

REGULAR MEETING
FEBRUARY 9, 2009

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:

1. Minutes, City Council Meeting, January 26, 2009.
2. Minutes, Joint Convention, January 26, 2009.
3. Application for Special Permit from MetroPCS Massachusetts LLC to install a telecommunications facility onto an existing water tank located at 115 Onamog St.
4. Communication from the Mayor re: transfer request in the amount of \$109,000.00 which moves \$95,000.00 from Police Officers to OT Regular, \$9,500.00 from Police Officers to Public Safety Dispatchers and \$4,500.00 from Police Officers to Holiday Pay accounts for anticipated Police overtime deficits for the remainder of the fiscal year.
5. Communication from the Mayor re: transfer request in the amount of \$41,427.05 which moves the funds from Fringes to the following accounts: Assessor Sick Leave Buy Back (\$833.95), Fire Sick Leave Buy Back (\$20,609.75) and DPW Forestry Sick Leave Buy Back (\$19,983.35).
6. Communication from the Mayor re: transfer request in the amount of \$12,000.00 which moves funds from Custodian to Gross Overtime as a result of snow removal and work performed while an employee is out on worker's compensation.
7. Communication from the Mayor re: transfer request in the amount of \$20,000.00 which moves funds from Firefighter to Additional Gross Overtime to cover an anticipated deficit based on figures for the last 22 pay periods of FY08.
8. Communication from the Mayor re: transfer request in the amount of \$93,500.00 which moves funds from and to various DPW accounts which represent actual and anticipated overtime deficits for the remainder of FY09.
9. Communication from the Mayor re: appointment of Karen Kisty for the position of Personnel Director for a term of three years expiring from the date of confirmation.
10. Communication from the Mayor re: reappointment of Mark Leonard as Police Chief for a four year term expiring on March 1, 2013.
11. Communication from the Mayor re: appointment of Cynthia Panagore Griffin and Krista Holmi to the Design Selection Board for terms expiring March 4, 2011 and March 4, 2010 respectively.
12. Communication from the Mayor re: reappointment of Tom Evangelous to the Parks and Recreation Committee for a term expiring on March 5, 2014.
13. Communication from the Mayor re: acceptance of an order which would name the Hildreth School recreational area Jeduthan Alexander Recreation Complex.
14. Communication from Council President Vigeant re: One-Man, One-Vote, Assabet Valley Regional Vocational School.
15. Communication from Council President Vigeant re: re-codified Code of the City of Marlborough.
16. Communication from City Solicitor Donald Rider re: proposed ordinance entitled "Abandoned and/or Foreclosing Residential Properties".
17. Communication from Tree Warden Chris White re: Vegetation Management, Yearly Operations Plan.
18. Petition from National Grid to install one new pole on Florence St. #14-50.
19. Minutes, Community Development Authority, December 22, 2008
20. Minutes, MetroWest Regional Transit Authority, December 8, 2008.
21. CLAIMS:
 - A. Joseph Pakus, 17 Red Spring Rd., vehicle damage
 - B. Anthony Kalustian, 400 Simpson Rd., vehicle damage
 - C. Donna Barthe, 99 Summer Hill Rd., Madison, CT., vehicle damage

REPORTS OF COMMITTEES:

22. ORDERED: That the City investigate green-building laws that meet industry-accepted standards and alternative power sources, such as wind power. Further ordered that this matter be referred to the Building Inspector and Legislative & Legal Affairs Committee to review green-building laws existing in the Commonwealth and how Marlborough could benefit from such new local standards.Submitted by Councilor Pope

UNFINISHED BUSINESS:

From Personnel Committee

23. **Order No. 08/09-1002076A Appointment 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. William Brewin's term would expire the 1st Monday in February 2012. Recommendation of the Personnel Committee is to approve 2-0.**
24. **Order No. 08/09-1002077 – Reappointment of John Peltier and Kevin Boyle as Fence Viewers for terms of one year expiring on the 1st Monday of February 2010. Recommendation of the Personnel Committee is to approve 2-0.**
25. **Order No. 08/09-1002092 – Reappointments of Lawrence Roy and Michelle Higgins to the Conservation Commission for terms to expire March 5, 2012. Recommendation of the Personnel Committee is to approve 2-0.**



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

**Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723
JANUARY 26, 2009**

Regular meeting of the City Council held on Monday January 26, 2009 at 8:06 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Schafer, Seymour, Clancy and Landers. Councilor Juaire was absent. Meeting adjourned at 8:32 p.m.

ORDERED: Minutes, City Council Meeting, January 5, 2009, **FILE**; adopted.

ORDERED: That the Council President recognized Boy's Scout Troop 41 who are working on their Communications Merit Badges, **FILE**; adopted.

ORDERED: Now being the time set for the PUBLIC HEARING On the 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., all were heard who wish to be heard, hearing recessed at 8:20 p.m.; adopted.

ORDERED: That the budget transfer request in the amount of \$5,000.00 which moves funds from Stabilization to Public Facilities to restore funds to the Public Facilities account which were used in the construction of the swap shack, **APPROVED**; adopted.

FROM:

Acct. # 83600-32721 \$5,000.00
Stabilization-Swap Shack

TO:

Acct. # 11920006-53999 \$5,000.00
Public Facilities-Other Services

ORDERED: That the budget transfer request in the amount of \$900.00 which moves funds from Interim Foreman to Educational Incentive as a result of a greater demand due to the higher grade of license obtained by an employee, **APPROVED**; adopted.

FROM:

Acct. # 60080003-51470 \$900.00
Interim Foreman

TO:

Acct. # 60080003-51440 \$900.00
Educational Incentive

ORDERED: That the approval of an order which allows the City to incur liability and make expenditures in any fiscal year in excess of available appropriations with respect to snow and ice removal, refer to **FINANCE COMMITTEE**; adopted.

12

ORDERED: That the appointments to the Recreation Commission of Robert Kays for a term expiring May 6, 2013 and Dennis Zilembo who will fill the unexpired term of David Gadbois whose term will expire May 1, 2011; refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the proposed amendment to the Wireless Communications Facilities Ordinance which drafts procedures to provide for a crane test where appropriate and where a balloon test is insufficient, refer to **WIRELESS COMMUNICATIONS COMMITTEE**; adopted.

ORDERED: WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that EAGER COURT be accepted as a public way

From EAGER COURT To Terminus

and the associated easement be accepted as a municipal easement as shown on plans thereof and as hereinafter described:

DESCRIPTION

Plan entitled "PLAN OF ACCEPTANCE OF EAGER COURT AND MUNICIPAL FLOWAGE EASEMENT IN MARLBOROUGH, MA, DATED OCT. 10, 2008, LAST REVISED 11/10/08, PREPARED BY THOMAS LAND SURVEYORS & ENGINEERING CONSULTANTS, INC., 265 WASHINGTON STREET, HUDSON, MA 01749, RECORDED WITH MIDDLESEX SOUTH REGISTRY OF DEEDS AS PLAN _____ OF 2009" attached hereto as Exhibit A, said plan to be recorded herewith at the Middlesex County South Registry of Deeds;

Title to the roadway known as EAGER COURT and title to the municipal flowage easement as shown on said plan has been granted to the City of Marlborough in a Quitclaim Deed from NRN Realty Group, LLC, 30 Bradford Road, Hudson, MA 01748, said deed to be recorded herewith at the Middlesex County South Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

EAGER COURT be accepted as a public way and its associated easement be accepted as a municipal easement in the City of Marlborough, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Agreement to Extend Time Limitations on the Application for Special Permit from Omnipoint Communications Inc. to install, operate and maintain a wireless communication facility at 249 Miles Standish Dr. to March 24, 2009 at 5:00 PM, **APPROVED**; adopted.

ORDERED: That the Agreement to Extend Time Limitations on the Application for Special Permit Attorney Bergeron on behalf of Toll MA Land Limited Partnership, to construct 80 units on less than 14 acres on Crowley Dr. and to revise current permit conditions accordingly, to May 15, 2009 at 5:00 PM, **APPROVED**; adopted.

ORDERED: That the notice from Mosquito Control Project regarding Mosquito Control Exclusion, **FILE**; adopted.

ORDERED: That the minutes, Community Development Authority, November 20, 2008, **FILE**; adopted.

ORDERED: That the minutes, Planning Board, November 24 and December 15, 2008, **FILE**; adopted.

13

- ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.
- A. Brian Vital, 12 Gordon Rd., vehicle damage
 - B. Steven Wise, 61 Washington St., vehicle damage
 - C. Udo Zoettler, 9 Walcott Cir., property damage
 - D. Lisa Malaney, 84 Sheffield Terr., property damage
 - E. Chung Lee, 90 Leoleis Dr., property damage
 - F. Vincent Pellissier, 65 Mosher Ln., property damage
 - G. Judith McCarthy, 221 Bolton St., property damage
 - H. Downtown Marlboro LLC, 11 Court St., property damage
 - I. Chung Lee, 90 Leoleis Dr., additional property damage
 - J. The Meadows at Marlborough, 141 Broadmeadow St., property damage
 - K. Kevin M. Smith, 128 Old Charter Rd., vehicle damage

Reports of Committees:

Councilor Clancy reported the following out of the Personnel Committee:

Order No. 08/09-1002076A – Appointment 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, 2012. Recommendation of the Personnel Committee is to approve 2-0.

Order No. 08/09-1002077 – Reappointment of John Peltier and Kevin Boyle as Fence Viewers for a term of one year expiring on the 1st Monday of February 2010. Recommendation of the Personnel Committee is to approve 2-0.

Order No. 08/09-1002092 – Reappointments of Lawrence Roy and Michelle Higgins to the Conservation Commission for terms to expire on March 5, 2012. Recommendation of the Personnel Committee is to approve 2-0. Councilor Clancy abstained and Vice-President Pope voted in an ex-officio capacity.

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, **APPROVED**; adopted.

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

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:32 p.m.



21

**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
Lisa M. Thomas
140 Main St.
Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723
JANUARY 26, 2009**

**JOINT CONVENTION
MARLBOROUGH CITY COUNCIL AND SCHOOL COMMITTEE**

Joint Convention of the City Council and School Committee was held Monday, January 26, 2009 at 7:30 PM in City Hall, Council Chambers, 140 Main St., Marlborough, MA

Mayor Nancy E. Stevens presided over the meeting.

Councilors present: Ossing, Pope, Vigeant, Levy, Delano, Ferro, Schafer, Juare, Seymour, Clancy and Landers.

School Committee members present: Bodin-Hettinger, Dwyer, Hediger, Hennessy and Robey.

ORDERED: Mayor opened the meeting and called for the nomination of a Clerk to act as Clerk of the Convention. President Vigeant placed the name of Lisa M. Thomas in nomination. There being no other name placed in nomination; nomination was closed. Motion – **MOVED** - Hand called; unanimously voted, Lisa M. Thomas nominated as clerk for the Joint Convention. Clerk called roll call for attendance in alphabetical ascending order by last name. In attendance and stated present were Bodin-Hettinger, Clancy, Delano, Dwyer, Ferro, Hediger, Hennessey, Juare, Landers, Levy, Ossing, Pope, Robey, Schafer, Seymour, Stevens and Vigeant.

ORDERED: The Mayor entertained a motion to accept the Rules presented to the City Council and School Committee, be amended as follows:

MOTION made by Councilor Schafer to request nominees to speak prior to the vote of candidates by Joint Convention members and to also allow Joint Convention members to ask questions of the candidates.

MOTION made by School Committee member Robey to strike bullet 1 of the Rules of the Joint Convention which reads "Everyone present is to vote", **APPROVED**; adopted.

- ORDERED: That the City Clerk read the Notice of Meeting in Joint Convention in accordance with provisions of the City Charter, Division 1, Section 36, **FILE**; adopted.
- ORDERED: That the City Clerk read the Notice of Meeting in Joint Convention in accordance with provisions of the City Charter, Division 1, Section 36, **FILE**; adopted.
- ORDERED: That the City Clerk read the letter from the Secretary of the Marlborough School Committee, informing the Mayor that a vacancy exists on the School Committee, **FILE**; adopted.
- ORDERED: That the Mayor opened nominations for the Election of a School Committee:
- Councilor Ossing nominated Natalie Lashmit.
 - President Vigeant nominated Jennifer Hardy.
 - Councilor Pope nominated Alison Fraser.
 - School Committee member Hediger nominated Stephen Moynahan III.
 - Councilor Clancy nominated Heidi Matthews.
- And there being no further nominations, nominations are declared closed.
- City Clerk read the nomination names in alphabetical order.
- ORDERED: Mayor requested first ballot be called, Jennifer Hardy received 10 votes, Natalie Lashmit received 5 votes, Heidi Matthews received 1 vote and Stephen Moynahan III received 1 vote. Having a simple majority and in compliance with provisions of the City Charter, Division 1, Section 36 – Charter and Related Laws – The General Code of Marlborough, and in accordance with MGL, Chapter 43, Section 36, **JENNIFER HARDY HAVING RECEIVED 10 VOTES IS HEREBY DECLARED TO HAVE BEEN ELECTED AS A MEMBER OF THE SCHOOL COMMITTEE; APPROVED**, adopted.
- ORDERED: The City Clerk administer the OATH to newly elected school committee member Jennifer Hardy; **APPROVED**, adopted.
- ORDERED: That the meeting in Joint Convention is herewith adjourned at 8:02 PM.

3,

**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: MetroPCS Massachusetts, LLC
285 Billerica RD, Third Floor, Chelmsford, MA 01824
2. Specific Location of property including Assessor's Plate and Parcel Number.
115 ONAMOG ST / MAP: 81 Parcel: 238
3. Name and address of owner of land if other than Petitioner or Applicant:
City of Marlborough, 140 Main St, Marlborough, MA 01752
4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.)
5. Specific Zoning Ordinance under which the Special Permit is sought:
Article 200 Section 25 Paragraph C Sub-paragraph 1
6. Zoning District in which property in question is located:
Residence A-3
7. Specific reason(s) for seeking Special Permit
A (WLF) Wireless Communications Facility is an Allowed Use when in compliance with section 200-25 OF THE Bylaws and upon issuance of a special Permit from the Marlborough City Council.
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.

Andy Cuddeback - Agent
Signature of Petitioner or Applicant

Address: 30 Lyman St, Suite 12
Westborough, MA 01581

Telephone No. 978-855-3644

Date: _____

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: MetropCS Massachusetts LLC Address: 285 Billerica RD, 3rd Floor Chelsea

Project Name: Fairmount Hill Marlborough Address: 115 ONAMOG ST

1. PROPOSED USE: (describe) Install a wireless Communications Facility at/on the existing water tank.

2. EXPANSION OR NEW: Addition to existing Water Tank.

3. SIZE: floor area sq. ft. 310 sq. ft. 1st floor N/A all floors N/A

buildings N/A # stories N/A lot area (s.f.) N/A

4. LOT COVERAGE: N/A %Landscaped area: N/A % Proposed plantings

5. POPULATION ON SITE: Number of people expected on site at anytime:

Normal: N/A Peak period: N/A

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: N/A Peak period: N/A

(B) How many service vehicles will service the development and on what schedule?

Typically 1 service vehicle to visit the site once per month

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? N/A

8. NOISE:

(A) Compare the noise levels of the proposed development to those that exist in the area now.

N/A

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. N/A

9. AIR: What sources of potential air pollution will exist at the development? N/A

10. WATER AND SEWER: Describe any unusual generation of waste. N/A

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? N/A

*Attach additional sheets if necessary



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 41
MAYOR

Karen A. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

February 4, 2009

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

Honorable President Vigeant and Councilors:

Attached please find a summary of three Police Department transfer requests. These transfers represent anticipated overtime deficits for the remainder of fiscal year 2009.

Transfer in the amount of \$95,000 moving funds from Acct. No. 12100001-50420 (Police Officers) to Acct. No. 12100003-51310 (OT- Reg.)

Transfer in the amount of \$9,500 moving funds from Acct. No. 12100001-50420 (Police Officers) to Acct. No. 12100003-51213 (Public Safety Dispatchers)

Transfer in the amount of \$4,500 moving funds from Acct. No. 12100001-50420 (Police Officers) to Acct. No. 12100003-51490 (Holiday Pay)

Transfer details are attached for your review.

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

Sincerely,

Nancy E. Stevens
Mayor

42

DEPT: POLICE

DATE: 5-Feb-09

FY: 2009

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

FROM ACCOUNT:				TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$1,054,893	\$95,000.00	12100001	50420	Police Officers	\$95,000.00	12100003	51310	Overtime - Regular	\$40,742
	Reason:			Surplus due to workers comp payments				Deficit due to underfunding and injury OT	
\$1,054,893	\$9,500.00	12100001	50420	Police Officers	\$9,500	12100003	51213	Public Safety Dispatchers	\$117,472
	Reason:			Surplus due to workers comp payments				Funds charged incorrectly to account	
\$1,054,893	\$4,500.00	12100001	50420	Police Officers	\$4,500	12100003	51490	Holiday Pay	\$69,209
	Reason:			Surplus due to workers comp payments				Several holidays falling on working days	
	Reason:								
	Reason:								
	Reason:								

Dept Head signature: 

Mayor 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 51
MAYOR

Karen L. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

February 4, 2009

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

Honorable President Vigeant and Councilors:

Attached please find a transfer request in the amount of \$41,427.05 moving funds from Account No. 11990006-51500 (Fringes) to the following Account Numbers:

Acct. No. 11410003-51920 (Assessor- Sick leave buy back) in the amt. of \$833.95 Reason- Employee due slbb, but not budgeted.

Acct. No. 12200003-51920 (Fire-Sick leave buy back) in the amount of \$20,609.75 Reason-Retirement of firefighter.

Acct. No. 14001503-51920 (DPW-Forestry-Sick leave buy back) in the amount of \$19,983.35 Reason-Death of DPW worker.

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

Sincerely,

Nancy E. Stevens
Mayor

52

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: FISCAL YEAR: 2009

FROM ACCOUNT:				TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$167,873.39</u>	<u>\$41,427.05</u>	<u>11990006</u>	<u>51500</u>	<u>Fringes</u>	<u>\$833.95</u>	<u>11410003</u>	<u>51920</u>	<u>Assessor-Sick Leave Buy Back</u>	<u>-\$833.95</u>
	Reason:							<u>Employee due slbb but not budgeted</u>	
					<u>\$20,609.75</u>	<u>12200003</u>	<u>51920</u>	<u>Fire-Sick Leave Buy Back</u>	<u>-\$20,609.75</u>
	Reason:							<u>Retirement of Firefighter</u>	
					<u>\$19,983.35</u>	<u>14001503</u>	<u>51920</u>	<u>DPW-Forestry-Sick Leave Buy Back</u>	<u>-\$19,983.35</u>
	Reason:							<u>Death of DPW worker</u>	



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 N. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

January 29, 2009

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

Honorable President Vigeant and Councilors:

Attached please find a transfer request in the amount of \$12,000.00 moving funds from Account No.11920003-50560 (Custodian) to Account No.11920003-51300 (Gross Overtime). This need is a result of snow removal and work performed while an employee is out on worker's compensation.

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

Sincerely,

Nancy E. Stevens
Mayor

62

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

FROM ACCOUNT:				TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$65,484.60	\$12,000.00	11920003	50560	Custodian	\$12,000.00	11920003	51300	Gross overtime	\$1,466.64
	Reason:	<u>Employee is out on workers comp</u>				<u>Snow removal and work performed while employee is out on comp</u>			
	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

Karen A. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

February 4, 2009

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

Honorable President Vigeant and Councilors:

Attached please find a transfer request in the amount of \$20,000 moving funds from Account No. 12200001-50450 (Firefighter) to Acct. No. 12200003-51300 (Additional Gross Overtime)

This to cover an anticipated deficit based on figures for the last 22 pay periods of FY08.

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

Sincerely,


Nancy E. Stevens
Mayor

72

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: FIRE FISCAL YEAR: 2009

FROM ACCOUNT: TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$1,247,009.00	\$20,000.00	12200001	50450	FIREFIGHTER	\$20,000.00	12200003	51300	Additional Gross Overtime	\$1,227,009.04
	Reason:			\$30,000.00 projected surplus due to 3 unfilled positions & 2 retirements during portion of FY09				\$20,000.00 anticipated deficit based on figures for last 22 pay periods of FY08	
	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

Karen A. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

February 4, 2009

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

Honorable President Vigeant and Councilors:

Attached please find nine transfer requests from the Department of Public Works. These transfers represent actual and anticipated overtime deficits for the remainder of fiscal year 2009.

Transfer in the amount of \$3,000 moving funds from Acct. No. 14001503-50740 (Equipment operators) to Acct. No. 14001303-51310 (OT- Reg.)

Transfer in the amount of \$22,800 moving funds from Acct. No. 14001503-50740 (Equipment operators) to Acct. No. 14001303-51470 (Interim Foreman)

Transfer in the amount of \$700 moving funds from Acct. No. 14001503-50740 (Equipment operators) to Acct. No. 14001403-51470 (Interim Foreman)

Transfer in the amount of \$9,000 moving funds from Acct. No. 14001503-50740 (Equipment operators) to Acct. No. 1400503-51310 (OT Reg.)

Transfer in the amount of \$7,000 moving funds from Acct. No. 14001503-50740 (Equipment operators) to Acct. No. 14001503-51470 (Interim Foreman)

Transfer in the amount of \$28,000 moving funds from Acct. No. 91090001-50460 (Meter Reader) to Acct. No. 61090003-51310 (Overtime)

Transfer in the amount of \$15,000 moving funds from Acct. No. 61090001-50740 (Equip. Operator) to Acct. No. 61090003-51310 (Overtime)

Transfer in the amount of \$5,500 moving funds from Acct. No. 91090001-50460 (Meter Reader) to Acct. No. 60081003-51310 (Overtime)

Transfer in the amount of \$2,500 moving funds from Acct. No. 60085006-54340 (Maintenance Machinery) to Acct. No. 60085003-51310 (Overtime)

J2

Transfer details are attached for your review.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy E. Stevens". The signature is fluid and cursive, with the first name "Nancy" being the most prominent.

Nancy E. Stevens
Mayor

3

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Public Works

FISCAL YEAR: FY 09

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$304,522.00</u>	<u>\$3,000</u>	<u>14001503</u>	<u>50740</u>	<u>Equipment Operators</u>	<u>\$3,000.00</u>	<u>14001303</u>	<u>51310</u>	<u>OT-Reg</u>	<u>\$4,618.42</u>
	Reason:	<u>Money available due to vacant positions</u>			Reason:	<u>Projected need to cover overtime for remainder</u>			
		<u>14001503</u>	<u>50740</u>	<u>Equipment Operators</u>		<u>Fy 09</u>			
<u>\$304,522.00</u>	<u>\$22,800</u>	<u>14001503</u>	<u>50740</u>	<u>Equipment Operators</u>	<u>\$22,800</u>	<u>14001303</u>	<u>51470</u>	<u>Interim Foreman</u>	<u>(\$4,803.11)</u>
	Reason:	<u>Money available due to vacant positions</u>			Reason:	<u>Estimation based on one foreman promoted as acting division supervisor until 5-Feb-09 and Foreman on medical leave for hip replacement.</u>			
		<u>14001503</u>	<u>50740</u>	<u>Equipment Operators</u>		<u>14001403</u>	<u>51470</u>	<u>Interim Foreman</u>	<u>\$574.60</u>
		<u>Money available due to vacant positions</u>			Reason:	<u>Anticipated time off by foreman (contractual)</u>			
<u>\$304,522.00</u>	<u>\$9,000</u>	<u>14001503</u>	<u>50740</u>	<u>Equipment Operators</u>	<u>\$9,000</u>	<u>14000503</u>	<u>51310</u>	<u>OT-Reg</u>	<u>\$4,081.51</u>
	Reason:	<u>Money available due to vacant positions</u>			Reason:	<u>Projected need to cover overtime for remainder</u>			
		<u>14001503</u>	<u>50740</u>	<u>Equipment Operators</u>		<u>Fy 09</u>			
<u>\$304,522.00</u>	<u>\$7,000</u>	<u>14001503</u>	<u>50740</u>	<u>Equipment Operators</u>	<u>\$7,000</u>	<u>14001503</u>	<u>51470</u>	<u>Interim Foreman</u>	<u>\$6,202.59</u>
	Reason:	<u>Money available due to vacant positions</u>			Reason:	<u>Estimation based on Cemeteries Division Foreman and Parks Foreman undergoing surgery (3 weeks & 8 weeks recovery time respectively) (contractual)</u>			

Department Head signature:


2/4/09

84

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Public Works FISCAL YEAR: FY 09

FROM ACCOUNT: TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
-------------------	--------	----------	--------	----------------------	--------	----------	--------	----------------------	-------------------

<u>\$49,516.00</u>	<u>\$28,000</u>	<u>91090001</u>	<u>50460</u>	<u>Meter Reader</u>	<u>\$28,000.00</u>	<u>61090003</u>	<u>51310</u>	<u>Overtime</u>	<u>\$20,233.66</u>
--------------------	-----------------	-----------------	--------------	---------------------	--------------------	-----------------	--------------	-----------------	--------------------

Reason: Funds available from W. C. injury.
Anticipate need to cover normal overtime needs to cover underfunding.

<u>\$253,113.27</u>	<u>\$15,000</u>	<u>61090001</u>	<u>50740</u>	<u>Equip. Operator</u>	<u>\$15,000</u>	<u>61090003</u>	<u>51310</u>	<u>Overtime</u>	<u>\$20,233.66</u>
---------------------	-----------------	-----------------	--------------	------------------------	-----------------	-----------------	--------------	-----------------	--------------------

Reason: Funds available from W. C. injury.
Anticipate need to cover normal overtime needs to cover underfunding.

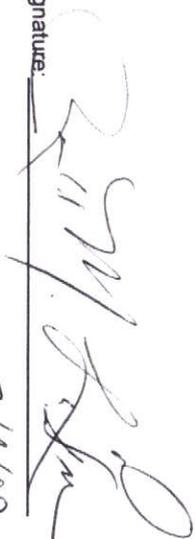
<u>\$49,516.00</u>	<u>\$5,500</u>	<u>91090001</u>	<u>50460</u>	<u>Meter Reader</u>	<u>\$5,500</u>	<u>60081003</u>	<u>51310</u>	<u>Overtime</u>	<u>\$4,958.82</u>
--------------------	----------------	-----------------	--------------	---------------------	----------------	-----------------	--------------	-----------------	-------------------

Reason: Funds available from W. C. injury.
Power outages and storms have placed heavy demand on account.

<u>\$9,851.13</u>	<u>\$2,500</u>	<u>60085006</u>	<u>54340</u>	<u>Maintenance Machinery</u>	<u>\$2,500.00</u>	<u>60085003</u>	<u>51310</u>	<u>Overtime</u>	<u>\$6,585.65</u>
-------------------	----------------	-----------------	--------------	------------------------------	-------------------	-----------------	--------------	-----------------	-------------------

Reason: Anticipate adequate funds for rest of year.
Power outages and storms have placed heavy demand on account.

Department Head signature:



2/4/09



City of Marlborough
Office of the Mayor

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

Nancy E. Stevens
MAYOR

Karen A. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

February 4, 2009

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

Honorable President Vigeant and Councilors:

I am submitting for your approval the appointment of Karen Kisty for the position of Personnel Director. This term expires three years from the date of confirmation.

Attached for your review is the report written by the Chief of Police, Mark Leonard, detailing the results of the search committee interview process. Karen received the unanimous recommendation of the search committee whose members included Police Chief, Mark Leonard; Fire Chief, Dave Adams; and Comptroller, Tom Abel. I concur with their recommendation to appoint Karen Kisty as Personnel Director, and I respectfully request your approval.

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

Sincerely,

Nancy E. Stevens
Mayor



MARK F. LEONARD
Chief of Police

City of Marlborough POLICE DEPARTMENT

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

92

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

January 30, 2009

Mayor Stevens,

As you know, Fire Chief David Adams, Comptroller Tom Abel, and I have been reviewing resumes and conducting interviews for the past two weeks, searching for candidates to fill the vacant Director of Personnel position. The interview committee reviewed all twenty five resumes that were turned in to the Personnel Department for consideration. None of the applicants had any prior municipal experience at the city or town level as a personnel director or assistant personnel director. A few had some county or state municipal human resources experience, and many had private sector HR experience. We chose to interview six candidates, and were able to contact five who agreed to an interview.

After conducting the interviews, we forwarded the names of two potential candidates to you, Gregory Guba and Karen Kisty, and we sat in on the second round of interviews with these two candidates, that you conducted. After the second round of interviews we have unanimously agreed that Karen Kisty is our first choice to fill the Director of Personnel position.

Ms. Kisty interviewed very well, displayed a keen sense of the current issues facing the city regarding personnel issues and concerns, and is perfectly capable of successfully dealing with the varied tasks required of a personnel director. Her experience as the Mayor's Aide for the past three years has provided her with a significant knowledge base of the myriad of personnel issues from within all city departments and those of retirees. In the short time she has been in the position of Acting Personnel Director, she has brought herself up to speed in many aspects of the job, and has taken it upon herself to increase her knowledge in those areas where she lacks training or experience. During the interview process, we were impressed with her genuine desire to tackle the challenges the position holds, her understanding of the current personnel issues within the city, her self-motivation and work ethic, and her communication skills.

93

The interview committee unanimously and without reservation recommends Ms. Kisty to fill the Director of Personnel position.

Should you have any questions or wish to discuss our recommendation, please do not hesitate to contact us.

Sincerely,



Mark F. Leonard
Chief of Police

Cc: D. Adams; T. Abel



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

10
Nancy E. Stevens
MAYOR

Karen A. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

January 29, 2009

City 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 for your approval the re-appointment of Mark Leonard as Police Chief for a four-year term expiring March 1, 2013.

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

Sincerely,

Nancy E. Stevens
Mayor



City of Marlborough

Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
Tel. 508.460.3770 Facsimile 508.460.3698 TDD 508.460.3610

Nancy E. Stevens
MAYOR

Karen A. Kosty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

January 16, 2009

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

Honorable President Vigeant and Councilors:

This correspondence serves to inform you that I have appointed the following individuals to the Design Selection Board:

Cynthia Panagore Griffin – termination date March 4, 2011
Krista Holmi – termination date March 4, 2010

Their respective terms are noted.

No Council confirmation is required.

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

12
Nancy E. Stevens
MAYOR

Karen A. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

January 30, 2009

City 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 for your approval the re-appointment of Tom Evangelous to the Parks and Recreation Committee for a term ending May 5, 2014.

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

Sincerely,

Nancy E. Stevens
Mayor



City of Marlborough

Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
Tel. 508.460.3770 Facsimile 508.460.3698 TDD 508.460.3610

131
Nancy E. Stevens
MAYOR

Karen A. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

February 4, 2009

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

Honorable President Vigeant and Councilors:

I respectfully request your approval of the attached order prepared at the request of the Marlborough Veteran's Council and in accordance with Section 172-1 of the Marlborough City Code. The previously unnamed Hildreth School recreational area, which encompasses ball fields, play structure and pool area will be henceforth known as the Jeduthan Alexander Recreation Complex.

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

Sincerely,

Nancy E. Stevens
Mayor

ORDERED:

Be it ordained by the City Council of the City of Marlborough that the previously unnamed recreation area at the Hildreth School shall be named after Jeduthan Alexander, a resident of Marlborough who was killed in action during the War of Independence at the Battle of Bunker Hill on June 17, 1775, that it shall henceforth be known as the Jeduthan Alexander Recreation Complex.

ADOPTED
In City Council
Order No. 09-
Adopted

Approved By Mayor
Nancy E. Stevens
Date:

A TRUE COPY
ATTEST:

133

§ 172-1

STREETS AND SIDEWALKS

§ 172-2

ARTICLE I
Miscellaneous Provisions

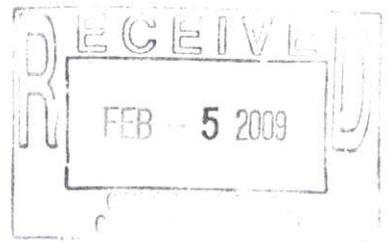
§ 172-1. Street names.

- A. The several streets in the city shall continue to be called and known by the names by which they are now called and known, until the same shall be altered by the City Council. The City Council may change or alter the name of any street, highway or public place. The Council shall establish the names of all streets, highways and public places hereafter laid out and accepted by the city, or by any other authority within the city, and shall cause signposts to be erected, designating the names.
- B. Effective March 1, 1986, and thereafter, all newly accepted streets, all newly built and/or heretofore unnamed schools, parks and other publicly owned buildings shall be named after deceased Marlborough residents who were veterans of declared wars and/or armed conflicts. **[Added 2-10-86 by Ord. No. 86-784]**

§ 172-2. General requirements. **[Amended 12-7-70 by Ord. No. 10036; 1-26-76 by Ord. No. 15358]**

- A. The Commissioner of Public Works may grant licenses in writing on the prescribed license form to persons having authority in the premises to open, occupy, obstruct, encumber and use parts of any public way for the purpose of installation or repair of a utility, driveway curb cuts or roadway curb cuts.
- B. Driveways. **[Amended 12-16-85 by Ord. No. 85-192A]**
 - (1) Driveway openings shall be at least ten (10) feet but not more than twenty-four (24) feet in width measured at and perpendicular to the side line of the street.
 - (2) The elevation of the finished grade of the driveway at the side line of the street shall be equal to the elevation of the center line of the traveled way directly opposite the opening. In the event that the horizontal distance from the edge of the existing pavement to the side line of the street is five (5) feet or less, the grade of that area lying between the edge of the traveled way and the side line of the street shall have a minimum positive grade of three percent (3%) from the edge of the traveled way for a horizontal distance of not less than five (5) feet.
 - (3) No driveway shall exceed a grade of nine percent (9%).

141



CITY OF MARLBOROUGH
Office of the City Council
 Arthur G. Vigeant, President
 140 Main Street
 Marlborough, Massachusetts 01752
 (508) 460-3711 TDD (508) 460-3610

February 5, 2009

Marlborough City Council
 City Council Chambers, 2nd Floor
 City Hall
 Marlborough, MA 01752

Reference: One-Man, One-Vote, Assabet Valley Regional Vocational School

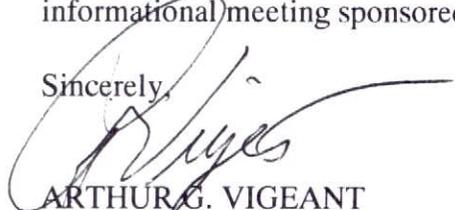
Dear Councilors:

I have attached a letter from MaryJo Nawrocki, Superintendent-Director of the Assabet Valley Regional School, to Mayor Stevens dated January 30, 2009. Also included are attachments that describe five options to amend the district agreement regarding the nomination and election of regional district school committee candidates in a biennial state election.

An informational meeting to discuss this issue has been scheduled for Wednesday, March 4, 2009 at 4:00 PM, with invitations to follow.

I would ask that this matter be referred to the Mayor and Legislative & Legal Affairs Committee for study and review of the history of this matter after the March 4 informational meeting sponsored by the school.

Sincerely,



ARTHUR G. VIGEANT
 CITY COUNCIL PRESIDENT

AV/kb
 enclosures

Assabet Valley Regional Vocational School District

215 Fitchburg Street
Marlborough, Massachusetts 01752-1288

Mary Jo Nawrocki
Superintendent - Director

Mark R. Hollick
Principal

Patrick C. Collins
Director of Business Operations

January 30, 2009

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

Dear Mayor Stevens:

As the recently appointed Superintendent of Assabet Valley, I have been charged by the District School Committee to bring us into compliance with respect to the composition and election of our school committee. This will require an amendment to our current regional agreement.

Our legal counsel in this matter, Edwards, Angell, Palmer & Dodge, have outlined the steps needed to amend the district agreement regarding the nomination and election of regional district school committee candidates in a biennial state election.

There are five options from which a district can choose. The Assabet Valley School Committee voted on September 16, 2008 to support Option 3. You may remember that the district attempted to implement this change in 1994. At that time The City of Marlborough declined to support this option, while the other six member communities voted to support it. It did not pass because a unanimous vote is required. We are asking for your support at this time.

We are requesting that you put this item on your warrant. Attached is the suggested form for the article and motion.

A meeting to discuss this issue has been scheduled for Wednesday, March 4, 2009 at 4:00 PM. Invitations to town officials will follow soon. In the meantime, if you have any questions, please feel free to contact me.

Sincerely,



Mary Jo Nawrocki
Superintendent-Director

MJN/jr

Berlin, Hudson, Maynard, Marlborough,
Northborough, Southborough, Westborough
(508) 485-9430



Equal Opportunity Institution

Boylston, Clinton, Shrewsbury,
West Boylston
1-800-537-6663

142
Karen -
Spoke w/ Arthur on Tues. 2/3/09.
He asked that I read this to you
& ask you to get it on the
city council agenda.
T. J.

AMENDMENT NUMBER 3

AMENDMENT TO THE ASSABET VALLEY REGIONAL VOCATIONAL
HIGH SCHOOL DISTRICT AGREEMENT

The agreement providing for the establishment of the Assabet Valley Regional Vocational High School District, as amended, (the "District Agreement") is further amended as follows:

1. Strike out SECTION I and insert in lieu thereof the following:

SECTION I. THE REGIONAL DISTRICT SCHOOL COMMITTEE

(A.) Composition and Election

1. The powers and duties of the vocational regional school district shall be vested in and exercised by a vocational regional school district committee, hereinafter sometimes referred to as the "Committee", which shall have all the powers and duties conferred and imposed upon school committees and vocational regional school districts by general and special law and by this Agreement and which shall consist of seven members to be elected by all of the voters of the Assabet Valley Regional Vocational School District, hereinafter sometimes referred to as the "District", voting in a District election to be held at the biennial state elections. The term of office of each member shall be four years, commencing with the date of the biennial state election at which each such member was elected and thereafter, until their respective successors have been duly elected and qualified. One member of the Committee shall at all times be a resident of the City of Marlborough and of each of the Towns of Berlin, Hudson, Maynard, Northborough, Southborough and Westborough.

2. Vacancies which occur on the Committee shall be filled by majority vote of the Selectmen or the City Council, as the case may be, in the member town or city in which the vacancy arises. An appointee filling any such vacancy shall serve the unexpired portion of the term.

3. The members of the Committee incumbent on the effective date of this amendment **from the Towns of Berlin, Hudson, and Maynard, and from the City of Marlborough shall hold office until the ^2010 biennial state election^, and until their successors have been elected and qualified as herein provided. The members of the Committee incumbent on the effective date of this amendment from the Towns of Northborough, Southborough and Westborough shall hold office until the 2012 biennial state election,** and until their successors have been elected and qualified, as herein provided.

(B.) Nominations

Nominations for membership on the Committee shall be made in accordance with all the procedures prescribed by Massachusetts General Laws, Chapter 53, §122, as from time to

144

time amended, and other pertinent provisions of law.

(C.) Organization

Annually, at the first regular meeting of the Committee following the first Tuesday next after the first Monday in November, the Committee shall organize and choose by ballot a chairman and a vice chairman from among its own membership.

(D.) Quorum

A quorum for the transaction of business shall consist of a majority of the Committee but a lesser number may adjourn.

(E.) Ballot Format

The names and addresses of the candidates shall be arranged on the ballot according to the city or town in which they reside with a separate category for each city or town, the seat for which on the district School Committee is being filled in that election. For each category, there shall be printed such directions as will instruct the voter to vote for the number of candidates to be elected in each town.

(F.) Powers and Duties

The Committee shall have all the powers and duties confirmed and imposed upon it by this Agreement and such other additional powers and duties as are specified in Chapter 5B of the Acts of 1966, and any amendments thereof or additions thereto, now or hereafter enacted, or as may be specified in any other applicable general or special law.

2. This amendment to the Regional District Agreement shall become effective upon acceptance of said amendment by each of the member municipalities (as defined in the District Agreement) as provided for in Section VII of said Agreement.

CITY OF MARLBOROUGH, MASSACHUSETTS

IN CITY COUNCIL

ORDERED:

That the amendment to the Assabet Valley Regional Vocational School District Agreement that would permit the election of members of the Assabet Valley Regional School District at a District-wide election to be held on the biennial state election ballot, as permitted by Chapter 71, Section 14(e)(3) of the General Laws, which amendment shall be in the form set forth below, be and hereby is approved.

AMENDMENT NUMBER 3

AMENDMENT TO THE ASSABET VALLEY REGIONAL VOCATIONAL
HIGH SCHOOL DISTRICT AGREEMENT

The agreement providing for the establishment of the Assabet Valley Regional Vocational High School District, as amended, (the "District Agreement") is further amended as follows:

1. Strike out SECTION I and insert in lieu thereof the following:

SECTION I. THE REGIONAL DISTRICT SCHOOL COMMITTEE

(A.) Composition and Election

1. The powers and duties of the vocational regional school district shall be vested in and exercised by a vocational regional school district committee, hereinafter sometimes referred to as the "Committee", which shall have all the powers and duties conferred and imposed upon school committees and vocational regional school districts by general and special law and by this Agreement and which shall consist of seven members to be elected by all of the voters of the Assabet Valley Regional Vocational School District, hereinafter sometimes referred to as the "District", voting in a District election to be held at the biennial state elections. The term of office of each member shall be four years, commencing with the date of the biennial state election at which each such member was elected and thereafter, until their respective successors have been duly elected and qualified. One member of the Committee shall at all times be a resident of the City of Marlborough and of each of the Towns of Berlin, Hudson, Maynard, Northborough, Southborough and Westborough.

2. Vacancies which occur on the Committee shall be filled by majority vote of the Selectmen or the City Council, as the case may be, in the member town or city in which the vacancy arises. An appointee filling any such vacancy shall serve the unexpired portion of the term.

3. The members of the Committee incumbent on the effective date of this amendment from the Towns of Berlin, Hudson, and Maynard, and from the City of Marlborough shall hold office until the 2010 biennial state election, and until their successors have been elected and qualified as herein provided. The members of the Committee incumbent on the effective date of this amendment from the Towns of Northborough, Southborough and Westborough shall hold office until the 2012 biennial state election, and until their successors have been elected and qualified, as herein provided.

(B.) Nominations

Nominations for membership on the Committee shall be made in accordance with all the procedures prescribed by Massachusetts General Laws, Chapter 53, §122, as from time to time amended, and other pertinent provisions of law.

(C.) Organization

Annually, at the first regular meeting of the Committee following the first Tuesday next after the first Monday in November, the Committee shall organize and choose by ballot a chairman and a vice chairman from among its own membership.

(D.) Quorum

A quorum for the transaction of business shall consist of a majority of the Committee but a lesser number may adjourn.

(E.) Ballot Format

The names and addresses of the candidates shall be arranged on the ballot according to the city or town in which they reside with a separate category for each city or town, the seat for which on the district School Committee is being filled in that election. For each category, there shall be printed such directions as will instruct the voter to vote for the number of candidates to be elected in each town.

(F.) Powers and Duties

The Committee shall have all the powers and duties confirmed and imposed upon it by this Agreement and such other additional powers and duties as are specified in Chapter 5B of the Acts of 1966, and any amendments thereof or additions thereto, now or hereafter enacted, or as may be specified in any other applicable general or special law.

147

2. This amendment to the Regional District Agreement shall become effective upon acceptance of said amendment by each of the member municipalities (as defined in the District Agreement) as provided for in Section VII of said Agreement.

BOS111 12317160.1

151



CITY OF MARLBOROUGH
Office of the City Council
Arthur G. Vigeant, President
140 Main Street
Marlborough, Massachusetts 01752
(508) 460-3711 TDD (508) 460-3610

February 3, 2009

Marlborough City Council
City Council Chambers
Marlborough, MA 01752

Reference: City Code Update

Dear Honorable Members:

It is with distinct pleasure that I present to you the re-codified Code of the City of Marlborough. The process to bring the City Code up to date has been a long, arduous process, and one that many thought would never be accomplished.

Two people are responsible for finally getting this task completed – Asst. City Clerk, Claire Lucier and City Council Assistant, Karen Boule. Their tireless efforts to search through the old agendas and minutes in both the City Clerk’s and City Council Offices are largely responsible for the success of this project.

General Code Publishers will now be updating the City Code on a regular basis. The Code can be found at this time on their website – GeneralCode.Com. Shortly, the City’s website will have a link to General Code’s website. Visitors to the City’s website will be thrilled to see the addition of the City Code when this link is created. From our past experience, I believe we have learned that the task of re-codifying the City Code is not one that should be done in-house. General Code has the manpower, legal expertise and experience best suited for this monumental task.

I am sure that members of the City Council will be as pleased as I am to finally have an up-to-date City Code. You will note some changes, including the numbering system. However, I believe you will find the new book and the General Code website with its user-friendly search tools a wonderful resource at your fingertips.

152

I would ask that the City Code be referred to the Legislative & Legal Affairs Committee for review and consultation with the City Solicitor as to the process involved to adopt the re-codified version.

Sincerely,

ARTHUR G. VIGEANT
CITY COUNCIL PRESIDENT

AV/kb



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

16,
DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

KATHERINE M. KIMBER
PARALEGAL

February 5, 2009

Arthur Vigeant
President
Marlborough City Council

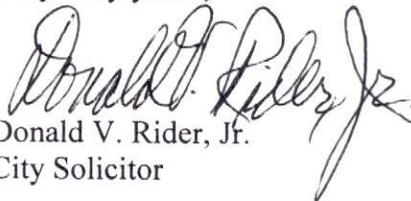
RE: Proposed Ordinance
Abandoned and/or Foreclosing Residential Properties
Order No. 08-100-2053

Dear President Vigeant and Members:

Enclosed is a proposed ordinance entitled, "Registration and Maintenance of Abandoned and/or Foreclosing Residential Properties." This proposal is offered in response to Order No. 08-100-2053, which requested the establishing of "regulations and procedures relative to the control of abandoned and/or foreclosed properties which are causing safety and blight issues in neighborhoods across the City of Marlborough."

Thank you for your attention to this matter.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: Nancy Stevens, Mayor
Steven Reid, Building Commissioner
Pamela Wilderman, Code Enforcement Officer

162

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 THERETO A NEW CHAPTER 66, ENTITLED "REGISTRATION AND MAINTENANCE OF ABANDONED AND/OR FORECLOSING RESIDENTIAL PROPERTIES," AS FOLLOWS:

CHAPTER 66

REGISTRATION AND MAINTENANCE OF ABANDONED AND/OR FORECLOSING RESIDENTIAL PROPERTIES

Sec. 66-1. Purpose; Enforcement Authority.

- A. It is the purpose and intent of this Chapter to protect and preserve public safety and security, and the quiet enjoyment of occupants, abutters and neighborhoods, by: (i) requiring all residential property owners, including lenders, trustees and service companies, to register abandoned and/or foreclosing residential properties with the City of Marlborough; and (ii) regulating the maintenance and security of abandoned and/or foreclosing residential properties to help prevent blighted and unsecure residences.
- B. The Building Commissioner of the City of Marlborough has enforcement authority as to this Chapter, pursuant to MGL c. 143, § 3, the State Building Code, and the City's Zoning Ordinance.

Sec. 66-2. Definitions.

When used in this Chapter 66, the following terms shall have the following meanings, unless a contrary intention clearly appears:

"Abandoned" means vacant.

"City" means the City of Marlborough.

"Commissioner" means the Building Commissioner of the City of Marlborough or his/her designee.

"Days" means consecutive calendar days, including legal holidays as specified in MGL c. 4, § 7 and weekend days.

“Evidence of abandonment” means any condition that, by itself or in combination with other conditions, might lead a reasonable person to conclude that a property is vacant. Such conditions include but are not limited to overgrown and/or dead vegetation; accumulation of newspapers, circulars, flyers and/or mail; past due utility notices and/or disconnected utilities; accumulation of trash, junk and/or debris; the absence of window coverings such as curtains, blinds and/or shutters; the absence of furnishings and/or personal items consistent with residential habitation; statements by neighbors, passersby, delivery agents and/or governmental employees that the property is vacant; and such evidence as would constitute a violation of the City of Marlborough’s so-called Anti-Blight Ordinance, codified at Chapter 64 of the City Code.

“Foreclosing” means the process by which a property, placed as security for a real estate loan, is prepared for sale to satisfy the debt if the borrower of that loan defaults.

“Initiation of the foreclosure process” means the taking of any of the following actions: (i) taking possession of a residential property pursuant to MGL c. 244, § 1; (ii) publishing the first foreclosure notice of a residential property pursuant to MGL c. 244, § 14; (iii) delivering the mortgagee’s notice of intention to foreclose pursuant to MGL c. 244, § 17B; or (iv) commencing a foreclosure action on a residential property in either the Land Court or the Superior Court.

“Local” means within twenty (20) driving miles of the property in question.

“Mortgagee” means the creditor, including but not limited to service companies, lenders in a mortgage agreement, or any successor in interest of the mortgagee’s rights, interests or obligations under the mortgage agreement.

“Mortgagee in possession” means a mortgagee that, upon default of the borrower, has taken over control and/or occupancy of a property in order to collect income from the property and/or to prepare the property for foreclosure.

“Owner” means every person, entity, service company, property manager or real estate broker, who alone or severally with others:

- (i) has legal or equitable title to any dwelling, dwelling unit, manufactured home (mobile home unit), building or parcel of land, vacant or otherwise, including a manufactured housing community (mobile home park); or
- (ii) has care, charge or control of any dwelling, dwelling unit, manufactured home (mobile home unit), building or parcel of land, vacant or otherwise, including a manufactured housing community (mobile home park), in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
- (iii) is a mortgagee in possession of any such any dwelling, dwelling unit, mobile home unit, building or parcel of land, vacant or otherwise, including a mobile home park; or
- (iv) is an officer or trustee of the association of unit owners of a condominium;
- (v) is a trustee who holds, owns or controls mortgage loans for mortgage-backed securities and has initiated the foreclosure process; or

164

- (vi) is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or
- (vii) is a person who operates a rooming house.

“Property” means any real, residential property, or portion thereof, located in the City of Marlborough, including but not limited to buildings and structures situated on the property.

“Residential Property” means any property that contains one or more dwelling units used, intended, or designed to be occupied for living purposes.

“Vacant” means any residential building or structure not currently legally occupied.

Sec. 66-3. Registration.

- A. All owners of abandoned and/or foreclosing residential properties shall register such properties with the Commissioner on forms provided by the Commissioner.
 - 1. Each registration must state the individual owner’s or agent’s name, phone number and mailing address located within the Commonwealth of Massachusetts as required by MGL c. 59, § 57D, MGL c. 156D, § 5.02, and 950 CMR 113.20; the mailing address may not be a post office box.
 - 2. Each registration must also certify that the property has been inspected by the owner and must identify whether the property is abandoned. If the property shows evidence of abandonment, the property is abandoned for purposes of this Chapter 66. Each registration must designate a local individual or local property management company responsible for the maintenance and the security of the property. This designation must state the individual or company’s name, direct phone number, and local mailing address; the mailing address may not be a post office box.
 - a. If the owner’s inspection determines that the property is abandoned, the registration must be received by the Commissioner within seven (7) days of the owner’s inspection.
 - b. If the owner’s inspection determines that the property is not abandoned, but foreclosure proceedings have been initiated, the registration must be received by the Commissioner within seven (7) days of the initiation of the foreclosure process.

- c. If the Commissioner’s inspection pursuant to Section 66-5 determines that the property is abandoned, the registration must be received by the Commissioner within fourteen (14) days of the Commissioner’s first citation for improper maintenance.
 - d. If, regardless of any determination as to abandonment, foreclosure proceedings have been initiated, the registration must be received by the Commissioner within seven (7) days of the initiation of the foreclosure process.
- B. All property registrations pursuant to this Section 66-3 are valid for one (1) calendar year from the date when the registration is received by the Commissioner. An annual registration fee of one hundred dollars (\$100.00) must accompany the registration form. Subsequent registrations and fees are due within thirty (30) days after the date of expiration of the previous registration. Subsequent registrations must certify whether the property remains abandoned and/or remains in foreclosure, as the case may be.
 - C. Any owner that has registered a property under this Section 66-3 must report any change in information contained in the registration within ten (10) days of the change.
 - D. Once the property is no longer abandoned or is sold, the owner shall provide the Commissioner with written notice of legal occupancy or proof of sale, as the case may be.

Sec. 66-4. Maintenance and Security Requirements.

- A. Properties subject to this Chapter must be maintained in accordance with the State Sanitary Code, the State Building Code, and local regulations concerning external and/or visible maintenance including but not limited to the City of Marlborough’s so-called Anti-Blight Ordinance, codified at Chapter 64 of the City Code. The local owner or local property management company must inspect and maintain the property on a monthly basis for so long as the property is abandoned or shows evidence of abandonment. The name and the 24-hour contact phone number of the local owner or local property management company responsible for the maintenance must be posted on the front of the property so as to be clearly visible by the Commissioner or his/her designee from the street.
- B. In accordance with state law, including but not limited to MGL c. 143, §§ 6-10 and 780 CMR 121.0, abandoned property must be made safe and must be secured so as not to be accessible to unauthorized persons.

166

- C. Compliance with this Section 66-4 does not relieve the owner of any applicable obligations set forth in code regulations, covenant conditions and restrictions, and/or homeowners' association rules and regulations.

Sec. 66-5. Inspections.

Pursuant to the State Building Code, the Commissioner or his/her designee shall have the authority and the duty to inspect properties subject to this Chapter for compliance with this Chapter and to issue citations for any violations. The Commissioner or his/her designee shall have the discretion to determine when and how such inspections are to be made, provided that such determination is reasonably calculated to ensure that this Chapter is enforced.

Sec. 66-6. Violations and Penalties.

- A. A failure to initially register with the Commissioner pursuant to Section 66-3 shall be enforced by non-criminal disposition pursuant to MGL c. 40, § 21D, resulting in a fine of \$300.00.
- B. A failure to properly designate the name of the local individual or local property management company responsible for the maintenance and the security of the property pursuant to Section 66-3 shall be enforced by non-criminal disposition pursuant to MGL c. 40, § 21D, resulting in a fine of \$300.00 for each violation, and a like fine for each day's continuation of such violation.
- C. A failure to maintain and/or to secure the property pursuant to Section 66-4 shall be enforced by non-criminal disposition pursuant to MGL c. 40, § 21D, resulting in a fine of \$300.00 for each week during which the property is not maintained and/or not secured in compliance with Section 66-4.
- D. The penalties provided in this Section 66-6 shall not be construed to restrict the City from pursuing other legal remedies available to the City.

Sec. 66-7. Appeals.

Any person aggrieved by the requirements of this Chapter or by a decision issued hereunder may seek relief in any court of competent jurisdiction as provided by the laws of the Commonwealth.

167

Sec. 66-8. Applicability.

If any provision of this Chapter imposes greater restrictions or obligations than those imposed by any general law, special law, regulation, rule, ordinance, order or policy, then the provisions of this Chapter shall control.

Sec. 66-9. Regulatory Authority.

The Commissioner shall have the authority to promulgate rules and regulations necessary to implement and enforce this Chapter.

Sec. 66-10. Severability.

If any provision of this Chapter is held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from this Chapter's remaining provisions, which shall remain in full force and effect.

Sec. 66-11. Notice.

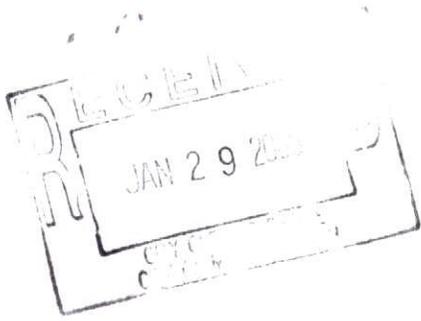
A copy of this ordinance is to be advertised in one (1) newspaper of general circulation in the City of Marlborough, and is to be mailed to all loan institutions, banks, real estate offices, and management companies located in, and/or having legal or equitable interest in any residential property located in, the City of Marlborough.

Sec. 66-12. Effective Date.

The provisions of this Chapter shall take effect immediately upon passage and all provisions shall be enforced immediately, except that no monetary fine shall be imposed pursuant to this Chapter until thirty (30) days after the date when notices are mailed pursuant to Section 66-11.

ADOPTED
In City Council
Order No. 09-
Adopted

Approved by Mayor
Nancy E. Stevens
Date:



17

CITY OF MARLBOROUGH
Department of Public Works
Forestry, Parks, & Cemetery Division
135 Neil Street
Marlborough, Massachusetts 01752
(508) 624-6910
Facsimile (508) 624-7699 TDD (508) 460-3610

January 28, 2009

Lisa Thomas, City Clerk
140 Main St.
Marlborough, MA. 01752

Re: Municipal Yearly Operational Plan (YOP)

Dear Ms. Thomas,

Enclosed you will find the City of Marlborough's Yearly Operational Plan (YOP) for the year 2009 for control of roadside vegetation within the City's Rights-of-way (ROW). Please place this on file in your office. As always if you have any questions please feel free to contact me at (508)624-6910 ext. 7601.

Sincerely yours,

Christopher White
General Foreman Forestry, Parks, & Cemeteries Division

181



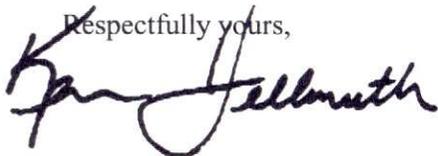
To the City Council
Marlborough, Massachusetts

Board Members:

Enclosed you will find a Petition for Florence Street, (Plan # 5760767).

Description: Installation of one new pole 14-50.

If you have any questions regarding this petition please contact Barbara Romasco @ 508-482-1252.

Respectfully yours,


Kevin Hellmuth
Manager of Distribution Design
401-784-7173

KH/br

Enclosures

PETITION FOR POLE LOCATIONS

CITY COPY/82

Hopedale, MA 01747

January 19, 2009

To the City Council
of the City of Marlborough, Massachusetts

MASSACHUSETTS ELECTRIC COMPANY requests permission to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:-

Florence St.

The installation of one new pole 14-50.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked:

MASSACHUSETTS ELECTRIC COMPANY

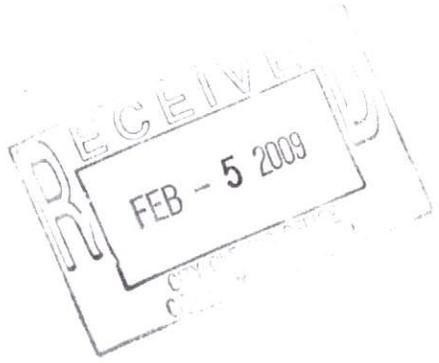
Plan No. **5760767** Dated: **01/16/2009**

Your petitioner agrees to reserve space for one cross arm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used exclusively for municipal purposes.

MASSACHUSETTS ELECTRIC COMPANY

By: 
Manager of Distribution Design

191



CITY OF MARLBOROUGH
Department of Community Development
255 Main Street
Marlborough, Massachusetts 01752
Voice (508) 460-3715 TDD (508) 460-3610 Facsimile (508) 460-3700

MINUTES

Monday, December 22, 2008

8:00 AM, 4th Floor Conference Room, Marlborough City Hall

CONVENED: Meeting was called to order at 8:10 AM, by Mayor Nancy Stevens

MEMBERS PRESENT: Mayor Stevens, Michael Hogan, Dr. David Muir, Steven Vigeant, Lynn Faust and David McCabe

MEMBERS ABSENT: Camille Duridas

OTHERS PRESENT: Jackie Malloy, Michelle Ciccolo, Betsy Roszko, Tom Abel, Diane Smith and newspaper reporter Paul Crocetti

MOTION made by Mayor Stevens, seconded by Hogan to enter into Executive Session to discuss Real Estate Matters. Crocetti left the room.

Meeting Reconvened after Executive Session at 8:35 AM

PAST MINUTES – VOTE: Hogan made a motion to accept and file the minutes of November 20, 2008 as submitted. McCabe seconded. The Motion passed unanimously.

Interview of Kevin Flynn for the Executive Director’s position

The subcommittee explained to all the Members that they received 25 Resumes from which they narrowed down to 7 applicants. After a number of interviews the committee narrowed it down to 2 applicants. Kevin being one of them was asked to join the meeting to meet the other members.

Kevin knows the City of Marlborough; he has experience in re-starting departments and has worked for Mill Cities and Towns. Hogan asked Kevin what he would focus on first. Kevin stated that he would like to see the CDA begin on the housing crises, the Lincoln Street area and downtown. He would also like to find ways to assist residents to stay in their homes. Housing would be the first large piece.

Vigeant asked Kevin when he would be available to start the position. Kevin stated that he would need about 3-4 weeks transition time.

Neighborhood Stabilization Program – discussion; the members would like to see a list of foreclosures at every meeting.

Ciccolo discussed the NSP proposal with the Members. Hogan discussed the Neighborhood Stabilization with regard to Slum and Blight. He would like to see the CDA purchase homes, demo and rebuild or remodel to preserve the neighborhood. He suggested, for example that the City might take a 4 family and return it to its original 2 family. Ciccolo informed the Members that under the NSP rules funds are allowed for demolition. Hogan and Faust agreed to work with Ciccolo over the holiday break to review and assist in the preparation of an NSP application to DHCD. DHCD is requiring that expressions of interest be submitted to the State by the end of the calendar year. The CDA authorized the Chair to sign the cover letter of the application and submit on the CDA's behalf.

Members would like to see a vote on the next agenda to have the City Council provide the CDA with funds (\$166,000.00) for CDA affordable housing. VOTE: Vigeant made a motion to place on next agenda. Seconded by Mayor Stevens. Motion passed unanimously.

VOTE: to review and adopt meeting schedule for 2009. Motion made by Faust. Seconded by Vigeant to adopt meeting schedule. Motion passed unanimously.

Nancy Savoie joins the meeting to meet the members and for her interview. Hogan stated that Nancy's background from Brockton has extensive planning, managing staff and grant applications. She has 25 years experience as City Planner and Community Development Director.

The members discussed the 2 candidates. Camille, Michael and David performed interviews of all 7 and narrowed it down to Nancy and Kevin. Faust stated that they are both great candidates; however she is impressed with Kevin. She liked that Nancy had experience working with banks.

Mayor Nancy Stevens informs the Members that she has submitted a request to City Council for a full-time City Planner. She suggested that perhaps the candidate not chosen for the ED position would be appropriate for the role of City Planner if that position moves forward.

Dr. Muir Motions to select Kevin and authorize the Mayor, as Chairman, to review and negotiate salary range and conduct a background check subject to DHCD approval. VOTE: by Roll Call, all say Yes chairman say yes. Motion passed unanimously.

The Employment Agreement for the Executive Director should be drafted by Legal Counsel. Members would like to see a 6 months probation period and a Salary Range of \$75,000.00 – \$90,000.00.

CDA to consider authorizing the purchase of 2 new computers. Motion made by Vigeant, seconded by Faust. Motion passed unanimously.

In the interest of time, it was suggested that the CDA 2008 accomplishments report discussion be postponed to the January 2009 Agenda and that any appropriate financial reports should also be included.

Members discussed the Employee Benefits Plan and Policies for the Community Development Authority. Several suggested modifications were discussed and noted. Members questioned whether or not a Legal Opinion from Legal Counsel on the change to 40 hours would be needed or whether they could implement the 40 hour week for all new employees and leave existing employees grandfathered. The updated policies, as modified, will be edited and brought back for a final vote at a subsequent meeting.

INVOICES TO BE PAID – VOTE: Hogan made a motion to pay the invoices, Faust seconded. The Motion passed unanimously.

Housing Budget back on table

Housing Director’s Report:

Housing Bills Payable: Review of bills payable and transfers as presented. Motion made by Hogan, seconded by Faust to approve the bills payable, transfers and December 2008 Housing Assistance Payments. The Motion passed unanimously.

State Housing Budget: Motion made by Vigeant, seconded by Faust to remove the State Housing Budgets from the table. All in favor. Discussion regarding meeting that was held at the Housing Office on December 3, 2008. In attendance were Vigeant, Able, Ciccolo, Rich Conlon, and Betsy Roszko. Motion made by Vigeant, seconded by Muir to rescind the vote taken at the last meeting regarding 30% for the Executive Director’s Salary; 30% for the Office Manager Salary and 20% for the Finance position to be taken from the Housing Programs. Motion passed unanimously.

Vigeant recommended for this fiscal year, the Executive Director’s salary percentage from the Housing Programs, remain at 12%. Motion By Vigeant, seconded by Faust

to approve the 400-01, 689-1, and MRVP state housing program budgets for FY June 30, 2009, as prepared and presented and authorize the Housing Director to electronically submit the budgets to DHCD for final approval. Motion passed unanimously.

Housing Rent Collection Policy: Review and discussion. Motion made by Faust, seconded by Vigeant to approve and adopt the Rent Collection Policy as presented. Motion passed unanimously.

Service Animal Policy: Review and Discussion. Motion made by Faust, seconded by Vigeant to approve and adopt the Service Animal Expense Deduction Policy as presented. Motion passed unanimously.

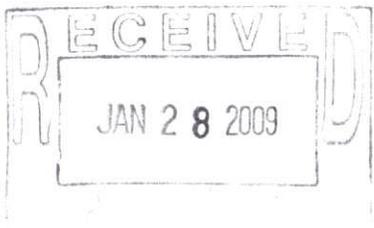
Un-collectable Rents: Members reviewed the detailed spreadsheet regarding the outstanding/un-collectable rents from 2004-2008. Motion made by Faust, seconded by Vigeant to approve the write-off of \$6,886.00 of un-collectable rents as presented. Motion passed unanimously.

Dump Truck Purchase: Motion made by Faust, seconded by Vigeant to authorize the purchase of a new dump truck with plow from Colonial Jeep Dodge, Hudson, MA in the amount of \$30,999.00. Motion passed unanimously.

Update on 61 Emmett Street: Betsy reported that the building and property had sustained some damage during the ice storm of December 11-12, 2008. A tree limb had gone through the roof and through the bedroom ceiling. A report was filed with MIA Insurance. Maintenance removed the limb and put a metal plate over the hole and tarred the area. They also found several other small limb punctures and tarred those areas also. We called Dave's Landscape CO., to clean up and remove all the broken limbs and debris from the ice storm. Members requested that Betsy determine where the gas bills are to be sent and who will be paying them. Betsy to report to the Board at next meeting.

Motion made by Mayor Stevens to adjourn at 11:10 AM, All in favor

201



MetroWest Regional Transit Authority

**Advisory Board
Meeting Minutes
Monday, December 8, 2008**

The Metrowest Regional Transit Authority Advisory Board meeting was held on December 8, 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 Vice Chairman, Philip Jack, Ashland. Mr. Jack asked for a roll call of communities. In attendance was; Betty Solderholm, Southborough, Joseph Nolan, Wayland, Martin Shapiro, Disabled Community Representative, Kristin Kiesel, Sudbury, Toni Wolf, Weston, Frank Hess, Sherborn, Charles Hughes, Natick, Karen Kisty, Marlborough, Charles Stevenson, Counsel, and Edward Carr, Administrator. A quorum was declared. Charles Hughes made a *motion to waive the reading of the previous minutes*; it was seconded by Joseph Nolan, and approved unanimously. Charles Hughes *made a motion to approve the previous minutes*; it was seconded by Karen Kisty, and approved unanimously.

Administrator's report:

• **Fixed Route Service:**

Jim Parker, the **new general manager for the RTA**, hired by First Transit, was introduced. Mr. Parker comes to the job with 3 years experience as an assistant general manager of operations for the WRTA (Worcester Regional Transit Authority).

Eight individual letters were sent to the MPO (Metropolitan Planning Organization), as a result of the ongoing CTPS (Central Transportation Planning Staff), study of the RTA routes. It is the initial stage of application for federal suburban mobility funding.

Mr. Carr had a meeting with **Representative Markey's office** regarding other sources of funding that may be available as the next administration takes over.

• **Outreach:**

Mr. Paul Spooner gave an update on the formation of the **CAC** (Consumer Advisory Committee). Four applicants have been interviewed with four more scheduled this month. He hopes to have the first meeting date in January 2009.

Mr. Spooner mentioned that at a recent Framingham Disability Commission meeting, the main topic of discussion was **THE RIDE**, and how the RTA will transition the service in July 2009.

- **Demand Response:**

Larry Harman presented the board with an overview of what his objectives are with regards to the **call center** and how the RTA and its contracted vendors of demand response/paratransit, will be ready to take over the service currently being provided by THE RIDE.

He discussed the software that the call center uses and its potential in assisting the RTA as it grows and begins to provide more services. He mentioned the use of MDT's (**mobile data terminals**), on the RTA vehicles as an important tool for the RTA as its demand response/ADA shared ride service expands.

Mr. Harman complimented Linda Pinelli Ross of Busy Bee Transportation and Joanne Thompson of Thompson Transit on their continued cooperation as he works toward implementing new technology into the system.

Mr. Harman also talked about how to make the fixed route system more responsive to the needs of persons with disabilities. He discussed "**fixed route deviation**", where with advanced notice a fixed route bus would deviate off its route, within ¼ of a mile. Mr. Carr told the board that the RTA was already implementing some fixed route deviation now.

Comments on the Administrators Report:

Betty Solderholm asked if the scheduled timing of the trips could be improved. Mr. Carr stated that with the new technology that the RTA will begin using, that the wait times should decrease.

- **Senator Spilka:**

Mr. Carr introduced Senator Karen Splika. MaryAnn Padien, the Senator's General Council, was also introduced.

Senator Spilka began by stating that she had spoken to EOTPW (Executive Office of Transportation and Public Works) Under Secretary Wendy Stern, to express her view that the **MWRTA should receive state contract assistance of not less than 70%** on net cost of service. She informed the Under Secretary that the MetroWest communities and legislators had supported the formation of MWRTA with the understanding that the RTA would be eligible for state contract assistance of 70% - 75% of the net cost of service. The Senator stated that her research indicated that the median breakdown for state contract assistance for all the RTA's is in the 69% to 70% range. She also stated to Ms. Stern that she felt there was a credibility issue at stake for both the MetroWest officials and EOTPW if state contract assistance is less than the 70% promised.

The Senator discussed MARTA (**Massachusetts Association of Regional Transit Authorities**), the association that represents all 15 RTA's in the state. She stated that she was disappointed that MARTA was apparently not supporting RTA's request for 70% state contract assistance but was advocating for state contract assistance of 50% of net cost of service. The Senator told the board that she and other MetroWest legislators had advocated for everything that MARTA has fought for, even before the MWRTA was formed, and that she did not understand MARTA's reasoning. The Senator is also concerned because the MWRTA had developed its budget based on the expected 70% funding level and that any reduction in state contract assistance would impair the Authority's ability to provide the much needed service in the region. She urged the Board to stand firm on the need for 70% state contract assistance and suggested that the Advisory Board, along with their Boards of Selectmen, should send **letters to the Governor**, with cc's to the Secretary of Transportation, Under Secretary Wendy Stern, and all the MetroWest Legislators. The Senator is also considering scheduling a meeting with the Governor.

Mr. Carr reminded the Board that the MWRTA had completed its audited financial statement and had already **certified to DOR** (Department of Revenue), the 70% state contract assistance and 30 local assessments. He stated that it is up to EOTPW to disperse the state contract assistance funds among the 15 RTAs.

The Senator mentioned that she also discussed with Ms. Stern the **Interdistrict funds** that the MWRTA receives. The Senator explained that that these funds are intended to be used to link communities that are not members of the RTA. MWRTA is using the funds to allow the continuation of fixed route service to Marborough and Soughborough while those communities were still in the Worcester RTA. She stated that those funds should not be thought of money being used to benefit all the 11 members of the MWRTA. The Senator told the board that those funds may become a part of future discussions involving MWRTA funding.

Mr. Nolan concurred with the Senator that the board should write a letter to the Governor expressing their views regarding the split.

Mr. Nolan *made a motion for the board to authorize the Administrator to draft a letter to the Governor and others mentioned regarding the MWRTA's position on the 70%/30% split*; it was seconded by Mr. Hughes and approved unanimously. On further discussion the board asked for a draft letter to present to their boards as soon as possible.

Mr. Hughes questioned why the MWRTA would want to be a member of MARTA if it is opposing our request for state contract assistance. Mr. Carr responded by saying that there is strength in being a part of MARTA with each member, along with their own Legislators, joining to advocate for the RTA program as a whole. Mr. Carr stated that being a member of **MARTA will be beneficial in the long run to the MWRTA.**

204

The next meeting was scheduled for Monday, January 26, 2009.

A motion to adjourn was made by Mr. Hughes at 5:10 p.m.; it was seconded by Mr. Nolan, 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 December 8, 2008.

Carl Damigella, Holliston