

1. Minutes of the City Council Meeting, August 17, 2009.
2. CONTINUED PUBLIC HEARING: On the Application for Special Permit from Cheraq Patel to construct a 104 room hotel at 257 Simarano Dr. as it is in an industrial zone.
3. Communication from the Mayor re: budget transfer requests in the amount of \$11,500.00 from Equipment Operator-Water to Temp. P.T. Help Water & Sewer and \$7,448.00 from Motor Equipment Repairman to Temp. P.T. Help Fleet Maintenance.
4. Communication from the Mayor re: budget transfer request in the amount of \$22,141.80 from Fringes to Sick Leave Buy Back associated with an employee's retirement.
5. Communication from the Mayor re: budget transfer request in the amount of \$496,000.00 from Stabilization to DPW Projects which allows for the replacement of all lead services that currently exist within the Bolton St. right-of-way project.
6. Communication from the Mayor re: appointment of Robert Page as an alternate member of the Zoning Board of Appeals which expires two years from the date of City Council approval.
7. Communication from the Mayor re: Doubling of Exemptions for Qualified Residents.
8. Communication from the Mayor re: Grant of Easement, Division of Capital Asset Management, for the purpose of maintaining an existing municipal sewer line located beneath Commonwealth-owned land on Pleasant St.
9. Communication from the Mayor re: Green Communities Grant for Planning Assistance awarded to the City of Marlborough from the Commonwealth of Massachusetts Department of Energy Resources (DOER).
10. Communication from the Mayor re: Renewal of Ordinance on Claims Procedures.
11. Communication from the Mayor re: Revision of Marlborough Code, Article IV, § 7-33.
12. Communication from the DPW Commissioner re: removal of trees on parcel of land adjacent to the Grace Circle subdivision in the vicinity of 389 Hosmer St.
13. Notice from the City Clerk re: 2009 Biennial Preliminary Municipal Election Call.
14. Application for Special Permit from Attorney Hoyt, on behalf of Clear Wireless LLC, for installation of a wireless communications facility at 342 Lincoln St.
15. Communication from David Perini, Commissioner of the Executive Office for Administration and Finance, Division of Capital Asset Management re: Transfer of 54.4 ± Acres of State-Owned Property on Pleasant St. in the City of Marlborough.
16. Communication from Attorney Bergeron re: Proposed Zoning Change for Map 93, parcels 18A, 19, 20, 22, 23, 32 101 and 103 from Industrial to Commercial and Automotive.
17. Minutes, Planning Board, July 27, 2009.
18. Minutes, Traffic Commission, July 28, 2009.
19. CLAIMS:
 - A. Richard Sullivan, 327 Cook Lane, other property damage

REPORTS OF COMMITTEES:

20. ORDERED: That the City Council meet with the Code Officer and members of the City's Legal Department to consider the feasibility of an initiative to phase out rooming houses to allow for permanent, low cost housing for residents of Marlborough under tax incentives and other methods that would encourage such a phase-out plan. Said review should include a moratorium on the issuance of boarding room licenses. ***It is Further Ordered:*** That the Mayor, as Chairman of the Community Development Authority, be and is hereby requested to explore the possibilities of this program with members of the CDA, the Community Development and Planning Director and the City Planner.....
Submitted by Councilor Arthur G. Vigeant

UNFINISHED BUSINESS:

From Finance Committee

21. **Order No. 09-1002269 – Marlboro Savings Bank Tax Increment Financing (TIF):** Councilor Delano excused himself from the City Council Chamber. The Finance Committee reviewed the Mayor's letter dated July 16, 2009 requesting the approval of the TIF proposal for the Marlboro Savings Bank. **Recommendation of the Finance Committee is to recommend approval 4-0 (Delano abstained).**

- The TIF agreement (Note the Solicitor will adjust the dates for the minimum cumulative new positions in Section B – page 3 to reflect the fiscal year the new employees are credited)
- The TIF plan
- The certified project application
- The economic opportunity area
- The City Council Resolution (Note the Solicitor will put the resolution in proper order with all the exhibits numbered for the August 17, 2009 council meeting)

Recommendation of the Finance Committee was to Suspend the Rules to vote on the Marlborough Savings Bank TIF; however with the lack of members present, the Acting Chair opted not to Suspend the Rules.



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
Lisa M. Thomas
140 Main St.
Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723
August 17, 2009**

Regular meeting of the City Council held on Monday, August 17, 2009 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Pope, Vigeant, Delano, Ferro, Juare, Clancy and Landers. Councilors absent: Ossing, Schafer, and Seymour. Meeting adjourned at 8:32 p.m.

ORDERED: That the minutes of the City Council Meeting JULY 20, 2009, **FILE**; adopted.

ORDERED: Now being the time set for the **CONTINUED PUBLIC HEARING** on the Application for Special Permit from Cheraq Patel to construct a 104 room hotel at 257 Simarano Dr. as it is in an industrial zone, be and is herewith **CONTINUED UNTIL SEPTEMBER 14, 2009**; adopted.

ORDERED: Now being the time set for the **PUBLIC HEARING** on the Application for Fuel Storage Permit for 250 Locke Dr., all were heard who wish to be heard, hearing adjourned at 8:02 p.m.; adopted.

ORDERED: That the following budget transfer request in the amount of \$1,000.00 from Professional and Technical to Advertisement account for the purpose of covering current and anticipated advertisements from the City Clerk's budget, **APPROVED**; adopted.

FROM:

Acct. # 11610004-53180	\$1,000.00
Professional & Technical	

TO:

Acct. # 11610004-53150	\$1,000.00
Advertisements	

ORDERED: That the re-appointment of Pricilla Ryder as Conservation Officer for a three year term expiring August 31, 2012, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the re-appointment of Allan White to the Conservation Commission for a three year term expiring March 5, 2012, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the re-appointment of Thomas Krouse as a Wiring Inspector with an expiration date of February 6, 2012, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the appointment of William Short and re-appointment of Joseph Moineau to the Board of Registrars with terms expiring April 1, 2011 and April 1, 2012 respectively, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the re-appointments of Jack Gracey and Lynn Faust to the Historical Commission for a three year term expiring September 18, 2012, refer to **PERSONNEL COMMITTEE**; adopted.

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 485, ENTITLED "ANTIBLIGHT; NUISANCES," AS FOLLOWS:

1. Section 485-2, entitled "Definitions," is hereby amended by amending the definition of "Nuisance" by striking out the words "Unregistered motor vehicles " in the first line of subsection B(7) thereof and inserting in place thereof the following words:-- All motor vehicles (registered and unregistered).
2. This amendment shall become effective immediately upon passage, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

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 517, ENTITLED "SEX OFFENDERS," AS FOLLOWS:

1. Section 517-1, entitled "Findings and intent," is hereby amended by striking out in the last line of subsection D thereof the words "where the state law is silent" and inserting in place thereof the following words:-- to the extent state law is silent.
2. Section 517-2, entitled "Definitions," is hereby amended:
 - a. by amending the definition of "day care center" by striking out in the third line thereof the words "Office of Child Care Services" and inserting in place thereof the following words:-- Department of Early Education and Care.
 - b. by adding the following definition: "Loitering – To remain for more than fifteen (15) minutes within a five hundred (500) foot distance of the location in question."
 - c. by amending the definition of "park" by striking out in the second and third lines thereof the words ", the Commonwealth of Massachusetts or other governmental subdivision,".
 - d. by amending the definition of "registered sex offender":
 - i. by striking out in the second line thereof the words "Chapter 6, § 178C" and inserting in place thereof the following words:-- Chapter 6, § 178K(2)(c).
 - ii. by adding in the fifth line thereof, after the word "who", the following words:-- , for so long as such person.
 - iii. by adding after the word "Registry" in the sixth line thereof the following word:-- Board.
 - iv. by adding in the eighth line thereof, after the word "who", the following words:-- , for so long as such person.
 - v. by adding after the word "Registry" in the ninth line thereof the following word:-- Board.

3. Section 517-3, entitled "Residency restrictions," is hereby amended:
 - a. by amending subsection A thereof, entitled "Prohibition," by adding after the word "retarded" in the third line thereof the following words: ; provided, however, that the prohibition contained in this section shall not apply to any Level 3 offender, to the extent and in the manner such Level 3 offender is already governed by MGL c. 6, § 178K(2)(e).
4. Section 517-4, entitled "Safety zones," is hereby amended:
 - a. By striking out in subsection A, entitled "Prohibitions," in the first through third lines of sub-subsection 4 the words "A registered sex offender is prohibited, after having received notice from the Marlborough Police Department that he/she is loitering within five hundred (500) feet of a school, a day care center, a park, any recreational facility, elderly housing facility or facility for the mentally retarded, from continuing to so loiter or from returning thereto" and inserting in place thereof the following words:-- A registered sex offender, after having received notice from the Marlborough Police Department that he/she is loitering by having remained for more than fifteen (15) minutes within a five hundred (500) foot distance of a school, a day care center, a park, any recreational facility, elderly housing facility or facility for the mentally retarded, is prohibited from continuing to so loiter.
 - b. By striking out in subsection A, entitled "Prohibitions," in the first and second lines of sub-subsection 5 the words "A registered sex offender is prohibited, after having received notice from the Marlborough Police Department that he/she is loitering within five hundred (500) feet of a school bus stop, from continuing to so loiter or from returning thereto" and inserting in place thereof the following words:-- A registered sex offender, after having received notice from the Marlborough Police Department that he/she is loitering by having remained for more than fifteen (15) minutes within five hundred (500) feet of a school bus stop, is prohibited from continuing to so loiter.
 - c. By striking out in subsection C, entitled "Penalties," in the third through the fifth lines thereof the words "In lieu of non-criminal disposition, registered sex offenders who commit an additional violation under this section, except for those who are not yet seventeen (17) years of age when they commit any such additional violation, **may be subject to immediate arrest under state law.**"
5. These amendments shall become effective immediately upon passage, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, SEPTEMBER 28, 2009** as date for a **PUBLIC HEARING** on the Application for Special Permit from Attorney Hoyt, on behalf of Clear Wireless LLC, for modification of a wireless communications facility located at 157 Union St., refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, SEPTEMBER 28, 2009** as date for a **PUBLIC HEARING** on the Application for Special Permit from Attorney Hoyt, on behalf of Clear Wireless LLC, for modification of a wireless communications facility located at 115/109 Onamog St., refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, SEPTEMBER 28, 2009** as date for a **PUBLIC HEARING** on the Application for Special Permit from Attorney Hoyt, on behalf of Clear Wireless LLC, for modification of a wireless communications facility located at 75 Donald Lynch Blvd., refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That a request for permission to use the Rail Trail for the annual Sgt. William Kirby Road Race which will take place on September 12, 2009, **APPROVED**; adopted.

ORDERED: That the communication from Thomas Wellen, Executive Director of Marlborough 2010 Inc. re: FY09 Financial Report, **FILE**; adopted.

ORDERED: That the communication from the Central Massachusetts Mosquito Control Project re: investigating resident's complaints on August 5, 12, 19, 26, and September 2, **FILE**; adopted.

ORDERED: That the minutes, Planning Board, June 8, 2009, **FILE**; adopted.

ORDERED: That the minutes, Traffic Commission, June 30, 2009, **FILE**; adopted.

ORDERED: That the communication from the Central Massachusetts Mosquito Control Project re: investigating resident's complaints on July 1, 8, 15, 22 and 29, **FILE**; adopted.

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

- A. Thomas and Barbara Etre, 36 Dove Rd., other property damage
- B. John Emond, 103 Old Charter Rd., pothole or other road defect
- C. Louis Albanesi, 92 Carey Ave., Revere, pothole or other road defect
- D. Charles Wehlage, 27 Ball Hill Rd., Berlin, pothole or other road defect
- E. Beverly Barber, 21 Highgate Rd., pothole or other road defect
- F. David Camara, 3 Davis Rd., Hudson, pothole or other road defect
- G. Bernie LeBlanc, 566 Bigelow St., other property damage
- H. Mark St. Jean, 39 Boise Rd., pothole or other road defect

Reports of Committees:

Councilor Ferro reported the following out of the Finance Committee:

Order No. 09-1002269 – Marlboro Savings Bank Tax Increment Financing (TIF): Councilor Delano excused himself from the City Council Chamber. The Finance Committee reviewed the Mayor's letter dated July 16, 2009 requesting the approval of the TIF proposal for the Marlboro Savings Bank. **Recommendation of the Finance Committee is to recommend approval 4-0 (Delano abstained).**

- The TIF agreement (Note the Solicitor will adjust the dates for the minimum cumulative new positions in Section B – page 3 to reflect the fiscal year the new employees are credited)

- The TIF plan
- The certified project application
- The economic opportunity area
- The City Council Resolution (Note the Solicitor will put the resolution in proper order with all the exhibits numbered for the August 17, 2009 council meeting)

Recommendation of the Finance Committee was to Suspend the Rules to vote on the Marlborough Savings Bank TIF; however with the lack of members present, the Acting Chair opted not to Suspend the Rules.

Suspension of the Rules requested - granted

ORDERED: That the re-appointment of Rustin Kyle to the Library Board of Trustees for a term expiring February 1, 2012, **APPROVED**; adopted.

Suspension of the Rules requested - granted

ORDERED: That the re-appointment of Leland Woodworth and appointment of Nena Bloomquist to the Arts Lottery Council for terms ending May 1, 2011, **APPROVED**; adopted.

Suspension of the Rules requested - granted

ORDERED: That the appointment of Mitchell Gorka as an alternate member of the Zoning Board of Appeals for a term ending three years from date of approval, **APPROVED**; adopted.

Suspension of the Rules requested - granted

ORDERED: That the appointment of Jay Whittaker as an alternate member of the Zoning Board of Appeals which expires two years from the date of Council approval, **APPROVED**; adopted.

Suspension of the Rules requested - granted

ORDERED: That the reappointments of William King and Lynn Faust to the Zoning Board of Appeals with terms expiring May 5, 2014, **APPROVED**; adopted.

Councilor Juair abstained

Suspension of the Rules requested - granted

ORDERED: That an FY08 State and Tribal grant in the amount of \$286,000.00 offered through the US Environmental Protection Agency which provides reimbursement monies for the design and construction of upgrades to the Westerly Wastewater Treatment Facility in accordance with MGL, Chapter 44, Section 53A for purposes outlined, **APPROVED**; adopted.

Suspension of the Rules requested - granted

ORDERED: That the communication from Attorney Valeriani, on behalf of Verizon Wireless, re: request to **further** extend time limitations to permit, construct, operate and maintain a wireless communications facility at 303 Boundary St., to October 30, 2009 at 5:00 PM, Order No. 09-1002161B, **APPROVED**; adopted.

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ORDERED: That the Operations and Oversight Committee review the City's policies and controls on postage and the reason(s) for the discontinued use of the City's bulk mail permit, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED: That the Operations and Oversight Committee review the City's ordinances and policies regulating Street Openings and Restoration of Street Surfaces and the enforcement of the same, specifically with respect to Chapters 473 and 551 of the 2008 Marlborough City Code, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED: That a Special Committee be established to oversee the upgrades of the Wastewater Treatment Plants. Said Committee will consist of Councilors Ossing and Delano to be chaired by the City Council President and will meet at 7PM prior to the first regular meeting of the month, with the first meeting to be held on Monday, September 14, 2009. The Mayor and/ or DPW Commissioner will be requested to attend to provide 10 – 15 minute updates to any attending members of the City Council, **APPROVED**; adopted.

ORDERED:

Eminent Domain Order of Taking

WHEREAS, the City Council of the City of Marlborough has determined that the public welfare, safety, and common convenience require that a certain portion of land located on the northerly corner of Maple Street and Valley Street as more particularly described herein be taken for the purpose of maintaining public safety improvements, including the use and maintenance of this area for highway purposes, and for other municipal purposes, and that the taking by eminent domain is reasonable and necessary to carry out the aforementioned purposes; and,

WHEREAS, all preliminary requirements of Massachusetts General Laws Chapter 79 having been complied with;

NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Marlborough, acting in accordance with the power and authority conferred by the City Charter, Division 1, Section 30, Massachusetts General Laws, Chapter 79 and every power and authority thereto enabling, and in the exercise of the power and authority conferred by said laws, does hereby take by Eminent Domain the fee simple interest and any other rights and interests in the following described land, including all trees and other vegetation thereon.

DESCRIPTION OF LAND TAKEN

A certain portion of land located on the northerly corner of Maple Street and Valley Street in Marlborough, Middlesex County, Massachusetts and being shown as LC Lot 9 on a plan entitled, "Taking Plan, Subdivision of Land Court Plan No. 8742C, Marlborough, Massachusetts (Middlesex County); Scale 1"=40'; Date: November 10, 2008, Prepared For: L-A 175 Maple Street Land Owner LLC, 900 Chapel Street, New Haven, Connecticut, Prepared By: GLM Engineering Consultants, Inc., 19 Exchange Street, Holliston, MA." said Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order. Meaning and intending to take and taking by Eminent Domain the fee simple interest, shown as LC Lot 9 as described in the aforementioned plan, which is a portion of the land as described in

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the deed recorded with the Middlesex South District Registry of Deeds in Book 48218, Page 138 and also recorded with the Middlesex South District Registry of Deeds in Certificate Number 237805 at Book 1327, Page 2.

OWNERS: L-A 175 Maple Street Land Owner LLC
900 Chapel Street
New Haven, Connecticut

The land consisting of LC Lot 9 as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 132 on Map 82. The total land area being taken consists of 459 ± square feet or 0.01 ± acres.

AWARDS

The City Council hereby makes the following awards for damages for the owner or owners of record:

<u>OWNER</u>	<u>MARLBOROUGH ASSESSORS MAP/PARCEL</u>	<u>AREA</u>	<u>AWARD</u>
L-A 175 Maple Street Land Owner, LLC	Portion of Map 82, Parcel 132	459 ±SF or 0.01 ± acres	\$0.00

APPROVED; adopted.

Yea: 8 – Nay: 0

Yea: Delano, Ferro, Juair, Clancy, Landers, Pope, Vigeant, & Levy

Absent: Schafer, Seymour, Ossing

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:32 p.m.

L



IN CITY COUNCIL

AUGUST 17, 2009

Marlborough, Mass., _____

ORDERED:

Now being the time set for the CONTINUED PUBLIC HEARING on the Application for Special Permit from Cheraq Patel to construct a 104 room hotel at 257 Simarano Dr. as it is in an industrial zone, be and is herewith **CONTINUED UNTIL SEPTEMBER 14, 2009.**

(IN URBAN AFFAIRS COMMITTEE)

ADOPTED

ORDER NO. 09-1002259B



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 J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

September 9, 2009

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

Honorable President Vigeant and Councilors:

I am submitting herewith the following transfer requests:

Transfer in the amount of \$11,500.00 from account number 61090001-50740 (Equipment Operator-Water) to account number 61090003-51240 (Temp. P.T. Help Water & Sewer)

Transfer in the amount of \$7,448.00 from account number 14001403-50745 (Motor Equipment Repairman) to account number 14001403-51240 (Temp. P.T. Help Fleet Maintenance)

Transfer details are attached for your review.

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

Sincerely,

Nancy E. Stevens
Mayor

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CITY OF MARLBOROUGH
--BUDGET TRANSFERS --

DEPT: PUBLIC WORKS FISCAL YEAR: 2010

FROM ACCOUNT:

TO ACCOUNT:

Available Balance

Amount

Org Code Object

Account Description:

Amount

Org Code Object

Account Description:

Available Balance

\$499,921

\$11,500.00

61090001 50740

Equipment Operator (Water)

\$11,500.00

61090003 51240

Temp. P. T. Help

-\$518

Reason:

Surplus funds available due to Workman's Comp. injury

Funding shortage as a result of temporary help coverage in the Water & Sewer Division and Registrar's Office.

\$134,663

\$7,448

14001403 50745

Motor Equip. Repairman

\$7,448

14001403 51240

Temp. P. T. Help

\$2,592

Reason:

Surplus funds available due to Workman's Comp. injury

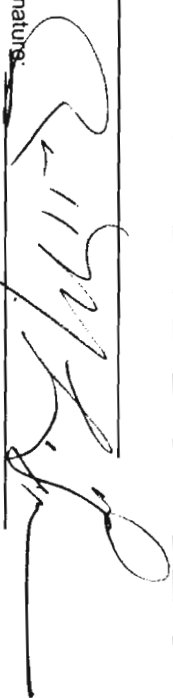
Fleet shortage as a result of temporary help coverage in the Fleet Maintenance Division

Reason:

Reason:

Reason:

Department Head signature:



Date: September 10, 2009



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 41
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

SEP 10 2009

September 9, 2009

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

Honorable President Vigeant and Councilors:

I am submitting herewith a transfer request in the amount of \$22,141.80 from Account number 11990006-51500 (Fringes) to Account Number 60080003-51920 (Sick Leave Buy Back).

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

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

Sincerely,

Nancy E. Stevens
Mayor

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TRANSFER REQUEST

FROM ACCOUNT				TO ACCOUNT			
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT AVAIL
General Government				DPW Sewer Service Fund			
\$ 199,973.50	\$ 22,141.80	11990006	51500 Fringes	\$ 22,141.80	60080003	51920 Sick Leave BB	\$ (18,795.80)

Reason: To fund benefits associated with employees retirement



City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
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5,
Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

SEP 10 2009

September 9, 2009

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

RE: Bolton Street Water Main Replacement; Supplemental Funding Request

Honorable President Vigeant and Councilors:

I am submitting herewith a transfer request in the amount of \$496,000.00 from account number 836-11515 (Stabilization) to account number 193-00006-58514 (DPW Projects).

In response to concerns about lead levels in our drinking water, the requested transfer allows for the replacement of all lead services that currently exist within the Bolton Street right-of-way project. The additional funding will also cover costs associated with the installation of temporary by-pass lines.

The Bolton Street Project was originally funded as part of the FY07 Capital Bond package, and it did not contain the above mentioned provisions. We ask for your immediate consideration of this request to ensure completion of the utility work before the winter season.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosures

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TRANSFER REQUEST

FROM ACCOUNT				TO ACCOUNT			
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT AVAIL
\$ 7,311,244.00	\$ 496,000.00	836000	11515 Stabilization	\$ 496,000.00	19300006	58514 DPW PROJECTS	\$ -

Reason: To fund additional cost associated with the Bolton Street project. See attachment from Department Head.



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

MEMORANDUM

TO: MAYOR NANCY E. STEVENS

**FROM: RONALD M. LAFRENIERE,
COMMISSIONER OF PUBLIC WORKS**

DATE: SEPTEMBER 9, 2009

**RE: BOLTON STREET WATER MAIN REPLACEMENT;
SUPPLEMENTAL FUNDING REQUEST**

We have received pricing to perform the water main replacement on Bolton Street that was originally funded as part of the FY07 CAPITAL BOND package.

In an effort to address recent concerns about lead levels in our drinking water, the department is requesting your consideration to provide additional funding for this project in order to replace all lead services that currently exist within the Bolton Street right-of-way. This was not originally contemplated when the original project was conceived and estimated nor was the cost to install temporary by-pass lines now required to complete the project.

The additional cost for this project amounts to \$496,000 over and above the original estimated cost of \$235,000 for a total project cost of \$731,000. As you may recall, the city received low interest loan funding for this project through the MWRA's Local Pipeline Assistance Program.

Inasmuch as we are starting to near the end of this year's construction season, we ask for your immediate consideration of this request, otherwise we will be faced with deferring the work until next year. Given the anticipated resurfacing of this roadway next spring, the preferred alternative is to complete the utility work before the onset of winter.



City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752

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EXECUTIVE SECRETARY

SEP 10 2009

September 9, 2009

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

RE: Zoning Board of Appeals- Alternate

Honorable President Vigeant and Councilors:

I am submitting for your approval the appointment of Robert Page as an alternate member of the Zoning Board of Appeals. Mr. Page was a past city councilor as well as a part-time building inspector for the building dept.

Mr. Page's appointment is for a period of two years from the date of Council approval.

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

Sincerely,

Nancy E. Stevens
Mayor



City of Marlborough

SEP 10 2009

Office of the Mayor

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Nancy E. Stevens
MAYOR

Krista J. Holmi
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EXECUTIVE SECRETARY

August 19, 2009

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

RE: Doubling of Exemptions for Qualified Residents

Honorable President Vigeant and Councilors:

With the City Council's approval of the FY10 operating budget, I am recommending the adoption of Section 4, Chapter 73 of the Acts of 1986 which allows for the doubling of all exemptions offered in the City to qualified residents (i.e. Elderly, Blind, Disabled Vets) as provided by Massachusetts law. The City would absorb any associated costs through the overlay account.

I would remind the Council that this proposal must be approved for adoption each year prior to values being certified in the fall.

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

Sincerely,

Nancy E. Stevens
Mayor



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Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752

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SEP 10 2009
September 10, 2009

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

RE: Grant Of Easement, Division of Capital Asset Management

Honorable President Vigeant and Councilors:

Enclosed for your consideration and approval is a Grant Of Easement to the City, together with a proposed Order For Appropriation and Order For Acquisition Of Easement. Please be advised that the Division of Capital Asset Management and Maintenance ("DCAM"), acting on behalf of the Massachusetts Highway Department, has granted a permanent easement to the City for the purposes of maintaining an existing municipal sewer line located beneath Commonwealth-owned land on Pleasant Street.

Section 14 of Chapter 40 of the Massachusetts General Laws sets forth a two-step process for the acquisition of an easement. First, the City Council must authorize an appropriation for the acquisition by a two-thirds vote (see Order For Appropriation), and second, it must approve the acquisition by a majority vote (see Order For Acquisition Of Easement). As identified in the Order For Appropriation, the Legal Department has set aside funds for the acquisition of this easement in the amount of \$5,000 under account number 11510006-57600.

Lastly, because DCAM has indicated that time is of the essence, I request that the Council suspend the rules tonight so that it may expeditiously authorize the appropriation and approve the acquisition of the Grant Of Easement. This easement has a long history which Commissioner LaFreniere and Assistant City Solicitor Panagore Griffin will be available to discuss with you.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosures

cc: Legal Department; Department of Public Works

ORDERED:

Order For Appropriation

That the City Council of the City of Marlborough hereby appropriates the sum of \$5,000.00 from Legal Department account number 11510006-57600 for the purposes of acquiring a permanent municipal sewer easement from the Division of Capital Asset Management and Maintenance, acting on behalf of the Massachusetts Highway Department, for the purposes of installing, maintaining, replacing, removing, and using an existing underground municipal sewer line located across and under land of the Commonwealth on Pleasant Street, as described in the attached Grant Of Easement and as shown on the plan attached to said Grant as "Exhibit A," entitled "Sewer Easement Plan in Marlborough, MA," prepared for the City of Marlborough, City Hall, 140 Main Street, Marlborough, MA 01752, dated November 1, 2006, revised December 6, 2006, Scale: 1"=40', prepared by Bruce Saluk & Associates, Inc., 576 Boston Post Road, Marlborough, MA 01752.

ADOPTED
In City Council
Order No. 09 -
Adopted

Lisa M. Thomas, Clerk of the
City Council

Approved by Mayor
Nancy E. Stevens, Mayor
Date:

Nancy E. Stevens, Mayor

A TRUE COPY
ATTEST:
Date:

Lisa M. Thomas, Clerk of the City

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ORDERED:

Order For Acquisition Of Easement

That the City of Marlborough purchase a permanent Grant of Easement, to be executed by the Mayor on behalf of the City, from the Division of Capital Asset Management and Maintenance , acting on behalf of the Massachusetts Highway Department, has granted a permanent easement to the City for the purposes of installing, maintaining, replacing, removing, and using an existing underground municipal sewer line located across and under land of the Commonwealth on Pleasant Street, as described in the attached Grant Of Easement and as shown on the plan attached to said Grant as "Exhibit A," entitled "Sewer Easement Plan in Marlborough, MA," prepared for the City of Marlborough, City Hall, 140 Main Street, Marlborough, MA 01752, dated November 1, 2006, revised December 6, 2006, Scale: 1"=40', prepared by Bruce Saluk & Associates, Inc., 576 Boston Post Road, Marlborough, MA 01752, which shall be recorded at the Middlesex South District Registry of Deeds.

ADOPTED
In City Council
Order No. 09 -
Adopted

Lisa M. Thomas, Clerk of the
City Council

Approved by Mayor
Nancy E. Stevens, Mayor
Date:

Nancy E. Stevens, Mayor

A TRUE COPY
ATTEST:
Date:

Lisa M. Thomas, Clerk of the City



City of Marlborough
Office of the Mayor

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

Nancy E. Stevens
MAYOR

Krista F. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

September 9, 2009

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

RE: Green Communities Planning Assistance Grant

Honorable President Vigeant and Councilors:

I am pleased to announce that the City of Marlborough has been awarded a Green Communities Grant for Planning Assistance from the Commonwealth of Massachusetts Department of Energy Resources (DOER).

Through this successful grant effort, City Planner Nancy Savoie has positioned Marlborough to advance the City's Sustainability Action Plan 2008. The DOER grant provides a no-cost consultant to assist the City in the following areas:

- develop a tracking system to evaluate energy savings opportunities in schools and municipal buildings as well as quantify savings resultant from upgrades and retrofits to our schools and municipal buildings
- assist in the evaluation of local zoning codes and make recommendations which enable the city to site green industries, renewable energy and generation
- provide guidelines to establish a policy for the purchase of energy efficient vehicles as well as other green materials and supplies
- set standards to promote development of buildings that are more energy efficient and whose life cycle costs are environmentally sustainable

At this time, I am providing you this letter for informational purposes only. Once the City receives formal notice of the award, I will be submitting the necessary documentation for acceptance of this planning assistance grant.

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. Dolmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

SEP 10 2009

September 9, 2009

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

RE: Renewal of Ordinance on Claims Procedures

Honorable President Vigeant and Councilors:

In August 2008, the City Council approved an amendment to the procedures for processing claims against the City (Order No. 08-1001787A). More specifically, the amendment provided not only an expedited method for claims alleging damage to residential mailboxes caused by the operation of snow plows, but also a means for assisting claimants whose claims against the City were denied because private contractors had been deemed the responsible party.

The August 2008 amendment contained a sunset provision stipulating that the amendment would expire on June 30, 2009 "unless prior to expiration the City Council determines it is appropriate to extend this amendment beyond June 30, 2009." Although the Council did not act prior to that date to extend the amendment, I am proposing that the ordinance be renewed at this time. If the Council approves that renewal, the claims procedures would be in place in time for the 2009-2010 winter season.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY ADDING TO SECTION 7-13 OF CHAPTER 7 OF ARTICLE II THE FOLLOWING NEW PARAGRAPHS:

It shall be deemed to be within the proper discharge of the official duties of the employees in the Legal Department for said employees to contact private contractors and/or their insurers in an effort to assist, or attempt to assist, those claimants whose claims against the City of Marlborough have been denied based upon a determination by the Legal Department or the City's insurer that said private contractors are responsible for satisfying those claimants' claims; provided however, that nothing contained herein shall be construed to create an attorney-client relationship between any claimant so assisted, or attempted to be assisted, and either the Solicitor or the Assistant Solicitor, whose sole client is and shall remain the City of Marlborough; and provided, further, that nothing contained herein shall be construed so as to interfere, in the sole determination of the Solicitor or the Assistant Solicitor, with the proper discharge of any other official duties of the employees in the Legal Department. This paragraph shall be applicable to only those claims accruing on or after November 1, 2009.

Notwithstanding the immediately preceding paragraph, any written claim presented to the City of Marlborough alleging that a residential mailbox has been damaged by the operation of a snow plow shall be granted upon written confirmation provided by the Department of Public Works to the Legal Department that City of Marlborough snow plow operations were in effect during the date when, and on the street where, the claimed mailbox damage occurred; provided, however, that such claim must be accompanied both by an auto-dated photograph(s) of the damaged mailbox as well as by a paid receipt showing the actual cost of the mailbox's repair or replacement; and provided, further, the maximum amount of reimbursement shall be set at Seventy-Five and 00/100 (\$75.00) Dollars, except that in the absence of such photograph(s) and/or such paid receipt, the maximum amount of reimbursement shall be set at Thirty and 00/100 (\$30.00) Dollars. This paragraph shall be applicable to only those mailbox claims accruing on or after November 1, 2009.

The foregoing amendment to Section 7-13 of Chapter 7 of Article II of the Code of the City of Marlborough, as amended, shall expire on June 30, 2010 unless prior to expiration the City Council determines it is appropriate to extend this amendment beyond June 30, 2010.

ADOPTED
In City Council
Order No. 09-
Adopted

Approved by Mayor
Nancy E. Stevens
Date:

A TRUE COPY
ATTEST:



City of Marlborough
Office of the Mayor

140 Main Street

Marlborough, Massachusetts 01752

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

Nancy E. Stevens
MAYOR

Krista J. Hadmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

SEP 10 2009

September 9, 2009

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

RE: Revised Section 7-33 of the City Code (2008)

Honorable President Vigeant and Councilors:

Enclosed is an order deleting section 7-33 of the City Code, which concerns the rate of pay for the services of the Tree Warden and Moth Superintendent, and amends the City Code to provide a comprehensive ordinance concerning the position of Tree Warden. In the past, the positions of Tree Warden and Moth Superintendent have been merged into a single position known as "Tree Warden" which has been governed, with the exception of section 7-33 of the 2008 Code, by the Massachusetts General Laws. The attached order continues the City's past practice of merging the two positions into the single position of Tree Warden, but it also accomplishes several other objectives of the Massachusetts General Laws.

These objectives include (1) updating requirements for the position formerly known as the "Moth Superintendent", which is now known under the Massachusetts General Laws as "Superintendent of Tree Management And Pest Control"; (2) correlating requirements for experience and certification with those required under Massachusetts General Laws; and (3) requiring written permission from the City department with care, custody, and control over city-owned property before the Tree Warden performs duties on that property.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosures

cc: Legal Department

11/2

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY DELETING §7-33 OF CHAPTER 7 IN ITS ENTIRETY, AND INSERTING IN ITS PLACE THE FOLLOWING:

§7-33. Tree Warden.

- A. Pursuant to the provisions of M.G.L. c. 41, §106, there shall be a "Tree Warden," who shall be appointed for a term of three (3) years by the Mayor subject to confirmation of the City Council.
- B. The Tree Warden shall be the officer charged with the care of public shade trees with all of the powers and duties conferred and imposed on tree wardens under M.G.L. c. 41, §106 and M.G.L. c. 87, as provided under M.G.L. c. 87, §13, and with all of the powers and duties of the superintendent of shade tree management and pest control as provided under M.G.L. c. 132, §13. The Tree Warden shall report directly to the Commissioner of the Department of Public Works.
- C. The Tree Warden shall be qualified to carry out the powers and duties of the position by experience and training in arboriculture and licensed to use pesticides in accordance with M.G.L. c. 41, §106 and M.G.L. c. 132, §13.
- D. Any person requiring the services of the Tree Warden shall pay for such services at an hourly rate equal to the hourly rate of the general foreman of the Forestry, Parks & Cemetery Division of the Department of Public Works. Such compensation shall be paid directly to the Tree Warden.
- E. The Tree Warden must obtain prior written authorization to perform services on City-owned property from the City department with care, custody, and control of the particular City property.

ADOPTED
In City Council
Order No. 09 -

Adopted

Lisa M. Thomas, Clerk of the
City Council

Approved by Mayor
Nancy E. Stevens, Mayor
Date:

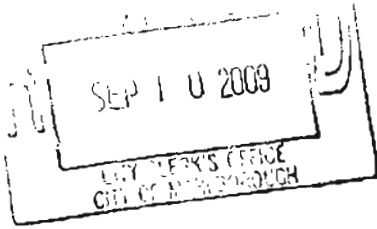
Nancy E. Stevens, Mayor

A TRUE COPY
ATTEST:
Date:

Lisa M. Thomas, Clerk of the City



12



CITY OF MARLBOROUGH
Department of Public Works
Office of the Commissioner
135 Neil Street

Marlborough, Massachusetts 01752
(508) 624-6910 Ext. 7200
Facsimile (508) 624-7699 TDD (508) 460-3610

September 10, 2009

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


President and Members

Back in 2005, the city acquired a .80 acre triangular parcel of land adjacent to the Grace Circle subdivision in the vicinity of 389 Hosmer Street. When the city council accepted the land, to the best of my knowledge, it did not designate its care and custody to any specific city department and thus it remains under the control of the city council.

We have received a request from an abutting resident to address a concern she has for the safety of her property due to a line of unhealthy trees which are on this city property and adjacent to hers. Chris White, the city's tree warden, has confirmed that the trees in question pose a hazard and should be removed immediately.

I hereby request if the council deems it appropriate, that you authorize me to have the necessary work performed to address the potentially hazardous tree conditions on this city property.

Sincerely,



Ronald M. LaFreniere,
Commissioner of Public Works

Cc: Mayor Nancy E. Stevens
Priscilla Ryder, Conservation
Chris White, Tree Warden



CITY OF MARLBOROUGH
OFFICE OF CITY CLERK

That the City Clerk be and is herewith directed to have proper notices issued notifying the VOTERS of the City of Marlborough that the **PRELIMINARY BIENNIAL MUNICIPAL ELECTION** will be held in the polling locations as noted below on **OCTOBER 6, 2009** as follows: Ward 3 only

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

POLLING LOCATIONS ARE AS FOLLOWS:

WARD THREE: Prec. 1
WARD THREE: Prec. 2

Masonic Hall, 8 Newton St., corner of Main/Newton Sts., rear
Raymond J. Richer School, 80 Foley Rd, gymnasium

CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

Clear Wireless, LLC, an affiliate of Sprint Wireless Broadband and Nextel Communications

2. Specific Location of property including Assessor's Plate and Parcel Number.

342 Lincoln Street, May 69, Block 263

3. Name and address of owner of land if other than Petitioner or Applicant:

The Samia Companies, 60 Leo M. Birmingham Pkwy, Brighton, MA 02135

4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.) Applicant is a lessee

5. Specific Zoning Ordinance under which the Special Permit is sought:

Article VI Section 200 Paragraph 25 Sub-paragraph C(2) and C(4)

6. Zoning District in which property in question is located:

Business B

7. Specific reason(s) for seeking Special Permit

Installation of a wireless communications facility

Please see Supporting Statement attached hereto at Tab 2

8. List of names and addresses of abutter. SEPARATE SHEET ATTACHED

PETITION IS HEREBY MADE FOR THE ISSUANCE OF A SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH AND IS BASED ON THE WITHIN PETITION OR APPLICATION AS FILED HEREWITH AND MADE PART OF SAID PETITION.



Signature of Petitioner or Applicant

James E. Hoyt, Esq.

Prince, Lobell, Glovsky & Tye LLP

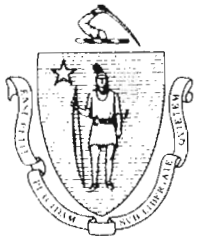
Address:

100 Cambridge Street, Suite 2200
Boston, MA 02114

Telephone No. 617-456-8184

Date: Aug 26, 2009

City Clerk's Office



The Commonwealth of Massachusetts

Executive Office for Administration and Finance

Division of Capital Asset Management

One Ashburton Place

Boston, Massachusetts 02108

Tel: (617) 727-4050

Fax: (617) 727-5363

15,

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

LESLIE KIRWAN
SECRETARY, ADMINISTRATION
& FINANCE

DAVID B. PERINI
COMMISSIONER

August 20, 2009

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

RE: Transfer of 54.4± Acres of State-Owned Property on Pleasant Street in the city of Marlborough

Dear President Vigeant:

Section 40I of Chapter 7 requires that the Division of Capital Asset Management and Maintenance ("DCAM") notify the mayor, city council, regional planning agency and local legislators at least one hundred twenty (120) days prior to any transfer or significant change in use of one (1) or more acres of real property owned by the Commonwealth which is located within these agencies' jurisdiction. The notice is informational and you are not required to take any action. The notice period may be reduced if the local public officials and legislators agree.

Pursuant to said Section 40I, I am writing to inform you that DCAM proposes to transfer, as authorized by Chapter 7 and significantly change the use of, approximately fifty four and four tenths (54.4) acres, more or less, of surplus state-owned highway land located on the west side of Pleasant Street and southerly off of Route 85 Connector Road in the city of Marlborough (the "Premises"). The Premises shall be transferred to the Department of Fish and Game.

The Premises are a portion of the Route 85 Connector Road and Route I-290 Interchange Layouts under the care and control of the Massachusetts Department of Highways (MHD). The proposed use of the Premises is for open space/wildlife management purposes and the protection of the headwaters for the Flagg Brook watershed.

The MHD has declared the Premises surplus to current and foreseeable state highway needs.

I am requesting that your agency agree to reduce the one hundred and twenty (120) day notification period to sixty (60) days from the date of this notice to permit DCAM to proceed with the disposition of the Premises in an expeditious manner.

If you agree to this reduction in the notification period, please sign and return Page 3 of this notice at your earliest convenience to:

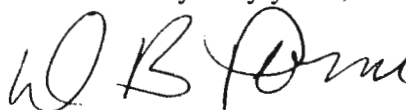
Nicholas Tsaparlis, Transactions Manager
Office of Real Estate Management
Division of Capital Asset Management
One Ashburton Place, Room 15th Floor
Boston, Massachusetts 02108

You may, alternatively, FAX a signed copy of the enclosed certificate to Nicholas Tsaparlis of DCAM at the following number: (617) 727-6074.

Your prompt attention to this matter would be greatly appreciated. If you have any questions regarding this notification, please feel free to contact David D. Opatka at (617) 727-4053 ext. 350.

Thank you for your assistance.

Very truly yours,



David B. Perini
Commissioner

DBP/ddo

Enc.

- cc: C. Kemp, DCAM DGC
- N. Tsaparlis, DCAM OREM
- W. Minior, DFW
- R. LaFreniere, Marlborough DPW Comm.
- F. Vallarelli, MHD ROWB

CERTIFICATE OF NOTIFICATION WAIVER

RE: Transfer to the Department of Fish and Game of approximately 54.4± acres of state-owned highway land located on the west side of Pleasant Street and southerly off of Route 85 Connector Road in the city of Marlborough.

I hereby acknowledge receipt of the notice dated August 20, 2009 of the above transaction from the Division of Capital Asset Management and Maintenance.

Pursuant to Massachusetts General Laws, Chapter 7, Section 40I, I

(Print Name)

hereby waive the one hundred twenty (120) day notice requirement as set forth in said section of the General Laws and do hereby agree to a shorter notice period (thirty (30) days from the date of this notice). Said notice period shall expire on October 19, 2009.

Authorized Signature

Date

Title

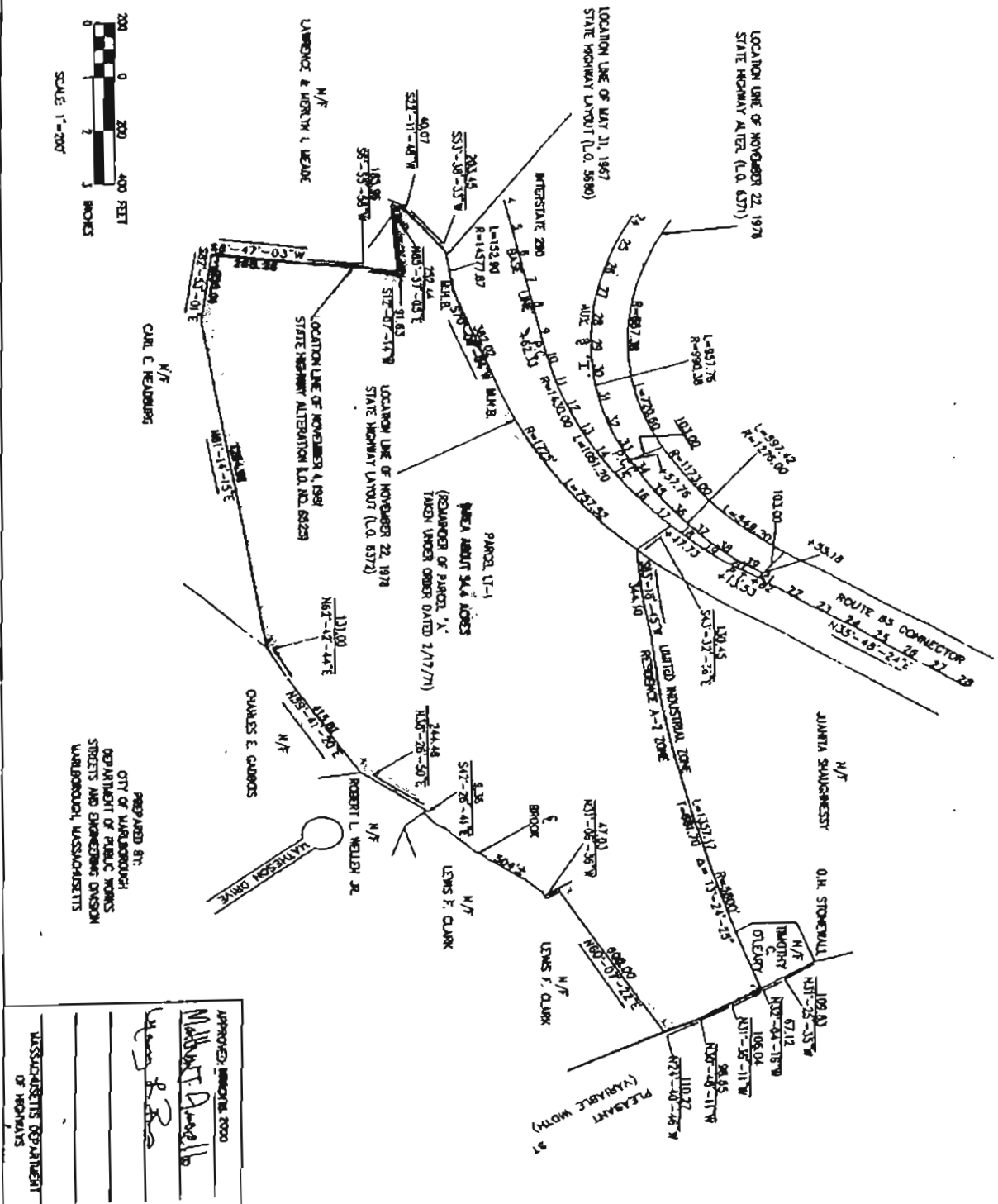
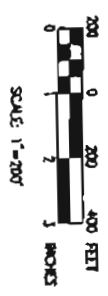
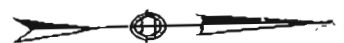


EXHIBIT B

APPROVED: JUNE 15, 2000
 [Signature]
 MASSACHUSETTS DEPARTMENT OF HIGHWAYS

THE COMPLETION OF MASSACHUSETTS PLAN OF LAND IN THE CITY OF MARLBOROUGH MIDDLESEX COUNTY SHOWING LAND REGISTERED TO THE CITY OF MARLBOROUGH BY THE DEPARTMENT OF HIGHWAYS MARCH 14, 2000
 SCALE: 700 FEET TO THE INCH
 [Signature]
 CHIEF ENGINEER



I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.
 PAUL A. SHANNON PLAIN
 REGISTERED LAND SURVEYOR



16

ARTHUR P. BERGERON
Attorney-at-Law
27 PROSPECT STREET
MARLBORO, MASSACHUSETTS 01752

FAX (508) 485-8506

PHONE (508) 481-0103

Sept. 10, 2009

Councilor Arthur Vigeant, President
Marlborough City Council
City Hall
Marlborough, MA 01752

Re: proposed zoning change

Dear Councilor Vigeant:

My clients, 400 South Street LLC, 424 South Street LLC and 428 South Street LLC, all of which own real property that would be affected by this proposal, hereby request that the City Council rezone the following parcels of real property from Industrial (I) to Commercial & Automotive (CA):

Assessors Map 93 Parcels 18A, 19, 20, 22, 23, 32, 101 and 103.

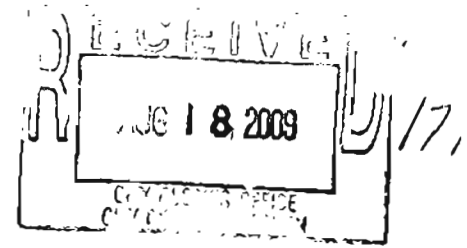
I would appreciate it if you could consider scheduling this matter for a public hearing at the City Council, and referring it to the Planning Board for their review.

Very truly yours,



Arthur P. Bergeron

City of Marlborough
Commonwealth of Massachusetts



PLANNING BOARD

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

PLANNING BOARD MINUTES
July 27, 2009
7:00 PM

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

The Planning Board for the City of Marlborough met on Monday, July 27, 2009 in Memorial Hall, 3rd floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Steven Kerrigan, Philip Hodge, Clyde Johnson, Robert Hanson and Sean Fay. Also present: Assistant City Engineer Richard Baldelli.

MINUTES

Meeting Minutes June 8, 2009

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

To accept and file the Meeting Minutes of June 8, 2009.

CHAIRS BUSINESS

Commonwealth of Massachusetts
2010 Commonwealth Capital Policy

The Governor announced the release of the 2010 Commonwealth Capital Policy plan, an initiative that uses state funding as an incentive for municipalities to work toward achieving consistency with the Commonwealth's Sustainable Development Principles.

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

To accept and file the correspondence.

APPROVAL NOT REQUIRED PLAN

PUBLIC HEARING

SUBDIVISION PROGRESS REPORTS

Update from City Engineer

Mr. Baldelli provided a status update of the following subdivisions:

- Shaugnessy Estates, man-hole is moving back next to Oak Tree, Engineering will be meeting with the Developer in the next few days.
- Crystal Ridge, Slow progress
- Fiddlehead, all work is completed, expect to finalize paperwork within the next few months

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

To accept and file the correspondence.

Acre Bridge Estate (Blake Circle)
Amendment to Tri-Partite Agreement

Webster Five Cents Savings Bank and Mr. Garofalo would like to make an amendment to the Tri-Partite Agreement. The original agreement stated that "the services and ways shall be completed no later than November 15, 2007." They would like to extend that date and would like the agreement to state "it is further understood and agreed that all of the above services and ways shall be completed no later than July 14, 2010 unless the date be extended by written amendment by mutual agreement of the Parties hereto".

Mr. Garofalo informed the Board that this was needed to be signed prior to a closing on the last remaining home on the subdivision. The Board agreed that once it was approved by the City Solicitors' Office that they would come in to sign the amendment.

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

To accept the correspondence, refer the Tri-Partite amendment to the City Solicitor's office for their review and endorse when approved by the City Solicitor.

Acceptance of Subdivision

Mr. Garofalo is asking the Planning Board for the acceptance of his Subdivision and to reduce the bond to zero since the year maintenance period will end on September 1, 2009.

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

To accept and file the correspondence; to refer the correspondence to the City Engineer for his review.

Crystal Ridge Estates (Danjou Drive)
Correspondence from the Developer

The Developer sent an update to the Engineering Department stating that the detention basin fence has been repaired. The pavement repairs came to a solution discussed at the site meeting between the Engineering Department and the developer.

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

To accept and file the correspondence.

Davis Estates (Bouvin Drive)
Proof of Recording of Amendment

Attorney Cipriano sent notification that the Amended Covenant was recorded with the South Middlesex registry of Deeds.

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

To accept and file the correspondence.

Elm Farm Valley Estates (Cleversy Drive)
Correspondence from the Developer

The Developer sent notification to the City Engineer that the following work has been completed:

- Detention basin gate has been repaired.
- Stop line has been painted.

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

To accept and file the correspondence.

PENDING SUBDIVISION PLANS: Updates and Discussion

Marlborough Elms
Extension Request

Stephen Campbell, on behalf of Marlborough Elms, LLC, is asking for an extension for review of the definitive subdivision plans until October 4, 2009. They are in the process of continuing the design modifications based on the City Engineers recommendations.

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

To accept and file the correspondence from Stephen Campbell regarding granting an extension for plan review and to extend the time for consideration of this plan until October 4, 2009.

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

SCENIC ROADS

SIGNS

Correspondence from Code Enforcement
Sorrento's (126-128 Main Street)

Ms. Wilderman sent correspondence to the Mr. Samriri explaining that his use of a Flat Screen Television along the Court Street windows to promote his business was prohibited under our sign ordinance. She gave him a citation of \$200.00 under the anti-blight ordinance.

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

To accept and file the correspondence.

Mrs. Lizotte did inform the Board that the Owner of the establishment did conform to the ordinance.

Hooligans (505 Boston Post Road West)

Ms. Wilderman sent correspondence to the Owner of the building under the anti-blight ordinance. The former occupants of Hooligan's did not remove their sign upon closing the establishment, alarms are still activating, creating unnecessary emergency responses by police and fire; and the condition of the site is overgrown.

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

To accept and file the correspondence.

INFORMAL DISCUSSION

COMMUNICATIONS/CORRESPONDENCE

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

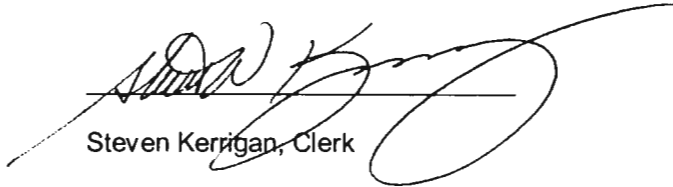
To accept all of the items listed under communications and/or correspondence.

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

To adjourn at 7:35 p.m.

A TRUE COPY

ATTEST:



Steven Kerrigan, 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, July 28, 2009 at 10:05 a.m. in City Council Committee Room, City Hall. Members present: Chairman Police Chief Mark Leonard, Vice Chairman – DPW Commissioner Ronald LaFreniere, City Clerk Lisa M. Thomas, City Planner Nancy Savoie. Also present: Timothy Collins, Engineering Division, City Council President Arthur G. Vigeant, Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

That the minutes of the Traffic Commission meeting of Tuesday, June 30, 2009. MOTION was made. seconded, duly VOTED:
To APPROVE.

2-New Business

2a. Communication from Jim Joubert, Re: Stop signs on Bigelow Street

Ron LaFreniere explained that stop signs, in general, require that certain warrants be met before they can be put into place. These warrants are federal standards that are consistent across the country. One of the major warrants for a stop sign is traffic counts. Mr. Joubert is questioning whether the warrants were met at the time the stop signs were installed. This particular stretch of road has 5 separate intersections controlled by stop signs. Chief Leonard stated that the installation of these stop signs pre-dates most of the members of this Commission. It was an issue that came up as a result of the increased traffic due to the Mall. The group went on to discuss the fact that the issue should be re-addressed and a new traffic count conducted.

MOTION was made, seconded, duly VOTED to REFER to Engineering to do traffic counts and compile historical data.
To APPROVE.

MOTION was made, seconded, duly VOTED to suspend the rules and bring up item 3g.-
Old Business as Councilor Vigeant was in attendance for this item.
To APPROVE

3g. Crosswalk @ Artist's Lofts on Lincoln Street.

Chief Leonard summarized the various discussions with Deborah Fairbanks regarding the crosswalk location. The installation of a crosswalk was included as a condition of the initial Site Plan; however, discussions have gone back and forth as to the best location for the crosswalk. Members looked at the Site Plan which included the requirements for a handicapped accessible crosswalk further down the street. Initially, the intent was to make the crosswalk meet ADA standards. Chief Leonard's personal view is that if the location for the crosswalk is shifted further down the street, (away from the parking lot) to meet ADA requirements, people may not actually walk down the street to use it. Counselor Vigeant agreed that the crosswalk needs to be convenient to the parking lot. He noted that there are other crosswalks in the City that don't meet ADA requirements, for example, the one right down the street at the Collins Funeral Home. Ron LaFreniere said that the real question is whether the City is actually required to meet all ADA requirements. His read is that we don't need to comply with all these regulations simply for a crosswalk. He does not see anything in the law that says we can't put the crosswalk close to where Deborah Fairbanks has requested. We have the ability to locate it where it will be used, i.e. very close to the driveway, though not in the driveway. Chief Leonard advised that the goal of the Loft project was to revitalize the area and that the sidewalk issue needs to be addressed, the sooner the better. He is in agreement with moving forward.

MOTION was made, seconded, duly VOTED to REFER to Engineering for Regulations and to the DPW for implementation.
To APPROVE.

2 - New Business (continued)

2b. Communication from Councilor Seymour, re: speed limit signs on Russell Street.

Ron LaFreniere stated that a sign appears to be missing. Tim Collins commented that the existing sign is right at the intersection of Pleasant and Russell and that there is no sign at the intersection at Mechanic Street. It is a thickly settled zone with a 30 mph speed limit.

MOTION was made, seconded, duly VOTED to refer to the DPW, as necessary, to replace, move and/or review for further consideration for additional signs in the corridor.
TO APPROVE.

2c. Communication from Councilor Clancy, re: Request for hidden driveway sign at 369 Stevens Street.

Ron LaFreniere advised that, in general, the City does not put up hidden driveway signs. The City normally installs signs that benefit the motoring public - unless there is a legitimate public safety concern. Tim Collins advised that more speed limit signs will be going up in this area to accommodate the School Zone. This should slow traffic. Ron also advised that roadside vegetation cutting may not have been completed yet.

MOTION was made, seconded, duly VOTED to refer to Engineering.
To APPROVE.

3-Old Business

3a. Long term oversized vehicle ordinance.

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

3b. Municipal off street parking regulation.

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

3c. High School parking regulations.

MOTION was made, seconded, duly VOTED:
To TABLE

3d. Communication from Barbara McGann, re: Request for school zone on Forest St. near AMSA Charter School.

Chief Leonard will be meeting with the Engineers (from the City and the Property) to discuss the traffic situation at this location.

Ron LaFreniere went on to briefly discuss the proposed reconstruction project for Forest Street. The City is moving forward with the design process; however, the potential project would be very expensive and may not end up being feasible for the City.

MOTION was made, seconded, duly VOTED:
To TABLE until further information is available.

3e. Request for "School Zone" at Richer School.

Tim again showed the diagram of the area indicating the proposed school zone along with his memo of 6/11/09, outlining the specifics. (Not all members were present at the last meeting.) Chief Leonard had prepared the Regulations to establish the new school zone along with an Emergency Preamble.

MOTION was made, seconded, duly VOTED:
To APPROVE the Emergency Preamble.

MOTION was made, seconded, duly VOTED:
To APPROVE the designated School Zone at Richer School. Lisa Thomas to advertize immediately.

3g. Communication from Kenneth Almeida, re: Four way stop request – Porter Rd. @ Phippen Rd.

Tim Collins advised that the Commission was going to wait until school is in session to obtain accurate traffic counts in this area.

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

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

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