one Deputy Chief to Assistant Chief. This would save over \$140K. It was also noted that there are no physical fitness policies in place in the MFD, nor mandatory drug and alcohol testing, both of which Chief Plummer endorsed. It was further noted that all of the above would require union impact bargaining, and could not be unilaterally imposed. Chief Plummer also expressed his strong desire to improve customer service to Marlborough businesses and residents alike. Councilor Juaira made a motion to approve the appointment of Ricky Plummer to the position of Fire Chief. The motion carried 3-0. **Recommendation of the Personnel Committee is to approve 3-0.**

ORDERED: That an evaluation of the schedules and compensation of election staff and poll workers take place and that the City Clerk provide information pertaining to the training and election functions of the clerks and elections division, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED: That the Mayor be requested to submit a transfer in the amount of \$10,000.00 for the purpose of an independent review of the events leading to the December 2008 fatality and subsequent report to the Mayor and City Council outlining preventative measures to avoid future serious injury and/or death of our workforce members as well as potential liability associated therewith, refer to **MAYOR AND TO ADD COUNCILORS FERRO AND DELANO AS CO-SPONSORS TO THE ORDER ORIGINALLY AUTHORED BY COUNCILORS VIGEANT, OSSING AND POPE**; adopted.

ORDERED: That the Code of the City of Marlborough be amended to grant transfer station stickers free of charge to Disabled American Veterans, refer to **PUBLIC SERVICES COMMITTEE AND THE CITY SOLICITOR TO PUT IN PROPER AND LEGAL FORM**; adopted.

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ORDERED: That the transfer request in the amount of \$18,000.00 which moves funds from Undesignated Fund to Veteran's Benefits to meet the increased demand for benefit services, **APPROVED**; adopted.

FROM:

Acct. # 10000-35900 \$18,000.00
Undesignated Fund

TO:

Acct. # 15430006-57710 \$18,000.00
Veteran's Benefits

ORDERED: That the transfer request in the amount of \$1,230.00 which moves funds from Collector's Sick Leave Buy Back to Library and Health department longevity accounts pertinent to deficits associated with longevity payments, **APPROVED**; adopted.

FROM:

Acct. # 1140003-51920 \$1,230.00
SLBB

TO:

Acct. # 16100003-51430 \$640.00
Longevity
Acct. # 15120003-51430 \$590.00
Longevity

ORDERED: That the following transfer requests from the Police Chief which are detailed in the transfer, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --											
DEPT:	Police	DATE:			20-Jan-10	FY2010					
Available Balance	Amount	FROM ACCOUNT:	Org Code	Object	Account Description:	Amount	TO ACCOUNT:	Org Code	Object	Account Description:	Available Balance
\$1,094,228	\$108,208.00	12100001	50420	Police Officers	\$108,208.00	12100003	51310	Regular OT			\$45,776
	Reason:	<u>Will have surplus in this account due to workers comp payments to several officers and one officer on a leave</u>				<u>Overtime due to officer injuries</u>					
\$285,201	\$11,480.00	12100001	50820	Sergeants	\$11,480	12100003	51310	Regular OT			\$45,776
	Reason:	<u>Will have surplus in this account due to workers comp payment to one sergeant</u>				<u>Overtime due to sergeant on injured leave</u>					
\$14,009	\$1,091.00	12100003	51120	Crossing Guards	\$1,091	12100003	51920	Sick Leave Buy Back			-\$11,091
	Reason:	<u>Available due to partially unfilled position</u>				<u>Unanticipated requests for sick leave buy back</u>					
\$6,758	\$3,000.00	12100003	51395	In Service Training	\$3,000.00	12100003	51920	Sick Leave Buy Back			-\$11,091
	Reason:	<u>Will not conduct training as planned</u>				<u>Same as above</u>					
\$2,000	\$1,000.00	12100005	54221	Parking Officer Supplies	\$1,000	12100003	51920	Sick Leave Buy Back			-\$11,091
	Reason:	<u>Parking tickets not needed yet</u>				<u>Same as above</u>					
\$12,812	\$6,000.00	12100006	57380	Conference and Training	\$6,000	12100003	51920	Sick Leave Buy back			-\$11,091
	Reason:	<u>Will not conduct training as planned</u>				<u>Same as above</u>					

ORDERED: That the transfer request in the amount of \$31,381.20 which moves funds from Fringes to Sick Leave Buy Back pertinent to budgeted expenses associated with an employee's retirement, **APPROVED**; adopted.

FROM:

Acct. # 11990006-51500

\$31,381.20

Fringes

TO:

Acct. # 12200003-51920

\$31,381.20

SLBB

ORDERED: That an Energy Efficiency and Conservation Block Grant in the amount of \$178,000.00 awarded to the City of Marlborough which will be used to replace inefficient oil fired heating system in the Department of Public Works building, as outlined in MGL, Chapter 44, Section 53A to be used for purposes outlined, **APPROVED**; adopted.

ORDERED: That the FY10 Mass Decontamination Unit Grant in the amount of \$2,000.00 awarded to the Fire Department which will facilitate the field deployment, training and operational readiness of a mobile Mass Decontamination Unit as outlined in MGL, Chapter 44, Section 53A to be used for purposes outlined, **APPROVED**; adopted.

ORDERED: That the FY2010 Student Awareness Fire Education Grant (S.A.F.E.) in the amount of \$5,900.00 awarded to the Fire Department which provides student awareness of fire education programs as outlined in MGL, Chapter 44, Section 53A to be used for purposes outlined, **APPROVED**; adopted.

ORDERED; That the designation of a City liaison to the Ethics Commission, refer to **BACK TO LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE FOR FURTHER REVIEW**; adopted.

ORDERED: **DECISION ON A SPECIAL PERMIT
CLEAR WIRELESS, LLC
CITY COUNCIL ORDER NO. 09-1002329E**

Re: 2 Mount Royal Avenue

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to CLEAR WIRELESS, LLC, having a usual place of business at 5808 Lake Washington Blvd., NE, Suite 300, Kirkland, WA 98033, as provided in the Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is CLEAR WIRELESS, LLC, which has a business address of 5808 Lake Washington Blvd., NE, Suite 300, Kirkland, WA 98033 (hereinafter "Applicant").

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2. Through its Application for a Special Permit, the Applicant seeks permission to allow the installation of three (3) panel antennas and three (3) "back-haul" dish antennas inside faux flues on the existing rooftop, as well as the placement of one (1) associated cabinet, one (1) GPS antenna and associated coax cables and cable trays (hereinafter "Proposed WCD Project"), substantially as depicted on a set of plans entitled "MA-BOS5412-A" by Bay State Design, Inc. and dated 1/19/10 provided as supplemental material to the Special Permit Application (hereinafter "Plans").
3. The location of the Proposed WCD Project is 2 Mount Royal Ave. The site is more particularly identified on the Assessor's Map of the City of Marlborough as Map 79, Block 33 ("the Site"). The owner of record for the site is Mount Royal Associates II Limited Partnership, c/o Haynes Management, Inc.
4. The Applicant is a lessee of the owner for purposes of this Special Permit Application.
5. The Site is zoned Business. Wireless communication devices are allowed by grant of Special Permit in Business Zoning Districts.
6. The Special Permit is being sought pursuant to Article VI, Section 200-25 and Article VIII, Section 200-59 of the Zoning Code of the City of Marlborough.
7. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the City Planner certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
8. The Applicant has complied with all of the applicable rules of the Rules and Regulations.
9. The City of Marlborough City Council held a public hearing on the Proposed WCD Project on October 26, 2009, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law. Pursuant to Mass. Gen. Laws c. 40A, § 9, the time limit for the City Council to take final action on the Application was extended, by written agreement with the Applicant, to March 31, 2010 at 5 p.m.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing demonstrating that the Proposed WCD Project meets all the applicable Special Permit criteria of Article VI, Section 200-25 and Article VIII, Section 200-59.
11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCD Project's compliance with the applicable Special Permit criteria.
12. The Council, in reviewing the Applicant's Special Permit application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 200-25 and Article VIII, Section 200-59 of the City of Marlborough Zoning Ordinance, applicable to the proposed Wireless Communications Device.

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

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a Special Permit.
- B) The Site is an appropriate location for the Proposed WCD Project and the Proposed WCD Project is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this Approval.
- C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 200-25 and Article VIII, Section 200-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its proposed WCD Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.
- D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant its Special Permit, **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 11:**
- 1) The Proposed WCD Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Applicant's Special Permit Application, as amended during the application/hearing process, and in compliance with the Conditions of the Grant of Special Permit as well as with the conditions set forth in Chapter 200-25F of the Marlborough Zoning Ordinance.
 - 2) All plans, site evaluations, briefs and other documentation provided by the Applicant as part of this Special Permit Application are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
 - 3) The Applicant shall comply with all rules, regulations, ordinances and statutes of the City of Marlborough, the Commonwealth of Massachusetts and the Federal Government as they may apply to the construction, maintenance and operation of the Proposed WCD Project.
 - 4) All terms, conditions, requirements, approvals, plans and drawings required hereunder are hereby made a part of and incorporated herein as a condition to the issuance of this Special Permit.
 - 5) Applicant shall minimize the visual impacts of the Proposed WCD Project by screening and/or color coordination as may be depicted on the Plans and other demonstrative evidence submitted as part of the Application for Special Permit.

- 6) Applicant shall pay to the City of Marlborough Open Space Account #100-2410-44515, as mitigation for the alleged impacts caused by the subject of this Permit, the annual sum of One Thousand Five Hundred (\$1,500.00) dollars, the first payment due and payable at the time of the issuance of the building permit hereunder, or within one year of the approval of Special Permit, whichever is earlier, and the subsequent payments to be due and payable on January 2, or the first business day thereafter, of each calendar year in which the WCD referenced in this Permit is still in operation. Failure to make the payment in a timely manner shall constitute a violation of the Special Permit, and the Applicant shall pay an additional sum of \$500 per quarter or portion thereof after the payment due date that the Applicant has failed to make payment.
- 7) Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the Proposed WCD Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCD Project only in cases of power outages to the Proposed WCD Project and for purposes of routine testing and maintenance. The temporary generator shall be affixed to the roof in a safe manner and the noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 134 of the City Code.
- 8) No operation of this WCD shall commence until the Applicant has received written approval from the Building Inspector that all the above conditions have been satisfied.
- 9) Applicant shall be subject to site plan review if applicable.
- 10) In accordance with the provisions of Mass. Gen. Laws c. 40A, § 11, the Applicant at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed. Applicant shall provide a copy of the recorded Special Permit to the City Council's office and to the City Solicitor's office.

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- 11) As soon as practicable but in any event within one (1) month after the date when a certificate of use and occupancy has been issued to the Applicant by the City of Marlborough's Building Commissioner for the Proposed WCD Project, Applicant shall submit a written report to the City Council; provided, however, that if the Proposed WCD Project has not yet become operational within the one-month period after said issuance date, then the Applicant must immediately provide the City Council with written notification as to the date when the Proposed WCD Project does become operational and, further, must submit said written report within one (1) month after said operational date. The written report to the City Council i) shall provide measurements as to the actual output of radio frequency energy emitted by the Proposed WCD Project; ii) shall include a professional opinion by a third party certifying that the Proposed WCD Project fully complies with all applicable health and safety standards; and iii) shall provide measurements of the actual output of the total radio frequency energy being emitted by all Wireless Communications Facilities (as defined in Section 200-25 of the Marlborough Zoning Ordinance) then located at the Site. The Applicant agrees to operate its Proposed WCD Project in compliance with all applicable health and safety standards. In the event that there are any changes in or upgrades to the Proposed WCD Project that may increase the actual output of radio frequency energy emitted by the Proposed WCD Project, the Applicant shall submit a letter to the City Council as soon as practicable but in any event within one (1) month after the date of completion of those changes or upgrades. The letter i) shall state what the changes or upgrades are; ii) shall provide measurements specifying how the actual output of radio frequency energy emitted by the Proposed WCD Project has been increased; iii) shall provide measurements of the actual output of all radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site; and iv) shall include a professional opinion by a third party certifying that the Applicant's changes or upgrades have not caused the total radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site to exceed any applicable health and safety standards.

Yea: 9- Nay: 1

Yea: Delano, Ferro, Elder, Juairé, Seymour, Clancy, Ossing, Pope, Levy

Nay: Vigeant

Absent: Landers

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:55 p.m.; adopted.



IN CITY COUNCIL

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FEBRUARY 8, 2010

Marlborough, Mass., _____

ORDERED:

That there being no objection thereto set **MONDAY, MARCH 8, 2010** as date for a **PUBLIC HEARING** on the Application for Special Permit from New England Sports Management Corporation to amend Special Permit #94-5460B to add a sixth rink, be and is herewith refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER NO. 10-1002448



MAR 4

City of Marlborough
Office of the Mayor

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

Nancy E. Stevens
MAYOR 3
Krista J. Holmi 1
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

March 4, 2010

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

RE: General Obligation Bonds

Honorable President Vigeant and Councilors:

The City has an opportunity to reduce the interest rate and lower the overall borrowed amount of two General Obligation Bonds dated June 15, 1999 and June 15, 2001. This would be done by refunding the bonds and reissuing a bond to cover the new borrowed amount. The current 1999 bond amount would be reduced by \$9,580,710 of prepaid Massachusetts School Building Authority funds. The interest rates of the 1999 and 2001 bonds would be reduced from an average of 5% to approximately 2.5%. The combination of reducing the interest rate and lowering the bond amount results in a projected overall savings of approximately \$1.4 million dollars over the life of the bonds. (See attachment Debt Service Comparison).

I am requesting that you approve the attached refunding loan order that authorizes the Treasurer to proceed with the refunding of these two bonds. To expedite the approval process, I request that the City Council authorize the advertisement of the bond concurrent with the Finance Committee meeting. I am sure you are aware that interest rates and the availability of MSBA funds fluctuate. Therefore, the sooner we refund these bonds, the sooner our savings will be realized.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

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City of Marlborough, Massachusetts - Aa3, AA
\$8,115,000 General Obligation Refunding Bonds; Dated: March 1, 2010
Current Refunding of 6/15/99; Advance Refunding of 6/15/01
National AA Scale as of 2/18/10 - Investments for 2/18/10

Debt Service Comparison

Date	Total P+I	Existing D/S	Net New D/S	Old Net D/S	Savings	Fiscal Total
03/11/2010	-	-	(17,631.44)	-	17,631.44	-
06/15/2010	728,406.11	502,483.75	1,230,889.86	2,332,146.27	1,101,256.41	-
06/30/2010	-	-	-	-	-	1,118,887.85
12/15/2010	94,387.50	7,177.50	101,565.00	401,840.02	300,275.02	-
06/15/2011	764,387.50	337,177.50	1,101,565.00	2,131,840.02	1,030,275.02	-
06/30/2011	-	-	-	-	-	1,330,550.04
12/15/2011	87,687.50	-	87,687.50	359,662.52	271,975.02	-
06/15/2012	1,057,687.50	-	1,057,687.50	2,084,662.52	1,026,975.02	-
06/30/2012	-	-	-	-	-	1,298,950.04
12/15/2012	77,987.50	-	77,987.50	316,943.77	238,956.27	-
06/15/2013	1,042,987.50	-	1,042,987.50	2,041,943.77	998,956.27	-
06/30/2013	-	-	-	-	-	1,237,912.54
12/15/2013	68,337.50	-	68,337.50	274,225.02	205,887.52	-
06/15/2014	958,337.50	-	958,337.50	1,999,225.02	1,040,887.52	-
06/30/2014	-	-	-	-	-	1,246,775.04
12/15/2014	58,325.00	-	58,325.00	231,587.52	173,262.52	-
06/15/2015	888,325.00	-	888,325.00	1,956,587.52	1,068,262.52	-
06/30/2015	-	-	-	-	-	1,241,525.04
12/15/2015	47,950.00	-	47,950.00	187,912.51	139,962.51	-
06/15/2016	812,950.00	-	812,950.00	1,912,912.51	1,099,962.51	-
06/30/2016	-	-	-	-	-	1,239,925.02
12/15/2016	37,431.25	-	37,431.25	144,075.01	106,643.76	-
06/15/2017	702,431.25	-	702,431.25	1,839,075.01	1,136,643.76	-
06/30/2017	-	-	-	-	-	1,243,287.52
12/15/2017	27,456.25	-	27,456.25	100,837.51	73,381.26	-
06/15/2018	622,456.25	-	622,456.25	1,795,837.51	1,173,381.26	-
06/30/2018	-	-	-	-	-	1,246,762.52
12/15/2018	18,531.25	-	18,531.25	57,600.01	39,068.76	-
06/15/2019	523,531.25	-	523,531.25	1,722,600.01	1,199,068.76	-
06/30/2019	-	-	-	-	-	1,238,137.52
12/15/2019	10,325.00	-	10,325.00	15,125.00	4,800.00	-
06/15/2020	310,325.00	-	310,325.00	320,125.00	9,800.00	-
06/30/2020	-	-	-	-	-	14,600.00
12/15/2020	5,075.00	-	5,075.00	7,500.00	2,425.00	-
06/15/2021	295,075.00	-	295,075.00	307,500.00	12,425.00	-
06/30/2021	-	-	-	-	-	14,850.00
Total	\$9,240,393.61	\$846,838.75	\$10,069,600.92	\$22,541,764.05	\$12,472,163.13	-

PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings.....	11,034,000.11
Net PV Cashflow Savings @ 2.639%(AIC).....	11,034,000.11
Accrued Interest Credit to Debt Service Fund.....	5,615.97
Transfers from Prior Issue Debt Service Fund.....	(9,580,710.17)
Contingency or Rounding Amount.....	12,015.47
Net Present Value Benefit.....	\$1,470,921.38
Net PV Benefit / \$17,030,000 Refunded Principal.....	8.637%
Net PV Benefit / \$8,115,000 Refunding Principal.....	18.126%

Refunding Bond Information

Refunding Dated Date.....	3/01/2010
Refunding Delivery Date.....	3/11/2010

File | Marlborough Long Term after 2004 MWPAT Restructuring.sf | 10-02-19 Prop Refundings | 2/19/2010 | 3:47 PM

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CITY OF MARLBOROUGH

IN CITY COUNCIL

Marlborough, MA March 8, 2010

ORDERED:

That, in order to reduce interest costs, the Treasurer with the approval of the Mayor is authorized to issue refunding bonds pursuant to Chapter 44, Section 21A of the Massachusetts General Laws to refund all or a portion of the outstanding amounts of the City's Municipal Purpose Loan of 1999 Bonds and Municipal Purpose Loan of 2001 Bonds, dated June 15, 1999 and June 15, 2001, respectively; that the refunding bonds shall be issued in an amount not to exceed \$18,000,000, in order to pay principal of, redemption premium, if any, and interest on the bonds to be refunded, and costs of issuance of the refunding bonds; and that the Treasurer is authorized to execute such documents, including, without limitation, a refunding trust agreement or escrow agreement with a bank or trust company, and to take any action as may be necessary or desirable to carry out this transaction. Further, the amount authorized by this loan order shall be reduced by any lump sum grant payment from the Massachusetts School Building Authority.



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 4/1
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

MAR 3 2010

March 3, 2010

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

RE: Capital Bond Request FY10

Honorable President Vigeant and Councilors:

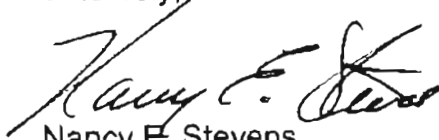
Attached for your approval is the Capital Bond Request for FY10. This bond request represents my collaborative efforts with Director of Public Facilities John Ghiloni, Commissioner of Public Works Ron LaFreniere, Police Chief Mark Leonard, Acting Fire Chief Fred Flynn, IT Director Mark Gibbs, Assistant Superintendent Jim Jolicoeur, Recreation Director David Grasso, Comptroller/Treasurer Tom Abel and Auditor Diane Smith.

Collectively, we developed a bond package that addresses many priorities within the City. Included in this request are numerous street paving and reconstruction projects. There is approximately \$1.0M allocated within each ward in the City for roadway reconstruction based on the pavement condition index. Also included are technology upgrades, facility upgrades, and new vehicles for fire, code enforcement, veterans' affairs and IT, as well as other noteworthy projects.

Attached you will also find a chart showing the debt service associated with the entire request. We will be available to the Finance Committee as well as the full Council during your deliberations to answer any and all questions that arise.

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

Sincerely,


Nancy E. Stevens
Mayor

Enclosures

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CITY OF MARLBOROUGH
CAPITAL BUDGET
FISCAL 2010

DEPARTMENTAL EQUIPMENT

PUBLIC WORKS

Asphalt Zipper	NEW		109,000
Public Works Equipment Subtotal			109,000

PUBLIC FACILITIES

Vehicle	NEW	Ford Ranger	\$ 18,000
Public Facilities Equipment Subtotal			\$ 18,000

POLICE

Two (2) Unmarked Police Vehicles	Replace	Crown Victoria Sedans (2)	\$ 49,000
1999 Ford Taurus	50,100 miles		
2000 Ford Taurus	64,400 miles		
Police Equipment Subtotal			\$ 49,000

FIRE DEPARTMENT

	Replace		
1997 Ford Expedition	93,100	Ford Expedition	\$ 32,030
1999 Chevrolet Suburban	79,900	Chevrolet 3/4 ton pickup, 4WD, 4 door	\$ 31,474
Fire Equipment Subtotal			\$ 63,504

OTHER

Code Enforcement	Replace		\$ 16,195
1999 Chevy Lumina	75,000	Fusion SE 4 cyl.	
Veterans	Replace		\$ 17,695
1995 Ford Crown Victoria	80,000	Fusion SE 6 cyl.	
Information Technology	NEW	Ford Escape	\$ 21,994
Other Equipment Subtotal			\$ 55,884

SCHOOLS

District W Instructional Technology		\$ 150,000
5 - Interactive Whiteboards for High School (\$25,000)		
5 - Interactive Whiteboards for Grades 4-7 School (\$25,000)		
20 - Ceiling-mounted projectors for High School (\$40,000)		
20 - Ceiling-mounted projectors for 4-7 Grades School (\$40,000)		
5 - Ceiling-mounted projectors for Richer School (\$10,000)		
5 - Ceiling-mounted projectors for Kane School (\$10,000)		
Schools Subtotal		\$ 150,000

44s7(9)Total Five Year Equipment Bond \$ 445,388

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CITY OF MARLBOROUGH

IN CITY COUNCIL

Marlborough, MA March 8, 2010

ORDERED:

That the sum of \$445,388 (four hundred forty five thousand three hundred eighty eight) dollars be and is hereby appropriated for departmental equipment.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$ 445,388.

Pursuant to the provisions of Chapter 44, Section 7 (9) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than five (5) years from its date of issue.

Streets and Sidewalks

RECONSTRUCTION

Baldwin Ave. (entire length)	\$	190,000
Berkeley Street (entire length)	\$	110,000
Belmont Street (entire length)	\$	11,000
Blossum Lane	\$	250,000
Bolton Street (Main to Union)	\$	840,000
Cortland Drive	\$	105,000
Ellis Ave. (entire length)	\$	75,000
Ferrecchia Drive (entire length)	\$	380,000
First Road (entire length)	\$	100,000
Fontaine Street (entire length)	\$	330,000
Gano Road	\$	120,000
Gates Ave. (entire length)	\$	50,000
Girard Street (entire length)	\$	135,000
Greenwood Street (lower)	\$	120,000
Greendale Street	\$	120,000
Hudson Street (Bolton to Boston Scientific Dr.)	\$	200,000
Kosmas Street (entire length)	\$	470,000
Lodi Road (upper)	\$	140,000
MacQuarrie Drive (entire length)	\$	110,000
Masciarelli Drive (entire length)	\$	95,000
Maple Terrace (entire length)	\$	50,000
McIntosh Drive	\$	75,000
Mountain Ave. (entire length)	\$	60,000
Queens View Road (entire length)	\$	110,000
Raffaele Road (entire length)	\$	300,000
Richard Road (entire length)	\$	215,000
Royce Road	\$	185,000
Russet Lane	\$	90,000
Shawmut Avenue	\$	370,000
Simpson Road (southerly end)	\$	350,000
Summit Ave.	\$	230,000
Sumner Street (entire length)	\$	470,000
Washington Street (remaining portion)	\$	400,000
Wayside Inn Road	\$	350,000
West Hill Road (entire length)	\$	500,000
Wood Road	\$	185,000
	Subtotal	\$ 7,891,000

OVERLAY

Edinboro Street (Maple St. to Church St.)	\$	150,000
	Subtotal	\$ 150,000

PAVING SCHOOLS

Freeman School	\$	100,000
High School (Poirier Drive)	\$	440,000
Middle School	\$	300,000
	Subtotal	\$ 840,000

CRACK SEALING

Various Streets	\$	100,000
	Subtotal	\$ 100,000

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OTHER STREET CONSTRUCTION

Farm Road (Right-of-Way)	\$	100,000
East Main Street (Right-of-Way)	\$	60,000
Maple Street (Right-of-Way)	\$	145,000
Miles Standish Drainage/Subdrainage (Girard to end-water tank)	\$	145,000
Elm Street over Millham Brook - Culvert Replacement/Extension	\$	150,000
Hemenway Street Extension over Brook - Culvert Replacement	\$	100,000
Old Charter Road - Drainage Improvements	\$	15,000
Brigham Street - Drainage Improvements (#200 to Mill Street)	\$	40,000
Bolton Street Culvert Replacement	\$	150,000
Subtotal	\$	905,000
44s7(5) Total Ten Year Street Bond	\$	9,886,000

SIDEWALK CONSTRUCTION AND REPAIR

Concord Road (Ghiloni Park to Sudbury Street)	\$	900,000
Various Sidewalks	\$	200,000
44s7(6) total Five Year Sidewalk Bond	\$	1,100,000

47



CITY OF MARLBOROUGH

IN CITY COUNCIL

Marlborough, MA March 8, 2010

ORDERED:

That the sum of \$9,886,000 (nine million eight hundred eighty six thousand) dollars be and is hereby appropriated for street construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$9,886,000.

Pursuant to the provisions of Chapter 44, Section 7 (5) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than ten (10) years from its date of issue.

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CITY OF MARLBOROUGH

IN CITY COUNCIL

Marlborough, MA February 11, 2008

ORDERED:

That the sum of \$1,100,000 (one million one hundred thousand) dollars be and is hereby appropriated for sidewalk construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$1,100,000.

Pursuant to the provisions of Chapter 44, Section 7 (6) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than five (5) years from its date of issue.

SEWERS

SEWER MAINS

	\$ 300,000
Country Lane -Replacement of Pump Station	\$ 70,000
Hosmer Street - Replace Generator at Pump Station	\$ 435,000
Homser Street - Replace Force Main (approx. 2900 LF)	\$ 330,000
Bolton Street - Replace Force Main (approx. 2200 LF)	\$ 250,000
I & I Investigation for East and West Plant Gravity Sewers	\$ 45,000
Sanitary Sewer at Ghiloni Park Building (Parks)	
Subtotal	\$ 1,430,000

EASTERLY WASTEWATER TREATMENT PLANT

	\$ 30,000
Nitrification Return/Waste Pump - Replace	\$ 25,000
Secondary Return/Waste Pump - Replace	\$ 50,000
Install two in-line Muffin Monsters in Primary Sludge line	
Subtotal	\$ 105,000

44s8(15) Total 30 Year Sewer Bond \$ 1,535,000

WATER

Water Meters	\$ 200,000
44s8(7A) Total Ten Year Water Meter Bond	\$ 200,000

Replace Lead Services (various locations)	\$ 920,000
Replace Plastic Services (Evelina, Bergeron, Ahlgren Area)	\$ 500,000
Bolton Street (additional funding required)	\$ 506,000
Russell Street (Replace 16" water main; Pleasant to Mechanic)	\$ 1,200,000
Route 85 (Replace 6" with 8" water main, phase 2)	\$ 200,000
Broad Street (Clean and Line Lincoln to W. Main; Replace lead services)	\$ 165,000
Northborough Road West (Remove 6" AC (1000'); Services to 16" Main)	\$ 50,000
Hydrant Replacement (various locations-estimated 70 hydrants)	\$ 175,000

44s8(5) Total 40 Year Water Bonds \$ 3,716,000

4/10



CITY OF MARLBOROUGH

IN CITY COUNCIL

Marlborough, MA March 8, 2010

ORDERED:

That the sum of \$1,535,000 (one million five hundred thirty five thousand) dollars be and is hereby appropriated for sewer construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$ 1,535,000.

Pursuant to the provisions of Chapter 44, Section 8 (15) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than thirty (30) years from its date of issue.

4
11



CITY OF MARLBOROUGH

IN CITY COUNCIL

Marlborough, MA March 8, 2010

ORDERED:

That the sum of \$3,716,000 (three million seven hundred sixteen thousand) dollars be and is hereby appropriated for water main construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$ 3,716,000.

Pursuant to the provisions of Chapter 44, Section 8 (5) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than thirty (40) years from its date of issue.

4 12

RECREATION

Ghiloni Park Improvements	\$	614,000
Track Paving (\$126,000)		
Driveway (from park entrance to exit) (\$110,000)		
Roadway&Sidewalk (Upper P. Lot South to Fire Station-1500')(\$328,000)		
Walkway (Softball Field to 1/2 of soccer field by track-850LF)) (\$50,000)		
 Memorial Beach Improvements	 \$	 250,000
Resurface parking lot (\$75,000)		
Upgrade/resurface walkway (\$10,000)		
Drainage improvements to parking lot (\$30,000)		
Replace fencing (\$100,000)		
Landscaping improvements (\$30,000)		
Picnic area (replace grills and picnic tables, \$5,000)		
 44s7(25) Total 15 Year Recreation Bond	 \$	 864,000

DESIGN

Evergreen Cemetery Expansion Design	\$	50,000
	Total Cemeteries Design Projects	\$ 50,000
 Traffic Engineering Services-Downtown Area	 \$	 30,000
	Total Street Design/Engineering	\$ 30,000
 44s7(22) Total Five Year Design/Architectural	 \$	 80,000

TECHNOLOGY

City	Replace end user machines (25)	\$	25,000
District w	Network Upgrades	\$	30,000
	Replace Switches & Wireless Equipment cycle	\$	25,000
	Replace Servers (6)	\$	40,000
High Sch	Replace 1 Lab (30)	\$	30,000
	Install Technology Classrooms Projectors	\$	20,000
	Replace Teacher Computers (140)	\$	140,000
ALL	Replace Laptops (20)	\$	40,000
Administ			
ration			
(City			
and			
School)			
 44S7(28) Total Ten Year Computer Har		 \$	 350,000

4
13



CITY OF MARLBOROUGH

IN CITY COUNCIL

Marlborough, MA March 8, 2010

ORDERED:

That the sum of \$864,000 (eight hundred sixty four thousand) dollars be and is hereby appropriated for park reconstruction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$864,000.

Pursuant to the provisions of Chapter 44, Section 7 (25) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than fifteen (15) years from its date of issue.

4
14



CITY OF MARLBOROUGH

IN CITY COUNCIL

Marlborough, MA March 8, 2010

ORDERED:

That the sum of \$80,000 (eighty thousand) dollars be and is hereby appropriated for engineering and architectural design.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$80,000.

Pursuant to the provisions of Chapter 44, Section 7 (22) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than five (5) years from its date of issue.

4
15



CITY OF MARLBOROUGH

IN CITY COUNCIL

Marlborough, MA March 8, 2010

ORDERED:

That the sum of \$350,000 (three hundred fifty thousand) dollars be and is hereby appropriated for computer hardware.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$ 350,000.

Pursuant to the provisions of Chapter 44, Section 7 (28) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than ten (10) years from its date of issue.

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BUILDING RENOVATION

DPW

DPW Site Improvements (Detention Facility, Tanks, Retaining Walls) \$ 600,000

DPW Subtotal Environmental and Site Upgrades \$ 600,000

PUBLIC FACILITIES

Masonry

Freeman \$ 100,000

DPW \$ 300,000

Roofing

Library \$ 150,000

School Equipment

School Equipment \$ 200,000

HVAC

High School \$ 1,000,000

Emergency Generator

DPW \$ 30,000

City Hall \$ 150,000

Doors

DPW \$ 50,000

Flooring

Middle School \$ 200,000

Walker Building Renovations

Walker Building Renovations (50% of costs) \$ 200,000

Subtotal Building Renovation \$ 2,380,000

44S7(3A) Total 20 Year Building Renovation Bond \$ 2,980,000

4
17



CITY OF MARLBOROUGH

IN CITY COUNCIL

Marlborough, MA March 8, 2010

ORDERED:

That the sum of \$2,980,000 (two million nine hundred eighty thousand) dollars be and is hereby appropriated for building renovations.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$2,980,000.

Pursuant to the provisions of Chapter 44, Section 7 (3A) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than twenty (20) years from its date of issue.

4/18

EXECUTIVE SUMMARY

Total Departmental Request

Total DPW	\$ 17,226,000
Total Public Facilities	\$ 2,398,000
Total Police	\$ 49,000
Total Fire	\$ 63,504
Total School Equipment	\$ 150,000
Total Recreation	\$ 864,000
Total Vettrans	\$ 17,695
Total Info Systems	\$ 371,994
Total Code Enforcement	\$ 16,195

Total Capital Request by Department \$ 21,156,388

Five Year Bonds	\$ 1,625,388
Ten Year Bonds	\$ 10,436,000
Fifteen Year Bonds	\$ 864,000
Twenty Year Bonds	\$ 2,980,000
Thirty Year Bonds	\$ 1,535,000
Forty Year Bonds	\$ 3,716,000

Total Capital Request by Term \$ 21,156,388

Within Dept Limit	\$ 15,705,388
Outside Debt Limit	\$ 5,451,000

Total Capital Request by Debt Limit \$ 21,156,388

4/19

Bond FY 10 \$21,156,388 Projected Payment Schedule @ 5.5%

Bonding FY 10 FY	5 Year		10 Year		15 Year		20 Year		30 Year		40 Year		PRINC PMT	Balance	INTEREST	TOTAL PMT				
	City		City		City		City		Sewer	Water	3716000									
12	\$	541,796.00	\$	1,304,500.00	\$	66,461.54	\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	2,230,924.00	\$	21,156,388.00	\$	1,163,601.34	\$	3,394,525.34
13	\$	541,796.00	\$	1,304,500.00	\$	66,461.54	\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	2,230,924.00	\$	18,925,464.00	\$	834,273.20	\$	3,177,197.20
14	\$	541,796.00	\$	1,304,500.00	\$	66,461.54	\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	2,230,924.00	\$	16,694,540.00	\$	834,273.20	\$	3,065,651.00
15	\$		\$	1,304,500.00	\$	66,461.54	\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	1,689,128.00	\$	14,463,616.00	\$	723,180.80	\$	2,412,308.80
16	\$		\$	1,304,500.00	\$	66,461.54	\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	1,689,128.00	\$	12,774,488.00	\$	638,724.40	\$	2,327,852.40
17	\$		\$	1,304,500.00	\$	66,461.54	\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	1,689,128.00	\$	11,085,359.99	\$	554,268.00	\$	2,243,396.00
18	\$		\$	1,304,500.00	\$	66,461.54	\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	1,689,128.00	\$	9,396,231.99	\$	469,811.60	\$	2,158,939.60
19	\$		\$	1,304,500.00	\$	66,461.54	\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	1,689,128.00	\$	7,707,103.99	\$	385,355.20	\$	2,074,483.20
20	\$		\$		\$	66,461.54	\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	384,628.00	\$	6,017,975.99	\$	300,898.80	\$	685,526.80
21	\$		\$		\$	66,461.54	\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	384,628.00	\$	5,633,347.98	\$	281,667.40	\$	666,295.40
22	\$		\$		\$	66,461.54	\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	384,628.00	\$	5,248,719.98	\$	262,436.00	\$	647,064.00
23	\$		\$		\$	66,461.54	\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	384,628.00	\$	4,864,091.98	\$	243,204.60	\$	627,832.60
24	\$		\$		\$	66,461.54	\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	384,628.00	\$	4,479,463.97	\$	223,973.20	\$	608,601.20
25	\$		\$		\$	66,461.54	\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	318,166.46	\$	4,094,835.97	\$	204,741.80	\$	522,908.26
26	\$		\$		\$		\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	318,166.46	\$	3,776,669.51	\$	188,833.48	\$	506,999.94
27	\$		\$		\$		\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	318,166.46	\$	3,458,503.04	\$	172,925.15	\$	491,091.61
28	\$		\$		\$		\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	318,166.46	\$	3,140,336.58	\$	157,016.83	\$	475,183.29
29	\$		\$		\$		\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	318,166.46	\$	2,822,170.12	\$	141,108.51	\$	459,274.97
30	\$		\$		\$		\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	152,610.90	\$	2,504,003.66	\$	125,200.18	\$	277,811.09
31	\$		\$		\$		\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	152,610.90	\$	2,351,392.75	\$	117,569.64	\$	270,180.54
32	\$		\$		\$		\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	152,610.90	\$	2,198,781.85	\$	109,939.09	\$	262,550.00
33	\$		\$		\$		\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	152,610.90	\$	2,046,170.95	\$	102,308.55	\$	254,919.45
34	\$		\$		\$		\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	152,610.90	\$	1,893,560.04	\$	94,678.00	\$	247,288.91
35	\$		\$		\$		\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	152,610.90	\$	1,740,949.14	\$	87,047.46	\$	239,658.36
36	\$		\$		\$		\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	152,610.90	\$	1,588,338.24	\$	79,416.91	\$	232,027.82
37	\$		\$		\$		\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	152,610.90	\$	1,435,727.33	\$	71,786.37	\$	224,397.27
38	\$		\$		\$		\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	152,610.90	\$	1,283,116.43	\$	64,155.82	\$	216,766.73
39	\$		\$		\$		\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	152,610.90	\$	1,130,505.53	\$	56,525.28	\$	209,136.18
40	\$		\$		\$		\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	97,789.47	\$	977,894.63	\$	48,894.73	\$	146,684.20
41	\$		\$		\$		\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	97,789.47	\$	880,105.15	\$	44,005.26	\$	141,794.73
42	\$		\$		\$		\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	97,789.47	\$	782,315.68	\$	39,115.78	\$	136,905.26
43	\$		\$		\$		\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	97,789.47	\$	684,526.20	\$	34,226.31	\$	132,015.78
44	\$		\$		\$		\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	97,789.47	\$	586,736.73	\$	29,336.84	\$	127,126.31
45	\$		\$		\$		\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	97,789.47	\$	488,947.26	\$	24,447.36	\$	122,236.84
46	\$		\$		\$		\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	97,789.47	\$	391,157.78	\$	19,557.89	\$	117,347.36
47	\$		\$		\$		\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	97,789.47	\$	293,368.31	\$	14,668.42	\$	112,457.89
48	\$		\$		\$		\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	97,789.47	\$	195,578.84	\$	9,778.94	\$	107,568.42
49	\$		\$		\$		\$	165,555.56	\$	54,821.43	\$	97,789.47	\$	97,789.47	\$	97,789.47	\$	4,889.47	\$	102,678.94

\$ 1,625,388.00 \$ 10,436,000.00 \$ 864,000.02 \$ 2,980,000.08 \$ 1,535,000.02 \$ 3,716,000.00
 Totals \$ 21,156,388.11 \$ 9,070,295.59 \$ 30,226,683.70



MAR 14

City of Marlborough
Office of the Mayor

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

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

March 4, 2010

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

RE: Bond Request

Honorable President Vigeant and Councilors:

I am submitting for your approval a bond request in the amount of \$4,000,000.00 for partial construction of the new sewer services in Sudbury Street area.

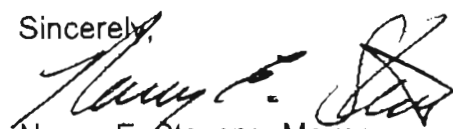
As you will recall, in FY07 there was an appropriation of \$200,000.00; in FY08 an additional appropriation of \$556,000.00 was made for the planning and design of new sewer service in the Sudbury Street area. This planning has produced the preferred alternative design for this project. At this point, preliminary costs for the entire project are approximately \$9,943,000.00 for the sewer installation construction costs, including pump stations, and depending on the type of roadway reconstruction (i.e., overlay versus a reclaim program), the costs are between \$1,800,000.00 and \$3,000,000.00. The figures on the roadway portion of the costs could change based on potential drainage and wall issues as well as the desire to widen the roadway.

The plan is to phase the construction with phase 1 costs at \$4,000,000.00. I caution that the estimates given for the total project are in "today" costs, and the longer the entire project takes to complete, the higher the total cost for the project.

In addition, the approximate maintenance and operating costs associated the pump stations, including but not limited to electric costs, gas, alarms, telephone, estimated alarm calls and a contingency for materials (i.e. pumps, generators, etc.) is \$8,696.00, not including staff monitoring.

The Engineering department will be available for your deliberation to answer any questions you have regarding this project.

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

Sincerely,

Nancy E. Stevens, Mayor

Enclosure

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CITY OF MARLBOROUGH

IN CITY COUNCIL

Marlborough, MA February 26, 2010

ORDERED:

That the sum of \$4,000,000 (four million) dollars be and is hereby appropriated for sewer construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$ 4,000,000.

Pursuant to the provisions of Chapter 44, Section 8 (15) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than thirty (30) years from its date of issue.

Cost of a \$4,000,000 30 Year Sewer Bond

BAN	Principal	PMT	Int	Total
Year 1	\$ 2,000,000.00		\$	\$ 80,000.00
2	\$ 4,000,000.00		\$	\$ 160,000.00
3	\$ 4,000,000.00	\$ 142,857.14	\$	\$ 302,857.14
4	\$ 3,857,142.86	\$ 142,857.14	\$	\$ 297,142.86
5	\$ 3,714,285.71	\$ 142,857.14	\$	\$ 291,428.57
6	\$ 3,571,428.57	\$ 142,857.14	\$	\$ 285,714.29
7	\$ 3,428,571.43	\$ 142,857.14	\$	\$ 280,000.00
8	\$ 3,285,714.29	\$ 142,857.14	\$	\$ 274,285.71
9	\$ 3,142,857.14	\$ 142,857.14	\$	\$ 268,571.43
10	\$ 3,000,000.00	\$ 142,857.14	\$	\$ 262,857.14
11	\$ 2,857,142.86	\$ 142,857.14	\$	\$ 257,142.86
12	\$ 2,714,285.71	\$ 142,857.14	\$	\$ 251,428.57
13	\$ 2,571,428.57	\$ 142,857.14	\$	\$ 245,714.29
14	\$ 2,428,571.43	\$ 142,857.14	\$	\$ 240,000.00
15	\$ 2,285,714.29	\$ 142,857.14	\$	\$ 234,285.71
16	\$ 2,142,857.14	\$ 142,857.14	\$	\$ 228,571.43
17	\$ 2,000,000.00	\$ 142,857.14	\$	\$ 222,857.14
18	\$ 1,857,142.86	\$ 142,857.14	\$	\$ 217,142.86
19	\$ 1,714,285.71	\$ 142,857.14	\$	\$ 211,428.57
20	\$ 1,571,428.57	\$ 142,857.14	\$	\$ 205,714.29
21	\$ 1,428,571.43	\$ 142,857.14	\$	\$ 200,000.00
22	\$ 1,285,714.29	\$ 142,857.14	\$	\$ 194,285.71
23	\$ 1,142,857.14	\$ 142,857.14	\$	\$ 188,571.43
24	\$ 1,000,000.00	\$ 142,857.14	\$	\$ 182,857.14
25	\$ 857,142.86	\$ 142,857.14	\$	\$ 177,142.86
26	\$ 714,285.71	\$ 142,857.14	\$	\$ 171,428.57
27	\$ 571,428.57	\$ 142,857.14	\$	\$ 165,714.29
28	\$ 428,571.43	\$ 142,857.14	\$	\$ 160,000.00
29	\$ 285,714.29	\$ 142,857.14	\$	\$ 154,285.71
30	\$ 142,857.14	\$ 142,857.14	\$	\$ 148,571.43
Total	\$	\$ 4,000,000.00	\$	\$ 6,560,000.00

4% Interest is assumed for all payments



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Office of the Mayor

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Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

MAR 4
March 3, 2010

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

RE: DPW Equipment Bond Authorization

Honorable President Vigeant and Councilors:

On January 11, 2010, I submitted to the City Council Order Number 10-1002414 with a request for a transfer in the amount of \$1,236,280.00 to fund much needed equipment for the Department of Public Works. As an alternative source of funding, I am submitting for your review a bond authorization for the same equipment request.

Last year during deliberations over the funding sources for the Department of Public Works equipment request, there was much debate among Councilors as to the preferred source of funding. In order to expedite your deliberations, the bond authorization enclosed will allow you to have both funding sources before you. In addition, I have also attached a chart showing the proposed debt service associated with this request.

DPW Commissioner Ron LaFreniere, Comptroller/Treasurer Tom Abel, and I will be available to discuss this at the Finance Committee meeting.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure



CITY OF MARLBOROUGH

IN CITY COUNCIL

Marlborough, MA February 26, 2010

ORDERED:

That the sum of \$1,236,280 (one million two hundred thirty six thousand two hundred eighty) dollars be and is hereby appropriated for departmental equipment.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$ 1,236,280.

Pursuant to the provisions of Chapter 44, Section 7 (9) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than five (5) years from its date of issue.

EQUIPMENT

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<u>Equipment Number</u>	<u>Description</u>	<u>Odometer or hours (*)</u>	<u>Replace/New</u>	<u>New Description</u>	<u>Cost</u>
<u>DPW - STREETS</u>					
13	1997 F-250 3/4 Ton Pickup	141,120	Replace	F-250 w/4-wheel drive and plow	\$ 31,000
22	1984 5 ton vibratory roller	1134*	Replace	5 ton vibratory roller	\$ 39,000
23	1995 F-350 1-Ton 4-wheel drive dump with plow	110,000	Replace	Upgrade - F-450 (t-ton) w/4/wheel drive, plow, & sander	\$ 62,000
41	1991 Kodiak dump sander with plow	101,330	Replace	6-Wheeler Dump with sander, plow and scraper	\$ 184,000
42	1993 F-800 dump with sander, plow and wing-plow	66,243	Replace	6-Wheeler Dump with sander, plow and wing-plow	\$ 196,000
43	1988 Michigan L-70 front end loader	8146*	Replace	Front end loader	\$ 152,000
				Subtotal	\$ 664,000
<u>DPW - WATER / WASTEWATER</u>					
55	1992 F-800 dump truck w/plow	110,320	Replace	6-Wheeler with plow	\$ 140,000
61	1993 E-150 Van	92,500	Replace	Utility Vehicle	\$ 28,200
62	1999 JCB 214 4x4 backhoe	8047*	Replace	4x4 Backhoe	\$ 80,000
65	1998 Ford Ranger pickup (meter truck)	188,252	Replace	Ford Ranger pickup	\$ 22,000
67	1997 F-250 pickup (service truck)	195,547	Replace	Upgrade-F-350 pickup	\$ 33,000
				Subtotal	\$ 303,200
<u>DPW - FORESTRY, PARK, & CEMETERIES</u>					
210	1995 553 Bobcat	2373*	Replace	763 Bobcat with plow, snow bucket, (regular bucket & broom)	\$ 58,000
211	2000 580 Toro (16' cut)	2980*	Replace	1-16' Toro gang mower	\$ 97,000
				Subtotal	\$ 155,000
<u>DPW - ENGINEERING</u>					
84	88 GMC pickup 1/2 ton	138,987	Replace	F-250 w/4-wheel drive & plow (used during snow operations)	\$ 31,000
				Subtotal	\$ 31,000
<u>DPW - OTHER DPW EQUIPMENT</u>					
3	2000 Sterling L8500 dump w/sander	64,300	Replace	Replace all season body (only)	\$ 35,540
5	2000 Sterling L8500 dump w/sander	54,809	Replace	Replace all season body (only)	\$ 35,540
45	1999 F-450 body replacement-bucket truck	52,094	Replace	Replace utility body (only)	\$ 12,000
				Subtotal	\$ 83,080
				DPW Equipment Subtotal	\$ 1,236,280

Cost of a \$1,236,280 Five Year Equipment Bond

BAN Year	Principal	PMT	Int	Total
Year 1	1,236,280		\$	49,451.20 \$ 49,451.20
Year 2	\$ 1,236,280.00	\$ 309,070.00	\$	49,451.20 \$ 358,521.20
3	\$ 927,210.00	\$ 309,070.00	\$	37,088.40 \$ 346,158.40
4	\$ 618,140.00	\$ 309,070.00	\$	24,725.60 \$ 333,795.60
5	\$ 309,070.00	\$ 309,070.00	\$	12,362.80 \$ 321,432.80
		\$ 1,236,280.00	\$	173,079.20 \$ 1,409,359.20

4% Interest is assumed for all payments

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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. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

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MAR
March 4, 2010

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

RE: Snow and Ice Removal Expenditure Request

Honorable President Vigeant and Councilors:

Pursuant to City Council Order No. 09-1002197-2A, I am requesting further authorization to incur deficit costs in the Department of Public Works Snow and Ice Accounts.

As detailed in the attached correspondence from DPW Commissioner LaFreniere, to date, the City has incurred a total of \$1,287,317.00 in snow removal costs with an additional \$193,913.00 encumbered in anticipation of the next storm event.

This evening, I hereby respectfully request your approval to increase the deficit appropriation by \$200,000.00 to a total of \$1,200,000.00 in excess of available appropriation. A modified order indicating this change is attached for your consideration.

For your review, I have included a summary of the sanding and plowing events in the city from November 30 to March 1. While variable based on actual conditions, the Department of Public Works has provided the following cost estimate of sanding and plowing events:

Sanding -	\$75,000.00 - \$100,000 per event
Plowing-	\$150,000.00 - \$250,000.00 per event

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

Sincerely,

Nancy E. Stevens, Mayor

Enclosures



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CITY OF MARLBOROUGH
Department of Public Works
Office of the Commissioner
135 Neil Street
Marlborough, Massachusetts 01752
(508) 624-6910 Ext 7200
Facsimile (508) 624-7699 TDD (508) 460-3610

March 4, 2010

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

RE: SNOW & ICE; ACCOUNT DEFICIT AUTHORIZATION

Pursuant to City Council Order #09-1002197-2A, I hereby request further authorization to incur deficit costs in the department's Snow & Ice account. As you know, during last year's budget review, the city council voted to limit the amount of money that could be spent in deficit beyond the original \$500,000 appropriated for snow and ice removal. In January, the council authorized an additional \$500,000 in deficit spending. To date, the council has authorized a total of \$1.5M in expenditures for snow and ice.

As shown on the attached spreadsheet, this season we have incurred a total of \$1,287,317 in snow removal costs in the 3 accounts covered under Snow & Ice. We have also encumbered another \$193,913 in 2 of the accounts in anticipation of the next storm event. Though I would like to believe we have seen the last storm of the winter, history suggests otherwise, and based on that, we are expecting at least 2 more events before the end of the season.

I hereby request that an additional \$200,000 in deficit spending be authorized for the remainder of the season and ask that this request be forwarded to the city council for its consideration. Should you have any questions regarding the above, please do not hesitate to contact me.

Sincerely,

Ronald M. LaFreniere, P.E.
Commissioner of Public Works

FISCAL YEAR 2010 SNOW AND ICE SUMMARY

ACCOUNT	FY 10 APPROPRIATION W/TRANSFERS	YEAR TO DATE EXPENDED	YEAR TO DATE OUTSTANDING ENCUMBRANCES	BALANCE
Overtime Snow and Ice (14001203-51390)	\$125,000.00	\$202,261.25	\$0.00	-\$77,261.25
Snow Removal 14001206-52960	\$275,015.00	\$952,038.58	\$157,551.44	-\$834,575.02
Snow and Ice Operating Expenses (14001206-57040)	\$100,000.00	\$133,016.85	\$36,361.36	-\$69,378.21
TOTAL	\$500,015.00	\$1,287,316.68	\$193,912.80	-\$981,214.48

3 YEAR EXPENDITURE HISTORY - March 1ST THROUGH JUNE 30TH

ACCOUNT	FY 07 EXPENDITURES Mar 1-June 30	FY 08 EXPENDITURES Mar 1-June 30	FY 09 EXPENDITURES Mar 1-June 30	3 YEAR AVERAGE
Overtime Snow and Ice (14001203-51390)	\$90,936.48	\$64,242.10	\$45,435.47	\$66,871.35
Snow Removal 14001206-52960	\$372,761.71	\$598,588.20	\$468,157.07	\$479,835.66
Snow and Ice Operating Expenses (14001206-57040)	\$11,708.07	\$37,667.70	\$21,503.74	\$23,626.50
TOTAL ACCOUNT EXPENDITURES	\$475,406.26	\$700,498.00	\$535,096.28	\$570,333.51

AUTHORIZATIONS

TOTAL FY 10 SNOW AND ICE APPROPRIATION	FY 10 SNOW AND ICE DEFICIT AUTHORIZATION	RECOMMENDED ADDITIONAL DEFICIT AUTHORIZATION
\$500,000.00	Initial: 15-June-09 11-Jan-10	\$200,000.00

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Starting Date	Duration	Operation	Measurement	
December 5, 2009	6:30pm-4:30am	Sanding	3"	General
December 8, 2010		Sanding		call-man water break
December 9, 2009	5:00am-7:00am	Sanding		General
December 9, 2009	7:00am-3:30pm	Plowing	6.5"	General
December 10, 2009	4:00am	Spot Sanding		call-man and backup
December 11, 2009	12:00am	Snow Removal		
December 14, 2009	2:00am-6:00am	Sanding		General
December 19, 2009	2:20am	Spot sanding		call-man
December 20, 2009	1:00am-3:30am	Sanding		General
December 20, 2009	3:30am-4:00pm	Plowing	9.5"	
December 20, 2009	4:00pm-7:30pm	Sanding		General
December 21, 2010	5:00am	Sand/Schools		sidewalks/call-man +
December 21, 2010	7:00pm	Spot sanding		call-man
December 22, 2009	12:00am	Snow Removal		
December 26, 2009	4:30am-8:30am	Sanding		General
December 28, 2010	2:40am	Spot sanding		call-man
December 28, 2009	5:30pm-9:30pm	Sanding		General
December 31, 2009	11:am-5:00pm	Sanding	2"	General
December 31, 2010	6:15pm	Spot sanding		call-man
January 2, 2010	1:00am-5:30am	Sanding		General
January 2, 2010	5:30am-12:00pm	Plowing	5"	General
January 2, 2010	12:00pm-2:30pm	Sanding		General
January 2, 2010	5:30pm-10:30pm	Sanding		General
January 3, 2010	3:30am-1:00pm	Plowing	2"	General
January 3, 2010	1:00pm-4:00pm	Sanding		General
January 3, 2010	4:30am	Sanding		call-man
January 4, 2010	3:00am	Sand/Schools		Sidewalks/call-man +

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January 8, 2010	7:30am	Sanding		City vehicles only
January 14, 2010	1:00am	Sanding		call-man water break
January 14, 2010	11:00pm	Sanding		call-man hydrant open
January 17, 2010	11:30pm-3:45am	Sanding		General
January 18, 2010	3:45am-12:00pm	Plowing	5"	General
January 18, 2010	12:00pm-3:00pm	Sanding		General
January 19, 2010	5:00am	Sand/Schools		Sidewalks/call-man +
January 19, 2010	7:00am-5:00pm	Sanding	1.5"	General
January 20, 2010	5:30am-8:00am	Sanding		General
January 21, 2010	12:00am	Snow Removal		
January 22, 2010	3:30am	Sanding		call-man water break
January 23, 2010	11am	Sanding		call-man water dept
January 23, 2010	12pm	Sanding		call-man
January 28, 2010	4:00am	Sanding		call-man
January 28, 2010	2:45pm-8:00pm	Sanding		General
January 29, 2010	5:30pm	Plow/Sand		call-man
January 31, 2010	9:00am	Sanding		call-man
February 3, 2010	3:30am-7:00am	Sanding		General
February 3, 2010	3:30pm	Sanding		call-man + backup
February 7, 2010	7:00pm	Sanding (MVA)		call-man
February 10, 2010	2:00pm-12:00pm	Sanding	1.25"	General
February 11, 2010	5:00am	Sand/Schools		Sidewalks/call-man +
February 16, 2010	5:00am	Sanding		call-man +
February 16, 2010	7:30am-2:00pm	Sanding		General

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February 16, 2010	2:00pm-10:30pm	Plowing	General
February 16, 2010	10:30pm-1:00am	Sanding	General
February 18, 2010	8:30pm	Sand Water Brk	call-man +
February 23, 2010	1:45am	Sand (MVA)	call-man +
February 26, 2010	12:00pm	Sanding	General
February 27, 2010	7:30am	Sanding	City vehicles only
February 27, 2010	11:30pm	Sanding	General
March 1, 2010	3:00am	Sanding	General

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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 expenditures of \$1,200,000.00 in excess of available appropriation for snow and ice removal for fiscal year 2010.

ADOPTED
In City Council
Order No. 09-

Adopted

Approved by Mayor
Nancy E. Stevens
Date:

A TRUE COPY
ATTEST:



City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752

Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

MAR 3 4

March 3, 2010

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

RE: Transfer of Insurance Payment

Honorable President Vigeant and Councilors:

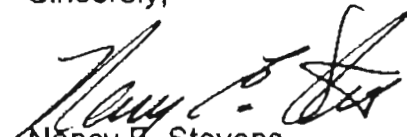
Attached please find a transfer request in the amount of \$92,907.39 moving funds from Account No. 2700099-48470 (Insurance Proceeds Over \$20K) to Account No. 19300006-58467 (Public Facilities Capital Outlay).

As detailed in the enclosed letter from Public Facilities Director John Ghiloni, the insurance claim was for damage to the Marlborough High School chillers.

Please note that the \$2,500 difference between the claim and the reimbursement reflects the amount of the insurance deductible.

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

Sincerely,


Nancy E. Stevens
Mayor

Enclosures

82



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

February 24, 2010

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

RE: Insurance Reimbursement

Dear Mayor Stevens:

As you are aware, an insurance claim was filed for damage to the chiller which provides air conditioning at the High School. The cost for temporary rental, diagnosis of the damage and temporary repairs to the chillers was \$95,407.39.

I am requesting that the insurance proceeds in the amount of ninety-two thousand nine hundred and seven dollars and thirty-nine cents (\$92,907.39) be transferred from Insurance Proceeds Over 20K (account # 2700099-48470) to Public Facilities Capital Outlay (account # 19300006 58467).

Please contact me if you need any additional information.

Sincerely,

John L. Ghiloni
Director

83

TRANSFER REQUEST

FROM ACCOUNT				TO ACCOUNT			
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT AVAIL
			Insurance Proceeds Over 20K			Capital Outlay Public Facilities	
\$ 92,907.39	\$ 92,907.39	2700099	48470 Insurance Over 20K]	\$ 92,907.39	19300006	58467 Public Facilities	\$ -

\$ 92,907.39

Reason See Attached request from Dept Head

84

CHECK # 091249

INSURED: 0043

POLICY #: PR09-0043

CLAIM #: M10PR56370

CLAIMANT NAME: City of Marlborough

DATE OF ACCIDENT: 8/24/2009

LOCATION: 100

IN PAYMENT OF: Power Surge Chiller High School 2500 Deductible

PAYMENT TYPE: First Party Property-Dwelling

CHECK DATE: 1/20/2010

CHECK AMOUNT: \$ 92,907.39

TAX I.D. #: COSSUMTN

VENDOR CODE: City of Marlborough

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER



State Street Bank and Trust Company
 225 Franklin Street
 Boston, Massachusetts 02101

CHECK NO
 091249

PAY EXACTLY *Ninety-two thousand nine hundred seven and 39 / 100 Dollars*

DATE	AMOUNT
1/20/2010	*****\$92,907.39

City of Marlborough
 City Of Marlborough
 85 Sawin St.
 Marlborough, MA 01752

Stephen H. But...
 [Signature]

VOID IF NOT PAID WITHIN 90 DAYS

091249 10110000281 1330 005 000



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 9
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

MAR 7 4
March 3, 2010

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

RE: Transfer Request Fire – Sick Leave Buy Back

Honorable President Vigeant and Councilors:

Attached herewith is a transfer request in the total amount of \$51,003.96. The transfer will move funds for sick leave buy back associated with an employee's retirement.

Transfer in the amount of \$13,790.40 moving funds from account number 11990006-51500 (Fringes) to account number 12200001-50130 (Fire Chief)

Transfer in the amount of \$13,137.60 moving funds from account number 11990006-51500 (Fringes) to account number 12200003-51920 (Sick Leave Buy Back)

Transfer in the amount of \$12,364.26 moving funds from account number 17520006-59254 (Interest Ban) to account number 12200003-51920 (Sick Leave Buy Back)

Transfer in the amount of \$11,711.70 from account number 10000-35900 (Undesignated Fund) to account number 12200003-51920 (Sick Leave Buy Back)

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

		FROM ACCOUNT			TO ACCOUNT		
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT AVAIL
			General Government				
\$ 154,750.95	\$ 13,790.40	11990006	51500 Fringes	\$ 13,790.40	12200001	50130 Fire Chief	\$ 36,983.72
\$ 378,123.00	\$ 13,137.60	11990006	51500 Fringes	\$ 13,137.60	12200003	51920 Sick Leave BB	\$ 22,039.74
\$ 2,569,650.00	\$ 12,364.26	17520006	59254 Interest Ban	\$ 12,364.26	12200003	51920 Sick Leave BB	\$ -
	\$ 11,711.70	10000	35900 Undesignated Fund	\$ 11,711.70	12200003	51920 Sick Leave BB	
				\$ 51,003.96			

Reason: To fund benefits associated with employees retirement.



City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752

MAR 7 4 Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

Nancy E. Stevens
MAYOR

Kristu J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

March 3, 2010

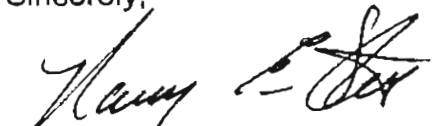
Arthur G. Vigeant, President
Marlborough City Council
City Hall
140 Main Street
Marlborough, MA 01752

Honorable President Vigeant and Councilors:

As outlined in the attached memo from City Auditor Diane Smith, I have enclosed a budget transfer request in the amount of \$37,500.00 moving funds from Account No. 10000-35900 (Undesignated Funds) to Account No. 83600-32918 (Open Space Stabilization). This transfer request moves the City's wireless antennae receipts for fiscal year 2009 to the intended open space account.

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

Sincerely,


Nancy E. Stevens
Mayor

Enclosures



102

CITY OF MARLBOROUGH

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

March 3, 2010

MEMORANDUM

TO: Mayor Nancy E. Stevens

FROM: Diane Smith, City Auditor

RE: Wireless Antennae Receipts

The City received \$37,500.00 in wireless antennae receipts for fiscal year 2009. Per M.G.L. Ch 44 Sec. 53 any money received by the City belongs to the general fund and can only be spent by appropriation. A transfer request should be submitted to the City Council moving \$37,500.00 from Free Cash to Stabilization – Open Space for this was the intent of these monies.

Please contact this office if you should have any further questions regarding this information.

CC: Thomas Abel, Comptroller/Treasurer

103

TRANSFER REQUEST

FISCAL YEAR:

TO ACCOUNT:

Available
Balance

Amount

FROM ACCOUNT:
Org Code Object

Account Description:

Amount

Org Code Object

Account Description:

Available
Balance

\$2,546,650

\$37,500.00

10000 - 35900

Undesignated Funds

\$37,500.00

83600 # 32918

Stabilization-Open Space

\$748,338

Reason:

To transfer annual wireless antennae payments received by the City for fiscal year 2009 to Open Space Stabilization



City of Marlborough
Office of the Mayor

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

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

February 26, 2010

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

RE: Fire Transfer Request

Honorable President Vigeant and Councilors:

Attached herewith is a transfer request in the amount of \$12,239.06 from account number 12200001-50450 (Firefighter) to account number 12200003-51300 (Gross Overtime). The transfer is necessary to fund coverage for an injured employee.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure



MAR 4

City of Marlborough
Office of the Mayor

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

12
Nancy E. Stevens
MAYOR

Krista J. Halmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

March 3, 2010

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

RE: Transfer Request – Weights and Measurers

Honorable President Vigeant and Councilors:

Attached herewith is a transfer request in the amount of \$300.00 moving funds from account number 12440004-53140 (Contract Services) to account number 12440006-57100 (Instate Travel). The transfer is necessary to fund the cost of projected travel.

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

FROM ACCOUNT				TO ACCOUNT			
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT AVAIL
			Weights & Measurers			Weights & Measurers	
\$ 1,400.00	\$ 300.00	12440004	53140 Contract Services	\$ 300.00	12440006	57100 Instate Travel	\$ 97.75
				\$ 300.00			

Reason: To fund projected travel cost.



City of Marlborough
Office of the Mayor

140 Main Street
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131
Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

MAR - 4

March 4, 2010

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

RE: DPW Transfers – Water & Sewer

Honorable President Vigeant and Councilors:

Attached herewith are multiple transfer requests totaling \$43,000.00 for the Department of Public Works. As noted in the provided documentation, these transfers are necessary due to multiple emergency repair incidents. The transfers will originate from the Undesignated Fund account number 1000-35900.

Details of each transfer are provided. As always, please feel free to call with any questions or concerns.

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

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CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: PUBLIC WORKS

FISCAL YEAR: 2010

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$2,569,650</u>	<u>\$18,000.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesigned Fund</u>	<u>\$18,000</u>	<u>61090003</u>	<u>51310</u>	<u>Overtime - W & S</u>	<u>\$27,419</u>
						Emergency incidents have stressed this account to the point where additional funds are needed. Note: This account was heavily impacted by the Bolton St. and Hosmer St. main breaks.			
						<u>60080003</u>	<u>51380</u>	<u>OT W/S Police</u>	<u>\$0</u>
						Heavy demand placed on account due to numerous main and service leaks. Note: account is used in conjunction with Water Police OT account.			
<u>\$2,569,650</u>	<u>\$10,000.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesigned Fund</u>	<u>\$10,000</u>	<u>61090006</u>	<u>54620</u>	<u>Maint. Trench</u>	<u>\$508</u>
						Needed to resurface numerous W&S trenches. Extensive water main and service breaks over winter.			
<u>\$2,569,650</u>	<u>\$5,000.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesigned Fund</u>	<u>\$5,000</u>	<u>61090006</u>	<u>55710</u>	<u>Water Maint.</u>	<u>\$1,946</u>
						Extensive number of service/main break repairs			
<u>\$2,569,650</u>	<u>\$1,500.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesigned Fund</u>	<u>\$1,500</u>	<u>61090006</u>	<u>52467</u>	<u>R & M Water</u>	<u>\$1,454</u>
						Extensive number of service/main break repairs			
<u>\$2,569,650</u>	<u>\$5,000.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesigned Fund</u>	<u>\$5,000</u>	<u>61090006</u>	<u>55750</u>	<u>Water Service Const.</u>	<u>\$110</u>
						Extensive number of service/main breaks repairs			
Totals	\$43,000.00				\$43,000				

Department Head signature: _____



MAR 4

City of Marlborough
Office of the Mayor

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

Nancy E. Stevens 14
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

March 3, 2010

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

RE: DPW Transfer Requests – Engineering and Operations

Honorable President Vigeant and Councilors:

Attached herewith are multiple transfer requests totaling \$44,450.00 for the Department of Public Works. As noted, the intradepartmental transfers are intended to supplement funding in certain accounts out of other accounts that have anticipated surplus funding.

Details of each transfer are provided in the provided documents. As always, please feel free to call with any questions or concerns.

Sincerely,

Nancy E. Stevens
Mayor

Enclosures

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CITY OF MARLBOROUGH
BUDGET TRANSFERS --

3/3/2010

DEPT: PUBLIC WORKS

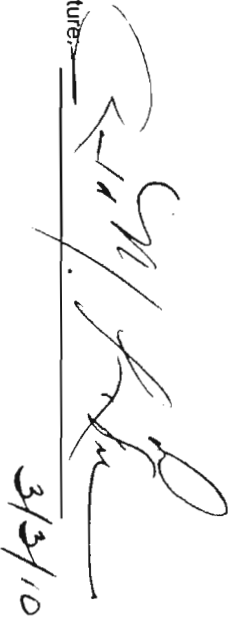
FISCAL YEAR: 2010

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$58,882	\$2,200.00	60080001	50890	Sr. Chemist	\$2,200	14001303	51470	Interim Foreman-Streets	\$1,159
	Reason:	Funds available due to retirement				Higher than expected use of this line item due to early retirement.			
\$232,368	\$2,000.00	61090001	50740	Equipment Operator	\$2,000	14001305	55310	Highway Constr. Mater.-Streets	\$1,752
	Reason:	Funds available due to Workman's Comp injuries				Estimated additional funding needed to address post-winter repairs to streets city wide.			
\$58,882	\$1,800.00	60080001	50890	Sr. Chemist	\$1,800	14001305	55310	Highway Constr. Mater.-Streets	\$1,752
	Reason:	Funds available due to retirement				Estimated additional funding needed to address post-winter repairs to streets city wide.			
\$232,368	\$10,000.00	61090001	50740	Equipment Operator	\$10,000	14001306	55440	Drain Maint.-Streets	\$13,617
	Reason:	Funds available due to Workman's Comp injuries				Estimated additional funding needed to address a number of drainage system repairs.			
\$29,096	\$1,500.00	61090001	50680	General Foreman	\$1,500	14001503	51470	Interim Foreman - Forestry, Parks & Cemeteries	\$4,332
	Reason:	Funds available due to resignation				Higher than expected use of this line item due to extended recuperation from surgery.			
\$77,494	\$10,000.00	14001101	50710	Engin.-Junior Civil Engin.	\$10,000	14001303	51310	Overtime - Streets	\$5,685
	Reason:	Funds available due to resignation				Projected cost to complete FY-10			

Department Head signature:



3/3/10

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CITY OF MARLBOROUGH
BUDGET TRANSFERS --

3/3/2010

DEPT: PUBLIC WORKS

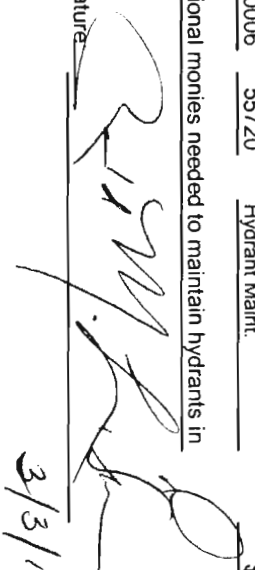
FISCAL YEAR: 2010

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$232,368	\$3,000.00	61090001	50740	Equipment Operator	\$3,000	14001503	51310	Overtime-Forestry, Parks & Cemeteries	\$2,104
	Reason:	Funds available due to Workman's Comp injuries				Projected cost to complete FY-10			
\$58,882	\$2,000.00	60080001	50890	Sr. Chemist	\$2,000	14001503	51310	Overtime-Forestry, Parks & Cemeteries	\$2,104
	Reason:	Funds available due to retirement				Projected cost to complete FY-10			
\$232,368	\$5,000.00	61090001	50740	Equipment Operator	\$5,000	14001305	55310	Highway Constr. Mater.-Streets	\$1,752
	Reason:	Funds available due to Workman's Comp injuries				Repair of roadway deficiencies in various wards			
\$29,096	\$1,200.00	61090001	50680	General Foreman	\$1,200	14001305	55310	Highway Constr. Mater.-Streets	\$1,752
	Reason:	Funds available due to resignation				Repair of roadway deficiencies in various wards			
\$29,096	\$4,000.00	61090001	50680	General Foreman	\$4,000	61090006	55720	Hydrant Maint.	\$2,124
	Reason:	Funds available due to resignation				Additional monies needed to maintain hydrants in			

Department Head signature


3/3/10

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CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: PUBLIC WORKS

FISCAL YEAR: 2010

FROM ACCOUNT:

TO ACCOUNT:

Available
Balance

Amount

Org Code Object

Account Description:

Amount

Org Code Object

Account Description:

Available
Balance

\$77,494

\$1,500.00

14001101 50710

Engin.-Junior Civil Engin.

\$1,500

14001103 51310

Engin.-Overtime Regular

\$76

Reason:

Funds available due to resignation

Multiple roadway and water replacement contracts will be active Spring 2010 - \$1,500 equates to 34 hours at the inspectors overtime rate

\$77,494

\$250.00

14001101 50710

Engin.-Junior Civil Engin.

\$250

14001104 53150

Advertising

\$0

Reason:

Funds available due to resignation

Additional funding equates to two (2) newspaper advertisements for roadway and water projects.

Department Head signature


3/3/10



City of Marlborough
Office of the Mayor

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

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

March 4, 2010

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

RE: DPW Transfer- Forestry Parks and Cemeteries

Honorable President Vigeant and Councilors:

Attached herewith is a transfer request in the amount of \$14,000 from account number 1000-35900 (Undesignated Fund) to account number 14001503-51310 (Overtime – Forestry, Parks & Cemeteries). The transfer is necessary to meet the projected overtime costs for the remainder of FY 10.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

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CITY OF MARLBOROUGH
BUDGET TRANSFERS -

DEPT: PUBLIC WORKS

FISCAL YEAR: 2010

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$2,569,650</u>	<u>\$14,000.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$14,000</u>	<u>14001503</u>	<u>51310</u>	<u>Overtime-Forestry, Parks & Cemeteries</u>	<u>\$2,104</u>

Reason: Projected cost to complete FY-10

Department Head signature: _____



City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
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Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

February 26, 2010

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

Honorable President Vigeant and Councilors:

As detailed in the attached documents, the Department of Public Works has been awarded a Water Conservation Grant in the amount of \$38,000 from the Massachusetts Department of Environmental Protection (DEP). This DEP grant provides funding for the purchase of a Data Logger, a sophisticated device used to pinpoint the source of leaks in the City's water distribution system. The Department of Public Works will provide in-kind services up to \$9,500.00 to perform a system-wide lead detection survey and to repair identified leaks.

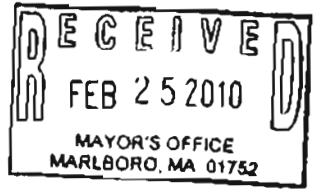
As outlined in MGL, Chapter 44, Section 53A, I am recommending that the City Council approve the expenditure of these funds for the purposes outlined. I respectfully request your approval.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosures



CITY OF MARLBOROUGH
Department of Public Works
Office of the Commissioner
135 Neil Street
Marlborough, Massachusetts 01752
(508) 624-6910 Ext. 7200
Facsimile (508) 624-7699 * TDD (508) 460-3610

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

February 24, 2010

Re: 2010 Water Conservation Grant

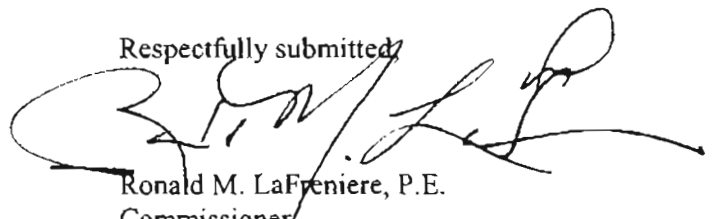
Mayor,

The City has been awarded a Water Conservation Grant from the Massachusetts DEP in the amount of \$38,000. This grant will provide funding for the purchase of a Data Logger, which is a sophisticated device used to precisely locate water distribution system leaks. The Department of Public Works will provide in-kind services up to the value of \$9,500 to perform a system-wide lead detection survey and also to repair the leaks identified during the leak detection process.

I request that this grant be submitted to the City Council for approval so we can move forward with final execution and initiate the purchasing process..

Please feel free to contact me if you have any questions on this submittal.

Respectfully submitted,



Ronald M. LaFreniere, P.E.
Commissioner
Public Works

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**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Public Works DATE: February 24, 2010

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Doran Crouse, Assistant DPW Commissioner

NAME OF GRANT: Water Conservation Grant

GRANTOR: Massachusetts DEP

GRANT AMOUNT: \$38,000.00

GRANT PERIOD: From grant acceptance for one year.

SCOPE OF GRANT/
ITEMS FUNDED Funding for the purchase of a water system leak detecting Data Logger
Purchase of one 16 head Data Logger to be used to detect difficult-to-find leaks in
distribution system. Note: Data Logger will be shared with the Towns of
Northborough and Sudbury as a grant condition.

IS A POSITION BEING
CREATED: No

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

ARE MATCHING CITY
FUNDS REQUIRED? _____

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:
\$9,500 of In-kind Services to perform system-wide leak detection, repair of
leaks and reporting.

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

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: No.

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



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS /64
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

DEVAL PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

IAN BOWLES
Secretary

LAURIE BURT
Commissioner

December 9, 2009

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

RE: 2010-11/WCG Marlborough Water Conservation Grant Project

Dear Mayor Stephens:

Thank you for submitting a proposal to the Water Conservation Grant Program. Thirteen of the forty proposals that were received this year will be funded. I am pleased to tell you that the Marlborough Water Conservation proposal will be awarded a grant in an amount not to exceed \$38,000.

The contract scope of work, budget, and schedule are all subject to terms and conditions to be negotiated. You will be contacted by Malcolm Harper of Municipal Services to either discuss the workplan or to establish a meeting time for the same. A draft project scope, budget, and milestone schedule will be sent to you for review. The expected start date for Water Conservation grant projects will be January 30, 2010.

Congratulations on your successful proposal. We look forward to working with you. If you have questions or concerns, please contact Malcolm Harper, Program Coordinator, at 508-767-2795.

Very truly yours,

Laurie Burt
Commissioner

cc: D. Crouse, Marlborough ✓ M. Stone, MassDEP CERO B. Kickham, MassDEP CERO



City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752

Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

MAR 4

March 3, 2010

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

Honorable President Vigeant and Councilors:

The Marlborough Police Department has received a grant in the amount of \$14,574.00 from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security. This FY2010 State 911 Department Training Grant is a reimbursement grant. As outlined in the attached communication from Police Chief Leonard, the grant will be used for training expenses associated with upcoming training classes for public safety dispatchers.

As outlined in MGL, Chapter 44, Section 53A, I am recommending that the City Council approve the expenditure of these funds for the purposes outlined.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosures



MARK F. LEONARD
Chief of Police

City of Marlborough POLICE DEPARTMENT

508-485-1212 • FAX 508-624-6949
355 BOLTON STREET • MARLBOROUGH, MA • 01752

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

March 3, 2010

Dear Mayor Stevens:

The Marlborough Police Department has been awarded a grant in the amount of \$14,574.00 from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, State 911 Department. The grant is a reimbursement grant, and will be used for training expenses associated with upcoming training classes for our public safety dispatchers.

Attached is a copy of the grant contract. I am requesting that the grant award be forwarded to the City Council for approval. Should you have any questions, please do not hesitate to call.

Sincerely,

Mark F. Leonard
Chief of Police

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**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Police Department DATE: 3-Mar-10

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Chief Mark F. Leonard

NAME OF GRANT: State 911 Department Training Grant

GRANTOR: Commonwealth of Massachusetts

GRANT AMOUNT: \$14,574.00

GRANT PERIOD: March 2010 thru June 30, 2010

SCOPE OF GRANT/
ITEMS FUNDED Assist in cost of training communication personnell

IS A POSITION BEING
CREATED: No

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

ARE MATCHING CITY
FUNDS REQUIRED? No

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

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

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: Mar-10

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



The Commonwealth of Massachusetts
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
STATE 911 DEPARTMENT
1380 Bay Street, Building C ~ Taunton, MA 02780-1088
Tel: 508-828-2911 ~ TTY: 508-828-4572 ~ Fax: 508-828-2585
www.mass.gov/e911



DEVAL L. PATRICK
Governor

KEVIN M. BURKE
*Secretary of Public Safety
and Security*

TIMOTHY P. MURRAY
Lieutenant Governor

FRANK POZNIAK
Executive Director

November 30, 2009

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

Dear Mayor Stevens:

The Commonwealth of Massachusetts, State 911 Department would like to thank you for participating in the FY2010 State 911 Department Training Grant Program. For your files, please find attached a copy of the contract signed by both parties. Please note your contract start date is November 30, 2009 and will run through June 30, 2010.

We have made the reimbursement request forms available on our website www.mass.gov/e911. For any questions related to the reimbursement process, please contact Michelle Hallahan at 508-821-7216.

If, in the future, you would like to make any changes to the authorized signatory, the contract manager, and/or the budget worksheet, please e-mail those proposed changes to 911deptgrants@state.ma.us.

Sincerely,

Frank P. Pozniak
Executive Director

cc: State 911 Department FY 2010 Training Grant File



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COMMONWEALTH OF MASSACHUSETTS - STANDARD CONTRACT FORM

This form, to be used for New Contracts and Contract Amendments/Renewals, is jointly issued and published by the Executive Office for Administration and Finance (ANF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD) for use by all Commonwealth Departments. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors should only complete sections marked with a "→". For Instructions and hyperlinks (italics), please view this form at: www.mass.gov/osc under Guidance For Vendors - Forms or at www.mass.gov/osd under OSD Forms.

→ Contractor Legal Name (and d/b/a): <u>City of Marlborough</u>	Department MMARS Alpha Code and Name: <u>State 911 Department - ERS</u>	
→ Legal Address (from W-9): <u>140 Main St., Marlborough, MA 01752</u>	Business Mailing Address: <u>1380 Bay Street Bldg. C Taunton, MA 02780</u>	
→ Payment Remittance Address (from W-9):	Billing Address (if different):	
→ Contract Manager: <u>Chief Mark F. Leonard</u>	Contract Manager: <u>Michelle Hallahan</u>	
→ E-Mail Address: <u>mleonard@marlborough-ma.gov</u>	→ Phone: <u>508 624-6970</u>	E-Mail Address: <u>michelle.hallahan@state.ma.us</u> Phone: <u>(508) 828-2911</u>
→ Fax: <u>508 624 6938</u>	→ TTY:	Fax: <u>(508) 828-2585</u> TTY: <u>(508) 828-4572</u>
→ State of Incorporation (if a corporation) or "NA": <u>N/A</u>	MMARS Doc ID(s): <u>CT EPS SUPG</u>	
→ Vendor Code: <u>VC600019211</u>	RFR/Procurement or Other ID Number (if applicable): <u>N/A</u>	
MMARS Object Code: <u>P01</u>	Account(s) Funding Contract: <u>8000-0911</u>	

NEW CONTRACT

CONTRACT AMENDMENT/RENEWAL

COMPENSATION (Check only one):
 Total Maximum Obligation of this Contract \$ 14,574.00
 Rate Contract (Attach details of rate(s) units and any calculations):

The following **COMMONWEALTH TERMS AND CONDITIONS** for this Contract has been executed and filed with CTR (Check only one):
 Commonwealth Terms And Conditions
 Commonwealth Terms And Conditions For Human And Social Services

PROCUREMENT OR EXCEPTION TYPE (Check one option only):
 Single Department Procurement/Single Department User Contract
 Single Department Procurement/Multiple Department User Contract
 Multiple Department Procurement/Limited Department User Contract
 Statewide Contract (OSD or an OSD-designated Department)
 Grant (as defined by 815 CMR 2.00)
 Emergency Contract (attach justification)
 Contract Employee (Complete Employment Status Form)
 Collective Purchase (attach OSD approval)
 Legislative/Legal Exemption (attach authorizing language)
 Other (Specify and attach documentation):

ANTICIPATED START DATE: 11-30-09 (Enter the Date Contract Obligations may begin. Review Certification for Effective Date Below prior to entry.)
CONTRACT END DATE: 06/30/2010

ENTER **CURRENT CONTRACT START** and **END DATES** (prior to amendment)
 Current Start Date: _____ Current End Date: _____

COMPENSATION: (Check Either, "No Compensation Change"; "Maximum Obligation" or "Rate change". ATTACH Amended Scope and Budget to support Amendment.)
 NO Compensation Change (Skip to "OTHER" section below and select change)
 Redistribute Budget Line Items (No Maximum Obligation Change)
 Maximum Obligation Change.
 a) **Current Total Contract Maximum Obligation:** \$ _____
 (Total Contract Maximum Obligation, including all prior amendments).
 b) **Amendment Amount ("+" or "-"):** \$ _____
 c) **NEW TOTAL CONTRACT MAXIMUM OBLIGATION:** \$ _____
 Rate Changes to Rate Contract

OTHER: (Check option, explain under "Brief Description" below, and attach documentation.)
 Amend Duration Only (No Compensation or Performance Change)
 Amend Scope of Services/Performance Only (no budget impact.)
 Interim Contract (Temporary Extension to complete new Procurement)
 Other: (Describe Details and Attach documentation):

ANTICIPATED START DATE: _____ (Enter the Date Amendment Obligations may begin. Review Certification for Effective Date Below prior to entry.)
NEW CONTRACT END DATE: _____

→ **PROMPT PAYMENT DISCOUNTS:** Contractor has agreed to the following Prompt Pay Discounts for the listed Payment Issue Dates. See Prompt Payment Discount Policy.
 ___ % Within 10 Days ___ % Within 15 Days ___ % Within 20 Days ___ % Within 30 Days OR, Check off the following if:
 Contractor either claims hardship, or chooses not to provide PPD, or compensation is not subject to prompt pay discounts (grants, non-commodity or non-service compensation)

BRIEF DESCRIPTION OF CONTRACT PERFORMANCE OR REASON FOR AMENDMENT (Reference to attachments is insufficient):
 For reimbursement, under the State 911 Department Training Grant Program, of training related costs associated with the 9-1-1 system per grant guidelines and response as submitted by Grantee. (Please see attached grant documents.)

CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, or an earlier Start date listed above, the "Effective Date" of this Contract or Amendment shall be the latest date this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, a later Contract or Amendment Start Date specified above, or the date of any required approvals. By executing this Contract/Amendment, the Contractor makes, under the pains and penalties of perjury, all certifications required under the attached Contractor Certifications, and has provided all required documentation noted with a "→", or shall provide any required documentation upon request, and the Contractor agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein, including the terms of the applicable Commonwealth Terms and Conditions available at www.mass.gov/osc under Guidance For Vendors - Forms or at www.mass.gov/osd under OSD Forms, the terms of the attached Instructions, the Request for Response (RFR), solicitation (if applicable) or other authorization, the Contractor's response to the RFR or solicitation (if applicable), and any additional negotiated performance or budget provisions. The terms of this Contract shall survive its termination for the purpose of resolving any claim, dispute or other Contract action, or for effectuating any negotiated representations and warranties. **THE PARTIES HEREBY ALSO CERTIFY THAT** (Check one option only):
 1. the Contractor has NOT incurred any obligations triggering a payment obligation for dates prior to the Effective Date of this Contract or Amendment; OR
 2. any obligations incurred by the Contractor prior to the Effective Date of this Contract or Amendment (for which a payment obligation has been triggered) are intended to be part of this Contract/Amendment and shall be considered a final Settlement and Release of these obligations which are incorporated herein, and upon payment of these obligations, the Contractor forever releases the Commonwealth from any further claims related to these obligations.

AUTHORIZING SIGNATURE FOR THE CONTRACTOR:
 → X: Nancy E. Stevens Date: 11/30/09
 (Signature and Date Must Be Handwritten At Time of Signature)
 → Print Name: Nancy E. Stevens
 → Print Title: Mayor

AUTHORIZING SIGNATURE FOR THE DEPARTMENT
 X: Frank Pozniak Date: 11/30/09
 (Signature and Date Must Be Handwritten At Time of Signature)
 Print Name: Frank Pozniak
 Print Title: Executive Director



City of Marlborough

Office of the Mayor

140 Main Street

Marlborough, Massachusetts 01752

Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

MAR 3 2010
March 3, 2010

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

Honorable President Vigeant and Councilors:

The Marlborough Police Department has received a Commonwealth of Massachusetts, State 911 Department Support and Incentive Program grant in the amount of \$84,195.00. As outlined in the attachments, the FY10 grant will be used for the purchase of a new fire alarm receiving and alerting system, associated equipment integration costs, and public safety dispatcher salaries.

As outlined in MGL, Chapter 44, Section 53A, I am recommending that the City Council approve the expenditure of these funds for the purposes outlined.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosures



MARK F. LEONARD
Chief of Police

City of Marlborough POLICE DEPARTMENT

508-485-1212 • FAX 508-624-6949
355 BOLTON STREET • MARLBOROUGH, MA • 01752

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

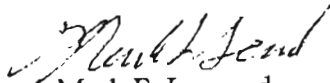
March 3, 2010

Dear Mayor Stevens:

The Marlborough Police Department has been awarded a grant in the amount of \$84,195 from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, FY2010 State 911 Department Support and Incentive Grant Program. The grant is a reimbursement grant, and \$67,000 will be used for upgrades to the fire alarm system in the dispatch room, and \$7,080 will be used to interface the new system to the existing radio program equipment. The balance of \$10,115 will be used for personnel costs (salary) of public safety dispatchers.

Attached is a copy of the grant contract. I am requesting that the grant award be forwarded to the City Council for approval. Should you have any questions, please do not hesitate to call.

Sincerely,


Mark F. Leonard
Chief of Police



The Commonwealth of Massachusetts
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
STATE 911 DEPARTMENT
1380 Bay Street, Building C - Taunton, MA 02780-1088
Tel: 508-828-2911 ~ TTY: 508-828-4572 ~ Fax: 508-828-2585
www.mass.gov/e911



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DEVAL L. PATRICK
Governor

MARY ELIZABETH HEFFERNAN
*Secretary of Public Safety
and Security*

TIMOTHY P. MURRAY
Lieutenant Governor

FRANK POZNIAK
Executive Director

February 18, 2010

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

Dear Mayor Stevens:

The Commonwealth of Massachusetts, State 911 Department would like to thank you for participating in the FY 2010 State 911 Department Support and Incentive Grant Program. For your files, please find attached a copy of the contract signed by both parties. Please note your contract start date is February 18, 2010 and will run through June 30, 2010.

We have made the request for payment forms available on our website www.mass.gov/e911. For any questions related to this process, please contact Michelle Hallahan at 508-821-7216.

If, in the future, you would like to make any changes to the authorized signatory, the contract manager, and/or the budget worksheet, please e-mail those proposed changes to 911DeptGrants@state.ma.us.

Sincerely,

Frank P. Pozniak
Executive Director

cc: FY 2010 Support and Incentive Grant File

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**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Police Department DATE: 3-Mar-10

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Chief Mark F. Leonard

NAME OF GRANT: State 911 Department Support and Incentive Grant

GRANTOR: Commonwealth of Massachusetts

GRANT AMOUNT: \$84,195.00

GRANT PERIOD: March 2010 thru June 30, 2010

SCOPE OF GRANT/ ITEMS FUNDED \$67,000.00 will be used for a new Fire alarm receiving and alerting system.
\$7,080.00 will be used to interface the new alarm system to the existing radio
program equipment.
\$10,115.00 will be used for personnel costs (salary) of Public Safety Dispatchers.

IS A POSITION BEING CREATED: No

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

ARE MATCHING CITY FUNDS REQUIRED? No

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

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

ANY OTHER EXPOSURE TO CITY? No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: Mar-10

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



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COMMONWEALTH OF MASSACHUSETTS - STANDARD CONTRACT FORM

This form, to be used for New Contracts and Contract Amendments/Renewals, is jointly issued and published by the *Executive Office for Administration and Finance (ANF)*, the *Office of the Comptroller (CTR)* and the *Operational Services Division (OSD)* for use by all Commonwealth Departments. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors should only complete sections marked with a "→". For Instructions and hyperlinks (italics), please view this form at: www.mass.gov/osc under *Guidance For Vendors - Forms* or at www.mass.gov/osc under *OSD Forms*.

→ Contractor Legal Name (and d/b/a): <u>City of Marlborough</u>		Department MMARS Alpha Code and Name: State 911 Department - EPS	
→ Legal Address (from W-9): <u>140 Main St. Marlborough, MA</u>		Business Mailing Address: 1380 Bay Street Bldg. C Taunton, MA 02780	
→ Payment Remittance Address (from W-9): <u>01752</u>		Billing Address (if different):	
→ Contract Manager: <u>Chief Mark F. Leonard</u>		Contract Manager: Michelle Hallahan	
→ E-Mail Address:	→ Phone: <u>508-624-6970</u>	E-Mail Address: <u>michelle.hallahan@state.ma.us</u>	Phone: (508) 828-2911
→ Fax: <u>508-624-6938</u>	→ TTY:	Fax: (508) 828-2585	TTY: (508) 828-4572
→ State of Incorporation (if a corporation) or "N/A": N/A		MMARS Doc ID(s): <u>CT EPS SUPG</u>	
→ Vendor Code: <u>VC600019211</u>		RFR/Procurement or Other ID Number (if applicable): N/A	
MMARS Object Code: P01		Account(s) Funding Contract: 8000-0911	

X NEW CONTRACT

COMPENSATION (Check only one):
 Total Maximum Obligation of this Contract \$ 84,195.00
 Rate Contract (Attach details of rate(s) units and any calculations):

The following **COMMONWEALTH TERMS AND CONDITIONS** for this Contract has been executed and filed with CTR (Check only one):
 Commonwealth Terms And Conditions
 Commonwealth Terms And Conditions For Human And Social Services

PROCUREMENT OR EXCEPTION TYPE (Check one option only):
 Single Department Procurement/Single Department User Contract
 Single Department Procurement/Multiple Department User Contract
 Multiple Department Procurement/Limited Department User Contract
 Statewide Contract (OSD or an OSD-designated Department)
 Grant (as defined by 815 CMR 2.00)
 Emergency Contract (attach justification)
 Contract Employee (Complete Employment Status Form)
 Collective Purchase (attach OSD approval)
 Legislative/Legal Exemption (attach authorizing language)
 Other (Specify and attach documentation):

ANTICIPATED START DATE: 2-18-10 (Enter the Date Contract Obligations may begin. Review Certification for Effective Date Below prior to entry.)
CONTRACT END DATE: 06/30/2010

CONTRACT AMENDMENT/RENEWAL

ENTER **CURRENT CONTRACT START and END DATES** (prior to amendment)
 Current Start Date: _____, Current End Date: _____

COMPENSATION: (Check Either, "No Compensation Change", "Maximum Obligation" or "Rate change". ATTACH Amended Scope and Budget to support Amendment.)
 NO Compensation Change (Skip to "OTHER" section below and select change)
 Redistribute Budget Line Items (No Maximum Obligation Change)
 Maximum Obligation Change.
 a) **Current Total Contract Maximum Obligation:** \$ _____
 (Total Contract Maximum Obligation, including all prior amendments.)
 b) **Amendment Amount ("+" or "-"):** \$ _____
 c) **NEW TOTAL CONTRACT MAXIMUM OBLIGATION:** \$ _____
 Rate Changes to Rate Contract

OTHER: (Check option, explain under "Brief Description" below, and attach documentation.)
 Amend Duration Only (No Compensation or Performance Change)
 Amend Scope of Services/Performance Only (no budget impact.)
 Interim Contract (Temporary Extension to complete new Procurement)
 Other: (Describe Details and Attach documentation):

ANTICIPATED START DATE: _____ (Enter the Date Amendment Obligations may begin. Review Certification for Effective Date Below prior to entry.)
NEW CONTRACT END DATE: _____

→ **PROMPT PAYMENT DISCOUNTS.** Contractor has agreed to the following Prompt Pay Discounts for the listed Payment Issue Dates. See *Prompt Payment Discount Policy*.
 % Within 10 Days % Within 15 Days % Within 20 Days % Within 30 Days OR, Check off the following if:
 Contractor either claims hardship, or chooses not to provide PPD, or compensation is not subject to prompt pay discounts (grants, non-commodity or non-service compensation)

BRIEF DESCRIPTION OF CONTRACT PERFORMANCE OR REASON FOR AMENDMENT (Reference to attachments is insufficient):
 For disbursement of funds under the State 911 Department PSAP and Regional Emergency Communication Center Support and Incentive Grant as authorized and awarded in compliance with program guidelines and grantee's approved application.

CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, or an earlier Start date listed above, the "Effective Date" of this Contract or Amendment shall be the latest date this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, a later Contract or Amendment Start Date specified above, or the date of any required approvals. By executing this Contract/Amendment, the Contractor makes, under the pains and penalties of perjury, all certifications required under the attached *Contractor Certifications*, and has provided all required documentation noted with a "→", or shall provide any required documentation upon request, and the Contractor agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein, including the terms of the applicable Commonwealth Terms and Conditions available at www.mass.gov/osc under *Guidance For Vendors - Forms* or at www.mass.gov/osc under *OSD Forms*, the terms of the attached *Instructions*, the Request for Response (RFR), solicitation (if applicable) or other authorization, the Contractor's response to the RFR or solicitation (if applicable), and any additional negotiated performance or budget provisions. The terms of this Contract shall survive its termination for the purpose of resolving any claim, dispute or other Contract action, or for effectuating any negotiated representations and warranties. **THE PARTIES HEREBY ALSO CERTIFY THAT (Check one option only):**

- the Contractor has NOT incurred any obligations triggering a payment obligation for dates *prior* to the Effective Date of this Contract or Amendment; OR
- any obligations incurred by the Contractor *prior* to the Effective Date of this Contract or Amendment (for which a payment obligation has been triggered) are intended to be part of this Contract/Amendment and shall be considered a final **Settlement and Release** of these obligations which are incorporated herein, and upon payment of these obligations, the Contractor forever releases the Commonwealth from any further claims related to these obligations.

AUTHORIZING SIGNATURE FOR THE CONTRACTOR:

→ X: Nancy E. Stevens Date: 1/29/10
 (Signature and Date Must Be Handwritten At Time of Signature)
 → Print Name: Nancy E. Stevens
 → Print Title: Mayor

AUTHORIZING SIGNATURE FOR THE DEPARTMENT

X: Frank Pozniak Date: 2/18/10
 (Signature and Date Must Be Handwritten At Time of Signature)
 Print Name: Frank Pozniak
 Print Title: Executive Director



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 19,
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

MAR 7 4 2010
March 3, 2010

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

Honorable President Vigeant and Councilors:

The Marlborough Police Department has received a Traffic Enforcement and Equipment Grant in the amount of \$13,000.00 from the Commonwealth of Massachusetts Office of Public Safety and Security. As detailed in the attachments, the FY10 grant will be used for traffic enforcement overtime as well as the purchase of traffic enforcement equipment.

As outlined in M.G.L. Chapter 44, Section 53A, I am recommending that the City Council approve the expenditure of these funds for the purposes outlined.

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

Sincerely,

Nancy E. Stevens
Nancy E. Stevens
Mayor

Enclosures



City of Marlborough POLICE DEPARTMENT

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508-485-1212 • FAX 508-624-8949

355 BOLTON STREET • MARLBOROUGH, MA • 01752

MARK F. LEONARD
Chief of Police

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

March 3, 2010

Dear Mayor Stevens:

The Marlborough Police Department has been awarded a grant in the amount of \$13,000 from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security. The grant is a reimbursement grant, and \$8,000 will be used for officer overtime for traffic enforcement and \$5,000 will be used to purchase traffic enforcement equipment.

Attached is a copy of the grant approval letter. I am requesting that the grant award be forwarded to the City Council for approval. Should you have any questions, please do not hesitate to call.

Sincerely,

Mark F. Leonard
Chief of Police

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**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Police Department DATE: 3/3/2010

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Captain Timothy Naze

NAME OF GRANT: Traffic Enforcement and Equipment Grant

GRANTOR: Executive Office of Public Safety Highway Safety Div

GRANT AMOUNT: \$13,000.00

GRANT PERIOD: 12/11/09-10/15/10

SCOPE OF GRANT/
ITEMS FUNDED High visibility Traffic Enforcement & equipment
Traffic enforcement patrols
Lidar / Radar equipment

IS A POSITION BEING
CREATED: No

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

ARE MATCHING CITY
FUNDS REQUIRED? 20% in-kind match of total project cost

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:
approx 10 Man hours for administration of grant
Vehicle/Fuel

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

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: ASAP

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



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

194

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

One Ashburton Place
Boston, Massachusetts 02108

Tel: (617)727-7775
TTY Tel: (617) 727-6618
Fax: (617) 727-4764
www.mass.gov/eops

Kevin M. Burke
Secretary

December 9, 2009

Chief Mark Leonard
Marlborough Police Department
355 Bolton Street
Marlborough, MA 01752

Dear Chief Leonard:

I am pleased to inform you that your FFY 2010 Traffic Enforcement and Equipment Grant Application has been approved for funding. The Police Department has been awarded \$13,000, which represents four mobilizations at \$2,000 each and \$5,000 for equipment. Please note that the April Click It or Ticket (CIOT) Mobilization has been cancelled and the dates for the May Click It or Ticket (CIOT) Mobilization have been adjusted.

The official start date of your grant is December 11, 2009 for the "Drunk Driving. Over the Limit. Under Arrest." Mobilization. You will not be reimbursed for any costs incurred in advance of this date. All funds must be expended by September 30, 2010.

If you have any questions, please contact Brittany Linnekin at 617.725.3352 or at brittany.linnekin@state.ma.us or Sheila Burgess, Director of the Highway Safety Division, at 617.725.3307. Congratulations on your award.

Sincerely,

Kevin M. Burke
Secretary of Public Safety and Security



City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752

Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimbex
EXECUTIVE SECRETARY

MAR 7 4

March 3, 2010

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

RE: Appointment - Planning Board

Honorable President Vigeant and Councilors:

I am submitting for your approval the appointment of George Stein to the Marlborough Planning Board. Mr. Stein would fill the position created by the resignation of Robert Hanson. For your review, I have attached Mr. Stein's letter of interest.

If approved, Mr. Stein will serve the remainder of Mr. Hanson's term, which expires February 6, 2012.

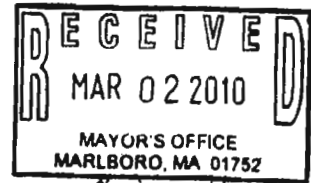
As always, please feel free to contact me with any questions or concerns.

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

George Stein
28 Sandini Road
Marlborough, MA 01752
February 28, 2010



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

Dear Mayor Stevens:

I am interested in being a member of the Marlborough Planning Board and ask that you consider me for one of the current open seats. I am no stranger to the Marlborough area having moved here twenty-three years ago. As an interested member of our community, I would like to volunteer my time, skills, and talents to assist in planning the future of our city.

The experience and knowledge that I gained recently on the campaign trail has cemented my resolve to be an active participant. These experiences have provided me the opportunity to better understand the challenges of managing our growth and improving our infrastructure.

I respectfully request your support in being appointed to the Marlborough Planning Board.

Sincerely,

George Stein



21,

CITY OF MARLBOROUGH
Office of the City Council
140 Main Street
Marlborough, Massachusetts 01752
(508) 460-3711 TDD (508) 460-3610

March 4, 2010

Marlborough City Council
c/o City Clerk Lisa Thomas
City Hall
Marlborough, MA 01752

Reference: Special Election – Ward Four City Council Seat

Dear Councilors:


The unexpected departure in July of our colleague, Ward Four Councilor Juaire, requires a Special Election to fill his unexpired term.

Toward that end, there are two options facing the body:

1. The Calling of both a Primary and Final Election;
2. The filing of Special Legislation to eliminate a Primary and only hold a Final Election for all candidates

The request for a Special Act of the Legislature requires a simple majority vote of the City Council and the approval of the Mayor.

Sincerely,


Arthur G. Vigeant
City Council President

enclosure

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RECEIVED
FEB 12 2010



Peter Juare
Ward Four City Councilor
140 Main Street
Marlborough, MA 01752
Office: 508-460-3711

February 12, 2010

Lisa M. Thomas, City Clerk
City Hall
140 Main Street
Marlborough, MA 01752

RE: Resignation from the Office of Ward 4 City Councilor

Dear Madam Clerk:

It is with heavy heart and mixed emotion that I announce my resignation from the office of Ward 4 City Councilor, effective at midnight on Wednesday, June 30, 2010.

My wife and I have accepted an offer from my mother-in-law to take over her business in Florida. For the past 33 years, my mother-in-law has owned and operated an assisted living facility where she has been responsible for the caring of 15 developmentally disabled adult residents, most of whom have resided with her the entire time. My mother-in-law's main concern has been for the residents and what would happen to them if something should happen to her. My wife and I have decided to move to Florida to take over the business so that these residents can stay together, as a family, and my 72 year old mother-in-law can now retire in peace.

I respectfully ask that the City Council issue a call for a Special Election to take place sometime after my effective resignation date. In addition, if for some reason I am elected through this process, I will not accept the nomination nor serve at that time, since I will be moving to Florida.

My staying in office through June 30, 2010 will give my constituents a voice in the upcoming budget for FY2011. It will also give me the opportunity to represent my ward in the upcoming Urban Affairs meeting with the request for an additional rink at New England Sports Center.

In closing, I would like to thank all the voters of Ward 4, especially the ones who have supported me over these terms that I have served. I have always given 100% to this position and am grateful for the opportunity to have served as City Councilor for Ward 4.

Sincerely,

Peter J. Juare



City of Marlborough
Legal Department

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

221
DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

DENISE M. LINDBERG
PARALEGAL

March 4, 2010

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

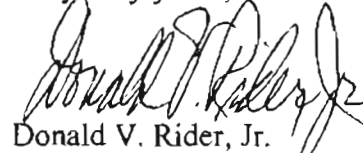
RE: Order No. 09-1002161
Special Permit Application
Verizon Wireless
303 Boundary Street (Westerly Wastewater Treatment Plant)

Dear President Vigeant and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed findings on the special permit application submitted by Verizon Wireless. The application is for a 150-foot monopole-type tower, which would support the antenna/cable equipment of Verizon Wireless and up to four other wireless carriers. The application also includes an approximately 50 x 50 foot fenced compound area (approximately 2,500 square feet) enclosing a 12 x 30 foot equipment/generator shelter, propane tank and accessory equipment, along with future equipment areas for the other wireless carriers.

I have enclosed a copy of the proposed decision. I certify that that decision is in proper legal form.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure
cc: James Valeriani, Esquire

**NOTICE OF DECISION
GRANT OF SPECIAL PERMIT**

In City Council:
Order No. 09-1002161

Application of:
Verizon Wireless
400 Friberg Parkway
Westborough, Mass., 01581

Locus:
Marlborough Westerly Wastewater Treatment Plant (WWTP)
303 Boundary Street
Assessor Map 76, Lots 1 and 2

DECISION:

The City Council of the City of Marlborough voted to Grant a Special Permit to Verizon Wireless (Bell Atlantic Mobile of Massachusetts Corporation, Ltd. and Cellco Partnership) for the installation and operation of a Wireless Communications Facility (WCF) at 303 Boundary Street, based on the Findings of Facts and Conditions attached hereto.

Date Decision Filed: _____

APPEALS:

Appeals, if any, shall be made pursuant to Massachusetts General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after the date of the filing of this Notice of Decision in the Office of the City Clerk of the City of Marlborough, Massachusetts.

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CITY OF MARLBOROUGH

DECISION ON A SPECIAL PERMIT PETITION

CITY COUNCIL ORDER NO. 09-1002161

FINDINGS OF FACTS AND RULINGS

The City Council of the City of Marlborough hereby grants a Special Permit to Bell Atlantic Mobile of Massachusetts Corporation, Ltd., and Cellco Partnership, d/b/a Verizon Wireless, having a usual place of business at 400 Friberg Parkway, Westborough, Massachusetts, 01581, for a Wireless Communications Facility (“WCF”) at the Marlborough Westerly Wastewater Treatment Plant (“WWTP”) located at 303 Boundary Street in Marlborough, based upon and subject to the following evidence, findings of facts and conditions.

EVIDENCE

The Applicant is Bell Atlantic Mobile of Massachusetts Corporation, Ltd., and Cellco Partnership, d/b/a Verizon Wireless, having a usual place of business at 400 Friberg Parkway, Westborough, Massachusetts, 01581.

The Applicant is licensed by the Federal Communications Commission (FCC) to operate as a personal wireless services provider for the development and operation of personal wireless services facilities, as those terms are defined under the FCC Regulations and the 1996 Telecommunications Act, codified at 47 U.S.C.A., Section 332, and the Applicant’s facility falls under the definition of a Wireless Communication Facility (WCF) as defined in the City of Marlborough Zoning Ordinance.

The Applicant responded to a request for proposals (RFP) issued by the City of Marlborough’s Procurement Office for the lease of city-owned land at the WWTP for the installation of a WCF. The Applicant was later issued a notice of award by the City’s Procurement Office and a notice to proceed with the applicable permitting process, including this Special Permit process. Contingent upon issuance of this Special Permit as well as of other permits and approvals required by law, the Applicant will become a tenant of the City of Marlborough under a lease agreement with the City.

The Marlborough City Council is authorized to grant a Special Permit for a WCF at the WWTP, pursuant to the following Articles and Sections of the Marlborough Zoning Ordinance: Article VI, Section 650-25 on WCF; Article VIII, Section 650-59 on Special Permits generally; and Article III, Section 650-17, on allowable uses, which lists WCF as an allowable use under a special permit in the table of uses. The municipal use at the City’s WWTP is located in an RR Zone (Rural Residential), and the table of uses lists WCFs as allowed by special permit in the RR Zone.

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The Applicant's Special Permit application was received by the City Clerk on March 19, 2009, and was accompanied by other supporting documentation and information, including the required Engineering Plans and Drawings prepared by SFC Engineering Partnership, Manchester, New Hampshire, entitled "Marlborough West" and dated May 7, 2008, with a most recent revision date of February 23, 2010, (the "Engineering Drawings"). The application and support documentation and engineering plans show that the Applicant's WCF is to consist of a 150-foot monopole-type tower, which may be designed to be extendable, as shown on Sheet S-4 of the SFC Engineering Drawings, which will support the antenna/cable equipment of the Applicant and up to four other wireless carriers. The WCF will also include an approximately 50 x 50 foot fenced compound area (approximately 2,500 square feet) enclosing the Applicant's 12 x 30 foot equipment/generator shelter, propane tank and accessory equipment, along with future equipment areas for the other wireless carriers. An area for parking vehicles and for electric and telephone utility equipment is shown on the outside of the fenced compound. The Applicant's WCF is to be located at the rear of the City's WWTP and the Applicant shall install and maintain a twenty-foot wide (20-foot) gravel-covered roadway leading from Boundary Street to the fenced compound, with electric and telephone utilities to be run underground from Boundary Street to the Applicant's WCF.

The City Planner reviewed the Applicant's Special Permit application prior to its filing with the City Clerk, determining that: the application was complete; the application met all information requirements; that no variances were required; and that the application conformed to the special permit rules and regulations.

The Applicant's Special Permit Application was received by the City Clerk on March 19, 2009, and the City Council formally received and acknowledged the application at a public hearing on March 23, 2009, delegating preliminary review of the application to the City Council's Wireless Communications Committee. The application was then formally posted and advertised by the City Clerk, with the required mailing of abutter notices based on a certified assessor list, as required by local and state law, with the first hearing scheduled for May 11, 2009. The hearing was closed with the City Council's decision on the application to be made following a final review by the City Council's Wireless Communications Committee. By written agreement of the Applicant, the time for the City Council to take final action on the Special Permit application was timely extended several times, most recently to March 31, 2010.

The Applicant held the required balloon visibility study on Monday, May 4th, 2009, with the Applicant posting the required newspaper notice and providing additional notice by mail to surrounding residential properties and to the City Council and other City Officials. A second balloon visibility test was held in January 2010, with the Applicant posting the required newspaper notice.

The City Council's Wireless Communications Committee conducted further review of the Applicant's proposed WCF at a meeting held at City Hall on June 9, 2009, June 30, 2009, November 30, 2009, February 9, 2010, and February 23, 2010, prior to its

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rendering a final recommendation to the full City Council. At its final review meeting on February 23, 2010, the Wireless Communications Committee voted to recommend that the City Council grant the requested zoning relief under the Special Permit.

The City Council, in reviewing the Applicant's special permit application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25, and considered the general special permit requirements pursuant to Article VIII, Section 650-59, of the City of Marlborough Zoning Ordinance, as applicable to the Applicant's proposed WCF.

BASED UPON THE ABOVE, THE MARLBOROUGH CITY COUNCIL MAKES THE FOLLOWING FINDINGS OF FACTS AND TAKES THE FOLLOWING ACTIONS.

The Applicant has complied with all of the Rules and Regulations promulgated by the Marlborough City Council pertaining to the Application for a Special Permit for a WCF.

The WWTP Site is an appropriate location for the WCF and the project is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate conditions of this Approval.

The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to WCFs, enumerated in Article VI, Section 650-25, and Article VIII, Section 650-59, of the City of Marlborough Zoning Ordinance, by siting and designing the proposed WCF to minimize any adverse impact of the WCF on nearby properties.

The facility is located in a rear area of the WWTP and is approximately 1,000 from the nearest residential lot line.

There are no existing or previously approved tower structures in the vicinity of the WWTP to accommodate the Applicant's wireless equipment.

The development and use of a wireless communications facility at the WWTP by FCC-licensed wireless telephone carriers will provide a desirable communications service that benefits the safety, convenience and welfare of the residents, businesses, travelers and government users in the City of Marlborough.

There will be a minimal visual impact of the WCF from the neighborhood, streets and residential properties in the vicinity because: a) the facility is in the rear area of the WWTP property which is surrounded by wooded areas; b) the facility is approximately ¼ mile from the nearest residential lot line; c) the height of the WCF monopole shall not exceed 150-feet, but may be designed to be extendable to a higher height if desired by the Applicant upon further prior review and approval by the City Council; and d) the Applicant's balloon-visibility tests indicated that the Applicant's monopole-tower at the

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proposed location did not appear to be visible from the public roadways throughout the residential areas near the facility and was only partially visible along short segments of Boundary Street and Robin Hill Road.

It is therefore generally found that the Applicant's WCF and its characteristics will have a minimal impact and will not be in conflict with public health, safety, convenience and welfare, and shall not be detrimental or offensive, provided the conditions imposed herein are met.

The final location of the Applicant's WCF is approximately 192 feet due north from the original location presented at the first City Council hearing, and this final location was selected to ensure a safe distance from the WWTP facility. The Applicant has provided an updated viewshed report dated November 24, 2009, prepared by SFC Engineering, and the update indicates that, given the height of the tower is not increasing and given the ground elevation is not changing, the visual impact at the final tower location will be very similar to the impact from the original location. According to the SFC update, the final location is not expected to be visible at any new locations along the public ways accessible to the Applicant. The final location to the north is further away from the nearest residential properties along Boundary Street to the south, and minimizes the impact to the floodplain by maintaining the same ground elevation as the original location, while still maintaining a significant distance from the wetland and riverfront buffer areas to the east and Millham Reservoir to the west. The WWTP is a large tract of wooded land, consisting of 11 acres (Map 76, Lot 1) and 152 acres (Map 76, Lot 2), and bounded on the east by undeveloped land owned by the Commonwealth (Map 64, Lot 5, consisting of 30 acres) and the WCF shall be a significant distance from the nearest residential property (over 1,000 feet), based on the Engineering Drawings, and the final location meets the requirement that that view of the tower from other areas of the City shall be as minimal as possible and shall be screened from abutters and residential neighbors to the extent feasible.

THE CITY COUNCIL, PURSUANT TO ITS AUTHORITY UNDER MASS. GENERAL LAWS, CHAPTER 40A, AND THE CITY OF MARLBOROUGH ZONING ORDINANCE, GRANTS THE APPLICANT ITS SPECIAL PERMIT SUBJECT TO THE FOLLOWING CONDITIONS:

1. The Applicants WCF monopole-type tower shall be constructed in substantial conformance with the Engineering Drawings prepared by SFC Engineering Partnership of Manchester, New Hampshire, with a most recent revision date of February 23, 2010, which drawings are made a part hereof.
2. The Applicant's monopole-type tower shall be built to a height of one-hundred-fifty feet (150 feet) and may be designed by the Applicant so that the tower may be made extendable in height for any future expansion and use by the Applicant or other wireless carriers. Any request to extend the height of the monopole-type

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tower above 150 feet (not including any required grounding or lightning rods or municipal antennas) by the Applicant or any other future users shall require the prior review and approval of the Marlborough City Council pursuant to the special permit process under the Marlborough Zoning Ordinance and any other applicable laws and regulations.

3. The Applicant's monopole-type tower shall provide for closely-mounted antenna array systems on the outside of the tower and shall be designed to accommodate the antenna/cable equipment and other related wireless equipment and accessories of the Applicant and at least four other wireless telecommunication service providers, as shown on Sheet S-4 of the Applicant's Engineering Drawings prepared by SFC Engineering and dated February 23, 2010, which are made a part hereof.
4. Pursuant to Article VI, Section 650-25, Subsection E (12), the Applicant's monopole-type tower shall not utilize any flashing lights or strobe lighting.
5. The Applicant's WCF shall be located in the rear of the WWTP as shown on the Applicant's Engineering Plans prepared by SFC Engineering and dated February 23, 2010, which are made a part hereof.
6. Any future expansion of the ground-based WCF fenced-compound by the Applicant or any other users shall require the prior review and approval of the City of Marlborough Department of Public Works and the prior review and approval of the Marlborough City Council pursuant to the special permit process under the Marlborough Zoning Ordinance and any other applicable laws and regulations.
7. Any future users of the monopole-type tower shall require the prior review and approval of the Marlborough City Council pursuant to the special permit process under the Marlborough Zoning Ordinance and any other applicable laws and regulations.
8. The Applicant may maintain and modify the Applicant's wireless equipment on the monopole-type tower as shown on Sheet S-4 of the Engineering Drawings, provided that i) the height of the monopole-type tower is not increased, ii) the tower is structurally satisfactory to accommodate any modified equipment, iii) the modified equipment is similar in appearance to the equipment shown on said Sheet S-4, and iv) the Applicant obtains a building permit for any such modifications.
9. The Applicant's monopole-type tower shall be a grayish color. The walls of the applicant's equipment shelter shall be an earthy-tone, such as gray or tan.
10. All electric and telephone utilities connected to the Applicant's WCF shall be via underground conduits, and the routing and direction of the underground utility

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conduits shall be within the twenty-foot access road leading from Boundary Street and, further, shall be reviewed and approved by the Site Plan Review Committee which, however, shall retain the discretion, if the Committee deems it appropriate, to authorize the utilities to be connected to the Applicant's WCF via overhead utility pole lines. Any license or easement to be granted by the City to a utility company or companies in conjunction with the utilities referenced in this condition shall have a term not exceeding the term of the lease to be entered into between the City and the Applicant for its WCF authorized under this Special Permit.

11. The Applicant's WCF shall comply with all applicable Federal Communication Commission (FCC) regulations, Federal Aviation Administration (FAA) regulations, and any other applicable federal, state or local law, ordinance or regulation.
12. The Applicant shall execute a lease agreement with the City of Marlborough to be drafted by the City Solicitor, approved by the Chief Procurement Officer and executed by the Mayor, and the Applicant shall provide the necessary insurance and indemnification provisions as required by said lease.
13. If the Applicant's monopole-type tower is no longer in use by the Applicant or any other wireless carrier or other user, then the Applicant shall be required to remove the tower within thirty (30) days of such non-use, along with any other WCF equipment, and shall restore the premises to its original condition, except for reasonable wear and tear and below-grade concrete foundations.
14. The Applicant shall post a performance bond from a surety authorized to do business in the Commonwealth of Massachusetts, to ensure removal of the WCF if its use is completely discontinued.
15. The Applicant's lease agreement with the City shall permit the City of Marlborough to have municipal and public safety communication equipment installed by the Applicant, at the Applicant's sole expense, at the top of the Applicant's monopole-type tower, so long as the municipal communication equipment is ready and available for installation at the time when the Applicant is installing the tower and/or other equipment thereon. Such municipal use of the tower i) shall not interfere with the Applicant's current or future use of the monopole-tower and the fenced-compound, ii) shall not be placed between the height levels of 80 and 145 feet without the Applicant's approval, and iii) shall require the municipal entity to notify the Applicant in advance of the manufacturer, dimensions and frequencies of any proposed radio equipment. The lease shall also permit the City of Marlborough to utilize ground space outside the fenced compound at no rental cost to the City.
16. Compliance With Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review, in accordance with the City of Marlborough

ordinance, prior to the issuance of the actual Building Permit. Any additional changes, alterations, modifications or amendments as required by Site Plan Review shall be further conditions attached to the Building Permit and no Occupancy Permit shall be issued until all conditions are complied with by Applicant. Further, any additional changes, alterations, modifications or amendments as required by Site Plan Review shall be further conditions attached to this Special Permit, and any non-compliance with said changes, alterations, modifications or amendments shall constitute a violation of this Special Permit. Any other provision of this paragraph notwithstanding:

- (a) All plans, photo renderings, site evaluations, briefs and other documentation provided by Applicant as part of the Special Permit Application and as amended during the application/hearing process before the City Council and/or the City Council's Wireless Communications Committee are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
 - (b) Notwithstanding condition (a) hereof, engineering changes may be made to said plans by the Site Plan Review Committee as long as said changes do not change the use of the Project as approved herein, increase the impervious area of the Project, reduce the green area, alter traffic flow or increase the size of the WCF shown on the plan.
17. As soon as practicable but in any event within one (1) month after the date when a certificate of use and occupancy has been issued to the Applicant by the City of Marlborough's Building Commissioner for the Proposed WCF Project, Applicant shall submit a written report to the City Council; provided, however, that if the Proposed WCF Project has not yet become operational within the one-month period after said issuance date, then the Applicant must immediately provide the City Council with written notification as to the date when the Proposed WCF Project does become operational and, further, must submit said written report within one (1) month after said operational date. The written report to the City Council shall: i) provide measurements as to the actual output of radio frequency energy emitted by the Proposed WCF Project; ii) include a professional opinion by a third party certifying that the Proposed WCF Project fully complies with all applicable radio frequency emission standards promulgated by the Federal Communications Commission ("FCC") and any other applicable health and safety standards; and (iii) provide measurements of the actual output of the total radio frequency energy being emitted by all Wireless Communications Facilities (as defined in Section 650-25 of the Marlborough Zoning Ordinance) then located at the Site. The Applicant agrees to operate its Proposed WCF Project in compliance with all applicable radio frequency emission standards promulgated by the FCC and any other applicable health and safety standards. In the event that there are any changes in or upgrades to the Proposed WCF Project that may increase the actual output of radio frequency energy emitted by the Proposed WCF Project, the Applicant shall submit a letter to the City Council as soon as practicable but in

22/10

any event within one (1) month after the date of completion of those changes or upgrades. The letter shall: i) state what the changes or upgrades are; (ii) provide measurements specifying how the actual output of radio frequency energy emitted by the Proposed WCF Project has been increased; (iii) provide measurements of the actual output of all radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site; and iv) include a professional opinion by a third party certifying that the Applicant's changes or upgrades have not caused the total radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site to exceed any applicable radio frequency emission standards promulgated by the FCC and any other applicable health and safety standards.

- 18. In accordance with the provisions of Mass. Gen. Laws c. 40A, § 11, the Applicant at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and said recording shall be made before a Building Permit is issued. Upon said recording, Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council's office and to the City Solicitor's office.

End of evidence, findings of facts and decision.

APPROVED: Yea _____; Nay _____; Absent _____

ADOPTED
In City Council
Order No. 09-1002161
Date Adopted: _____

City of Marlborough
Commonwealth of Massachusetts

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PLANNING BOARD

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

February 26, 2010

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

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

RE: Sign Ordinance
Proposed Amendment

Dear Mr. Vigeant:

At its regular meeting on February 22, 2010, the Planning Board took the following action:

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

To send the proposed amendment to the sign ordinance to the City Council for their consideration.

Sincerely,

Barbara L. Fenby
Chairperson

Enclosure

Cc: City Clerk
City Solicitor
File

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ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 163, ENTITLED "SIGNS," AS FOLLOWS:

- I. Section 163-2, entitled "Definitions," is hereby amended by adding thereto a definition for the term, "sign contractor," as follows:

SIGN CONTRACTOR: A person, whether doing business as an individual, a sole proprietor, a partnership, a limited liability partnership, a corporation, a limited liability corporation, or any other form of business entity, and including his or her agents, employees, assigns and subcontractors, who erects, alters or re-locates a sign for or on behalf of an owner.

2. Section 163-12, entitled "Administration and Penalties," is hereby amended by adding thereto a new paragraph E, entitled "Penalties for Sign Contractor," as follows:

E. PENALTIES FOR SIGN CONTRACTOR

If the Building Inspector or his/her designee determines that a sign contractor has erected, altered or re-located a sign in violation of § 163-3 of this Chapter 163, then, in addition to the remedies provided for in § 163-12.D above as against the sign owner, the Building Inspector or his/her designee may take the following actions as against the sign contractor:

1. The Building Inspector or his/her designee may enforce a violation of § 163-3 committed by a sign contractor by assessing a fine of \$100.00. The fine shall be payable to the City of Marlborough, through the City Clerk's office.
2. As a non-criminal alternative to the penalty provided in subparagraph 1 above, the Building Inspector or his/her designee may, pursuant to M.G.L. c. 40, § 21D, treat violations of § 163-3 by assessing a non-criminal fine of \$150.00 for a first violation; and (2) a non-criminal fine of \$300.00 for each additional violation of § 163-3. A sign contractor commits a separate offense for each day a violation of § 163-3 continues to exist as solely determined by the Building Inspector or his/her designee.

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3. In the event that a fine assessed pursuant to sub-paragraphs 1 or 2 above remains unpaid by a sign contractor as of the date when said sign contractor submits any new application for a sign permit, the Building Inspector or his/her designee may deny said application and may continue to so deny for so long as said fine remains unpaid.

3. The effective date of these amendments shall be thirty (30) days after their approval.

ADOPTED

In City Council
Order No. 10-
Adopted

Approved by Mayor
Nancy E. Stevens
Date:

A TRUE COPY
ATTEST:

RECEIVED
MAR - 1 2010



24

City of Marlborough

Office of the Assessors
140 Main Street
Marlborough, Massachusetts 01752
TDD (508) 460-3610
Phone: (508) 460-3779

BOARD OF ASSESSORS PUBLIC MEETING

February 25, 2010

10:00 AM SCHEDULED

AGENDA

1. CALL TO ORDER-- *MEETING CALLED TO ORDER AT 10:01 AM.*
2. ROLL CALL--*TRODELLA, BROGIE AND ARRUDA PRESENT.*
3. DISCUSSION OF CURRENT MEASURE AND LIST PROGRAM.—*BOARD REVIEWED THIS YEARS SCHEDULE OF INSPECTIONS. C/I, EXEMPT AND APARTMENTS WILL BE INSPECTED.*
4. VOTE ON ABATEMENTS TO BE GRANTED RESIDENTIAL AS PER LIST ATTACHED—*MOVED BY BROGIE, VOTED 3-0 TO ACCEPT.*
5. VOTE ON ABATEMENTS TO BE DENIED RESIDENTIAL AS PER LIST ATTACHED—*MOVED BY ARRUDA, VOTED 3-0 TO ACCEPT.*
6. VOTE ON ABATEMENTS TO BE GRANTED COMMERCIAL/IND AS PER LIST ATTACHED—*MOVED BY ARRUDA, VOTED 3-0 TO ACCEPT.*
7. VOTE ON ABATEMENTS TO BE DENIED COMMERCIAL/IND AS PER LIST ATTACHED—*MOVED BY ARRUDA, VOTED 3-0 TO ACCEPT.*
8. DISCUSSION AND VOTE ON SENDING OUT ESTIMATED 3RD QUARTER BILLS IF NEEDED.—*MOVED BY ARRUDA. VOTED 3-0 TO APPROVE SENDING OUT ESTIMATED 3RD QUARTER 2011 BILLS IF NEEDED.*
9. PUBLIC INPUT AND QUESTIONS *NO MEMBERS OF THE PUBLIC WERE PRESENT.*
10. EXECUTIVE SESSION(IF NEEDED)—*NONE NEEDED*
11. OLD BUSINESS- *NONE*
12. NEW BUSINESS -*NONE*
13. ADJOURNMENT—*ADJOURNED AT 10:32 AM*

Anthony R. Trodella-Chairman, Board of Assessors

25,

City of Marlborough
Commonwealth of Massachusetts

FEB 23



PLANNING BOARD

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

PLANNING BOARD MINUTES
January 25, 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, January 25, 2010 in Memorial Hall, 3rd floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Steven Kerrigan, Phillip Hodge, Clyde Johnson and Sean Fay. Also present: City Engineer Thomas Cullen.

MINUTES

Meeting Minutes January 11, 2010

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

To accept and file the Meeting Minutes of January 11, 2010.

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

To move up the discussion of 5B.

5B) Blackhorse Farms, Cider Mill Estates & West Ridge Estates

The Planning Board has invited Stephen Reid, Building Commissioner, Pamela Wilderman, Code Enforcement Officer and Donald Rider, City Solicitor to tonight's meeting for a roundtable discussion. Also in attendance were Councilors Delano and Levy. Attorney for the developer, Jeffery Roelofs, was also in attendance.

Dr. Fenby asked what the current conditions of the subdivisions are. Ms. Wilderman stated she has suspended all action until it decided what action the Planning Board was able to take.

Mr. Reid gave an update from what he viewed earlier this afternoon at the Cider Mill and Westridge Estates. He stated that there was three homes built, 2 active permits with one homes foundation being excavated. He stated that both subdivisions have a binder coats. At Blackhorse Farms, he stated he was able to drive up the road to about 700 feet to the construction gate. He stated the road was plowed to a certain point to allow the one home in the subdivision have access to their driveway. Mr. Reid also stated that the gate was put up for necessity as it became a dumping ground for miscellaneous trash.

It was apparent that both Mr. Reid and Ms. Wilderman disagreed on several issues with all three subdivisions. Ms. Wilderman stated that the rock crushing, travel with the dump trucks and debris has had legitimate complaints by the neighbors as well as the City Councilors. She could understand that if they were activity building homes on the site she could understand. However the covenants have expired for all subdivisions.

Mr. Fay asked Mr. Reid since the building department received correspondence stating that the status of the subdivision was in doubt, whether or not further building permits should have been withheld. Mr. Reid answered that once a lot is released it then becomes comes to the Engineering Department and to the Building Department. Mr. Reid also stated that the purpose of the bond is for the completion of the subdivision (road ways and infrastructure). He also stated that a two year timetable to complete a subdivision rarely happens on multi lot subdivisions.

Mr. Fay also asked Mr. Reid if a developer is allowed under the current City ordinances to use an inactive sub-division for commercial rock crushing operations and whether a developer could haul material to a dormant subdivision (Black Horse Farm) with no open building permits and use that as a base of commercial rock crushing operations. The developer was using his subdivision to crush stone for another development he had in the city. Mr. Reid stated that the zoning rules do not allow raw material from Marlborough to leave Marlborough so the developer used his subdivision to perform this activity rather than the construction site on a busy main road.

Ms. Wilderman stated that there have always been issues with this developer. There has been several letters in the file asking them to cease and desist with the Cider Mill subdivision for the berm. She stated that the developer has continually lied to the Planning Board. She also states that the subdivision has become bothersome for the neighbors and that it's not fair to have these subdivisions drag on for an allowed amount of time.

Joe Delano, City Councilor of Ward One, stated that the developer has ignored all the requests of the neighbors. The continuance of blasting has altered several homes and he has stated the developer has ignored the calls to fix the alterations.

Mr. Kerrigan asked about the lot release dates from the covenant. With the past few subdivisions that have expired covenants, the Planning Board had either revised the covenant or signed an amended agreement. However with this developer's unwillingness to come back to the Planning Board; they have had to take other measures including entraining the idea of rescinding the lot releases.

Mr. Roeloff identified himself as the attorney for the developer.

City Solicitor Rider spoke to the board that the in the future there could be a surety of not releasing all lots at the same time. He then suggested to Mr. Roeloff that he should defer to his client about building the infrastructure and homes. Mr. Rider stated how it looks now on the subdivisions they are intended for other uses (i.e. rock crushing) which seems to be outside of the subdivision realm. Mr. Rider also suggested that the Planning Board has given several notices to come in and discuss the status of all subdivisions to his client that have all gone un-noticed by the developer; in which case the Planning Board would still a meeting with the developer.

Mr. Roeloff stated that he was fairly new to this matter. He stated he is going to defer back to his client to see if they are willing to entertain the idea of organized meetings to come to a resolution. He believes that the meeting should concur what should be prioritized what needs to be completed including a possible new agreement.

Mr. Hodge stated that we should not lose sight of protecting the lots. He stated that if the developer is serious about building the homes then the developer should think about completing the roadways and be willing to work with the Planning Board.

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Mr. Rider then asked Mr. Roeloff if his client would entertain an amended covenant. Mr. Roeloff stated that he cannot comment what his client is willing to do, but an enforceable covenant would not be likely since a covenant with released lots already exists. However it is Mr. Roeloff's belief that his client would be interested in a comparable compromise.

Mr. Kerrigan then stated that some of the past developers (Forest Trail) have entered into agreement that conclude the anti-blight ordinance. Mr. Roeloff stated he would speak to his client.

Mr. Fay asked the City Engineer if they had any other subdivisions up for bond reductions or acceptance. Mr. Cullen stated that there was one almost up for acceptance and that the Planning Board should have the matter before them soon. Mr. Fay then told Mr. Roeloff that he would not vote in favor of any bond reduction for any of the three subdivisions at issue unless proper extension were requested and approved by the board that he would not vote in favor of any extensions unless the code enforcement issues had been addressed to the board's satisfaction. On a motion made by Mr. Kerrigan, seconded by Mr. Fay it was duly voted:

To refer the matter to the Engineering Department; to have the Engineering Department meet with the developers and legal representatives and to report back to the Planning Board when an update is available.

The Members called a 5 minute break.

CHAIRS BUSINESS

2010 Meeting Schedule

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

To accept the meeting schedule for 2010; to post with the City Clerk and post on the City Website.

City Council Agenda

The Members received notification that two members (Fenby and Coveney) are up for reconsideration for the Planning Board through the City Council.

APPROVAL NOT REQUIRED PLAN

PUBLIC HEARING

SUBDIVISION PROGRESS REPORTS

Update from City Engineer

Mr. Cullen provided a new update. As he mentioned before, Forest Grove Subdivision is almost ready for the Boards consideration for approval.

Crystal Ridge (Danjou Drive)

Release of Bond Request

Cynthia Panagore-Griffin, Asst. City Solicitor for the City of Marlborough, has confirmed through correspondence that all records have been recorded through the Middlesex Registry of Deeds; the City has fully accepted the roadway and the remaining bond monies can be returned back to the developer.

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

To accept and file correspondence from the Assistant City Solicitor, to reduce the bond from \$49,000.00 to \$0.00 and to change the subdivision status to completed

Mauro Farms (Cook Lane)
Extension Request

Mr. Fay re-read the disclosure letter from Mayor Stevens regarding Mr. Fay's participation.

Martin Loiselle, permitting manager for Capital Group Properties, has just submitted a draft of the subdivision completion schedule for consideration by the Engineering Department. He is asking to extend the time consideration for the extension request to February 12, 2010.

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

To accept and file correspondence; refer the request to the Engineering Department for review and to GRANT an extension to February 22, 2010.

PENDING SUBDIVISION PLANS: Updates and Discussion

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

SCENIC ROADS

SIGNS

INFORMAL DISCUSSION

The Planning Board discussed its goals for this year. The Board discussed resubmitting the proposed amendment to the sign ordinance to the City Council that expired at the end of last year for their consideration. Mr. Rider stated he will review the amendment and then bring it back to the Planning Board prior going to the City Council.

The Board also discussed the possibility of asking the City council to consider expanding the Planning Board's authority to provide for an enforcement function, as well as making recommendations to the Council for legislation that would address the matters that have recently been brought to the Board's attention that may not be squarely covered by current rules and regulation/city ordinances.

The members also discussed adding to informal discussions a review of the Board's current policy as it relates to developers who are asking the Board to take specific actions that fall outside of the Board's typical function, such as approving an extension for a subdivision that has gone beyond the two year timeframe without extension. The question was whether the Board as a matter of policy is inclined to shift the burden to the developer to provide the Board with the legal justification for the requested action, instead of placing the burden on the City's legal department to come up with the proper procedure. The theory is that it is up to the proponent to provide the Board with a recommendation and do the legal legwork which in turn can be referred to the legal department for approval.

Mr. Kerrigan and Mr. Cullen suggested the possibility of an ongoing review of bond requirements when developers request extensions to make sure that the bond, after taking into consideration inflationary pressures, provides the City with adequate security.

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Ms. Fenby and Mrs. Lizotte agreed to talk to the IT department to complete a master calendar. Finally, the Board discussed the necessity of keeping these informal initiatives on the agenda of every meeting going forward to discuss the matters further as time permits.

COMMUNICATIONS/CORRESPONDENCE

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

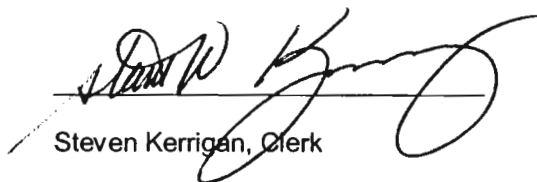
To accept all of the items listed under communications and/or correspondence.

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

To adjourn at 8:52 p.m.

A TRUE COPY

ATTEST:



Steven Kerrigan, Clerk

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City of Marlborough
Commonwealth of Massachusetts

FEB 23



PLANNING BOARD

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

PLANNING BOARD MINUTES
February 8, 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, February 8, 2010 in Memorial Hall, 3rd floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Steven Kerrigan, Edward Coveney, Clyde Johnson and Sean Fay. Also present: Assistant City Engineer Richard Baldelli.

MINUTES

Meeting Minutes January 25, 2010

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

To table the minutes until the next meeting.

CHAIRS BUSINESS

City Council Reappointments

The City Council sent correspondence to the Planning Board stating that Barbara Fenby and Edward Coveney have been recommended for terms to expire the 1st Monday in February of 2015.

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

To accept and file correspondence.

Resignation of Robert Hanson

In a letter to Mayor Nancy Stevens, Mr. Hanson resigned from the Planning Board effective immediately and thanked her for the opportunity to serve on the Board.

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

To accept with regret the resignation of Mr. Hanson; to send correspondence to Mr. Hanson thanking him for his service to the Planning Board.

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Marlborough Community Preservation Act Committee

The MCPAC had invited the members of the Planning Board to attend two forums to learn more about Community Preservation Act and the benefits it could provide to the City of Marlborough.

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

To accept and file correspondence.

APPROVAL NOT REQUIRED PLAN

PUBLIC HEARING

SUBDIVISION PROGRESS REPORTS

Update from City Engineer

Mr. Baldelli stated that the Fiddlehead was almost completed, however there are a few more questions regarding the easement. The department is also working on the Forest Grove subdivision.

Mr. Baldelli and Mrs. Lizotte spoke to the Board regarding Shaungessy Estates. A representative from the bank who holds the tri-partite agreement is looking for a solution to complete the subdivision. Ms. Fenby stated to gather information and place it on the next agenda.

Acre Bridge Estates (Blake Circle)

Acceptance

Attorney Burger has forwarded the copies of the recorded Plan, Order and Deed for Blake Circle. At this time, the developer would like a return of the bond monies and the release of the tri-partite agreements.

There was question of the bond monies still being held. It was recommended to have Engineering review the amount and return at the next meeting with that determination.

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

To accept and file correspondence; to refer the remaining bond amount to the Engineering Department for them to report at the next meeting.

Mauro Farms (Cook Lane)

Extension

Mr. Fay re-read the disclosure letter from Mayor Stevens regarding Mr. Fay's participation.

With Mr. Hanson's resignation the members are concerned about meeting a quorum. Mr. Kerrigan suggested that they extend the consideration to March 8, 2010.

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

To GRANT an extension to March 8, 2010.

PENDING SUBDIVISION PLANS: Updates and Discussion

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

SCENIC ROADS

SIGNS

INFORMAL DISCUSSION

There was discussion to have the master calendar designed by the IT people. Ms. Fenby and Mrs. Lizotte will work on the calendar.

Mrs. Lizotte will ask the City Solicitor about the revised sign amendment and when the Planning Board could expect the amendment.

Mrs. Lizotte will also have an updated subdivision status.

COMMUNICATIONS/CORRESPONDENCE

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

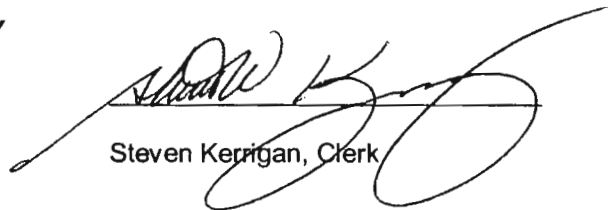
To accept all of the items listed under communications and/or correspondence.

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

To adjourn at 7:28 p.m.

A TRUE COPY

ATTEST:



Steven Kerrigan, Clerk