

REGULAR MEETING  
MARCH 9, 2009

IN CITY COUNCIL  
ABSENT:

CONVENED:  
ADJOURNED:

1. Minutes, City Council Meeting, February 23, 2009.
2. PUBLIC HEARING: On the Application for Special Permit from MetroPCS Massachusetts, LLC, for proposed installation of a Telecommunications Facility onto the existing water tank located at 115 Onamog St.
3. PUBLIC HEARING: On the Petition from National Grid to install one new pole on Florence St. #14-50.
4. Communication from the Mayor re: budget transfer request in the amount of \$7,500.00 from Undesignated Fund to Veteran's Benefits to cover recurrent monthly deficits in the Veterans' Benefit Budget Line Item.
5. Communication from the Mayor re: budget transfer request in the amount of \$10,400.00 from Equipment Operator to Temp P.T. Help to provide funds needed to fill a temporary vacancy resulting from a workman's compensation injury.
6. Communication from the Mayor re: budget transfer request in the amount of \$15,000.00 from Undesignated Fund to Affordable Housing which represents payment by St. Mary's of French Hill Redevelopment LLC in satisfaction of condition #22 of Special Permit #07-1001500C.
7. Communication from the Mayor re: grant in the amount of \$69,262.00 awarded to the Police Department from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security to be used for Emergency Telecommunications expenses.
8. Communication from the Mayor re: appointment of James Confrey to the Board of the Council on Aging for a term to expire on May 1, 2010.
9. Communication from the Mayor re: appointment of Nancy Savoie for the position of City Planner. This term expires two years from the date of confirmation.
10. Communication from the DPW Commissioner, Ron LaFreniere, re: Chapter 40 Section 6-C, Snow and Ice Removal of Private Ways for Long Dr, Berlin Farms subdivision.
11. Communication from Attorney Bergeron, on behalf of Toll MA Land Limited Partnership, to withdraw Application for Revised Special Permit to construct 80 retirement units on less than 14 acres and to revise current permit condition accordingly, Order No. 08/09-1001938D.
12. Application for Revised Special Permit from Attorney Bergeron, on behalf of Toll MA Land Limited Partnership, to construct 69 retirement units on less than 14 acres and to revise current permit conditions accordingly.
13. Application for Special Permit from Hancock Associates, on behalf of Marlborough Savings Bank, for drive-thru teller and ATM at proposed 16,500 sq. foot bank/office building at 81 Granger Blvd.
14. Communication from The Gutierrez Co. re: request to extend time limitations to develop Map 67, Lot 45 & Map 68, Lot 30A, Lakeside Ave and Elm St., located in the Business District for multi-family dwellings per Article 200, Section 13, Paragraph C, Sub-paragraph 4 of the City of Marlborough Zoning Bylaws, to June 8, 2009 at 5:00 PM, Order No. 08/09-1002051A.
15. Minutes, Traffic Commission, February 24, 2009.
16. Minutes, Planning Board, February 9, 2009.
17. CLAIMS:
  - A. Marconi Cardoso, 99 Francis St., other property damage
  - B. Kathryn Murdock, 103 Wagon Hill Rd., other property damage

REPORTS OF COMMITTEES:

**From Veterans' Affairs Committee**

18. **Order No. 09-1002122 – Be it ordained by the City Council of the City of Marlborough that the previously unnamed recreation area at the Hildreth School shall be named after Jeduthan Alexander, a resident of Marlborough who was killed in action during the War of Independence at the Battle of Bunker Hill on June 17, 1775, that it shall henceforth be known as the Jeduthan Alexander Recreation Complex. Recommendation of the Veterans Affairs Committee is to approve 2-0. Councilor Ossing was absent.**

**From Personnel Committee**

19. **Order No. 09-1002121 - Reappointment of Tom Evangelous to the Parks and Recreation Committee for a term expiring on March 5, 2014. Recommendation of the Personnel Committee is to approve 3-0.**
20. **Order No. 09-1002119 - Reappointment of Mark Leonard as Police Chief for a four year term expiring on March 1, 2013. Recommendation of the Personnel Committee is to approve 3-0.**
21. **Order No. 09-1002103 - Appointments to the Recreation Commission of Robert Kays for a term expiring May 6, 2013 and Dennis Zilembo who will fill the unexpired term of David Gadbois whose term will expire May 1, 2011. Recommendation of the Personnel Committee is to approve 3-0.**

**From Finance Committee**

22. **Order No. 09-1002113 - Transfer \$109,000.00 from Police Officers Salary account to Various Police Accounts:** The Finance Committee reviewed the Mayor's letter dated February 4, 2009 requesting the transfer of \$109,000.00 from the Police Officers salary line item to Police Officers Overtime (\$95,000), Dispatchers (\$9,500) and Holiday Pay (\$4,500). **Recommendation of the Finance Committee is to approve 5-0.**
23. **Order No. 09-1002115 - Transfer \$12,000.00 from Public Facilities Custodian Account to Overtime Account:** The Finance Committee reviewed the Mayor's letter dated January 29, 2009 requesting the transfer of \$12,000 from the Public Facilities Custodian account to the overtime account. **Recommendation of the Finance Committee is to approve 5-0.**
24. **Order No. 09-1002116 - Transfer \$20,000.00 from Firefighter Salary account to Overtime:** The Finance Committee reviewed the Mayor's letter dated February 4, 2009 requesting the transfer of \$20,000.00 from the Firefighters salary account to firefighter's overtime. **Recommendation of the Finance Committee is to approve 5-0.**
25. **Order No. 09-1002117 - Transfer \$93,500.00 from DPW Salary Line Items to Various DPW Overtime and Interim Foreman Accounts:** - The Finance Committee reviewed the Mayor's letter dated February 4, 2009 requesting the transfer of \$93,500 from DPW salary line items to various overtime and interim foreman accounts. **Recommendation of the Finance Committee is to approve 5-0.**



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

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

**Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723  
FEBRUARY 23, 2009**

Regular meeting of the City Council held on Monday February 23, 2009 at 8:06 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Schafer, Juare, Seymour, Clancy and Landers. Meeting adjourned at 9:27 p.m.

**ORDERED:** Minutes, City Council Meeting, February 9, 2009, **FILE**; adopted.

**ORDERED:** That the communication from the Mayor responding to City Council Order 09-1002118 pertinent to appointment of Karen Kisty for the position of Personnel Director for a term of three years expiring from the date of confirmation; refer to the **RULES COMMITTEE**; adopted.

**MOTION MADE TO ACCEPT AND PLACE ON FILE, THEN SUBSEQUENTLY WITHDRAWN**

**MOTION MADE AND SECONDED TO TABLE – DOES NOT CARRY**

**MOTION MADE TO SUSPEND THE RULES TO ALLOW THE MAYOR TO SPEAK – DOES NOT CARRY**

**MOTION MADE TO RESCIND COUNCIL ORDER OF FEBRUARY 9, 2009 WHICH READ: TO REFER BACK TO THE MAYOR TO READVERTISE AND REQUEST THE MAYOR TO SUBMIT AN ORDER, IF FEASIBLE AND IN COMPLIANCE WITH THE CITY SOLICITOR'S OPINION, WHICH WOULD REQUEST A 30 DAY TEMPORARY APPOINTMENT OF A PERSONNEL DIRECTOR AFTER EXPIRATION OF THE SIXTY DAYS – DOES NOT CARRY**

**ORDERED:** That the following two grants; **SFY 2009 S.A.F.E. GRANT**, which provides funding for student awareness of fire education programs and **SFY 2009 FIREFIGHTING EQUIPMENT GRANT**, be awarded to the Marlborough Fire Department from the Commonwealth of Massachusetts Executive Office of Public Safety and Security in the amounts of \$5,464.62 and \$10,992.00 respectively, **APPROVED**; adopted.

**ORDERED:** That the Communication from the Mayor re: response to Order No. 09-1002131 pertinent to investigating green-building laws that meet industry-accepted standards and alternate power sources, refer to **ASSISTANT DPW COMMISSIONER CROUSE TO BE IMPLEMENTED WITH A CORRESPONDING TIMETABLE**; adopted.

ORDERED: That the recently approved Sepracor TIF agreement and related documents which were submitted to the state's Economic Assistance Coordinating Council (EACC) for review require necessary changes to advance the agreement and certified project for EACC approval, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED: Pursuant to City Council Order No. 08-1001774B, the approval of the School Committee which is attached hereto and incorporated herein, and the terms and conditions of the lease to the Assabet Valley Collaborative of the former Bigelow School, 57 Orchard Street, said lease is hereby renewed for a one-year lease from (July 1, 2009 to June 30, 2010) in the amount of \$149,500.00 (\$10.00 per square foot), **APPROVED**; adopted.

ORDERED: That the extension of time for a sewer connection permit for Boston Scientific Corporation, 55 Fairbanks Boulevard, to June 1, 2010, **APPROVED**; adopted.

ORDERED: That the application of Bernard Novitch d/b/a Collector's Paradise, for Junk Dealer's License, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

**Councilor Juaira abstained**

ORDERED: That the minutes, Planning Board, January 12 & 26, 2009, **FILE**; adopted.

ORDERED: That the minutes, Conservation Commission, December 18, 2008, January 8 & January 22, 2009, **FILE**; adopted.

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

- A. Paula Turgeon, 669 Pleasant St., residential mailbox claim
- B. Deborah Hudson, 165 Highland St., other property damage

Reports of Committees:

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

**Order No. 09-1002122 – Be it ordained by the City Council of the City of Marlborough that the previously unnamed recreation area at the Hildreth School shall be named after Jeduthan Alexander, a resident of Marlborough who was killed in action during the War of Independence at the Battle of Bunker Hill on June 17, 1775, that it shall henceforth be known as the Jeduthan Alexander Recreation Complex. Recommendation of the Veterans Affairs Committee is to approve 2-0. Councilor Ossing was absent.**

Councilor Clancy reported the following out of the Personnel Committee:

**Order No. 09-1002121 - Reappointment of Tom Evangelous to the Parks and Recreation Committee for a term expiring on March 5, 2014. Recommendation of the Personnel Committee is to approve 3-0.**

**Order No. 09-1002119 - Reappointment of Mark Leonard as Police Chief for a four year term expiring on March 1, 2013. Recommendation of the Personnel Committee is to approve 3-0.**

**Order No. 09-1002103 - Appointments to the Recreation Commission of Robert Kays for a term expiring May 6, 2013 and Dennis Zilembo who will fill the unexpired term of David Gadbois whose term will expire May 1, 2011. Recommendation of the Personnel Committee is to approve 3-0.**

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Councilor Ossing reported the following out of the Finance Committee:

**Order No. 09-1002113 - Transfer \$109,000.00 from Police Officers Salary account to Various Police Accounts:** The Finance Committee reviewed the Mayor's letter dated February 4, 2009 requesting the transfer of \$109,000.00 from the Police Officers salary line item to Police Officers Overtime (\$95,000), Dispatchers (\$9,500) and Holiday Pay (\$4,500). **Recommendation of the Finance Committee is to approve 5-0.**

**Order No. 09-1002115 - Transfer \$12,000.00 from Public Facilities Custodian Account to Overtime Account:** The Finance Committee reviewed the Mayor's letter dated January 29, 2009 requesting the transfer of \$12,000 from the Public Facilities Custodian account to the overtime account. **Recommendation of the Finance Committee is to approve 5-0.**

**Order No. 09-1002116 - Transfer \$20,000.00 from Firefighter Salary account to Overtime:** The Finance Committee reviewed the Mayor's letter dated February 4, 2009 requesting the transfer of \$20,000.00 from the Firefighters salary account to firefighter's overtime. **Recommendation of the Finance Committee is to approve 5-0.**

**Order No. 09-1002117 - Transfer \$93,500.00 from DPW Salary Line Items to Various DPW Overtime and Interim Foreman Accounts:** - The Finance Committee reviewed the Mayor's letter dated February 4, 2009 requesting the transfer of \$93,500 from DPW salary line items to various overtime and interim foreman accounts. **Recommendation of the Finance Committee is to approve 5-0.**

**Suspension of the rules requested – granted**

**ORDERED:** That the DPW Commissioner address the City Council regarding the trucking of salt piles from the DPW to the old dump site on Hudson Street on Saturday, February 21, 2009 resulting in the utilization of several municipal dump trucks and overtime manpower hours; specifically, the Commissioner is requested to explain the necessity for this project to take place on a Saturday when overtime rates would apply, especially when municipal departments are operating under a spending "soft freeze" initiated by Mayor Stevens on February 3, 2009. Said "soft freeze" requires approval by the Mayor for any discretionary spending. **APPROVED;** adopted.

**DPW Commissioner addressed City Council pertinent to the incident.**

**ORDERED:** That pursuant to Chapter 44, section 31D of the General Laws of the Commonwealth of Massachusetts, which authorizes the City to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal, the City Council of the City of Marlborough, with the approval of the Mayor, approves expenditures in excess of available appropriation for snow and ice removal for fiscal year 2009, **APPROVED;** adopted.

**Councilors Vigeant and Pope requested to be recorded in opposition.**

**ORDERED:** There being no further business, the regular meeting of the City Council is herewith adjourned at 9:27 p.m.



# IN CITY COUNCIL

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Marlborough, Mass., FEBRUARY 9, 2009

ORDERED:

That there being no objection thereto set **MONDAY, MARCH 9, 2009** as date for a **PUBLIC HEARING** on Application for a Special Permit from MetroPCS Massachusetts LLC to install a telecommunications facility onto an existing water tank located at 115 Onamog St., be and is herewith **REFER TO WIRELESS COMMUNICATION COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER NO. 09-1002112



# IN CITY COUNCIL

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Marlborough, Mass., FEBRUARY 9, 2009

**ORDERED:**

That there being no objection thereto set **MONDAY, MARCH 9, 2009** as date for a **PUBLIC HEARING** on the petition by Petition from National Grid to install one new pole on Florence St. #14-50, be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 09-1002127



*City of Marlborough*  
*Office of the Mayor*

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

*Nancy E. Stevens* 4/1  
MAYOR

*Karen A. Kisty*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

March 4, 2009

Council President Arthur G. Vigeant  
Marlborough City Council  
Marlborough City Hall – 2<sup>nd</sup> Floor  
140 Main Street  
Marlborough, MA 01752

Honorable President Vigeant and Councilors:

I am submitting herewith a transfer request in the amount of \$7,500 from Account No. 100-35900 (Undesignated Fund) to Account No. 15430006-57710 (Veteran's Benefits). This transfer will cover recurrent monthly deficits in the Veterans' Benefit Budget Line Item as outlined on the attached detail sheet.

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

Sincerely,

Nancy E. Stevens  
Mayor



## TRANSFER REQUEST

		FROM ACCOUNT		TO ACCOUNT	
AVAILABLE BALANCE	AMOUNT	ORG · OBJECT	ACCOUNT DESCRIP	AMOUNT	ACCOUNT DESCRIP
			<b>Undesignated Fund</b>		<b>Department of Veteran's Services</b>
\$ 4,147,215.00	\$ 7,500.00	100	35900 Undesignated Fund	\$ 7,500.00	57710 Veteran's Benefits
					\$ 15,290.00

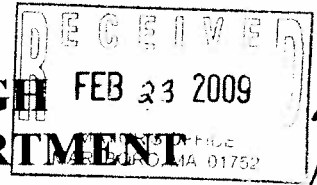
Reason: See attachment from Department Head

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**CITY OF MARLBOROUGH**  
**VETERANS' SERVICES DEPARTMENT**

255 Main St. Room 107  
Marlborough, MA 01752  
Facsimile (508) 460-3733 Tel (508) 460-3782



Gary Brown  
Director

TO: MAYOR NANCY STEVENS                      DATE: FEBRUARY 20, 2009

FROM: GARY BROWN, VETERANS' AGENT

RE: BUDGET

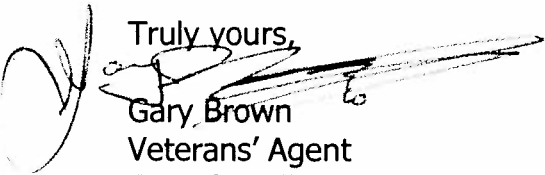
Dear Ms. Stevens:

As I have discussed, the Veterans' Benefits Budget Line Item is running in deficit. The expenditures have averaged nearly \$400 per month over the \$6,250 budgeted amount.

In addition, I have a funeral expense of \$2,000 for a Veteran who died in our community without the means for a proper burial.

I project a need for a \$7,500 supplemental appropriation to meet the State mandated costs associated with Chapter 115 Benefits (see attached breakdown).

Truly yours,



Gary Brown  
Veterans' Agent  
City of Marlborough

cc: Tom Abel, Comptroller



**CITY OF MARLBOROUGH  
VETERANS' SERVICES DEPARTMENT**

255 Main Street, Room 107  
Marlborough, Massachusetts 01752  
Facsimile (508) 460-3733 TDD (508) 460-3610

GARY BROWN,  
Director  
Tel (508) 460-3782

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**MONTHLY BUDGETED EXPENDITURES**

\$75,000	ORIGINAL BUDGET
\$6,250	MONTHLY BUDGET EXPENDITURES
\$7,662.99	JULY BENEFITS
\$6,443.66	AUGUST BENEFITS
\$7,255.48	SEPTEMBER BENEFITS
\$5,803.82	OCTOBER BENEFITS
\$5,767.79	NOVEMBER BENEFITS
\$6,836.32	DECEMBER BENEFITS
\$6,538.32	JANUARY BENEFITS
<u>\$6,437.52</u>	FEBRUARY BENEFITS
\$52,746	TOTAL
\$6,593.25	AVERAGE
\$343.25	AVERAGE DEFICIT
\$2,000	UNFUNDED FUNERAL EXPENSES

I HAVE TWO NEW CASES BEING PROCESSED FOR BENEFITS

NO EXPENDITURES FROM MY BUDGET OR TRANSFER CAN OR WILL BE MADE WITHOUT STATE APPROVALS. 75% ARE REIMBURSED BY THE STATE.



*City of Marlborough*  
*Office of the Mayor*

140 Main Street

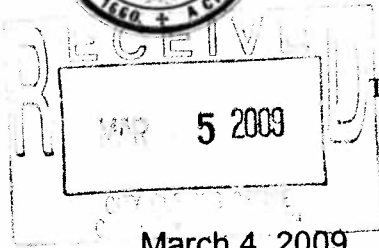
Marlborough, Massachusetts 01752

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

*Nancy E. Stevens*  
MAYOR

*Karen H. Kist*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY



March 4, 2009

Council President Arthur G. Vigeant  
Marlborough City Council  
Marlborough City Hall – 2<sup>nd</sup> Floor  
140 Main Street  
Marlborough, MA 01752

Honorable President Vigeant and Councilors:

I am submitting herewith a transfer request in the amount of \$10,400.00 from Account No. 61090001-50740 (Equipment Operator) to Account No. 61090003-51240 (Temp. P.T. Help). This transfer will provide funds needed to fill a temporary vacancy resulting from a workman's compensation injury.

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

Sincerely,

Nancy E. Stevens  
Mayor

attachment

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CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: PUBLIC WORKS

FISCAL YEAR:

FY-09

FROM ACCOUNT:

TO ACCOUNT:

Available  
Balance

Amount

Org Code Object

Account Description:

Amount

Org Code Object

Account Description:

Available  
Balance

\$232,164.21

\$10,400.00

61090001 50740

Equipment Operator

\$10,400.00

61090003 51240

Temp P. T. Help

\$5,878.27

Reason:

Funds available due to Workman's  
Compenstion Injury

Funds needed to temporarily fill vacancy  
caused by workman's comp. injury

Reason:

Reason:

Reason:

Department Head signature:



Date:

February 26, 2009



*City of Marlborough*  
*Office of the Mayor*

140 Main Street

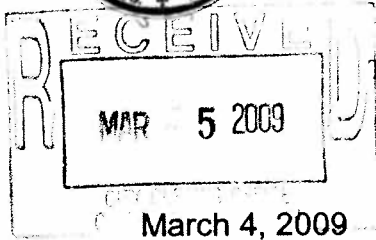
Marlborough, Massachusetts 01752

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*Nancy E. Stevens*  
MAYOR

*Karen L. Kisty*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY



Council President Arthur G. Vigeant  
Marlborough City Council  
Marlborough City Hall – 2<sup>nd</sup> Floor  
140 Main Street  
Marlborough, MA 01752

Honorable President Vigeant and Councilors:

I am submitting herewith a transfer request in the amount of \$15,000.00 from Account No. 100-35900 (Undesignated Fund) to Account No. 83600-32718 (Affordable Housing). The \$15,000 represents payment by St. Mary's of French Hill Redevelopment LLC in satisfaction of Affordable Housing condition #22 of Special Permit #07100-1500C (payment-Phase 1).

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

Sincerely,

Nancy E. Stevens  
Mayor

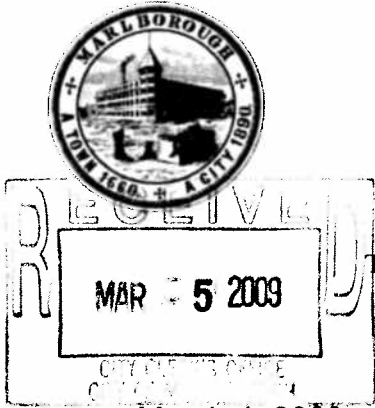
attachment

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### TRANSFER REQUEST

		FROM ACCOUNT			TO ACCOUNT			
AVAILABLE BALANCE	AMOUNT	ORG	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT AVAIL
				<b>Undesignated Fund</b>			<b>Stabilization Affordable Housing</b>	
\$ 4,147,215.00	\$ 15,000.00	100		35900 Undesignated Fund	\$ 15,000.00	83600	32718 Affordable Housing	\$ 242,500.00

Reason: See attachment from Mayor



March 4, 2009

*City of Marlborough*  
*Office of the Mayor*

140 Main Street  
Marlborough, Massachusetts 01752  
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Council President Arthur G. Vigeant  
Marlborough City Council  
Marlborough City Hall – 2<sup>nd</sup> Floor  
140 Main Street  
Marlborough, MA 01752

Honorable President Vigeant and Councilors:

The Marlborough Police Department has received a grant in the amount of \$69,262.00 from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security. This FY2009 State 911 Department Support and Incentive Grant is a reimbursement grant. It will be used for Emergency Telecommunications expenses (including dispatcher salaries) and furniture replacement for the dispatch center.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Nancy E. Stevens', written over a white background.

Nancy E. Stevens  
Mayor

attachments





# City of Marlborough POLICE DEPARTMENT

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

MARK F. LEONARD  
Chief of Police

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

February 26, 2009

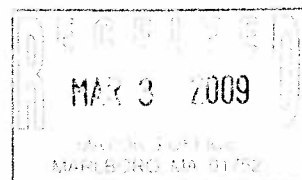
Dear Mayor Stevens:

The Marlborough Police Department has been awarded a grant in the amount of \$69,262.00 from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, FY2009 State 911 Department Support and Incentive Grant Program. The grant is a reimbursement grant, and will be used for Emergency Telecommunications expenses (including dispatcher salaries) and furniture replacement for the dispatch center.

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

Sincerely,

Mark F. Leonard  
Chief of Police



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**CITY OF MARLBOROUGH  
NOTICE OF GRANT AWARD**

DEPARTMENT: Police Department DATE: 20-Feb-09

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Chief Mark F. Leonard

NAME OF GRANT: State 911 Department Support and Incentive Grant Program

GRANTOR: Commonwealth of Massachusetts

GRANT AMOUNT: \$69,262.00

GRANT PERIOD: February 2, 2009 through June 30, 2009

SCOPE OF GRANT/  
ITEMS FUNDED Emergency Telecommunication Expenses  
Furniture replacement for Dispatch Center, Air Purifier for Dispatch Center

IS A POSITION BEING  
CREATED: No

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? \_\_\_\_\_

ARE MATCHING CITY  
FUNDS REQUIRED? No

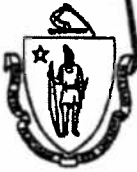
IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:  
\_\_\_\_\_  
\_\_\_\_\_

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

ANY OTHER EXPOSURE TO CITY?  
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: Mar-09

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



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



**DEVAL L. PATRICK**  
Governor

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

**TIMOTHY P. MURRAY**  
Lieutenant Governor

**FRANK POZNIAK**  
Executive Director

February 2, 2009

City of Marlborough – Police Department  
Attn. Mayor Nancy E. Stevens  
140 Main Street  
Marlborough, MA 01752

Dear Mayor Stevens:

The Commonwealth of Massachusetts, State 911 Department would like to thank you for participating in the FY2009 State 911 Department Support and Incentive Grant Program. For your files, please find attached a copy of the contract signed by both parties. Please note your contract start date is February 2, 2009 and will run through June 30, 2009.

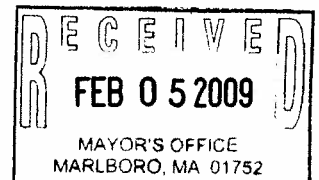
We have made the request for payment forms available on our website [www.mass.gov/e911](http://www.mass.gov/e911). For any questions related to this process, please contact Michelle Hallahan at (508) 828-2911 ext. 116.

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

Sincerely,

Frank P. Pozniak  
Executive Director

cc: FY2009 Support and Incentive Grant File



STATE 911 DEPT. PSAP and RECC SUPPORT and INCENTIVE GRANTS



COMMONWEALTH OF MASSACHUSETTS - STANDARD CONTRACT FORM

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

→ Contractor Legal Name (and d/b/a): <u>City of Marlborough</u>	Department MMARS Alpha Code and Name: State 911 Department	
→ Legal Address (from W-9): <u>140 Main Street</u>	Business Mailing Address: 1380 Bay Street Bldg. C Taunton, MA 02780	
→ Payment Remittance Address (from W-9): <u>Marlborough MA 01562</u>	Billing Address (if different):	
→ Contract Manager: <u>Chief Mark F. Leonard</u>	Contract Manager: Michelle Hallahan	
→ E-Mail Address: <u>m.leonard@marlborough.ma.gov</u>	→ Phone: <u>508-624-6970</u>	E-Mail Address: <u>michelle.hallahan@state.ma.us</u> Phone: (508) 828-2911
→ Fax: <u>508-624-6938</u>	→ TTY:	Fax: (508) 828-2585 TTY: (508) 828-4572
→ State of Incorporation (if a corporation) or "N/A": <u>N/A</u>	MMARS Doc ID(s):	
→ Vendor Code: <u>VC600019211</u>	RF/R/Procurement or Other ID Number (if applicable):	
MMARS Object Code: <u>P01</u>	Account(s) Funding Contract: <u>8000-0911</u>	

**X NEW CONTRACT**

COMPENSATION (Check only one):  
 Total Maximum Obligation of this Contract \$ 69,262.00  
 Rate Contract (Attach details of rate(s) units and any calculations):

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

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

ANTICIPATED START DATE: January 24, 2009 (Enter the Date Contract Obligations may begin. Review Certification for Effective Date Below prior to entry.)

CONTRACT END DATE: 06/30/2009

**CONTRACT AMENDMENT/RENEWAL**

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

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

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

ANTICIPATED START DATE: \_\_\_\_\_ (Enter the Date Amendment Obligations may begin. Review Certification for Effective Date Below prior to entry.)

NEW CONTRACT END DATE: \_\_\_\_\_

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

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

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

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

AUTHORIZING SIGNATURE FOR THE CONTRACTOR:

→ X: Frank Paul Date: 2/26/09  
 (Signature and Date Must Be Handwritten At Time of Signature)

→ Print Name: Frank Poznaniak  
 → Print Title: Executive Director

AUTHORIZING SIGNATURE FOR THE DEPARTMENT

X: Nancy E. Stevens Date: 1/7/09  
 (Signature and Date Must Be Handwritten At Time of Signature)

Print Name: NANCY E. STEVENS  
 Print Title: MAYOR

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# City of Marlborough Office of the Mayor

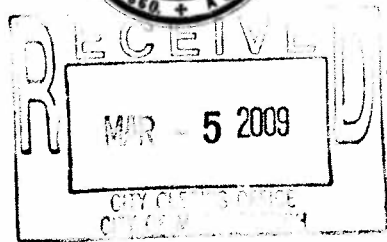
*Nancy E. Stevens*  
MAYOR

*Karen H. Kisty*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY



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



February 27, 2009

City Council President Arthur G. Vigeant  
Marlborough City Council  
Marlborough City Hall – 2<sup>nd</sup> Floor  
140 Main Street  
Marlborough, MA 01752

Honorable President Vigeant and Councilors:

I am submitting for your approval the appointment of James Confrey to the Board of the Council on Aging for a term ending May 1, 2010. Mr. Confrey replaces Irene Seltzer who has resigned her position.

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

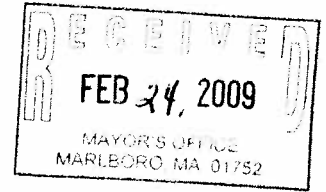
Sincerely,

Nancy E. Stevens  
Mayor



City of Marlborough  
Council on Aging and Senior Center

250 Main Street  
Marlborough, MA 01752  
Tele (508) 485-6492 Fax (508) 460-3726



February 24, 2009

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


Dear Mayor Stevens;

By request of the Council on Aging Board, I am submitting a new member for appointment:

James Confrey                      16 Clarke Drive                      Marlborough, MA 01752

Thank you for your consideration of Mr. Confrey as a new member of the Council on Aging Board of Directors. Please contact me if you have any questions.

Sincerely,

  
Amy Loveless, LICSW  
Executive Director  
Marlborough Council on Aging



# 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

*Diane C. Halper*  
EXECUTIVE SECRETARY

March 5, 2009

Council President Arthur G. Vigeant  
Marlborough City Council  
Marlborough City Hall – 2<sup>nd</sup> Floor  
140 Main Street  
Marlborough, MA 01752

Honorable President Vigeant and Councilors:

I am submitting for your approval the appointment of Nancy Savoie for the position of City Planner. This term expires two years from the date of confirmation.

The position of City Planner is mission critical to the future of Marlborough.

- The City Planner develops programs and policies that positively impact the City through expansion of the tax base and attraction of new business and industry.
- The Planning function transforms the economic, environmental and social landscape of Marlborough through implementation of smart growth initiatives resulting in a greener more sustainable city.
- The position of City Planner is instrumental in preparing an updated Master Plan. (Through a series of visioning sessions which will begin in the summer of 2009.)
- The City Planner prepares and coordinates the City's Commonwealth Capital Application which is a pre-requisite for applying to 14 grant and loan programs from the Commonwealth of Massachusetts, which will provide needed funding during these difficult financial times.
- Proposed State zoning reform measures mandate a variety of planning activities. The Land Use Partnership Act (LUPA) proposes to modernize a number of planning and zoning statutes by requiring that statutes conform to comprehensive plans. The planning position is critical to ensuring this compliance.

The City Planner position will be a part-time position through July 1<sup>st</sup>, which is the remainder of this fiscal year. The part-time position is paid from funds previously appropriated for this position. Following this fiscal year, funding for the full-time City Planner position will be derived from a combination of 43D technical assistant grant monies as well as site plan review fees. The current salary ordinance for this position is attached for your review.

Also attached is a revised City Planner job description which better details the duties and responsibilities of the City Planner.

I have also included a letter from Michael Hogan, Vice Chairman of the Marlborough Community Development Authority, detailing the thorough interview process for the position of Executive Director and the resultant recommendation of Ms. Savoie for the position of City Planner.

The City has been without a strategic planner for too long. In the short-time that Ms. Savoie has been on board in her part-time, temporary capacity, it is evident that many untapped opportunities exist. The City Planner's initiatives will have specific and positive impact on the City of Marlborough. I respectfully ask that you approve this appointment.

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

Sincerely,



Nancy E. Stevens, Mayor  
Mayor



**Definition:**

The Office of the City Planner is the lead agency responsible for all phases of planning in the City of Marlborough.

The City Planner provides professional planning assistance to the City in the form of direction, oversight and administration of duties related to a comprehensive program that includes housing studies, economic development, historic preservation transportation , open space/environmental planning; smart growth/TOD and grant writing.

**Supervision**

The position reports directly to the Mayor.

**Duties and Responsibilities:**

Duties include assisting the Mayor and City Council with public policy formation and analysis utilizing sound planning methods. Scope of responsibility includes preparation of long and short term plans including but not limited to the City's Comprehensive plan ; neighborhood revitalization plans; analysis of need; land use and feasibility studies ; Conducts special studies, researches and prepares recommendations related to above referenced plans. Makes presentations, prepares materials for public distribution.

Develops short and long term goals for the orderly development and appropriate growth of the City. Collaborates with citizens groups, State and Federal agencies, local Boards and Commissions

Serves as chair of the Site Plan review committee and works cooperatively with all Department Heads involved in the regulatory land use process.

Evaluates City Ordinances to ensure compliance with state and federal regulations and requirements.

Researches, writes and coordinates the submittal of grant applications to local, state federal and non-profit agencies.

**May act as the City's Transportation Improvement Plan (TIP) coordinator in representing city before the Boston MPO  
Responsible for preparation of the City's Commonwealth Capital application**

**Coordinates complex housing issues including low income housing**

**May collaborate with the Director of Community Development in preparing annual housing certifications, and in meeting compliance with state planning requirements and regulations.**

**Works to ensure city's compliance with Smart Growth principles and policies**

**Works with Planning Board, Zoning Board, Community Development Authority, and City Council for complex development proposals and opportunities**

**Familiarity with Brownfield redevelopment and preparation of EPA and DEP grant applications where appropriate.**

**Develops and presents the departmental annual budget and expends funds within authorized budget.**

**Maintains current knowledge of profession through attendance at seminars, workshops etc.**

**Performs similar related work and any other duties assigned by the Mayor.**

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**City of Marlborough  
Marlborough, Massachusetts 01752**

**IN CITY COUNCIL**

**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 CHAPTER 32, COMPENSATION SCHEDULE, THE FOLLOWING:

TITLE	EFFECTIVE DATE	MIN 1ST SIX MONTHS	STEP 1 2ND SIX MONTHS	STEP 2 NEXT 12 MONTHS	MAX
City Planner	1/2/2009	\$ 55,454.90	\$ 57,673.10	\$ 59,980.02	\$ 62,379.22



## MARLBOROUGH COMMUNITY DEVELOPMENT AUTHORITY

255 MAIN STREET, MARLBOROUGH, MA 01752 ♦ V: 508.460.3715 ♦ F: 508.460.3700 ♦ TDD: 508.460.3610  
[www.marlborough-ma.gov](http://www.marlborough-ma.gov)

March 5, 2009

Marlborough City Counsel  
140 Main Street  
Marlborough, MA 01752

Dear President Vigeant and Members:

Recently the Marlborough Community Development Authority (MCDA) successfully conducted a search for a new Executive Director for the Authority. The search was initiated in early November with postings on the city's website, in the MMA Beacon and a variety of local media. This effort produced over 40 responses. The acting Executive Director of the MCDA screened the responses and ranked them numerically based on predetermined criteria. This resulted in a list of 25 qualified applicants. A search committee headed by myself which included David McCabe and Camille Duridas further evaluated these applicants and chose nine (9) candidates to be interviewed. After completing the first round of interviews three (3) candidates were determined to be semi-finalists and interviewed again. Two (2) finalists were chosen and interviewed by the entire MCDA Board. As you know, Kevin Flynn has been hired as the new Executive Director.

The MCDA acknowledged that many communities operate the planning and community development functions one department. However, the skills required to be a successful planner and a successful community development director are different. Our search process uncovered two (2) strong candidates; one with traditional community development housing and grant writing experience and the other with significant community planning experience. Our choice given the current needs of the MCDA was to hire Mr. Flynn who has significant community development grant experience, yet the search committee and the MCDA Board was very impressed with the planning skills and background of Nancy Stack Savoie. She clearly possessed superior planning in urban design skills that would recommend her as an exceptional City Planner. In fact, her many successes in the City of Brockton as its Planner set her apart as someone who would fit the needs of the City of Marlborough.

Based on my over 20 years of experience working with planners across Massachusetts and thorough process which the MCDA followed, I would recommend Nancy Stack Savoie for the position of Planner for the City of Marlborough.

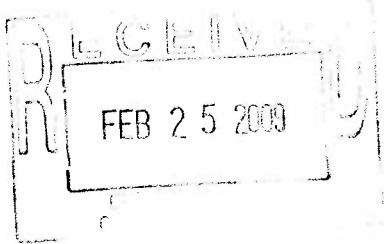
Very truly yours,

Michael P. Hogan  
Vice Chairman MCDA

cc: Mayor Nancy Stevens

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

February 18, 2009

President and Members  
 Marlborough City Council  
 City Hall  
 140 Main Street  
 Marlborough, MA 01752

**RE: CHAPTER 40 SECTION 6-C  
 SNOW AND ICE REMOVAL OF PRIVATE WAYS**

Dear President and Members,

Below please find one private way being submitted for your approval for snow and ice removal under Massachusetts General Law Chapter 40, Section 6-C. The private way is:

Long Drive - Berlin Farms Subdivision, off Berlin Road

I have attached herewith a draft council order which, if approved, would permit the removal of snow and ice from this private way. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

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

- cc: Mayor Nancy E. Stevens
- Donald Rider, City Solicitor
- Thomas P. Temple, Assistant Commissioner- Operations
- Thomas E. Cullen, Jr., P.E., City Engineer
- Kenneth Calder, General Foreman Street Div.

# IN CITY COUNCIL

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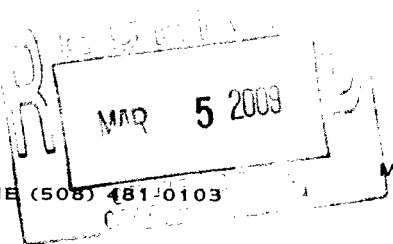
Marlborough, Mass \_\_\_\_\_, 2009

## ORDERED:

That the Department of Public Works be authorized to plow and remove snow from the following way, in accordance with the provisions of Massachusetts General Law Chapter 40, Section 6-C, provided, that said way be of such construction and condition that, in the opinion of the Commissioner of Public Works, said plowing can be safely and conveniently accomplished.

Long Drive – Berlin Farms Subdivision, off Berlin Road

//



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

PHONE (508) 481-0103

FAX (508) 485-8506

March 5, 2009

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

Re: Application for Revised Special Permit

Dear Councilor Vigeant:

At the suggestion of the Urban Affairs Committee, my client, Toll MA Land Limited Partnership, hereby withdraws its application for a Revised Special Permit to reduce its proposed retirement community to 80 units, and instead submits the enclosed application to reduce the project size to 69 units. Please consider scheduling this matter for a public hearing at the City Council meeting on April 6, 2009.

Very truly yours,

  
Arthur P. Bergeron



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

PHONE (508) 481-0103

FAX (508) 485-8506

March 4, 2009

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

Re: Toll MA Land Partnership, proposed Revised Special Permit,  
Order # 08-1001938 / 03-10022C

Dear Councilor Vigeant:

Enclosed please find application materials for the Regency at Assabet Ridge project located on Crowley Dr. My client, Toll MA Land Partnership is reapplying for its special permit at the request of the Urban Affairs Committee due to some changes to the plan.

Pursuant to my conversation with the Urban Affairs Committee Chairman Trisha Pope, it is my understanding that the application fees are being waived. However, my client understands that it is responsible for the publication and notification fees.

Please schedule a public hearing on this matter on April 6, 2009.

Very truly yours,

Arthur P. Bergeron



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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:

Toll MA Land Limited Partnership, 20 Gibraltar Rd, Horsesham, PA 19044

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

Crowley Drive Map 29, Parcel 1

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

Same

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

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

\*see below  
Article \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_ Sub-paragraph \_\_\_\_\_

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

Limited Industrial Retirement Community Overlay District

7. Specific reason(s) for seeking Special Permit

Application for revised special permit. Original Special Permit

City Council Order 03-10022 allowed construction of 210 retirement community units.

Applicant proposes instead to construct 69 units on less than 14 acres and to revise

current permit conditions accordingly.

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.

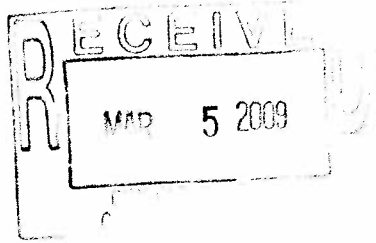
  
Signature of Petitioner or Applicant

\*Article VI Sec. 200-22 and  
Article VIII Sec.200-59

Address: Arthur P. Bergeron, Atty. for  
Toll MA Land Limited Partnership  
27 Prospect St Marlborough

Telephone No. 508 481-0103 ext.228

Date: Feb. 20, 2009



**HANCOCK**  
ASSOCIATES

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March 5, 2009

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

**Subject:** Special Permit Application Drive-Thru Teller and ATM  
Proposed Marlborough Savings Bank  
81 Granger Boulevard

Dear Council President:

Hancock Associates, acting on Behalf of Marlborough Savings Bank hereby submits a complete application to the City Council under Article V Chapter 200, Section 14.B, Window or Drive-in or Drive-through. The proposal calls for the redevelopment of several parcels located on the southwest corner of Granger Boulevard and South Bolton Street Extension with the construction of a Marlborough Saving Bank Main Branch and Office Building. The proposed 16,588 square foot building, featuring 12,500 square feet of area designated for bank and office use will feature a drive-up teller and separate drive-up Automated Teller Machine (ATM). As per City Ordinance, a Window or Drive-in or Drive-through shall be allowed only by grant of a Special Permit by the City Council, in accordance with Article VIII, Chapter 200, Section 59 of the Zoning Ordinance.

Marlborough Savings Bank has entered into agreements with the three property owners, including the Marlborough Community Development Authority (CDA), and therefore has standing to bring the application forth. A full Site Plan for the project and a Project Narrative accompanies the application outlining compliance with the applicable requirements.

We respectfully request the Council accept the application and schedule the matter for Public Hearing. Should you have any questions or comments, please do not hesitate to contact me at 508-460-1111 or Mr. Rick Bennett, Bank President at 508-460-4150.

Sincerely,  
Hancock Associates,  
Acting On Behalf of Marlborough Savings Bank

  
Joseph D. Peznoda, PE  
Principal – Marlborough Branch Manger

**Cc:** Attorney Sem Aykanian  
Rick Bennett, Marlborough Savings Bank

DANVERS, MA  
185 Centre Street  
Danvers, MA 01923  
Phone: (978) 777-3050  
Fax: (978) 774-7816

MARLBOROUGH, MA  
315 Elm Street  
Marlborough, MA 01752  
Phone: (508) 460-1111  
Fax: (508) 460-1121

LAKEVILLE, MA  
4 Freetown Street  
Lakeville, MA 02347  
Phone: (508) 923-1002  
Fax: (508) 923-0022

SALEM, NH  
P.O. Box 205  
Salem, NH 03079  
Phone: (603) 898-4701  
Fax: (603) 898-6263

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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:  
**Marlborough Savings Bank**
- 2. Specific Location of property including Assessor's Plate and Parcel Number.  
**81 Granger Boulevard Plate 70 Parcels 152, 157 and 209**
- 3. Name and address of owner of land if other than Petitioner or Applicant:  
**Stephen M. Fitzpatrick, Tr. / Marlborough CD/Angela L. Laarasa**
- 4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.)  
**Prospective Owner and Lessee**
- 5. Specific Zoning Ordinance under which the Special Permit is sought:  
Article V Section 200 Paragraph 16 Sub-paragraph \_\_\_\_\_
- 6. Zoning District in which property in question is located:  
**Business B**
- 7. Specific reason(s) for seeking Special Permit  
**Special permit for drive-thru teller and ATM at proposed 16,500 square foot Bank/Office building**

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- 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

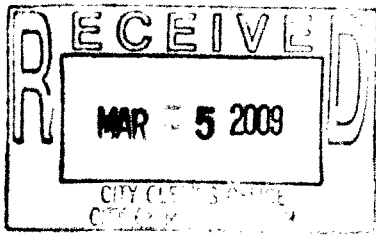
*J. A. Bennett, Pres.*

Address: **166 Main Street  
Marlborough, MA**

Telephone No. **508-481-8300**

Date: \_\_\_\_\_

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DAVID P. GADBOIS  
*Attorney-at-Law*  
27 PROSPECT STREET  
MARLBOROUGH, MASSACHUSETTS 01752

PHONE (508) 481-0101

E-MAIL David@attygadbois.com

FAX (508) 485-8506

March 5, 2009

President and Members  
Marlborough City Council  
City Hall 140 Main Street  
Marlborough, MA 01752

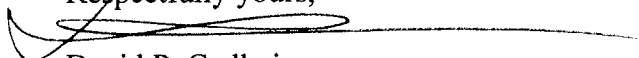
RE: Order No. 08-091002051A  
Application for Special Permit  
Overlook at Lake Williams

Dear President and Members:

I represent the Applicant in the matter of an Application for a Special Permit to construct 60 condominium town home units at Lakeside Ave. (Rt 20) to be known as Overlook at Lake Williams. The public hearing was closed on January 5, 2009. My client has been working with the Urban Affairs Committee in attempting to arrive at a permit with conditions. It appears that the hearings before the Urban Affairs Committee will not be completed by April 5, 2009.

I hereby request that the time for final action by the City Council as provided for in Chapter 40A Section 9, be extended to June 8, 2009.

Respectfully yours,

  
David P. Gadbois  
Attorney at Law



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

Traffic Commission

The Regular Meeting of the Traffic Commission was held on Tuesday, February 24, 2009 at 10:00 a.m. in City Council Committee Room, City Hall. Members present: Chairman Police Chief Mark Leonard, Vice Chairman - DPW Commissioner Ronald LaFreniere, Fire Chief David Adams, City Clerk Lisa M. Thomas. Also present: City Engineer Thomas Cullen, Timothy Collins, Engineering Division, City Councilor Ed Clancy and Captain Tim Naze, MPD. Minutes taken by: Karen Lambert, MPD Records Clerk.

**1- Minutes**

That the minutes of the Traffic Commission meeting of January 27, 2009.  
MOTION was made, seconded, duly VOTED:  
To TABLE.

**2-New Business**

**2a.** Communication from Dale Smith, re: speed limit signage on Millham Street.

(Current regulations indicate that the speed limit for the entire length of Millham is 25 MPH in both directions. Currently two signs in place, both on WB side. Mr. Smith lives near a blind curve. Blind Driveway sign is in place.)

MOTION was made, seconded, duly VOTED to refer the request for additional speed limit signs to the DPW for possible new signage and installation.  
To APPROVE.

**3-Old Business**

**3a.** Long term oversized vehicle ordinance  
MOTION was made, seconded, duly VOTED:  
To TABLE.

**3b.** Municipal off street parking regulation;  
MOTION was made, seconded, duly VOTED:  
To TABLE.

**3c.** High School parking regulations  
MOTION was made, seconded, duly VOTED:  
To TABLE

**3d.** Communication from Jim Blacquier, Boston Scientific, re: Request for a “yield” sign @ Sasseville Way.  
MOTION was made, seconded, duly VOTED:  
To ACCEPT and FILE.

**3e.** Communication from Code Enforcement, re: parking issues on Florence St.

(Walgreens delivery issue – Per Capt. Naze, he has spoken to the supervisor at the Distribution Center. She advised that they would use a smaller delivery truck for that location. This should solve the parking problem)

MOTION was made, seconded, duly VOTED:  
To ACCEPT and FILE.

**3f.** Request to review parking pick up/drop off on Stevens St. at rear of MIES (Stevens near Oakcrest) and request for school zone signage (and use of in-street pedestrian crossing signs.)

(Stevens Street Issue - Current regulations state that there is no parking on either side of Stevens Street, however, cars are pulling over for pick up and drop off of students. Chief Leonard advised that the area is not properly signed and therefore there is no real ability to enforce pick up and drop off. City Councilor Ed Clancy stated that if this area were deemed “an official drop off site” it would have to be handicap accessible. Chief Leonard stated that the signage would need to be appropriate for the area, i.e. “no stopping, standing or parking.”)

MOTION was made, seconded, duly VOTED to leave the site as is and refer to DPW for proper signage to reflect existing regulations.

(School Zone Signage Issue – Tim Collins prepared an outline of the area with the proposed school zones and crosswalks. The question was asked if both schools could be combined into one zone due to the close proximity. The answer – No. The proposal is for three separate school zones with three crosswalks. The area would be created all with proper signage and markings. Chief Leonard advised that there are currently no School Zone Regulations in the regulation book. He proposed adding a new subsection under Section 58 – Speed Limits. Section 58.1 would create wording for an “official school zone” – which would include 3 regulations for School Zones.

MOTION was made, seconded and duly VOTED to approve the plan with 3 school zones as depicted on the drawing dated 2/24/09 and associated signage. MOTION was also made, seconded and duly VOTED to approve the new crosswalk at Stevens Street and Baker Street as depicted on the same drawing.

MOTION was also made, seconded and duly VOTED to ADVERTISE the proposed plan in the MetroWest, with the proposed drawing, dated 2/24/09, attached.

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

(DPW Commissioner has contacted the property owner and not heard back from them yet.)

MOTION was made, seconded, and duly VOTED:

To TABLE

3h. Communication from Joe Camar, re: Traffic concerns on Donald Lynch Blvd. near the Sports Authority store.

DPW Commissioner went out to look at area after last meeting. The fix is not as easy as he first hoped. Chief Leonard asked if we could restrict left turns out of the area with a possible U-Turn at the lights at Best Buy. DPW Commissioner advised that Sports Authority has a "curb cut with no prohibitions" i.e. there is nothing saying that this can't be done.

MOTION was made, seconded, duly VOTED to TABLE for now for further review by the DPW. The situation will be reviewed further and discussed at next meeting.

3i. Sight distance concerns; Concord Rd. @ Hemenway St. Ext.

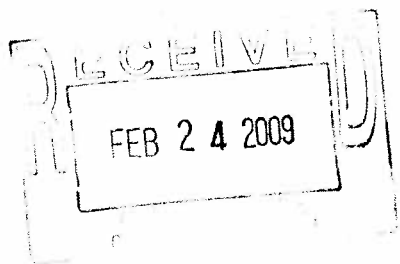
(Issue – Tall bushes are obstructing view of street. Engineering has reviewed the situation and advised that the bushes can't be cut back and need to come down. They need to talk to the property owner to determine how to lessen the impact on his property.)

MOTION was made, seconded, and duly VOTED:

To ACCEPT and PLACE ON FILE.

That there being no further business of the Traffic Commission held on this date, meeting adjourned at 10:55 a.m.

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



*City of Marlborough*  
*Commonwealth of Massachusetts*

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**PLANNING BOARD**

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

**PLANNING BOARD MINUTES**  
**February 9, 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, February 9, 2009 in Memorial Hall, 3<sup>rd</sup> floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Chairperson, Steve Kerrigan, Clerk, Clyde Johnson, Robert Hanson, Edward Coveney and Sean Fay. Also present: Assistant City Engineer Richard Baldelli.**

**MINUTES**

***Meeting Minutes January 12, 2009***

On a motion by Mr. Kerrigan, seconded by Mr. Coveney, it was duly voted:  
To accept and file the meeting minutes of January 12, 2009.

***Meeting Minutes of January 26, 2009***

On a motion by Mr. Kerrigan, seconded by Mr. Coveney, it was duly voted:  
To accept and file the meeting minutes of January 26, 2009.

**Signs**

***Correspondence from City Solicitor Rider***

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

To move this portion of the sign ordinance to the beginning of the meeting to accommodate the City Solicitor's schedule.

The Planning Board asked Mr. Rider to review the proposed amended language to the sign ordinance. Mr. Rider has reviewed the language change and he noted that the sign ordinance states that it was adopted pursuant to the MGL c. 93 that section 29 of Chapter 93 states that cities may further regulate and restrict signs by ordinance "not inconsistent: with sections 29 to 33 inclusive; and that section 33 provides as follows:



Whoever violates any rule, regulation, ordinance or by-law established or adopted under section twenty-nine shall be punished by a fine of not more than one hundred dollars, and whoever after conviction of such violation unlawfully maintains such a billboard, sign or other device for twenty days thereafter shall be punished by a fine of not more than five hundred dollars.

With this constraint the City Solicitor has revised the proposed change to provide for a set of penalties "not inconsistent" with section 33. In the revision, he also included the definition of a sign contractor.

The City Solicitors version as it stands:

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 136, ENTITLED "SIGNS," AS FOLLOWS:

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

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

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

E. PENALTIES FOR SIGN CONTRACTOR

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

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

sign contractor submits any new application for a sign permit, the Building Inspector or his/her designee may deny said application and may continue to so deny for so long as said fine remains unpaid.

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

The Planning Board thought this was a great starting point to amend the sign ordinance and the definition of a sign contractor. Mr. Fay had questioned the daily fine on section 2.2.. He asked if this was a viable option.

Mrs. Lizotte then explained what happens when a permit is brought to the Building Department, the permit process and the denial process of a sign permit. Most signs brought in do comply with the sign ordinance. She also stated that generally the signs that have been denied, the contractor or owner will seek a variance with the Planning Board. In some cases the Building Inspectors will notice a non-conforming sign and will notify the Code Enforcement office to start the process with a warning and then the fines. The Board still questioned that if the contractor fixed the situation before they were fined would the fine be dismissed? In most cases, once a sign company/owner is notified they try to rectify the issue.

Mr. Fay will review the proposed language again. Dr. Fenby and Mr. Fay will be speaking with several council members to get their input before the Board decides to move further.

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

To place the proposed change in the sign ordinance on the February 23, 2009 agenda.

**CHAIRS BUSINESS**

***Proposed Change in State Zoning***

The Board all received packets regarding the change in zoning for the State. After reading through the change in language; Dr. Fenby had some questions regarding the changes and has highlighted the limitations of Requirements for Subdivision section (B) Limit consideration of off-site traffic impacts, section 4 Limitation of Scope of Site Plan Approval/Required Mitigation and the proposed changes to Subdivision Plan Freeze. The Board has asked Mrs. Lizotte to look into what the meanings of the proposed changes and report back to the Board.

**APPROVAL NOT REQUIRED PLAN**

**PUBLIC HEARING**

**SUBDIVISION PROGRESS REPORTS**

***Update from City Engineer***

Mr. Baldelli stated that the City Engineer's Department is expecting several subdivision acceptance plans including Forest Trail and Berlin Farms.

***Berlin Farms***

***Timeline***

Mrs. Lizotte prepared a detailed timeline for the Berlin Farms subdivision.

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

To accept and file correspondence.

*Correspondence from Attorney Yates*

The developer's attorney, Christopher Yates, sent correspondence advising the Board that his client has met with the Code Enforcement Officer and the City Engineer on site. The developer has removed the blight and moved the trailer off the roadway layout. In his correspondence, Mr. Yates, has asked the Engineering Department to resume snow plowing the right-of-way, ask Ms. Wilderman to rescind the citations amounting to \$200.00 and cancel the request of Marlborough District Court for the "Show Cause Hearing."

*Correspondence from the City Engineer*

Tom Cullen sent correspondence to his Assistant City Engineer, Richard Baldelli, asking him to prepare a standard letter to the Commissioner of Public Works and to the City Council regarding plowing of a subdivision street, to coordinate efforts with the City Code Enforcement Officer to dismiss the fines and to keep an open line of communication with the developer.

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

To accept and file all correspondence.

***Commonwealth Heights***

A verbal request from Attorney Gadbois to remove this item and place an extension until the next meeting.

***Davis Estates***

Aldo Cipriano, attorney for the developer, is seeking an extension for the subdivision. Mr. Cipriano stated that the subdivision is progressing with houses, the roadway and utilities are being installed.

The Board has asked for more information from the developer and would like to attend the next meeting.

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

To refer the correspondence to the City Engineers office; and to ask Mr. Valchious to attend the February 23, 2009 meeting to discuss his extension.

**PENDING SUBDIVISION PLANS: Updates and Discussion**

**PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS**

**DEFINITIVE SUBDIVISION SUBMISSIONS**

**SCENIC ROADS**

**SIGNS**

**28 South Bolton Street**  
*Variance*

Seth Cohen and Marilyn Green are the business owners of Heritage Home Lending and Re/Max signature Properties located at 28 South Bolton Street. They are seeking a variance from the sign ordinance for a 9 square foot message board. For them to have the sign without a variance they would have to have at least (33%) signage with a minimum bonus of 15 square feet. In the fall he applied for new signage totaling 37.5 sq ft including a 9 sq ft message board. They were granted 28.5 sq ft and denied for the 9 square foot message board because it did not meet the minimum requirements.

Mr. Cohen stated that they are trying to keep the feel of the neighboring signs. He stated the hardship has had was because of the signs that the state put for Route 20, you cannot see the sign. The main advantage of having the sign will be that they are going to partner with local charities to advertise their upcoming events. They have also verbally agreed that if they are allowed the message board sign they will not be asking for any faltwall signs on their building.

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

To grant a variance for the 9 square foot message board from the sign ordinance.

Reasons for the granting:

The Planning Board along with the owners agreed after some discussion that there will be no flatwall signs on the building, which the message board will be used for community events, which the board will be done in a tasteful manner and it will comply with all safety ordinances.

**INFORMAL DISCUSSION**

**COMMUNICATIONS/CORRESPONDENCE**

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

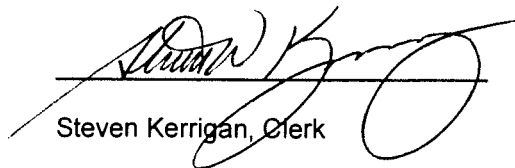
To accept all of the items listed under communications and/or correspondence.

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

To adjourn at 8:18 p.m.

**A TRUE COPY**

ATTEST:

  
Steven Kerrigan, Clerk