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CITY OF MARLBOROUGH

2010 DEC 16 P 5:07

1. Minutes of the City Council Meeting, December 6, 2010.
2. PUBLIC HEARING On the Petition from Massachusetts Electric Co. and Verizon New England Inc. to install stub P. 85-5 as midspan pole to service new construction of Farm Commons Dr., Order No. 10-1002765.
3. Communication from the Mayor re: transfer request in the amount of \$14,959.49 from Fringes to Asst. City Engineer, \$135.28 from Fringes to Longevity and \$26,927.08 from Fringes to Sick Leave necessary to fund benefits associated with an employee's retirement.
4. Communication from the Mayor re: Emergency Management Performance Grant in the amount of \$12,500.00 awarded to the Department of Emergency Management to enhance the City's alerting/communications system.
5. Communication from the Mayor re: Traffic Enforcement and Equipment Grant in the amount \$6,000.00 awarded to the Marlborough Police Department for high visibility traffic enforcement patrols.
6. Communication from the Mayor re: reappointment of Police Chief Leonard as Keeper of the Lock to expire the 1st Monday of February 2012.
7. Communication from the Mayor re: reappointment of Mark Gibbs as Director of Information Technology for a term to expire three years from date of approval.
8. Communication from the Mayor re: reappointment of Deborah Puleo as City Collector for a period of one year effective February 1, 2011.
9. Communication from the Mayor re: reappointment of Stephen Reid as the City of Marlborough Building Inspector for a term to expire three years from date of approval.
10. Application of Ronald Roza, d/b/a Techcell USA, for Junk Dealer's license at 276 Main St.
11. Minutes, Board of Assessors, December 1, 2010.
12. Minutes, Insurance Advisory Committee, October 19, 2010.
13. Minutes, Planning Board, November 22, 2010.
14. Minutes, MetroWest Regional Transit Authority, September 13, 2010.
15. Minutes, Traffic Commission, October 26, 2010.
16. CLAIMS:
 - A. Gilbert Weinstein, 397 Bolton St., B-5, other property damage
 - B. Lindsay Stokes, 18 Spring Ln., other property damage

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

17. **Order No. 10-1002725 – Additional \$50,000.00 for Legal Services.** The Finance Committee reviewed the Mayor's letter dated November 3, 2010 requesting the transfer of \$50,000 from Undesignated Funds to the Legal Services account for outside labor counsel services related to ongoing collective bargaining negotiations. **Recommendation of the Finance Committee is to approve the transfer of \$25,000.00 from Undesignated Funds to Legal Services for outside labor counsel services related to ongoing collective bargaining negotiations 4-0 and to Suspend the Rules to vote at the December 6, 2010 City Council Meeting. MOTION made to Suspend the Rules - DOES NOT CARRY.**

From Public Services Committee

18. **Order No. 10-1002596A - Communication from Gary White re: Acceptance of Easements of Fahey Street.** The committee discussed the matter with Gary White. By communication dated December 6, 2010, Assistant Solicitor Panagore Griffin submitted in proper legal form a proposed Order of Acceptance for the referenced municipal easements in the Fahey Street subdivision, together with copies of the deed and plan for the committee's review. The original deed will be recorded with the mylar plan and a record of the City Council's approval. **Recommendation of the Public Services Committee is to approve 2-0.**



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

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

DECEMBER 6, 2010

Regular meeting of the City Council held on Monday, DECEMBER 6, 2010 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Ossing, Vigeant, Pope, Levy, Delano, Ferro, Elder, Tunnera, Seymour, Clancy and Landers. Meeting adjourned at 10:13 p.m.

ORDERED: That the minutes of the City Council Meeting November 22, 2010, **FILE AS AMENDED**; adopted.

ORDERED: That the PUBLIC HEARING for the **JOINT TAX CLASSIFICATION PUBLIC HEARING** with the Board of Assessors on Monday, December 6, 2010 at 8:00 p.m. in Council Chambers, 2nd Floor, City Hall, 140 Main Street, Marlborough, MA to determine the percentage of the local tax levy to be borne by each class of property for Fiscal Year 2009. Massachusetts General Laws Chapter 40, Section 56 sets forth the procedures and responsibilities under the law, all were heard who wish to be heard, hearing adjourned at 8:54 p.m.; adopted.

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

ORDERED: That the following transfers of \$994,076.00 (nine hundred ninety four thousand, seventy six dollars) from Undesignated Funds to Reduce the FY2011 Tax Levy, and \$1,022,246.00 (one million, twenty two thousand, two hundred forty six dollars) from Undesignated Funds to Reduce Snow and Ice Deficit on FY2011 Tax Levy, **APPROVED**; adopted.

FROM:

Acct. # 10000-35900 \$994,076.00

Undesignated Fund

Acct. # 10000-35900 \$1,022,246.00

Undesignated Fund

TO:

To Reduce Tax Levy \$994,076.00

To Reduce Snow and Ice Deficit \$1,022,246.00

ORDERED: That the following transfers of \$10,000.00, 40,000.00, 43,909.00 (ten thousand dollars, forty thousand dollars and forty three thousand, nine hundred and nine dollars) from Interest on BAN, Interest Expense, and Interest on BAN respectively to Reduce the FY2011 Tax Levy, **APPROVED**; adopted

FROM:

Acct. # 13860006-59254 \$10,000.00

Interest on BAN

Acct. # 61075206-59080 \$40,000.00

Interest Expense

Acct. # 17520006-59254 \$43,909.00

Interest on BAN

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TO:
 To Reduce FY2011 Tax Levy \$93,909.00
ORDERED: That the following transfer of \$912,015.00 (nine hundred twelve thousand, fifteen dollars) from Overlay Reserve to Reduce the FY2011 Tax Levy, **APPROVED**; adopted.
 FROM:
 Acct. # 10000-32200 \$912,015.00
 Overlay Reserve
 TO:
 To Reduce FY2011 Tax Levy \$912,015.00
ORDERED: That the following transfers of \$21,300.00 (twenty one thousand, three hundred dollars, and \$194,200.00 (one hundred ninety four thousand, two hundred dollars) from Sale of Graves and Aquifer Protection, to reduce the FY2011 Tax Levy, **APPROVED**; adopted.
 FROM:
 Acct. # 27000-33020 \$21,300.00
 Sale of Grave
 Acct. # 61000-31200 \$194,200.00
 Aquifer Protection
 TO:
 To Reduce FY2011 Tax Levy \$215,500.00

MOTION made by Councilor Ferro to change the residential to 51.8623% and the CIP to 48.1378% - **DOES NOT CARRY**

ORDERED: That the following percentage of FY2011 Tax Levy, **APPROVED**; adopted:
 Residential 51.2118
 C.I.P. 48.7882

ORDERED: That the residential tax exemption for owner-occupied, residential properties for Fiscal Year 2011 be three percent (3%), **NOT APPROVED**; adopted.

ORDERED: It is moved, in conformance with the provisions of § 21(3) of Chapter 30A of the General Laws of the Commonwealth, that the City Council conduct an executive session for the purpose of discussing strategy with respect to litigation, as an open meeting may have a detrimental effect on the litigating position of the City of Marlborough. It is further moved and stated that the City Council will re-convene in open session after the executive session, **MOVED TO ITEM 15**; adopted.

ORDERED: That the DPW transfer request in the amount of \$226,000.00 which moves funds from Stabilization-Capacity Study to Capital Outlay-East Plant for purposes of a study as outlined in the Commissioner's memorandum, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the transfer request in the amount of \$39,850.24 which moves funds from Undesignated Fund to Open Space Acquisition per City's annual payment agreement with Ward Mountain LLC, be and is herewith **APPROVED**; adopted.

FROM:
 Acct. # 83600-11520 \$39,850.24
 Open Space Stabilization

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TO:

Acct. # 19300006-58170

\$39,850.24

Open Space Acquisition

ORDERED: That the transfer request in the amount of \$10,555.00 which moves funds from Undesignated to Director to fund the Human Services Department for two months, **APPROVED AND REFER TO THE LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the appointment of Eric Asman to the Community Development Authority for a term to expire April 15, 2012, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That a petition to the General Court, accompanied by a bill for a special law relating to the city of Marlborough to be filed with an attested copy of this order, be, and hereby is, approved under Clause (1) of Section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:-

**AN ACT
PROVIDING A SIMPLIFIED PROCEDURE
FOR THE LAYOUT AND ACCEPTANCE OF CERTAIN WAYS
IN AND BY THE CITY OF MARLBOROUGH**

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

SECTION 1. Notwithstanding the provisions of Chapters 82 and 79 of the General Laws or any other general or special law, the city of Marlborough may employ the procedure hereinafter set out for municipal acceptance of roads constructed within a subdivision in accordance with a definitive plan approved by the planning board of the city of Marlborough. The said board, upon request of either the city council for the city of Marlborough or of a developer, or upon its own initiative, shall prepare a written certification that a subdivision road has been laid out and constructed in accordance with the board's rules and regulations and the approved definitive plan. The said board shall submit to the said city council the board's certification, together with original mylars of an acceptance plan, in required form for recording at the Registry of Deeds, and an as-built plan(s). The cost for preparing acceptance plans and as-built plans, if necessary, shall be paid from any funds which may remain in the subdivision bond of the developer. The said city council shall hold a public hearing, after giving written notice by first-class mail, postage prepaid, to the owner of record of each property abutting the road, as appears from municipal records, and after giving notice by publication in a newspaper of local circulation at least seven days prior to the hearing. The sole purpose of the public hearing shall be to determine whether it is in the public interest to accept the road as a public way. If the said city council determines, after the public hearing, that it is in the public interest to accept the road, it shall so vote, by a two-thirds majority, and cause to be prepared for recording at the Middlesex South District Registry of Deeds an order of acceptance containing said vote. The order of acceptance, together with the original mylar acceptance plan(s), shall be recorded within thirty (30) days following the said vote, and, upon recordation, shall operate to vest in the city of Marlborough, with no

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additional notice or other action required, the ownership in fee to the road, together with the ownership of all utility, drainage, flowage, and other easements shown for all municipal purposes including but not limited to repair, improvement, reconstruction, removal and replacement, as well as all pipes, structures, and other improvements located therein. No owner of, or holder of any interest in, land abutting a road so accepted or subject to an easement shown on said acceptance plan shall have any claim for compensation against the city on account of said acceptance.

SECTION 2. This act shall take effect upon its passage, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That a petition to the General Court, accompanied by a bill for a special law relating to the city of Marlborough to be filed with an attested copy of this order, be, and hereby is, approved under Clause (1) of Section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:-

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

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

SECTION 1. Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the city of Marlborough shall establish in the city treasury a special revenue account to be known as the Business and Economic Development Special Revenue Fund in the city of Marlborough, into which account shall be deposited a) certain receipts comprising a portion of the total local room occupancy tax received annually by the city under section three A of chapter sixty-four G of the General Laws, as set forth in section 2 herein; and b) any grants and monetary gifts or donations made to the city in furtherance of the purposes of this act. The purposes of this act, and of the Business and Economic Development Special Revenue Fund, shall be to promote and to sustain the development of business and the local economy in the city of Marlborough.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, the amount of the room occupancy excise based on rates in excess of 4% collected under section three A of chapter sixty-four G of the General Laws by the city of Marlborough for the fiscal year beginning July 1, 2011 and each fiscal year thereafter shall be credited to the Business and Economic Development Special Revenue Fund, subject to further appropriation by a majority vote of the city council of the city of Marlborough.

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SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, the amount of the room occupancy excise based on a rate equal to 4% collected under section three A of chapter sixty-four G of the General Laws by the city of Marlborough for the fiscal year beginning July 1, 2011 and each fiscal year thereafter shall be credited to the General Fund in the city of Marlborough.

SECTION 4. Notwithstanding the provisions of any general or special law to the contrary, any interest accruing on any amount on deposit in the Business and Economic Development Special Revenue Fund shall be credited to the General Fund in the city of Marlborough.

SECTION 5. Nothing in or resulting from this act shall affect amounts distributed in any fiscal year to the city of Marlborough from the Local Aid Fund.

SECTION 6. The city of Marlborough may amend this act by a two-thirds vote of the city council of the city of Marlborough. Such amendatory vote shall designate a) that the Business and Economic Development Special Revenue Fund shall thereupon cease to have effect in the city of Marlborough; b) that all unexpended and uncommitted amounts on deposit in the Business and Economic Development Special Revenue Fund, as of the date of said amendatory vote, shall forthwith be credited to the General Fund for the city of Marlborough; and c) that the portion of the total room occupancy excise in excess of 4% received annually by the city under section three A of chapter sixty-four G of the General Laws and theretofore credited to the Business and Economic Development Special Revenue Fund, as set forth in section 2 herein, as well as any grants and monetary gifts or donations made to the city in furtherance of the purposes of this act, shall thereafter be credited to the General Fund for the city of Marlborough.

SECTION 7. If the city of Marlborough votes, pursuant to section three A of chapter sixty-four G of the General Laws and sections (2)(h) and (2)(i) of 830 Code of Massachusetts Regulations Part 64G.3A.1, to revoke its acceptance of the room occupancy excise rate in excess of 4% under section three A of chapter sixty-four G of the General Laws, then the Business and Economic Development Special Revenue Fund shall thereupon cease to have effect in the city of Marlborough, and all unexpended and uncommitted amounts on deposit in the Business and Economic Development Special Revenue Fund, as of the date of said revocation vote, shall forthwith be credited to the General Fund for the city of Marlborough.

SECTION 8. This act shall take effect upon its passage, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

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ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 526, ENTITLED "SIGNS," AS FOLLOWS:

1. Section 526-2, entitled "Definitions," is hereby amended by adding after the definition of "SIGN" the following definition:

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 526-3, entitled "Permit requirements," is hereby amended:
 - a. by amending subsection B thereof, entitled "Application":
 - i. by amending subsection (1) thereof, entitled "All signs":
 1. by amending the introduction thereof, by adding in the first line thereof, after the word "drawing," the following words:-- or design graphic.
 2. by amending subsection (d) thereof, by adding in the first line and again in the third line thereof, after the words "plot plan," the following words:-- or site plan.
 3. by amending subsection (e) thereof, by adding in the first line thereof, after both mentions of the words "sketch," the following words:-- or design graphic.
 - ii. by amending subsection (2) thereof, entitled "Action on applications," by striking out the word in the fourth line thereof the word "approved" and inserting in place thereof the following word:-- denied.
 - b. by amending subsection G thereof, entitled "Removal of existing signs," by striking out the entire subsection and inserting in place thereof the following words:-- All non-conforming signs shall be brought into conformance no later than June 23, 2000.
3. Section 526-6, entitled "Signs permitted in all zoning districts," is hereby amended by amending subsection A thereof, entitled "Temporary off-premises signs," by amending in subsection (2) thereof, entitled "Other public and nonprofit events," by striking out in the fourth line thereof the word "longer" and inserting in place thereof the following word:-- larger.

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4. Section 526-7, entitled "Prohibited signs" is hereby amended:
 - a. by amending subsection H thereof by striking out the words "is prohibited."
 - b. by amending subsection K thereof by striking out the entire subsection and inserting in place thereof the following words:-- Any sign erected in violation of this chapter.
 - c. by amending subsection L thereof by striking out in the third line thereof the words "safe sight distances as specified by Chapter 650, Zoning" and inserting in place thereof the following words:-- the 25-foot site visibility triangle requirements contained in the City's zoning ordinance.
5. Section 526-8, entitled "Residence districts" is hereby amended by striking out in the third line thereof the words "an accessory" and inserting in place thereof the following word:-- a customary.
6. Section 526-9, entitled "Nonresidence districts," is hereby amended:
 - a. by amending the introduction thereof, by adding in the first line thereof, after the word "Industrial," the following word:-- and.
 - b. by amending subsection B thereof, entitled "Flat wall signs," by amending subsection (2) thereof, entitled "Canopy, marquee or awning sign," by amending subsection (c) thereof, entitled "Illumination," by adding after the word "backlit" the following words:-- , except in the Downtown Business District.
 - c. by amending subsection C thereof, entitled "Freestanding signs":
 - i. by amending subsection (1) thereof, entitled "General," by amending subsection (b) thereof, entitled "Sign setback," by adding after the words "freestanding sign" the following words:-- must be on the subject lot and.
 - ii. by amending subsection (2) thereof, entitled "Calculation of area," by amending in subsection (c) thereof, entitled "Bonus area for message board," by striking out in the first line thereof the word "shall" and inserting in place thereof the following word:-- may.
 - d. by amending subsection D thereof, entitled "Commercial centers":
 - i. by amending subsection (1) thereof, entitled "Bonus freestanding sign area for commercial centers," by amending subsection (a) thereof, entitled "Secondary signs," by striking out in the fifth line thereof the word "for."

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- ii. by amending subsection (5) thereof, entitled "Alterations to nonconforming freestanding signs," by striking out the subsection in its entirety and inserting in place thereof the following words:-- When a freestanding sign in a commercial center or on any parcel with multiple tenants does not conform to this chapter, then any alteration of that sign, whether in whole or in part, shall require that the entire sign shall be brought into conformity with § 526-3.G(3).
 - e. by amending subsection L thereof, entitled "Downtown Business District," by amending subsection (f) thereof, entitled "Design Review Board," by striking out subsection [4] thereof in its entirety and inserting in place thereof the following words:-- The term of the Design Review Board shall continue until such time as the Marlborough Historic Districts Commission is abolished.
7. Section 526-12, entitled "Administration and penalties," is hereby amended:
 - a. by amending subsection B, entitled "Failure to act on permit," by striking out in the second line thereof the word "refused," and inserting in place thereof the following word:-- denied.
 - b. by amending subsection D, entitled "Penalties":
 - i. by adding to the title the following words:-- against owners.
 - ii. by adding at the end of the subsection the following words:-- In the event that a fine assessed pursuant to this subsection D remains unpaid by an owner as of the date when the owner and/or the owner's sign contractor submits any application for a sign permit for or on behalf of the owner, 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.
 - c. by adding a new subsection E, entitled "Penalties against sign contractors," and adding the following words:-- If the Building Inspector or his/her designee determines that a sign contractor has erected, altered or re-located a sign in violation of § 526-3, then, in addition to the remedies provided for in § 526-12.D as against the owner, the Building Inspector or his/her designee may enforce § 526-3 by assessing against said sign contractor a fine of \$50.00 per day, each day being considered a separate violation. As a non-criminal alternative to this penalty, the Building Inspector or his/her designee may, pursuant to M.G.L. c. 40, § 21D, treat a sign contractor violation of § 526-3 by assessing against the sign contractor a non-criminal fine of \$50.00 for a first violation, and a non-criminal fine of \$50.00 per day for each additional violation of § 526-3, each day being considered a separate violation.
8. The effective date of these amendments shall be thirty (30) days after their approval, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

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ORDERED: That the Communication from DPW Commissioner LaFreniere re: Determination that a Portion of the Former Landfill Property off Hudson St. is Surplus and Available for Lease for Other Municipal Purposes, refer to the **PROCUREMENT OFFICER**; adopted.

ORDERED: That there being no objection thereto set **Monday, December 20 2010** as date for a **PUBLIC HEARING** on the Petition from Massachusetts Electric Co. and Verizon New England, Inc. install stub P. 85-5 as midspan pole to service new construction of Farm Commons Dr., be and is herewith refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, Planning Board, November 8, 2010, **FILE**; adopted.

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

Order No. 10-1002725 – Additional \$50,000.00 for Legal Services. The Finance Committee reviewed the Mayor's letter dated November 3, 2010 requesting the transfer of \$50,000 from Undesignated Funds to the Legal Services account for outside labor counsel services related to ongoing collective bargaining negotiations. **Recommendation of the Finance Committee is to approve the transfer of \$25,000.00 from Undesignated Funds to Legal Services for outside labor counsel services related to ongoing collective bargaining negotiations 4-0 and to Suspend the Rules to vote at the December 6, 2010 City Council Meeting. MOTION to Suspend the Rules DOES NOT CARRY.**

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

Order No. 10-1002596A - Communication from Gary White re: Acceptance of Easements of Fahey Street. The committee discussed the matter with Gary White. By communication dated December 6, 2010, Assistant Solicitor Panagore Griffin submitted in proper legal form a proposed Order of Acceptance for the referenced municipal easements in the Fahey Street subdivision, together with copies of the deed and plan for the committee's review. The original deed will be recorded with the mylar plan and a record of the City Council's approval. **Recommendation of the Public Services Committee is to approve 2-0.**

Suspension of the Rules requested – granted

ORDERED: That the Fire Department transfer request in the amount of \$30,000.00 from Undesignated Fund to Additional Overtime to cover anticipated shortfalls in the FY11 overtime funding, **APPROVED**; adopted.

FROM:

Acct. # 10000-35900	\$30,000.00
Undesignated Fund	

TO:

Acct. # 12200003-51300	\$30,000.00
Additional OT	

Suspension of the Rules requested – granted

ORDERED: That the Water Transfer request in the amount of \$20,000.00 from Assistant DPW Commissioner Sewer to Professional & Technical Services to meet the Department of Environmental Protection (DEP) compliance requirements, **APPROVED**; adopted.

FROM:

Acct. # 60080001-50630 \$20,000.00

Assistant DPW Commissioner Sewer

TO:

Acct. # 61090004-53180 \$20,000.00

Professional & Technical Services

Suspension of the Rules requested – granted

ORDERED: That the owners of "The Campus at Marlborough" request an extension for a sewer connection permit granted on December 19, 2005 which expires on December 18, 2010 to allow owners to continue to market Phase II, **APPROVED FOR TWO YEARS FROM DATE OF APPROVAL**; adopted.

Suspension of the Rules requested – granted

ORDERED:

*Resolution in Support of FY11 New Access Point Funding
Edward M. Kennedy Community Health Center
Marlborough Hospital
A Member of UMass Memorial Health Care
In City Council – December 6, 2010*

Whereas, the City Council of the City of Marlborough has a civic interest in the economic health and well being of Marlborough Hospital, a member of UMass Memorial Health Care; and,

Whereas, in coordination with the Edward M. Kennedy Community Health Care Center (Kennedy CHC), Marlborough Hospital is working on bringing a much needed clinical service to our community; and,

Whereas, based on health status indicators through the research done by the Kennedy CHC over an 18 month strategic planning process, Marlborough and Hudson have been identified as nearby communities that lack access to primary care; and,

Whereas, the Kennedy CHC will establish a family medicine practice on or near the grounds of Marlborough Hospital, a site of UMass Memorial Health Care, the community hospital used by the Health Care Center, to reach out to the uninsured and underserved residents from Marlborough and surrounding towns; and,

Whereas, Marlborough Hospital recognizes the need for primary care in the area and will actively support a satellite to serve the many people who are using the emergency department for urgent care, rather than for emergent care; and,

Whereas, Marlborough Hospital seeks support from the Marlborough City Council in its efforts to obtain an HRSA FY11 New Access Point Grant in furtherance of their plans to locate a satellite facility in the City of Marlborough to provide expanded primary and preventive health services to the medically underserved population;

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Therefore, the City Council of the City of Marlborough hereby goes on record to wholeheartedly support Marlborough Hospital's grant application for HRSA FY11 New Access Point Funding through the HRSA Bureau of Primary Health Care; adopted.

MOTION made to move item 16 of the December 6, 2010 before item 15, **APPROVED**; adopted.

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

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

ORDERED: That the Mayor, City Solicitor and Fire Chief meet on December 6, 2010 with the City Council in Executive Session to update the City Council on the status of the new ladder truck and legal strategies to correct ongoing issues regarding repair and downtime since its purchase and to update the City Council on pending litigation with respect to Fire Department personnel, **APPROVED and returned to open meeting at 10:13 p.m.**; adopted.

Yea: 11- Nay: 0

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

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 10:13 p.m.



IN CITY COUNCIL

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DECEMBER 6, 2010

Marlborough, Mass.,

ORDERED:

That there being no objection thereto set **Monday, December 20 2010** as date for a **PUBLIC HEARING** on the Petition from Massachusetts Electric Co. and Verizon New England, Inc. install stub P. 85-5 as midspan pole to service new construction of Farm Commons Dr., be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 10-1002765



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 3,
MAYOR

Krista F. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

December 14, 2010

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

RE: Transfer Request – Retirement Benefits, DPW

Honorable President Vigeant and Councilors:

Attached herewith are the following transfer requests:

Transfer in the amount of \$14,959.49 from account number 11990006-51500
(Fringes) to account number 14001101-50660 (Asst. City Engr.)

Transfer in the amount of \$135.28 from account number 11990006-51500
(Fringes) to account number 14001103-51430 (Longevity).

Transfer in the amount of \$26,927.08 from account number 11990006-51500
(Fringes) to account number 14001103-51920 (Sick Leave).

These transfers are necessary to fund benefits associated with an employee's retirement. These funds were previously budgeted in the fringe account for this purpose.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

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TRANSFER REQUEST

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT			TO ACCOUNT			AMOUNT AVAIL
		ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	
		General Government			DPW Engineering			
\$ 52,913.63	\$ 42,021.85	11990006	51500	Fringes	\$ 14,959.49	14001101	50660 Asst. City Eng	\$ 41,887.13
					\$ 135.28	14001103	51430 Longevity	\$ 3.34
					\$ 26,927.08	14001103	51920 Sick Leave	\$ 8,515.00
					\$ 42,021.85			

Reason: To fund benefits associated with employees retirement.



City of Marlborough
Office of the Mayor

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

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

December 15, 2010

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

Honorable President Vigeant and Councilors:

The Department of Emergency Management has been awarded an Emergency Management Performance Grant in the amount of \$12,500.00. This grant is administered through the Massachusetts Emergency Management Agency (MEMA) with funds provided by FEMA. As detailed in the attachments submitted by Marlborough's Emergency Management Director Don Cusson, the grant will be used to enhance the City's alerting/communications systems.

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
Mayor

Enclosures

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/ 2



City of Marlborough
Emergency Management

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

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

Nancy Stevens, Mayor
140 Main St. City Hall
Marlborough, MA 01752
December 13, 2010

RE: EMPG Funds

Dear Mayor Stevens

MEMA has allocated EMPG grant money to support community emergency managers and for the purpose of enhancing our emergency management programs. The sum of \$12,500.00 has been set for the City of Marlborough. I am looking for your support and the City Council on this grant to enhance our alerting/ communications systems. This grant period ends on September 30, 2011.

Enclosed is a copy of the Emergency Management Performance Grant (EMPG) Award, this is a matching funds, which would be an "in-kind, or soft match.

Your support and the Councils would be appreciated. If there are any questions please feel free to call or e-mail at any time.

Respectfully

Donald E. Cusson

Donald E. Cusson
EMA Director

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**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Emergency Management DATE: 12/14/2010

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Donald E. Cusson

NAME OF GRANT: (EMPG) Emergency Management Pergormance Grant

GRANTOR: MEMA from FEMA

GRANT AMOUNT: \$12,500.00

GRANT PERIOD: October 1, 2010 end September 30, 2011

SCOPE OF GRANT/
ITEMS FUNDED Purpose of enhancing Emergency Management Programs
enhancing alert/warning system
communications equipment
enhancing supplies and needed equipment

IS A POSITION BEING
CREATED: NO

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

ARE MATCHING CITY
FUNDS REQUIRED? NO "in-kind" soft match

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

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

ANY OTHER EXPOSURE TO CITY?

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: _____
yes

**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 - STANDARD CONTRACT FORM

44



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): CITY OF MARLBOROUGH	Department MMARS Alpha Code and Name: MA Emergency Management Agency (CDA)		
→ Legal Address (from W-9): 140 MAIN ST, MARLBOROUGH, MA 017523812	Business Mailing Address: 400 Worcester Road, Framingham, MA 01702		
→ Payment Remittance Address (from W-9):	Billing Address (if different):		
→ Contract Manager:	Contract Manager: Jeffrey Trask		
→ E-Mail Address:	→ Phone:	E-Mail Address: Jeffrey.Trask@state.ma.us	Phone: (508) 820-2053
→ Fax:	→ TTY:	Fax: (508) 820-2030	TTY:
→ State of Incorporation (if a corporation) or "NA": N/A	MMARS Doc ID(s): CT-CDA-1000-FY11EMPG090000MARLB		
→ Vendor Code: VC8000192111	RFR/Procurement or Other ID Number (if applicable): GRANT		
MMARS Object Code: P01	Account(s) Funding Contract: CDA-8000-4705-00		

X NEW CONTRACT

COMPENSATION (Check only one):

Total Maximum Obligation of this Contract \$ **12500.00**

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: 10/01/2010 (Enter the Date Contract Obligations may begin. Review Certification for Effective Date Below prior to entry.)

CONTRACT END DATE: 09/30/2011

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):

To provide funding for the community's Emergency Management program in accordance with the Scope of Services set forth in Attachment A to this contract.

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: 12/14/10
(Signature and Date Must Be Handwritten At Time of Signature)

→ **Print Name:** NANCY E. STEVENS

→ **Print Title:** MAYOR

AUTHORIZING SIGNATURE FOR THE DEPARTMENT:

X: _____ Date: _____
(Signature and Date Must Be Handwritten At Time of Signature)

Print Name: Diane Nocivelli

Print Title: CFO



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY



MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY

400 Worcester Road, Framingham, MA 01702-5399

Tel: 508-820-2000 Fax: 508-820-2030

Website: www.mass.gov/mema

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Mary Elizabeth Heffernan
Secretary

Kurt N. Schwartz
Acting Director

December 1, 2010

Mr. Donald Cusson
Emergency Management Director
696 Concord Road
Marlborough, MA 01752

RE: FFY2009 Emergency Management Performance Grant

Dear Mr. Cusson:

It is my pleasure to inform you that your community emergency management program is eligible to receive a total of \$ 12500.00 in Emergency Management Performance Grant (EMPG) funds. While the EMPG program requires that your community provide a 100% match (a dollar for dollar match) for all grant funds that you expend, you may satisfy the match requirement with "in-kind" expenditures from allowable sources. The EMPG funds must be expended by September 30, 2011.

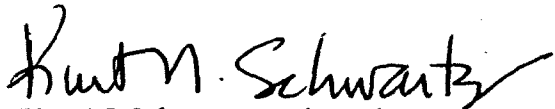
In an effort to support the formation and development of regional initiatives, individual communities may choose to surrender some or all of their EMPG allotment in favor of participation in a regional project or program. Regional projects may include but are not limited to: regional shelters, regional emergency operations centers, interoperable communications systems, regional planning, and regional emergency management oversight and leadership. Regional programs will need to affiliate with a single community point of contact to serve as the fiscal agent.

This grant opportunity will be structured as a reimbursement grant. This means that you will be required to expend the funds, or at least issue a purchase order for the expenditure, and then seek reimbursement from MEMA. Our intention is to provide you maximum discretion in the use of these grant funds. Accordingly, we will reimburse you upon receipt of appropriate documentation establishing that the funds were used for any expense deemed allowable under guidelines issued by FEMA for the EMPG program. Be advised that funding is contingent upon the completion of an EMPG budget and program narrative for your program. The MEMA Project Management Office staff must approve your proposed budget and program narrative prior to expenditure of funds.

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The enclosed "FFY 2009 EMPG - GRANT GUIDANCE AND INSTRUCTIONS" document contains detailed information regarding the grant application and administration process. You will be notified of technical assistance meetings being scheduled in each region in the next few weeks. Please refer any question you may have about this grant program to the PMO by contacting Jeff Trask at Jeffrey.Trask@state.ma.us 508-820-2053 or Elaine Denniston at Elaine.Denniston@state.ma.us 508-820-1447. Your regional MEMA office is also available to answer questions and help you complete the necessary contract documents.

Sincerely,



Kurt N. Schwartz, Acting Director
Massachusetts Emergency Management Agency

CC: Chief Municipal Officer

Enclosures



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 51
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

December 14, 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 \$6,000.00 from the Commonwealth of Massachusetts Office of Public Safety and Security. As detailed in the attachments, the FY11 grant will be used for high visibility traffic enforcement patrols.

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
Mayor

Enclosures



City of Marlborough POLICE DEPARTMENT

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

MARK F. LEONARD
Chief of Police

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

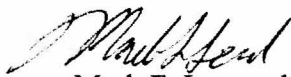
December 10, 2010

Dear Mayor Stevens:

The Marlborough Police Department has been awarded a grant in the amount of \$6,000 from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security. The grant is a reimbursement grant and will be used for high visibility traffic enforcement patrols.

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: 12/10/2010

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: \$6,000.00

GRANT PERIOD: 12/16/09-09/5/11

SCOPE OF GRANT/
ITEMS FUNDED High visibility Traffic Enforcement
Traffic enforcement patrols

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 (\$1,500)

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**

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**The Commonwealth of Massachusetts
Executive Office of Public Safety and Security**

One Ashburton Place
Boston, Massachusetts 02108

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

Deval L. Patrick
Governor

Mary Elizabeth Heffernan
Secretary

Timothy P. Murray
Lieutenant Governor

December 8, 2010

Chief Mark Leonard
Marlborough Police Department
140 Main Street
Marlborough, MA 01752

Dear Chief Leonard:

I am pleased to inform you that your FFY 2011 Traffic Enforcement Grant Application has been approved for funding. The Marlborough Police Department has been awarded \$6,000, which represents three mobilizations at \$2,000 each. The required minimum federal In-Kind Match, (25% of your total grant award) is \$1,500, and must be met no later than the close of the federal fiscal year on September 30, 2011.

The official start date of your grant award is December 16, 2010 for the Drunk Driving. Over the Limit. Under Arrest. (DDOLUA) Mobilization. You will not be reimbursed for any costs incurred in advance of this date. All funds must be expended by September 30, 2011.

If you have any questions, please contact Brittany Peters, the grant program manager, at 617.725.3352 or by email at brittany.peters@state.ma.us or Sheila Burgess, Director of the Highway Safety Division, at 617.725.3307. Congratulations on your award.

Sincerely,

Mary Elizabeth Heffernan
Secretary of Public Safety and Security

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FFY 2011 Scope of Services Traffic Enforcement Grant Program

In support of the Federal Fiscal Year (FFY) 2011 Traffic Enforcement Grant Program, eligible municipal and campus police departments will conduct high-visibility traffic enforcement during specified mobilization periods and in accordance with the Application and any amendments for Grant Funds (AGF) issued by the Executive Office of Public Safety and Security's (EOPSS) Highway Safety Division (HSD).

Eligible enforcement activities under this contract include funding for high-visibility traffic enforcement of motor vehicle laws, including but not limited to, speeding and aggressive driving, impaired driving and occupant protection.

Changes to this scope may be made as part of the annual Highway Safety Performance Plan and the annual Federal Grant Award that provide for this grant program. The Scope of Services provides an overview of the terms and conditions of the Traffic Enforcement Grant Program; participating departments are strongly encouraged to read the Application for Grant Funds (AGF) for the complete list of conditions related to this grant program. The AGF is located on our website at www.mass.gov/highwaysafety under the "2010 - 2011 Traffic Enforcement Grant Program" link. All questions related to this grant program should be directed to Brittany Peters via email at brittany.peters@state.ma.us.

Amounts received each year will be specified in the official award letters issued to the communities. Grant awards are subject to the availability of federal funds and any other provisions specified in the Highway Safety Performance Plan and the Federal Grant Award. The use of a multi-year contract is a tool to streamline the contracting process and reduce the amount of annual paperwork associated with this grant program.

Contracts shall terminate in the event funds are exhausted and/or not made available by the Federal Government for this program. If the grantee makes obligations in anticipation of receiving funds under this grant, the grantee does so at their peril and the Commonwealth will be under no obligation to make payments for such performance.

- All municipal police departments are eligible for grant funding.
- Campus police departments with Chapter 90 arrest powers are eligible for grant funding.
- Departments are strongly encouraged, but not required, to participate in all mobilizations during the grant year. However, if due to staffing shortages or scheduling conflicts, departments may opt to participate in fewer mobilizations. Departments must notify Brittany Peters via email at brittany.peters@state.ma.us of the decision not to participate in a particular mobilization for which they have received funding. A copy of the correspondence will be added to the department's program file.
- Departments applying prior to May 2011 must participate in the May Click It or Ticket (CIOT) Mobilization.
- Departments are required to conduct a minimum of three documented stops per hour; if less, the EOPSS/HSD reserves the right to end program participation for the next mobilization or for the remainder of the federal fiscal year, through September 30, 2011. Documented stops are defined as any grant-funded patrol officer contact with motorists during the high-visibility traffic enforcement

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mobilization periods that can be supported by written or electronic records maintained at the police department. These records must be maintained in a manner that guarantees their accountability during a review or audit.

- During the grant period, with 48 hours notice, audits may be conducted of department's enforcement records. All departments must keep on file copies of all citations and documentations written under the EOPSS/HSD Traffic Enforcement Grant Program and additional pertinent information for three years after the grant terminates.
- Non-participation or non-compliance with performance measures may result in contract suspension, termination and/or non-reimbursement of mobilization expenses
- Based on the availability of federal funds, EOPSS/HSD may increase funding and/or the number of high-visibility mobilizations based on established criteria and performance measures.
- Grant funded enforcement must occur only during the three mobilization periods listed below and under the terms detailed in the AGF.

**First Mobilization Drunk Driving. Over the Limit. Under Arrest.
December 16, 2010 – January 2, 2011**

**Second Mobilization Click It or Ticket.
May 23, 2011 – June 5, 2011**

**Third Mobilization Drunk Driving. Over the Limit. Under Arrest.
August 19, 2011 – September 5, 2011**

- No department should begin initial enforcement efforts until an annual EOPSS/HSD approval letter or email is issued. Costs incurred before a department receives written notification will not be reimbursed.
- Patrols under this grant must be no less than two hours or greater than four hours in length and devoted solely to traffic enforcement activities.
- If more than four hour patrols per day by the same officer are to be conducted, a non-grant funded block of a minimum of two hours must occur in between the grant funded patrols.
- Grant patrols should generate a minimum of three documented motor vehicle stops per hour.
- Departments will be reimbursed for actual hours worked during a Mobilization.
- Officers funded during this grant shall be dedicated in total to traffic law enforcement, except in the case of a criminal offense committed in the officer's presence, in the case of response to an officer in distress or in the case of a riot where all available personnel must be committed.
- If an officer makes an arrest or processes a criminal complaint application/summons during the shift but does not complete the arrest/summons before the shift is scheduled to end, the officer can continue working under the grant to complete that arrest/summons.
- Patrols for the two Drunk Driving. Over the Limit. Under Arrest. (DDOLUA) Mobilizations should be scheduled between 2:00 p.m. (1400) and 7:00 a.m. (0700) Wednesday through Sunday. However, departments may conduct overtime activity every day of the week, with more than 50% conducted between Thursday and Sunday and any time of the day to target impaired driving, lack of safety belt use, speeding, distracted driving and other risk-taking motor vehicle behaviors (i.e. non-compliance with the Move Over Law).

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- To maximize grant funding, patrols must be one officer per cruiser; however, multiple cruisers may be out at one time.
- Full-time officers will be reimbursed at an overtime rate of pay for hours worked during the mobilizations. Part-time or auxiliary officers may participate in all three mobilizations and will be reimbursed at their normal hourly rate of pay.
- Sobriety checkpoints must be conducted in cooperation with the Massachusetts State Police and have prior EOPSS/HSD approval and a department plan. With prior approval and a department plan, EOPSS/HSD will allow departments to increase the number of hours beyond the four-hour block and the number of personnel assigned to conduct sobriety checkpoints during Impaired Driving Mobilizations in December 2010 – January 2011 and August – September 2011.
- Costs incurred by departments participating in Sobriety Checkpoints will not be covered prior to the start date or end date of impaired driving mobilizations.
- Departments must have an active, enforced, written safety belt policy for officers.
- Departments without a written safety belt policy for officers in place at the time of the submission of the application may apply for grant funding but will receive a 50% reduction in the total grant award.
- Expenditure, Activity and In-Kind Report Forms must be submitted after each mobilization period, no later than two weeks after the conclusion of a mobilization. All reporting forms will be made available to departments at www.mass.gov/highwaysafety. Departments are required to submit one original and one set of copies of all reporting forms. Original documents must be signed and dated in blue ink.
- Failure to submit the required reporting forms by the established deadlines may result in non-reimbursement.
- Lack of activity for any mobilization period may subject the grant to suspension, termination and/or non-reimbursement of expenses.
- This is a cost reimbursement grant program.
- No grant funding can be applied to an indirect cost rate charged by a municipality.
- Indirect administrative costs and fringe benefits are not allowable under the terms of this grant; those expenses may, however, be listed as In-Kind.
- Unspent funds cannot be rolled forward to a future mobilization.
- Departments are required to provide an In-Kind Match equal to or greater than 20% of the total project cost (25% of the maximum grant award). The figure represents the match for the entire grant year, rather than the required match per mobilization. Failure to meet the required minimum In-Kind contribution by the end of the grant year (September 2011) will result in non-reimbursement.

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FFY 2011 Traffic Enforcement Grant

Budget C (\$2,000 per mobilization)

**First Mobilization Drunk Driving. Over the Limit. Under Arrest.
December 16, 2010 – January 2, 2011**

**Second Mobilization Click It or Ticket.
May 23, 2011 – June 5, 2011**

**Third Mobilization Drunk Driving. Over the Limit. Under Arrest.
August 19, 2011 – September 5, 2011**

Maximum obligation for three mobilizations = \$6,000



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 6
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

December 15, 2010

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

RE: Keeper of the Lock

Honorable President and Councilors:

As required by M.G.L. Chapter 40, Section 35, I am submitting for your approval Police Chief Mark Leonard's reappointment as Keeper of the Lock. The one-year term for this reappointment will expire the 1st Monday of February, 2012.

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

Sincerely,

Nancy E. Stevens
Mayor



City of Marlborough
Office of the Mayor

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

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

December 14, 2010

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

RE: Reappointment Director of Information Technology

Honorable President Vigeant and Councilors:

I am submitting for your approval the reappointment of Mark Gibbs as Director of Information Technology. Upon approval, Mr. Gibbs will serve a three year term.

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

Sincerely,

Nancy E. Stevens
Mayor



City of Marlborough
Office of the Mayor

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

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

December 14, 2010

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

RE: City Collector Reappointment

Honorable President Vigeant and Councilors:

I am submitting for your approval the reappointment of Deborah A. Puleo as City Collector for a period of one year effective February 1, 2011. Your prompt approval is respectfully requested as Ms. Puleo's bond status will be jeopardized should her current appointment be allowed to lapse or continue on a temporary basis past the bond renewal date of February 2, 2011.

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

Sincerely,

Nancy E. Stevens
Mayor



City of Marlborough
Office of the Mayor

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

Nancy E. Stevens 9
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

December 14, 2010

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

RE: Reappointment Building Inspector

Honorable President Vigeant and Councilors:

I am submitting for your approval the reappointment of Stephen F. Reid as the City of Marlborough Building Inspector for a three year term from the date of approval.

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

Sincerely,

Nancy E. Stevens
Mayor



2500 pd

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2010 DEC 14 A 9:55

**Lisa M. Thomas
City Clerk**

MARLBOROUGH, MA

DATE: 12/14/2010

To the City Council:

Owner Name: RONALDO P. ROZD.

Residential Address: 63 WASHINGTON ST #1 P

Telephone Number: 508-958 0532

Business Name: TECHCELL USA

Business Address: 276 MAIN ST MARLBORO-MA 01752

Business Telephone Number: 774 922 9290

Owner Signature:

The above-signed RONALDO P. ROZD. respectfully requests that he/she be

granted a SUNK DEALERS LICENSE license.

In City Council



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CITY OF MARLBOROUGH

2010 DEC -7 P 3:18

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

December 1, 2010

1:00 PM SCHEDULED

MINUTES

1. **CALL TO ORDER MEETING CALLED TO ORDER BY TRODELLA AT 1:02 PM**
2. **ROLL CALL- TRODELLA, BROGIE, ARRUDA.**
3. **ACCEPTANCE OF MINUTES FROM July 13, 2010 MEETING. MOVED BY ARRUDA, SECOND BY BROGIE ACCEPTED UNANIMOUSLY.**
4. **DISCUSS AND VOTE ON TRANSFERRING FUNDS FROM SURPLUS OVERLAY MONIES TO BE USED FOR FY2011 LEVY. TRANSFERS IDENTIFIED AND DISCUSSED. MOVED TO AGREE BY BROGIE, SECOND BY ARRUDA, VOTED UNANIMOUSLY TO ACCEPT.**
5. **EXECUTIVE SESSION TO DISCUSS NORMANDY PROPERTIES SETTLEMENT OF 2010 COURT CASES. MOVED BY ARRUDA, SECOND BY BROGIE TO GO INTO EXECUTIVE SESSION. VOTED UNANIMOUSLY.**
6. **RESUME OPEN MEETING. MOVED BY BROGIE TO RESUME OPEN MEETING. VOTED UNANIMOUSLY**
7. **VOTE ON ABATEMENT SETTLEMENTS DISCUSSED IN EXECUTIVE SESSION. MOVED BY BROGIE, SECONDED BY ARRUDA TO ACCEPT THE AGREEMENT WITH NORMANDY PROPERTIES. VOTED TO ACCEPT, UNANIMOUSLY.**
8. **PUBLIC INPUT AND QUESTIONS NO ONE IN ATTENDANCE.**
9. **OLD BUSINESS NONE**
10. **NEW BUSINESS DISCUSS MAYORS CLASSIFICATION RECOMMENDATIONS AND VOTED TO RECOMMEND THEM AT CLASSIFICATION HEARING. MOVED BY BROGIE, SECOND BY ARRUDA- UNANIMOUS.**
11. **ADJOURNMENT ADJOURNED AT 1:25 PM /A. TRODELLA-CHAIR**

MEETING MINUTES

RECEIVED
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CITY OF NAGLEBOROUGH

2010 DEC 14 A 11:31

Meeting Name: INSURANCE ADVISORY COMMITTEE

Date: OCTOBER 19, 2010

Time: 10:00 A.M.

Location: CITY HALL – MEMORIAL HALL

Agenda Items to be addressed:

Members:

Present

<i>Tim Collins - DPW (Chairman)</i>	<input checked="" type="checkbox"/>
<i>George Moran - Police Dept.</i>	<input checked="" type="checkbox"/>
<i>Joe Pakus - Fire Dept.</i>	<input checked="" type="checkbox"/>
<i>Grace Cintron – School Admin.</i>	
<i>Beth Duplessis – Teachers</i>	<input checked="" type="checkbox"/>
<i>Andre Viens - City Hall/Library/Walker Bldg. Non-Admin.</i>	<input checked="" type="checkbox"/>
<i>Tony Trodella - CityHall/Library/Walker Bldg. Admin.,</i>	<input checked="" type="checkbox"/>
<i>Vinny Harpin – Retirees</i>	<input checked="" type="checkbox"/>

Others in attendance:

*David and Laura Lively - Lively Insurance,
Mary Ward – Personnel Dept.,
Tom Abel - Comptroller,
James Giancola - Fire Dept.*

(1) Minutes of Previous Meeting

None at this time

(2) Old Business

a. Life Line Screening 2010 results

57 members were screened. 284 tests were performed (Carotid Artery, Atrial Fibrillation, Abdominal Aortic Aneurysm, Peripheral Arterial Disease and Osteoporosis) 3 abnormal results were found – 1 Atrial Fibrillation and 2 Peripheral Arterial Disease. 33 people test results showed that they were at Mild/Moderate risk for Osteoporosis. Overall it was agreed that the screening was a good idea, it averted possible health problems and should save the Health Care Trust Fund money. There were some complaints regarding the administering of

the program with LifeLine and there has been a history of bothersome calls from Lifeline after the members tested had requested that they not be contacted. Lively Insurance will contact the administration for LifeLine and discuss this matter. Lively Insurance stated that there are four other companies that they are aware of that do this type of health screening and we might want to consider using a different company should we decide to pursue another membership screening.

Placed on File

- (3) Updates from Lively Insurance

Refer to New Business

- (4) Review of Accounts from Tom Abel

Tom Abel submitted the following financial reports on the City of Marlborough's Health Care Trust Fund:

- a. June 2010 – End of FY 2010
- b. July & August - FY 2011 *(Pages 2,4,5 & 6 printed blank and were not submitted)*

Tom Abel commented that the IBNR (Incurred But Not Reported) figure is normally \$800,000.00. For FY2010 the IBNR figure is \$1,129,860.00 (Δ =\$329,860.00). Also the "Re-Insurance Proceeds" for FY2010 were received after June 30, 2010, so the reporting has to be entered in the 1st quarter of Fy2011. The first quarter reporting for FY2011 which shows an FY Year to Date Balance of \$931,201.02 is an actual balance -\$30,590.47. The overall balance of the Health Care Trust Fund is \$8,435,539.52.

Tabled – IAC membership to review the document and place acceptance of report on next meeting's agenda.

- (5) New Business

- a. Open Discussion on membership/dependant audit

Mary Ward from Personnel Dept. handed out a draft "Medical Insurance Audit" document for our review. In an effort to help contain costs, the audit would be used to ensure that health insurance coverage is only given to qualified members.

Tabled - IAC membership to review. Review of document will be placed on next meeting's agenda. The Legal Dept. will also be given a copy to review.

b. New Health Care Law – affects on City’s Insurance Plan

Lively Insurance gave notice to the IAC, that on July 1, 2010, our Health Plan was tested for parity on our Medical and Mental benefits and our plan passed Tuft’s comparison test.

Lively Insurance handed out the information:

- *Tufts Health Plan’s Implementation Policies regarding the Patient Protection and Affordable Care Act (commonly referred to as ObamaCare)*
- *Model Language Notice Lifetime Limits No Longer Applies and Enrollment Opportunity*
- *Model Language for Notice of Opportunity to Enroll in connection with Extension of Dependant Coverage to Age 26*
- *Some Advantages and Disadvantages of Grandfathering*

There was some discussion regarding the effects on our Health Care Plan. There are too many variables and unknown to make any effective decisions regarding this matter. Lively Insurance was asked to have Tufts attend the next meeting with a presentation followed with a question and answer session regarding this matter. There was also some discussion about changing the Health Insurance Plan to a 3-Tiered system (Single, Dual and Family) as a disincentive to having a family plan with an additional under 26 year old on the plan that could be covered as an individual. Any change that are made to the Health Insurance Plan would involve changes to bargaining unit agreements and the Legal Dept. would most likely have to be involved. The Legal Dept. will be invited to attend our next meeting.

Tabled - IAC membership to review. Review of document will be placed on next meeting’s agenda. The Legal Dept. will also be given a copy to review.

c. Item not on the meeting Agenda – Joe Pakus’ replacement on the IAC

Joe Pakus – Fire Dept. informed the Committee that he was stepping down as the committee member serving the Fire Department, and that James Giancola will be representing the Fire Department at the Insurance Advisory Committee. Joe was thanked for his dedicated service to the IAC.

(6) Open Forum

George Moran spoke on Delta Dental, stating that the claims are being reviewed by dentists for quality assurance and accountability. Dave Lively spoke on Delta Dental’s Service Guarantee of Excellence and reminded the committee that every member has the right to ask for a Pre-Treatment estimate from both Tuft’s and Delta Dental before services are given so the member is aware what is covered and what they will be responsible to pay for.

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(7) Adjournment and Notification of next meeting

Next meeting will be held on Tuesday – November 9, 2010 @ 10:00 A.M. in Memorial Hall.

Meeting Adjourned.

Meeting for Tuesday – November 9, 2010 @ 10:00 A.M. was postponed and finally cancelled due to conflicts with the Open Meeting Law and the inability to re-schedule due to conflicts and the Thanksgiving holiday.

Next meeting is scheduled for December 14, 2010 @ 10:00 a.m. in Memorial Hall

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City of Marlborough

Commonwealth of Massachusetts
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2010 DEC -7 P 12:07



PLANNING BOARD

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

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

PLANNING BOARD MINUTES
November 22, 2010
7:00 PM

The Planning Board for the City of Marlborough met on Monday, November 22, 2010 in Memorial Hall, 3rd floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Colleen Hughes, Clerk, Philip Hodge, Edward Coveney and Sean Fay. Also present: Assistant City Engineer Richard Baldelli.

MINUTES

Meeting Minutes November 8, 2010

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

To accept and file the minutes of November 8, 2010 with minor revisions.

CHAIRS BUSINESS

Mass Development

Steven J. Chilton, Senior Vice President of Mass Development has sent correspondence regarding the consideration of the final approval for a revenue bond project to be financed on behalf of UMass Memorial Medical Center. The purpose of the letter is to notify the board of the project and to ask if the proposed project conflicts with an exiting local or regional comprehensive plan.

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

To accept and file the correspondence.

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

To refer the letter to the City Council.

APPROVAL NOT REQUIRED PLAN

PUBLIC HEARING

SUBDIVISION PROGRESS REPORTS

Update from City Engineer

Mr. Baldelli stated there was no update at this time.

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

To move up agenda item 5E.

Elm Farm Valley Estates

Mrs. Lizotte received a late email from the City Solicitor which stated that he has not been able to secure the easements and that efforts will continue. He also stated that if Mr. and Mrs. Fossile attend the meeting, that the Board can choose whether to vote on the remainder of the bond.

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

To accept and file the correspondence.

Mr. Fay stated the he is uncomfortable going against Mr. Cullen's recommendations. He also stated that we should also begin to look at Plan B. Since the plan that was approved clearly identified the easement properly as part of the public record, Mr. Fay offered the possibility of notifying the effected homeowners that a confirmatory easement is being recorded as an alternative to negotiating separate, individually recorded easements

Mr. Hodge stated that he would support that motion but was concerned about how this would effect the subdivision. Mr. Baldelli confirmed that the properties that have the easement issues would affect all of the subdivision because of the way the water is circled through the subdivision. He stated in case of emergency the City would enter and make repairs, but might be sued by the property owners for trespass or property damage. Mr. Baldelli stated that the current homeowners have put the acceptance of the subdivision in a holding pattern.

Mr. Fossile stated that the easements can be filed if that is what the Board wishes to do. Mrs. Fossile stated that someone should go to the two owners and explain to them what the consequences would be if they do not accept the terms to the easement.

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

To have Mr. Hodge and Mr. Fay draft correspondence to the homeowners notifying them of the nature and extent of the City's easement and that the developer would be recording a confirmatory easement plan.

Blackhorse Farms

The Planning Board was disappointed they did not receive any further comments since the last meeting held on November 8, 2010 when the developer was asked to provide an updated completion schedule. Mr. Fay suggested to the other members that the Board should take action on the developer's extension request.

Councilor Delano stated that the current owners of the single house built stated that they should not have to live amongst the debris of the un-built subdivision and that there should be a solution even if the City must pull the bond.

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The Board discussed the possibility of pulling the remaining bond to complete the subdivision. Ms. Hughes stated if that was the case the lots would remain in the same condition. The Board agreed that the developer should be put on notice that they are making a decision on the subdivision extension at their next meeting.

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

To schedule a vote for the Board's next meeting on December 6th to approve or deny the developer's request for an extension, and to notify the developer that a vote denying the extension would put the status of the subdivision in doubt, prohibit the Board from acting on any requests for bond reductions, and suspend the developer's ability to perform any work on the property unless and until the developer established to the satisfaction of the Board and the City Solicitor, that the subdivision was in good standing.

Davis Estates

Correspondence from the City Engineer

Mr. Cullen sent the developer correspondence stating that the City must take ownership of the 4 street light fixtures prior to acceptance of the subdivision.

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

To accept and file correspondence.

Deerfield Village

Correspondence from Assistant City Solicitor

In response to the City Council, Mrs. Panagore-Griffin sent the proposed order of acceptance, municipal easements, and open space for the Deerfield Village subdivision. She stated it was in proper form for the City Councils to consider.

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

To accept and file correspondence.

Forest Trail

Extension Request

Attorney Dan Burger has asked to extend the subdivision approval until December 20, 2010. The Board asked if any action was taken since the last request. Mrs. Lizotte stated Mr. Burger confirmed a there was a meeting between the developer and the new fire chief regarding the Knox Box lock.

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

To accept and file correspondence.

The Planning Board took no action on the extension request.

PENDING SUBDIVISION PLANS: Updates and Discussion

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

SCENIC ROADS

SIGNS

INFORMAL DISCUSSION

COMMUNICATIONS/CORRESPONDENCE

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

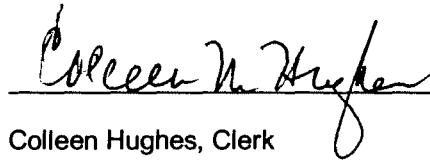
To accept all of the items listed under communications and/or correspondence.

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

To adjourn at 7:45 p.m.

A TRUE COPY

ATTEST:


Colleen Hughes, Clerk

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MetroWest Regional Transit Authority RECEIVED
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CITY OF MARLBOROUGH

**Advisory Board
Meeting Minutes
Monday, September 13, 2010**

2010 DEC -7 A 11:18

The MetroWest Regional Transit Authority Advisory Board met on Monday, September 13, 2010 at 4:30p.m., at the MetroWest Regional Transit Authority, 37 Waverley Street, Framingham, MA, at the call of Mr. Carl Damigella, Chair. Mr. Damigella asked for a roll call of communities. In attendance were; Edward Carr, Administrator, Charles Stevenson, Counsel, Debra Galloway, Sudbury, Krista Holmi, Marlborough, Sarkis Sarkisian, Wayland, Toni Wolf, Weston and Ken Chernack, Disabled Community. Also in attendance were Jim Parker (First Transit), Lynn Ahlgren (MetroWest Regional Transit Authority), and JoAnne Thompson, (Thompson Transit).

Questions and Comments from the Audience- None

Administrator's Report:

• **Fixed Route Service:**

Mr. Carr stated that the MWRTA building renovations are well into the third phase of the build out which still requires finish work outside and some general finish work inside.

The Marlborough East service was implemented Tuesday, September 7, 2010. The MWRTA was received well, in the Marlborough Labor Day Parade.

Charlie Card Implementation is ready to go. The MBTA is going to announce it soon. All software and licenses are in place.

The MWRTA is applying again for the Job Access and Reverse Commute (JARC) Grant to complete the technology interface with the fixed route buses.

This grant will help put Mobile Data Terminals on the fixed route buses and eliminate the use of the cell phone gps. This will also tie into the MWRTA mobility management network and improve data gathering, such as the on time performance reports.

As part of the federal section 5307 requirements, the MWRTA will need to spend 1% of the formula funds on enhancements. The MWRTA is beginning a program to survey and reach out to the communities with regards to bus shelters and signage. Former Board Member Joe Nolan, will be heading up this program and will be in touch with member communities to discuss specifics in each community. The MWRTA also intends to apply for 5 additional fixed route buses through the MAP Program. Most of the original 10 buses have well over 100,000 miles on them.

- **Demand Response:**

The MWRTA is currently working with the Massachusetts Department of Transportation to create a program to provide medical transportation, focusing on veterans, but open to others. The grant is for \$300,000 over three years. At the same time the MWRTA is applying for an Enhanced Communication grant for about \$450K over three years, which will allow an upgrade to the current system. The hardware is already in place with the Mobile Data Terminals, that were bought last year and have been installed in all the demand response vehicles, including some of Busy Bee's vehicles that provide service for the MWRTA. This software will not only allow hands free communication for the drivers, but also will create an automated call back system for when the vehicles are approaching the customer's house, within 5 minutes of arrival. It will also help create an interactive web site for customers to better manage their accounts. Both of these grants are from the Federal New Freedoms Program and geared towards people with disabilities.

The MWRTA has been working with the Commission for the Blind for a couple of months, to create an environment where a visually impaired person can be hired to work in the call center. The Commission will provide the necessary software to adapt a reservation work station as well as provide several candidates to interview for the position. This is expected to be in place by next month.

The MWRTA will also be applying for additional demand response vehicles to expand the Dial-a-Ride capabilities through the MAP program.

- **Other**

Mr. Carr stated that he had met with several Advisory Board Members to discuss community needs over the summer and that he hoped to meet with the remaining ones, as well as some of the new members.

Mr. Carr welcomed new board members, Krista Holmi of Marlborough, Debra Galloway of Sudbury, and Ken Chernack for the disabled community.

- **Old Business**

Mr. Damigella stated that the notice of the meeting was posted in adequate time for everyone to attend today.

He welcomed Joe Nolan and the new board members.

Mr. Damigella stated that he was still working on the parking facility for the Sherborn/Holliston Shuttle run.

- **New Business**

Mr. Damigella spoke to Mr. Chernack about his responsibilities regarding contacting and coordinating with the other communities to be sure the needs of the disabled are being met by the MWRTA. Mr. Carr can supply contact names within the communities.

Mr. Damigella gave Mr. Nolan the floor to summarize what his position in the MWRTA is now.

Mr. Nolan explained that he is involved in the program to evaluate the system and utilize funds to enhance service in the member communities, by creating infrastructure, which includes building shelters, benches, bike racks and signs that are uniform. Mr. Nolan will be reaching out to the communities and determining the needs of each.

Jason Smith arrived at 4:45pm and a quorum was declared.

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A motion was made by Mr. Smith to waive the reading of and approve the minutes of June 14, 2010.

The motion was seconded by Mr. Sarkisian.

The motion passed unanimously.

Comments from the Board

Mr. Damigella inquired about advertising on the buses. Mr. Carr explained about the MWRTA promotions firm , Crocker Design and offered to put them in contact with each other

Mr. Sarkisian thanked the MWRTA for the service video made for Wayland.

Mr. Carr explained about the video and offered to make ones for all the member communities.

Mr. Smith discussed the Framingham State University expansion and integrating the buses into that-

Mr. Carr stated that he was already in contact with Dale Hammel.

A meeting has been scheduled with Brockton Area Transit to view the Bridgewater State /BAT cooperation.

Ms. Wolf discussed the Route 7C and travel training with Mr. Carr, and Ms. Ahlgren. Individual travel training needs were discussed.

Mr. Carr explained the 7C service and how it came into existence.

CTPS did a study and determined East Marlborough service was needed.

The MWRTA applied for JARC funds and received 900,000 to run the service for 3 years.

Plan to turn the 7C into an inner city route. from Solomon Pond Mall to Hager Street.

Busy Bee service will still be utilized.

Marlborough paying assessment for all Route 7 services.

Mr. Carr would like to connect with the Worcester Regional Transit Authority in the future.

Ms. Wolf mentioned lack of service in Hudson.

Mr. Carr stated that Hudson was not a member of the MWRTA and did not pay for service. Mr. Carr stated that funding for towns such as Hudson and Milford would need to be discussed through the legislators.

Discussion ensued over putting together a government day where the board members could have a chance to talk with the legislators.

Other Business

None

Mr. Damigella made a final call for comments and questions. There were none.

The next meeting was scheduled for Tuesday, November 16, 2010 at 4:30pm.

Ms. Wolf made a motion to adjourn: seconded by Mr. Sarkisian and voted unanimously.

The meeting ended at 5:10pm

###

Certificate

The undersigned being the duly qualified clerk of the MetroWest Regional Transit Authority Advisory Board, acknowledges that the foregoing minutes accurately reflect the actions taken at a legally convened meeting of the Advisory Board held on September 13, 2010

Christopher Peck, Clerk



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

Traffic Commission

The Regular Meeting of the Traffic Commission was held on Tuesday, October 26, 2010 at 10:05 a.m. in City Council Committee Room, City Hall. Members present: Chairman Police Chief Mark Leonard, Fire Chief Ricky Plummer and City Clerk Lisa Thomas. Also present: Asst. Civil Engineer Tim Collins. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Tuesday, September 28th, 2010.

MOTION was made, seconded, duly VOTED:

To APPROVE. (Lisa Thomas abstained from voting as not present at last meeting.)

2-New Business

2d. Communication from Mayor Stevens, re: Lane markings and traffic flow at the Walker and Maple St. intersection.

Mayor Stevens presented an aerial photograph of this location and wanted to discuss traffic flow at this intersection. There is a lane on Walker Street for an exclusive right turn onto Maple St., however, it can be extremely difficult to make a left hand turn onto Maple Street. If the front vehicle cannot make the left turn the entire line of traffic, including those wanting to travel straight through the intersection, is backed up. She mentioned that she recently sat through five signal changes before being able to travel through this intersection. She also said that she has observed that the backup causes vehicles to travel in the right turn only lane to get passed the vehicle trying to turn left. Vehicles approaching from Brigham Street making a left onto Maple assume that the vehicles in the right turn only lane on Walker are taking a rt. onto Maple. She has seen vehicles travel straight through the intersection from the right turn only lane rather than being held up at the light. She is requesting if it would be possible to have a designated left turn arrow to help the flow of traffic. Tim Collins advised that Engineering has actually recently talked about this same situation. Chief Leonard asked if the signal heads could accommodate the left turn arrow. Tim said that they are relatively new and it should not be a problem. It should be similar to the left turn arrow on Pleasant and Lincoln, which allows for a short designated left turn arrow.

MOTION was made, seconded, duly VOTED to refer to ENGINEERING to look into adding an exclusive left turn arrow at the intersection of Walker and Maple.

2a. Communication from Richard Bennett, re: Authority to create legally enforceable traffic rules and regulations at new Marlborough Savings Bank.

Tim Collins presented a large diagram indicating the traffic rules and regulations as requested by the new bank, i.e. 2 Do Not Enter signs, 1 One Way sign, 4 Stop signs and 1 No Left Turn sign. It is now a matter of creating the regulations to go along with the plan. There was some discussion as to whether these regulations would need to be advertised (this would be expensive since there are so many). It was discussed that since this is not a public way, the advertisements are probably not necessary.

MOTION was made, seconded, duly VOTED to refer to Chief Leonard to put together the new regulations for the next meeting and determine whether or not they need to be advertised.

2b Communication from Councilor Tunnera, re: Parking issues on Belmont Street.

New sidewalks with raised granite curbing have been installed on Belmont Street. Parking is currently allowed on both sides of the street. People used to park illegally on the sidewalk; however, they can no longer do this because of the raised curbing. They are now parking in the street (on both sides) which narrows the roadway considerably. Councilor Tunnera received complaints about this issue and circulated a flyer to residents asking if they would be interested in some type of parking restriction on Belmont Street. He received a few responses in support and asked that the Traffic Commission look into restricting parking to one side of the street. Tim Collins commented that the actual pavement width on Belmont Street is only 21 feet wide. According to existing regulations there should technically be NO parking on either side of the roadway. The regulations state that there needs to be 10 feet of drivable roadway on each side (i.e. 20 feet in total). If parking were restricted to one side and vehicles were traveling North and South at the same time, they would meet with no where to pass. Tim Collins just had a conversation with Pam Wilderman about the homes on this street yesterday. Only 2 houses, #65 and #24, are legal for a 3 family or more dwelling. It was determined that there is an illegal Apt. at #22. It appears that this is part of the problem. The residents at #19, across the street from #22, have a very difficult time getting out of their driveway. There does not appear to be enough parking for the people living there and this is why the vehicles spill out onto the street. It was also noted that #16 is a single family home, however, there are many vehicles that park there.

MOTION was made, seconded, duly VOTED to refer to ENGINEERING to determine which side of the street would make more sense to allow parking and to Chief Leonard to work with Pam Wilderman on the housing issue.

2c. Communication from Susan Preston, Re: Boston Post Road West @ Ames Street traffic concerns.

Ms. Preston indicated in her correspondence that she would like to see a "No U-Turn" sign at the intersection of Rte. 20 West and Ames St. She indicated that the traffic turning from Rte. 20 West has a green light at the same time as the green arrow light from Ames to Rte. 20 East. Chief Leonard stated that this is not a City issue it is a Mass. DOT issue, however, he did also note that it is a very unique situation. There needs to be a U-turn allowed there so that the people coming out of the plaza at Chipotle can turn around.

MOTION was made, seconded, duly VOTED to refer to Chief Leonard to respond to Ms. Preston. Tim Collins will forward the "traffic sketch" of this intersection to the Chief for reference.

3-Old Business

3c. Stop signs on Bigelow Street.

Tim Collins presented a detailed diagram entitled "Proposed Bigelow Street Multiple Stop Sign Justification". It showed the potential sidewalks between Elm St. and Nashoba Dr. and between Shea Dr. and Evelina Dr. It was discussed at the last meeting that the 2 sidewalks with a crosswalk would potentially trip the requirement for a stop sign at the intersections of Bigelow and Nashoba and Bigelow and Evelina due to pedestrian travel. Chief Leonard asked Tim how realistic it is to actually have sidewalks installed here. Tim advised that it is the only way to possibly meet the warrants to keep a few of the stop signs in place. The others - at Doucette, Shea and Flagg, should come down. Just the potential for sidewalks in the future may create the condition required to meet the warrants for stop signs at Nashoba and Evelina. These could then stay in place due to future plans.

Tim Collins also briefly reviewed the three proposals discussed at the last meeting for Lisa Thomas as she was not present at the previous meeting. 1) Take them all down. 2) Create a one way section at the end of Bigelow (at Donald Lynch) with a turnaround area. 3) Install a light with a short term green arrow at Bigelow and Donald Lynch to purposely hold up traffic and cause drivers to seek an alternate route.

The idea for the partial sidewalk was to create a way to keep some of the stop signs while removing others.

MOTION was made, seconded, duly VOTED to TABLE for now until all Traffic Commission Members are present for discussion.

3g. Communication from Patricia Pazzaneze, re: speed limit on Donald Lynch Blvd.

Tim Collins indicated that all of the speed limit signs are up and there is an Advance Warning Sign for the crosswalk. He did note, however, that there is no actual sign at the crosswalk itself. His only recommendation at this time is to add the missing crosswalk sign. As discussed previously, the speed on this roadway was imposed the Mass. DOT. Tim did look back at the prior study and both the hotel and daycare where there at the time when the DOT set the speed limit. We had previously requested that the speed limit

here be reduced to 35 mph. The DOT had all the information and denied the request. Nothing has since changed to cause them to revisit the issue.

MOTION was made, seconded, duly VOTED to refer to ENGINEERING and the DPW to have the crosswalk sign installed.

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

It was discussed that Kevin Flynn is no longer employed in this position and that there is no one in this position at this time.

MOTION was made, seconded, duly VOTED to remove this item from the agenda until someone is looking into this issue again.

3a. Municipal off street parking regulation.

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

3b. High School parking regulations.

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

3d. Traffic Commission rules and regulations update.

MOTION was made, seconded, duly VOTED:
To TABLE until the Commission can determine how to handle this project.

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 10:45 a.m.

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

List of documents and other exhibits used at the meeting:

- Meeting Agenda for Tuesday, October 26, 2010

-Includes the following attachments:

*New City of Marlborough Meeting Posting Notice
*Correspondence from Richard K. Bennett, President & CEO of Marlborough Savings Bank, dated 9/24/10, to Chief Leonard Re: grant of authority to enforce traffic rules and regs at new location.

*E-mail from City Councilor Rob Tunnera, dated 9/24/10, to Chief Leonard, Re: Belmont Street Parking Concerns (includes attached e-mails from Belmont Street Residents to Councilor Tunnera regarding their thoughts on this issue).

*E-mail from Susan Preston, dated 9/29/10, to Krista Holmi, Re: Comments, Questions, Suggestions for the City. (Forwarded by Krista to Chief Leonard 9/29/10.)

*Draft of Traffic Commission Minutes from Meeting of 9/28/10 for approval.

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-Additional Handouts

*Aerial photo of the intersection of Maple St. with Walker Street and Brigham Street.

*Diagram indicating "Proposed Bigelow Street Multiple Stop Sign Justification"

*Diagram of parking lot at new Marlborough Savings Bank location with necessary traffic rules and regulations indicated.