

1. Minutes of the City Council Meeting, September 14, 2009.
2. 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.
- 2A. Certification by City Councilor Pope, Required Under Chapter 79 of the Acts of 2006, to be read into the record of the Public Hearing, September 28, 2009 re: Clear Wireless LLC. at 157 Union Street.
3. 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.
- 3A. Certification by City Councilor Pope, Required Under Chapter 79 of the Acts of 2006, to be read into the record of the Public Hearing, September 28, 2009 re: Clear Wireless LLC. at 115/109 Onamog Street.
4. PUBLIC HEARING: On the Application for 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.
- 4A. Certification by City Councilor Pope, Required Under Chapter 79 of the Acts of 2006, to be read into the record of the Public Hearing, September 28, 2009 re: Clear Wireless LLC. at 75 Donald Lynch Blvd.
5. Communication from the Mayor re: Green Communities Planning Assistance Grant awarded to the City of Marlborough from the Commonwealth of Massachusetts Department of Energy Resources (DOER).
6. Communication from the Mayor re: reopening of the police substation at 87 Broad Street on French Hill
7. Communication from the Mayor re: the site located at 25 East Main Street, has been selected by EPA New England for the Targeted Brownfields Assessment Program.
8. Communication from the Mayor re: Bolton Street lead service replacement and ask that the transfer request associated with this project be referred back to her for additional review.
9. Communication from the Mayor re: appointment of Beverly Sleeper to the position of Chief Procurement Officer for a three-year term expiring November 20, 2012.
10. Communication from the Mayor re: two transfer requests in the amount of \$1160.84 and \$1488.26 to the associated budget accounts at the Council on Aging.
11. Communication from the Mayor re: correspondence from City Auditor Diane Smith provides a status update and timeline with respect to the closing of the FY09 books and submittals required for the certification of free cash.
12. Application for Special Permit from Attorney Hoyt, on behalf of Clear Wireless LLC, for modification of a wireless communication facility located at 2 Mount Royal Ave.
13. Application for Special Permit from Attorney Hoyt, on behalf of Clear Wireless LLC, for modification of a wireless communication facility located at 460 Boston Post Rd. East.
14. Minutes, Planning Board, August 17, 2009.
15. Minutes, MetroWest Regional Transit Authority, June 8 & July 27, 2009.
16. CLAIMS:
 - A. Jasmine Volpe, 75 Jackson Circle, other property damage

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Personnel Committee

17. **Order No. 09-1002287 – Communication from Mayor Stevens with the re-appointments of Jack Gracey and Lynn Faust to the Historical Commission for a three year term, expiring September 18, 2012. Recommendation of the Personnel Committee is to approve 3-0.**
18. **Order No. 09-1002285 - Communication from Mayor Stevens with the reappointment of Thomas Krouse as Wiring Inspector with an expiration date of February 6, 2012. Recommendation of the Personnel Committee is to approve 3-0.**
19. **Order No. 09-1002286 - Communication from Mayor Stevens with the appointment of William Short & reappointment of Joseph Moineau to the Board of Registrar of Voters with an expiration date of April 1, 2011 and April 1, 2012 respectively. Note: Joseph Moineau was unable to attend. Recommendation of the Personnel Committee is to approve the appointment of William Short 3-0. The appointment of Joseph Moineau remains in Committee.**
20. **Order No. 09-1002283 - Communication from Mayor Stevens with the reappointment of Priscilla Ryder as Conservation Officer for a three year term expiring August 31, 2012. Recommendation of the Personnel Committee is to approve the appointment of Priscilla Ryder 2-0. (Councilor Clancy abstained due to his role as Chairman of the Conservation Commission).**
21. **Order No. 09-1002284 - Communication from Mayor Stevens with the reappointment of Allan White to the Conservation Commission for a three year term expiring March 5, 2012. Recommendation of the Personnel Committee is to approve 2-0. (Councilor Clancy abstained due to his role as Chairman of the Conservation Commission).**

From City Council

22. **Order No. 09-1002188A - Application of National Grid to install 60' of primary underground service wire across Forest Street from Pole #47 to a hand hole to service Special Olympics at 512 Forest Street. Recommendation of the Public Services Committee is to approve 3-0. The hearing was continued to June 22, 2009.**
23. **Order No. 09-1002316 - Petition from Atty. Bergeron, on behalf of 400 South St. LLC, 424 South St. LLC, and 428 South St. LLC, to request rezoning of Map 93, Parcels 18A, 19, 20, 22, 23, 32, 101 and 103 from Industrial (I) to Commercial and Automotive (CA) – Motion in order to re-advertise the Public Hearing on October 26, 2009 to comply with the 14 days notice required for legal publication of the proposed zoning map change.**



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**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

Lisa M. Thomas

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September 14, 2009

Regular meeting of the City Council held on Monday, September 14, 2009 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Pope, Vigeant, Delano, Ferro, Schafer, Juare, Seymour, Clancy and Landers. Councilors absent: Ossing. Meeting adjourned at 9:20 p.m.

ORDERED: That the minutes of the City Council Meeting AUGUST 17, 2009, **FILE**; adopted.

Councilor Schafer abstained

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, all were heard who wish to be heard, hearing recessed at 8:20 p.m.; adopted.

ORDERED: That the following budget transfer request 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, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 61090001-50740 \$11,500.00

Equipment Operator-Water

TO:

Acct. # 61090003-51240 \$11,500.00

Temp. P.T. Help Water & Sewer

FROM:

Acct. # 14001403-50745 \$7,448.00

Motor Equipment Repairman

TO:

Acct. # 14001403-51240 \$7,448.00

Temp. P.T. Help Fleet Maintenance

ORDERED: That the following budget transfer request in the amount of \$22,141.80 from Fringes to Sick Leave Buy Back associated with an employee's retirement, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 11990006-51500 \$22,141.80

Fringes

TO:

Acct. # 60080003-51920 \$22,141.80

Sick Leave Buy Back

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ORDERED: That the following 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, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 836000-11515 \$496,000.00

Stabilization

TO:

Acct. # 19300006-58514 \$496,000.00

DPW Projects

ORDERED: That the 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, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That along with the City Council's approval of the FY10 operating budget, a recommendation of adopting 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 in which the City would absorb any associated costs through the overlay account, **APPROVED**; adopted.

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, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

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, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

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ORDERED: That the Green Communities Grant for Planning Assistance awarded to the City of Marlborough from the Commonwealth of Massachusetts Department of Energy Resources (DOER), **FILE**; adopted.

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,

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 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 the 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,

refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the 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., **APPROVE DPW TO REMOVE THE TREES AND REFER TO OPEN SPACE COMMITTEE FOR REVIEW OF ALL PARCELS UNDER THE JURISDICTION OF THE CITY**; adopted.

ORDERED: That the following notification from the City Clerk re: 2009 Biennial Preliminary Municipal Election Call, **FILE**; adopted.

CITY OF MARLBOROUGH
OFFICE OF CITY CLERK

That the City Clerk be and is herewith directed to have proper notices issued notifying the **VOTERS** of the City of Marlborough that the **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 Masonic Hall, 8 Newton St., corner of Main/Newton Sts.,
rear

WARD THREE: Prec. 2 Raymond J. Richer School, 80 Foley Rd, gymnasium

ORDERED: That there being no objection thereto set **MONDAY, OCTOBER 5, 2009** as date for a **PUBLIC HEARING** on the Application for Special Permit from Attorney Hoyt, on behalf of Clear Wireless LLC, for installation of a wireless communications facility at 342 Lincoln St., refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the 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, **APPROVED AS AMENDED WITH THE CERTIFICATE OF NOTIFICATION WAIVER DATE AMENDED TO REFLECT THE CITY OF MARLBOROUGH'S AGREEMENT, PURSUANT TO MGL C. 40, § 11I, TO SHORTEN DCAM'S 120-DAY NOTIFICATION PERIOD TO 60 DAYS FROM THE DATE OF DCAM'S AUGUST 20, 2009 NOTICE TO THE CITY, WHICH PERIOD EXPIRES OCTOBER 19, 2009**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, OCTOBER 5, 2009** as date for a **PUBLIC HEARING** requested by Attorney Arthur Bergeron, on behalf of 400 South St. LLC, 424 South St. LLC and 428 South St. LLC, to request that City Council rezone Map 93 Parcels 18A, 19, 20, 22, 23 32, 101 and 103 from Industrial (I) to Commercial & Automotive (CA), refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD AND ADVERTISE**; adopted.

ORDERED: That the minutes, Planning Board, July 27 2009, **FILE**; adopted.

ORDERED: That the minutes, Traffic Commission, July 28 2009, **FILE**; adopted.

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

A. Richard Sullivan, 327 Cook Lane, other property damage

Reports of Committees:

Councilor Levy reported the following out of the Legislative and Legal Affairs Committee:

Order No.09-1002277 - Communication from City Council President Vigeant with Proposed Amendment to the Zoning Ordinance to regulate the location of, but not prohibit, narcotic detoxification and/or maintenance facilities in the City of Marlborough. The Committee discussed the proposed ordinance as drafted by the Solicitor and reviewed maps displaying buffers of 500, 750 and 1000 feet around excluded locations specified in §C2 of the ordinance. The Committee agreed to further amend the ordinance to reflect a 1000' buffer but

also requested additional maps reflecting 1500' and 2000' buffers be prepared for the full Council prior to a final vote.

Recommendation of the Legal and Legislative Affairs Committee is to recommend approval of the Ordinance with an amendment of a 2,000' buffer from a School, Recreational Facility, a Park, an Elderly Housing Facility and Retirement Community, set a Public Hearing for October 5, 2009, refer to Planning Board, and under Suspension of the Rules to advertise amended Ordinance and place item on the October 5, 2009 agenda 3-0.

Order No.09-1002273 - Communication from City Clerk – Fee Genealogy Process. The Committee reviewed the proposed amendment to Ch. 328 of the City Code as requested by the City Clerk and drafted by the City Solicitor to add a new sub-section P detailing fees for genealogical research at \$10.00 per half-hour and \$20.00 per hour. **Recommendation of the Legal and Legislative Affairs Committee is to recommend approval of the Proposed Ordinance as amended and under Suspension of the Rules to advertise Ordinance and place item on the October 5, 2009 agenda as the advertisement cannot be published in time to comply with the ten day period prior to the September 28, 2009 agenda 3-0.**

Order No.09-1002289 - Communication from the City Solicitor with Proposed Amendments to the Sex Offender Ordinance in light of opinions from the Attorney General concerning similar by-laws enacted by various towns around the Commonwealth. The City Solicitor reviewed the proposed order reflecting recommended changes to the City's Sex Offender Ordinance in Ch. 517 of the City Code to address concerns raised by the Office of the Attorney General in reviewing similar ordinances adopted by towns in the Commonwealth. One further correction was noted in changing "Department of Mental Retardation" to "Department of Developmental Services" to properly reflect the name change of this state department. **Recommendation of the Legal and Legislative Affairs Committee is to recommend approval of the Proposed Ordinance as amended and under Suspension of the Rules to advertise Ordinance and place item on the October 5, 2009 agenda as the advertisement cannot be published in time to comply with the ten day period prior to the September 28, 2009 agenda 3-0. Councilor Schafer abstained.**

Order No.09-100-2288 - Communication from the Mayor with proposed amendment to the Anti-Blight Ordinance regarding registered and unregistered vehicles. The Committee met with the Code Enforcement Officer to review the requested change to the City's blight ordinance. **Recommendation of the Legal and Legislative Affairs Committee is to recommend approval 3-0. Subsequent to this meeting and prior to reporting this out, more questions have been raised that warrant further discussion. As a result, this order is not being reported out and remains in Committee.**

Councilor Clancy reported the following out of the Personnel Committee:

Order No. 09-1002287 – Communication from Mayor Stevens with the re-appointments of Jack Gracey and Lynn Faust to the Historical Commission for a three year term, expiring September 18, 2012. Recommendation of the Personnel Committee is to approve 3-0.

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Order No. 09-1002285 - Communication from Mayor Stevens with the reappointment of Thomas Krouse as Wiring Inspector with an expiration date of February 6, 2012. Recommendation of the Personnel Committee is to approve 3-0.

Order No. 09-1002286 - Communication from Mayor Stevens with the appointment of William Short & reappointment of Joseph Moineau to the Board of Registrar of Voters with an expiration date of April 1, 2011 and April 1, 2012 respectively. Note: Joseph Moineau was unable to attend. Recommendation of the Personnel Committee is to approve the appointment of William Short 3-0. The appointment of Joseph Moineau remains in Committee.

Order No. 09-1002283 - Communication from Mayor Stevens with the reappointment of Priscilla Ryder as Conservation Officer for a three year term expiring August 31, 2012. Recommendation of the Personnel Committee is to approve the appointment of Priscilla Ryder 2-0. (Councilor Clancy abstained due to his role as Chairman of the Conservation Commission).

Order No. 09-1002284 - Communication from Mayor Stevens with the reappointment of Allan White to the Conservation Commission for a three year term expiring March 5, 2012. Recommendation of the Personnel Committee is to approve 2-0. (Councilor Clancy abstained due to his role as Chairman of the Conservation Commission).

Suspension of the Rules requested - granted

ORDERED: That the application of 250 Locke Dr. Corporation, 929 Boston Post Rd., for Fuel Storage License for 250 Locke Dr. with an underground capacity of 10,500 gallons diesel fuel, **APPROVED**; adopted.

Suspension of the Rules requested - granted

ORDERED: Notice is given that the **City Council of the City of Marlborough** will hold a **PUBLIC HEARING ON Monday, October 5, 2009 at 8:00 p.m. in City Council Chambers**, 2nd floor City Hall, 140 Main Street, Marlborough, Massachusetts on the Proposed Zoning Change as follows:

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

1. Section 650-5, entitled "Definitions; Word Usage," is hereby amended by adding to said Section the following definition:

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NARCOTIC DETOXIFICATION AND/OR MAINTENANCE FACILITY: A non-residential drug treatment program that assists individual addicted to drugs by administration of a substitute drug. Any facility that dispenses, prescribes, administers, allocates, delivers, hands out, or uses in any way a substitute drug, with or without providing other treatment services, shall be deemed a “Narcotic Detoxification and/or Maintenance Facility” and subject to the regulations under Section 650-31 of this ordinance.

- 2. Section 650-17, entitled “Table of Uses,” is hereby amended by adding to said section a new business use entitled, “Narcotic Detoxification and/or Maintenance Facility,” which shall be regulated, as follows:

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

- 3. A new Section 650-31, entitled “NARCOTIC DETOXIFICATION AND/OR MAINTENANCE FACILITIES,” is hereby added, as follows:

650-31 NARCOTIC DETOXIFICATION AND/OR MAINTENANCE FACILITIES

- A. Subject to the provisions of this Zoning Ordinance, Chapter 40A of the Massachusetts General Laws, and provisions of the Rehabilitation Act and the Americans with Disabilities Act, the City of Marlborough Zoning Ordinance will not prohibit the location of a facility for narcotic detoxification or narcotic maintenance within the City of Marlborough, but will instead regulate such facilities. A Narcotic Detoxification and/or Maintenance Facility should provide medical support, security, drug testing with oversight by a physician, and standards that meet or exceed state regulations under 105 CMR 164 for licensure of substance abuse treatment programs. Facilities should not compete to provide streamlined care to patients and should not provide a location for patients to wait for treatment in the vicinity of children. Therefore, to ensure that these facilities are located in such a way as to not pose a direct threat to the health or safety of either the participants in the rehabilitation treatment or the public at large, the provisions of this section will apply to all such facilities.
- B. Where a Special Permit is required for a Narcotic Detoxification and/or Maintenance Facility, the Special Permit Granting Authority shall grant the Special Permit only upon its written determination that any adverse effects of the proposed use will not outweigh its beneficial impacts to the City or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Ordinance, the determination shall include consideration of each of the following:

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1. Social, economic, or community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impacts on the natural environment;
6. Potential fiscal impact, including impact on City services, tax base, and employment; and
7. The ability for the facility to:
 - a. meet a demonstrated need;
 - b. provide a secure indoor waiting area for clients;
 - c. provide an adequate pick-up/drop-off area;
 - d. provide adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals; and
 - e. adequately address issues of traffic demand, parking, and queuing, especially at peak periods at the facility, and its impact on neighboring uses.

The Special Permit Granting Authority may require the applicant to provide a traffic study, at the applicant's expense, to establish the impacts of the peak traffic demand.

C. A Narcotic Detoxification and/or Maintenance Facility shall not be located:

1. within five thousand (5,000) feet of another Narcotic Detoxification and/or Maintenance Facility; nor,
2. within two thousand (2,000) feet of:
 - a. a school (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough;
 - b. a recreational facility (as defined in § 517-2 of the Code of the City of Marlborough, as amended); or
 - c. a park (as defined in § 517-2 of the Code of the City of Marlborough, as amended).
 - d. an elderly housing facility (as defined in § 517-2 of the Code of the City of Marlborough, as amended); or
 - e. a retirement community (as defined in § 650-4 of the Zoning Ordinance of the City of Marlborough, as amended) located within the City of Marlborough.

ADVERTISED, REFER TO PLANNING BOARD AND PLACE ON OCTOBER 5, 2009 AGENDA.

(In Legal and Legislative Affairs Committee)

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Suspension of the Rules requested - granted

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 328, ENTITLED "CLERK'S FEES," AS FOLLOWS:

Chapter 328 is hereby amended by adding to section 328-1 the following new subsection:

- P. For researching more than 2 records in response to a genealogical request, \$10.00 per half-hour (3-7 records search), \$20 per hour (8-12 records search).

ADVERTISED AND PLACE ON OCTOBER 5, 2009 AGENDA.

(In Legal and Legislative Affairs Committee)

Suspension of the Rules requested – granted

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 amending the definition of "facility for the mentally retarded" by striking out in the first line thereof the words "Department of Mental Retardation" and inserting in place thereof the following words:-- Department of Developmental Services.
 - c. 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."
 - d. by amending the definition of "mentally retarded person" by striking out in the third line thereof the words "Department of Mental Retardation" and inserting in place thereof the following words:-- Department of Developmental Services.

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- e. 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,”.
 - f. 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.

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- 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.

ADVERTISED AND PLACE ON OCTOBER 5, 2009 AGENDA.

Councilor Schafer abstained

(In Legal and Legislative Affairs Committee)

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, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: The Marlborough Savings Bank TIF proposal, consisting of the following five documents, attached hereto, **APPROVED**; adopted.

1. The TIF Agreement;
2. The TIF Plan;
3. The Certified Project Application;
4. The Economic Opportunity Area;
5. The City Council Resolution

Councilor Delano abstained

ROLL CALL VOTE FOR TIF AGREEMENT ONLY

Yea: 9 – Nay: 0

Yea: Ferro, Schafer, Juairé, Seymour, Clancy, Landers, Pope Vigeant, Levy

Absent: Ossing

ALL OTHER VOTES WERE BY VOICE

/13

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:20 p.m.



IN CITY COUNCIL

2

AUGUST 17, 2009

Marlborough, Mass., _____

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., be and is herewith refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER NO. 09-1002290

**Certification Required Under Chapter 79 of the Acts of 2006
Examination of Evidence Received at September 28, 2009 Public Hearings
Applications for Special Permit submitted by
Clear Wireless, an affiliate of Sprint / Nextel**

Dear Honorable President Arthur Vigeant
and Members of the Marlborough City Council

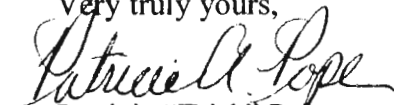
Please enter the following statement into the record of each of the three Public Hearings scheduled on September 28, 2009 on applications for Special Permit submitted by Clear Wireless, an affiliate of Sprint / Nextel for the following sites:

Order No.09-100-2290: 157 Union Street
Order No.09-100-2291: 109/115 Onamog Street / Fairmount Hill
Order No.09-100-2292: 75 D. Lynch Boulevard

I am, unfortunately, unable to attend tonight's public hearings on the applications for special permits by Clear Wireless, an affiliate of Sprint/Nextel. However, please be advised that I wish to be able to take advantage of the procedure set forth in MGL c. 39, § 23D, previously approved by order of the Marlborough City Council, which would authorize me to vote on those special permit applications at a later Council meeting, so long as I have certified in writing prior to such vote that I examined all evidence received at tonight's public hearings. I intend to watch the videotapes of the public hearings in the very near future, and in any event prior to any vote on the special permit applications.

Therefore, if it is your desire to close the public hearings tonight, I would respectfully request that the closure be conditioned on my having submitted to the Council, in the very near future, the written certifications that I have examined all evidence received at tonight's public hearings. Thank you for your consideration.

Very truly yours,


Patricia "Trish" Pope
Councilor-at-Large



IN CITY COUNCIL

3

AUGUST 17, 2009

Marlborough, Mass.,

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., be and is herewith refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER NO. 09-1002291

**Certification Required Under Chapter 79 of the Acts of 2006
Examination of Evidence Received at September 28, 2009 Public Hearings
Applications for Special Permit submitted by
Clear Wireless, an affiliate of Sprint / Nextel**

Dear Honorable President Arthur Vigeant
and Members of the Marlborough City Council

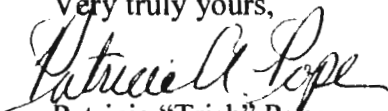
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Very truly yours,



Patricia "Trish" Pope
Councilor-at-Large



IN CITY COUNCIL

4

Marlborough, Mass., AUGUST 17, 2009

ORDERED:

AUGUST 17, 2009

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., be and is herewith refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER NO. 09-1002292

4A

**Certification Required Under Chapter 79 of the Acts of 2006
Examination of Evidence Received at September 28, 2009 Public Hearings
Applications for Special Permit submitted by
Clear Wireless, an affiliate of Sprint / Nextel**

Dear Honorable President Arthur Vigeant
and Members of the Marlborough City Council

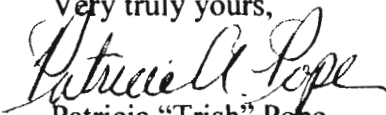
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Very truly yours,



Patricia "Trish" Pope
Councilor-at-Large



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*⁵
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

September 24, 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:

As indicated in my letter to Council earlier this month, I am informing you that we have received formal award notification of the City's Green Communities Planning Assistance Grant through the Commonwealth of Massachusetts Department of Energy Resources (DOER).

For your review, I have attached the notice of grant award form, the award notification letter, a copy of the grant application, as well as additional details on the City of Marlborough's Sustainability Action Plan.

As outlined in MGL, Chapter 44, Section 53A, I am recommending that the City Council accept this grant for the purposes outlined. I respectfully request your approval this evening.

I look forward to providing you updates on our progress in obtaining Green Community status. Municipalities reaching this status will be eligible for grants from the State's \$10 million annual fund supporting locally-based clean energy projects.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosures

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**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: City Planner DATE: 14-Sep-09

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Nancy S. Savoie

NAME OF GRANT: Green Communities- Planning Assistance

GRANTOR: MA DOER

GRANT AMOUNT: N/A

GRANT PERIOD: six months

SCOPE OF GRANT/
ITEMS FUNDED technical assistance
Consulting firm will help Marlborough qualify for status as a Green Community, thus
enabling future access to State funds

IS A POSITION BEING
CREATED: NO

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? N/A

ARE MATCHING CITY
FUNDS REQUIRED? NO

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

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

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: No

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



52

City of Marlborough City Planner

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3799 Facsimile (508) 460-3747

Nancy Savoie - City Planner

September 23, 2009

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

RE: Green Communities Award

Dear Mayor Stevens;

I am pleased to inform you that the Commonwealth of Massachusetts – Department of Energy Resources has awarded the City of Marlborough Planning assistance through the Green Communities Program.

I am enclosing the official award notice which includes some of the procedural details and schedule. I look forward to the implementation of this very important project. This grant does not require a cash match from the City.

If you have any questions, please feel free to contact me.

Sincerely,

Nancy S. Savoie
City Planner



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF
ENERGY AND ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENERGY RESOURCES

100 CAMBRIDGE ST., SUITE 1020
BOSTON, MA 02114

Internet: www.Mass.Gov/DOER
E-mail: Energy@State.MA.US

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Ian A. Bowles
Secretary, Executive Office of Energy
and Environmental Affairs

Philip Giudice
Commissioner

53

TELEPHONE
(617) 626-7300

FACSIMILE
(617) 727-0030
(617) 727-0093

September 14, 2009

Ms. Nancy Savoie
City of Marlborough
City Hall, 140 Main Street
Marlborough, MA 01752

Dear Ms. Savoie:

Congratulations! The City of Marlborough has been awarded planning assistance through the Green Communities Program. In email correspondence to you, dated September 1, 2009 we indicated that you would receive formal notification from our office of the award. This letter serves as the official award notice for your community and we are happy to provide you with the following information regarding the planning assistance program.

PLANNING ASSISTANCE CONSULTANTS

The Department of Energy Resources has selected six consulting groups to provide planning assistance to one hundred and three (103) communities across Massachusetts. Each of the consulting groups has been assigned to communities primarily by geography, based on familiarity with and experience in specific regions of the state.

Vanasse Hangen Brustlin, Inc. has been assigned to provide planning assistance to your community. Within the next several weeks, Vanasse Hangen Brustlin, Inc. will be in touch with the primary contact you identified on your application to introduce themselves and to discuss the process, in particular, when work will begin in *city/town*.

PROCESS

On the date planning assistance is scheduled to begin in your community, Vanasse Hangen Brustlin, Inc. will perform an initial site visit. The site visit will consist of a review of your planning assistance application and an assessment of your community's progress in meeting the qualification criteria for becoming a Green Community.



Thereafter, Vanasse Hangen Brustlin, Inc. will work with you to develop an action plan to become a Green Community that includes a timeline for completion of the plan. Specifically, the plan will include the following:

- A breakdown of each of the qualification criteria that a community must meet
- Identify what has been accomplished to date
- Identify specific tasks to be completed to meet the criteria
- Identify the person(s) responsible for those tasks
- Develop objectives and milestones for completing the identified tasks that will lead to the community meeting each outstanding qualification criteria

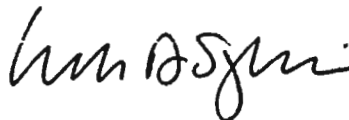
In developing what is required for the action plan, Vanasse Hangen Brustlin, Inc. will identify the appropriate method, technology, model documents, buildings etc... that pertain to each criteria. They will provide information on the Stretch Code, explain how to develop a baseline, identify the different as-of-right zoning options and be available to make supporting presentations to appropriate town officials for up to two meetings.

CONTACT INFORMATION

The Green Communities Division is responsible for managing the planning assistance program. If your community has any questions regarding the planning assistance process, please contact Cliff Sullivan either by email at cliff.sullivan@state.ma.us or by telephone at (617) 626-7360. It is also important to note that the Green Communities regional coordinator assigned to your community will be participating in the initial site visit and will be receiving bi-weekly updates on all of the planning assistance projects in their region.

The Department of Energy Resources Green Communities Division is excited about providing the City of Marlborough with assistance to help you become a Green Community. We look forward to working with you on this project.

Sincerely,



Mark D. Sylvia
Division Director
Green Communities

rec: Sept 21, 2009



**GREEN COMMUNITIES
PLANNING ASSISTANCE PROGRAM
2009 APPLICATION**

APPLICANT INFORMATION

Municipality City of Marlborough, MA			Contact (print) Nancy S. Savoie
Street Address City Hall 140 Main Street			Title City Planner
City/Town Marlborough	State MA	Zip Code 01752	Telephone 508 460-3799 Email: nsavoie@marlborough-ma.gov

ELIGIBILITY

1. Meets one or more of the following Green Communities Criteria (check each box that applies):

- As-of-Right zoning for renewable or alternative energy generation, R&D facility or manufacturing facility (***Please attach a copy of the applicable zoning bylaw***)
- Expedited permitting process (***Please provide evidence of expedited permitting requirement***)
- Established energy baseline for all buildings, vehicles and streetlights and commits to reducing the baseline by 20% over five years (***Please provide evidence of energy baseline and policy on energy reduction commitment***)
- Procure only fuel efficient vehicles (***Please provide evidence of purchasing policy***)
- Requires all new construction to minimize the life-cycle cost of the facility by utilizing energy efficiency, water conservation and other renewable or alternative energy technologies (***Please provide evidence that the BBRS (Board of Building Regulations and Standards) stretch code has been adopted, or some other standard that minimizes life cycle energy costs and is enforceable by the municipality for new construction***)

2. Letter of commitment to meet all five criteria within one year of technical assistance award (please attach letter from Chief Executive Officer (Board of Selectmen, Mayor)

3. Has established an energy committee and/or partnership with community energy organization to address energy issue (**please provide minutes, policy, bylaw or other evidence**)

4. Check the box to indicate regional application

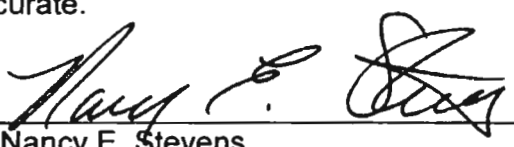
List municipalities represented by regional entity

NOTE: Regional applicant must include letters from the Chief Executive Officer for each of the municipalities listed in this section acknowledging that the regional entity is applying on their behalf and that they are a party to this application.

AUTHORIZATION

I Nancy E. Stevens, as the Mayor hereby
(state your name) (state your title)

confirm that I am duly authorized to submit this application on behalf of the city / town / regional entity of Marlborough and that all information contained in this application is true and accurate.



Name: Nancy E. Stevens
Title: Mayor

Date: August 7, 2009

CONTACT INFORMATION

For more information please contact:

Cliff Sullivan
Green Communities Division
cliff.sullivan@state.ma.us
(617) 626-7360



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

57
Nancy E. Stevens
MAYOR

Krista F. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

August 7, 2009

Mark Sylvia, Director
Green Communities Division
Massachusetts Department of Energy Resources
100 Cambridge St. Suite 1020
Boston, MA 02114

RE: Green Communities Grant Program – Planning Assistance

Dear Mr. Sylvia,

As Chief Executive Officer for the City of Marlborough, I respectfully request funding for Planning Assistance from the Commonwealth of Massachusetts Department of Energy Resources - Green Communities Grant program.

Marlborough has developed- over the past two years with input from a wide variety of constituencies- a vision for its green future as well as the goals, principles and strategies required to support our green vision. This effort has resulted in the City's Sustainability Action Plan 2008 which provides a framework which seeks to ensure the city can continue to meet its current and ongoing environmental, social, and economic needs and reduce its greenhouse gas emissions from all three sectors of the community - municipal, business and residential. The Sustainability Plan 2008 can be found at the following web site, a copy of the summary and table of contents is attached:

<http://www.greenmarlborough.org/Marlborough%20Action%20Plan%20FINAL%202-17-09%202.pdf>

Finite resources, coupled with our sincere desire to better support a diverse and sustainable community requires the city to make choices about how best to use it's natural, social, economic and human resources. This funding request comes at an opportune time and is critically important to Marlborough to assist us in advancing our goal of becoming a model community for sustainable policies and on-the-ground practices.

Specifically, the City has already begun to meet the five criteria required by this grant application and is committed to implementing all five items within one year of award.

1. *Provision of as-of-right siting of renewable or alternative generating facilities, renewable or alternative energy research and development (R&D), or renewable or alternative energy manufacturing facilities in designated locations. (This provision is already in place for R&D and manufacturing see details below.)*

2. *Adoption of an expedited application and permitting process under which these energy facilities may be sited within the City and which shall not exceed 1 year from the date of initial application to the date of final approval. (This process has begun see details below.)*
3. *Establish an energy use baseline inventory for municipal buildings, vehicles, street and traffic lighting, and as well as a comprehensive program designed to reduce this baseline by 20 percent within 5 years on initial participation. (This process has begun see details below.)*
4. *Purchase only fuel efficient vehicles for municipal use whenever such vehicles are commercially available and practicable. (This process has begun see details below.)*
5. *Require all new residential construction over 3,000 square feet and all new commercial and industrial real estate construction to minimize, to the extent feasible, the life cycle cost of the facility by utilizing energy efficiency, water conservation and other renewable or alternative energy technologies. (This requirement can be met in 2010 when the new building code is established, see details below.)*

The following describes Marlborough's current status on each of these criteria.

#1 Marlborough already has industrial and limited industrial zoned property which would as-of-right allow for renewable or alternative energy manufacturing and R&D. Alternative or renewable energy generating facilities are not specifically noted in the zoning code and will need to be researched and added. Currently we have two-businesses, Evergreen Solar and Brookfield Renewable Energy that operate in the city. With additional planning technical assistance we can determine what additional language is needed within our local zoning code to allow for additional renewable or alternative energy facilities within our borders.

#2 Marlborough has adopted MGL c 43D Expedited Permitting which requires the city to designate properties that are ready for development. The City is prepared to apply this process of permitting to proposed alternative energy facilities as well, as these locations are identified. In the case of energy generating facilities siting the city will first need to adopt some zoning changes to allow such uses, if not already allowable. Planning technical assistance can help put the city in this position.

#3 In 2006 the City of Marlborough published an Energy and Environmental Inventory, to benchmark energy, water consumption and waste generated throughout the city and the corresponding greenhouse gas emissions generated by the city as a whole. This inventory included all three sectors - municipal, residential and business - and included transportation. From this inventory it was clear that steps need to be taken to reduce greenhouse gas emissions.

In November 2007, I joined other cities in Massachusetts by signing the Cities for Climate Protection Pledge and affirmed our commitment to reducing greenhouse gas emissions. I then established the Marlborough Energy and Environmental Task Force (MEET) which helped develop our Sustainability Action Plan 2008 (the web link to this plan is listed above) which lays out the steps needed to reach our greenhouse gas reduction goals.

The MEET Task Force was comprised of 14 members representing the municipal, business, and energy and transportation sectors within Marlborough. A list of these members is attached. The plan documents steps we have made thus far and notes the next steps to be taken.

On the municipal sector we have made some advances. Our facilities Director has been working with NGRID to upgrade the energy efficiencies in our schools, library and municipal buildings by replacing lighting, our Waste Water Treatment Plants are being upgraded to include energy efficient motors and our traffic lights have been converted to LED lights, all of which are first steps in getting to our goal. Our Facilities Director is tracking the energy savings that are being achieved. He is currently using the "EPA Energy Star Benchmark Marking" program to help track energy use in the municipal buildings to create an ongoing database so we can measure our successes. This data collection and input to this program just began last month so no comparative data is available at this time. The planning technical assistance from this grant can help to evaluate this program and provide guidance on any additional information we'll need to collect and can help us set goals for meeting our 20% green house gas emissions reduction goals in a five year period.

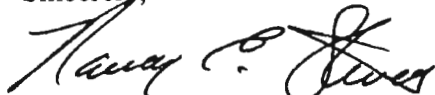
#4 The Planning Grant technical assistance can help us advance Item #4- Purchase only fuel efficient vehicles. We are committed to meeting this goal but require some assistance in setting a purchasing policy that we can implement. The city has already purchased two energy efficient vehicles. A set policy will ensure that replacement vehicles where appropriate are energy efficient.

#5 We are also committed to making new construction energy efficient as well. Our building inspector has indicated that implementing the new 2010 building code with its energy efficiency requirements, once training has been in place, will put the city in a position to meet this last requirement. Our Sustainability Action Plan 2008 also recommends that the city promote LEED and LID requirements for new construction so this is a step we were striving for already. The city has been very supportive and encouraging to several private businesses within the community who have already opted to build energy efficient construction including a new LEED certified private school building which uses geothermal heating/cooling. Other businesses have added retrofits to existing buildings including solar panels and more efficient HVHC units. We are encouraged that the state building code will be requiring these measures in 2010 that will make it easier for the building department to require these higher efficiency measures. Technical planning assistance to help the city reach this goal will be helpful as well.

We are excited about the prospect of getting technical assistance to advance the city to the next stage so we can begin implementing the goals established for this grant but more importantly advancing our Sustainability Action Plan 2008 to meet our greenhouse gas emissions goals.

We hope you will look favorably up on this request, and we look forward to hearing from you.

Sincerely,



Nancy E. Stevens, Mayor

Enclosure

cc: Nancy Savoie, City Planner
Priscilla Ryder, Conservation Officer
John Ghiloni, Facilities Director
Jennifer Boudrie, Green Marlborough

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Marlborough Energy and Environmental Taskforce (MEET)

Sustainability Action Plan 2008



Thinking Globally and Acting Locally

2-17-09

Acknowledgements

MEET, Taskforce I, Co-Chairs

Priscilla Ryder and Jennifer Boudrie

MEET, Taskforce I, Meeting Participants

Municipal: Priscilla Ryder, Doran Crouse, John Ghiloni
Residential: Jennifer Boudrie, Mike Manning, Susanne Cerni-Price
Business: John Riordan, Diane Cobb, Brian Daigle
Energy: Don Robinson, Paul Gedutis, Brian Murphy
Transportation: Walter Bonin
Organizations: Brian Palmer

Introduction to the Marlborough Action Plan

In 2007, Marlborough conducted the *2006 Energy and Environmental Inventory* and joined Cities for Climate Protection (CCP) which were important advancements for local environmental protection. Afterwards, at the invitation of the Mayor of Marlborough, Nancy Stevens, the first Marlborough Energy and Environmental Taskforce was formed. The Taskforce met six times between January and June 2008 to review and discuss an Action Plan that would establish proactive goals for a more environmentally sustainable community for ourselves and future generations in Marlborough.

This Action Plan also recognizes the importance of economic and social responsibility in our community. Each is vital to our community's health. For that reason this Action Plan focuses on environmental sustainability as well as money-saving actions that include energy efficiency, water conservation, and other important measures that support a strong economy as well as a healthy environment. Because this action plan recognizes the value of social responsibility, we invite all those who live and work in Marlborough to participate. By working together we can all make a difference.

The Marlborough Sustainability Action Plan is a work in progress. We welcome your feedback, suggestions and participation as we move forward to implement it. There are many ways to improve energy efficiency, water conservation, land use, waste management, and transportation. Each person can practice good stewardship and make a difference. If you would like to participate in the MEET taskforce efforts please contact

the co-leaders. We would welcome and thank you for your support to make our community a healthy place for us all to live and work.

A special thank you to the leaders and communities who helped lead the way before us, especially John Bolduc, in Cambridge.

This report was funded in part by a grant from the Massachusetts Department of Environmental Protection (DEP).

Jen Boudrie
August 26, 2008

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- Strategy 1: Reduce Commuting by Single-occupancy Vehicles*
- Strategy 2: Improve Facilities for Walking & Cycling*
- Strategy 3: Reduce V.M.Travel through Parking Incentives & Restrictions, Car-Sharing, Promotion, & Education*
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- Role of Land Use & Vegetation in Marlborough
- Trends
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- Strategy 1: Foster Mixed-Use, Transit-Oriented Development & Redevelopment & Public Open Space through Zoning & Incentives*
- Strategy 2: Optimize Use of Vegetation to Shade Buildings & Reduce Urban Heat Island Effect*
- Strategy 3: Reduce Heat Island Effect through Design of the Built Environment*
- Strategy 4: Promote Design & Construction of Green Buildings*
- Strategy 5: Work for Transit-Oriented Regional Land Use Planning*

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- Role of Waste Generation & Management in Marlborough
- Trends
- Relationship between Waste & GHG Emissions
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Appendix IV List of Actions by Sector
Appendix V Massachusetts Green Community Act - Notes
Appendix VI Smart Growth – City Center Concept by Walter Bonin
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Appendix VIII Climate Change and Greenhouse Gas Emissions
Appendix IX Tax and Other Incentives
Appendix X MEET Taskforce Committee Members and Affiliations



City of Marlborough
Office of the Mayor

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

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

September 23, 2009

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

RE: French Hill Police Substation

Honorable President Vigeant and Councilors:

As you are aware, restoring the police substation to French Hill has been a key priority. I am pleased to report that community policing has taken an important step forward with the reopening of the 87 Broad Street substation on French Hill. Officer Tony Evangelous will be joined by Officer Borden Wicks in the daily responsibility of patrolling the City's downtown and French Hill neighborhoods.

Community policing has been an effective tool allowing for specifically assigned police officers to become well acquainted with the nuances of each of these neighborhoods and their residents. The residents, in turn, have the opportunity to develop relationships with familiar faces dedicated to serving the needs of their neighborhoods.

The space for the new Broad Street substation has been donated to the City by White Real Estate. I would like to publicly recognize the generosity of the White family and wish to thank them for their partnership in expanding our community policing presence on French Hill.

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

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Marlborough, Massachusetts 01752
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Nancy E. Stevens
MAYOR

Krista J. Holmt
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

September 24, 2009

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

RE: Targeted Brownfield Assessment Selection

Honorable President Vigeant and Councilors:

I am please to inform you that the site located at 25 East Main Street has been selected by EPA New England for the Targeted Brownfields Assessment Program. Through this selection, the City of Marlborough will receive services (now estimated up to \$125,000.00) for assessing contaminants at this site which was acquired through tax title in the spring of 2009.

Since prior site use included a gas station and used car sales, it was important to determine first, if the property is contaminated, and if so, the costs associated with clean up. We are excited to be selected for these services which come at no cost to the City.

As outlined in MGL, Chapter 44, Section 53A, I am recommending that the City Council accept this grant for the purposes outlined. I respectfully request your approval this evening.

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

Sincerely,

Nancy E. Stevens
Mayor



7,
City of Marlborough
City Planner

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3799 Facsimile (508) 460-3747

Nancy Savoie – City Planner

September 23, 2009

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

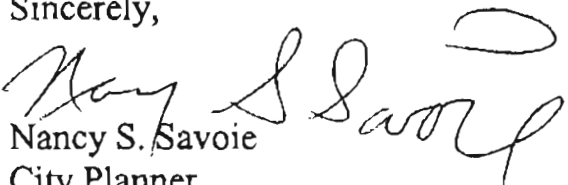
Dear Mayor Stevens;

I am pleased to inform you that the U.S. EPA has approved our application for the Targeted Site Assessment Program for 25 East Main Street. The Targeted Site Assessment (TSA) program will provide up to \$125,000 for assessment activities and sampling activities to identify types and concentrations of contaminants. The scope of services also includes the establishment of clean up options and cost estimates based on reuse options. It is important to note that this award does not require a cash match.

This award is extremely important to neighborhood revitalization and urban vitality by preparing a vacant, underutilized parcel for redevelopment.

If you have any questions, please feel free to call me.

Sincerely,


Nancy S. Savoie
City Planner

CITY OF MARLBOROUGH NOTICE OF GRANT AWARD

DEPARTMENT: City Planner DATE: June 11, 2009

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Nancy S. Savoie

NAME OF GRANT: Targeted Site Assessment

GRANTOR: US EPA

GRANT AMOUNT: \$125,000

GRANT PERIOD: TBD

SCOPE OF GRANT/ assessment/ soil sampling 25 E. Main St

ITEMS FUNDED EPA selected Contractor

IS A POSITION BEING CREATED: NO

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? N/A

ARE MATCHING CITY FUNDS REQUIRED? NO

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

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

N/A

ANY OTHER EXPOSURE TO CITY? N/A

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: No

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



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

73

June 11, 2009

OFFICE OF THE
REGIONAL ADMINISTRATOR

Ms. Nancy Savoie
Planner
City Of Marlborough
140 Main Street
Marlborough, MA 01752

Re: Selection of Site for Targeted Brownfields Assessment; 25 East Main Street

Dear Ms. Savoie:

It is my pleasure to inform you that the 25 East Main Street site has been selected by EPA New England for the Targeted Brownfields Assessment Program. EPA anticipates funding and conducting site assessment activities in the coming months. We have estimated that these services will cost up to \$100,000. Nobis Engineering, an EPA contractor, will perform the work. Jim Byrne of the Region's Brownfields Team will oversee the assessment activities and will be the EPA point of contact for the project. Jim will be contacting you in the near future to begin gathering information to identify the scope of the investigation.

We look forward to working with you in completing the Targeted Brownfields Assessment at your site. Your cooperation in assisting us in the completion of these activities is appreciated. If you have any questions or require further clarification of the above, please contact Jim at (617) 918-1389.

Sincerely,

Ira W. Leighton
Acting Regional Administrator

cc: Senator Edward M. Kennedy
Senator John F. Kerry
Congressman Stephen E. Lynch
Catherine Finneran, MADEP

rec:
June 24, 2009



City of Marlborough
Office of the Mayor

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Marlborough, Massachusetts 01752
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Nancy E. Stevens
MAYOR

Krista J. Helmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

September 24, 2009

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

RE: Bolton Street Lead Service Replacement

Honorable President Vigeant and Councilors:

During the September 21st meeting of the Finance Committee, members discussed both timing and financing for the Bolton Street water main project. In response to concerns, and following consultation with DPW Commissioner LaFreniere and the project contractor, we have determined that it is in the best interest of the City to defer the Bolton Street water main replacement until the next construction cycle.

I ask that the transfer request associated with this project be referred back to me for additional review.

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

⁷
Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

September 22, 2009

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

Honorable President Vigeant and Councilors:

I am submitting for your approval the re-appointment of Beverly Sleeper to the position of Chief Procurement Officer for a three-year term expiring November 20, 2012.

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

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Marlborough, Massachusetts 01752
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10
Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

September 24, 2009

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

RE: Transfer request

Honorable President Vigeant and Councilors:

As you are aware, Diane Halper, my former Executive Secretary, has accepted a position as Principal Clerk at the Council on Aging. Entitled benefits associated with longevity and sick leave buy back were included in the Mayor's line-item budget. The two transfer requests below simply transfer these benefits to the associated budget accounts at the Council on Aging.

Transfer in the amount of \$1160.84 from account number 11210003-51430 (Longevity) to account number 15410003-51430 (Longevity)

Transfer in the amount of \$1488.26 from account number 11210003-51920 (SLBB) to account number 15410003-51920 (SLBB)

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. Kimber
EXECUTIVE SECRETARY

September 24, 2009

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

RE: FY09 End of Year Close Timeline

Honorable President Vigeant and Councilors:

The attached correspondence from City Auditor Diane Smith provides a status update and timeline with respect to the closing of the FY09 books and submittals required for the certification of free cash. As you will note, Ms. Smith anticipates concluding this process by October 16, 2009.

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

Sincerely,

Nancy E. Stevens KH

Nancy E. Stevens
Mayor

Enclosures



CITY OF MARLBOROUGH

Office of the City Auditor
140 Main St.
Marlborough, MA 01752
508.460.3774

MEMORANDUM

TO: Mayor Nancy E. Stevens
FROM: Diane Smith, City Auditor
DATE: September 23, 2009
RE: FY09 End of Year Close Timeline

Attached for your review please find a timeline for the necessary steps to close the FY09 books and submit all required paperwork and reports to the state for free cash certification.

As you will note all reporting of disbursements and receipts have been completed and the Treasurer's office is working on cash reconciliation through June.

The remaining steps involved in closing the books will be completed as projected on the timeline and the end of year reports and paperwork will be submitted to the state for certification no later than October 16, 2009. I will be speaking with our representative at the Division of Local Services to let them know of our time frame and our tax rate hearing date so that they will work with us to get free cash certified prior to that date.

If you have any questions please feel free to contact me directly.

Cc: Thomas Abel, Comptroller/Treasurer

FY09 END OF YEAR CLOSE TIMELINE

9/24/2009

1/2

		DATE COMPLETED
		FY2009 EOY
JULY	1st	Auditor and Collector reconcile receivables thru June 09 completed
	13th	Final FY09 Invoices submitted to Auditors Office by departments completed
	15th	Final FY09 Accounts Payable Warrant Processed completed
	17th	FY09 Open Purchase Order List sent to Depts completed
	30th	Depts return Open PO List with FY09 Carryforwards completed
		Auditor reviews carryforwards completed
AUG		Treasurer's Office reports FY09 non-check (wire) disbursements and receipts for May 09 completed
		Treasurer's Office reconciles bank statements and Cash balances thru Mar 09 completed
	19th	Final School Accrued Summer payroll posted to ledger completed
SEPT	22nd	Treasurer's Office reports FY09 non-check (wire) disbursements and receipts for June 09 completed
		Treasurer's Office reconciles bank statements and Cash balances thru June 09
		Revenue ledger and expenditure ledger closed
		Auditor reviews/reconciles all general ledger funds/accounts including but not limited to: payroll withholding accounts, due to/from accounts, bond payable accounts, statement of indebtedness w/Treasurer, OFU/OFS.
OCT	1st thru 15th	General Ledger Closed, reports prepared for State (balance sheet, detail fund balances, cash reconciliation, year end checklist info, undesignated fund balance proof, Collector/Auditor receivable reconciliation report, capital projects detail report, detail trial balance (all funds), Snow & Ice data sheet) Statement of Indebtedness from Treasurer Health Insurance Incurred but not reported from Treasurer Submit all paperwork to State for free cash certification
		Once paperwork is submitted to the state they may request additional info and approval typically takes 1-2 weeks after the submission date.
DEC	7th	Tax Rate Hearing- City Council

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**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.

2 Mount Royal Avenue, Map 79, Block 33

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

Mount Royal Associates II, LP 34 Washington Street, Wellesley, MA 02481

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:

Commercial - Industrial

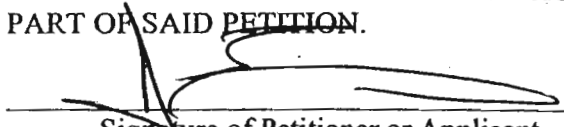
7. Specific reason(s) for seeking Special Permit

Modification 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.
Address: Prince, Lobea, Glovsky & Tye LLP
100 Cambridge Street, Suite 2200
Boston, MA 02114

Telephone No. 617-456-8184

Date: Sept 17, 2009

13

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.

460 Boston Post Road E. 73-30

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

Trinity Countryside LP 450-460-Boston Post Road E.

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:

7. Specific reason(s) for seeking Special Permit

Modification 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

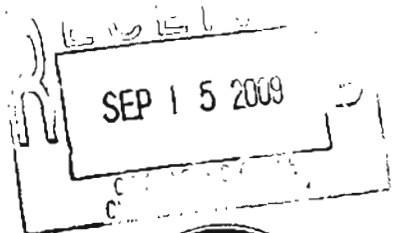
Address:

100 Cambridge Street, Suite 2200
Boston, MA 02114

Telephone No. 617-456-8184

Date: Sept. 17, 2009

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
August 17, 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, August 17, 2009 in Memorial Hall, 3rd floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Steven Kerrigan, Phillip Hodge, Clyde Johnson, Robert Hanson and Sean Fay. Also present: Assistant City Engineer Richard Baldelli.

MINUTES

Meeting Minutes July 27, 2009

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

To accept and file the Meeting Minutes of July 27, 2009.

CHAIRS BUSINESS

Mr. Kerrigan spoke to the Board regarding changing the Subdivision Rules and Regulations for the time frame for ANR approval. He will speak to the City Solicitor regarding the language and then he will return the board with the affirmed language.

APPROVAL NOT REQUIRED PLAN

PUBLIC HEARING

SUBDIVISION PROGRESS REPORTS

Update from City Engineer

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

- Acre Bridge, finishing final request, should have correspondence at next meeting
- Crystal Ridge, Mr. Baldelli is meeting with Site Engineer on site

Forest Trail (Mosher Lane)

Mr. Daniel Burger, Attorney for Avidia Bank, is asking the Planning Board to take in the following waivers into consideration:

- Vote to waive the requirement that the emergency access road between the Cul-de-Sac and Sudbury Street to be paved
- Vote to accept the curb cut installed at the Cul-de-Sac for the access road in lieu of the curbing shown on the approved subdivision plan
- Vote to waive installation of a four (4) foot high concrete wall with a chain link fence along a portion of the sidewalk showed on the approved subdivision plan.
- Vote to reduce the performance bond to ten percent of the original bond amount to \$101,904.50.

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

To accept and file correspondence.

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

To send correspondence to the City Engineer for his review of the waiver requests and the reduction in bone monies; and have the Engineer report back to the Board with his findings.

PENDING SUBDIVISION PLANS: Updates and Discussion

Marlborough Elms (Elm Street)

Mr. Baldelli stated that he will send a letter to the Engineer on record for a re-submittal of plans for their review.

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

SCENIC ROADS

SIGNS

INFORMAL DISCUSSION

Clover Hill

The proponent had to reschedule due to an emergency.

COMMUNICATIONS/CORRESPONDENCE

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

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

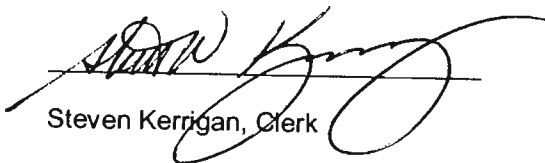
On a motion by Mr. Johnson, seconded by Mr. Kerrigan, it was duly voted:

To adjourn at 7:20 p.m.

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A TRUE COPY

ATTEST:



Steven Kerrigan, Clerk

SEP 22 2009

MetroWest Regional Transit Authority

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**Advisory Board
Meeting Minutes
Monday, June 8, 2009**

The Metrowest Regional Transit Authority Advisory Board met on June 8, 2009 at 4:00 p.m., at the Holliston Town Hall in Holliston, MA, at the call of Carl Damigella, Holliston. Mr. Damigella asked for a roll call of communities. In attendance were; Edward Carr, Administrator, Charles Stevenson, Counsel, Charlie Hughes, Natick, Jason Smith, Framingham, Joe Nolan, Wayland, Brian Herr, Hopkinton, Betty Soderholm, Southborough, Nancy Savoie, Marlborough and Chris Peck, Sherborn. A quorum was declared. Mr. Nolan made a *motion to waive the reading of the previous minutes*; it was seconded by Mr. Hughes, and approved unanimously. It was noted by Mr. Carr that there were three sets of minutes to approve; March 9, April 6 and May 11th. Mr. Nolan *made a motion to approve the previous 3 sets of minutes*; it was seconded by Mr. Peck, and approved unanimously. Mr. Phil Jack, Ashland, Ms. Toni Wolfe, Weston, and Ms. Debbie Moore, Disabled Community Representative, joined the meeting after it was called to order.

Administrator's report:

- **Fixed Route Service:**

Service was maintained despite the lack of phone and internet capability during the move to the new location.

In the next month **the fixed route** schedules will be examined, aided by the draft study from the CTPS.

- **Demand Response:**

The RTA has been working with the MBTA and the RIDE Task force to **facilitate the change**.

Two of the **four public information sessions** to answer rider's questions have been completed. The sessions have been well-attended and productive.

- **37 Waverly St.:**

The **property appears suitable** for the RTA's immediate needs. Modifications need to be made. It should be possible to hold the August Board meeting at the site.

There is a concern with one of the **test wells** outside of the building. It is the responsibility of the landlord to address the problem.

- **Outreach and Marketing:**

The MWGMC is **presenting the RTA with the Spirit Award** on June 10th. This award is for work that has benefited the region in the past year.

Advertising is set to begin on the inside of the buses, starting on September 1.

Branding of the bus stops has begun in Southborough, with three signs.

After the Administrator’s Report, Mr. Damigella turned the meeting over to Mr. Jack.

Comments on the Administrator’s Report:

There was a discussion about the importance of the RTA’s receiving the Spirit Award. Board members discussed publicizing this in their towns and on the RTA web site.

Old Business

- **Voting Items held over from previous sessions**

The MBTA has a policy of free fares for Military personnel in uniform and free Charlie Card fares for MBTA employees. In order for **the Charlie Card implementation** to proceed at the RTA, the RTA must also provide these fares for free. Mr. Hughes *made a motion to approve this change in fares*; it was seconded by Mr. Damigella. Discussion ensued. This benefit includes all RTA employees and members of the Board. The motion was approved by a vote of nine to zero, with one abstention, from Mr. Nolan.

There was a proposed **By-law change** that would require all policy-related communication between the towns and the RTA to be directed through the Board representative for each town. Mr. Hughes *made a motion to approve the amendment*; it was seconded by Mr. Jack and approved unanimously. Mr. Carr will send a memo to the appointing authority in each town advising them of the change.

New Business

- **Budget:**

The **new budget** was presented. It is level-funded. The State legislature hasn't approved the budget yet. Mr. Carr believes that the RTA will be able to provide at least the same level of service for the coming year. A number of questions were asked regarding the numbers for the ADA Paratransit and the Call Center, which Mr. Carr explained. Mr. Hughes *made a motion to adopt the budget*; it was seconded by Mr. Damigella and passed unanimously.

At the end of the meeting, Mr. Herr brought up the topic of a **finance subcommittee** being formed to oversee the budget. This was approved by consensus, with the committee being three people. Mr. Jack will choose the members and asked that those interested contact him before the next meeting.

- **Election of Officers:**

The Board elected a **new slate of officers** for the coming year. Mr. Smith nominated Mr. Jack for Chair; the nomination was seconded by Mr. Hughes. Mr. Nolan nominated Mr. Damigella as Vice-Chair; the nomination was seconded by Mr. Hughes. Mr. Damigella nominated Mr. Nolan for Clerk; the nomination was seconded by Mr. Hughes. The vote was taken on the entire slate and passed unanimously.

Questions and comments from the audience:

- Mr. Tim Kelley of JFK Transportation had questions for Board members Mr. Peck and Mr. Nolan, regarding paratransit contracts in their towns, and other questions of an informational nature.
- Ms. Ginger Esty, representing the MPO, advised the Board that the Suburban Mobility Committee has more applicants and less money available. The **RTA's application for Saturday service on Route 7** may not receive the full \$50,000 of the request. The RTA's budget should take this into account. The amount may be 20%.
- Ms. Esty requested that the route of the **Route 7 bus**, be changed to Union Ave., instead of Franklin St. She also suggested that the RTA pursue funding from Milford and the Solomon Pond Mall for the service provided to these entities, as they're currently not contributing to the RTA.

Other Business:

The Board discussed the possibility of having **quarterly meetings** of the full Board, with committees meeting more frequently. There was consensus that the Board will continue with the current mode of having full board meetings on a monthly-to-six-week basis.

The next meeting was scheduled for Monday, July 27, 2009. If the 37 Waverley location isn't ready, Mr. Peck volunteered Sherborn.

The meeting ended at 4:40 PM

###

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 June 8, 2009.

Joseph F. Nolan, Clerk



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MetroWest Regional Transit Authority

**Advisory Board
Meeting Minutes
Monday, July 27, 2009**

The MetroWest Regional Transit Authority Advisory Board met on Monday, July 27, 2009 at 4:00 p.m., at the MetroWest Center for Independent Living, 280 Irving St. Framingham, MA, at the call of Mr. Phil Jack, Chairman, Ashland. Mr. Jack asked for a roll call of communities. In attendance were; Edward Carr, Administrator, Charles Stevenson, Counsel, Brian Herr, Hopkinton, Toni Wolf, Weston, Charles Hughes, Natick, Nancy Savoie, Marlborough, Betty Soderholm, Southborough, and Joe Nolan, Wayland. A quorum was not declared, as the representative from Framingham was not present. Due to this circumstance, only non-voting issues could be discussed and the previous minutes could not be approved. It was agreed that the Administrator's Report should be read. Kristin Kiesel, Sudbury, arrived after the meeting commenced.

Administrator's report:

- **Fixed Route Service:**

Small modifications in the fixed route schedules for routes 2, 3 and 4 will be implemented as a result of feedback from the CTPS study.

The RTA has **applied for Suburban Mobility money** to begin Saturday service in Marlborough.

Several new vehicles will arrive next month, funded by the MAP Program. The RTA should be getting several vehicles every year as part of the 5-year plan.

- **Demand Response:**

The MetroWest RIDE was implemented on July 1st. As expected, there were issues with transfer trips. The Natick-Framingham local rides went more smoothly.

Mobile Data Terminals will arrive next week and be installed in the vehicles, which should improve data processing that is now being done manually. The MDT's also have GPS capability.

Eight more vans should arrive later in the month, funded by the MAP program. This will complete the demand-response fleet at a full compliment of 21 vehicles.

- **37 Waverley St. Property:**
Mr. Patrick Moynihan will be making a presentation on the **37 Waverley St. property**.
- **Federal Funding:**
Lynn Alhgren will be making a presentation on **federal funding**.

Comments on the Administrator’s Report:

Mr. Herr asked about **the adjustments for the three fixed route schedules**. Mr. Carr advised the board that the changes were made to more accurately reflect reasonable drive times for the routes. He added that Route 5 will be examined next month.

Mr. Hughes asked what would be done with the **old vehicles**. Mr. Carr advised that they would be junked. Mr. Nolan asked if the new vehicles are the same type as the old ones, and Mr. Carr replied in the affirmative.

Mr. Jack asked if the **CTPS study** had been mailed out. Mr. Carr said that it isn’t completed yet. Mr. Carr will send a draft copy to all Board members.

Mr. Jack asked if the **RIDE transfers** have smoothed out. Mr. Carr replied that yes, they’re showing daily improvement. Mr. Herr asked if there had been any press coverage on the takeover of the service. Mr. Carr said that there hasn’t been. This was seen as a positive situation.

Old Business

- **37 Waverley St. - Update from Patrick Moynihan**

The **new location is operating as best at it can**, given its current physical set-up. The RTA has asked the Town of Framingham for the necessary permits that would be required for the creation of additional office space and vehicle repair needs. SEA Consultants has been hired to plan the space. A new test well was drilled and resulted in the discovery of gasoline contamination. The contaminated soil must be removed, which is the responsibility of the landlord.

This must be done before the RTA can move forward with plans to purchase the property.

The RTA will install proper drainage after purchasing the facility.

Discussion following Mr. Moynihan's report covered these issues:

- There are no air quality issues related to the contaminated soil, the contaminated soil is outside of the building.
- Details of the construction process were discussed at length, including the construction of additional bays and office space.
- The current space-challenged situation is helped by the fact the RTA has many new vehicles that require little maintenance.
- As part of the potential purchase, the RTA is pursuing federal funding that may be available for this capital project.
- The RTA has been working with the MBTA to provide additional space for the vehicles closer to the MBTA right-of-way and to eventually have a shuttle service to the West Natick Train Station.
- Federal Stimulus money can't be used for the building at this time because the building is not yet owned by the RTA.

New Business

Lynn Alhgren, a Federal Compliance Consultant, reported on federal grants that might be available to the RTA. The RTA has successfully applied and **been awarded four grants totaling \$547,750:**

1. Suburban Mobility Grant for Saturday service for Marlborough (may start in January 2010).
2. Mobility Assistance Program for laptop-computer equipment to be used for community outreach (use of PowerPoint presentations).
3. JARC Funding (Job Access/Reverse Commute) \$140K which will augment the Route 1 service.
4. New Freedoms, \$200K over a 3-year period to maximize ADA services, including services between other transit authorities.

Other money that will be received **includes \$750K** of Federal Stimulus money.

Separately, there is a 3 day training program in transportation planning in October that Board members may apply to attend. This training is sponsored by the Community Transportation of America Associates.

There was additional discussion of funding sources for the future. Most of the federal programs are three-year programs. This provides a sufficient time-frame so that Transit Authorities can determine if the new service is worthwhile. One-time grants will be used first, so that formula (5307) money can be carried over.

Other business

Ms. Wolf requested that planning be done using a **regional approach**, so that the smaller towns are included in the process. A discussion followed regarding the fact that some of the towns are paying the RTA for ADA services, but the amount is less than their MBTA assessment. This means that the balance of their cherry sheet money is still going to the MBTA when it could be used for local service paid to the RTA. According to Mr. Carr, some of the RTA's eight proposals, submitted to the SMP, were for services for these other towns and these proposals are a viable place to begin.

Questions and comments from the audience:

Ms. Kathy McCarthy asked a variety of questions to clarify points in the meeting. She also had lengthy comments about the RIDE service. Mr. Paul Spooner addressed some of these issues, including that riders who travel into Boston, must now transfer to an MBTA RIDE vehicle, instead of getting direct trips. There was additional discussion about ADA paratransit in general.

Mr. Tim Kelley asked if the June minutes were available. Mr. Jack responded that they haven't been approved yet. Mr. Kelley asked for other information, which the RTA will be giving to him. He also discussed COA paratransit in Sherborn. He then related a RIDE incident that his parents had witnessed regarding a visually impaired rider. Mr. Carr said that that particular incident had been addressed.

The next meeting was scheduled for Monday, September 21, 2009, with the location to be determined.

The meeting ended at 5:05 PM

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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 July 27, 2009.

Joseph F. Nolan, Clerk