

REGULAR MEETING
JANUARY 5, 2009

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:

1. Organizational Meeting.
2. Minutes, City Council Meeting, December 15, 2008.
3. CONTINUED PUBLIC HEARING: On the Application for Special Permit from The Gutierrez Co. to develop Map 67, Lot 45 & Map 68, Lot 30A, Lakeside Ave. and Elm St., located in the Business District for multi-family dwellings per Article 200, Section 13, Paragraph C, Sub-paragraph 4 of the City of Marlborough Zoning Bylaws.
4. PUBLIC HEARING: At the request of the Mayor, on behalf of the Marlborough License Board, to convert Two Current Beer & Wine Package Store Licenses to All Alcoholic Package Store Licenses through the adoption of an Initiative Petition by the State Legislature.
5. Communication from the Mayor re: grants in the amounts of \$27,395.42 and \$15,000.00 awarded to the Police Department from the Commonwealth of Massachusetts Executive Office of Public Safety and Security for community policing activities and a reimbursement grant respectively.
6. Communication from the Mayor re: appointment of Karen Kisty as acting Personnel Director effective January 6, 2009.
7. Communication from the Mayor re: reappointments of Lawrence Roy and Michelle Higgins to the Conservation Commission for terms to expire on March 5, 2012.
8. Communication from the City Solicitor re: MetroPCS Massachusetts, LLC, Special Permit for 97 Arnold St. Ext. in proper form.
9. Minutes, MetroWest Regional Transit Authority, October 27, 2008.
10. Communication from Stephen Zeitler, owner of Marlboro Wine and Spirit Co., re: All Liquor Licenses.
11. Application of Arch Stanton LLC, d/b/a US Gold Network, for Junk Dealer's license.
12. CLAIMS:
 - A. Mark Dascoli, 146 Beach St., vehicle damage
 - B. Thomas Naze, 31 Diana Dr., vehicle damage
 - C. James Holt, 7 Ash St., property damage
 - D. Diane Insani, 58 Concord Rd., property damage
 - E. Eileen Ahern, 474 Pleasant St., property damage
 - F. Curtis Williams, 15B Onamog St., property damage
 - G. Jonathon Chase, 431 Berlin Rd., property damage
 - H. Carolyn Mariani, 189 Gates Pond Rd., Berlin, vehicle damage

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Wireless Communication Committee

13. **Order No. 08-1001971B – Application for Special Permit from MetroPCS Massachusetts LLC for proposed installation of a telecommunications facility onto the existing water tank located at 97 Arnold St. Ext. Recommendation of the Wireless Communication Committee is recommend approval, per draft decision submitted by Petitioner and to have the City Solicitor further amend Condition 12, & to Suspend the Rules to refer to City Solicitor to be put in proper form and place item on the January 5, 2009 agenda 3-0.**



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**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
Lisa M. Thomas
140 Main St.
Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723
DECEMBER 15, 2008**

Regular meeting of the City Council held on Monday December 15, at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Schafer, Juare, Seymour, Clancy and Landers. Meeting adjourned at 10:30 p.m.

ORDERED: Minutes, City Council Meeting, December 1, 2008, **FILE**; adopted.

ORDERED: Now being the time set for the **CONTINUED PUBLIC HEARING** On the Application for Special Permit from The Gutierrez Co. to develop Map 67, Lot 45 & Map 68, Lot 30A, Lakeside Ave. and Elm St., located in the Business District for multi-family dwellings per Article 200, Section 13, Paragraph C, Sub-paragraph 4 of the City of Marlborough Zoning Bylaws, **WITH A CONTINUATION TO JANUARY 5, 2008**; adopted.

ORDERED: Now being the time set for the **JOINT TAX CLASSIFICATION PUBLIC HEARING** with the Board of Assessors on Monday, December 15, 2008 at 8:00 p.m. in Council Chambers, 2nd Floor, City Hall, 140 Main Street, Marlborough, MA to determine the percentage of the local tax levy to be borne by each class of property for Fiscal Year 2009. Massachusetts General Laws Chapter 40, Section 56 sets forth the procedures and responsibilities under the law, all were heard who wish to be heard, hearing adjourned at 8:45 p.m.

ORDERED: That the following transfer of \$1,582,816.00 (one-million five hundred eighty two thousand eight hundred sixteen dollars) from Undesignated Funds to reduce the FY2009 Tax Levy, **APPROVED**; adopted.

FROM:

Acct. # 100-35900 \$1,582,816.00
Undesignated Fund

TO:

To Reduce Tax Levy \$1,582,816.00

ORDERED: That the following transfer of \$216,395.00 from Sale of Graves, Aquifer Protection, and Traffic Enforcement to reduce the FY2009 Tax Levy, **APPROVED**; adopted.

FROM:

Acct. # 27000-33020 \$27,250.00
Sale of Graves

Acct. # 61000-31200 \$186,252.00
Aquifer Protection

Acct. # 27000-33080 \$2,893.00
Traffic Enforcement

TO:

To Reduce Tax Levy \$216,395.00

ORDERED: That the following percentage of FY2009 tax levy **APPROVED**; adopted:

Residential 53.6628

C.I.P. 46.3372

Yea: 11 – Nay: 0

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

ORDERED: That the residential tax exemption for owner-occupied, residential properties for Fiscal Year 2009 be and is herewith five percent (5%), **APPROVED**; adopted.

ORDERED: At the Mayor's request to convene an executive session for the purpose of discussing strategy with respect to collective bargaining and/or litigation, as an open meeting may have a detrimental effect on collective bargaining and/or litigating position of the City of Marlborough, the City Council moved to EXECUTIVE SESSION, **APPROVED** and returned to open meeting at 9:55 p.m.

Councilor Juairé filed two disclosure letters with the City Clerk.

Yea: 11 – Nay: 0

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

ORDERED: That the reappointment of Thomas Abel as the City Comptroller/Treasurer for a term of three years expiring August 29, 2011; refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That Thomas Abel's successful renewal certification from the Massachusetts Collectors and Treasurers Association for an additional five years through December 31, 2013; refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the reappointment of Ronald LaFreniere as the City's Commissioner of Public Works for a term of five years expiring on January, 11, 2014, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the reappointment of Deborah Puleo as the City Collector effective February 1, 2009 to correspond with her bond renewal date, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the reappointment of Police Chief Leonard as Keeper of the Lock for a one year term expiring on the 1st Monday of February 2010, **APPROVED**; adopted.

ORDERED: That the reappointment of John Rowe to the Board of Health for a term to expire the 1st Monday in February 2012, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the reappointment of Raymond Johnson to the Library Board of Trustees for a three year term to expire the 1st Monday in February 2012 and to submit the name of William Brewin to assume the position now held by Claude Tsai who will be unable to continue past his term which expires on February, 2, 2009 and that William Brewin's term would expire the 1st Monday in February 2012, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the reappointment of John Peltier and Kevin Boyle as Fence Viewers for terms of one year expiring on the 1st Monday of February 2010, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the position of the City Solicitor, from one of appointment co-terminus with the term of the Mayor, to one of appointment by the Mayor for a term of five years, **FILE**; adopted.

ORDERED: That the request for a full time City Planner position, refer to **LEGISLATIVE AND LEGAL COMMITTEE**; adopted.

ORDERED: That the Proposed Acquisition of Sewer Pump Station and Access Easement at 728 Donald Lynch Boulevard, refer to **LEGISLATIVE AND LEGAL AFFAIRS**; adopted.

ORDERED: That the Fiscal Year 2010 Tentative Budget for Assabet Valley Regional Technical School District, **FILE**; adopted.

ORDERED: That the application of Post Road Used Auto Parts for renewal of Junk Dealer's license, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, TO BE ANNOUNCED ONCE CITY COUNCIL SCHEDULE IS SET FOR 2009**, as the date for a **PUBLIC HEARING** on Application for Special Permit from Attorney Anderson, on behalf of New Cingular Wireless PCS, for co-location, construction and operation of a Wireless Communications Facility on and next to the existing multi-carrier monopole located at 860 Boston Post Rd. East, refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the Agreement to Extend Time Limitations on the Application for Special Permit from Andy Candiello, on behalf of MetroPCS Massachusetts for proposed installation of a telecommunications facility onto the existing water tank located at 97 Arnold St. Ext. to February 3, 2009 at 5:00 PM, **APPROVED**; adopted.

ORDERED: That the request from Attorney Gadbois re: request to withdraw minor modification of Fore Kicks Special Permit Order No. 07/08-1001465F, **FILE**; adopted. **(Councilor Vigeant abstained)**

ORDERED: That the minutes, Community Development Authority , November 6, 2008 **FILE**; adopted.

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

A. John Grant, 45 Hutchinson Dr., vehicle damage

Reports of Committees:

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

Order No. 08-1001971B – Application for Special Permit from MetroPCS Massachusetts LLC for proposed installation of a telecommunications facility onto the existing water tank located at 97 Arnold St. Ext. Recommendation of the Wireless Communication Committee is recommend approval, per draft decision submitted by Petitioner and to have the City Solicitor further amend condition 12, & to Suspend the Rules to refer to City Solicitor to be put in proper form and place item on the January 5, 2009 agenda 5-0.

Suspension of the rules requested – granted

ORDERED: That the transfer request in the amount of \$5,000.00 which moves funds from Omnipoint/T-Mobile for the easterly wastewater facility installation to a new Stabilization account, Recycling Swap Shack, **APPROVED**; adopted.

FROM:

Acct. # 100-35900 \$5,000.00

Undesignated Fund

TO:

Acct. # 83600-32721 \$5,000.00

Recycling Swap Shack

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Suspension of the rules requested – granted

ORDERED: That the transfer request in the amount of \$190,000.00 which moves mitigation funds received relative to the Design Pak redevelopment project to Affordable Housing Stabilization Fund, **APPROVED**; adopted.

FROM:

Acct. # 100-35900	\$190,000.00
Undesignated Fund	

TO:

Acct. # 83600-32718	\$190,000.00
Affordable Housing	

Suspension of Rules requested - granted

ORDERED: That the transfer request in the amount of \$39,850.24 which moves funds from Undesignated Fund to Open Space per City's annual payment agreement with Ward Mountain LLC, **APPROVED**; adopted.

FROM:

Acct. # 83600-11520	\$39,850.24
Open Space Stabilization	

TO:

Acct. # 19300006-58170	\$39,850.24
Open Space	

Suspension of Rules requested - granted

ORDERED: That the \$10,000,000.00 Massachusetts Opportunity Relocation and Expansion (MORE) grant to be used to address the federally-mandated upgrades to the wastewater treatment plants, **APPROVED**; adopted.

Suspension of the rules requested – granted to allow the DPW Commissioner to speak regarding the recent ice storm and to capsulize what steps the DPW Dept. will take pertinent to the clean-up as well as what the residents of Marlborough can do regarding the tree debris.

Suspension of Rules requested - granted

ORDERED: Pursuant to Condition 38 of the Special Permit granted on May 21, 2007 by the Marlborough City Council to Fore Kicks II, Inc. and recorded in the Middlesex South District Registry of Deeds at Book 50116, Page 30, the Conservation Restriction conveyed by Fore Kicks II Limited Partnership to the City of Marlborough, acting by and through its Conservation Commission, **APPROVED**; adopted.

MOTION: That any temporary occupancy permit granted by the Building Inspector be rescinded as of June 1st, 2009 if all conditions of the Special Permit have not been fulfilled.

Suspension of Rules requested - granted

ORDERED: That the application for Special Permit from MetroPCS Massachusetts LLC for proposed installation of a telecommunications facility onto the existing water tank located at 97 Arnold St. Ext., refer to **CITY SOLICITOR TO AMEND CONDITION 12 & BE PUT IN PROPER FORM FOR JANUARY 5, 2009 CITY COUNCIL MEETING**; adopted.

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ORDERED: That the appointment of Ronald Guest to a vacant position on the Cable Advisory Board with no term associated with said appointment, **APPROVED**; adopted.

ORDERED: That the status of Morgan Elwood from an alternate to a full board member of the Council on Aging for a term to expire on May 1, 2011, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 10:30 p.m.



IN CITY COUNCIL

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Marlborough, Mass., _____ DECEMBER 15, 2008

ORDERED:

Now being the time set for the CONTINUED PUBLIC HEARING On the Application for Special Permit from The Gutierrez Co. to develop Map 67, Lot 45 & Map 68, Lot 30A, Lakeside Ave. and Elm St., located in the Business District for multi-family dwellings per Article 200, Section 13, Paragraph C, Sub-paragraph 4 of the City of Marlborough Zoning Bylaws, with a continuation to January 5, 2008.

(IN URBAN AFFAIRS COMMITTEE)

ADOPTED

ORDER NO. 08-10082051A



IN CITY COUNCIL

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Marlborough, Mass., NOVEMBER 24, 2008

ORDERED:

Suspension of Rules requested - granted

That there being no objection thereto set **MONDAY, JANUARY 5, 2009** as the date for a **PUBLIC HEARING** on the request from the Mayor, on behalf of the Marlborough License Board, to convert Two Current Beer & Wine Package Store Licenses to All Alcoholic Package Store Licenses through the adoption of an Initiative Petition by the State Legislature, be and is herewith **ADVERTISE**.

ADOPTED

ORDER NO. 08-1001983A



City of Marlborough
Office of the Mayor

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

Nancy E. Stevens
MAYOR

Karen E. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

December 28, 2008

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

Honorable President Vigeant and Councilors:

The Marlborough Police Department has received two grants from the Commonwealth of Massachusetts Executive Office of Public Safety and Security. The first, in the amount of \$27,395.42, is specific to community policing activities, programs, purchases or related construction and is made available through EOPS' Community Policing Grant Program for FY2009. The second, in the amount of \$15,000, is a reimbursement grant requiring a 20% in-kind match (man hours and vehicular expenses). Increased traffic enforcement patrols as well as the purchase of traffic safety and enforcement equipment is planned for these grant funds.

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

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

Sincerely,

Nancy E. Stevens
Mayor

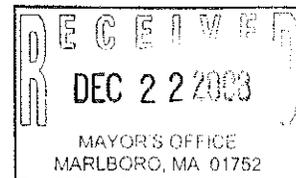
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City of Marlborough POLICE DEPARTMENT

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

MARK F. LEONARD
Chief of Police



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

December 16, 2008

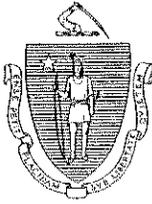
Dear Mayor Stevens:

The Marlborough Police Department has been awarded a Community Policing grant for FY2009 in the amount of \$27,395.42 from the Executive Office of Public Safety and Security. The grant will be used to support the police department's community policing officers and community services unit.

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

Sincerely,

Mark F. Leonard
Chief of Police



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

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Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

One Ashburton Place
Boston, Massachusetts 02108
Tel: (617) 727-7775
TTY Tel: (617) 727-6618
Fax: (617) 727-4764
www.mass.gov/eops

Kevin M. Burke
Secretary

November 14, 2008

Mark F. Leonard, Chief
Marlborough Police Department
355 Bolton Street
Marlborough, MA 01752-3935

Dear Chief Leonard:

I am pleased to inform you that the City/Town of Marlborough has been awarded \$27,395.42 through the Fiscal Year 2009 state-funded Community Policing Grant Program. Funds received from this grant shall be used only for items that are related to community policing activities, programs, purchases or construction. These funds must be expended within 12 months of when they are received, and unexpended funds must be returned to the Commonwealth at the end of the 12-month period.

Your funds should be available within the next several weeks. As funds are disbursed or scheduled to be disbursed, these dates will appear on the VendorWeb (<https://massfinance.state.ma.us/VendorWeb/vendor.asp>). You can access the VendorWeb by entering your vendor code and the last four digits of your taxpayer identification number (which should be available from your finance department). Click on "payment history," then choose "EPS" for payments from the Executive Office of Public Safety and Security.

If you have further questions, please contact Kevin Stanton, at Kevin.Stanton@state.ma.us or 617-725-3363.

Congratulations to your department and to your community.

Sincerely,

Kevin M. Burke
Secretary of Public Safety

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CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: Police DATE: 12/16/2008

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Lt. David Vaillancourt

NAME OF GRANT: FY2009 Community Policing Grant

GRANTOR: Mass. Executive Office of Public Safety and Security

GRANT AMOUNT: \$27,395.42

GRANT PERIOD: Nov. 2008 to Nov. 2009

SCOPE OF GRANT/
ITEMS FUNDED Community Policing overtime, supplies, training, programs
Motorcycle lease
RAD classes
Rail trail patrols
Training
Community Policing events, services, overtime

IS A POSITION BEING
CREATED: No

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? _____

ARE MATCHING CITY
FUNDS REQUIRED? No

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

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

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: No

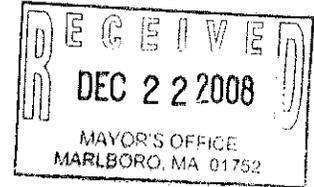
**DEPARTMENT HEAD MUST SUBMIT THIS FORM, A COPY OF THE GRANT APPROVAL, AND A COVER
LETTER TO THE MAYOR'S OFFICE REQUESTING THAT THIS BE SUBMITTED TO CITY COUNCIL
FOR APPROVAL OF DEPARTMENT TO EXPEND THE FUNDS RECEIVED FOR THE PURPOSE OF THE GRANT**



City of Marlborough POLICE DEPARTMENT

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

MARK F. LEONARD
Chief of Police



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

December 16, 2008

Dear Mayor Stevens:

The Marlborough Police Department has been awarded a grant in the amount of \$15,000 from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security. The grant is a reimbursement grant, and \$10,000 will be used for officer overtime for traffic enforcement and \$5,000 will be used to purchase traffic enforcement equipment.

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

Sincerely,

Mark F. Leonard
Chief of Police

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CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: Police Department DATE: 12/16/2008

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Captain Timothy Naze

NAME OF GRANT: EOPSS 2008-2009 Traffic Enforcement and Equipment Grant

GRANTOR: Executive Office of Public Safety and Security

GRANT AMOUNT: \$ 15,000 17,000

GRANT PERIOD: December 2008- September-2009

SCOPE OF GRANT/
ITEMS FUNDED High Visibility Traffic Enforcement and Equipment
Traffic Enforcement Patrols
Traffic Safety Equipment

IS A POSITION BEING
CREATED: No

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? _____

ARE MATCHING CITY
FUNDS REQUIRED? 20% in-kind Match of total project

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:
Man Hours
Vehicle/ Fuel

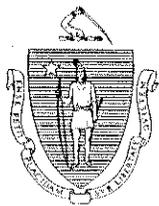
IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS TO
BE USED:

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: ASAP

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

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The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

One Ashburton Place
Boston, Massachusetts 02108

Tel: (617)727-7775
TTY Tel: (617) 727-6618
Fax: (617) 727-4764
www.mass.gov/eops

Deval L. Patrick
Governor

Kevin M. Burke
Secretary

Timothy P. Murray
Lieutenant Governor

December 8, 2008

Chief Mark Leonard
Marlborough Police Department
355 Bolton Street
Marlborough, MA 01752

Dear Chief Leonard:

I am pleased to inform you that your FFY 2009 Traffic Enforcement and Equipment Grant Application has been approved for funding. The Police Department has been awarded \$15,000 for five Mobilizations and equipment.

The official start date of your grant is December 12, 2008 for the "Drunk Driving, Over the Limit. Under Arrest." Mobilization. You will not be reimbursed for any costs incurred in advance of this date. All funds must be expended by September 30, 2009.

If you have any questions, please contact Caroline Hymoff at 617.725.3334 or at Caroline.Hymoff@state.ma.us or Sheila Burgess, Director of the Highway Safety Division, at (617) 725-3307. Congratulations on your award.

Sincerely,

Kevin M. Burke
Secretary of Public Safety and Security

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2008-2009 Traffic Enforcement and Equipment Grant Budget

Enforcement Mobilizations

Five Mobilizations at \$2,000 each.....\$10,000

*Equipment, Training and Materials

(once approved to be purchased after July 1, 2009).....\$5,000

Maximum Obligation: \$15,000

Mobilization Dates:

No Participation in November 2008 Mobilization

Drunk Driving. Over the Limit. Under Arrest.
December 12, 2008 – January 4, 2009

Road Respect
April 3, 2009 through April 26, 2009

Click It or Ticket
May 11, 2009 through May 31, 2009

Click It or Ticket
July 1, 2009 through July 21, 2009

Drunk Driving. Over the Limit. Under Arrest
August 14, 2009 through September 7, 2009

Equipment, Training and Materials Funding:

Funding will be released after July 1, 2009 and after successful completion of the 2009 Road Respect and Click It or Ticket Mobilizations. HSD will issue an Authorization to Proceed Form prior to any action to be taken by department.

Department may not conduct a Mobilization for reimbursement until contractor receives verbal or written notification of approval by EOPSS.

Naze, Timothy

From: Hymoff, Caroline (OGR) [Caroline.Hymoff@state.ma.us]
Sent: Monday, December 08, 2008 5:07 PM
To: Leonard, Mark
Cc: Naze, Timothy
Subject: FW: EOPSS Grant Award
Attachments: 2008-2009 contract_scope_.doc; 2008- 2009 Reimbursement Procedures.doc; 2008-2009 scope of service Part 1.doc; Award letter Marlborough.doc; \$15,000 BUDGET (\$2000 each for five mobilizations and \$5000 equipment) (3).doc

Good afternoon. On behalf of the Executive Office of Public Safety and Security, please accept this email and attachments as authorization to proceed with the 2008-2009 Traffic Enforcement and Equipment Grant, effective with the Mobilization on December 12, 2008-January 4, 2009. We look forward to working with you and Captain Naze.

All reporting forms for the "Drunk Driving, Over the Limit, Under Arrest" Mobilization have been posted to the website along with a sample news release for your use. If there are any questions, please do not hesitate to contact us.

Please note: Due to delays on the availability of federal funds, please do not proceed with any future mobilizations until you receive written or email authorization from me.

Please confirm receipt of this email. Thank you. Caroline

Caroline J. Hymoff
Senior Program Manager
Highway Safety Division
Office of Grants and Research
Executive Office of Public Safety and Security
10 Park Plaza, Suite 3720
Boston, MA 02116
Direct Telephone: 617.725.3334
Fax: 617.725.0260 or 0267
Caroline.Hymoff@state.ma.us
www.mass.gov/highwaysafety

Remember to buckle up! Every time, every trip.

FFY 2009 SCOPE OF SERVICES
High Visibility Enforcement and Equipment Grant

In support of the 2008-2009 Traffic Enforcement and Equipment Grant Program, the Police Department will conduct high visibility traffic enforcement in accordance with the original Application for Grant Funds (AGF) (copy located on website at www.mass.gov/highwaysafety) and its application submitted to the Executive Office of Public Safety and Security (EOPSS) which is on file at the Highway Safety Division (HSD).

- No grant enforcement activity can occur until a contract has been signed by the city or town and the Executive Office of Public Safety and Security. No costs incurred will be reimbursed before the city or town receives written or verbal notification of the official start date from the EOPSS/HSD. There can be no exceptions.
- Enforcement activity must only be conducted during the mobilization periods listed on the attached program budget and under the terms detailed in the AGF.
- Patrols under this grant must be no less than two hours or greater than four in length and devoted solely to traffic enforcement activities. If more than four hour patrols per day by the same officer are to be conducted, a non-EOPSS funded two hour patrol must occur in between the EOPSS funded patrols.
- Departments may conduct overtime activity every day of the week, with more than 50% conducted between Thursdays and Sundays, and any time of the day to target impaired driving, lack of safety belt use, speeding, drag racing and other risk-taking motor vehicle behaviors.
- With prior EOPSS/HSD approval and a department plan, the department will be allowed to increase the number of hours beyond the four-hour block and the number of personnel assigned to conduct sobriety checkpoints during the two Drunk Driving. Over the Limit. Under Arrest. Mobilizations. Only sobriety checkpoints conducted in cooperation with the Massachusetts State Police are permitted.
- Officers funded during this grant shall be dedicated in total to traffic law enforcement, except in the case of a criminal offense committed in the officer's presence, in the case of response to an officer in distress, in the case of a riot where all available personnel must be committed.
- If an officer makes an arrest during the shift, but does not complete the arrest before the shift is scheduled to end, the officer can continue working under the grant to complete that arrest. Requests for reimbursement must not exceed the Mobilization budget per department **and must be noted.**
- Patrols for the Drunk Driving. Over the Limit. Under Arrest. Mobilizations should target between 2 p.m. and 7 a.m. Wednesday through Sundays. HOWEVER, departments may conduct overtime activity every day of the week, and any time of the day to target impaired driving, lack of safety belt use, speeding and other risk taking motor vehicle behaviors.
- Patrols should be one officer per cruiser; however, multiple cruisers may be out at one time in different locations in the community.
- Funding is allocated evenly among each mobilization period. Upon completion of one mobilization period, any remaining funding is unavailable and cannot be rolled over to the next mobilization.

- **Grant patrols should generate a minimum of three documented motor vehicle stops per hour.**
- All patrols must be conducted by personnel who meet the criteria as detailed in AGF.
- All public communications and/or news releases regarding the grant must state the Executive Office of Public Safety and Security is the funding source. Prior approval must be obtained for news releases related to this program not based on sample releases provided by the HSD on the website at www.mass.gov/highwaysafety.
- In-kind services, events, activities and associated costs must be documented and provided to the HSD along with the expenditure and activity reports for grant files. The required In-kind match must be in accordance with established amounts agreed upon in the AGF and the Police Department's proposal.
- Activity and Expenditure Forms must be submitted for reimbursement by the dates noted on the forms. Failure to submit these forms in a timely manner may subject the grant to suspension or termination.
- Lack of activity for any mobilization period may subject the grant to suspension, termination or non-reimbursement.
- During the grant period, with 48 hours notice, audits may be conducted of department's enforcement records. All departments must keep on file copies of all citations written under the EOPSS enforcement grant and additional pertinent information for three years after the grant terminates.
- Departments are eligible to purchase equipment, materials and training services between \$3,000 and \$12,000, based on population, only after successful completion of the 2009 Road Respect and Click It or Ticket Mobilizations. Department will receive an EOPSS *Authorization to Proceed* form and be based on an approved list of equipment, materials or training, or written approval for an alternative item(s). Only then can purchases be made after July 1, 2009 and received prior to September 30, 2009. No items may be purchased prior to July 1, 2009. The EOPSS reserves the right to change equipment purchase dates and approved items.
- Departments must adhere to additional equipment purchase guidelines as outline in AGF.
- This is a cost reimbursement grant.
(FFY09)

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ENFORCEMENT MOBILIZATIONS - Reporting and Reimbursement Procedures

Please refer to the 2008-2009 Traffic Enforcement and Equipment Grant Narrative listed on www.mass.gov/highwaysafety and your Scope of Service for additional information.

One signed original and one copy of all reporting forms are required for reimbursement consideration. Include the name of the department and the amount of funding awarded per mobilization.

EXPENDITURE REPORTING FORM

This form acts as your bill for overtime enforcement patrols during a mobilization period. All forms will be located at www.mass.gov/highwaysafety. You may prepare the forms located on line, print them out, obtain authorized signature and return them to the Highway Safety Division (HSD). No faxes are allowed. Forms submitted must indicate each patrol for which you are seeking reimbursement during each mobilization. If more than one Expenditure Reporting Form is necessary per mobilization period, please copy the appropriate form. Be sure that the first page includes the total reimbursement requested. Do not include your in-kind total on the Expenditure Report form total.

IMPORTANT – If you are calculating hourly rates using 4 decimal places, be sure to show the complete figure in your report, otherwise it will show up as an error and will be changed by Highway Safety Division.

The Chief or Authorized signatory's handwritten signature and date are required on the first page of an Expenditure Report. Please sign in blue ink.

ACTIVITY REPORTING FORM

This form acts as a record of what occurred during each two to four hour block conducted in a mobilization period. The intent of each patrol is to generate documented stops. A minimum of three documented stops per hour is the suggested law enforcement activity under this grant program. For each mobilization period, departments are required to document in writing reasons Performance Measures were not met or risk non-reimbursement.

When reporting activity, please use only one line for each 2-4 hour block. No four hour, back-to-back blocks are allowed by the same officer without a non-funded two hour block in between. Please be sure that all reporting forms are correct and all columns are totaled down. If an activity report is more than one page, you must have one grand total for each column down.

IN-KIND REPORT FORMS

You are required to submit an In-Kind Report Form for any expenses that occurred during the grant period that are not charged to the grant. Each department has an identified minimum in-kind match amount to meet before the end of the grant year. Please refer to the Grant Narrative for specific details.

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ADDITIONAL INFORMATION

Expenditure, Activity, and In-Kind Forms are due for each Mobilization period on the date indicated. Failure to submit a report may cause suspension, termination or non-reimbursement.

If there is a mobilization where no patrols were conducted, a memo must be sent in place of the report, stating why no patrols were run. Failure to conduct any contracted mobilization may subject the grant to suspension or termination.

Please be sure that all reporting forms are correct. Reports incorrectly filled out or containing errors may be returned and will delay reimbursement. All grants are reimbursable.

If you have any questions regarding your grant program and reimbursements, email Caroline.Hymoff@state.ma.us.

A series of grant administration meetings will be conducted on a voluntary basis to assist departments. Dates and locations will be posted on the website at www.mass.gov/highwaysafety.

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Scope of Work – Traffic Enforcement and Equipment Grant Program

Eligible enforcement activities under this contract include funding for high visibility traffic enforcement of motor vehicle laws, including but not limited to, speeding and aggressive driving, impaired driving and occupant protection.

In addition, this contract provides for the funding of certain traffic safety equipment and materials supportive of the enforcement activities as specified in the annual application for grant funds.

Changes to this scope may be made as part of the annual Highway Safety Plan and the annual Federal Grant Award that provide for this grant program.

Amounts received each year will be specified in the award letters issued to the jurisdiction.

The receipt of funds is subject to availability of funds and any other provisions specified in the Highway Safety Plan and the Federal Grant Award. The use of a multiple year contract is merely being used to streamline the contracting process and reduce the amount of annual paperwork associated with this grant/program. All funding shall be subject to Federal Grant Awards and contracts shall terminate in the event funds are exhausted and/or not made available by the Federal Government for this program. If the grantee makes obligations in anticipation of receiving funds under this grant, the grantee does so at their peril and the Commonwealth will be under no obligation to make payments for such performance.



City of Marlborough
Office of the Mayor

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

Nancy E. Stevens
MAYOR

Karen M. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

December 30, 2008

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

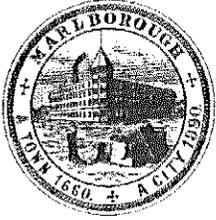
Honorable President Vigeant and Councilors:

This letter serves to inform you that I have appointed Karen Kisty as Acting Personnel Director effective upon the departure of Sue Ellis on January 6, 2009. Krista Holmi will assume Ms. Kisty's duties as the Executive Aide to the Mayor for the period during which Ms. Kisty serves as Acting Personnel Director.

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

Sincerely,

Nancy E. Stevens
Mayor



City of Marlborough
Office of the Mayor

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

Nancy E. Stevens
MAYOR

Karen A. Kistly
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

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December 16, 2008

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

Honorable President Vigeant and Councilors:

I am submitting herewith the names of Lawrence Roy and Michelle Higgins for reappointment to the Conservation Commission. In speaking with the Commission Chair, I have learned that the contribution by both of these individuals to the Commission and to the protection of the City's open space and natural resources is commendable. Both reappointments would be for a period of three years expiring on March 5, 2012.

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

Sincerely,


Nancy E. Stevens
Mayor

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**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

KATHERINE M. KIMBER
PARALEGAL

December 31, 2008

Arthur Vigeant
President
Marlborough City Council

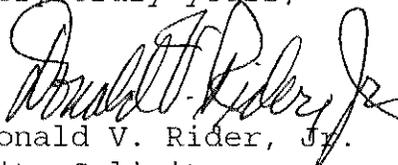
RE: Order 08-1001971B-1
Special Permit Application
MetroPCS Massachusetts, LLC
97 Arnold Street Ext.

Dear President Vigeant and Members:

Pursuant to Chapter 200-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed findings on the special permit application submitted by MetroPCS Massachusetts, LLC for co-location at 97 Arnold Street Ext. The application is for co-location of six (6) wireless communications panel antennas on an existing telecommunications tower, and one (1) GPS antenna mounted on a proposed ice bridge, as well as placement of the associated equipment within an existing compound on the ground.

I have enclosed a copy of the proposed decision. I certify that that decision is in proper legal form.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure
cc: Francis D. Parisi, Esquire

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**DECISION ON A SPECIAL PERMIT
METROPCS MASSACHUSETTS, LLC
CITY COUNCIL ORDER NO. 08-1001971**

Re: 97 Arnold Street Ext., Marlborough, MA

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to METROPCS MASSACHUSETTS, LLC, having a usual place of business at 285 Billerica Road, Third Floor, Chelmsford, MA 01824, as provided in the Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is METROPCS MASSACHUSETTS, LLC, having a usual place of business at 285 Billerica Road, Third Floor, Chelmsford, MA 01824 (hereinafter "Applicant").
2. Through its Application to City Council for Issuance of Special Permit (hereinafter "Special Permit Application"), the Applicant seeks permission to allow co-location of six (6) wireless communications panel antennas on an existing water tank, and one (1) GPS antenna mounted on a proposed ice bridge, and supporting equipment on the ground within an existing compound (hereinafter "Proposed Wireless Communications Device Project" or "Proposed WCD Project"), substantially as depicted on a set of plans entitled "BOS0482A MARLBOROUGH WATER TANK," by Chappell Engineering Associates, LLC, dated 7/17/08, as submitted with the Special Permit Application, (hereinafter "Plans").
3. The location of the Proposed WCD Project is 97 Arnold Street Ext., Marlborough, MA and is more particularly identified on the Assessor's Map of the City of Marlborough as Map 68 of Lot 80 (hereinafter "the Site"). The owner of record for the Site is the CITY OF MARLBOROUGH.
4. The Applicant is a prospective lessee of the City of Marlborough, which owns the existing water tank at the Site as well as the underlying compound area.
5. The Site is zoned A-3 (Residence). Wireless Communication Devices are allowed by grant of Special Permit in A-3 (Residence) Zoning Districts.
6. The Special Permit is being sought pursuant to Article VI, Section 200-25 and Article VIII, Section 200-59 of the Zoning Ordinance set forth in the City Code of the City of Marlborough (hereinafter "Marlborough Zoning Ordinance").

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7. Pursuant to the Rules and Regulations of Application for Special Permit (hereinafter "Rules and Regulations"), the City Planner certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
8. The Applicant has complied with all of the applicable rules of the Rules and Regulations.
9. The City of Marlborough City Council held a public hearing on the Proposed WCD Project on October 6, 2008, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law. By written agreement by and between the Council and the Applicant, timely filed with the City Clerk for the City of Marlborough, the time period for a decision by the Council on the Applicant's application was extended until February 3, 2009.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing demonstrating that the Proposed WCD Project meets all the applicable Special Permit criteria of Article VI, Section 200-25 and Article VIII, Section 200-59 of the Marlborough Zoning Ordinance.
11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCD Project's compliance with the applicable Special Permit criteria.
12. The Council, in reviewing the Applicant's Special Permit Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 200-25 and Article VIII, Section 200-59 of the Marlborough Zoning Ordinance, applicable to the Proposed WCD Project.

**BASED UPON THE ABOVE, THE MARLBOROUGH CITY
COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT
AND TAKES THE FOLLOWING ACTIONS**

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Special Permit Application.
- B) The Site is an appropriate location for the Proposed WCD Project and the Proposed WCD Project is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this decision.
- C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Facilities,

including Wireless Communication Devices, enumerated in Article VI, Section 200-25 and Article VIII, Section 200-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCD Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.

D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the Marlborough Zoning Ordinance, **GRANTS** the Applicant a Special Permit, **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 12:**

- 1) The Proposed WCD Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Applicant's Special Permit Application, as amended during the application/hearing process, and in compliance with the Conditions of the Grant of Special Permit as well as with the conditions set forth in Chapter 200-25F of the Marlborough Zoning Ordinance.
- 2) All plans, site evaluations, briefs and other documentation provided by the Applicant as part of its Special Permit Application are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
- 3) The Applicant shall comply with all rules, regulations, ordinances and statutes of the City of Marlborough, the Commonwealth of Massachusetts and the Federal Government as they may apply to the construction, maintenance and operation of the Proposed WCD Project.
- 4) All terms, conditions, requirements, approvals, plans and drawings required hereunder are hereby made a part of and incorporated herein as a condition to the issuance of this Special Permit.
- 5) Applicant shall minimize the visual impacts of the Proposed WCD Project by screening and/or color coordination as may be depicted on the Plans and other demonstrative evidence submitted as part of the Special Permit Application.
- 6) Applicant shall pay to the City of Marlborough Open Space Account #100-2410-44515, as mitigation for the alleged impacts caused by the subject of this Special Permit, the annual sum of One Thousand Five Hundred (\$1,500.00) dollars, the first payment due and payable at the time of the issuance of the building permit hereunder, or within one year of the approval of Special Permit, whichever is earlier, and the subsequent payments to be due and payable on January 2, or the first business day thereafter, of each calendar year in which the WCD referenced in this Special Permit is still in operation. Failure to make the payment in a

timely manner shall constitute a violation of the Special Permit, and the Applicant shall pay an additional sum of \$500 per quarter or portion thereof after the payment due date that the Applicant has failed to make payment.

- 7) Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the Proposed WCD Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCD Project only in cases of power outages to the Proposed WCD Project and for purposes of routine testing and maintenance. The noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 134 of the City Code of the City of Marlborough.
- 8) No operation of this Proposed WCD Project shall commence until the Applicant has received written approval from the Building Inspector that all the conditions herein have been satisfied.
- 9) Applicant shall be subject to site plan review if applicable.
- 10) Applicant shall securely attach cables to the outside of the tank in such a manner as to prevent noise and/or other disturbance that would be obtrusive to the neighborhood.
- 11) In accordance with the provisions of Mass. Gen. Laws c. 40A, § 11, the Applicant at its expense shall record this Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed.
- 12) As soon as practicable but in any event within one (1) month after the date when a certificate of use and occupancy has been issued to the Applicant by the City of Marlborough's Building Commissioner for the Proposed WCD Project, Applicant shall submit a written report to the City Council; provided, however, that if the Proposed WCD Project has not yet become operational within the one-month period after said issuance date, then the Applicant must immediately provide the City Council with written notification as to the date when the Proposed WCD Project does become operational and, further, must submit said written report within one (1) month after said operational date. The written report to the City Council i) shall provide measurements as to the actual output of radio frequency energy emitted by the Proposed WCD Project; ii) shall certify that the Proposed WCD Project fully complies with all applicable health and safety standards; and iii) shall provide measurements of the actual output of the total radio frequency energy being emitted by all Wireless Communications Facilities (as defined in Section 200-25 of the

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Marlborough Zoning Ordinance) then located at the Site. The Applicant agrees to operate its Proposed WCD Project in compliance with all applicable health and safety standards. In the event that there are any changes in or upgrades to the Proposed WCD Project that may increase the actual output of radio frequency energy emitted by the Proposed WCD Project, the Applicant shall submit a letter to the City Council as soon as practicable but in any event within one (1) month after the date of completion of those changes or upgrades. The letter i) shall state what the changes or upgrades are; ii) shall provide measurements specifying how the actual output of radio frequency energy emitted by the Proposed WCD Project has been increased; iii) shall provide measurements of the actual output of all radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site; and iv) shall certify that the Applicant's changes or upgrades have not caused the total radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site to exceed any applicable health and safety standards.

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MetroWest Regional Transit Authority

Advisory Board
Meeting Minutes
Monday, October 27, 2008

The Metrowest Regional Transit Authority Advisory Board meeting was held on October 27, 2008 at 4:00 p.m., at the maintenance and operations facility of the MWRTA, located at 160 Waverley Street, Framingham, MA, at the call of Chairman, John Stasik, Framingham. Mr. Stasik asked for a roll call of communities. In attendance was; Philip Jack, Ashland, Martin Shapiro, Disabled Community Representative, Edward Carr, Administrator, Charles Stevenson, Counsel, Christopher Peck, Sherborn, Charles Hughes, Natick, Joseph Nolan, Wayland, Carl Damigella, Holliston, Kristin Kiesel, Sudbury, Karen Kisty, Marlborough, Betty Solderholm, Southborough, and Toni Wolf, Weston. A quorum was declared. Betty Solderholm made a *motion to waive the reading of the previous minutes*; it was seconded by Carl Damigella, and approved unanimously. Christopher Peck *made a motion to approve the previous minutes*; it was seconded by Carl Damigella, and approved unanimously.

Administrator's report:

- **Fixed Route Service:**

First Transit has hired a **New Safety Training Supervisor**. First Transit personnel have been sent to the MBTA for **electronic farebox training**, at no cost to the RTA.

- **Demand Response:**

Components of the demand response service are now coming together. The **Marlborough / Southborough** piece is stabilizing at approximately **two thousand rides per month**. The RTA is planning for **service expansion in January 2009**. The RTA will coordinate with Busy Bee Transportation and the member towns COA's, so that calls will come through the RTA call center.

Elise Marcil, Larry Harman, and the Administrator received a tour from Joanne Thompson, from Thompson Transit, of **"THE RIDE"** facility in Jamaica Plain.

Larry Harman, technical director of the RTA call center, will address the board at their next meeting with an update on call center operations.

- **Audited Financial Statement:**

The Audit was completed by Auditor Roland Lambalot. The RTA finished the year under budget and a copy of the **"clean audit"** was sent to the Commonwealth of Massachusetts and a copy was also given to each board member.

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- **Consumer Advisory Committee:**

Letters will go out next week to **eight possible candidates** for the committee. Mr. Carr will send the list of names to the board members.

- **Marketing:**

Martin Shapiro will be taping a segment for the RTA show that will **air on cable**. Eva Willens will give a marketing update later on in the agenda.

Comments on the Administrators Report:

Mr. Stasik asked Mr. Carr how **transfers** to and from Natick/Framingham and other communities, would occur. Mr. Carr stated that discussions are ongoing regarding just how trips will be done, but that by January 2009 the RTA will have some vehicles to **start the service**.

- **Senator Spilka:**

Senator Spilka was unable to attend the meeting this month. Carl Damigella suggested that an **interim meeting with the Senator** be scheduled before the next board meeting.

Old Business:

- **Audited Financial Statements:**

The **Audited Financial Statements** were completed by Auditor, Roland Lambalot. The RTA finished the fiscal year **under budget**. The "**clean audit**" was forwarded to the Commonwealth of Massachusetts. Each board member also received a copy.

Mr. Hughes asked if the RTA had **any unfunded liabilities** for retirement or health insurance. Mr. Carr stated that there were no unfunded liabilities for FY08. Mr. Hughes asked about budgeting for those costs going forward. It was stated that as soon as the Framingham Retirement Board establishes what the RTA liability is, the RTA will conform to it and reduce and eliminate that liability.

Mr. Hughes also wanted to know what the RTA would do if the state does not pay all of what is owed to them. Mr. Carr stated that what usually happens is that a **supplemental budget** is passed by the Legislature to cover any unfunded liabilities from the RTA's.

Mr. Jack asked other than farebox collections, where do the revenue funds come from? Mr. Carr stated that the RTA also receives "**Interdistrict funds**" as well. The RTA applies for those funds on an annual basis.

Mr. Jack asked Mr. Carr what the **cost comparison** was for fixed route versus demand response. Mr. Carr reported that fixed route service was much less costly per ride compared to demand response. Mr. Carr also stated that **CTPS** (Central Transportation Planning Staff), would be doing some cost analysis on service.

The **“Single Audit”** component of the Audit report was also discussed. It was stated that this was a federal requirement, and that it was seen as a management type report, which if any differences were found it would be shown in the audit. Mr. Carr stated that there were **no differences found**.

A recommendation was made that the board members give a copy of the audit report to their respective town’s Managers/Administrator’s.

A motion was made to receive the Audit report by Mr. Damigella; it was seconded by Mr. Jack, and approved unanimously.

- **Town of Weston Representative:**

Toni Wolf was welcomed as Weston’s new representative to the MWRTA Advisory Board.

- **By-Law Review and Approval:**

The draft By-Law document is intended to be a starting template for the board. It includes, at the pleasure of the board:

- The establishment of committees, including a finance committee.
- Board meetings to be held at least quarterly, according to the open meeting laws.
- Only the current designee may cast a vote.
- Board members must be present to vote.
- Votes will be weighted, calculated by each community’s assessment, according to statute Chapter 161B.
- Minutes shall be available to the public after being approved by the board.
- Officers will include; a Chairman, a Vice Chairman, and a Clerk.
- The election of officers will be held at the last scheduled board meeting of the fiscal year.
- The board will appoint the Administrator.
- The Administrator shall have full power to enter into contracts, hire employees, agents, and contractors, according to statute Chapter 161B.
- Annual operating budget to be adopted by June 1, of each fiscal year.
- An Independent Auditor shall be appointed by the board.
- By-laws may be amended by majority vote of the board.

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Comments on the By-laws:

Karen Kisty wanted the **Internal Auditor and the General Counsel** to be **approved by the board.**

Mr. Damigella stated his concern of a majority vote for amending the By-Laws. He expressed that a **2/3 weighted vote** of the quorum would be more reasonable.

The board discussed that before a vote was taken to amend a By-Law, the **chief elected official** of each community (if not the current board member), shall be notified in writing, 14 calendar days in advance of the vote.

Mr. Carr stated that the chief elected official of each community would be asked to send a letter annually, stating the name of that community's **current advisory board member.**

The board also discussed the inclusion of text stating that any contract that is entered into for a period of 3 years or more, *or* has a value of **\$500,000.00 annually** or more, or **5% of the operating budget**, which ever is greater, would need the **approval of the board.**

The various changes discussed will be made and an updated version will be presented to the board at a later date, for a vote.

- **CTPS Overview:**

Jonathan Belcher from CTPS (Central Transportation Planning Staff), presented the board with an **overview of the ongoing study on the RTA's routes.** He stated that the raw data collection process has been completed. Mr. Belcher talked about each route. Issues such as traffic delays, ridership volume, transfers, and cost efficiency were discussed.

The board members were asked to contact Mr. Belcher with any specific service issues that they feel need to be addressed in their individual towns.

Mr. Carr mentioned the possibility of adding more service to certain areas of some member communities. He suggested that because the MWRTA is new, if EOT is presented with supporting data that may suggest that Metrowest is under served, EOT may be inclined to **provide funding for new service.**

A brief overview was also presented on the logistics of the **"Green Line Shuttle"**, as well as other commuter service.

Mr. Carr mentioned the difficulty of attaining some of the **mitigation funds** due to the RTA from various member communities.

New Business:

- **Motion to Approve a Bond of the Administrator:**

Chapter 161B requires that the **Administrator post a bond** for the State Treasurer, with the amount of the bond to be determined and approved by the Advisory Board.

A motion to approve a bond of the Administrator in the amount of \$100,000.00 was made by Mr. Jack; it was seconded by Mr. Damigella, and approved unanimously.

- **Motion to Approve Salary Adjustment of the Administrator:**

A motion was made to approve a salary increase for the Administrator in the amount of 3%, retroactive to July 1, 2008, by Mr. Damigella; it was seconded by Mr. Peck, and approved unanimously.

- **Marketing:**

Eva Willens passed out copies of the **new schedules** to the board. Ms. Willens stated that the feedback from the new schedules has been very positive. Ms. Willens also stated that **route branding** data has begun.

Ms. Willens and David Parker have begun some **outreach** with regards to fixed route **travel training**.

The next meeting date was set for Monday, December 8, 2008.

A motion to adjourn was made by Ms. Kiesel at 5:45 p.m.; it was seconded by Mr. Jack, and approved unanimously.

###

Certificate

The undersigned being the duly qualified clerk of the MetroWest Regional Transit Authority Advisory Board, acknowledges that the foregoing minutes accurately reflect the actions taken at a legally convened meeting of the Advisory Board held on October 27, 2008.

Carl Damigella, Holliston

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Larry Foti, Clerk of Committees
City Hall
140 Main St.
Marlboro, MA 01752

December 10th, 2008

Dear Mr. Foti,

At the City Council meeting on November 18th, 2008, a proposal for converting two Beer and Wine licenses to Full Liquor licenses in the city was introduced. I am forced to wonder and question why.

The city of Marlboro presently has eight existing Full Liquor licenses placed strategically throughout the city. These locations give the residents and visitors to Marlboro an ease of beer, wine and liquor shopping for all neighborhoods and areas of commerce.

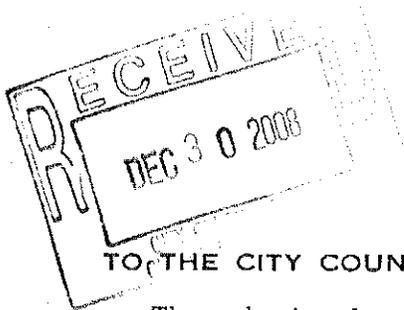
The population of the City of Marlboro since the year 2000 has grown at a rate of just 4.98% and between the years of 2000 to 2005 just 3.3%. The state of Massachusetts has seen an increase of just 2% between 2000 and 2008. This type of growth in the city and the state hardly warrants an increase of two Full Liquor licenses. By Massachusetts law a Full Liquor license can be issued for every 5,000 residents. As I stated before the city already has eight licenses which more than covers the almost 38,000 residents presently living in the city.

The existing eight Full Liquor licensees have worked very hard over the years to grow their businesses and serve the community. In most cases the existing licensees had to make substantial financial investments in their licenses and it is unfair to issue two new full licenses for just an initial investment of the \$1,200 license fee. As a local businessman I have worked very hard to increase my business over time and have invested in the community which I serve. During these difficult economic times this growth is difficult enough without adding unnecessary licenses in the city.

At this point in time the Full Liquor license presently held by the Pastille family is for sale, with the hope being that it will be moved to the East side of Marlboro, an area of the city in need of a Full Liquor license. The council would be best served by allowing a presently operating business to purchase this one license and keep the balance of licenses which presently exists in the city.

Sincerely,

Stephen P. Zettler, Owner
Marlboro Wine and Spirit Co.
(508)480-0088



325.00 paid
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MARLBOROUGH, MASS. 12/30/2008 19

TO THE CITY COUNCIL:

The undersigned Arch Stanton, LLC DBA (US Gold Network) respectfully requests that he be granted a Junk Dealers License. Arch Stanton is a scrap/precious metals dealer. We are seeking to buy broken or unwanted jewelry.

P. O. Address 225 Cedar Hill Street, 3rd Floor Marlborough, MA 01752
Phone 617.733.7090

Home Address: 94 Clements Rd
Newton, MA 02458

IN CITY COUNCIL

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Referred to Committee on Public Safety.

Clerk.

REPORT ON THE ABOVE PETITION

IN CITY COUNCIL

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

[Empty lines for committee report] } Committee

IN CITY COUNCIL

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Accepted and report of committee adopted.

Attest: Clerk.

Issued