

1. Minutes of the City Council Meeting, October 26, 2009.
2. Communication from the Mayor re: transfer request in the amount of \$3,000.00 from Wiring Electrical Inspector to Assistant Wiring Inspector accounts and \$1,500.00 from Professional & Technical to Assistant Wiring Inspector accounts due to an employee's unanticipated medical leave.
3. Communication from the Mayor re: transfer request in the amount of \$1,500.00 from the Undesignated Fund to Advertising accounts as the City Clerk's advertising budget was depleted due to an increased demand for ordinance and traffic ads.
4. Communication from the Mayor re: transfer request in the amount of \$2,600.00 from Foreman to Interim Foreman accounts to meet anticipated costs for the remainder of FY10 and \$3,600.00 from Foreman to Interim Foreman accounts to provide coverage associated with an employee's unanticipated and extended medical leave.
5. Communication from the Mayor re: Certification of Free Cash in the amount of \$4,906,090.00.
6. Communication from the Assistant City Solicitor, Cynthia Panagore Griffin, re: Proposed Orders Concerning Sale of Municipal Land Map 82, Parcel 148.
7. Communication from the Board of Assessor's Chair, Tony Trodella, re: 2009 TIF Reports.
8. Communication from the Marlboro Veterans Council re: Veterans Day Parade.
9. Application of Gerald Dumais, d/b/a Dumais & Sons for Junk Dealer's license.
10. Application for Special Permit from Donald Conn, on behalf of JAM Enterprises, LLC, for drive-thru window at Sonic Restaurant on Boston Post Rd., Map 89, Lot 77.
11. Communication from Crystal Ridge Community Trust re: Street Acceptance for Danjou Dr.
12. Minutes, Planning Board, September 28 & October 5, 2009.
13. Minutes, Traffic Commission, September 29, 2009.
14. MetroWest Regional Transit Authority, September 21, 2009.
15. CLAIMS:
 - A. Lorraine Berry, 72 Causeway St., Husdon, MA, other property damage
 - B. Carrie Goldman & Joshua Schram, 97 Howe St., other property damage

REPORTS OF COMMITTEES:

16. ORDERED: **RESOLUTION**

Whereas, the City Council of the City of Marlborough has a civic interest in the thoughtful preservation of historic buildings in the City of Marlborough; and,

Whereas, the former Armory building located on Lincoln Street in Marlborough, Massachusetts is a brick and mortar reminder of a past time and a place where young men gathered to train for the armed services and was the headquarters of Company K, our local national guard and later served as a meeting place for the Boys' Scouts of America; and,

Whereas, the Armory has been the focal point of many social activities, serving as the City's civic auditorium, for events including the Mayor's Inaugural Ball; and,

Whereas, the Armory has played a diverse role in the history of the City of Marlborough and is deserving of preservation for future generations to come; therefore,

The City Council of the City of Marlborough hereby goes on record in support of any and all reasonable efforts for the preservation of the building known as the "Marlborough Armory" located on Lincoln Street in Marlborough, Massachusetts.Submitted by: Councilors Seymour and Vigeant

UNFINISHED BUSINESS:

From Personnel Committee

17. **Order No. 09-1002286A – Appointment of William Short and re-appointment of Joseph Moineau to the Board of Registrars with terms expiring April 1, 2011 and April 1, 2012 respectively. William Short was appointed on September 28, 2009. Recommendation of the Personnel Committee is to approve the re-appointment of Joseph Moineau 2-0 (Juaire was absent).**
18. **Order No. 09-1002307 – Appointment of Robert Page as an alternate member of the Zoning Board of Appeals which expires two years from the date of City Council approval. Recommendation of the Personnel Committee is to approve 2-0 (Juaire was absent).**

From City Council

19. **Order No. 09-1002277D - Communication from City Council President Vigeant with Proposed Amendment to the Zoning Ordinance to regulate the location of, but not prohibit, narcotic detoxification and/or maintenance facilities in the City of Marlborough.** The Committee discussed the proposed ordinance as drafted by the Solicitor and reviewed maps displaying buffers of 500, 750 and 1000 feet around excluded locations specified in §C2 of the ordinance. The Committee agreed to further amend the ordinance to reflect a 1000' buffer but also requested additional maps reflecting 1500' and 2000' buffers be prepared for the full Council prior to a final vote. **Recommendation of the City Council is to table until November 9, 2009**



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

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

October 26, 2009

Regular meeting of the City Council held on Monday, October 26, 2009 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Juaire, Seymour, Clancy and Landers. Absent was Schafer. Meeting adjourned at 9:03 p.m.

ORDERED: That the minutes of the City Council Meeting October 5, 2009, **FILE**; adopted.

ORDERED: Now being the time set for the **PUBLIC HEARING** on the Petition from Atty. Bergeron, on behalf of 400 South St. LLC, 424 South St. LLC, and 428 South St. LLC, to request rezoning of Map 93, Parcels 18A, 19, 20, 22, 23, 32, 101 and 103 from Industrial (I) to Commercial and Automotive (CA), all were heard who wish to be heard, hearing recessed at 8:24 p.m.; adopted.

ORDERED: Now being the time set for the **PUBLIC HEARING** on the Application for Special Permit from Attorney Hoyt, on behalf of Clear Wireless LLC, for modification of a wireless communication facility located at 2 Mount Royal Ave., all were heard who wish to be heard, hearing recessed at 8:35 p.m.; adopted.

ORDERED: Now being the time set for the **PUBLIC HEARING** on the Application for Special Permit from Attorney Hoyt, on behalf of Clear Wireless LLC, for modification of a wireless communication facility located at 460 Boston Post Rd. East, all were heard who wish to be heard, hearing recessed at 8:42 p.m.; adopted.

ORDERED: At Councilor Pope's request to recess at 8:42 PM and returned to open meeting at 8:46 PM, **APPROVED**; adopted.

ORDERED: That the report submitted by Assistant Superintendent Jim Jolicoeur outlining the status of School Department ARRA funding as requested by City Council Order No. 09-1002340, **TABLED**; adopted.

ORDERED: That the completion and submittal of the FY2009 City Financial Schedule A report, **FILE**; adopted.

ORDERED: That the two budget transfer requests in the amount of \$15,000.00 from Water Meter Reader to Overtime-Water accounts and \$5,500.00 from Equipment Operator-Water to Overtime-Water accounts for the purpose of funding anticipated shortfalls and to meet additional demands placed on the account following an employee's retirement, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 61090001-50460
Water Meter Reader

\$15,000.00

TO:

Acct. # 61090003-51310
Overtime (Water)

\$15,000.00

FROM:

Acct. # 61090001-50740 \$5,500.00
Equipment Operator (Water)

TO:

Acct. # 61090003-51310 \$5,500.00
Overtime (Water)

ORDERED: That the budget transfer request in the amount of \$100,000.00 from Stabilization to Water Meters accounts which will fund approximately one year's worth of replacement meters and hand-held meter readers, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 836000-11515 \$100,000.00
Stabilization

TO:

Acct. # 61090006-55740 \$100,000.00
Water Meters

ORDERED: That the proposed Ordinances pertinent to Marlborough's Storm Drain System, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the acquisition from Stephen M. Fitzpatrick, Trustee of Fitzpatrick Family Investment Trust, of the Utility Easement recited in the said Trust's easement deed to the City of Marlborough executed on October 1, 2009 and recorded at the Middlesex South District Registry of Deeds at Book 53650, Page 534, as attached hereto, be and hereby is approved; and That the acquisition from Stephen M. Fitzpatrick, Trustee of Fitzpatrick Family Investment Trust, of the Sidewalk Easement (Area A and Area B) recited in the said Trust's easement deed to the City of Marlborough executed on October 1, 2009 and recorded at the Middlesex South District Registry of Deeds at Book 53650, Page 537, as attached hereto, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: **Eminent Domain Order of Taking**

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

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

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

DESCRIPTION OF LAND TAKEN

A certain portion of land located on the northerly corner of Maple Street and Valley Street in Marlborough, Middlesex County, Massachusetts and being shown as Parcel "A" on a plan entitled, "Taking Plan For City of Marlborough, Mass. (Middlesex County); Scale 1"=40'; Date: September 16, 2009; Prepared For: City of Marlborough, Prepared By: GLM Engineering Consultants, Inc., 19 Exchange Street, Holliston, MA." said Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order. Meaning and intending to take and taking by Eminent Domain the fee simple interest, shown as Parcel "A" as described in the aforementioned plan, which is a portion of the land as described in the deed recorded with the Middlesex South District Registry of Deeds in Book 48218, Page 138 and also recorded with the Middlesex South District Registry of Deeds in Certificate Number 237805 at Book 1327, Page 2.

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

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

AWARDS

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

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

APPROVED AS AMENDED; adopted.

ORDERED: That the following notification from the City Clerk re: 2009 Biennial Municipal Election Call, be and is herewith accepted and placed on **FILE**.

CITY OF MARLBOROUGH
OFFICE OF CITY CLERK

That the City Clerk be and is herewith directed to have proper notices issued notifying the **VOTERS** of the City of Marlborough that the **BIENNIAL MUNICIPAL ELECTION** will be held in the polling locations as noted below on **NOVEMBER 3,**

2009 as follows: Mayor, Four Councilors At-Large, Ward Councilors and Three School Committee members, **FILE**; adopted.

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

POLLING LOCATIONS ARE AS FOLLOWS:

WARD ONE: Prec. 1 and 2	Francis J. Kane School, 520 Farm Rd.
WARD TWO: Prec. 1 and 2	Francis J. Kane School, 520 Farm Rd.
WARD THREE: Prec. 1	Masonic Hall, 8 Newton St., corner of Main/Newton Sts., rear
WARD THREE: Prec. 2	Raymond J. Richer School, 80 Foley Rd., cafeteria
WARD FOUR: Prec. 1 and 2	Boys & Girls Club, 169 Pleasant St.
WARD FIVE: Prec. 1	Senior Center, 250 Main St.
WARD FIVE: Prec. 2	Masonic Hall, 8 Newton St., corner of Main/Newton Sts., rear
WARD SIX: Prec. 1 and 2	Marlborough Middle (Intermediate) School, 25 Union St. Library
WARD SEVEN: Prec. 1 and 2	Hildreth School Gymnasium, 85 Sawin St.

ORDERED: That the communication from Attorney Valeriani, on behalf of Verizon Wireless, re: request to extend time limitations to permit, construct, operate and maintain a wireless communications facility at 303 Boundary St., to December 22, 2009 at 5:00 PM, Order No. 09-1002161C, **APPROVED**; adopted.

ORDERED: That the request for Road Acceptance – Blake Circle, refer to **PUBLIC SERVICES COMMITTEE AND PLANNING BOARD**; adopted.

ORDERED: That the application for Junk Dealer's License for Sylvia Jahn's, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

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

- A. Kathy Calderini, 150 Evelina Dr., residential mailbox claim
- B. Central Realty Trust, 53 Central St., other property damage

Reports of Committees:

Councilor Clancy reported the following out of the Personnel Committee:

Order No. 09-1002286 – Appointment of William Short and re-appointment of Joseph Moineau to the Board of Registrars with terms expiring April 1, 2011 and April 1, 2012 respectively. William Short was appointed on September 28, 2009. **Recommendation of the Personnel Committee is to approve the re-appointment of Joseph Moineau 2-0 (Juaire was absent).**

Order No. 09-1002307 – Appointment of Robert Page as an alternate member of the Zoning Board of Appeals which expires two years from the date of City Council approval. Recommendation of the Personnel Committee is to approve 2-0 (Juaire was absent).

Suspension of the Rules requested – granted

ORDERED: That attorney Hoyt, on behalf of Clear Wireless LLC, request that the Special Permit for installation of a wireless communications facility located at 342 Lincoln St., **WITHDRAWN WITHOUT PREJUDICE, APPROVED**; adopted.

Suspension of the Rules requested – granted

ORDERED: That the Operations and Oversight Committee review the effectiveness and cost savings in connection with the reorganization of the Legal Department, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED:

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

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

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

First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.

ORDERED:

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

1/6

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

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

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

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

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

650-31 NARCOTIC DETOXIFICATION AND/OR MAINTENANCE FACILITIES

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

forth in this Ordinance, the determination shall include consideration of each of the following:

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

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

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

1. within five thousand (5,000) feet of another Narcotic Detoxification and/or Maintenance Facility; nor,
2. within two thousand (2,000) feet of:
 - a. a school (as defined in § 517-2 of the Code of the City of Marlborough, as amended) located within the City of Marlborough;
 - b. a recreational facility (as defined in § 517-2 of the Code of the City of Marlborough, as amended); or
 - c. a park (as defined in § 517-2 of the Code of the City of Marlborough, as amended).
 - d. an elderly housing facility (as defined in § 517-2 of the Code of the City of Marlborough, as amended); or
 - e. a retirement community (as defined in § 650-4 of the Zoning Ordinance of the City of Marlborough, as amended) located within the City of Marlborough, **TABLED UNTIL NOVEMBER 9, 2009**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:03 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

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

November 3, 2009

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

RE: Inspectional Services Transfer Request

Honorable President Vigeant and Councilors:

Attached herewith, please find two transfer requests from the Department of Inspectional Services. These transfers are necessary due to an employee's unanticipated medical leave.

Transfer in the amount of \$3,000.00 moving funds from account number 12410001-50380 (Wiring Electrical Inspector) to account number 12410001-50970 (Assistant Wiring Inspector)

Transfer in the amount of \$1,500.00 moving funds from account number 12410004-53180 (Professional & Technical) to account number 12410001-50970 (Assistant Wiring Inspector)

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

Sincerely,

Nancy E. Stevens
Mayor

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CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Inspectional Services

FISCAL YEAR: FY 10

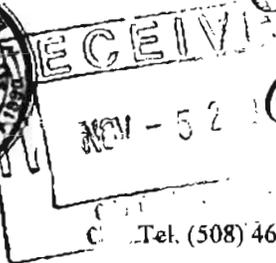
FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$20,094	\$3,000.00	12410001	50380	Wiring Inspector	\$3,000.00	12410001	50970	Assistant Wiring Inspector	\$4,000
	Reason: Funding for anticipated Inspections during Wiring Inspectors Absence								
\$5,936	\$1,500.00	12410004	53180	Professional and Technical	\$1,500	12410001	50970	Assistant Wiring Inspector	\$5,500
	Reason: Funding for anticipated Inspections during Wiring Inspectors Absence								
	Reason:								
	Reason:								
	Reason:								

Department Head signature:





City of Marlborough
Office of the Mayor

140 Main Street

Marlborough, Massachusetts 01752

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

Nancy E. Stevens
MAYOR

Krista F. Holmi
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Katherine M. Kimber
EXECUTIVE SECRETARY

November 5, 2009

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

RE: Advertising Transfer Request

Honorable President Vigeant and Councilors:

Attached herewith, please find a transfer request in the amount of \$1500.00 from account number 100-35900 (Undesignated Fund) to account number 11610004-53150 (Advertising). As detailed in the enclosed letter from City Clerk Lisa Thomas, the appropriated advertising budget was depleted due to an increase demand for ordinance and traffic ads.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosures

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TRANSFER REQUEST

AVAILABLE BALANCE	AMOUNT	ORG OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
			Undesignated Fund			City Clerk		
\$ 4,906,090.00	\$ 1,500.00	100	35900 Undesignated Fund	\$ 1,500.00	11610004	53150 Advertising		\$ 694.25

\$ 1,500.00

Reason See Attached request from Mayor



3
City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT

Lisa M. Thomas
City Clerk

November 4, 2009

Mayor Nancy E. Stevens
President Arthur G. Vigeant
140 Main St.
Marlborough, MA 01752

Dear Mayor and Council President:

I respectfully request an additional \$1,500.00 for the Advertising account #11610004-53150. The "before" and "after" passage of ordinances and the vast amount of traffic ads quickly absorbed this account. On August 17, 2009, Council approved a transfer request in the amount of \$1,000.00 from Professional & Technical Services account to the Advertising account for the purpose of covering the current and anticipated cost of advertisements as the advertising line item was reduced from \$1,500.00 to \$500.00 for the FY10 budget.

I just received a bill in the amount of \$965.25 which includes the "after" passage of several ordinances as well as seven traffic ads. I am not requesting a transfer as there is no line item from which I can deduct. I cannot forecast ordinance and traffic advertisement costs as easily as other line item projections. Thank you in advance for your attention to this matter.

Sincerely,


Lisa M. Thomas
City Clerk



RECEIVED
5-1-52
City of Marlborough
Office of the Mayor

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

Nancy E. Stevens
MAYOR

Krista J. Halmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

November 5, 2009

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

RE: Transfer Requests – Interim Foreman

Honorable President Vigeant and Councilors:

Attached herewith, please find two transfer requests from the Department of Public Works.

Transfer in the amount of \$2,600.00 from account number 140001301-50690 (Foreman) to account number 14001303-51470 (Interim Foreman). This transfer will provide necessary funds to meet anticipated costs for the remainder of FY10.

Transfer in the amount of \$3,600.00 moving funds from account number 140001301-50690 (Foreman) to account number 14001503-51470 (Interim Foreman). These funds are necessary to provide coverage associated with an employee's unanticipated and extended medical leave.

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

Sincerely,

Nancy E. Stevens
Mayor

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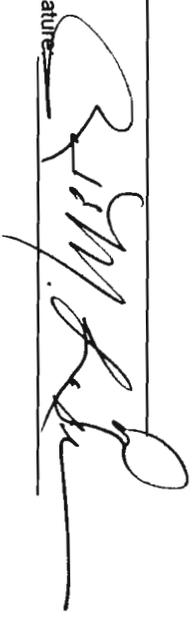
CITY OF MARLBOROUGH
BUDGET TRANSFERS -

DEPT: DEPARTMENT OF PUBLIC WORKS FISCAL YEAR: 2010

FROM ACCOUNT: TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$181,559	\$2,600.00	140001301	50690	Foreman	\$2,600.00	14001303	51470	Interim Foreman	\$597
	Reason:			Money available due to previous vacancy				Projected cost needed to complete FY 10	
\$181,559	\$3,600.00	140001301	50690	Foreman	\$3,600.00	14001503	51470	Interim Foreman	\$6,300
	Reason:			Money available due to previous vacancy				Unexpected surgery to foreman requiring coverage until end of January 2010.	
	Reason:								
	Reason:								

Department Head signature





RECEIVED
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

51

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

November 5, 2009

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

RE: Certification of Free Cash

Honorable President Vigeant and Councilors:

I am writing to notify you that the Massachusetts Department of Revenue has certified Free Cash for the City of Marlborough in the amount of \$4,906,090.00.

I want to thank the department heads and the finance team for their ongoing efforts to maintain our financial stability. I would also like to thank the Council for their cooperative effort in ensuring the financial health of the City.

Our collective financial diligence enables us to maintain essential services for our residents during these challenging economic times.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

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Massachusetts Department of Revenue Division of Local Services

Navjeet Bal, Commissioner

Robert G. Nunes, Deputy Commissioner & Director of Municipal Affairs

Thursday, October 29, 2009

Diane L. Smith
City Auditor
City of Marlborough

Re: NOTIFICATION OF FREE CASH APPROVAL - Marlborough

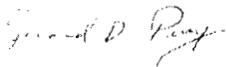
Based upon the unaudited balance sheet submitted, I hereby certify that the amount of available funds or "free cash" as of July 1, 2009 for the City of Marlborough is:

General Fund	\$	4,906,090
--------------	----	-----------

This certification is in accordance with the provisions of G. L. Chapter 59, §23, as amended.

Certification letters will be e-mailed to the mayor/manager, board of selectmen, prudential committee, finance director and treasurer immediately upon approval, provided an e-mail address is reported in DLS' Local Officials Directory. Please forward to other officials that you deem appropriate.

Sincerely,



Gerard D. Perry
Director of Accounts



RECEIVED
NOV. - 5 2009

City of Marlborough
Legal Department

140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610
LEGAL@MARLBOROUGH-MA.GOV

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

DENISE M. LINDBERG
PARALEGAL

November 5, 2009

Arthur Vigeant
President
Marlborough City Council

RE: Proposed Orders Concerning Sale Of Municipal Land Map 82, Parcel 148

Dear President Vigeant and Members:

The owners of Kennedy's Restaurant and Kennedy's Market, Dennis and Carolyn Kennedy, have approached the City with a request for the strip of municipal land abutting their Maple Street property (see attached showing Assessor's map 82, parcel 148). Enclosed herewith please find two proposed orders, the first concerning a transfer of the care, custody, management, and control of that land from the Department of Public Works to the City Council, and the second concerning a determination that the fee interest in the land, subject to reservation of a permanent sewer easement, is available for disposition to Dennis and Carolyn Kennedy.

Pursuant to a similar request in 1998, the City Council approved the sale of the same parcel by Order No. 98-745A, subject to the condition that the Kennedys move the City's sewer line located therein. It appears that the conveyance did not take place because there was no practical place to which the sewer line could be relocated. In 1999, the City granted the Kennedys a license to encroach upon the parcel for use as a lawn. Part of the present construction project at the Kennedys' Maple Street property involves demolishing the existing market, increasing the parking area, improving driveway access to the site, and landscaping. It is my understanding that the City's land is important to these particular aspects of the project, and that the work will not adversely impact the City's ability to maintain, repair, or replace the sewer line under a grant of easement.

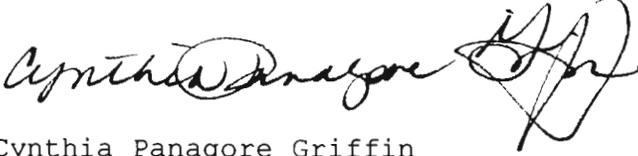
Further, Commissioner LaFreniere has declared the fee interest in this land to be surplus pursuant to M.G.L. c. 40, s. 15A (see attached letter). The City Council must first transfer the land to itself by a 2/3rds vote, also pursuant to M.G.L. c. 40, s. 15A, and then it may approve the sale of land to the Kennedys by a majority vote as required under M.G.L. c. 40, s. 3. Should the City Council decide to convey the land, however, Commissioner LaFreniere's letter advises the City Council to retain an easement, under the care custody, and control of the Department of Public Works, for all purposes relating to a sewer line.

61

62
Lastly, the solicitation requirements of M.G.L. c. 30B, s. 16 are not applicable because the assessed value of the parcel is less than \$25,000.

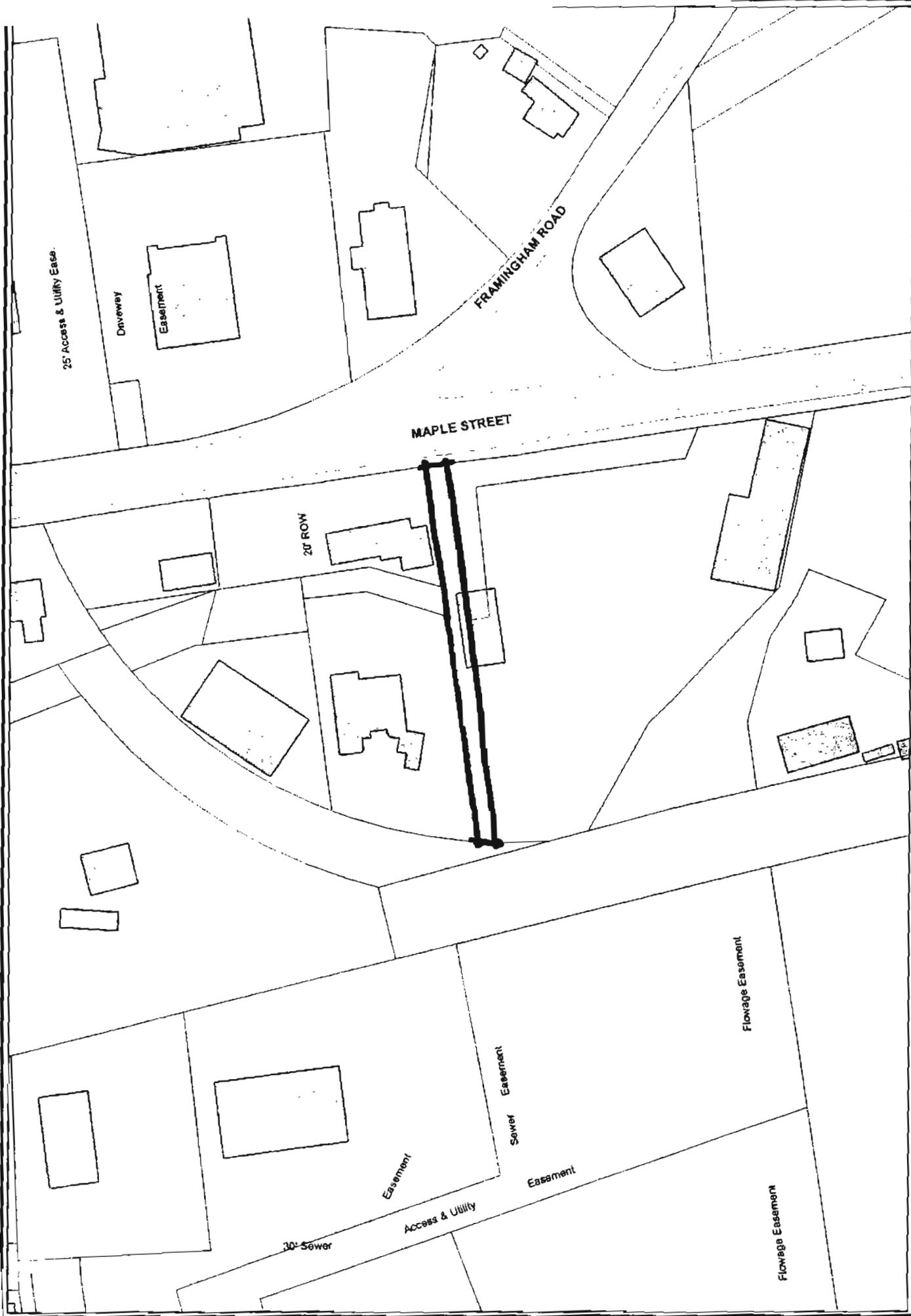
The Legal Department and Commissioner LaFreniere are available if you have any questions.

Very Truly Yours,

A handwritten signature in cursive script, appearing to read "Cynthia Panagore Griffin". The signature is written in black ink and is positioned to the right of the typed name.

Cynthia Panagore Griffin

Cc: Ronald M. LaFreniere
Douglas J. Rowe



City of Marlborough
 Planning & Zoning Department
 100 State Street, 3rd Floor
 Marlborough, MA 01501
 Phone: 508-271-1000
 Fax: 508-271-1001
 www.marlboroughma.gov

City of Marlborough, MA



1 inch = 103 feet



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DRAFT

ORDERED:

That the City Council accept and place on file the October 15, 2009 letter from Commissioner Ronald LaFreniere of the Department of Public Works declaring a portion of municipal property, identified as parcel 148 on Map 82 of the Assessors Maps (the "Parcel"), and more specifically described as a strip of land located on Maple Street beneath which is situated a municipal sewer line, and containing approximately 0.1118 acres, more or less, to be surplus, and further, pursuant to Section Fifteen A of Chapter Forty of the Massachusetts General Laws the City Council hereby transfers the care, custody, management, and control of the Parcel from the Department of Public Works to the City Council for the purpose of disposition with reservation of a permanent sewer easement.

ADOPTED
In City Council
Order No. 09-
Adopted:

Approved by Mayor
Nancy E. Stevens
Date:

A TRUE COPY
ATTEST

DRAFT

ORDERED:

That the City Council hereby determines that a certain portion of municipal property, pursuant to Section Fifteen A of Chapter Forty of the Massachusetts General Laws, as identified in Order No.

_____ is declared available for disposition by sale to Dennis P. and Carolyn M. Kennedy, with reservation of a permanent sewer easement which is hereby transferred to the care, custody, management, and control of the Department of Public Works.

FURTHER ORDERED:

It is FURTHER ORDERED: that the Mayor is authorized to sell the parcel for the minimum price of \$_____ (\$_____) dollars in "as is" condition subject to reservation of a permanent sewer easement.

ADOPTED
In City Council
Order No. 09-
Adopted:

Approved by Mayor
Nancy E. Stevens
Date:

A TRUE COPY
ATTEST



66

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

October 15, 2009

Arthur Vigeant, President
& Members
Marlborough City Council

RE: Determination As To Land On Maple Street
Map 82, Parcel 148

Dear President Vigeant and Members:

Please accept this communication of my determination that fee ownership of land located on Maple Street, taken by the City for the purposes of constructing a sewer line and consisting of approximately 0.1118 acres and identified on assessors map 82, parcel 148, is no longer needed by the Department of Public Works for the purposes it was originally taken (see attached GIS map).

The Department of Public Works considers fee ownership of this land to be surplus, but advises the City to retain an easement for the purposes of maintenance, repair, replacement, and all other purposes attendant to a sewer line, should the City decide to convey the land. The Department of Public Works further advises the City to transfer the sewer easement to the care, custody and control of the Department of Public Works upon conveyance.

Should you have any questions regarding the above, please do not hesitate to contact me.

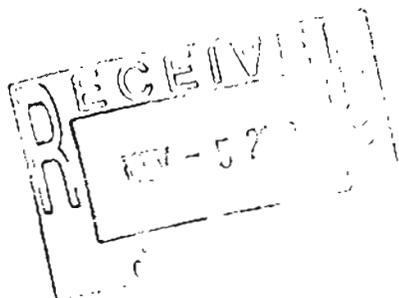
Sincerely,

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

Attachment

cc: Nancy E. Stevens, Mayor

71



City of Marlborough

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

November 5, 2009

To: City Council

From: Tony Trodella
Chairman- Board of Assessors

RE: TIF REPORTS

Councilors:

Attached are copies of the TIF reports for 2009 as required by law and our agreements.

I have received all of the required reports.

Boston Scientific's and Christopher House's exemptions have been adjusted to reflect employment variations.

If you have any questions, please don't hesitate to contact me.

Respectfully:

Anthony R. Trodella
Chairman- Board of Assessors

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Massachusetts FY 2009 EDIP Annual Reporting Form

Project: Boston Scientific Corporation

Contact Information

Business Name	Boston Scientific Corporation			
Address Line 1				
Address Line 2				
City		State		Zip Code
Contact				
Telephone				
E-mail Address				
Name of Project	Boston Scientific Corporation ←			
Municipality Project is Located In				
Date Project was Certified by EACC	06/29/2008			
Industry by Sector	Life Sciences			
Federal Employer Identification Number (FEIN)	04-2695240			

Net New Employees at Project Location

Net New Employees for Fiscal Year (July 1 through June 30)	62
Net Total Employees (Date of Certification by EACC through June 30)	-100 <i>776</i>
Number of Full-time (Hired During Fiscal Year) Employees that Reside in the Economic Target Area	69
Number of Net Total Employees (since Date of Certification) That Reside in the Economic Target Area	-5

as per James Mangano

Total Investment at Project Location

Fiscal Year Investment (July 1 through June 30)	1437802.00
Total Investment (From Date of certification by EACC through June 30)	12310077.00

State Benefits

Amount of 5% EOA Tax Credit Claimed for Fiscal Year	60232.00
Total Amount of 5% EOA Tax Credit Claimed Since Date of Certification	2398075.00
Amount of 10% Abandoned Building Tax Deduction Claimed in Fiscal Year (if applicable)	0.00

Local Benefits

Type of Incentive Received	<input checked="" type="checkbox"/> TIF <input type="checkbox"/> STA
Fiscal Year Property Taxes Paid to Municipality	1036248.00
Fiscal Year Property Taxes Exempted Due to TIF or STA	164161.00
Total Taxes Paid to Municipality since Date of Certification	2865019.00
Total Taxes Exempted by Municipality since Date of Certification	689907.00

13

Certified Project Status

What is the status of the expansion project described in your Certified Project Application or Tax Increment Financing Agreement?

Phase I of the project is complete. We have not executed Phase II of the agreement as of yet.

Authorization

I certify that the information in this Annual Reporting Form is true and accurate, and reflects the project's job creation and investment.



Save

14

Massachusetts FY 2009 EDIP Annual Reporting Form

See attached

Project: Bel Marlborough, former 3 Com Corporation/Lincoln Properties

Contact Information

Business Name	Bel Marlborough, former 3 Com Corporation/Lincoln Properties				
Address Line 1	Forest Street				
Address Line 2					
City	Marlborough	State	MA	Zip Code	
Contact					
Telephone					
E-mail Address					
Name of Project	Bel Marlborough, former 3 Com Corporation/Lincoln Properties				
Municipality Project is Located In					
Date Project was Certified by EACC	03/01/1997				
Industry by Sector	Other Services				
Federal Employer Identification Number (FEIN)	04-6904873				

Net New Employees at Project Location

Net New Employees for Fiscal Year (July 1 through June 30)	53
Net Total Employees (Date of Certification by EACC through June 30)	936
Number of Full-time (Hired During Fiscal Year) Employees that Reside in the Economic Target Area	36
Number of Net Total Employees (since Date of Certification) That Reside in the Economic Target Area	176

Total Investment at Project Location

Fiscal Year Investment (July 1 through June 30)	6181490.00
Total Investment (From Date of certification by EACC through June 30)	16200334.00

State Benefits

Amount of 5% EOA Tax Credit Claimed for Fiscal Year	142736.00
Total Amount of 5% EOA Tax Credit Claimed Since Date of Certification	951751.00
Amount of 10% Abandoned Building Tax Deduction Claimed in Fiscal Year (if applicable)	0.00

Local Benefits

Type of Incentive Received	<input checked="" type="checkbox"/> TIF <input type="checkbox"/> STA
Fiscal Year Property Taxes Paid to Municipality	1231200.83
Fiscal Year Property Taxes Exempted Due to TIF or STA	1067400.00
Total Taxes Paid to Municipality since Date of Certification	0.00
Total Taxes Exempted by Municipality since Date of Certification	0.00

75

Certified Project Status

What is the status of the expansion project described in your Certified Project Application or Tax Increment Financing Agreement?

Based on information submitted by the tenants at The Campus at Marlborough the above figures were inputted to the best of my ability. I am not 100% certain the tenants are filling the forms out correctly so the above information does not truly give you an understanding of the total number of full time employees working at The Campus during FY 2009. In order to document this true number I offer the following breakdown:

Total number of permanent full time employees working at the Campus as of June 30, 2009 was \$1,387, broken down as follows:

Wellington Mgmt - Employees:	145
Wellington Mgmt - Consultants:	142
Hologic:	381
3Com:	297
Qteros:	37
Intrinsix:	20
Lincoln Property Company:	7
Eurest Dining:	7
Allied Security:	2
Video Resources:	2
AMPM:	5

Total Number of Employees: 1,045

I put zeros in the last two items under local benefits because I do not have the information available to determine the total taxes paid and total taxes exempted since 1997.

Authorization

I certify that the information in this Annual Reporting Form is true and accurate, and reflects the project's job creation and investment.

Save

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**The Campus at Marlborough (TCAM)
FY 2009 EDIP Annual Reporting**

Number of Full Time Employees at TCAM
as of June 30, 2009

Tenant Information (Tenants Occupying TCAM)	
Wellington Mgmt. - Employees	145
Wellington Mgmt. - Consultants	142
Hologic (Cytoc)	381
3Com	297
Qteros	37
Intrinsic	20
Sub Total:	1,022

Companies Working at TCAM	
<i>(Permanent full time employees supporting TCAM operations)</i>	
Lincoln Property Company	7
Eurest Dining Services	7
Allied Security	2
Video Resources, Inc.	2
AMPM Cleaning	5
Sub Total:	23

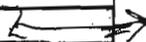
Total Full Time Employees	1,045
----------------------------------	--------------

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Massachusetts FY 2009 EDIP Annual Reporting Form

Project: Christopher Heights of Marlborough

Contact Information

Business Name	Christopher Heights		
Address Line 1			
Address Line 2			
City		State	Zip Code
Contact			
Telephone			
E-mail Address			
Name of Project	Christopher Heights of Marlborough 		
Municipality Project is Located In			
Date Project was Certified by EACC	10/28/2006		
Industry by Sector			
Federal Employer Identification Number (FEIN)	04-3467017		

Net New Employees at Project Location

Net New Employees for Fiscal Year (July 1 through June 30)	<input type="text" value="9"/>
Net Total Employees (Date of Certification by EACC through June 30)	<input type="text" value="32"/>
Number of Full-time (Hired During Fiscal Year) Employees that Reside in the Economic Target Area	<input type="text" value="6"/>
Number of Net Total Employees (since Date of Certification) That Reside in the Economic Target Area	<input type="text" value="23"/>

$32/40 = 80\%$

62.4%
Net 78%

Total Investment at Project Location

Fiscal Year Investment (July 1 through June 30)	<input type="text" value="258981.00"/>
Total Investment (From Date of certification by EACC through June 30)	<input type="text" value="10392143.00"/>

State Benefits

Amount of 5% EOA Tax Credit Claimed for Fiscal Year	<input type="text" value="254988.00"/>
Total Amount of 5% EOA Tax Credit Claimed Since Date of Certification	<input type="text" value="254988.00"/>
Amount of 10% Abandoned Building Tax Deduction Claimed in Fiscal Year (if applicable)	<input type="text" value="0.00"/>

Local Benefits

Type of Incentive Received	<input checked="" type="checkbox"/> TIF <input checked="" type="checkbox"/> STA
Fiscal Year Property Taxes Paid to Municipality	<input type="text" value="5507.00"/>
Fiscal Year Property Taxes Exempted Due to TIF or STA	<input type="text" value="18436.00"/>
Total Taxes Paid to Municipality since Date of Certification	<input type="text" value="5507.00"/>
Total Taxes Exempted by Municipality since Date of Certification	<input type="text" value="18436.00"/>

18

Certified Project Status

What is the status of the expansion project described in your Certified Project Application or Tax Increment Financing Agreement?

The Project as of 6/30/09 is fully constructed and is still in the initial lease-up period. Forty-one (41) of the eighty-three (83) units were occupied as of 6/30/09. Current real estate market conditions have negatively impacted the lease-up period. Individuals, who may qualify for assisted living services, are having difficulty selling their homes. The Project projection provided for a twelve (12) month lease-up period. Full occupancy was to be attained by April 2009. The latest projection indicates that full occupancy will most likely not occur until March 2010. This translates to just short of a two (2) year lease-up period. Approximately 75% of the staff has been hired.

Authorization

I certify that the information in this Annual Reporting Form is true and accurate, and reflects the project's job creation and investment.



Save

Massachusetts FY 2009 EDIP Annual Reporting Form

Project: Sepracor, Inc.

Contact Information

Business Name	Sepracor, Inc.		
Address Line 1			
Address Line 2			
City		State	Zip Code
Contact			
Telephone			
E-mail Address			
Name of Project	Sepracor, Inc.		
Municipality Project is Located In			
Date Project was Certified by EACC	03/25/2009		
Industry by Sector	Life Sciences		
Federal Employer Identification Number (FEIN)	22-2536587		

Net New Employees at Project Location

Net New Employees for Fiscal Year (July 1 through June 30)	38
Net Total Employees (Date of Certification by EACC through June 30)	10
Number of Full-time (Hired During Fiscal Year) Employees that Reside in the Economic Target Area	0
Number of Net Total Employees (since Date of Certification) That Reside in the Economic Target Area	0

Total Investment at Project Location

Fiscal Year Investment (July 1 through June 30)	29079548.00
Total Investment (From Date of certification by EACC through June 30)	41961600.00

State Benefits

Amount of 5% EOA Tax Credit Claimed for Fiscal Year	0.00
Total Amount of 5% EOA Tax Credit Claimed Since Date of Certification	0.00
Amount of 10% Abandoned Building Tax Deduction Claimed in Fiscal Year (if applicable)	0.00

Local Benefits

Type of Incentive Received	<input checked="" type="checkbox"/> TIF <input type="checkbox"/> STA
Fiscal Year Property Taxes Paid to Municipality	416523.00
Fiscal Year Property Taxes Exempted Due to TIF or STA	25010.00
Total Taxes Paid to Municipality since Date of Certification	103332.00
Total Taxes Exempted by Municipality since Date of Certification	25010.00

MAI AIA

Massachusetts FY 2009 EDIP Annual Reporting Form

Project: Realty Associates Fund VII

Contact Information

Business Name	Realty Associates Fund VII		
Address Line 1			
Address Line 2			
City		State	Zip Code
Contact			
Telephone			
E-mail Address			
Name of Project	Realty Associates Fund VII		
Municipality Project is Located In			
Date Project was Certified by EACC	09/25/1998		
Industry by Sector	Other Services		
Federal Employer Identification Number (FEIN)	04-2473482		

Net New Employees at Project Location

Net New Employees for Fiscal Year (July 1 through June 30)	30
Net Total Employees (Date of Certification by EACC through June 30)	440
Number of Full-time (Hired During Fiscal Year) Employees that Reside in the Economic Target Area	20
Number of Net Total Employees (since Date of Certification) That Reside in the Economic Target Area	350

Total Investment at Project Location

Fiscal Year Investment (July 1 through June 30)	0.00
Total Investment (From Date of certification by EACC through June 30)	15016732.00

State Benefits

Amount of 5% EOA Tax Credit Claimed for Fiscal Year	0.00
Total Amount of 5% EOA Tax Credit Claimed Since Date of Certification	459982.00
Amount of 10% Abandoned Building Tax Deduction Claimed in Fiscal Year (if applicable)	0.00

Local Benefits

Type of Incentive Received	<input checked="" type="checkbox"/> TIF <input type="checkbox"/> STA
Fiscal Year Property Taxes Paid to Municipality	147531.00
Fiscal Year Property Taxes Exempted Due to TIF or STA	34004.00
Total Taxes Paid to Municipality since Date of Certification	921744.00
Total Taxes Exempted by Municipality since Date of Certification	1113685.00

Certified Project Status

What is the status of the expansion project described in your Certified Project Application or Tax Increment Financing Agreement?

Construction was 100% completed in 1999. The company has continued to centralize certain management, sales, and administrative functions for the Northeast in our Marlborough facility. The company has met 100% of its hiring commitment of new positions for this certified project. The employment of 190 prior positions in the Commonwealth has also been retained. In addition the company has met its commitment for the total investments in Land, Building Improvements, Furniture, Computers, and Equipment since Certification of the Project with over \$13,000,000 in new investment.

Authorization

I certify that the information in this Annual Reporting Form is true and accurate, and reflects the project's job creation and investment.



Massachusetts FY 2009 EDIP Annual Reporting Form

Project: Ken's Foods, Inc. and MIP Realty Trust

Contact Information

Business Name	Ken's Foods, Inc. and MIP Realty Trust		
Address Line 1			
Address Line 2			
City		State	Zip Code
Contact			
Telephone			
E-mail Address			
Name of Project	Ken's Foods, Inc. and MIP Realty Trust		
Municipality Project is Located In			
Date Project was Certified by EACC	12/29/1998		
Industry by Sector	Manufacturing		
Federal Employer Identification Number (FEIN)	04-2235187		

Net New Employees at Project Location

Net New Employees for Fiscal Year (July 1 through June 30)	20
Net Total Employees (Date of Certification by EACC through June 30)	185
Number of Full-time (Hired During Fiscal Year) Employees that Reside in the Economic Target Area	2
Number of Net Total Employees (since Date of Certification) That Reside in the Economic Target Area	61

Total Investment at Project Location

Fiscal Year Investment (July 1 through June 30)	0.00
Total Investment (From Date of certification by EACC through June 30)	5994740.00

State Benefits

Amount of 5% EOA Tax Credit Claimed for Fiscal Year	0.00
Total Amount of 5% EOA Tax Credit Claimed Since Date of Certification	1,240,674.00
Amount of 10% Abandoned Building Tax Deduction Claimed in Fiscal Year (if applicable)	0.00

Local Benefits

Type of Incentive Received	<input checked="" type="checkbox"/> TIF <input checked="" type="checkbox"/> STA
Fiscal Year Property Taxes Paid to Municipality	673986.00
Fiscal Year Property Taxes Exempted Due to TIF or STA	0.00
Total Taxes Paid to Municipality since Date of Certification	4022026.00
Total Taxes Exempted by Municipality since Date of Certification	0.00

13

Certified Project Status

What is the status of the expansion project described in your Certified Project Application or Tax Increment Financing Agreement?

The project has been completed.

Authorization

I certify that the information in this Annual Reporting Form is true and accurate, and reflects the project's job creation and investment.



Save

7/14

Massachusetts FY 2009 EDIP Annual Reporting Form

Project: Ken's Foods, Inc. and MIP Realty Trust

Contact Information

Business Name	Ken's Foods, Inc. and MIP Realty Trust		
Address Line 1			
Address Line 2			
City		State	Zip Code
Contact			
Telephone			
E-mail Address			
Name of Project	Ken's Foods, Inc. and MIP Realty Trust		
Municipality Project is Located In			
Date Project was Certified by EACC	05/31/2005		
Industry by Sector	Manufacturing		
Federal Employer Identification Number (FEIN)	04-2235187		

Net New Employees at Project Location

Net New Employees for Fiscal Year (July 1 through June 30)	20
Net Total Employees (Date of Certification by EACC through June 30)	75
Number of Full-time (Hired During Fiscal Year) Employees that Reside in the Economic Target Area	2
Number of Net Total Employees (since Date of Certification) That Reside in the Economic Target Area	15

Total Investment at Project Location

Fiscal Year Investment (July 1 through June 30)	12864220.00
Total Investment (From Date of certification by EACC through June 30)	51234870.00

State Benefits

Amount of 5% EOA Tax Credit Claimed for Fiscal Year	643211.00
Total Amount of 5% EOA Tax Credit Claimed Since Date of Certification	2561739.00
Amount of 10% Abandoned Building Tax Deduction Claimed in Fiscal Year (if applicable)	0.00

Local Benefits

Type of Incentive Received	<input checked="" type="checkbox"/> TIF <input checked="" type="checkbox"/> STA
Fiscal Year Property Taxes Paid to Municipality	673986.00
Fiscal Year Property Taxes Exempted Due to TIF or STA	0.00
Total Taxes Paid to Municipality since Date of Certification	2595546.00
Total Taxes Exempted by Municipality since Date of Certification	0.00

7/15

Certified Project Status

What is the status of the expansion project described in your Certified Project Application or Tax Increment Financing Agreement?

The project is progressing satisfactorily as planned.

Authorization

I certify that the information in this Annual Reporting Form is true and accurate, and reflects the project's job creation and investment.



Save

116

Massachusetts FY 2009 EDIP Annual Reporting Form

Project: CYTYC Corporation

Simar

Contact Information

Business Name	CYTYC Corporation		
Address Line 1			
Address Line 2			
City		State	Zip Code
Contact			
Telephone			
E-mail Address			
Name of Project	CYTYC Corporation		
Municipality Project is Located In			
Date Project was Certified by EACC	11/28/2006		
Industry by Sector			
Federal Employer Identification Number (FEIN)	26-1261379		

Net New Employees at Project Location

Net New Employees for Fiscal Year (July 1 through June 30)	3
Net Total Employees (Date of Certification by EACC through June 30)	68
Number of Full-time (Hired During Fiscal Year) Employees that Reside in the Economic Target Area	1
Number of Net Total Employees (since Date of Certification) That Reside in the Economic Target Area	7

Total Investment at Project Location

Fiscal Year Investment (July 1 through June 30)	939086.00
Total Investment (From Date of certification by EACC through June 30)	19400066.00

State Benefits

Amount of 5% EOA Tax Credit Claimed for Fiscal Year	46954.00
Total Amount of 5% EOA Tax Credit Claimed Since Date of Certification	970003.00
Amount of 10% Abandoned Building Tax Deduction Claimed in Fiscal Year (if applicable)	0.00

Local Benefits

Type of Incentive Received	<input checked="" type="checkbox"/> TIF <input checked="" type="checkbox"/> STA
Fiscal Year Property Taxes Paid to Municipality	0.00
Fiscal Year Property Taxes Exempted Due to TIF or STA	0.00
Total Taxes Paid to Municipality since Date of Certification	0.00
Total Taxes Exempted by Municipality since Date of Certification	0.00

7/17

Certified Project Status

What is the status of the expansion project described in your Certified Project Application or Tax Increment Financing Agreement?

63% Complete.

Authorization

I certify that the information in this Annual Reporting Form is true and accurate, and reflects the project's job creation and investment.



Save

7/18

Beel Marber

Massachusetts FY 2009 EDIP Annual Reporting Form

Project: CYTYC Corporation

Contact Information

Business Name	CYTYC Corporation		
Address Line 1			
Address Line 2			
City		State	Zip Code
Contact			
Telephone			
E-mail Address			
Name of Project	CYTYC Corporation		
Municipality Project is Located In			
Date Project was Certified by EACC	12/30/2004		
Industry by Sector			
Federal Employer Identification Number (FEIN)	28-1261379		

Net New Employees at Project Location

Net New Employees for Fiscal Year (July 1 through June 30)	47
Net Total Employees (Date of Certification by EACC through June 30)	586
Number of Full-time (Hired During Fiscal Year) Employees that Reside in the Economic Target Area	7
Number of Net Total Employees (since Date of Certification) That Reside in the Economic Target Area	61

Total Investment at Project Location

Fiscal Year Investment (July 1 through June 30)	2854728.00
Total Investment (From Date of certification by EACC through June 30)	12873272.00

State Benefits

Amount of 5% EOA Tax Credit Claimed for Fiscal Year	142736.00
Total Amount of 5% EOA Tax Credit Claimed Since Date of Certification	951751.00
Amount of 10% Abandoned Building Tax Deduction Claimed in Fiscal Year (if applicable)	0.00

Local Benefits

Type of Incentive Received	<input checked="" type="checkbox"/> TIF <input checked="" type="checkbox"/> STA
Fiscal Year Property Taxes Paid to Municipality	0.00
Fiscal Year Property Taxes Exempted Due to TIF or STA	0.00
Total Taxes Paid to Municipality since Date of Certification	0.00
Total Taxes Exempted by Municipality since Date of Certification	0.00

7/19

Certified Project Status

What is the status of the expansion project described in your Certified Project Application or Tax Increment Financing Agreement?

80% complete

Authorization

I certify that the information in this Annual Reporting Form is true and accurate, and reflects the project's job creation and investment.



Save

7/26

Certified Project Status

What is the status of the expansion project described in your Certified Project Application or Tax Increment Financing Agreement?

Based on information submitted by the tenants at The Campus at Marlborough the above figures were inputted to the best of my ability. I am not 100% certain the tenants are filling the forms out correctly so the above information does not truly give you an understanding of the total number of full time employees working at The Campus during FY 2009. In order to document this true number I offer the following breakdown:

Total number of permanent full time employees working at the Campus as of June 30, 2009 was \$1,387, broken down as follows:

Wellington Mgmt - Employees:	145
Wellington Mgmt - Consultants:	142
Hologic:	381
3Com:	297
Qteros:	37
Intrinsic:	20
Lincoln Property Company:	7
Eurest Dining:	7
Allied Security:	2
Video Resources:	2
AMPM:	5

Total Number of Employees: 1,045

I put zeros in the last two items under local benefits because I do not have the information available to determine the total taxes paid and total taxes exempted since 1997.

Authorization

I certify that the information in this Annual Reporting Form is true and accurate, and reflects the project's job creation and investment.



Save

7/21

Massachusetts FY 2009 EDIP Annual Reporting Form

Project: Bel Marlborough, former 3 Com Corporation/Lincoln Properties

Contact Information

Business Name	Bel Marlborough, former 3 Com Corporation/Lincoln Properties		
Address Line 1			
Address Line 2			
City		State	Zip Code
Contact			
Telephone			
E-mail Address			
Name of Project	Bel Marlborough, former 3 Com Corporation/Lincoln Properties		
Municipality Project is Located In			
Date Project was Certified by EACC	03/01/1997		
Industry by Sector	Other Services		
Federal Employer Identification Number (FEIN)	04-8904873		

Net New Employees at Project Location

Net New Employees for Fiscal Year (July 1 through June 30)	53
Net Total Employees (Date of Certification by EACC through June 30)	936
Number of Full-time (Hired During Fiscal Year) Employees that Reside in the Economic Target Area	36
Number of Net Total Employees (since Date of Certification) That Reside in the Economic Target Area	176

Total Investment at Project Location

Fiscal Year Investment (July 1 through June 30)	\$181490.00
Total Investment (From Date of certification by EACC through June 30)	16200034.00

State Benefits

Amount of 5% EOA Tax Credit Claimed for Fiscal Year	142736.00
Total Amount of 5% EOA Tax Credit Claimed Since Date of Certification	951751.00
Amount of 10% Abandoned Building Tax Deduction Claimed in Fiscal Year (If applicable)	0.00

Local Benefits

Type of Incentive Received	<input checked="" type="checkbox"/> TIF <input type="checkbox"/> STA
Fiscal Year Property Taxes Paid to Municipality	1231200.83
Fiscal Year Property Taxes Exempted Due to TIF or STA	1067400.00
Total Taxes Paid to Municipality since Date of Certification	0.00
Total Taxes Exempted by Municipality since Date of Certification	0.00

MARLBORO VETERANS COUNCIL

Veterans of Foreign Wars
Disabled American Veterans
AMVETS

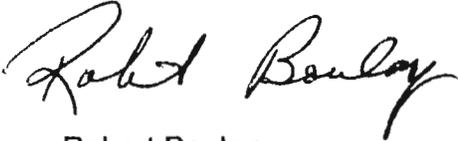
American Legion
Italian American Veterans
World War I

20 October 20, 2009
Marlboro City Council
140 Main Street
Marlboro, MA 01752

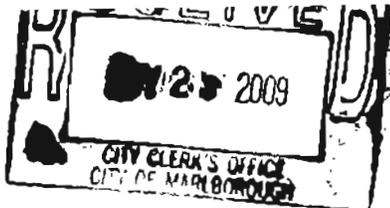
Dear Councilors,

Once again the Marlboro Veterans Council is coordinating this years Veterans Day Parade. The parade will be on Wednesday November 11, all participants will meet at John and Maple Street at 9:30 AM. The Parade will start at 10 AM with the usual stops on Main Street.

Sincerely Yours,



Robert Boulay
Secretary, Marlboro Veterans Council



11/23/09 9

MARLBOROUGH, MASS. 11/2/09 19

TO THE CITY COUNCIL:

The undersigned Conrad Dumais / Dumais + SONS
respectfully requests that he be granted a junk license
Second Hand Store + Computer Work Rept

P. O. Address 67 Mechanic
Dumais Home # 508 481 1519
Cell # 508 400 4647
office # 229 3122
485 4864

IN CITY COUNCIL

19

Referred to Committee on Public Safety.

Clerk.

REPORT ON THE ABOVE PETITION

IN CITY COUNCIL

19

The Committee on Public Safety, to whom the above petition was referred, having considered the same, report in favor of granting the same.

.....
.....
..... } Committee

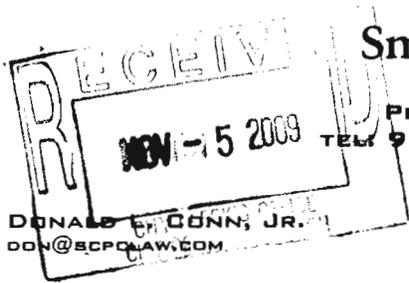
IN CITY COUNCIL

19

Accepted and report of committee adopted.

Attest: Clerk.

Issued



Smerczynski & Conn, P.C.

30 MAIN STREET
PEABODY, MASSACHUSETTS 01960
TEL: 978-531-1710 * FAX: 978-531-4895
WWW.SMERCZYNSKICONN.COM

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MIKE@SCPCLAW.COM

OF COUNSEL
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TED@SCPCLAW.COM

OF COUNSEL
ARTHUR J. FRAWLEY, JR.
ARTHUR@SCPCLAW.COM

OLIVER T. COOK
OLIVER@SCPCLAW.COM

HON. SANTO J. RUMA (RET.)
SANTO@SCPCLAW.COM

November 5, 2009

HAND DELIVERED

City Clerk
City of Marlborough
140 Main Street
Marlborough, MA 01752

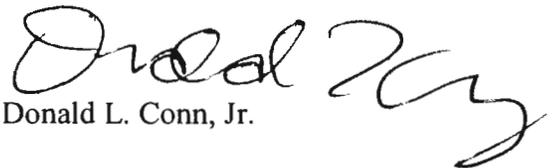
RE: Boston Post Road
Marlborough, MA
Map 89 Part of Parcel 77

Dear Madam:

Enclosed please find and file three Application packages with plans attached together with our check to cover the cost of filing. Twelve sets are being filed today with the City Council and one set each is being filed with the City Planner, City Engineer, Police Chief, Fire Chief, Conservation Officer and Building Inspector.

Kindly contact me should you require any additional information.

Very truly yours,


Donald L. Conn, Jr.

Enclosures

cc: Mr. Gregg Monastiero
Mr. Peter Ogren

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**CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK**

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

JAM Enterprises, LLC, 7 Ashley Court, Lynnfield, MA 01940

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

Boston Post Road, Map 89, Part of Lot 77

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

Arturo J. Gutierrez and John A. Cataldo, Trustees of Marlborough/Northborough Land Realty Trust, One Wall St., Burlington, MA

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

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

Article V Section 200 Paragraph 14 Sub-paragraph B

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

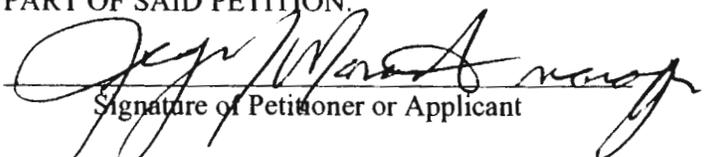
B/CA

7. Specific reason(s) for seeking Special Permit

Petitioner seeks a Special Permit for a drive through window for a
drive-in Sonic Restaurant; said request is made in accordance with Article V,
Section 200, Paragraph 14(B)

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

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


Signature of Petitioner or Applicant

Address: 7 Ashley Court

Lynnfield, MA 01940

Telephone No. (617) 930-1977

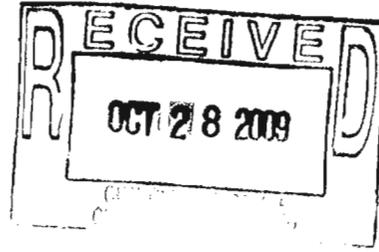
Date: November 4, 2009

Crystal Ridge Realty Trust

P.O. Box 676, Marlboro, MA 01752

508-485-9499

CERTIFIED MAIL
7005 0390 0005 2639 2010



October 27, 2009

Karen Boule, Secretary
City of Marlborough
City Council
140 Main Street
Marlborough, MA 01752

Re: **Request for Street Acceptance**
- Danjou Drive

Ms. Boule:

We are requesting that the City Council approve the acceptance of Danjou Drive and all its easements as shown on the Acceptance Plan ("Plan of Acceptance of Danjou Drive and Easements, Marlborough, MA" dated October 14, 2004 with the latest revision date of October 14, 2009).

We ask that this matter be taken up at the next scheduled City Council meeting on Monday, November 9, 2009.

If you should have any questions or require additional information prior to the meeting, please feel free to contact me.

Sincerely,

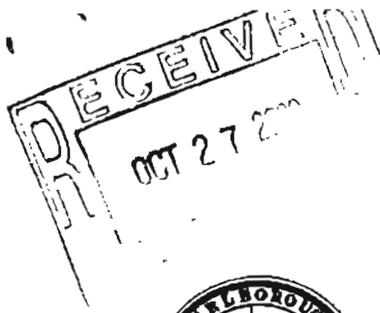
A handwritten signature in cursive script that reads "Linda Fossile". The signature is written in black ink and is positioned above the typed name.

Linda Fossile, Secretary
CRYSTAL RIDGE REALTY TRUST

Attachments

cc: Michael J. Norris, Attorney
Marlborough Planning Board
Tom Cullen, City Engineer
Marlborough Legal Department
City Clerk ✓

**COPY FOR YOUR
INFORMATION**



*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
September 28, 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, September 28, 2009 in Memorial Hall, 3rd floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Steven Kerrigan, Phil Hodge, Edward Coveney and Sean Fay. Also present: City Engineer Thomas Cullen.

MINUTES

Meeting Minutes September 28, 2009

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

To accept and file the Meeting Minutes of September 14, 2009.

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

To move Subdivision Progress Reports 5 B to discuss at this time.

Subdivision Progress Reports

Blackhorse Farms & Cider Mill Estates

Code Enforcement letter, September 25, 2009

Ms. Wilderman sent correspondence to Slocumb Realty, LLC and West Hill, LLC stating that she was issuing a stop work order for changing the original plan, stockpiling on both subdivisions while operating under an approved subdivision. She stated that the "individuals from your clients company sought approval from the Building Commissioner". The Building Commissioner cannot give approval, the Planning Board would be the granting authority. Ms. Wilderman also stated that the stockpiling of material on site without a valid building permit is a violation of the Marlborough City "Blight" ordinance.

She suggested that the Developers attend the Planning Board Meeting tonight and if the Planning Board came back with a favorable decision then they are allowed to resume work at both subdivisions on Tuesday September 29, 2009.

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

To accept and file the correspondence.

Correspondence from Attorney Beattie, September 24, 2009.

Attorney Beattie sent correspondence in response to Ms. Wilderman's stop work order. In his letter he states that Ms. Wilderman should reexamine the stop work order since Mr. Seaberg was granted approval for the stockpiling of material by Mr. Reid, Building Commissioner. The stockpiling of materials was for a berm that was created for the Commonwealth sound a barrier for the state highway.

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

To accept and file the correspondence.

Correspondence from Attorney Beattie, September 28, 2009

Attorney Beattie responded to Ms. Wilderman's letter dated on September 25, 2009. He states that stockpiling clean fill at a job site falls short of her definition of blight under the City Code. He stated that the condition is not a "nuisance" and does not "seriously impair the value or appearance of the property". The City Code definition of "building materials" excludes full, as certainly fill is not incorporated into a structure, not commonly used in constructing in any structure. As he stated the stop work order of September 24, 2009 was not properly grounded with Code of Massachusetts regulations, and the letter by Ms. Wilderman dated on September 25, 2009 fails to describe conduct in violations with the Marlborough City Code. With this reason, he stated that his clients will continue to operate as allowed by Mr. Reid and his clients will not be at the Planning Board meeting.

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

To accept and file the correspondence.

The Ward Councilor, Joseph Delano, attended the meeting and stated the residents were not happy with the constant blasting of ledge and movement of 18 wheeler trucks. He stated he spoke with the developer about fixing the damaged homes in the surrounding areas and yet they are still not fixed. Mr. Delano also stated that he witnessed the trucks in and out of the commercial site brought in to the Blackhorse site. He stated that is site is being used as a Quarry not a residential building site.

Ms. Wilderman attended the Planning Board meeting. She stated that this situation goes back to 2004 when the developers were starting work on Indian Hill and the West Hill Subdivisions. The developer circumvented the subdivision approval by continually presenting plans or plan changes to the Building Commissioner without presenting to the Planning Board or notifying the Commissioner that they are under agreement with the Planning Board.. She stated that it was simply her intention to stop the activity long enough to have the developer present their plans to the Board. While the Building Commissioner's comments are valid on any project, they do not constitute Planning Board approval.

Ms. Wilderman also stated that it would appear that the subdivision approval for all three subdivision approval for all three of the subject properties has expired. She is suggesting that they be requested to show proof of extension and if none is available that Board could considered terminating approval. This would require a new submittal along the new plans, public hearings, etc.

12:

Ms. Wilderman also stated that if the Planning Board does rescind the subdivision approvals the developers would still own the land but would be in violation of the zoning ordinance by stockpiling material on any property of which they do not have a valid building permit.

Ms. Fenby asked how the Board what their opinions were on how to proceed. Mr. Kerrigan is asked the City Solicitor, Donald Rider, what they legally allowed to do. Mr. Rider stated that the standard agreement of the covenant is only for two years and that it is up to the proponent to follow through and request the extension through the Planning Board. Mr. Rider also pointed out that the developers have continually violated both the Zoning Rules and Regulations and the Blight Ordinance.

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

To direct Ms. Lizotte, along with Mr. Rider and Ms. Wilderman, to draft correspondence to all parties with all three subdivisions that the subdivisions have lapsed in their subdivision approvals and extensions; to recommend to come before the Planning Board with new definitive subdivision plans and to allow Ms. Wilderman to continue enforcement action where deemed necessary once a determination of the subdivision status is made.

CHAIRS BUSINESS

*Central Massachusetts Regional Planning Commission
Results of Transportation Study*

The Planning Board asked for the study to be emailed with a copy sent to Mr. Johnson. All comments will be reported back to Mrs. Lizotte who will then send them to Mr. Draisen.

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

To accept and file the correspondence; refer all comments back to Mrs. Lizotte.

*Correspondence from City Council
Rezoning of South Street*

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

To schedule a public hearing for October 26, 2009 at 7:30.

APPROVAL NOT REQUIRED PLAN

*Toll Brothers
Letter from Engineering*

The City Engineer has reviewed the ANR known as "Crowley Drive". He has asked Attorney Bergeron if there is any proper certifications by the City Clerk regarding the maintenance of Crowley Drive since it is a statutory private way. Mr. Cullen stated that until a clarification is provided related to the "private way", in a form of a certification from the City Clerk, he will not be able to provide a favorable recommendation.

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

To accept and file correspondence.

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Letter from Attorney Bergeron

Mr. Bergeron is asking to continue the consideration of the ANR Plan known as Toll Brothers until the next meeting on October 5, 2009.

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

To grant the extension of the ANR submittal to October 5, 2009.

*Pleasant Street/Fitchburg Street
Correspondence*

Mr. Steen is asking to withdrawal his ANR plan without prejudice.

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

To accept and file correspondence; to grant the withdrawal without prejudice of the ANR known as Pleasant Street/Fitchburg Street.

PUBLIC HEARING

SUBDIVISION PROGRESS REPORTS

Update from City Engineer

Mr. Cullen stated he had no written update. He did advise the Board on several subdivisions:

- Davis Estates: curbing and sidewalk installed
- Berlin Farms: Binder coat completed
- Acre Bridge: ponding on first lot still occurring
- Crystal Ridge: almost completed, working through plans

Forest Trail (Mosher Lane)
City Engineer Update

Mr. Cullen wants to review the subdivision file before he can comment on any waiver request.

Correspondence from Attorney Burger

Attorney Burger is asking for a postponement of action until the October 5, 2009 meeting. Fire Chief Adams sent correspondence to the Engineering Department regarding a KNOX lock system and Mr. Burger would like enough time for his developer to have a more detailed conversation with Fire Chief Adams.

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

To accept and file correspondence; to postpone any discussion on the waiver requests until the next meeting.

PENDING SUBDIVISION PLANS: Updates and Discussion

Marlborough Elms (Elm Street)
Extension Request

Stephen Campbell of Highland Engineers is requesting on behalf of his clients a three month extension. He stated they need more time to review the comments from the City Engineer.

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

To accept and file correspondence; **grant** an extension to December 23, 2009 and to strongly urge to have all updated plans to the City Engineer prior to November 23, 2009 for his review.

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

SCENIC ROADS

SIGNS

INFORMAL DISCUSSION

COMMUNICATIONS/CORRESPONDENCE

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

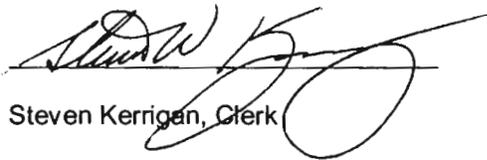
To accept all of the items listed under communications and/or correspondence.

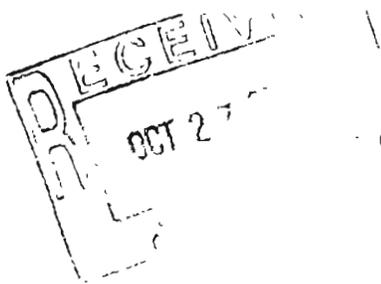
On a motion by Mr. Coveney, seconded by Mr. Kerrigan, it was duly voted:

To adjourn at 8:05 p.m.

A TRUE COPY

ATTEST:


Steven Kerrigan, Clerk



*City of Marlborough
Commonwealth of Massachusetts*



PLANNING BOARD

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

PLANNING BOARD MINUTES
October 5, 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, October 5, 2009 in Memorial Hall, 3rd floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Steven Kerrigan, Phil Hodge, Edward Coveney, Clyde Johnson, Robert Hanson and Sean Fay. Also present: Assistant City Engineer Richard Baldelli.

MINUTES

Meeting Minutes September 28, 2009

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

To accept and file the Meeting Minutes of September 28, 2009 with amendments.

CHAIRS BUSINESS

*Correspondence from City Council
Proposed Zoning Change, Narcotic Detoxification*

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

To schedule a public hearing for October 26, 2009 at 7:05.

APPROVAL NOT REQUIRED PLAN

Crowley Drive
Correspondence from the City Clerk

Ms. Lisa Thomas sent correspondence stating that there was a written agreement between Metro Park Corporation and The City of Marlborough for the "Access and Maintenance Agreement" for Crowley Drive. She certified that Crowley Drive was duly laid out as a private way in 2006. The drive is to be privately maintained and the public use is to be allowed pursuant to the agreement between the City of Marlborough and the owners.

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

To accept and file correspondence.

Approval

Mr. Baldelli reviewed the ANR plan known as Crowley Drive and verbally agreed that it was the same plan reviewed by the Engineering Department. He stated that they accept the plan and the Planning Board should endorse the plan.

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

To accept and endorse a plan of land believed to be Approval Not Required of Toll MA Land Partnership, 250 Gibraltar Road, Hursham, PA 19044-2323. Name of Engineer: GCG Associates, 84 Main Street, Wilmington, MA 01877-9714. Deed of property recorded in South Middlesex Registry of Deeds book 48877, page 33. Location and description of property: Assessors Map 29 parcel 1.

PUBLIC HEARING

The Planning Board of the City of Marlborough held a public hearing on Monday, October 5, 2009, at 7:15 p.m. in Memorial Hall, 3rd Floor, City Hall, 140 Main Street, Marlborough on the proposed amended language to: Rules and Regulations Governing the Subdivision of Land, Approval Not Required. Members present: Chairperson Barbara L. Fenby, Clerk Steven Kerrigan, Philip Hodge, Clyde Johnson, Robert Hanson and Sean Fay. Also present: Assistant City Engineer Richard Baldelli.

The Chair introduced all of the members of the board including the Assistant City Engineer and the Planning Board Secretary. She advised the audience that everyone should direct questions to her and she will direct the questions to the proponent or others.

Mr. Kerrigan read the public hearing notice into record.

B. PLAN BELIEVED NOT TO REQUIRE APPROVAL

1. Submission of Plan:

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan and who believes that the plan does not require approval under the Subdivision Control Law may submit the plan and application Form A (see Appendix A) to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval. For the purpose of establishing the official submission date, said submission shall be made to the Planning Board at a regularly scheduled meeting of the Planning Board. The Planning Board requests the applicant to arrange for the Engineering Department to review the plans prior to said submission to the Planning Board as outlined above. Said person shall also file, by delivery or registered mail, a notice with the City Clerk stating the date of submission for such determination accompanied by a copy of said application and describing the land to which the plan relates sufficiently for identification. If the notice is given by delivery, the City Clerk shall if required, give a written receipt therefor.

Said plan shall contain the following information:

- a) The zoning classification and the location of any Zoning District Boundaries that may lie within the locus of the plan.

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- b) In the case of the creation of a new lot, the remaining frontage shall be shown.
- c) The plan shall contain the statement "Approval under the Subdivision Control Law Not Required" and provide sufficient space for the signature and date by the Board.
- d) Notice of any decisions by the Zoning Board of Appeals.
- e) Location of all buildings.

2. **Endorsement of Plan Not Requiring Approval:**

If the Planning Board determines that the plan does not require approval, it shall without a public hearing and without unnecessary delay, endorse the plan under the words "Approval under the Subdivision Control Law Not Required". The plan so endorsed will be returned to the applicant, and the Planning Board shall notify the City Clerk in writing of its action.

3. **Determination that Plan Requires Approval:**

If the Planning Board determines that the plan does require approval under the Subdivision Control Law, it will so inform in writing the applicant and return the plan. The Planning Board will also notify the City Clerk in writing of its action.

4. **Failure of Planning Board to Act:**

If the Planning Board fails to act upon a plan submitted under this section or fails to notify the City Clerk and the person submitting the plan of its action with twenty-one (21) days after submission, it shall be deemed to have been determined that approval under the Subdivision Control Law is not required, and it shall forthwith endorse said plan, and on its failure to do so forthwith, the City Clerk shall issue a certificate to the same effect.

Mr. Rider, the City of Marlborough City Solicitor, stated that this was the first step in an overall change that needs to be made to the Subdivision Rules and Regulations. He stated that the Board will have to take into consideration what information is required for ANR approval including having adequate access and topography. Some ANRs that have been approved show enough frontage, but due to wetland and barriers, sufficient access is not always the present.

Ms. Wilderman stated that during her previous position as the Planning Board Secretary, then City Engineer (Patrick Clancy) mentioned that adequate access should be considered when approving ANRs. However, this was never acted upon or considered when changing the ANR standards.

Mr. Johnson questioned the submission date. He asked if the time frame starts when applied for with the Secretary or at the meeting. Mr. Rider confirmed the "clock starts ticking" when presented at a regularly scheduled meeting and then it would have to be approved or denied 21 days from that meeting.

Mr. Hodge asked if the 21 days was enough for action and notification, given the example by Mr. Hodge, if the 21 days is up, given a denial, can the proponent go to the City Clerk the next day for approval, since the recording is not prepared.

Mr. Rider stated that he did not have an answer and would like to table the hearing in order to retain the State Statute.

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

To table the hearing.

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

To reopen the hearing.

Mr. Rider stated that there was no answer to Mr. Hodge's question in the statute. He stated that in most cases the approval letter of denial is recorded by Mrs. Lizotte within a few days. As stated by Mr. Rider, meetings are generally held within a two week succession, the worst case scenario would be during the summer months when the meetings are a month apart.

Ms. Fenby asked the Board for their opinion.

Mr. Kerrigan stated that they are just changing the time frame from 14 days to 21 days to concur with the State Regulations.

Mr. Fay asked what the possibility of adding definitions to the statute. Mr. Rider stated that would be possible; however that would require a new public hearing. Mr. Fay noted that definitions should be added when there is a review of the regulations.

The hearing closed at 7:38.

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

To amend the Rules and Regulations Governing the Subdivision of Land, Approval Not Required as proposed and described in the hearing notice.

SUBDIVISION PROGRESS REPORTS

Update from City Engineer

At this time, Mr. Baldelli did not have an update.

Acre Bridge Estates (Blake Circle) Street Acceptance

The Planning Board had asked Mr. Cullen to review all files for Acre Bridge Estates for Subdivision Acceptance. At this time he has reviewed the following:

- As-built Plan and Profile of Acre Bridge Estates: dated September 18, 2008, with the latest revision date of August 17, 2009 prepared by Inland Survey, Inc. / Zanca Land Survey of Stow, MA.;
- Street Acceptance Plan and Easements of Blake Circle: dated September 8, 2008 with the latest revision date of July 16, 2009 prepared by Inland Survey, Inc. / Zanca Land Surveyor of Stow, MA;
- The latest Legal Descriptions.

Mr. Cullen stated that the Engineering Division has determined that the work has been completed in accordance with the Planning Board's Rules and Regulations and it was maintained in satisfactory condition for the one year maintenance period. He is also suggesting that the Planning Board hold onto the remaining bond amount of \$31,000.00 until the City Council accepts the streets and all recordings have been made to the South Middlesex Registry of Deeds.

At this time, the City Engineer has given his favorable recommendation for the Planning Board to accept the subdivision.

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

To accept and file the letter from City Engineer Thomas Cullen, and endorse his recommendation that the subdivision known as "Acre Bridge Estates, As-built plot plan dated September 18, 2008 with revised date of August 17, 2009 drawn by: Inland Survey / Zanca Land Surveyor" has remained in satisfactory condition for the year long maintenance period. The remaining bond will stay in place until certification of the recordings.

Blackhorse Farms (Slocumb Lane)
Cider Mill Estates (Goodwin Drive)
West Ridge Estates (Dufrense Drive)

Correspondence from Benchmark Engineering

Mr. Donald Seaberg, on behalf of West Hill, LLC and Slocumb Realty, LLC sent correspondence regarding the status of the above mentioned subdivisions. His response to the Planning Board's correspondence indicating that the approval for all three subdivisions has lapsed was to state that lots for all three subdivisions had been released from their respective covenant restrictions through the Certificate of Performance.

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

To accept and file correspondence.

The Code Enforcement Officer, Ms. Pamela Wilderman, stated that this correspondence does not mention subdivision approval status. At this point, the Developers have not asked for a subdivision extension, which has caused their approvals to lapse. Ms. Wilderman stated that "it's either an approved subdivision or it's not a subdivision".

Mr. Rider, the City Solicitor, was asked to explain the Subdivision Control Law, Chapter 41, Section 81W, which would allow a Planning Board, on its own motion or on the petition of any person interested, the power to modify, amend or rescind the subdivisions in question. Mr. Rider explained that no modification, amendment or rescission of the approval of a plan of a subdivision or changes in such plan shall affect the lots in such subdivision which have been sold or mortgage in good faith. Mr. Rider stated that he would provide complete guidance at the next meeting but thought that to use this section for rescinding the lots, the Planning Board would have to hold a public hearing, approve the rescission and then record all information with the Registry of Deeds.

Mr. Rider stated that there was an oddity in the West Ridge Subdivision. There were several lots "scooped" up and incorporated into the Cider Mill Subdivision when planned out. The Planning Board would have not seen this since the two subdivisions were applied for several years apart. He is suggesting that the lot releases may be tainted because there may be double releases on several of the lots.

Mr. Fay is stated that the scooping of land is more of a distraction from the issue at hand that was brought to the attention of the Board by Ms. Wilderman. He stated that the developers, by not attending the meetings, are not being cooperative. He asked if Mr. Rider could provide step by step guidance at the next meeting for the Board if the Board determined that it was appropriate to pursue formal recession of all three subdivisions.

At this time there is only one viable building permit that has been issued for the Cider Mill Estate Subdivision. It was noted that work is being completed that was not shown or approved with the subdivision lots. Ms. Wilderman is suggesting that one viable course of action would be for the

12/11

Mr. Fay stated that the Planning Board should be prepared to address these issues at the next meeting having the benefit of guidance from the Engineering Department and step by step guidance from the City Solicitor.

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

To ask the Engineering Division and the City Solicitors office to review the files; and report back to the Planning Board on how to proceed.

Forest Trail (Mosher Lane)
Correspondence from Attorney Burger

Mr. Burger is asking for another postponement in the waiver request. He stated that his client has not had the meeting with Fire Chief Adams for the placement of the Knox Box and gate.

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

To accept and file correspondence and to postpone the request.

PENDING SUBDIVISION PLANS: Updates and Discussion

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

SCENIC ROADS

SIGNS

INFORMAL DISCUSSION

COMMUNICATIONS/CORRESPONDENCE

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

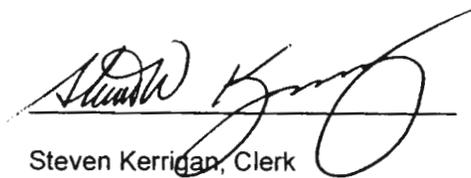
To accept all of the items listed under communications and/or correspondence.

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

To adjourn at 8:18 p.m.

A TRUE COPY

ATTEST:


Steven Kerrigan, Clerk



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

Traffic Commission

The Regular Meeting of the Traffic Commission was held on Tuesday, September 29, 2009 at 10:05 a.m. in City Council Committee Room, City Hall. Members present: Chairman Police Chief Mark Leonard, Vice Chairman – DPW Commissioner Ronald LaFreniere, Fire Chief David Adams, City Clerk Lisa M. Thomas, City Planner Nancy Savoie. Also present: City Engineer Thomas Cullen, Timothy Collins, Engineering Division, City Councilor Edward Clancy and City Parking Clerk Christine Rebeiro-Hunter, Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Tuesday, August 25, 2009.

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

2-New Business

Not on Original Agenda – Parking Issues

City Parking Clerk, Christine Hunter-Rebeiro brought up several issues:

- 1) Crosswalk at Florence Street in front of Post Office needs to be repainted.
- 2) Area in front of Senior Center designated as bus stop – looks like a parking spot – cars parking there.
- 3) Electric Co. trucks are parking on the sidewalk at Florence Street.

Ron LaFreniere advised that the DPW would look into the first two items. Chief Leonard advised that no one should be parking on the sidewalk and that these trucks, and any others, should be ticketed accordingly.

2a. Request from William White and Patricia Michaelian, re: commercial vehicle exclusion – Stevens St. & Union St.

Chief Leonard advised that any truck exclusion would need Mass. Highway Dept. approval. Tim Collins mentioned that this request has been made in the past (March '06) and was denied. MHD indicated that they would only possibly consider a nighttime

exclusion. Councilor Clancy disagrees with MHD. He hears complaints on this issue all the time. Part of the problem is that trucks use this route during school hours. Daytime is actually more dangerous than at night. Ron LaFreniere suggested that Engineering could contact MHD and discuss possible signage posting a truck route down Rte. 20 and Rte. 85 (though not a specific truck exclusion). Chief Leonard indicated that there is a sign for a truck route down by Monnicks – maybe there could be one further up on Rte. 20. Ed Clancy felt that many of the trucks are from Price Chopper again. (This was an issue in the past and was addressed at the time.) The Chief wants to try to determine if there are any other particular trucks causing the problem. If so, a specific request can be made to the company involved.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to follow up with Mr. White (on specific trucks in question) and Price Chopper.

Additional Agenda Item - Neil Street resident present who brought up two issues.

- 1) Pedestrian Crossing at Howe Street – impossible to cross here.
- 2) Lambert St. & Neil St. – problem with cars coming down the street and then having to turn around because they can't get through. Sign for "Not a Through Way" – people don't seem to see it.

MOTION was made, seconded, duly VOTED to REFER to the DPW to take a look at these 2 issues.

2b. Crosswalk regulations associated with Union Street reconstruction.

Tim Collins advised that the crosswalks are in place (as per his memo to Chief Leonard, dated 8/27/09). The Chief has prepared the required Emergency Preambles and Regulations for a vote.

MOTION was made, seconded, duly VOTED to APPROVE the **Emergency Preamble** for **Kelber Drive**.

MOTION was made, seconded, duly VOTED to APPROVE the **Regulation** for the crosswalk on **Kelber Drive**.

MOTION was made, seconded, duly VOTED to APPROVE the **Emergency Preamble** for **Belleview Avenue**.

MOTION was made, seconded, duly VOTED to APPROVE the **Regulation** for the crosswalk on **Belleview Avenue**.

MOTION was made, seconded, duly VOTED to APPROVE the **Emergency Preamble** for **Union Street**.

MOTION was made, seconded, duly VOTED to APPROVE the **Regulation** for the crosswalk on **Union Street**.

MOTION was made, seconded, duly VOTED to APPROVE the **Emergency Preamble** for **Marlborough Hospital (East Driveway) and Marlborough Hospital (West Driveway)**.

MOTION was made, seconded, duly VOTED to APPROVE the **Regulation** for the crosswalk on **Marlborough Hospital (East Driveway) and Marlborough Hospital (West Driveway)**.

MOTION was made, seconded, duly VOTED to APPROVE the **Emergency Preamble** to add the Linear Feet to the existing crosswalk regulation on **Hudson Street**.

MOTION was made, seconded, duly VOTED to APPROVE the **Regulation** to add the Linear Feet to the existing crosswalk regulation on **Hudson Street**.

2c. Communication from Councilor Seymour, re: traffic concerns on Hudson Street.

Tom Cullen and Tim Collins went out and viewed the site in question. They presented four photos with different views of the intersection of Hudson & Union Sts. Ron LaFreniere did note that the visibility is not that great at the vertical curve. In viewing the photos it was noted that the current signs are incorrect. The pedestrian with the line should be placed at the crosswalk and the pedestrian without the line should be the advance warning sign. The proper signs should be relocated to alert Motorists to the crosswalk. It was agreed that enforcement is really the only other thing that can be done at this point.

MOTION was made, seconded, duly VOTED to REFER to the Police Department for enforcement and to the DPW to correct the signage.

2d. Request from Robert Fillias, re: crosswalk on Broadmeadow Rd.

Chief Leonard has spoken with Mr. Fillias. He lives in the Willows. His concern is with the bus stop at that location. The stop is on the opposite side of the street and the children are crossing without a crosswalk. Both the Chief and Ron LaFreniere agreed that there cannot be a crosswalk at this location because there is no sidewalk on the opposite side. There is no point A to point B. The Chief has advised that the children can wait on the other side and then cross when the bus stops for them. It is more of an enforcement issue.

MOTION was made, seconded, duly VOTED to REFER to the Police Department for enforcement and to PLACE ON FILE.

2e. Communication from Gary Brown, re: Solar Stop Signs.

Gary Brown, a Marlborough Resident, has contacted Chief Leonard several times and dropped off literature at the Station regarding signs that he had seen used in Oregon. The Chief initially did not think that the signs would meet MUTCD requirements but the literature indicates that they do. The signs are very expensive and the Chief is not aware of any intersection in Marlborough with such a high accident count that would justify the expense. Ron LaFreniere indicated that he is not familiar with these signs but that the high reflectivity on our signs goes a long way to having the signs stand out. He has also seen reflector strips used on the actual poles. Engineering commented on the maintenance cost of such a sign.

MOTION was made, seconded, duly VOTED to REFER to Nancy Savoie, the City Planner, for any further consideration.

2f. Stop sign request – Park Street @ Newton Street.

Engineering presented a photo of the site and advised that motorists need to pull out into the intersection to get a clear view of traffic on Newton Street. The Chief commented that he is not aware of any accident history here but that geometrically it may meet warrant conditions for a stop sign. Engineering agreed that it may be possible to install a stop sign due to the restricted view. The underlying issue may be the fact that parked cars on Newton Street block the view from Park Street.

MOTION was made, seconded, duly VOTED to REFER to the MPD for enforcement with the parking issue and to look into any accident history at the site.

2g. Advance pedestrian crossing signage, South St. near Charles St.

Chief Leonard received a phone call regarding this issue. The concern was with speeding and children waiting for the school bus. The Chief believes there is an older “Advance Warning Sign” in one direction. This appears to be mainly a speed enforcement issue. The MPD has had directed patrols in this area in the AM.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING for review.

2h. Traffic Commission rules and regulations update.

Lisa Thomas prepared a time estimate at this point of 141 total hours broken down as follows: She estimated that 4-8 hours would be required for training – she would provide the training. There are approx. 83 pages to format (at one hour per page) + approx. 40 new Regs. not yet in the electronic file (at ½ hour per page) for a total of 103 hours. A second person (Designated Liaison) would be required to periodically review the project at specific intervals – 30 hours.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to determine with the Mayor what type of funding would be available for this project.

3-Old Business

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

Since the last meeting, Chief Leonard, Fire Chief Adams and Mayor Stevens have been out to AMSA several times to evaluate the bus/carpool drop off/pick up situation. Suggestions were made to help alleviate the backup of cars queuing onto Forest Street and the safety of children getting onto buses. Chief Leonard advised that they now have a staggered dismissal time where children leaving by bus are dismissed first. There is also a temporary agreement in place with Four Kicks (for this school year) that AMSA may use a portion of their parking lot for the carpool pick up. Cars park at Four Kicks and the students are walked over. This removes approx. 40 cars from the queue. The school is also in the process of hiring a Crossing Guard. The process should now be

running much more smoothly with the staggered release and new carpool routine. The Chief does agree that some type of advance warning signage would be appropriate i.e. School Ahead or Buses Approaching (although not a specific School Zone). The school is in an industrial area and motorists may not be aware that it is ahead. Ron LaFreniere's concern is with the sight distance coming over the hill on Forest Street. Cars could come over the hill and then have to stop unexpectedly for a queue. Suggested signage would be to the effect – "Through Traffic Keep Right" and "School Ahead".

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to look into signage and possible pavement markings.

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

MOTION was made, seconded, duly VOTED:

To TABLE for now as traffic counts have not been completed.

3f. Communication from Jim Joubert, re: Stop signs on Bigelow St.

MOTION was made, seconded, duly VOTED:

To TABLE for now as traffic counts have not been completed.

3g. Regulation for right on red restriction – Brown St. to Main St.

Engineering advised that all five approaches now have the "No Right Turn on Red" restriction. Chief Leonard presented the new Regulation for a vote.

MOTION was made, seconded, duly VOTED to APPROVE the Regulation adding Brown Street to the section concerning "Right Turns on Red".

3h. Regulation for crosswalks and stop signs on Nickerson Rd.

Chief Leonard has drawn up the proper Rules and Regulations and presented them for a vote.

MOTION was made, seconded, duly VOTED to APPROVE the **Emergency Preamble** adding the Crosswalks on **Nickerson Road**.

MOTION was made, seconded, duly VOTED to APPROVE the **new Regulation** adding the Crosswalks on **Nickerson Road**.

MOTION was made, seconded, duly VOTED to APPROVE the **Emergency Preamble** adding the Stop Locations on **Nickerson Road (2 directions) and Reilly Way**.

MOTION was made, seconded, duly VOTED to APPROVE the **new Regulation** adding the Stop Locations on **Nickerson Road (2 directions) and Reilly Way**.

3a. Long term oversized vehicle ordinance.

MOTION was made, seconded, duly VOTED:

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To TABLE.

3b. Municipal off street parking regulation.

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

3c. High School parking regulations.

MOTION was made, seconded, duly VOTED:
To TABLE

That there being no further business of the Traffic Commission held on this date, meeting adjourned at 11:45 a.m.

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

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MetroWest Regional Transit Authority

**Advisory Board
Meeting Minutes
Monday, September 21, 2009**

The MetroWest Regional Transit Authority Advisory Board met on Monday, September 21, 2009 at 4:00 p.m., at the MetroWest Center for Independent Living, 280 Irving St. Framingham, MA, at the call of Mr. Phil Jack, Chairman, Ashland. Mr. Jack asked for a roll call of communities. In attendance were; Edward Carr, Administrator, Charles Stevenson, Counsel, Betty Soderholm, Southborough, Jason Smith, Framingham, Carl Damigella, Holliston, Frank Hess (non voting representative), Sherborn. Also in attendance were Jonathan Belcher (CTPS), Jim Parker (GM-First Transit), Mary Anne Padien (representing Senator Karen Spilka), Paul Spooner (Director of MWCIL), Joanne Thompson (Thompson Transit). A quorum was declared. *A motion was made by Mr. Damigella to approve the previous minutes from 6/8/09 and 7/27/09; it was seconded by Mr. Smith and approved unanimously.* It was declared that audience speakers would be limited to 10 minutes due to time constraints.

Administrator's Report:

- **Fixed Route Service:**

Jonathan Belcher from CTPS (Central Transportation Planning Staff) to follow with update on Rte. 5 to EMC in Hopkinton, and adjustment to Rtes. 2, 3 and 4.

Route 1 ridership continues to grow; Mr. Carr will discuss interoperability with MBTA, at MARTA conference scheduled in October.

The RTA has **been approved for the Suburban Mobility funds for Saturday service to Marlborough**, waiting on transfer of funds from the FTA.

5 new Fixed Route vehicles are expected to be delivered in the next couple of weeks.

- **Demand Response:**

The MetroWest RIDE has been an extremely challenging project. Approx. 4700 trips were performed in the first month of implementation.

Mobile Data Terminals are fully operational on the paratransit vehicles.

There are still existing operational challenges with the transfer point between the MBTA and the MetroWest Ride.

Disability Commission- Both Framingham & Natick Commissions are seeking to expand level of service to include new ADA riders.

Direct service to Boston was also discussed. More data regarding cost & funding is needed before a complete evaluation can be determined.

- **37 Waverley St. Property:**

Pat Moynihan (Real Estate Consultant to the MWRTA) and Ed Carr have been working with the landlord on the **environmental issues that must be resolved before the building can be purchased.**

Federal funding is in place for purchase and improvements as well as the 20% State match.

- **Audits:**

Annual independent **audit should be completed by Oct 15.** Preliminary numbers show expenses were \$10,000.00 over budget but **net cost** of service was under budget and revenues exceeded expenses.

State Auditor's office will be conducting the statutory bi-annual audit in **late Oct-early November.**

Ridership numbers are **up 18 %** (320,268 in FY 08 to 397,270 in FY 09)

Surplus Ride vehicles are no longer needed and are being disposed of.

A notice will be posted on the MWRTA website regarding the bid process for the vehicles.

Comments on the Administrator's Report:

Mr. Hess commented on lack of notice on the restricted service for the new MetroWest Ride users.

Ms. Soderholm commented that her neighbor was extremely pleased with the MWRTA Dial A Ride service in Southborough.

Old Business

- **CTPS update/overview - Jonathan Belcher**

- Study still in draft form, board members can still suggest changes.
- Adjusted running times of Rte. 2, 3 and 4 have been implemented.
- Rte. 4 has been realigned to come back to Central Hub after Market Basket.
- Greenline service is running well.
- Rte. 7 Saturday service is pending funding. Ongoing discussions about serving the east side of Marlborough.

- Ongoing discussions about more demand response service for the towns of Sherborn, Weston, and Wayland.
- Possibility of commuter subscription service in Sherborn to train station in Natick.
- Commuter bus in Wayland. Potential of Natick Commuter Rte. extending to Wayland.
- Caviler Coach/Peter Pan service interfacing with MWRTA.
- Flutie Pass intermodal transit facility.
- Transfers at Natick Collection are numerous.

Comments

Mr. Smith commented on page 13 of the CTPS Study, regarding the Worcester Comprehensive Service Design study, which suggests expansion of service from Worcester to the Solomon Pond Mall, and identified concentrations of employment within Marlborough, Hopkinton and Southborough. Mr. Belcher explained that those were past studies and were not suggestions for current changes.

Mr. Smith also asked what the Rte. 2 and 3 changes were based on. Mr. Belcher responded that the traffic conditions as well as construction delays impacted their suggested changes.

Mr. Smith requested information on the cost and ridership numbers for the Milford service and what, if any, does Milford contribute to that service.

Mr. Damigella suggested the Advisory Board invite the Chairman of the Milford Board of Selectmen and/or Representative Fernandes to attend the next scheduled Advisory Board Meeting to discuss the Milford Service.

Ridership data indicates that the service is being consistently utilized.

Mr. Carr commented that Milford is not assessed by the MBTA; therefore any funds would probably come from their municipal budget.

Mr. Damigella asked if the study assessed if there was any daytime demand for Milford service.

Mr. Belcher responded the morning ridership of approximately 30 passengers indicates that there is potential of daytime demand.

Mr. Carr relayed to the Board that past Inter District funding was offsetting the Milford cost of service. That funding is no longer available.

Miscellaneous discussion on plans for East Marlborough service/ Sunday service and expanded demand response.

Subscription service for Sherborn to Natick train station- 6-8 commuters are needed to start service.

- ***New Business***

Charles Stevenson gave overview on the Quasi-Public Authority Compensation Report.

The report identified 42 agencies- which included the 15 Regional Transit Authorities.

The report included the compensation paid to the CEOs of the 42 agencies.

After review, the Commission found that the compensation paid to the CEO's passed a "reasonableness test".

All RTA's fell in the lower 40% of the salary ranges.

The MWRTA Administrator's salary was reasonably placed in the middle of the 118,500-72,000 salary range at \$97,800.

Examination of salary was limited to the CEO's only- due to resources and the assumption that the CEO's salary sets the standard and if the CEO is reasonably paid then the staff probably is too.

Recommendations of the report-

Critical of:

- Excessive severance pay of CEO's removed from office-
- Guaranteed raises and bonuses
- Excessive sick day cash-outs
- Singled out some agencies for special mention- one was MetroWest – the CEO contract doesn't provide for termination at will- Mr. Carr has a guaranteed contract.

A letter from Secretary Kirwan of Administration & Finance and Gregory Sullivan Inspector General of the Commonwealth came with report. It is directed to the Chairman and to the board, listing requirements due in 90 days- review commission recommendation/policies and procedure as well as the employment contracts.

Response directed back to Inspector Sullivan with the board's response and any action plan they may have.

Contracts for CEOs are necessary to enable them to do their job and have job security.

Chairman Phil Jack tentatively selected a review board that included Mr. Nolan, Mr. Damigella and Mr. Peck. Mr. Stevenson will also be in attendance.

Permanent compensation sub-committee needs to be formed.

Mr. Smith declared that he has received calls about the MW Ride- concerning transfers and fares:

Transfers; late for appointment due to transfer-

Fares- some on fixed income and fees are doubled causing hardships.

Mr. Carr responded that the cost of service for 75% of riders has not changed.

• **Questions and comments from the audience:**

Mr. Tim Kelly, from Natick- Request for Quasi Public Report.

Response -Report available on the McCormack site.

Question on fringe expense (\$45,000) on budget.

Response- it covers non wage employee benefits.

Question on \$304,000 Administrative cost.

Response- 14 current employees, amount covers FY 09 payroll.

Question on Insurance coverage limits.

Response: \$5 million.

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The next meeting was scheduled for Monday, November 2, 2009, with the tentative location being the MetroWest Center for Independent Living.

The meeting ended at 5:00 PM

###

Certificate

The undersigned being the duly qualified clerk of the MetroWest Regional Transit Authority Advisory Board, acknowledges that the foregoing minutes accurately reflect the actions taken at a legally convened meeting of the Advisory Board held on September 21, 2009.

Joseph F. Nolan, Clerk