

REGULAR MEETING
MARCH 23, 2009

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:

1. Minutes, City Council Meeting, March 9, 2009.
2. Communication from the Mayor re: temporary appointment for the position of Director of Personnel.
3. Communication from the Mayor re: permanent appointment for the position of Director of Personnel.
4. Communication from the Mayor re: budget transfer request in the amount of \$10,000.00 from Undesignated Funds to Public Safety which represents the first installment payment by Genzyme in satisfaction of #12 of the First Student Special Permit Order No. 07-1001650B.
5. Communication from the Mayor re: grant received by the Marlborough Fire Department in the amount of \$3,000.00 from the Commonwealth of Massachusetts, Executive Office of Health and Human Services Department of Public Health which will facilitate field deployment, training and operational readiness of a mobile Mass Decontamination Unit.
6. Communication from the Planning Board re: request to amend Marlborough's Sign Ordinance, Section 163-2 and Section 163-12 which is enumerated Chapters 526-2 and 526-12(D) in the new City of Marlborough General Code.
7. Communication from DPW Commissioner, Ronald LaFreniere, re: response to the City's solid waste and recyclables disposal program, Order No. 08-1001923.
8. Application for Special Permit from Attorney Valeriani, on behalf of Verizon Wireless, to permit, construct, operate and maintain a wireless communications facility at 303 Boundary St.
9. Minutes, Board of Assessors, March 16, 2009.
10. Minutes, Conservation Commission, February 5, 2009.
11. Minutes, Planning Board, February 23, 2009.
12. Minutes, MetroWest Regional Transit Authority, January 26, 2009.
13. CLAIMS:
 - A. Vivienne Foster-Erlandson, 99 Wilson St., residential mailbox
 - B. John Kovach, 47 McNeil Cir., residential mailbox
 - C. Joseph Biggs, 142 Beach St., other property damage
 - D. Donald Armstrong, 371 Stow Rd., residential mailbox

REPORTS OF COMMITTEES:

14. ORDERED: That the DPW Commissioner take the following steps in connection with budgetary issues previously discussed by the City Council and in keeping with other municipal departments in the City:
 - Prepare the DPW 2010 Operating Budget, to include a three percent reduction from the FY2009 budget, similar to the request made of the School Department;
 - Reduce the number of DPW employees by four (4) which is the number of vacant positions in the Commissioner's report, "DPW OPERATIONS REVIEW: FORESTRY, PARKS AND CEMETERIES," delivered to the City Council in October 2008 and discussed with the Operations & Oversight Committee in subsequent hearings;
 - Take steps to privatize minimal lawn maintenance functions as discussed with the Operations & Oversight Committee.Submitted by Councilors Vigeant, Ferro, Levy, and Delano

UNFINISHED BUSINESS:

From Personnel Committee

15. **Order No. 08-1002071 – Communication from the Mayor with documents pertaining to the certification of Thomas Abel from the Massachusetts Collectors and Treasurers Association for an additional five years through December 31, 2013. Recommendation of the Personnel Committee is to accept and place on file.**

16. **Order No. 08-1002070 – Communication from the Mayor with the reappointment of Thomas Abel as the City Comptroller/Treasurer for a term of three years, expiring August 29, 2011. The City Solicitor advised that this position is for a two year term only, as set forth in the City Code. Recommendation of the Personnel Committee is to refer back to the City Council with a favorable recommendation, with clarification that the appointment is for a two year term, per City Code, order no. 88-1999A. This term shall expire two years from the date of confirmation in the year 2011.**

From Legislative and Legal Affairs Committee

17. **Order No. 09-1002104 – Communication from the Assistant City Solicitor regarding Order of Acceptance for Eager Court and Municipal Easement in the Eager Court subdivision. Recommendation of the Legislative and Legal Affairs Committee is to accept Eager Court and Municipal Easement in the Eager court subdivision 3-0.**

From Wireless Communications Committee

18. **Order No. 08/09-1002023B - Application of Omnipoint Communications Inc. for a Special Permit to install, operate and maintain a wireless communications facility, including a 100-foot flagpole-style tower, at 249 Miles Standish Drive.**

The Committee had been waiting since its last meeting in December for Omnipoint to provide further information which the Committee had requested concerning various issues of concern. At the February 25 meeting, Omnipoint announced that it was declining to provide that additional information on the following issues of concern

- As to coverage –
 - No propagation maps for Omnipoint's nearby Hudson sites.
- As to drainage –
 - No clarification of Omnipoint's confusing first report, and no drainage mitigation plan.
- As to a potential tower collapse on the City's water tank –
 - No report as to the likelihood of collapse, nor as to an emergency plan either for catastrophic damage to the tank or for the safety of the residents.
- As to environmental impact -
 - No study of impact on the area's flora and fauna, nor on the ability of the residents to access the area and
- As to aesthetic or visual impact -
 - No crane test was performed, nor any photo simulations provided as had been promised at the public hearing, in order to give the Council and the residents any reasonable idea of the tower's visual impact on the neighborhood.

At the same time that it was declining to provide this information, Omnipoint also announced at the February 25 meeting that it was declining to request the Council's permission to withdraw its special permit application without prejudice. Recommendation of the Wireless Communication Committee is to DENY the application 3-0 given the lack of information provided by Omnipoint concerning its proposed facility.



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

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

MARCH 9, 2009

Regular meeting of the City Council held on Monday March 9, 2009 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Schafer, Juaire, Seymour, Clancy and Landers. Meeting adjourned at 8:35 p.m.

ORDERED: Minutes, City Council Meeting, February 23, 2009, **FILE AS AMENDED**; adopted.

ORDERED: Now being the time set for the 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., all were heard who wish to be heard, hearing recessed at 8:07.

ORDERED: Now being the time set for the PUBLIC HEARING on the by Petition from National Grid to install one new pole on Florence St. #14-50, all were heard who wish to be heard, hearing recessed at 8:09 p.m.

ORDERED: That the budget transfer request in the amount of \$7,500.00 which moves funds from Undesignated to Veteran's Benefits to cover recurrent monthly deficits in the Veterans' Benefit budget line item, **APPROVED**; adopted.

FROM:

Acct. # 100-35900 \$7,500.00
Undesignated

TO:

Acct. # 15430006-57710 \$7,500.00
Veteran's Benefits

ORDERED: That the budget transfer request in the amount of \$10,400.00 which moves funds from Equipment Operator to Temp. P.T. Help to provide funds needed to fill a temporary vacancy resulting from a workman's compensation injury, **APPROVED**; adopted.

FROM:

Acct. # 61090001-50740 \$10,400.00
Equipment Operator

TO:

Acct. # 61090003-51240 \$10,400.00
Temp P.T. Help

Councilors Vigeant, Pope and Levy requested to be recorded in opposition.

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ORDERED: That the budget transfer request in the amount of \$15,000.00 which moves funds from Undesignated 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, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

FROM:

Acct. # 100-35900 \$15,000.00
Undesignated Fund

TO:

Acct. # 83600-32718 \$15,000.00
Affordable Housing

ORDERED: That the grant awarded to the Marlborough Police Department from the Commonwealth of Massachusetts Executive Office of Public Safety and Security in the amount of \$69,262.00 to be used for Emergency Telecommunications expenses (including dispatcher salaries) and furniture replacement for dispatch center in accordance with MGL, Chapter 44, Section 53A for purposes outlined, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the appointment of James Confey to the Board of the Council on Aging with a term to expire May 1, 2010, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the appointment of Nancy Savoie for the position of City Planner which expires two years from the date of confirmation, refer to **PERSONNEL COMMITTEE**; adopted.

Councilors Pope and Ferro requested to be recorded in opposition.

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, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the 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, **APPROVED**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, APRIL 6, 2009** as date for a **PUBLIC HEARING** on the 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, refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, APRIL 6, 2009** as date for a **PUBLIC HEARING** on the 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., refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the 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, **APPROVED**; adopted.

ORDERED: That the minutes, Traffic Commission, February 24, 2009, **FILE**; adopted.

ORDERED: That the minutes, Planning Board, February 9, 2009, **FILE**; adopted.

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

- A. Marconi Cardoso, 99 Francis St., other property damage
- B. Kathryn Murdock, 103 Wagon Hill Rd., other property damage

Reports of Committees:

Councilor Clancy reported the following out of the Personnel Committee:

Order No. 08-1002071 – Communication from the Mayor with documents pertaining to the certification of Thomas Abel from the Massachusetts Collectors and Treasurers Association for an additional five years through December 31, 2013. Recommendation of the Personnel Committee is to accept and place on file.

Order No. 08-1002070 – Communication from the Mayor with the reappointment of Thomas Abel as the City Comptroller/Treasurer for a term of three years, expiring August 29, 2011. The City Solicitor advised that this position is for a two year term only, as set forth in the City Code. Recommendation of the Personnel Committee is to refer back to the City Council with a favorable recommendation, with clarification that the appointment is for a two year term, per City Code, order no. 88-1999A. This term shall expire two years from the date of confirmation in the year 2011.

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

Order No. 09-1002104 – Communication from the Assistant City Solicitor regarding Order of Acceptance for Eager Court and Municipal Easement in the Eager Court subdivision. Recommendation of the Legislative and Legal Affairs Committee is to accept Eager Court and Municipal Easement in the Eager court subdivision 3-0.

Councilor Delano reported the following out of the Wireless Communication Committee:

Order No. 08/09-1002023B - Application of Omnipoint Communications Inc. for a Special Permit to install, operate and maintain a wireless communications facility, including a 100-foot flagpole-style tower, at 249 Miles Standish Drive.

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The Committee had been waiting since its last meeting in December for Omnipoint to provide further information which the Committee had requested concerning various issues of concern. At the February 25 meeting, Omnipoint announced that it was declining to provide that additional information on the following issues of concern:

- As to coverage –
 - No propagation maps for Omnipoint's nearby Hudson sites.
- As to drainage –
 - No clarification of Omnipoint's confusing first report, and no drainage mitigation plan.
- As to a potential tower collapse on the City's water tank –
 - No report as to the likelihood of collapse, nor as to an emergency plan either for catastrophic damage to the tank or for the safety of the residents.
- As to environmental impact -
 - No study of impact on the area's flora and fauna, nor on the ability of the residents to access the area and
- As to aesthetic or visual impact -
 - No crane test was performed, nor any photo simulations provided as had been promised at the public hearing, in order to give the Council and the residents any reasonable idea of the tower's visual impact on the neighborhood.

At the same time that it was declining to provide this information, Omnipoint also announced at the February 25 meeting that it was declining to request the Council's permission to withdraw its special permit application without prejudice. Recommendation of the Wireless Communication Committee is DENY the application 3-0 given the lack of information provided by Omnipoint concerning its proposed facility.

ORDERED:

**TAX INCREMENT FINANCING AGREEMENT
BY AND BETWEEN
THE CITY OF MARLBOROUGH AND
SEPRACOR INC.**

This TAX INCREMENT FINANCING AGREEMENT (the "TIF Agreement") is entered into this [___] day of [_____] 2009, by and between the City of Marlborough (the "City"), a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts, having a principal place of business at Marlborough City Hall, 140 Main Street, Marlborough, MA 01752, acting through its city council (the "City Council") which designates and delegates the mayor of the City or one of her designees (the "Mayor") to execute this TIF Agreement in accordance with Massachusetts General Laws ("MGL") Chapter 40, Section 59; and Sepracor Inc., a Delaware corporation having a principal place of business at 84 Waterford Drive, Marlborough, MA 01752 ("Sepracor"). The effective date of this Agreement shall be [_____] [], 2009, the date of approval from the Commonwealth of Massachusetts Economic Assistance Coordinating Council (the "EACC").

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WHEREAS, Sepracor is a developer and marketer of pharmaceutical products, and plans to increase the office space and building capacity of its principal place of business at the address above; and

WHEREAS, Sepracor's proposed project (the "Project") will involve the construction of a free standing, four story building ("Building 2"), of approximately 143,000 square feet, and a second building ("Building 3") of approximately 72,000 square feet, which will be connected to the south end of Sepracor's existing office building ("Building 1"), located on the Property (as that term is defined below); and

WHEREAS, Building 1 is located on and Buildings 2 and 3 will be constructed on the parcels described in a Quitclaim Deed recorded in the Middlesex County (South District) Registry of Deeds ("the Registry") in Book 36959, page 491 and also described and shown as the City's Assessor Parcel ID Nos. 0063-0001, 0063-0006-0001 and 0063-0006-0002 (such parcels and the improvements thereto are collectively defined as the "Property"); and

WHEREAS, Sepracor is seeking a Tax Increment Financing Exemption for the Property and Project from the City, in accordance with Section 3A, Chapter 23A; Section 59, Chapter 40; and Clause Fifty-first of Section 5, Chapter 59; of the MGL; and

WHEREAS the City strongly supports increased economic development as a means to expand the commercial and industrial tax base, provide additional employment opportunities for residents of the Framingham-Marlborough Regional Economic Target Area, as the term "Economic Target Area" is used in Chapter 23A, Section 3D of the MGL (the "ETA"), and contribute to a healthy, balanced economy and stronger tax base; and

WHEREAS the Property is located within the boundaries of the ETA and is proposed for designation as an Economic Opportunity Area (the "EOA"), as the term "Economic Opportunity Area" is used in Section 3E, Chapter 23A of MGL, by the EACC; and

WHEREAS the Project proposed by Sepracor furthers the economic development goals established for the ETA and meets the criteria for designation by the EACC as a "Certified Plan", as that term is defined in 760 CMR 22.05.

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties do mutually agree as follows:

A. THE CITY'S OBLIGATIONS

1. The City Council, by vote at a City Council meeting duly called and held on [_____] [___], 2009, has approved the provisions of this TIF Agreement pursuant to the resolutions attached hereto as Exhibit A. The City hereby authorizes the Mayor to execute this TIF Agreement on the City's behalf, and to monitor and enforce compliance by Sepracor with the terms of this TIF Agreement. The Mayor is authorized to act for and on behalf of the City in proceedings relating to the approval of this Agreement by the EACC.

2. The term of this TIF Agreement is up to fourteen (14) years and will commence on the first day of fiscal year 2010 and will end as of the last day of the fiscal year determined in accordance with Section 3 of Paragraph A of the TIF Agreement.
3. A Tax Increment Financing Exemption (the "Exemption") is hereby granted to Sepracor by the City. This Exemption shall be coterminous with the term of this TIF Agreement.

The formula for calculating the Exemption for the Project and Property will be as prescribed by Section 3E, Chapter 23A; Section 59, Chapter 40; and Clause Fifty-first of Section 5, Chapter 59 of the MGL and as further prescribed by the Code of Massachusetts Regulations (the "CMR") Title 760, Section 22.00. The Exemption formula will apply to the incremental difference in the assessed valuation of the Property, calculated as the difference between the Adjusted Base Valuation (as defined below) in the Base Year (as defined below), and the assessed valuation of the Property for each of the next fourteen (14) fiscal years during the term of the TIF Agreement.

The "Base Valuation" is the assessed value of the Property for the Base Year. The "Base Year" is the fiscal year immediately preceding the fiscal year in which the Property becomes eligible for the Exemption. The City and Sepracor hereby agree that the Base Year for the TIF Agreement is fiscal year 2009.

The Base Valuation will be adjusted annually by an adjustment factor as defined in the version of 760 CMR 22.00 in effect as of January 31, 2009 (the "Adjusted Base Valuation"). This Adjusted Base Valuation will remain fully taxable (*i.e.*, the Exemption shall not apply to or be calculated with respect to the Adjusted Base Valuation and no portion of the Adjusted Base Valuation shall be eligible for exemption from property taxation under Chapter 59 of the MGL) throughout the term of the TIF Agreement.

The increased value, or "increment," created by the Project (including all improvements to the Property throughout the term of the TIF Agreement), is the amount eligible for the Exemption from property taxation under Chapter 59 of the MGL (calculated and applied as provided in this Section 3 of Paragraph A). Pursuant to 760 CMR 22.00, the increment is equal to the amount by which the Property's assessed value for each fiscal year during the term of the TIF Agreement exceeds the Adjusted Base Valuation. All Exemptions will be enacted upon realization of an increase in the assessed value of the Property that results from new investment specific to this Project throughout the term of the TIF Agreement.

Specifically, this TIF Agreement calls for the Exemption from property taxation under Chapter 59 of the MGL for the Project and the Property based on the following schedule:

<u>Fiscal Year</u>	<u>Building 2 Scheduled Exemption Percentage</u>	<u>Building 3 Scheduled Exemption Percentage</u>
2010	100%	100%
2011	70%	100%
2012	60%	100%
2013	50%	100%
2014	40%	100%
2015	30%	100%
2016	20%	60%
2017	20%	50%
2018	20%	40%
2019	10%	30%
2020	0%	20%
2021	0%	10%
2022	0%	10%
2023	0%	10%

4. The City represents to Sepracor and the EACC that it has complied with all substantive and procedural requirements in executing the TIF Agreement and it is a legal, valid and binding document in accordance with the laws of the Commonwealth of Massachusetts.

B. SEPRACOR'S OBLIGATIONS

1. The City is granting the Exemption for the Property and the Project in consideration of Sepracor's commitment to:
 - a. Maintain its current level of 613 jobs in the City and create 250 new permanent full-time jobs over the term of this TIF Agreement (which includes employees located at Building 1 as well as all employees located at other existing Sepracor offices in the City as of the date of this TIF Agreement), and pay all municipal permit fees required in connection with the improvements associated with the Project;
 - b. Invest a minimum of \$30 million in the construction of Building 2 on the Property and related improvement costs, and make on-going personal property expenditures of \$4 million;
 - c. Invest a minimum of \$17 million in the construction of Building 3;
 - d. Timely pay all of its taxes owed to the City over the term of this TIF Agreement; and
 - e. Specifically as to new jobs, create and, over the term of the TIF Agreement, maintain new jobs at the Property according to the following schedule:

<u>Fiscal Year</u>	<u>Building 2 Cumulative Minimum Total Permanent New Full-Time Job Requirements</u>	<u>Building 3 Cumulative Minimum Total Permanent New Full-Time Job Requirements</u>
2010	25	0
2011	50	0
2012	75	0
2013	100	0
2014	125	0
2015	125	25
2016	125	50
2017	125	75
2018	125	100
2019	125	125
2020	125	125
2021	125	125
2022	125	125
2023	125	125

For purposes of determining Cumulative Minimum Total Permanent New Full-Time Job Requirements as set forth in the table above: (i) newly created positions that are filled and then subsequently become open during a particular fiscal year, which Sepracor reasonably believes will be filled within three (3) months of becoming open (and in fact are filled within such three month period), shall continue to be counted as a new job during the term of the TIF Agreement; (ii) in determining whether the Cumulative Minimum Total Permanent New Full-Time Job Requirements have been met for a given fiscal year, the total number of new jobs created from the effective date of the TIF Agreement through the end of such fiscal year shall be aggregated such that if the total number of new jobs created through such period meets or exceeds the Cumulative Minimum Total Permanent New Full-Time Job Requirements for such fiscal year, then Sepracor shall be deemed to have met the Cumulative Minimum Total Permanent New Full-Time Job Requirements for such fiscal year; and (iii) the Building 3 Cumulative Minimum Total Permanent New Full-Time Job Requirements shall apply only upon the application of the Building 3 Scheduled Exemption Percentages as set forth and applied in accordance with Section 3 of Paragraph A.

During the duration of this TIF Agreement, Sepracor will work with the City and local employment agencies to achieve the job creation objectives set forth above

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and Sepracor agrees to make commercially reasonable efforts to ensure that the newly created jobs at the Property are made available to residents of the ETA. Notwithstanding anything herein to the contrary, Sepracor may freely transfer new and existing employees among Buildings 1, 2, 3 or any other existing Sepracor office location in the City as of the date of this TIF Agreement in its sole discretion, although Sepracor acknowledges and agrees that each new job shall be counted only once for purposes of Determining Minimum New Job Requirements.

2. Sepracor agrees to submit annual reports on job creation, job retention and new investment to the Mayor by the end of September of each year with respect to the immediately preceding fiscal year during which the TIF Agreement is in effect. Reports shall be submitted for the fiscal year beginning on July 1, 2009, and for every fiscal year thereafter falling within the term of the TIF Agreement. The first report, therefore, shall be submitted by the end of September 2010. The annual report shall include:
 - a. employment levels at the Property at the beginning and end of the reporting period;
 - b. the specific number of ETA and Marlborough residents employed at the Property at the beginning and at the end of the reporting period;
 - c. Sepracor's financial contribution to the City (including property taxes, motor vehicle excise taxes, and water and sewer fees) for the fiscal year; and
 - d. a description of any private investment, including but not limited to donations and perpetual maintenance of land for recreational purposes, made by Sepracor for the benefit of the community during the reporting period.

During the term of this TIF Agreement, Sepracor will also provide the City with any information related to the Property and/or the Project which the parties mutually agree should be provided.

3. The Scheduled Exemption Percentages set forth in the table in Section 3 of Paragraph A will automatically be adjusted downward in any particular year that Sepracor does not meet the Cumulative Minimum Total Permanent New Full-Time Job Requirements described above. This Scheduled Exemption Percentage will be changed for the fiscal year beginning after the job requirement date, utilizing the following formulas:

Actual Total New Positions in the Given Year / Cumulative Minimum Total Permanent New Full-Time Job x Scheduled Exemption Percentage = actual Exemption Percentage.

For example, if the actual total new job level for Building 2 at the end of fiscal year 2011 is 45, then the Exemption Percentage for Building 2 in fiscal year 2012 will be $(45/50) \times 60\%$ or 54%.

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The Exemption Percentage for later years will revert back to the original schedules set forth in the table in Section 3 of Paragraph A if Sepracor restores the job level based on the Cumulative Minimum Total Permanent New Full-Time Job Requirements for that later year. If Sepracor meets or exceeds its Cumulative Minimum Total Permanent New Full-Time Job Requirements, the Exemption Percentage will not change.

Sepracor will be in default of its obligations under the TIF Agreement if Sepracor fails to meet or comply with any of the requirements of Sections 1 or 2 above or Section 4 below of Paragraph 0, and such failure continues or remains uncured for sixty (60) days (or such longer time as the City may deem appropriate under the circumstances) after the date of written notice, provided by the City to Sepracor, explaining in reasonable detail the grounds for or nature of such failure. Upon the City's determination that any default by Sepracor has continued or remained uncured for such period after the date of such written notice, the City may take such action as it deems appropriate to enforce Sepracor's obligations under the TIF Agreement, including but not limited to a request that EACC decertify the Property and/or Project for eligibility for the Exemption; any such request would be in addition to the automatic downward adjustment of the Scheduled Exemption Percentages described in Section 3 of Paragraph 0 above. Upon any such decertification, the City shall have the right, upon written notice to Sepracor, to terminate the Exemption benefits described in Section 3 of Paragraph A above, commencing as of the fiscal year in which Sepracor is in default or, if such benefits have already been received by Sepracor for the fiscal year in which Sepracor is in default, commencing as of the fiscal year immediately following that fiscal year. Any notice required hereunder shall be sent, via certified mail, return receipt requested, or delivered in hand, to Sepracor at the address of its principal office referred to above. Said notice shall be effective upon receipt.

4. Sepracor shall give the City two (2) months' written notice prior to any proposed disposition of the Property or any portion thereof by Sepracor, which identifies the prospective new owner; said notice may include information about such prospective new owner which is not otherwise subject to a confidentiality agreement; and said notice shall be given to: Mayor's Office, City Hall, 140 Main Street, Marlborough, MA 01752. The City shall not, except as required by law, disclose any information provided by Sepracor regarding any proposed disposition of the Property or any portion thereof by Sepracor.

C. OTHER CONSIDERATIONS

1. This TIF Agreement shall be binding upon all parties to it, shall be binding upon Sepracor and its successors and assigns, and shall be binding upon subsequent owners of the Property so long as the Project has not been decertified by EACC.

[Signature Page to Follow]

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WITNESSETH the execution and delivery of the TIF Agreement by the City of Marlborough and Sepracor Inc. as an instrument under seal as of the date first written above.

SEPRACOR INC.

CITY OF MARLBOROUGH

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date of Signature

Date of Signature

Exhibit A
(City Council Resolution)

RESOLUTION:

WHEREAS, the City Council of the City of Marlborough strongly supports increased economic development to provide additional jobs for qualified residents of the City and the Marlborough-Framingham Regional Economic Target Area (“ETA”), to expand commercial and industrial activity within the City, and to promote and develop a healthy economy and stronger tax base; and

WHEREAS, the City of Marlborough is a part of the regional ETA; and

WHEREAS, the City Council of the City of Marlborough supports and endorses the economic development goals for the Economic Target Area; and

WHEREAS, the City Council of the City of Marlborough desires a beneficial economic use creating jobs for local residents and increasing light industrial activity for Map 63, Parcels 1 and 6 (Lots 1 and 2) on the Marlborough Assessors Map; and

WHEREAS, the City Council of the City of Marlborough desires that the area be designated as the 84/158 Waterford Drive Economic Opportunity Area; and

WHEREAS, the City Council of the City of Marlborough finds that the proposed 84/158 Waterford Drive Economic Opportunity Area meets the criteria for economic goals by creating jobs; and

WHEREAS, the City Council of the City of Marlborough finds that the proposed 84/158 Waterford Drive Economic Opportunity Area meets the local criteria set forth in the Economic Target Area application; and

WHEREAS, the City Council of the City of Marlborough further supports and endorses the economic development goals contained in the Economic Opportunity Area application; and

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WHEREAS, the City Council intends to use tax increment financing or special tax assessment economic development tools created by the Massachusetts Economic Development Incentive Program based on the ability of the City of Marlborough, in accordance with needs and community benefits of a specific project, that are reasonably proportional to the economic development incentives from State and local government and the resulting economic development benefits;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Marlborough that the following activities which are necessary to pursue an application for an Economic Opportunity Area designation in the City of Marlborough be authorized:

1. The City Council of the City of Marlborough hereby authorizes the submission of the 84/158 Waterford Drive Economic Opportunity Area application (attached hereto as Exhibit 1) to the Massachusetts Economic Assistance Coordinating Council;
2. The 84/158 Waterford Drive Economic Opportunity Area is defined to be Map 63, Parcels 1 and 6 (Lots 1 and 2) on the Marlborough Assessors Map;
3. The City Council of the City of Marlborough hereby requests that the Massachusetts Economic Development Incentive Board approve Sepracor Inc.'s application for a "Certified Project;" and
4. The City Council of the City of Marlborough agrees to authorize the use of tax increment financing (attached hereto as Exhibit 2) for the Sepracor Inc. Certified Project located within said Economic Opportunity Area.

ORDERED: 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, **APPROVED;** adopted.

ORDERED: That the reappointment of Tom Evangelous to the Parks and Recreation Committee for a term expiring on March 5, 2014, **APPROVED;** adopted.

ORDERED: That the reappointment of Mark Leonard as Police Chief for a four year term expiring on March 1, 2013, **APPROVED;** adopted.

ORDERED: That the 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, **APPROVED;** adopted.

ORDERED: That the budget transfer request in the amount of \$109,000.00 which moves \$95,000.00 from Police Officers to OT Regular, \$9,500.00 from Police Officers to Public Safety Dispatchers and \$4,500.00 from Police Officers to Holiday Pay accounts for anticipated Police overtime deficits for the remainder of the fiscal year, be and is herewith **APPROVED;** adopted.

FROM:

Acct. # 12100001-50420	\$95,000.00
Police Officers	
Acct. # 12100001-50420	\$9,500.00
Police Officers	
Acct. # 12100001-50420	\$4,500.00
Police Officers	

TO:

Acct. # 12100003-51310 Overtime-Regular	\$95,000.00
Acct. # 12100003-51213 Public Safety Dispatchers	\$9,500.00
Acct. # 12100003-51490 Holiday Pay	\$4,500.00

ORDERED: That the budget transfer request in the amount of \$12,000.00 which moves funds from Custodian to Gross Overtime as a result of snow removal and work performed while an employee is out on worker's compensation, **APPROVED**; adopted.

FROM:

Acct. # 11920003-50560 Custodian	\$12,000.00
-------------------------------------	-------------

TO:

Acct. # 11920003-51300 Gross Overtime	\$12,000.00
--	-------------

ORDERED: That the budget transfer request in the amount of \$20,000.00 which moves funds from Firefighter to Additional Gross Overtime to cover an anticipated deficit based on figures for the last 22 pay periods of FY08, **APPROVED**; adopted.

FROM:

Acct. # 12200001-50450 Firefighter	\$20,000.00
---------------------------------------	-------------

TO:

Acct. # 12200003-51300 Additional Gross Overtime	\$20,000.00
---	-------------

1/14

ORDERED: That the budget transfer request in the amount of \$93,500.00 which moves funds from and to various DPW accounts which represent actual and anticipated overtime deficits for the remainder of FY09, **APPROVED**; adopted.

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
<u>\$304,522.00</u>	<u>\$3,000</u>	<u>14001503</u>	<u>50740</u>	<u>Equipment Operators</u>	<u>\$3,000.00</u>	<u>14001303</u>	<u>51310</u>	<u>OT-Reg</u>	<u>\$4,618.42</u>
	Reason: <u>Money available due to vacant postions</u>				Reason: <u>Projected need to cover overtime for remainder Fy 09.</u>				
<u>\$304,522.00</u>	<u>\$22,800</u>	<u>14001503</u>	<u>50740</u>	<u>Equipment Operators</u>	<u>\$22,800</u>	<u>14001303</u>	<u>51470</u>	<u>Interim Foreman</u>	<u>(\$4,803.11)</u>
	Reason: <u>Money available due to vacant postions</u>				Reason: <u>Estimation based on one foreman promoted as acting division supervisor until 5-Feb-09 and Foreman on medical leave for hip replacement.</u>				
<u>\$304,522.00</u>	<u>\$700</u>	<u>14001503</u>	<u>50740</u>	<u>Equipment Operators</u>	<u>\$700</u>	<u>14001403</u>	<u>51470</u>	<u>Interim Foreman</u>	<u>\$574.60</u>
	Reason: <u>Money available due to vacant postions</u>				Reason: <u>Anticipated time off by foreman (contractual)</u>				
<u>\$304,522.00</u>	<u>\$9,000</u>	<u>14001503</u>	<u>50740</u>	<u>Equipment Operators</u>	<u>\$9,000</u>	<u>1400503</u>	<u>51310</u>	<u>OT-Reg</u>	<u>\$4,081.51</u>
	Reason: <u>Money available due to vacant postions</u>				Reason: <u>Projected need to cover overtime for remainder Fy 09.</u>				
<u>\$304,522.00</u>	<u>\$7,000</u>	<u>14001503</u>	<u>50740</u>	<u>Equipment Operators</u>	<u>\$7,000</u>	<u>14001503</u>	<u>51470</u>	<u>Interim Foreman</u>	<u>\$6,202.59</u>
	Reason: <u>Money available due to vacant postions</u>				Reason: <u>Estimation based on Cemeteries Division Foreman and Parks Foreman undergoing surgery (3 weeks & 8 weeks recovery time respectively) (contractual)</u>				

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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
<u>\$49,516.00</u>	<u>\$28,000</u>	<u>91090001</u>	<u>50460</u>	<u>Meter Reader</u>	<u>\$28,000.00</u>	<u>61090003</u>	<u>51310</u>	<u>Overtime</u>	<u>\$20,233.66</u>
	Reason:	<u>Funds available from W. C. injury.</u>				<u>Anticipate need to cover normal overtime needs to cover underfunding.</u>			
<u>\$253,113.27</u>	<u>\$15,000</u>	<u>61090001</u>	<u>50740</u>	<u>Equip. Operator</u>	<u>\$15,000</u>	<u>61090003</u>	<u>51310</u>	<u>Overtime</u>	<u>\$20,233.66</u>
	Reason:	<u>Funds available from W. C. injury.</u>				<u>Anticipate need to cover normal overtime needs to cover underfunding.</u>			
<u>\$49,516.00</u>	<u>\$5,500</u>	<u>91090001</u>	<u>50460</u>	<u>Meter Reader</u>	<u>\$5,500</u>	<u>60081003</u>	<u>51310</u>	<u>Overtime</u>	<u>\$4,958.82</u>
	Reason:	<u>Funds available from W. C. injury.</u>				<u>Power outages and storms have placed heavy demand on account.</u>			
<u>\$9,851.13</u>	<u>\$2,500</u>	<u>60085006</u>	<u>54340</u>	<u>Maintenance Machinery</u>	<u>\$2,500.00</u>	<u>60085003</u>	<u>51310</u>	<u>Overtime</u>	<u>\$6,585.65</u>
	Reason:	<u>Anticipate adequate funds for rest of year.</u>				<u>Power outages and storms have placed heavy demand on account.</u>			

Councilor Vigeant requested to be recorded in opposition.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:35 p.m.



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

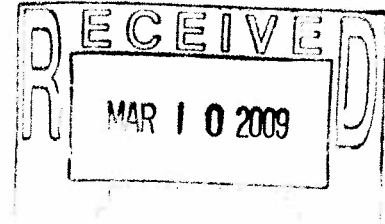
Nancy E. Stevens
MAYOR

Karen A. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

March 10, 2009

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



RE: Temporary Appointment of Director of Personnel

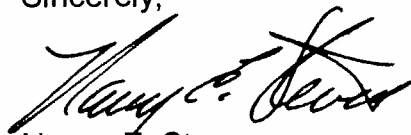
Honorable President Vigeant and Councilors:

As previously advised, the temporary appointment I made to the position of Director of Personnel effective January 6, 2009 expired yesterday. Accordingly, a vacancy exists in that position as of today. The position is one that must remain filled, especially in light of ongoing preparations for collective bargaining negotiations in which a director of personnel plays an integral part. The Director of Personnel engages in highly sensitive and private matters involving the confidentiality of personnel files and medical records. This person also needs a thorough understanding of the City's collective bargaining position. Please note that only non-union City personnel would be eligible to fill this temporary position; there are only a handful of non-union people employed by the City, almost all of whom are already department heads. It is not my intention to ask an existing department head to run two departments at the same time.

Therefore, I am again appointing Karen Kisty as temporary Director of Personnel. At the same time, I have also begun the re-advertising process for the position of Director of Personnel. This is, in my opinion, the best way for me to protect the collective bargaining interests of the City in the short term, while simultaneously continuing the process of moving toward a permanent Director of Personnel.

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

Sincerely,


Nancy E. Stevens
Mayor



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City of Marlborough
Office of the Mayor

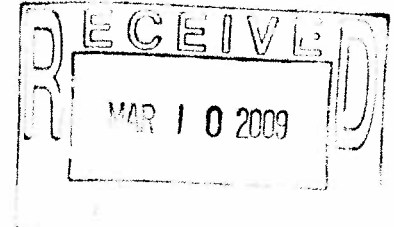
140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

Nancy E. Stevens
MAYOR

Karen A. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

March 9, 2009



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

RE: Permanent Appointment of Director of Personnel
Order No. 09-1002118

Honorable President Vigeant and Councilors:

I have begun the re-advertising process for the position of Director of Personnel. At the same time, as detailed in my February 19, 2009 letter, I faced a statutory deadline of March 9, 2009 to submit another permanent appointment for the position of Director of Personnel. In order for me to comply with that legal deadline, I am resubmitting Karen Kisty for the position of Director of Personnel.

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

Sincerely,

Nancy E. Stevens
Mayor



City of Marlborough
Office of the Mayor

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

Nancy E. Stevens
MAYOR

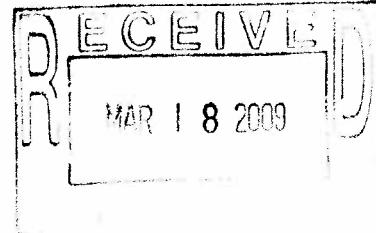
Karen A. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

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March 19, 2009

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



Honorable President Vigeant and Councilors:

Attached please find a transfer request in the amount of \$10,000 moving funds from Account No. 100-35900 (Undesignated Fund) to Account No. 83600-32701 (Public Safety).

The \$10,000 represents the first installment payment by Genzyme in satisfaction of condition #12 of the First Student Special Permit #07-1001650B. Funds are specified in the Special Permit for "traffic enforcement purposes related to school bus safety". This transfer will enable funds to be used for said purpose.

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

Sincerely,

Nancy E. Stevens
Mayor

NES/kh

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TRANSFER REQUEST

AVAILABLE BALANCE	AMOUNT	ORG · OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
			Undesignated Fund				Stabilization Public Safety	
\$ 4,124,715.00	\$ 10,000.00	100	35900 Undesignated Fund	\$ 10,000.00	83600	32701 Public Safety		\$ 164,500.00

Reason: See attachment from Mayor



City of Marlborough

Office of the Mayor

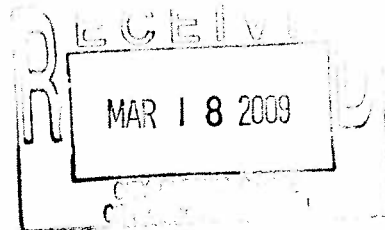
140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

Nancy E. Stevens
MAYOR

Karen L. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

March 16, 2009



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

Honorable President Vigeant and Councilors:

The Marlborough Fire Department has received a grant in the amount of \$3,000.00 from the Commonwealth of Massachusetts, Executive Office of Health and Human Services Department of Public Health. This SFY2009 Mass Decontamination Unit (MDU) Grant will facilitate the field deployment, training and operational readiness of a mobile Mass Decontamination Unit to enhance protection of local hospitals during any public health emergent situation.

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,

Nancy E. Stevens
Mayor

NES/kh

Attachments



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City of Marlborough

FIRE DEPARTMENT

215 Maple Street, Marlborough, Massachusetts 01752
Business (508) 460-6986 Facsimile (508) 460-3795

March 12, 2009

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

RE: SFY09 DPH Grant for Mass Decontamination Unit

Dear Mayor Stevens,

Attached please find documentation in support of a grant in the amount of \$3,000.00 which has been awarded to the Fire Department through The Commonwealth of Massachusetts Executive Office of Health and Human Services Department of Public Health.

The SFY 2009 Mass Decontamination Unit (MDU) Grant has been approved for funding and granted to the Marlborough Fire Department. The intent of the Grant is to facilitate the field deployment, training and operational readiness of a mobile Mass Decontamination Unit to enhance protection of local hospitals during any public health emergent situation.

In accordance with Massachusetts General Laws, Chapter 44 Section 53A this grant was applied for and accepted by the Fire Department but in order for it to be expended for the purposes of the grant, the Mayor must recommend and the City Council must vote to approve the expenditure.

I would ask that this information be placed on the next available council agenda, and that you recommend and ask the City Council to approve the expenditure of these funds for the purposes of the grant by the Fire Department.

Thank You,

David Adams
Fire Chief

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**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Fire DATE: March 12, 2009

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: David Adams, Fire Chief

NAME OF GRANT: FY09 Mass Decontamination Unit Grant

GRANTOR: Commonwealth of Massachusetts Department of Public Health

GRANT AMOUNT: \$3,000.00

GRANT PERIOD: 12 months

SCOPE OF GRANT/ To ensure the effective deployment and implementation of a Mass Decontamination Unit to an area hospital and elsewhere in a community in the event of a public health emergency.

ITEMS FUNDED Funding provides for the maintenance, repair, restocking of equipment and joint exercises with hospital personnel throughout the year.

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: Grant Expiration January 31, 2010

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

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MASS DECONTAMINATION UNIT SCOPE OF SERVICES

Fire Department Name: Marlborough Fire Dept.
Chief Name: David Adams
Signature: David Adams

Section 1: Mass Decontamination Unit (MDU) Deployment Support

This agreement is made by and between the Commonwealth of Massachusetts Department of Public Health (MDPH) and the participating Fire Department to facilitate the deployment, training and operational readiness of Mass Decontamination Units. This agreement will address certain requirements of the Assistant Secretary for Preparedness and Response (ASPR) Hospital Preparedness Program Cooperative Agreement as awarded to MDPH.

Funding under this agreement is subject to appropriation by U.S. Health and Human Services, Office of the Assistant Secretary for Preparedness and Response (ASPR), Hospital Preparedness Program Cooperative Agreement. These funds are granted to the MDPH under CFDA 93.889 grant number 1 U3REP080113-01-00. The terms and conditions for this funding award to MDPH apply to the participating Fire Department, as contracted party to MDPH, and pursuant to the APSR grant.

Mass Decontamination Units assigned to acute care hospitals, terms and tasks required to be completed by the fire department will be carried out in conjunction with the assigned partnering hospital. For Fire Department-District MDU assignments, terms and tasks required to be completed by the fire department will be carried out in conjunction with the acute care hospital closest to the primary fire department.

Section 2: Scope of Work

In response to the need for mass decontamination capability (in the event patients would present to emergency departments of acute care hospitals in the Commonwealth), the Department of Public Health is making available for the sixth year, funding to support effective field deployment of the MDUs. This funding provides resources to each Fire Department which has been assigned an MDU(s) to enhance protection of hospitals in the event of an emergent situation. Each party (fire department and hospital) will be required to achieve specific tasks in order to qualify for receipt of the funds. Hospitals have also been provided financing and directed to participate in this initiative. For the sixth year, five (5) specific tasks have been identified and are required to be completed.

The period of performance for the scope of work outlined in the provisions of this Agreement shall become effective upon a fully executed contract agreement, planned to become effectuated February 1, 2009, and will remain in effect through to January 31, 2010.

The total amount eligible per this agreement is \$3,000 for each MDU assigned to the participating fire department, for completion of the necessary tasks to facilitate the deployment and operational readiness of the MDU.

Funding allocations provided per this agreement require collaboration between fire departments and hospitals. Tasks include development of written agreements relative to MDU deployment, MDU storage location, method of deployment, restocking and plans for use; and will require collaboration between hospital and fire to develop and sign a written agreement for provision of personnel with a higher level (e.g. level B) Personal Protective Equipment (PPE) to perform in-hospital decontamination. The Department expects that fire departments will retain and maintain the required written agreements between the hospital and the fire department, and will review them annually with their respective hospital partners.

This year's MOA will require continuation of five initial activities.

- Update and sign the written MDU deployment and training agreement between hospitals and Fire Department;
- Participate in collaborative training hospital and fire service personnel in the plan for MDU use;
- Ensure sufficient hospital and fire staff are trained to set-up and use the MDU;
- Conduct at least one MDU operational exercise with the hospital and fire department;
- Maintain and re-supply the MDU in accordance with the written MDU agreement.

Section 4: Disbursement of Funds

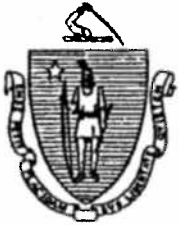
Application for Funds: The following information, with the exception of item numbered 5 below, must be submitted to MDPH by **January 15, 2009**:

1. The enclosed contractual agreement documents, signed by the authorized signatory, indicating commitment to actively participate in the completion of tasks.
2. Contractual agreement signature indicates acceptance of terms, including those stated within this Scope of Work. The Fire Department will provide MDPH with periodic reports regarding frequency and types of MDU use; and will provide a report on expenditures made with funding received under this contract.
3. Funds will be allocated in accordance with the ASPR grant guidance and will be governed under the Commonwealth's Terms and Conditions for contractual agreements;
4. Municipal Fire Departments will maintain complete and accurate business records relevant to the activities financed; and shall allow MDPH to review with reasonable advance notice all relevant records necessary to verify and document planned and actual expenditures and activities related to this agreement. Accurate segregated records of expenditures and activities should be maintained;
5. Fire Departments will expend the grant funding within the duration of the contractual agreement and submit a report of actual expenditures relative to this agreement not later than April 15, 2010; and
6. Substantial noncompliance with the terms of this agreement as determined by MDPH may necessitate repayment of funds received and/or ineligibility for future funds,

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provided that MDPH shall provide 30 days advance written notice of non-compliance and reasonable time for the Fire Department to become compliant.

The Department of Public Health, ASPR Hospital Preparedness Program, appreciates the participation of municipal fire services in achievement of the goal of MDU deployment and training.



W 97710 4843 P01
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The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

JUDYANN BIGBY, MD
SECRETARY

JOHN AUERBACH
COMMISSIONER

TO: Carol Weisberg, Chief Financial Officer

FROM: Mary E. Clark, Director, Bureau of Emergency Preparedness

DATE: November 17, 2008

RE: Non Competitively Bid Grant Awards
Grants to Fire Departments possessing Mass Decontamination Units
Request for Continued Waiver of Competitive Procurement

The Massachusetts Department of Public Health (MDPH) has been awarded cooperative agreement funding by the US Department of Health and Human Services, Assistant Secretary for Preparedness and Response (ASPR), for a program of Hospital Preparedness.

The purpose of the overall awarded funding is to ensure that Massachusetts is prepared in the event of public health emergency. The Hospital Preparedness Program requests approval to enter into grants under 815 CMR 2.00 with 72 fire departments, to train, stock, and deploy Mass Decontamination Units. Fire Services will collaborate within a regionally-based hospital model to train fire department staff and to collaborate in hospital staff training, and stock the MDU device and maintain the device for the successful deployment of Mass Decontamination Units.

The fire departments in possession of the units are the only eligible participants that could provide deployment of mass decontamination units (MDU). The fire departments were initially selected as awardees of mass decontamination units (MDU) through award by the Federal Department of Justice. This will be the 6th allocation of funding to fire services possessing these units. To allow for successful deployment of these devices, MDPH proposes to allocate ASPR funds to 72 community fire services, possessing 90 MDU, who will then train staff, stock the device and maintain the device for the successful deployment of the MDU. No other fire department could be awarded these funds as they would not possess a mass decontamination unit to be deployed. Thus, no other potential bidders could exist.

Under the initial waiver, #4BF, which was initially requested yet expired on November 30, 2005, the first allocation was provided at \$3,500 per MDU and a second allocation

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was provided at \$2,500. A third allocation of \$3,500 per MDU was provided in spring of 2005 under waiver #W55707. Extension of waiver #W55707 was allowed for the fourth allocation provided in fall of 2006 and extended again for a fifth allocation of funding in fall of 2007 at \$3,500. This request will allow for DPH/ASPR FFY2008 awarded funding to be allocated, and provide the sixth allocation of grant funding to MDU-possessing fire departments. Contractual agreements are planned for the duration February 1, 2009 through January 31, 2010. Funding will be provided as grants and paid in full during state fiscal year 2009.

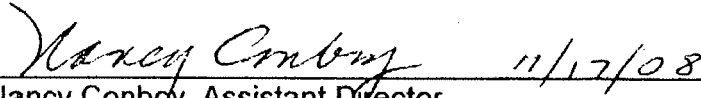
This waiver request is consistent with the notice of intent posted to Comm-PASS to award grant funds to these entities. The Comm-PASS posting will remain active through 12/10/08. Posting of the Notice of Intent is provided to maintain compliance with directives presented in MMARS policies and procedures for granting funds.

Your approval of this request is appreciated.

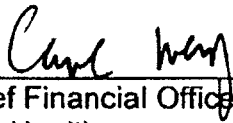


Mary Clark, Bureau Director, Emergency Preparedness
DPH/ASPR Hospital Preparedness Program
Massachusetts Department of Public Health

I have reviewed this request and agree with its necessity.



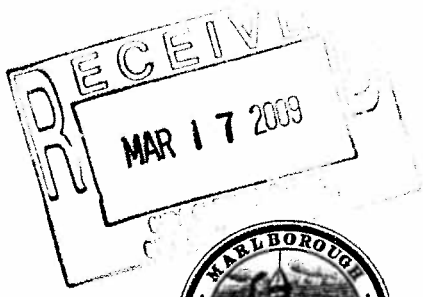
Nancy Conboy, Assistant Director
Purchase of Service Division
Massachusetts Department of Public Health



Carol Weisberg, Chief Financial Officer
Department of Public Health

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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

March 16, 2009

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

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

Re: Sign Ordinance
Proposed Amendment

Dear Mr. Vigeant:

The Planning Board frequently reviews sign variance requests submitted by sign owners who have erected or changed their signs without securing the necessary permits. In some cases, this is a result of sign contractors deliberately or recklessly disregarding the requirements of the City's Sign Ordinance.

The Planning Board is requesting that the City Council consider an amendment to the City of Marlborough's Sign Ordinance, Section 163-2 by adding a definition of the term "Sign Contractor", and Section 163-12 by adding a new Paragraph E that would allow the building inspector, or his designee, to fine Sign Contractors directly for violations of the Ordinance. The proposed Amendment would also require a Sign Contractor to pay all outstanding fines prior to being issued any new permits for signs to be erected within the City.

Please find the enclosed proposed amendment. If you have any questions or comments please do not hesitate to contact the Planning Board.

Thank you for considering the Planning Board's request.

Sincerely,
Barbara L. Fenby
Barbara L. Fenby

*306-2
306-12(D)*

Cc: Legal
file

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Proposed Change to Sign Ordinance:

ORDERED:

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

- 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.

ADOPTED

In City Council

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Order No. 09-
Adopted

Approved by Mayor
Nancy E. Stevens
Date:

A TRUE COPY



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

March 19, 2009

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

RE: COUNCIL ORDER NO. 08-1001923

Dear President and Members,

Pursuant to City Council Order No. 08-1001923, enclosed herewith is information concerning the city's solid waste and recyclables disposal program and alternatives to it.

The department is currently operating its curbside collection program for solid waste and recyclables under an extension to last year's private contract which is due to expire next month. The department is anxious to explore the alternatives available to the city at this time and agree upon a long-term program for providing these services to our residents.

Sincerely,

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

cc: Mayor Nancy E. Stevens

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IN CITY COUNCIL

Marlborough, Mass., JUNE 9, 2008

ORDERED:

That the Marlborough City Council meet with the Commissioner and Assistant Commissioner of Public Works for an update regarding mandatory recycling, pay-as-you-throw and other trash disposal programs, be and is herewith refer to **COUNCIL PRESIDENT AND MAYOR'S OFFICE**. Order submitted by Councilors Pope, Delano and Clancy.

ADOPTED

ORDER NO. 08-1001923

Department of Public Works



Solid Waste and Recycling Update

Regarding Mandatory Recycling, Pay-as-you-throw
and Other Trash Disposal Programs

March 18, 2009

*City of Marlborough
Department of Public Works
135 Neil Street
Marlborough, MA 01752
Tel. (508) 624-6910 ext. 7200*

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Executive Summary

Pursuant to Marlborough City Council Order No. 08-1001923, this report has been prepared by the administration of the Department of Public Works to update the council regarding the city's solid waste and recyclables collection and disposal program.

The report provides a summary of the programs currently used by our neighboring communities and the cost associated with them. The report also identifies those programs which the administration considers viable alternatives for disposal of these materials. For each of those programs, the report summarizes the advantages, disadvantages and the preliminary estimated cost to implement them.

The research performed to prepare this report included meeting with our current solid waste and recyclables contractor, phone conversations and internet exchanges with representatives from the Massachusetts Department of Environmental Protection (DEP), canvassing those communities in the MetroWest area, and performing internet searches on the regional programs available for disposal of our solid waste and recyclables.

The costs of the programs included in this report are tied to the city's long-term contract with WeCare, Inc. This contract obligates the city to a significantly expensive tipping fee for both its solid waste and municipal sludge when compared to other disposal alternatives. The current contract with WeCare does not expire until the year 2018.

Existing Curbside Rubbish and Recycling Program

The city's current solid waste and recyclables collection and disposal program includes 2 separate contracts. The first is a contract which provides for curbside collection of both solid waste and recyclables. Residents of the community who reside in single, two, and three-family dwelling units are permitted to place their solid waste and recyclables curbside. Solid waste is collected once per week and recyclables are collected once every 2 weeks. Under this same contract, the city provides containerized collection of solid waste and recyclables from condominiums on a weekly and bi-weekly basis respectively. The curbside and containerized collections of our solid waste are brought to the WeCare facility located behind the city's Easterly Wastewater Treatment Plant at 860 Boston Post Road, East. The curbside and containerized collections of recyclables are brought out of town to a regional recycling facility.

The second contract previously mentioned above, is a long-term contract between the City and WeCare, Inc. This contract provides a disposal site for the solid waste

collected through our curbside/containerized collection, the solid waste and recyclables left at the resident drop-off center, as well as the sludge generated by the city's water treatment and wastewater treatment operations. Pursuant to the city's contract with WeCare all of the city's solid waste and sludge is to be "composted" using their proprietary process which combines both solid waste and sludge in enclosed vessels, biologically degrades the mixed stream of waste, and ultimately produces a stabilized compost material. WeCare owns and is responsible for disposal of the compost in accordance with state regulations.

The WeCare contract also obligates WeCare to operate and manage the city's Resident Drop-Off Center.



Alternative Solid Waste and Recycling Programs

All communities in the commonwealth are required through DEP regulation to prohibit certain materials from entering their solid waste stream. This may be done through ordinance or by-law, through collection contracts, through incentive programs, and/or through state permitting which is required to operate a solid waste disposal facility. The following is a brief explanation of the most widely used alternative programs to ours for municipal solid waste and recyclable collections.

Automated Recycling

Automated containerized curbside collection of solid waste and recyclables is a program which involves the curbside placement of both these materials in separate containers which are then picked up mechanically by collection vehicles designed for this purpose. The containers, generally with a 35 gallon or 65 gallon capacity, are placed at curbside where the collection vehicle positions itself and with a mechanical arm, grabs the container and empties it into the vehicle. The empty container is then placed back at curbside.



The containers for this program are made from a heavy duty molded plastic with a 10-year life expectancy. The containers also have wheels which facilitates their movement to and from the curb. The cost for the containers are \$55 and \$75 respectively.

Mandatory Recycling

Mandatory recycling is a program which simply requires a resident to place some amount of recyclables curbside in order to have their solid waste collected through the curbside program. Mandatory recycling programs generally have no specified minimum amounts of recyclables which must be placed curbside so unless a community specifies mandatory minimums, there is no bona fide incentive to recycle.

Pay-As-You Throw

Pay-As-You-Throw (PAYT) curbside collection is similar in nature to the city's current program except that solid waste must be placed in special bags which must be purchased by residents to dispose of their solid waste. Recyclables may still be placed curbside in any suitable container and thus there is no indirect charge for these items as there is for solid waste.

This program incentivizes residents to recycle because the more residents recycle, the less bags are needed to dispose of their solid waste.

A variation of the PAYT program, includes purchasing "stickers" that must be applied to normal plastic rubbish bags for solid waste. As with the bag program, residents are required to purchase these stickers at specified locations throughout the community.

Communities which utilize this program establish a set price for the bags or stickers, which may cover not only the cost of the materials (bags/stickers) but also the cost to administer and/or operate the solid waste disposal program. The cost of the bags or stickers is a function of the portions of the program which are to be funded through the sales.

Bulk items are typically scheduled directly by the resident with the city's solid waste vendor at a price predetermined with the city or town's solid waste collection contractor.

Report Study Area

For the purposes of this report, the department canvassed all communities which abut ours as well as the communities which abut those communities. Map 1 depicts the communities in the Study Area.

Community Solid Waste/Recycling Programs Summary

Table 1 summarizes the various solid waste/recycling programs for the communities in the Study Area including the costs and fees for each.

Advantages/Disadvantages and Estimated Cost of Alternative Programs

Table 2 is a summary of the programs the department recommends be considered for future disposal of our community's solid waste and recyclables.

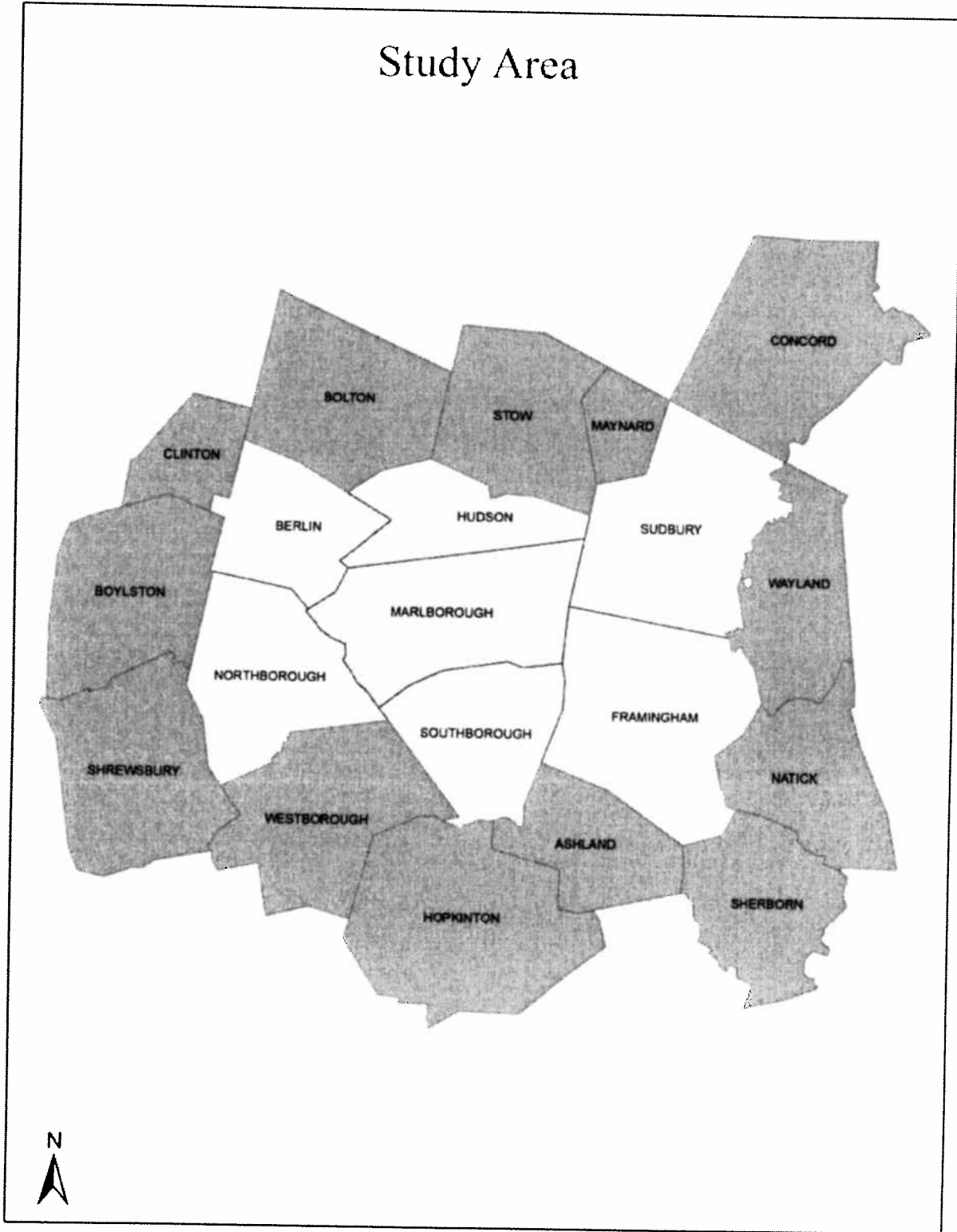


TABLE 1

COMMUNITY	CURRENT PROGRAM	CURRENT FEE STRUCTURE
HUDSON	PAYT @ TRANSFER STATION	Curbside pickup (automated) homeowner responsible for contract w/ private vendor. \$1.00/15 gal. bag \$2.00/30 gal. bag or barrel \$10 sticker fee required Bulky items \$100/ton or \$30/load (min.)
BERLIN	TRANSFER STATION	\$125 for 1 st Sticker \$10 for 2 nd Sticker for household Fee structure for bulky misc. items
NORTHBOROUGH	PAYT Brought to Wheelabrator CURBSIDE	\$10 Sticker for bulky item (burnable) \$15/Case - \$1.50/15 gal. bag sold in pkg. of (10) \$3.00/30 gal. sold in pkg. (5)
SOUTHBOROUGH	TRANSFER STATION	\$110 for 1 st Sticker \$50 for 2 nd Sticker Fees for CRT's (Cathode Ray Tubes) 35gal. Trash container (40lbs or less)
FRAMINGHAM	CURBSIDE	
SUDBURY	PAYT @ TRANSFER STATION	Must purchase Transfer Sta. Sticker \$125/annual cost \$1.00/15 gal. bag sold in pkg. of (5) \$2.00/30 gal. bag sold in pkg. of (5)
STOW	NO SERVICE PROVIDED BY TOWN	Homeowners expense
BOLTON	PAYT STICKER CURBSIDE	\$1.00/15 gal. bag sold in pkg. of (10) \$2.00/30 gal. bag sold in pkg. of (10) Fee structure for bulky misc. items
CLINTON	PAYT STICKER CURBSIDE	\$5.00 for 1 st Transfer Sticker \$2.00 for 2 nd Transfer sticker \$2.00/bag (35lbs limit) No curb side recycling (must be brought to DPW)
W. BOYLSTON	PAYT CURBSIDE	\$1.00/15 gal. bag sold in pkg. of (5) \$2.00/30 gal. bag sold in pkg. of (5)
SHREWSBURY	PAYT CURBSIDE	\$0.75/15 gal. bag sold in pkg. of (5) \$1.50/30 gal. bag sold in pkg. of (5) \$10 Bulky Sticker items

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WESTBOROUGH	TRANSFER STATION	\$80 for 1ST Sticker \$40 for 2nd Sticker \$25 for disposal of large appliances Recycling is mandatory for everyone using the transfer station.
HOPKINTON	CURBSIDE	4 Barrels or bags/week One large item (e.g. sofa)
ASHLAND	PAYT CURBSIDE	Annual Fee \$138 Annual Fee for senior citizens \$48 \$0.75/14 gal. bag sold in pkg. of (5) \$1.30/33 gal. bag sold in pkg. of (5) Bulky items no fee
SHERBORN	TRANSFER STATION	\$20 Fee \$10 for microwaves \$5 for propane tanks \$10 for TV's/computer
NATICK	PAYT CURBSIDE	\$1.00/15 gal. bag sold in pkg. of (10) \$1.75/30 gal. bag sold in pkg. of (10) Bulky items \$25 min. ea. additional fees based on volumes of waste
WAYLAND	TRANSFER STATION	\$320 Full sticker \$195 Senior sticker
CONCORD	PAYT CURBSIDE	\$79 Subscription fee (billed twice a year for six months) Disposal fee \$1.50 disposal tag (each, one use only) \$39 six month barrel sticker (40 lbs max)
MAYNARD	PAYT STICKER CURBSIDE	\$1.00/15 gal. or barrel (38lbs max) \$2.00/32 gal. bag or barrel (75 lbs max) Sofa, mattresses, doors (\$2 sticker)
HOLDEN	AUTOMATED CURBSIDE	\$15/mo. - 65 gal. trash toter & 95 gal. recycling toter \$13/mo. -35 gal. trash toter & 35 gal. recycling toter Single stream recycling collection \$25/burnable item - (sticker req. by appointment) \$1.00/15 gal. bag sold in pkg. of (5)- (overflow bag)

7/12

TABLE 2

**ADVANTAGES, DISADVANTAGES AND COST
FOR VARIOUS
SOLID WASTE/RECYCLING PROGRAMS**

PROGRAM TYPE	PROS	CONS	COST			
			Solid Waste	Tons	Cost	Actual total
Existing Program Separate curbside collection of solid waste and recyclables	Weekly rubbish collection. Bi-weekly recyclables collection. Entire cost of programs funded through property taxes	Not a cost efficient program to maintain. No limit on amount of solid waste or recyclables that may be placed curbside. Yard waste collection year round drives up cost of disposal. Unsightly. Large volumes of rubbish interfere with winter snow and ice operations. Injuries/worker's comp. cases to our private contractor have increased over the years due primarily to lifting issues driving up cost.				
			Curbside Collection			\$930,200*
			Disposal	~13,000	\$105.22/ton	\$1,367,860
			Disposal at RDF +	~1,800	\$105.22/ton	\$189,396
					Subtotal	\$2,487,456
			Recycling			
			Curbside Collection			\$277,200*
					Total	\$2,764,656
			Estimated cost per household based on 11,000		\$251/year	
					Required Appropriation	\$2,764,656

*Flat Fee based on FY 10 contract values.
+ Resident Drop-off Facility

713

TABLE 2 (cont.)

ADVANTAGES, DISADVANTAGES AND COST
FOR VARIOUS
SOLID WASTE/RECYCLING PROGRAMS

PROGRAM TYPE	PROS	CONS	COST			
			Solid Waste	Tons	Cost	Actual total
Pay-As-You-Throw (PAYT) [Bag or Sticker Program] Estimated reduction in solid waste between 30% and 50%. Equitable way to fund trash and recycling services, potential offsets portion of program costs. Bi-weekly recycling collection. Projected future revenue of 1.3 M from sale of bags.	Resistance to change. Cost of bags to homeowners (Could also have annual cost fee if this option chosen). Inconvenience of purchasing bags. Additional personnel and/or private company needed to track, monitor maintain and collect monies generated by the sales of the bags at the various location. The initial cost of the bags to the city. Update recommended to littering ordinance Regulation changes needed on littering.	Curbside Collection				\$697,650*
		Disposal	~9,100	105.22/ton		\$957,502
		Disposal at RDF+	1,800	\$105.22/ton		\$189,396
					Subtotal	\$1,844,548
		Recycling				
		Curb Collection				\$304,920*
		Bag Costs (initial)				\$190,000
					Subtotal	\$494,920
					Total	\$2,339,468
					Estimated cost per household based on 11,000	\$94/year
					Bag Cost 1.5 Avg. bags per week	\$78/year

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TABLE 2 (cont.)

ADVANTAGES, DISADVANTAGES AND COST
FOR VARIOUS
SOLID WASTE/RECYCLING PROGRAMS

PROGRAM TYPE	PROS	CONS	COST			
Pay-As-You-Throw (PAYT) [Bag or Sticker Program]		Regulation changes and/or disposal fees reinstated at the RDF. Estimated 10% increase in recycling cost.	Estimated cost per household		\$172/year	
			Estimated Revenue from sale of bags			\$1,300,000
					Required Appropriation	\$1,039,468
			*Flat Fee based on FY 10 contract values. + Resident Drop-off Facility			

7/15

TABLE 2 (cont.)

ADVANTAGES, DISADVANTAGES AND COST FOR VARIOUS SOLID WASTE/RECYCLING PROGRAMS

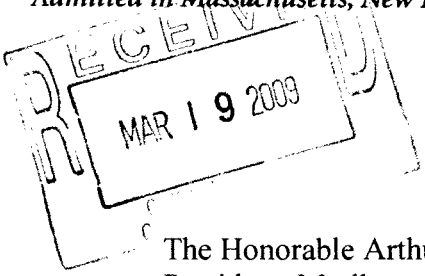
PROGRAM TYPE	PROS	CONS	COST			
			Solid Waste	Tons	Cost	Actual total
Automated Collection	<p>Restricts collection to only qualified participants.</p> <p>Restricts the amount of solid waste (via the tote size) reducing solid waste volumes. Can reduce trash between 30% and 50%.</p> <p>Outperforms manual collections allowing more stops per route.</p> <p>Toter guaranteed for a 10 year period (if cannot be repaired it will be replace at no charge to city and/or homeowner).</p> <p>Reduces fossil fuel usage.</p> <p>Easy to use with no heavy lifting.</p> <p>Provides a neater more esthetically pleasing appearance in neighborhoods.</p>	<p>Resistance to change.</p> <p>Onetime fee associated with purchasing of the toter approx. \$55 ea. For 39 gal. toter.</p> <p>Another option is renting the toter's which would result in a billing program needed and/or software</p> <p>Regulation changes needed on littering.</p> <p>Regulation changes and/or disposal fees reinstated at the RDF.</p>	Curbside Collection			\$697,650*
			Disposal	~9,100	105.22/ton	\$957,502
			Disposal at RDF+	1,800	\$105.22/ton	\$189,396
					Subtotal	\$1,844,548
			Recycling			
			Curb Collection			\$304,920*
			Estimated cost of toter for 11,000 household			\$605,000
					Subtotal	\$909,920
					Required Appropriation	\$2,754,468
			Estimated cost per household based on 11,000		\$250/year	

7/16

TABLE 2 (cont.)

ADVANTAGES, DISADVANTAGES AND COST
FOR VARIOUS
SOLID WASTE/RECYCLING PROGRAMS

PROGRAM TYPE	PROS	CONS	COST
<p>Automated Collection (cont.)</p>	<p>Containers eliminate the problems associated with animals and vermin. Self contained container w/tight fit cover eliminates rainwater, thus reducing solid waste tonnage and reducing disposal cost.</p> <p>Bi-weekly recycling collection.</p> <p>Allows for further reduction in program cost by charging annual enrollment fee.</p> <p>Container with stands 40 MPH winds and resist tipping.</p>		



March 19, 2009

The Honorable Arthur G. Vigeant
President, Marlborough City Council
Marlborough City Hall
140 Main Street
Marlborough, MA 01753

RE: Verizon Wireless, Special Permit Application to City Council; Wireless Communications Facility (WCF), City-Owned Westerly Waste Water Treatment Plant, 303 Boundary Street; Assessor Map 76, Lot 1; Rural Residence Zone.

ATTN: Lisa M. Thomas, City Clerk
Karen Boule, City Council Secretary

Dear President Vigeant:

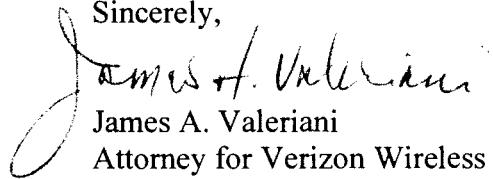
Please find enclosed the above-referenced special permit application with required plan sets, exhibits, copies, lists of abutters and contacts, and filing fees, for the proposed Verizon Wireless WCF at the City-owned Westerly Waste Water Treatment Plant at 303 Boundary Street in Marlborough. The City Council is the special permit granting authority pursuant to Zoning Ordinance Article VI, Section 200-25, on Wireless Communications Facilities (WCF), and Article VIII, Section 200-59, on Special Permits Generally. Pursuant to Article V, Section 200-17, a WCF is allowed by special permit under the Table of Uses. The formal application is being filed with the City Clerk's Office with the required copies and plans sets being delivered to the City Council and the appropriate departments.

Section 200-25 D. 2. of the Wireless Communications Facility development regulations requires Verizon Wireless as the Applicant to arrange for a visibility demonstration by raising a balloon to the height of the proposed facility, and this demonstration is to occur prior to the date of the first public hearing. In that effort, the Verizon Wireless kindly requests that this Application be placed on the agenda of the next available City Council meeting, which I understand is Monday, March 23rd, so that the City Council may schedule the public hearing for the WCF, and Verizon Wireless is seeking a formal hearing date of April 27th or May 11th, and either date should allow for adequate time for Verizon Wireless to schedule the balloon/visibility demonstration. Either of these dates would also allow adequate time for formal hearing notices and publications to be made, and also allow the City Council's Wireless Subcommittee to meet and review the application for the proposed WCF, and also allow for the other City Departments to review the application and plans and provide any comments or questions to the Wireless Subcommittee and the City Council.

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Thank you in advance for the Council's efforts in reviewing and processing this special permit application.

Sincerely,

James A. Valeriani
James A. Valeriani
Attorney for Verizon Wireless

Copies to: Stephen Russell, Vital Site Services and Verizon Wireless

CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK

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APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

- Name and address of Petitioner or Applicant: VERIZON WIRELESS
Bell Atlantic Mobile of Massachusetts Corporation, d/b/a Verizon Wireless, and Celco Partnership,
d/b/a VERIZON WIRELESS
- Specific Location of property including Assessor's Plate and Parcel Number.
Marlborough Wastewater Treatment Plant (Map 76, Lot 1) 303 Boundary St.
- Name and address of owner of land if other than Petitioner or Applicant:
City of Marlborough, 140 Main St (City Hall) Marlborough, Mass., 01752
- Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.) Prospective lessee
- Specific Zoning Ordinance under which the Special Permit is sought:
200 — 25 WCF - Wireless Communication Facility
Article 200 Section 59 Paragraph — Sub-paragraph —
- Zoning District in which property in question is located:
200 — 17 - Table of Uses - SP for WCF in a RR ZONE
RR - Rural Residence - Underlying Treatment Plant facility owned by City.
- Specific reason(s) for seeking Special Permit
To permit, construct, operate and maintain a Wireless Communication Facility (WCF) consisting of a 150-foot antenna monopole tower and ground-based shelters and equipment for Verizon Wireless, other future wireless operators and carriers and the radio equipment of City departments, and uses & accessories incidental thereto.
- 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.

James A. Valeriani BBO # 649031
Signature of Petitioner or Applicant
Attorney for Applicant
Address: _____

JAMES A. VALERIANI
ATTORNEY AT LAW
TEL. 781-587-0206
10 ARTHUR ROAD
WAKEFIELD, MA 01880

Telephone No. _____

Date: _____

LIST OF NAMES AND ADDRESS OF ABUTTERS
AS REQUESTED ON THE APPLICATION FOR SPECIAL PERMIT OF:

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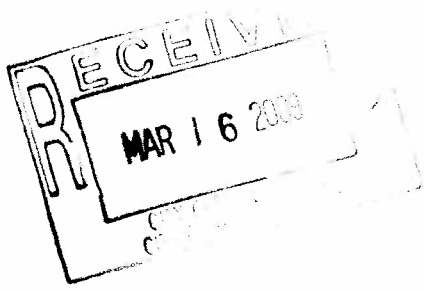
VERIZON WIRELESS

(Name of Petitioner)

FOR THE ISSUANCE OF SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH UNDER CHAPTER 200, ZONING, OF THE CODE OF THE CITY OF MARLBOROUGH.

(Abutters as defined in Section 3.H of the Rules and Regulations of Application/petition for Special Permit by the City Council under the Marlborough Zoning Ordinance.)

*Refer to attached abutters lists issued by
Marlborough and Northborough Assessor Offices.*



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City of Marlborough

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

BOARD OF ASSESSORS PUBLIC MEETING

March 16, 2009

10:00 AM SCHEDULED

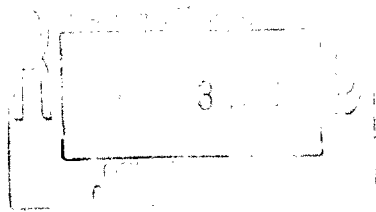
MINUTES

1. **CALL TO ORDER-** The meeting was called to order by Chairman Trodella at 10:07 am.
2. **ROLL CALL-** Present was Anthony Trodella, Daniel Brogie and Anthony Arruda.
3. **DISCUSSION OF CURRENT MEASURE AND LIST PROGRAM.** The last phase of the first cycle of the measure and list program was discussed. This will include the remaining single family homes and condo units in the city that have not been measured. Vision and Assessors employees will have identification.
4. **DISCUSSION OF 9 YEAR MEASURE AND LIST PROGRAM.** Next year we will start the next inspection cycle. It will begin with the inspection of the Commercial/Industrial and Exempt property.
5. **DISCUSSION OF PROPOSED RFP FOR NEXT 3 FISCAL YEARS REGARDING REAL PROPERTY INTERIMS, RE-VALUATION REVIEW AND MEASURE AND LIST.** We will be sending out an RFP for a three year contract to cover the measure and list program for fy2011, 2012 & 2013: interim adjustments for Fy2011 & 2013 and the triennial re-certification update for Fy2012.
6. **VOTE TO ALLOW ESTIMATED THIRD QUARTER BILLS IF NEEDED.** The vote to allow for a Fy2010 third quarter estimated bill was taken and unanimously approved.
7. **VOTE ON ABATEMENTS TO BE GRANTED RESIDENTIAL.** Unanimously approved.
8. **VOTE ON ABATEMENTS TO BE DENIED RESIDENTIAL.** Unanimously approved

- 9. **VOTE ON ABATEMENTS TO BE GRANTED COMMERCIAL/IND.**
Unanimously approved.
- 10. **PUBLIC INPUT AND QUESTIONS-** No members of the public present.
- 11. **EXECUTIVE SESSION(IF NEEDED)** – None needed
- 12. **OLD BUSINESS-** None
- 13. **NEW BUSINESS** –A discussion of the proposed budget was discussed.
- 14. **ADJOURNMENT** The meeting was adjourned at 10:50 am.

Anthony R. Trodell
Chairman -

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**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

MINUTES

February 5, 2009

Memorial Hall, 3rd Floor, City Hall

Members Present: John Skarin- Acting Chairman, David Williams, Allan White, Dennis Demers and Michele Higgins

Conservation Officer - Priscilla Ryder

Absent: Edward Clancy-Chairman, Lawrence Roy,

Public Hearings

Notice of Intent (Continuation of Public Hearing)

City of Marlborough – Dept. of Public Works

Tim Collins, Assistant City Engineer, was present to review the propose work to reconstruct Steven’s St. One abutter was present and asked questions about timing and project sequencing. Mr. Collins explained that the DPW would be hiring a contractor to reconstruct Stevens St., install and improve drainage and resurface the roadway from Oakcrest St. to Barrett Rd. He showed the proximity of the project to two wetland systems on this roadway.

After some questions, the Commission closed the hearing. On a motion by Mr. White second by Mr. Williams, the Commission voted 4-0 to issue the Order of Conditions as drafted and amended.

Ms. Higgins arrived

Notice of Intent (Continuation of Public Hearing)

177 Maple St. – 175 Maple St. L.L.C.

At the developer’s request, this item was continued to the March 5, 2009 meeting.

Notice of Intent (Continuation of Public Hearing)

785 Boston Post Rd. – PRTR, Inc. c/o Waste Management of Mass., Inc. and Donald Wright.

Bob Magnuson of Waste Management Inc., and Bill Goodman P.E. and Mark Allenwood of Brown and Caldwell were present; Mr. Wright was also in the audience.

Mr. Magnuson explained that they have a new plan design, additional information on water quality and current interim testing process. If acceptable to the Commission tonight, they will provide a binder with all the additional information for review prior to the next meeting. He explained that currently all water leaving the site is monitored. When the water level in the oil water tank gets high they are pumping the water through a jute chute treatment system. Only treated water is leaving the site. He provided a chart labeled “Daily Log of Turbidity Sampling Marlborough Transfer Station” which showed the testing and pumping done between 1-29-09 and 2-5-09. Nephelometer Turbidity Unit (NTU) readings of discharge into the wetland were on average 10.2 NTU’s. He noted that during the site visit with DEP, they indicated that a 50 NTU level was acceptable for wetlands, so that is their goal and they have readings that are much less – so they are doing well. The Commission asked how the system will work during rain events. They responded that the system would be overwhelmed, but they would try to stay on top of the

that the plan be evaluated after the first year to ensure it is adequate or if it needs tweaking to maintain good water quality at the discharge point;

9. There was a question on the new drain pipe to be installed from the catch basin on the Post Road Auto side being too near the oil water separator tank. There was concern that the plastic pipe proposed may not be adequate given the minimal pipe cover for the heavy truck travel across it. Please review and address this item. Either change the pipe or add more cover.

After some additional discussion, the Commission with the applicants consent continued the hearing to the March 5, 2009 meeting.

Certificate(s) of Compliance

- DEP 212-271 42 Blanchette Dr. – Partial Certificate

Ms. Ryder noted that this is registered land and the original Certificate of Compliance was never recorded. The Commission voted unanimously 5-0 to issue a partial Certificate of Compliance for 42 Blanchette Dr. only to clear the title.

Acceptance of Minutes – The Commission reviewed the draft minutes and voted unanimously 5-0 to accept the following minutes as drafted December 18, 2008, January 8th and 22nd, 2009

Discussion - None

Correspondence/Other Business


- Annual Conservation update– Ms. Ryder will provide this update for the next meeting.
- Ms. Ryder asked the Commission to review a request from the U.S. Fish and Wildlife and Mass Audubon to join the SuAsCo cooperative Invasive Species Management. Area to help control invasive plants on conservation land. The Commission is being asked to participate and sign an MOU. Ms. Ryder handed out a flyer and will provide copies of the MOU for the next meeting.
- Ms. Ryder noted that a consultant has just been hired – Woodard & Curran to produce a Storm water Ordinance to meet the EPA Storm water phase II requirements. Drafts will be forthcoming in a few months.

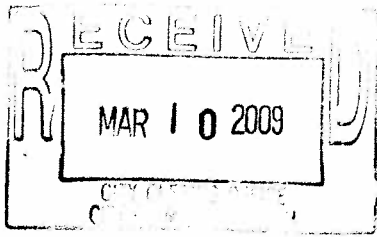
Meetings – The next Conservation Commission meetings will be on March 5th, 2009. Since there are no items for review at the Feb. 19th meeting this meeting was cancelled.

Adjournment

There being no further business, the meeting was adjourned at 9:05 PM.

Respectfully submitted,


Priscilla Ryder
Conservation Officer



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 23, 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 23, 2009 in Memorial Hall, 3rd floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Chairperson, Steve Kerrigan, Clerk, Robert Hanson, Edward Coveney and Sean Fay. Also present: Assistant City Engineer Richard Baldelli.

MINUTES

Meeting Minutes February 9, 2009

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

To accept and file the meeting minutes of February 9, 2009

CHAIRS BUSINESS

Proposed Change in State Zoning

The Chair had some questions at the last meeting. Mrs. Lizotte spoke to Bob Mitchell of the Commonwealth of Massachusetts, Department of House & Economic Development and he was able to provide the following answers to these questions:

- Proposed Changes for all communications, Paragraph 1 section (B); limit consideration of off-site traffic impacts.

Mr. Mitchell stated that under the subdivision control laws this would allow the communities to charge impact fees.

- Proposed Changes for all communications, Paragraph 4, Limitation of Scope of Site Plan Approval/Required Mitigation.

This would only effect the Site Plan Committee and their fee ordinance. It would be up to each community to reach for the mitigation factors.

- Proposed Changes for "Opt In" Communities, Section 2. Changes to Subdivision Plan Freeze.

Mr. Mitchell stated that instead of the current 8 year freeze protecting a approved subdivision of all zoning for the actual plan, it would be limited to only 3 years of protection.

Department of Housing & Community Development
Correspondence

Mr. Donald Schmidt, Director of the Smart Growth Program with the DOH, is reminding all communities that MGL, Chapter 40A, Section 5 requires that the DOH be notified of any public hearing scheduled by a planning board of city council concerning any proposed amendment to the local zoning bylaw or ordinance. The Zoning Act also authorizes the DOH to grant a waiver of notice when a planning board of city council fails to give proper notice to the department and the Zoning Act specifies that a waiver of notice can only be granted prior to town meeting or city council action on the proposed change.

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

To accept and file correspondence; and to forward the correspondence to the City Council.

APPROVAL NOT REQUIRED PLAN
Pleasant Street/Fitchburg Streets
Submittal

Steven Steen of 251 Realty Corporation presented to the Planning Board his submittal for his ANR plan. They are planning to subdivide the plan into two buildable lots, Lot 1 with 18,929 square feet and Lot 2 with 36,437 square feet. Mr. Steen stated that there was an abandoned Old Cart Way on Old Fitchburg Street.

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

To accept and refer the proposed plan to the City Engineer for his review and recommendation at the next meeting on Monday, March 9, 2009.

PUBLIC HEARING

SUBDIVISION PROGRESS REPORTS

Update from City Engineer

Mr. Baldelli presented to the Planning Board pictures from Davis Estates showing its progress and a blight free subdivision.

Berlin Farms (Long Drive)
Correspondence from the Engineering Department

Mr. Baldelli sent a letter to the Planning Board the request of the Developers Attorney to review the conditions to resume snow plowing at the Berlin Farms. By way of the letter, they have notified the Commissioner of Public Works that Long Drive has met all the requirements for snow removal and has recommended to the City Council for Long Drive to be placed on the list for snow removal. Mr. Baldelli has also asked that the Code Enforcement office stop the fine process since the site is free from blight.

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

To accept and file all correspondence, send correspondence to the City Council asking them what action they took on the request.

Commonwealth Heights (Atkinson Drive)
Extension Request

Attorney David Gadbois is requesting on his client's behalf an extension for one year. The Planning Board listened as Mr. Gadbois told them all the detention basins are stabilized, they are starting to deal with the soil from the pesticides and the all the utilities are in to the current road layout.

The Planning Board has reviewed his current covenant and the covenant does not have the section where it mentions the subdivision is suppose to remain free of blight. Before the Planning Board can extend the subdivision they are asking for the covenant to be amended covenant for blight and a currant subdivision status. Once the Planning Board receives the new covenant, Mrs. Lizotte will forward the covenant for review by the City Solicitor.

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

To accept and file correspondence; send the amended covenant to the legal department for review of the language and send the subdivision checklist to the Engineering Department for their review.

Davis Estates (Bouvin Drive)
Extension Request

Mr. Baldelli sent an email letting the Planning Board there is no mention of the blight ordinance in the covenant. Mr. Valchouis, the developer for the subdivision, appeared before the Planning Board giving the status of his subdivision. He stated that there is two houses being developed and the majority of the roadwork is completed except for the top binder. Mr. Kerrigan asked the Board if they has any objections to extending the subdivision for 30 days due to the fact that the subdivision is due to expire and this will give Mr. Valchouis enough time to prepare all of his documents.

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

To extend the subdivision until April 14, 2009 to allow the developer to prepare an amended covenant and subdivision checklist.

PENDING SUBDIVISION PLANS: Updates and Discussion

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

SCENIC ROADS

SIGNS

Proposed Amendment to Sign Ordinance

Mr. Fay spoke to several councilors regarding the proposed change to the sign ordinance. The general feeling of the councilors that Mr. Fay spoke to was generally favorable to allow the Code Enforcement fine the companies. None of the councilors had interest in changing the whole sign ordinance since the last time the new proposed ordinance was met with angst among the business community.

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Mr. Kerrigan is still having issues with the word "may" in the language of paragraph E. "may take the following actions as against the sign contractor". He asked if we are going to fine all then why have "may", it is unclear to him on who we are going to fine and who we are not.

Mr. Fay will be asking Pam Wilderman, the City Code Enforcement Officer, weather or not she thinks the proposed sign ordinance will allow be sufficient with fining the right person and if she thinks this should amend some the non compliant issues for the Planning Board.

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

To table the proposed amendment until March 9, 2009.

INFORMAL DISCUSSION

COMMUNICATIONS/CORRESPONDENCE

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

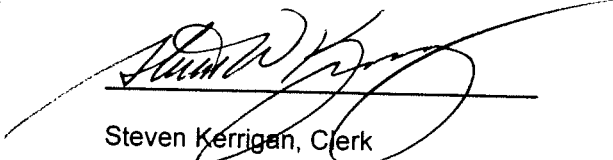
To accept all of the items listed under communications and/or correspondence.

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

To adjourn at 8:03 p.m.

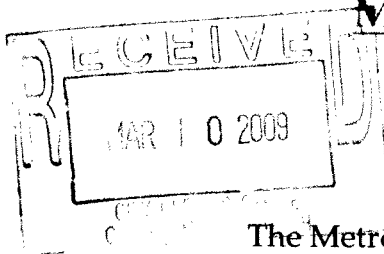
A TRUE COPY

ATTEST:



Steven Kerrigan, Clerk

MetroWest Regional Transit Authority



Advisory Board Meeting Minutes Monday, January 26, 2009

The MetroWest Regional Transit Authority Advisory Board meeting was held on January 26, 2009 at 4:00 p.m., at the maintenance and operations facility of the MWRTA, located at 160 Waverley Street, Framingham, MA, at the call of Chairman John Stasik, Framingham. Mr. Stasik asked for a roll call of communities. In attendance were; Edward Carr, Administrator, Charles Stevenson, Counsel, Carl Damigella, Holliston, Charles Hughes, Natick, Betty Solderholm, Southborough, Chris Peck, Sherborn, Karen Kisty, Marlborough, and Toni Wolf, Weston. A quorum was declared. Charles Hughes made a *motion to waive the reading of the previous minutes*; it was seconded by Betty Solderholm and approved unanimously. Charles Hughes *made a motion to approve the previous minutes*; it was seconded by Betty Solderholm and approved with the exception of Carl Damigella, Holliston, who abstained.

Administrator's report:

- **Fixed Route Service:**

Mr. Carr has outlined eight potential new service opportunities for the **Boston MPO's Suburban Mobility Program**, one of which must be selected for submission. Descriptions of the eight projects are included in the Advisory Board member's packets. The matter will be on the agenda of the next meeting. The application for the selected project must be filed in the April timeframe.

The Green Line Project, to be called "Route 1", is now in its implementation phase; including the acquisition of equipment, funding, and the develop of schedules and fares. The schedule and fares will need a **public hearing** in February. The approval of the fares will require the Advisory Board's approval next month. At that time, the RTA will begin an "interoperability pilot" project with the MBTA to use the Charlie Card as the fare media on the system.

- **Outreach:**

Mr. Carr and Mr. Paul Spooner have completed interviews of candidates for the initial **Consumer Advisory Committee**. Additional discussion occurs under New Business.

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- **Demand Response:**

The demand response service is continuing to develop and expand under the guidance of Larry Harman. Five sedans and five wheel chair vans are expected in February, for use in the transition to the "RIDE" service. Additional information from Mr. Harman occurs under New Business.

- **Facility:**

The property at **37 Waverley St.**, Framingham has become available to lease with an option to buy. Further discussion of this topic occurs under New Business.

- **Marketing:**

The promotional cable TV project with Natick's cable television, Pegasus, is close to completion.

The RTA has asked its marketing consultant, **Crocker Design** to submit a proposal for collaboration with TransAction Associates and the MBTA, for the purpose of marketing the new Route 1.

Comments on the Administrator's Report:

Mr. Hughes asked what the budget cuts will do to the RTA. Mr. Carr stated that it would have no impact. The RTA is retroactively reimbursed. Mr. Stevenson stated that not quite 90% of the last year's line item has already been dispersed.

Mr. Stasik asked about information from the **CTPS study of ridership**. Mr. Carr presented data showing that for weekday riders, per-revenue-hour we're fourth from the bottom for all RTA's. Ridership totals for the MWRTA by itself, show continued growth. The RTA is showing a 22% increase from September of 2007 to September 2008.

Mr. Stasik asked about the **source of matching funds** for the new Route 1. Mr. Carr stated that it is already included in with the Route 9 match for the next three years, as route 9 will be considered an "In Kind" match.

Route 1 will augment the commuter rail service and will provide an alternative for riders. There was a general discussion of the street routes that Route 1 will traverse. Route 1 will run during commuter hours, Monday through Friday. The limitation to Monday-Friday commuting hours was a criterion for the granting of the federal money for this project.

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Commuter parking is available at the AMC parking lot in the golden triangle and at the former location of Timothy's. There is no public commuter parking at the Staples Corporate headquarters.

Old Business

- **Bylaws:**

Mr. Carr will send the latest version of the bylaws, including the most recent changes, to all Board members. Mr. Hughes *made a motion to table acceptance of the bylaws until the next meeting*; seconded by Mr. Damigella. There was consensus on this; no official vote was taken.

- **Consumer Advisory Committee: Mr. Paul Spooner**

Mr. Spooner and Mr. Carr presented the **final list of twelve people**, representing diverse groups within the riding community. The committee may increase up to an additional three people. The focus of the group will not be as a voice for complaints, but constructive input from riders to the Advisory Board. The bylaws are to be determined. The committee will meet at least four times a year. The first meeting is scheduled for February 9th. A sub-group will be organized to deal with the transition from the MBTA RIDE to the MetroWest RIDE service.

Mr. Hughes *made a motion to approve the appointments of the Consumer Advisory Board members*, seconded by Mr. Damigella. The motion passed unanimously.

Mr. Hughes *made a motion to set the length of the term to be one year, from January 31st to January 31st*, seconded by Mr. Damigella. The motion passed unanimously.

- **Milford**

A discussion occurred regarding **Milford**, and its decision to decline membership in the RTA. Mr. Stasik expressed the opinion that the Advisory Board may ask Milford for some financial contribution, but also noting that the town has no financial incentive to join as they have no MBTA assessment. Mr. Damigella advised that during the original discussions with Milford officials, there was no hard data, but that actual numbers are now available. Mr. Stasik said that he'd be willing to meet with Milford officials. The Milford Town Administrator had previously felt that no one uses the bus. Mr. Carr felt that even with new data, Milford would probably not have any extra money in their budget for this. Mr. Hughes suggested talking to Representative Fernandez about the possibility of getting some transportation funding for Milford.

- RIDE Technology Update: Larry Harman

Progress is being made in mastering the scheduling software, with the assistance of Jim Parker. Mr. Harman thanked Joann Thompson for allowing a visit to The RIDE Joint Ventures' location to see the software in action. Computer hardware acquisitions have been made as part of a State blanket purchase.

The **UMass Worcester Medical School** has asked the RTA to create some enhancements to the **Google Transit Trip Planner**. The Medical School is providing the RTA with funding for this work via a Medicaid/Medicare grant to improve employment/transportation for people with disabilities. These enhancements, already implemented, include having the actual route displayed rather than "as the crow flies". There will be an additional \$30,000 of grant money from the School next year. There are three other Massachusetts RTA's that have the Trip Planner. The Peter Pan Bus Line has been included, thereby integrating the RTA with the intercity bus system. The Trip Planner can be accessed by PDA's and, with the proper equipment, is usable to visually impaired travelers. The future usage of the Trip Planner may include the MBTA, which has been using a proprietary software. The Trip Planner is available to all public transportation agencies that wish to implement it.

New Business

- Resignation of Disabled Community Representative **Martin Shapiro**.

Mr. Hughes *moved to accept the letter of resignation*, seconded by Mr. Damigella. The vote passed unanimously. Mr. Stasik said that a note of thanks would be sent to Martin. The question was asked what the qualifications were for the representative. The wording of the statute was read; the qualifications are very specific. There was a discussion about what town would be responsible for appointing the next representative. Mr. Peck pointed out that, according to the bylaws, **the replacement should come from Ashland**, and if they were unable to fill the position, then it should go to Holliston next. That person may possibly continue through the next entire fiscal year.

- **New Facility at 37 Waverly St.:**

Mr. Damigella *made a motion directing Mr. Carr to enter into negotiations with the property owners of 37 Waverly St., for purposes of discussing the potential lease with an option to buy*. The motion was seconded by Mr. Hughes. The site is the **Meineke building**. This new site offers multiple benefits, including operational, strategic, and financial. The cost to lease is half of the cost of the current location. The new site is close to the **West Natick Train Station**. The intent is to acquire a right-of-way between the property and the Train Station. Parking will be a challenge but will be positively impacted by the purchase of the right-of-way.

Mr. Stevenson has prepared a Scope of Work and an RFP to hire a consultant engineer to examine the property. Economic stimulus money is expected to fund that contract. Mr. Hughes asked about the Phase 1-21E. Per Mr. Carr, there was one done in 1993 and an update will need to be done. The vote passed unanimously.

Other business

- Introduction of **new TMA Director:**

Mr. Carr introduced **Mr. Jake Green**, the new Director of the Transportation Management Association (TMA). Mr. Green has two goals. The first is to research Federal and State funds that are available to employers for employee transportation issues, including alternative fuels and car pooling. The second goal is to increase communication between employers, public transit authorities and employees, in order to stimulate utilization of public transit.

Questions and comments from the audience:

None.

The next meeting is scheduled for Monday, March 9, 2009.

A motion to adjourn was made by Mr. Hughes at 5:00 p.m.; it was seconded by Mr. Damigella, and approved unanimously.

###

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 January 26, 2009.

Carl Damigella, Holliston