

REGULAR MEETING
JUNE 8, 2009

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:

1. Presentation of City Scholarships.
2. Minutes, City Council Meeting, June 2, 2009.
3. Minutes, City Council Meeting, May 11, 2009.
4. PUBLIC HEARING: On the Petition from National Grid to install 60' of primary ug across Forest St. from P.47 to a hand hole.
5. PUBLIC HEARING FY10 Municipal Operating Budget.
6. Communication from the Mayor re: two budget transfer requests in the amount of \$150,000.00 each to move funds from Electricity and Undesignated to Roof/Repair Replace accounts which allow for roof replacements at the City's Police Station and the Middle School gym and Kane School.
7. Communication from the Mayor re: budget transfer request in the amount of \$66,777.00 to move funds from Insurance Proceeds Over 20K to City Hall Repair and Maintenance accounts to replace Rooftop Evaporative Cooler.
8. Communication from the Mayor re: budget transfer request in the amount of \$21,000.00 to move funds from Undesignated to Stabilization-Affordable Housing as condition 22 of St. Mary's Special Permit was satisfied.
9. Communication from the Mayor re: budget transfer request in the amount of \$76,096.00 to move funds from Undesignated to GPS Equipment to fund the purchase of GPS devices for 74 DPW vehicles and an additional 74 private vehicles.
10. Communication from the Mayor re: Department of Emergency Management Performance Grant in the amount of \$2,500.00.
11. Communication from the Mayor re: FEMA Ice Storm Grant in the amount of \$146,570.90.
12. Communication from the Mayor re: Workforce Investment Act Summer Jobs Grant in the amount of \$29,165.00.
13. Communication from the Mayor re: Order of Taking by Eminent Domain – Maple and Valley Sts.
14. Communication from the Mayor re: Offset of an Appropriation by Estimated Fees Related to Site Plan Review to fund the services of the City Planner for six months.
15. Communication from the City Solicitor re: Special Permit from the Gutierrez Co. to develop Map 67, Lot 45 & Map 68 Lot 30A, Lakeside Ave. and Elm St. in proper form, Order No. 09-1002051D.
16. Communication from Hancock Associates re: supplemental materials for Special Permit for Drive-Thru Teller and ATM at 81 Granger Blvd., Order No. 09-1002152A.
17. Communication from the Central Massachusetts Mosquito Control Project re: investigating resident's complaints on June 3, 10, 17, 24 and July 1.
18. Communication from the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs re: review of the Water Management Act permit application for Marlborough DPW.
19. Communication from the Department of Energy, Washington DC, re: eligibility of a direct formula grant as part of the Energy Efficient and Conservation Block Grant (EECBG) Program.
20. Communication of Massachusetts Electric and Nantucket Electric Co.'s re: General Increase in Electric Rates and approval of a Revenue Decoupling Mechanism.
21. Communication from Laura Elsheiner re: taxi cab businesses using private vehicles.
22. Minutes, Planning Board, April 27, 2009.
23. Minutes, Community Development, April 30, 2009.
24. Minutes, Traffic Commission, April 28 & May 26, 2009.
25. CLAIMS:
 - A. Dennis Walsh, 44 Harrison Pl., Other Property Damage
 - B. Verizon, 247 Maple St., Damaged U.G. Cable
 - C. Verizon, Vega Rd. and Juniper Rd., Damaged U.G. Cable

REPORTS OF COMMITTEES:

26. ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, AS FOLLOWS:

Pursuant to Article I, § 6 of the City Code, and the licensing power granted thereby to the Mayor and the City Council to grant licenses upon such terms and under such restrictions as they may prescribe and revoke at pleasure, the City Council, subject to the concurrence of the Mayor under Article I, § 6, hereby grants a license to each food service establishment in downtown Marlborough, starting at and including Papa John's Pizza (located at 8 Hildreth Street) and proceeding westward along Main Street up to and including Marlborough House of Pizza (located at 280 Main Street), to place tables and chairs upon the sidewalk fronting each such food service establishment, but subject to the following terms and restrictions, which may be modified without notice:

- a. Such tables and chairs shall not be located in parking or landscaped areas, per the City's Zoning Ordinance;
- b. Service of alcoholic beverages out-of-doors shall require a separate license from the License Commission and any appropriate State approval, per the City's Zoning Ordinance;
- c. Such tables and chairs shall not interfere with the accessible path of travel for handicapped individuals, per the Americans with Disabilities Act and all other applicable law;
- d. Signs shall not be permitted except in accordance with the City's Sign Ordinance;
- e. Such license shall commence on June 22, 2009 and shall terminate at close of business on September 7, 2009 (Labor Day); and
- f. All other applicable federal, State and City rules and regulations shall remain in full force and effect.

.....Submitted by Council President Vigeant

UNFINISHED BUSINESS:

From City Council

27. **Order No. 09-1002149B - Communication from the Mayor regarding the appointment of Nancy Savoie for the position of City Planner which expires two years from the date of confirmation. Recommendation of City Council is to table until the June 8, 2009 City Council meeting.**
28. **Order No. 09-1002124B - Re-codified Code of the City of Marlborough. Recommendation of City Council is to table until the June 8, 2009 City Council meeting. Note: Advertisement was published May 5, 2009.**

From Personnel Committee

29. **Order No. 09-1002186 – Communication from the Mayor regarding reappointments of Mr. Michael Hogan and Ms. Camille Duridas to the Community Development Authority for three year terms ending April 15, 2012 and June 25, 2012 respectively. Recommendation of the Personnel Committee is to approve the reappointments of Michael Hogan and Camille Duridas to the Community Development Authority for three year terms – Michael Hogan's term to expire on April 15, 2012; Camille Duridas' term to expire on June 25, 2012, 3-0.**

From Finance Committee

30. **Order No. 09-1002179 – Transfer \$29,400.00 from DPW Fuels and Lubricant to the Rubbish Collection Account:** The Finance Committee reviewed the Mayor's letter dated April 15, 2009 requesting the transfer of \$29,400.00 from the DPW Fuels and Lubricants account to the Rubbish Collection account. **Recommendation of the Finance Committee is to approve 5-0.**

From Urban Affairs Committee

31. **Order No. 08/09-1002051C – 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.** Chairman Pope read a letter from Ward 3 Councilor Schafer in opposition to this Special Permit. The Committee reviewed the revised decision with Attorney Gadbois. **Recommendation of the Urban Affairs Committee is to recommend approval 3-1, Councilor Pope opposed and Council Schafer was absent and to Suspend the Rules to refer to City Solicitor to be put in proper form and place item on the June 8, 2009 agenda.**

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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

JUNE 2, 2009

Special meeting of the City Council held on Monday June 2, 2009 at 7:00 p.m. in City Council Chambers, City Hall. City Councilors present: Pope, Vigeant, Delano, Ferro, Juairé, Clancy and Landers. Councilors absent were: Schafer, Ossing, Levy & Seymour Meeting adjourned at 9:05 p.m.

ORDERED: That the Communication from The Gutierrez Co. re: request to extend time limitations to develop Map 67, Lot 45 & Map 68, Lot 30A, Lakeside Ave and Elm St., located in the Business District for multi-family dwellings, to June 22, 2009 at 11:59 PM, Order No. 08/09-1002051C **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 7:02 p.m.



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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
MAY 11, 2009**

Regular meeting of the City Council held on Monday May 11, 2009 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Schafer, Juaire, Seymour, Clancy and Landers. Meeting adjourned at 9:05 p.m.

ORDERED: Minutes, City Council Meeting, April 27, 2009, **FILE**; adopted.

ORDERED: Now being the time set for the **PUBLIC HEARING** On the Application for Special Permit from Attorney Valeriani, on behalf of Verizon Wireless, to permit, construct, operate and maintain a wireless communications facility at 303 Boundary St. , all were heard who wish to be heard, hearing adjourned at 8:15 p.m.; adopted.

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

ORDERED: That there being no objection thereto set **MONDAY, JUNE 8, 2009** as date for a **PUBLIC HEARING** for the proposed FY10 budget, refer to **FINANCE COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That pursuant to Chapter 44, section 31D of the General Laws of the Commonwealth of Massachusetts, which authorizes the City to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal, the City Council of the City of Marlborough, upon the recommendation of the Mayor, approves expenditures in excess of available appropriation for snow and ice removal for fiscal year 2010, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the budget transfer request in the amount of \$1,538,617.00 which moves funds from Undesignated to fund the following requests for Capital Outlay, be and is herewith refer to **FINANCE COMMITTEE & REQUEST THAT THE MAYOR PROVIDE CITY COUNCIL WITH A STATUS REPORT PERTINENT TO EXISTING BONDS**; adopted.

FROM:

Acct. # 10000-35900 Undesignated	\$1,538,617.00
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TO:

Acct. # 19300006-58311 Street Sign Replacement	\$64,000.00
Acct. # 19300006-58462 DPW Water	\$153,000.00
Acct. # 19300006-58467 Public Facilities	\$200,000.00

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Acct. # 19300006-58508	\$54,000.00
Police Vehicles	
Acct. # 19300006-58513	\$36,500.00
Fire Protective	
Acct. # 19300006-58731	\$542,200.00
DPW Equipment	
Acct. # 19300006-58618	\$350,000.00
Hardware	
Acct. # 19300006-58596	\$138,917.00
Emergency Management	

ORDERED: That the budget transfer request in the amount of \$1,506,917.81 which moves funds from Undesignated to DPW/Snow Removal to cover snow and ice deficits incurred during FY09, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 10000-35900	\$1,506,917.81
Undesignated	

TO:

Acct. # 14001206-52960	\$1,506,917.81
DPW/Snow Removal	

ORDERED: That the following intra-departmental budget transfer requests from various departments necessary to balance year-end FY09, refer to **FINANCE COMMITTEE**; adopted.

Transfer in the amount of \$8,000.00 from Account No. 11920003-50560 (Custodian) to Account No. 11920001-50385 (Electrician)

Transfer in the amount of \$700.00 from Account No. 12410004-53150 (Advertising) to Account No. 12410001-50380 (Electrical Inspector)

Transfer in the amount of \$3,200.00 from Account No. 1241006-57100 (In-state Travel) to Account No. 12410001-50380 (Electrical Inspector)

Transfer in the amount of \$4,018.00 from Account No. 12410004-53180 (Professional & Technical Services) to Account No. 12410002-50770 (Senior Clerk)

Transfer in the amount of \$2,150.00 from Account No. 14001503-50740 (Equipment Operator) to Account No. 14001002-50770 (Senior Clerk)

Transfer in the amount of \$200.00 from Account No. 14001301-50660 (Assistant City Engineer- Streets) to Account No. 14001505-54220 (Office Supply/Expense- FP & C)

Transfer in the amount of \$900.00 from Account No. 14001503-50740 (Equipment operators- FP & C) to Account No. 14001505-54610 (General Materials- FP & C)

Transfer in the amount of \$400.00 from Account No. 14001503-50740 (Equipment operators- FP & C) to Account No. 14001505-54680 (Cemetery Supplies- FP & C)

Transfer in the amount of \$7,200.00 from Account No. 14001503-50740 (Equipment operators- FP & C) to Account No. 14001505-54680 (Stump Removal- FP & C)

Transfer in the amount of \$9,900.00 from Account No. 14001301-50660 (Assistant City Engineer- Streets) to Account No. 14001403-51240 (Temp. Part-time- Repair)

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Transfer in the amount of \$4,000.00 from Account No. 14001301-50660 (Assistant City Engineer- Streets) to Account No. 14001503-51241(Temp. Help- Downtown- FP &C)
 Transfer in the amount of \$1,400.00 from Account No. 14001301-50660 (Assistant City Engineer- Streets) to Account No. 14001504-53810 (Insect & Pest Control- FP & C)
 Transfer in the amount of \$6,600.00 from Account No. 14001503-50740 (Equipment Operators- FP &C) to Account No. 14001306-52600 (Traffic & Fld light- Streets)
 Transfer in the amount of \$10,000.00 from Account No. 14001301-50660 (Assistant City Engineer- Streets) to Account No. 14001305-55440 (Drainage Maintenance- Streets)
 Transfer in the amount of \$1,000.00 from Account No. 14001301-50660 (Assistant City Engineer- Streets) to Account No. 14001306-55500 (Stream Maintenance- Streets)
 Transfer in the amount of \$240.00 from Account No. 14001301-50660 (Assistant City Engineer- Streets) to Account No. 14001303-51240 (Temp. Part-time- Streets)
 Transfer in the amount of \$12,146.00 from Account No. 14001501-50690 (Foreman- FP & C) to Account No. 14001303-51310 (Overtime- Regular- Streets)
 Transfer in the amount of \$10,000.00 from Account No. 14001301-50660 (Assistant City Engineer- Streets) to Account No. 14001305-55310 (Highway Constr. Materials- Streets)
 Transfer in the amount of \$16,000.00 from Account No. 61090001-50460 (Meter Reader) to Account No. 61090006-52322 (Water Marlboro Plant)
 Transfer in the amount of \$24,100.00 from Account No. 61090001-50740 (Equipment Operator) to Account No. 61090006-52322 (Water Marlboro Plant)
 Transfer in the amount of \$7.86 moving funds from Account No. 14001003-51920 (Sick Leave Buy Back) to Account No. 14001003-51430 (Longevity)
 Transfer in the amount of \$1,000.00 from Account No. 12100003-51920 (Sick Leave Buy Back) to Account No. 12100003-51195 (Detention Attendant)

ORDERED: That the following inter-departmental budget transfer requests from the Fringes account necessary to balance year-end FY09, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 11990006-51500	\$19,649.00
Fringes	

TO:

Acct. # 11520001-50530	\$7,000.00
Director of Personnel	
Acct. # 11550001-50210	\$45.00
IT/Sr. System Analyst	
Acct. # 14001303-51920	\$12,109.00
DPW/Street/SLBB	
Acct. # 14001303-51430	\$495.00
DPW/Street/Longevity	

ORDERED: That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does hereby re-authorize a revolving fund during fiscal year 2010 for Geographical Information System (GIS) purposes to be administered by the Department of Public Works. It is further ordered that:

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- (a) departmental receipts credited to the fund shall be limited to payments and fees due the City from those who purchase data and related copy-written material that has been created by the City of Marlborough Geographical Information System, unless otherwise directed by the General Laws; and
- (b) that expenditures from said fund shall be limited to the maintenance, improvement and related expenses for the maintenance and improvement of the City of Marlborough Geographical Information System; and
- (c) that the Commissioner of Public Works shall be the only officer authorized to approve expenditures from the fund; and
- (d) no more than \$10,000.00 shall be expended during fiscal year 2010, unless otherwise authorized by the City Council and Mayor; and
- (e) the Commissioner of Public Works shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (f) no provisions of this order shall be changed unless approved by the Mayor and City Council, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does hereby re-authorize a revolving fund during fiscal year 2010 for parks and playground improvement purposes to be administered through the Department of Public Works. It is further ordered that:

- (a) departmental receipts credited to the fund shall be limited to lease payments and fees due the City from owners of antennae and related telecommunications equipment located on Fairmount Hill; and
- (b) that expenditures from said fund shall be limited to the maintenance and improvement of neighborhood parks and playgrounds, and that priority for such expenditures shall, through fiscal year 2010, be utilized for the maintenance and improvement of Artemus Ward Park; and
- (c) that the Commissioner of Public Works shall be the only officer authorized to approve expenditures from the fund; and
- (d) no more than \$100,000.00 shall be expended during fiscal year 2010, unless otherwise authorized by the City Council and Mayor; and
- (e) the Commissioner of Public Works shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (f) no provisions of this order shall be changed unless approved by the Mayor and City Council, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2010, re-authorize the revolving fund utilized by the Public Facilities Department. It is further ordered that:

- (a) departmental receipts credited to the fund shall be limited to lease payments and fees due the City from owners of antennae and related telecommunications equipment on property that is maintained by, or assigned or transferred to be maintained by, the Public Facilities Department, unless otherwise directed by the General Laws; and
- (b) that expenditures from said fund shall be limited to the maintenance and related expenses for Sligo Hill and Stevens Park; and
- (c) that the Director of Public Facilities shall be the only officer authorized to approve expenditures from the same; and

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- (d) no more than three hundred thousand dollars shall be expended during Fiscal Year 2010, unless otherwise authorized by the City Council and Mayor; and
- (e) the Director of Public Facilities shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (f) no provisions of this order shall be changed unless approved by the Mayor and City Council, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That a Water Conservation Grant in the amount of \$35,000.00 awarded to DPW from the Massachusetts Department of Environmental Protection (DEP) to provide funding for a third party vendor to conduct a city-wide leak detection service, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That Agenda #12, Communication from the City Solicitor regarding Special Permit from MetroPCS for 115 Onamog St., in proper form, be moved to Reports of Committees; **APPROVED**; adopted.

ORDERED: That the application to renew Pool Table (2) licenses, Marlboro Cozy Café, 487A Lincoln St., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the application of Tekoa DaSilva, d/b/a Gold party LLC for Junk Dealer's License, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

Councilor Schafer abstained

ORDERED: That the Central Massachusetts Mosquito Control Project, Annual Report for 2008, **FILE**; adopted.

ORDERED: That Department of Public Utilities, Condensed Financial Return, for Year Ending December 31, 2008, **FILE**; adopted.

ORDERED: That the minutes, Planning Board, March 23 & April 6, 2009, **FILE**; adopted.

ORDERED: That the minutes, Community Development Authority, March 26, 2009, **FILE**; adopted.

ORDERED: That the minutes, Traffic Commission, April 28, 2009, **FILE**; adopted.

ORDERED: That the minutes, Marlborough High School Council, April 1, 2009, **FILE**; adopted.

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

- A. 1st Church of Marlborough, 37 High St., Other Property Damage
- B. Patricia Gorman, 8 Fairview Dr., Southborough, Pothole or Other Road Defect

Reports of Committees:

Councilor Clancy reported the following out of the Personnel Committee:

Order No. 09-1002186 – Communication from the Mayor regarding reappointments of Mr. Michael Hogan and Ms. Camille Duridas to the Community Development Authority for three year terms ending April 15, 2012 and June 25, 2012 respectively. Recommendation of the Personnel Committee is to approve the reappointments of Michael Hogan and Camille Duridas to the Community Development Authority for three year terms – Michael Hogan's term to expire on April 15, 2012; Camille Duridas' term to expire on June 25, 2012, 3-0.

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Councilor Ossing reported the following out of the Finance Committee:

Order No. 09-1002179 – Transfer \$29,400.00 from DPW Fuels and Lubricant to the Rubbish Collection Account: The Finance Committee reviewed the Mayor’s letter dated April 15, 2009 requesting the transfer of \$29,400.00 from the DPW Fuels and Lubricants account to the Rubbish Collection account. **Recommendation of the Finance Committee is to approve 5-0.**

Councilor Pope reported the following out of the Urban Affairs Committee:

Order No. 08/09-1002051B – 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. Chairman Pope read a letter from Ward 3 Councilor Schafer in opposition to this Special Permit. The Committee reviewed the revised decision with Attorney Gadbois. **Recommendation of the Urban Affairs Committee is to recommend approval 3-1, Councilor Pope opposed and Council Schafer was absent and to Suspend the Rules to refer to City Solicitor to be put in proper form and place item on the June 8, 2009 agenda.**

Suspension of Rules requested-granted

ORDERED: That the following inter-departmental budget transfer request from the Fringes account necessary to balance year-end FY09, **APPROVED**; adopted.

FROM:

Acct. # 11990006-51500	\$5,000.00
Fringes	

TO:

Acct. # 15430006-57710	\$5,000.00
Veteran's Benefits	

Suspension of Rules requested-granted

ORDERED: That the appointment of David Brumby for position of Personnel Director, **APPROVED**; adopted.

Suspension of Rules requested - granted

ORDERED: That 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, refer to the **CITY SOLICITOR TO BE PUT IN PROPER FORM FOR JUNE 8, 2009 CITY COUNCIL MEETING.**

ORDERED: That no person shall smoke, ingest, or otherwise use or consume marihuana or tetrahydrocannabinol (as defined in G.L. c. 94C, § 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds,

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cemetery, parking lot, or any area owned by or under the control of the City of Marlborough; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public. This ordinance may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c. 40, § 21, or by noncriminal disposition pursuant to G.L. c. 40, § 21D, by any police officer. The fine for violation of this ordinance shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this ordinance shall be in addition to any civil penalty imposed under G.L. c. 94C § 32L, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

Councilor Schafer abstained

ORDERED: That the appointment of Nancy Savoie for the position of City Planner which expires two years from the date of confirmation, **TABLED UNTIL THE JUNE 8, 2009 CITY COUNCIL MEETING**; adopted.

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE 2008 CODE OF THE CITY OF MARLBOROUGH BE ADOPTED, ORDAINED AND ENACTED AS FOLLOWS:

**ARTICLE III
ADOPTION OF 2008 CODE**

1-25. Adoption of Code.

The ordinances and legislation of the City of Marlborough of a general and permanent nature, including the 1986 Code adopted by the City Council of the City of Marlborough on March 23, 1987, as supplemented and republished by General Code Publishers Corp. with chapter reassignments as set forth in the Derivation Table attached hereto and published in said Code, are hereby approved, adopted, ordained and enacted as the "Code of the City of Marlborough," hereinafter known and referred to as the "Code."

1-26. Nonsubstantive changes in previously adopted legislation.

In compiling and preparing the ordinances and 1986 Code for publication as the 2008 Code of the City of Marlborough, no changes in the meaning or intent of such ordinances have been made. Certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the City Council that all such changes be adopted as part of the Code as if the ordinances had been previously formally amended to read as such.

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1-27. Code supersedes prior ordinances.

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

1-28. Incorporation of provisions into Code.

The provisions of this ordinance are hereby made Article III of Chapter 1, General Provisions, of the Code of the City of Marlborough, such ordinance to be entitled "Article III, Adoption of 2008 Code," and the sections of this ordinance shall be numbered §§ 1-25 to 1-39, inclusive.

1-29. When effective.

This ordinance shall take effect immediately upon passage and publication according to law.

1-30. Copy of Code on file.

A copy of the Code in loose-leaf form has been filed in the Office of the City Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the City of Marlborough by impressing thereon the seal of the City as provided by law, and such certified copy shall remain on file in the office of the City Clerk to be made available to persons desiring to examine the same during all times while the said Code is in effect.

1-31. Publication; filing.

The Clerk of the City of Marlborough, pursuant to law, shall cause to be published in the manner required, a copy of this adopting ordinance in a newspaper of general circulation in the City. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this adopting ordinance, coupled with the availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

1-32. Amendments to Code.

Any and all additions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intent of the City Council to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code of the City of Marlborough shall be understood and intended to include such additions, amendments or supplements. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing the said Code as additions, amendments and supplements thereto.

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1-33. Inclusion of new legislation prior to adoption of Code.

All ordinances of a general and permanent nature adopted subsequent to the date given in § 1-39.A and prior to the effective date of this ordinance given in § 1-29 are hereby deemed to be part of the Code and shall, upon being printed, be included therein. Attested copies of all such legislation shall be temporarily placed in the Code until printed supplements are included.

1-34. Code book to be kept up-to-date.

It shall be the duty of the Clerk, or someone authorized and directed by the Clerk, to keep up-to-date the certified copy of the book containing the Code required to be filed in the Clerk's office for the use of the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

1-35. Sale of Code book.

Copies of the Code book containing the Code may be purchased from the Clerk upon the payment of a fee to be set by City Council, which may also arrange for procedures for the periodic supplementation thereof.

1-36. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Marlborough to be misrepresented thereby. Anyone violating this section of this ordinance shall be subject, upon conviction, to a fine of not more than two hundred dollars (\$200.00).

1-37. Severability.

- A. **Severability of Code provisions.** Each section of the Code, and every part of each section, is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.
- B. **Severability of ordinance provisions.** Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

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1-38. Repeal of ordinances.

All ordinances or parts of ordinances of a general and permanent nature adopted and in force on the date of the adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of this adopting ordinance, except as hereinafter provided.

1-39. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-38 of this ordinance shall not affect the following ordinances, rights, and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to December 17, 2007.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance, or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision, or any penalty, punishment, or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending, or any judgment rendered, prior to the effective date of this ordinance, brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place, or any portion thereof.
- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the City's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract or obligation.
- I. The levy or imposition of taxes, assignments or charges.
- J. The dedication of property or approval of preliminary or final subdivision plans.
- K. Any ordinance providing for salaries or compliments.

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- L. Any ordinance relative to parking or traffic,
TABLED UNTIL THE JUNE 8, 2009 CITY COUNCIL MEETING;
adopted.

ORDERED: That the acquisition from Upper River Road LLC of the sewer pump station located at 728 Donald Lynch Boulevard, as per the terms and conditions set forth in the Bill of Sale attached hereto, and

That the acceptance of an easement from Shops at the Pond, LLC to provide access to the above sewer pump station for various purposes, including its operation, repair and maintenance, as per the terms and conditions set forth in the Grant of Easement attached hereto,

APPROVED; adopted.

Yea: 11 – Nay: 0

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

ORDERED: That the budget transfer request in the amount of \$10,000.00 which moves funds from Undesignated to Public Safety which represents the first installment by Genzyme in satisfaction of condition #12 of the First Student Special Permit #07-1001650B, **APPROVED AND TO REQUEST A LEGAL OPINION FROM THE CITY SOLICITOR REGARDING MISREPRESENTATION OF THE APPLICANT;** adopted.

FROM:

Acct. # 100-35900	\$10,000.00
Undesignated Fund	

TO:

Acct. # 83600-32701	\$10,000.00
Public Safety	

ORDERED: That the budget transfer request in the amount of \$75,000.00 which moves funds from Undesignated to Water MR Plant for the purpose of maximizing water production at the Millham Water Treatment Facility and minimizing use of the MWRA water, therefore enabling DPW to immediately authorize the accelerated production at Millham, **APPROVED;** adopted.

FROM:

Acct. # 100-35900	\$75,000.00
Undesignated Fund	

TO:

Acct. # 61090006-52322	\$75,000.00
Water MR Plant	

ORDERED: 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

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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 "BOS0483B ONAMOG WATER TANK MARLBOROUGH," by Dewberry-Goodkind, Inc, dated 1/7/09, as submitted with the Special Permit Application, and also to include the structural details dated 10/9/08 and revised on 10/17/08, as well as an October 20, 2008 structural report by Dewberry-Goodkind, Inc.'s Structural Engineer Dennis W. Reip, P.E. and its enclosures (hereinafter "Plans").
3. The location of the Proposed WCD Project is 115 Onamog Street., Marlborough, MA and is more particularly identified on the Assessor's Map of the City of Marlborough as Map 81, Lot 238 (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").
7. Pursuant to the Rules and Regulations of Application for Special Permit (hereinafter "Rules and Regulations"), the Building Commissioner on behalf of the City Planner certified that the Special Permit application materials are
8. complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
9. The Applicant has complied with all of the applicable rules of the Rules and Regulations.
10. The City of Marlborough City Council held a public hearing on the Proposed WCD Project on March 9, 2009, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.

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11. 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.
12. 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.
13. 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 City of Marlborough Account #10093-43600, as mitigation for the alleged impacts upon open space 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 to the City's Building Department 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 to the City's Public Facilities Department 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. No fuel shall be stored at the Site. 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) The Applicant shall provide any and all plans, specifications, calculations, etc as may be required by the Commissioner of Public Works to complete his review of the Proposed WCD Project. The Applicant shall not proceed with any work associated with this Special Permit unless and until the Commissioner of Public Works has issued to the Applicant a Notice to Proceed in writing. Similarly, no

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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 include a professional opinion by a third party certifying 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 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 include a professional opinion by a third party certifying 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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Yea: 11 – Nay: 0

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

ORDERED: There being no further business, the regular meeting of the City Council is therewith adjourned at 9:05 p.m.



IN CITY COUNCIL

APRIL 27, 2009

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Marlborough, Mass.,

ORDERED:

That there being no objection thereto set **MONDAY, JUNE 8, 2009** as date for a **PUBLIC HEARING** on the petition by Petition from National Grid to install 60' of primary ug across Forest St. from P.47 to a hand hole, be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 09-1002188

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IN CITY COUNCIL

MAY 11, 2009

Marlborough, Mass.,

ORDERED:

That there being no objection thereto set **MONDAY, JUNE 8, 2009** as date for a **PUBLIC HEARING** for the proposed FY10 budget, be and is herewith refer to **FINANCE COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER NO. 09-1002197-1



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

61
Krista J. Holmi
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

June 4, 2009

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

Honorable President Vigeant and Councilors:

I submit for your review the following transfer requests which allow for roof replacements in the city's police station and the middle school gym and Kane School:

Based on the \$150,000.00 bid for replacement of the police station roof, please find an attached transfer request in the amount of \$150,000.00 moving funds from Account No. 11920006-52120 (Electricity) to Account No. 11920006-52444 (Roof Repair/Replace)

Based on the \$650,000.00 bid for the middle school gym roof and the Kane School roof, please find an attached transfer request in the amount of \$150,000.00 moving funds from Account No. 100-35900 (Undesignated Funds) to Account No. 11920006-52444 (Roof Repair/Replace). The needed \$500,000.00 balance of funds will be paid for as follows:

\$100,000 from the school rental revolving account and
\$400,000 from a previously approved roof bond.

We are prepared to award the projects as soon as funding is made available.

You are also likely aware that the floor of the middle school gym is in need of replacement. I am not requesting funds at this time because the floor cannot be replaced until the roof project is complete. The earliest available window for this project will be the summer of 2010. It is my intention to address funding for the gym floor in the spring.

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

Sincerely,

Nancy E. Stevens, Mayor

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TRANSFER REQUEST

		FROM ACCOUNT			TO ACCOUNT		
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT AVAIL
\$ 1,009,181	\$ 150,000	100	35900 Undesignated Fund	\$ 150,000	11920006	52444 Roof Repair/Replace	\$ 8,000
\$ 429,544	\$ 150,000	11920006	52120 Electricity	\$ 150,000	11920006	52444 Roof Repair/Replace	\$ 8,000
			Various Accounts			Public Facilities	
				\$ 300,000			

Reason See Mayor's request



City of Marlborough
Office of the Mayor

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Marlborough, Massachusetts 01752
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Nancy E. Stevens
MAYOR

Krista F. Holmi
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

May 28, 2009

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

RE: Transfer of Insurance Payment

Honorable President Vigeant and Councilors:

Attached please find a transfer request in the amount of \$66,777.00 moving funds from Account No. 2700099-48470 (Insurance Proceeds Over \$20K) to Account No. 11920006-52440 (City Hall Repair & Maintenance).

City Hall's Rooftop Evaporative Cooler was damaged during the December ice storm. The City filed an insurance claim to cover the replacement of this unit and the requested transfer will allow the purchase and replacement of the damaged rooftop cooling tower.

Please note that the \$2500 insurance deductible will be reimbursed from FEMA.

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

Sincerely,

Nancy E. Stevens
Mayor



City of Marlborough
Public Facilities Department

72
John L. Ghiloni, Director
Andrew J. White,
Assistant Director
85 Sawin Street
Marlborough, MA 01752
Phone: 508.460.3521
Fax: 508.460.3565

To: Mayor Nancy E. Stevens
From: John L. Ghiloni JLG
Date: May 19, 2009
Re: Insurance Claim #M08PR49592

As you are aware, we filed an insurance claim to replace the Rooftop Evaporative Cooler at City Hall at a cost of Sixty eight thousand seven hundred and seventy seven dollars (\$68,777.00) that was damaged from the December ice storm.

I am requesting that the insurance proceeds in the amount of Sixty six thousand two hundred and seventy seven dollars (\$66,277.0) be transferred from the Insurance Proceeds Over 20K (account # 2700099-48470) to City Hall Repair and Maintenance (account # 11920 006 52440) to replace the tower.

In addition, we will be receiving the deductible in the amount of \$2,500.00 from FEMA.

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

FROM ACCOUNT:		TO ACCOUNT:			Available Balance
Amount	Org Code	Object	Account Description:	Amount	
\$66,277.00	2700099	48470	Insurance Proceeds Over 20K	\$66,277.00	\$2,336.52
Reason:	Insurance proceeds to replace tower				
Reason:					
Reason:					

Department Head signature: [Signature]

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CHECK # 086351

INSURED: 0043

POLICY #: PR08-0043

CLAIM #: M08PR49592

CLAIMANT NAME: City of Marlborough

DATE OF ACCIDENT: 12/12/2008

LOCATION: 055

IN PAYMENT OF: Ice Damage Cooling Tower 2500 Deductible

PAYMENT TYPE: First Party Property-Dwelling

CHECK DATE: 5/13/2009

CHECK AMOUNT: \$ 66,277.00

TAX I.D. #: COSSUMTN

VENDOR CODE: City of Marlborough

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER



Massachusetts
MIIA
Interlocal Insurance Association
PROPERTY AND CASUALTY COVERAGE

State Street Bank and Trust Company
225 Franklin Street
Boston, Massachusetts 02101

CHECK NO.
086351

PAY EXACTLY *Sixty-six thousand two hundred seventy-seven and xx / 100 Dollars*

DATE	AMOUNT
5/13/2009	*****\$66,277.00

City of Marlborough
City Of Marlborough
85 Sawin St.

Marlborough, MA 01752

Stephen H. Bates
[Signature]

VOID IF NOT CASHED WITHIN 90 DAYS

⑈086351⑈ ⑆011000028⑆ 4230 885 8⑈



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 81

Krista J. Holmi
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

May 28, 2009

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

RE: Transfer- Affordable Housing Trust

Honorable President Vigeant and Councilors:

Attached please find a transfer request in the amount of \$21,000 moving funds from Account No. 10000-35900 (Undesignated Funds) to Account No. 83600-32718 (Stabilization-Affordable Housing).

The \$21,000 Check (#1567) from St. Mary's of French Hill Redevelopment, LLC has been received in full satisfaction of condition #22 of Special Permit #07100-1500C.

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

Sincerely,

Nancy E. Stevens
Mayor

Attach.

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TRANSFER REQUEST

FISCAL YEAR: 2009

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$994,180</u>	<u>\$21,000.00</u>	<u>10000</u>	<u>35900</u>	<u>Undesignated Fund Balance</u>	<u>\$21,000.00</u>	<u>83600</u>	<u>32718</u>	<u>Stabilization-Affordable Housing</u>	<u>\$242,500</u>

Reason: Mitigation money from St Mary's of French Hill for affordable housing



City of Marlborough
Office of the Mayor

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

Nancy E. Stevens
MAYOR
Krista J. Holmi
EXECUTIVE AIDE
Diane C. Halper
EXECUTIVE SECRETARY

June 4, 2009

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

Honorable President Vigeant and Councilors:

During recent budget deliberations, the Finance Committee noted the absence of a capital request allowing for the implementation of GPS units in the Department of Public Works. I explained that during a time of belt tightening and fiscal constraints, the purchase of GPS units did not meet the criteria for priority inclusion in either the operating or capital budgets for FY 2010.

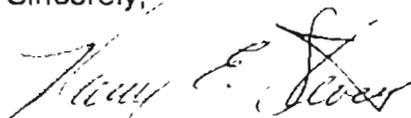
Council has repeatedly denied funding for required equipment at the Department of Public Works. Several Councilors have made it clear that funding these equipment requests is contingent upon the implementation of GPS. I, therefore, reluctantly request a transfer in the amount of \$76,096.00 from Account No. 100-35900 (Undesignated Fund) to Account No. 19300006-58735 (GPS Equipment) allowing for the purchase of GPS devices for 74 DPW vehicles and as well as an additional 74 devices for use by private vehicles during our winter snow operations.

The estimated cost of GPS implementation during FY 2010 is \$126,096.00. To date, Council has appropriated \$50,000.00 for this expenditure. The requested transfer amount of \$76,096.00 represents the balance necessary to purchase, install and operate the units during FY 2010.

A memorandum detailing the equipment and operating costs is attached for your review.

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

Sincerely,


Nancy E. Stevens
Mayor

TRANSFER REQUEST

		FROM ACCOUNT		TO ACCOUNT		
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT	ORG CODE OBJECT ACCOUNT DESCRIP	AMOUNT AVAIL
\$ 933,085	\$ 76,096	100	35900 Undesignated Fund	\$ 76,096	19300006 58735 GPS Equipment	\$ -

Undesignated Fund

Capital Outlay

Reason See Mayor's request

\$ 76,096

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

MEMORANDUM

TO: MAYOR NANCY E. STEVENS

FROM: RONALD M. LAFRENIERE
COMMISSIONER OF PUBLIC WORKS

DATE: JUNE 3, 2009

RE: VEHICLE GLOBAL POSITIONING SYSTEM (GPS) FOR DPW

Pursuant to your request to provide you updated figures to fully implement a new GPS for vehicles used in the Marlborough Department of Public Works, I offer the following.

The PRELIMINARY estimates to install permanent GPS devices in 74 DPW vehicles and to outfit 74 (coincidence) private vehicles with mobile GPS units during our winter snow operations, are as follows:

- Cost to purchase and install all units.....\$83,472
- Annual telecommunication costs.....\$42,624*

Total 1st year costs.....\$126,096

Annual cost after 1st year.....\$42,624*

*Assumes vendor will discount the telecommunication costs for the private contractor mobile units based on 6 months of the year.

As mentioned in my message to you back in March, I expect the actual costs to implement and operate the system to come down from these figures once we solicit public bids.

To date, the council has appropriated \$50,000 for this program.

Please let me know if you have any questions.



City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
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Nancy E. Stevens
MAYOR 10

Krista J. Holmi
EXECUTIVE AIDE

Diane E. Halper
EXECUTIVE SECRETARY

June 2, 2009

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

Re: Emergency Management Performance Grant (EMPG)

Honorable President Vigeant and Councilors:

The Department of Emergency Management has been awarded an Emergency Management Performance Grant in the amount of \$2,500.00. This grant is provided through the Executive Office of Public Safety and Security and the Massachusetts Emergency Management Agency.

These funds will be used to upgrade the Comprehensive Emergency Management Plan as well as provide for the plan's maintenance and review.

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

Attachments

CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

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DEPARTMENT: Emergency Management June 1, 2009 _____

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Donald E. Cusson

NAME OF GRANT: Emergency Management Performance Grant (EMPG) Award

GRANTOR: Executive Office of Public Safety and Security Mass. Emergency Management Agenc

GRANT AMOUNT: \$2,500.00

GRANT PERIOD: June 1, 2009 thru September 30, 2009

SCOPE OF GRANT/
ITEMS FUNDED To up-grade the Comprehensive Emergency Management Plan maintain and review it
Time computer, supplies

IS A POSITION BEING
CREATED: NO

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

ARE MATCHING CITY
FUNDS REQUIRED? No already met

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:
Yes man hour performed by the Director

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: _____
30-Jun-09

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



City of Marlborough
Emergency Management

696 CONCORD ROAD
MARLBOROUGH, MASSACHUSETTS 01752-5617
TEL. (508) 481-1933 ■ FACSIMILE (508) 460-3795 ■ TDD (508) 460-3610
CELL (508) 726-1088 ■ PAGER (978) 803-2061

103
Don Cusson
EMERGENCY MANAGEMENT
DIRECTOR
dcusson@marlborough-ma.gov

Nancy Stevens, Mayor
140 Main St. City Hall
Marlborough, MA 01752
May 28, 2009

RE: EMPG Funds

Dear Mayor Stevens

MEMA has allocated EMPG grant money to support community emergency managers and their efforts to improve these plans to determine the current status of the collective CEMP/ eCEMP.

The sum of \$2,500.00 has been set for the City of Marlborough. I am looking for your support and the City Council on this grant to enhance our CEMP, (comprehensive emergency management plan), and update the electronic version. This grant period ends on September 30, 2009.

Enclosed is a copy of the Emergency Management Performance Grant (EMPG) Award.

Your support and the Councils would be appreciated. If there are any questions please feel free to call or e-mail at any time.

Respectfully

Donald E. Cusson
EMA Director



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY



MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY

400 Worcester Road Framingham, MA 01702-5399

Tel: 508-820-2000 Fax: 508-820-2030

Website: www.mass.gov/mema

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Kevin M. Burke
Secretary

Don R. Boyce
Director

May 1, 2009

Mr. Donald Cusson
696 Concord Rd
Marlborough, MA 01752-5617

RE: EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) AWARD

Dear Local Emergency Management Director:

I'm happy to write this long awaited letter to discuss EMPG allocations to our local communities. I would also like to take this opportunity to thank you for your continued commitment and contribution to the field of emergency management. Together we are enjoying a renewed sense of collaboration and cooperation as we challenge ourselves to do more with less. With your help and participation, we have begun redirecting our efforts toward a more comprehensive and cohesive response capability that incorporates national standards and best practices whenever possible. We've accomplished much since my arrival in this position in September 2007. However, there is much more work ahead of us. First and foremost, our communities need to have accurate and functional Comprehensive Emergency Management Plans (CEMPs).

To that end, as discussed many times in the recent past, I would like to announce on behalf of the Executive Office of Public Safety and Security (EOPSS) and the Massachusetts Emergency Management Agency (MEMA), an EMPG sub-grant award of \$ 2,500 to each local community in the Commonwealth of Massachusetts. These funds may be used to offset the costs incurred by each community for its Emergency Management Director (EMD) to maintain, review, and update the CEMP on an ongoing basis. The grant award must be matched at the community level by a non-federal contribution of funds already expended, or to be expended in this current fiscal year toward this same objective, or in-kind contributions received in support of the local Emergency Management Department. We anticipate that funds will be issued by June 30, 2009. Communities will have until September 30, 2009 to complete the contract performance and reporting requirements. All contract documents are being mailed this week to the appropriate senior elected or appointed officials of each of your communities. Your cooperation in completing your work plans will help us to ensure payments are issued as quickly as possible. MEMA's Regional staff is ready to assist you with your efforts in this regard.

Region I
P.O. Box 116
365 East Street
Framingham, MA 01702

Region II
P.O. Box 54
12-1 Rear Administration Road
Bridgewater, MA 01924-0054

Region III - IV
1002 Suffield Street
Agawam, MA 01001
Tel: 413-871-1500 Fax: 413-871-1500

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Mr. Donald Cusson
EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) AWARD
May 1, 2009
Page 2

As many of you already know, the EMPG is an annual grant from the Federal Emergency Management Agency (FEMA) to assist state and local governments in enhancing and sustaining all-hazards emergency management capabilities. This grant offering is a first-ever opportunity for each community to receive an award of EMPG funds. We are working diligently to develop a sustainable budget at MEMA to ensure that these awards are possible each year. I trust that we will continue to develop stronger and more reliable response and recovery capabilities as we move forward together. Please feel free to contact me with any thoughts or concerns you may have. Thank you again for your efforts thus far. I am looking forward to many future successes together.

Sincerely,



Don R. Boyce
Director

COMMONWEALTH OF MASSACHUSETTS – STANDARD CONTRACT FORM



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

→ Contractor Legal Name (and d/b/a): City/Town of MARLBOROUGH → Legal Address (from W-9): 696 Concord Rd., Marlborough, 01752-5617 → Payment Remittance Address (from W-9): → Contract Manager: Donald Cusson	Department MMARS Alpha Code and Name CDA-MA Emergency Management Agency Business Mailing Address: 400 Worcester Rd, Framingham, MA 01702 Billing Address (if different): Contract Manager: Michael Raskin
→ E-Mail Address: → Phone: → Fax: → TTY:	→ E-Mail: Michael.Raskin@state.ma.us Phone: (508) 820-1422 Fax: (508) 820-2015 TTY:
→ State of Incorporation (if a corporation) or "N/A": I/A → Vendor Code: VC6000192111 MMARS Object Code: P01	MMARS Doc CT-CDA-1000-FY09EMPG0700000MARLB RFR/Procurement or Other ID Number (if applicable): N/A Account(s) Funding Contract: CDA-8000-4692-FEMPGSUP07

NEW CONTRACT

COMPENSATION (Check only one):

Total Maximum Obligation of this Contract \$ 2,500.00
Rate Contract (Attach details of rate(s) units and any calculations):

The following **COMMONWEALTH TERMS AND CONDITIONS** for this Contract has been executed and filed with CTR (Check only one):

Commonwealth Terms And Conditions
 Commonwealth Terms And Conditions For Human And Social Services

PROCUREMENT OR EXCEPTION TYPE (Check one option only):

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

ANTICIPATED START DATE: 07/01/2008 (Enter the date contract obligations may begin. Review Certification for Effective Date below prior to entry.)
CONTRACT END DATE: 09/30/2009

CONTRACT AMENDMENT/RENEWAL

ENTER **CURRENT CONTRACT START** and **END DATES** (prior to amendment)
 Current Start Date: _____ Current End Date: _____

COMPENSATION: (Check Either, "No Compensation Change"; "Maximum Obligation" or "Rate change". ATTACH Amended Scope and Budget to support Amendment.)

NO Compensation Change (Skip to "OTHER" section below and select change)
 Redistribute Budget Line Items (No Maximum Obligation Change)
 Maximum Obligation Change

a) **Current Total Contract Maximum Obligation:** \$ _____
 (Total Contract Maximum Obligation, including all prior amendments.)

b) **Amendment Amount ("+" or "-"):** \$ _____

c) **NEW TOTAL CONTRACT MAXIMUM OBLIGATION:** \$ _____

Rate Changes to Rate Contract

OTHER: (Check option, explain under "Brief Description" below, and attach documentation.)

Amend **Duration Only** (No Compensation or Performance Change)
 Amend **Scope of Services/Performance Only** (no budget impact.)
 Interim Contract (Temporary Extension to complete new Procurement)
 Other: (Describe Details and Attach documentation):

ANTICIPATED START DATE: _____ (Enter the date amendment obligations may begin. Review Certification for Effective Date below prior to entry.)
NEW CONTRACT END DATE: _____

→ **PROMPT PAYMENT DISCOUNTS.** Contractor has agreed to the following Prompt Pay Discounts for the listed Payment Issue Dates. See *Prompt Payment Discount Policy*.

% Within 10 % Within 15 Days % Within 20 Days % Within 30 Days **OR,** Check off the following if:

Contractor either claims hardship, or chooses not to provide PPD, or compensation is not subject to prompt pay discounts (grants, non-commodity or non-service compensation).

BRIEF DESCRIPTION OF CONTRACT PERFORMANCE OR REASON FOR AMENDMENT (Reference to attachments is insufficient):

To fund local community's Emergency Management program in accordance with the Scope of Services set forth in Attachment A to this contract.

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

1. _____ the Contractor has **NOT** incurred any obligations triggering a payment obligation for dates *prior* to the **Effective Date** of this Contract or Amendment; **OR**

2. any obligations incurred by the Contractor *prior* to the **Effective Date** of this Contract or Amendment (for which a payment obligation has been triggered) are intended to be part of this Contract/Amendment and shall be considered a final **Settlement and Release** of these obligations which are incorporated herein, and upon payment of these obligations, the Contractor forever releases the Commonwealth from any further claims related to these obligations.

AUTHORIZING SIGNATURE FOR THE CONTRACTOR:

→ X: Nancy E. Stevens Date: 5/21/09
 (Signature and Date Must Be Handwritten At Time of Signature)

→ Print Name: NANCY E. STEVENS
 → Print Title: MAYOR

AUTHORIZING SIGNATURE FOR THE DEPARTMENT:

X: _____ Date: _____
 (Signature and Date Must Be Handwritten At Time of Signature)

Print Name: Diane Nocivelli
 Print Title: Associate Director



City of Marlborough
Office of the Mayor

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

Nancy E. Stevens
MAYOR

Krista F. Holmi
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

June 2, 2009

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

Re: Emergency Management / FEMA Ice Storm Grant

Honorable President Vigeant and Councilors:

The Department of Emergency Management has been awarded a grant in the amount of \$146,570.90 through the Federal Emergency Management Agency.

This grant provides 75% reimbursement for allowable expenditures related to the December 2008 ice storm.

Additional reimbursements will be forthcoming as allowable expenditures are approved. Details are provided in the attached correspondence from Don Cusson, Emergency Management Director.

As outlined in MGL, Chapter 44, Section 53A, I am recommending that the City Council approve the acceptance 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

Attachments

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CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: Emergency Management 2-Jun-09

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Donald E. Cusson

NAME OF GRANT: FEMA 1813 DR December 2008 ICE STORM

GRANTOR: FEMA

GRANT AMOUNT: \$146,570.90

GRANT PERIOD: 1/5/2009

SCOPE OF GRANT/ Reimbursement 75%

ITEMS FUNDED	<u>PW#-00677 Emergency Protective Measures Fire Dept.</u>	<u>\$ 11,513.92</u>
	<u>PW#-00592 Emergency Protective Measures Snow & Salt Opps.</u>	<u>121,468.43</u>
	<u>PW#-00593 Emergency Protective Measures Police Dept.</u>	<u>8,524.92</u>
	<u>PW#-00679 Emergency Generators City Wied operations</u>	<u>5,063.63</u>
	<u>Total</u>	<u>\$146,570.90</u>

IS A POSITION BEING CREATED: NO

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

ARE MATCHING CITY FUNDS REQUIRED? NO 75% reimbursement totals

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?

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
Emergency Management

696 CONCORD ROAD
MARLBOROUGH, MASSACHUSETTS 01752-5617
TEL. (508) 481-1933 ■ FACSIMILE (508) 460-3795 ■ TDD (508) 460-3610
CELL (508) 726-1088 ■ PAGER (978) 803-2061

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Don Cusson
EMERGENCY MANAGEMENT
DIRECTOR
dcusson@marlborough-ma.gov

Nancy Stevens, Mayor
City Council President & Council
140 Main St. City Hall
Marlborough, MA 01752
June 2, 2009

RE: December 12th Ice Storm;

Dear Mayor Stevens and City Council President & Council,

In the December 12th Ice storm the City of Marlborough was not included as part of the Presidential Disaster. Even though we had declared a City "State of Emergency". There was in-sufficient amount of damages in these two counties to be included. With the experience of several Emergency Management Directors in the Essex and Middlesex County, and with additional pre-disaster assessments done with the expertise of the Engineering departments and Forestry personnel, we were able to have these two counties added to the Presidential allocation for reimbursements because of the damages due to the storm. This was done through a small window because of an incoming snow storm that was due that afternoon. During this short window we got pictures of debris all over our neighbor's yards and streets before the storm came in.

We, the City of Marlborough, ended up with 16 projects through out the City with an estimated Cost of \$542,065. Which some of these projects we must expend funds to receive back funds. Seventy-Five percent is reimbursable.

As of today May 28th, 2009 we have received from MEMA in a bank transfer the amount of \$ 146,570.90.

Project # PW-00677 Emerge. Protective Measures Fire Dept	11,513.92
Project # PW-00592 Emerge. Protective Measures Snow & Salt Opps.	121,468.43
Project # PW-00593 Emerge. Protective Measures Police Dept,	8,524.92
Project # PW-00679 Emergency Generators City Wide	5,063.63
Total	\$146,570.90

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With only four completed project and twelve more to be completed these funds are available to the city. They have deposited in the Snow and Ice Account # 14001206-52960.

If there are any questions please feel free to call or e-mail at any time. I will keep you informed as the other projects are completed and the paper work is submitted for reimbursement.

It has been a pleasure working with all departments involved to achieve these funds for the City.

The Fire Department, Chief David Adams, Administrated Aid Heather Clark, Deputy James Diamond, Police Chief Mark Leonard, Administered Aid Sue Ricciuti.

Public Facility John Ghiloni, Assistant Public Facility, Andy White, Secretary Debby Ortiz. Department of Public Works, Comm. Ron LaFreniere, Assist. Commis, Tom Temple, Assist Commis Doran Crouse, Foreman Mike Hatch, Marianne Tower, Diane McNally and especially Foreman Chris White who did an excellent job of orchestrating the debris pick-up and disposal through out the city.

With out the efforts of all these employees we would not have receives these funds. A lot of time and efforts were put into this project along with their regular work and budget process. It's been a long six months. Again thank you to all.

Respectfully,



**Donald E. Cusson
Director Emergency Management.**

**COMMONWEALTH OF MASSACHUSETTS – STANDARD CONTRACT FORM
FEMA 1813 DR DECEMBER 2008 ICE STORM**

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→ <u>Contractor Legal Name</u> (and d/b/a): CITY OF MARLBOROUGH	<u>Department MMARS Alpha Code and Name</u> : CDA Massachusetts Emergency Management Agency		
→ <u>Legal Address</u> (from W-9): 696 Concord Road Marlborough, MA	<u>Business Mailing Address</u> : 400 Worcester Road, Framingham, MA 01702		
→ <u>Payment Remittance Address</u> (from W-9):	<u>Billing Address</u> (if different):		
→ <u>Contract Manager</u> : Donald Cusson, EMD Director	<u>Contract Manager</u> : Judy Whicher		
→ <u>E-Mail Address</u> :	→ Phone:	<u>E-Mail Address</u> : judy.whicher@state.ma.us	Phone: (508) 820-2057
→ Fax:	→ TTY:	Fax: (508) 820-1401	TTY:
→ <u>State of Incorporation</u> (if a corporation) or "N/A":	<u>MMARS Doc ID(s)</u> : 09FEMA1813MARLB00677		
→ <u>Vendor Code</u> : VC6000192111	<u>RFR/Procurement or Other ID Number</u> (if applicable): PW-00677		
<u>MMARS Object Code</u> : P01 PP1	<u>Account(s) Funding Contract</u> : FEDERAL 8800-1813		

X NEW CONTRACT

COMPENSATION (Check only one):
 Total Maximum Obligation of this Contract \$ 11,513.92
 Rate Contract (Attach details of rate(s) units and any calculations):

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

PROCUREMENT OR EXCEPTION TYPE (Check one option only):
 Single Department Procurement/Single Department User Contract
 Single Department Procurement/Multiple Department User Contract
 Multiple Department Procurement/Limited Department User Contract
 Statewide Contract (OSD or an OSD-designated Department)
 Grant (as defined by 815 CMR 2.00)
 Emergency Contract (attach justification)
 Contract Employee (Complete Employment Status Form)
 Collective Purchase (attach OSD approval)
 Legislative/Legal Exemption (attach authorizing language)
 Other (Specify and attach documentation): FEMA 1813 DR Dec Ice

ANTICIPATED START DATE: 01-05-2009 (Enter the Date Contract Obligations may begin. Review Certification for Effective Date Below prior to entry.)
CONTRACT END DATE: 07-05-2009

CONTRACT AMENDMENT/RENEWAL

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

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

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

ANTICIPATED START DATE: _____ (Enter the Date Amendment Obligations may begin. Review Certification for Effective Date Below prior to entry.)
NEW CONTRACT END DATE: _____

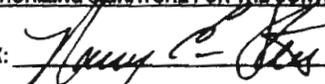
→ PROMPT PAYMENT DISCOUNTS. Contractor has agreed to the following Prompt Pay Discounts for the listed Payment Issue Dates. See Prompt Payment Discount Policy:
 % Within 10 Days % Within 15 Days % Within 20 Days % Within 30 Days OR, Check off the following if:
 Contractor either claims hardship, or chooses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

BRIEF DESCRIPTION OF CONTRACT PERFORMANCE OR REASON FOR AMENDMENT (Reference to attachments is insufficient): PW-006777 to reimburse for FEMA 1813 DR December 2008 Ice Storm - To return to pre-disaster condition and or configuration as approved by FEMA under the Public Assistance Program in accordance with Scope of Service in Attachment A.

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

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

AUTHORIZING SIGNATURE FOR THE CONTRACTOR:

→ X:  Date: 5/18/09
 (Signature and Date Must Be Handwritten At Time of Signature)
 → Print Name: NANCY E. STEVENS
 → Print Title: MAYOR

AUTHORIZING SIGNATURE FOR THE DEPARTMENT:

X: _____ Date: _____
 (Signature and Date Must Be Handwritten At Time of Signature)
 Print Name: Diane Nocive#
 Print Title: Associate Director-Chief Financial Officer

COMMONWEALTH OF MASSACHUSETTS - STANDARD CONTRACT FORM
FEMA 1813 DR DECEMBER 2008 ICE STORM

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

→ Contractor Legal Name (and db/a): CITY OF MARLBOROUGH		Department MMARS Alpha Code and Name: CDA Massachusetts Emergency Management Agency	
→ Legal Address (from W-9): 696 Concord Road Marlborough, MA		Business Mailing Address: 400 Worcester Road, Framingham, MA 01702	
→ Payment Remittance Address (from W-9):		Billing Address (if different):	
→ Contract Manager: Donald Cusson, EMD Director		Contract Manager: Judy Whitcher	
→ E-Mail Address:	→ Phone:	E-Mail Address: judy.whitcher@state.ma.us	Phone: (508) 820-2057
→ Fax:	→ TTY:	Fax: (508) 820-1401	TTY:
→ State of Incorporation (if a corporation) or "N/A":		MMARS Doc ID(s): 09FEMA1813MARLB00593	
→ Vendor Code: VC8000192111		BFR/Procurement or Other ID Number (if applicable): PW-00593	
MMARS Object Code: P01 PP1		Account(s) Funding Contract: FEDERAL 8800-1813	

X NEW CONTRACT

COMPENSATION (Check only one):
 Total **Maximum Obligation** of this Contract \$ 8,524.92
 Rate Contract (Attach details of rate(s) units and any calculations):

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

PROMUREMENT OR EXCEPTION TYPE (Check one option only):
 Single Department Procurement/Single Department User Contract
 Single Department Procurement/Multiple Department User Contract
 Multiple Department Procurement/Limited Department User Contract
 Statewide Contract (OSD or an OSD-designated Department)
 Grant (as defined by 815 CMR 2.00)
 Emergency Contract (attach justification)
 Contract Employee (Complete Employment Status Form)
 Collective Purchase (attach OSD approval)
 Legislative/Legal Exemption (attach authorizing language)
 Other (Specify and attach documentation): FEMA 1813 DR Dec Ice

ANTICIPATED START DATE: 01-05-2009 (Enter the Date Contract Obligations may begin. Review Certification for Effective Date Below prior to entry.)
CONTRACT END DATE: 07-05-2009

CONTRACT AMENDMENT/RENEWAL

ENTER **CURRENT CONTRACT START and END DATES** (prior to amendment)
 Current Start Date: _____ Current End Date: _____

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

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

ANTICIPATED START DATE: _____ (Enter the Date Amendment Obligations may begin. Review Certification for Effective Date Below prior to entry.)
NEW CONTRACT END DATE: _____

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

BRIEF DESCRIPTION OF CONTRACT PERFORMANCE OR REASON FOR AMENDMENT (Reference to attachments is insufficient): PW-00593 To reimburse for FEMA 1813 DR December 2008 Ice Storm - To return to pre-disaster condition and or configuration as approved by FEMA under the Public Assistance Program in accordance with Scope of Service in Attachment A.

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

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

AUTHORIZING SIGNATURE FOR THE CONTRACTOR:

→ X: Nancy E. Stevens Date: 5/18/09
 (Signature and Date Must Be Handwritten At Time of Signature)
 → Print Name: NANCY E. STEVENS
 → Print Title: MAYOR

AUTHORIZING SIGNATURE FOR THE DEPARTMENT:

X: _____ Date: _____
 (Signature and Date Must Be Handwritten At Time of Signature)
 Print Name: Diane Nocivelli
 Print Title: Associate Director-Chief Financial Officer

**COMMONWEALTH OF MASSACHUSETTS – STANDARD CONTRACT FORM
FEMA 1813 DR DECEMBER 2008 ICE STORM**

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

→ <u>Contractor Legal Name</u> (and db/a): CITY OF MARLBOROUGH		<u>Department MMARS Alpha Code and Name</u> : CDA Massachusetts Emergency Management Agency	
→ <u>Legal Address</u> (from W-9): 696 Concord Road Marlborough, MA		<u>Business Mailing Address</u> : 400 Worcester Road, Framingham, MA 01702	
→ <u>Payment Remittance Address</u> (from W-9):		<u>Billing Address</u> (if different):	
→ <u>Contract Manager</u> : Donald Cusson, EMD Director		<u>Contract Manager</u> : Judy Whitcher	
→ <u>E-Mail Address</u> :	→ Phone:	<u>E-Mail Address</u> : judy.whitcher@state.ma.us	Phone: (508) 820-2057
→ Fax:	→ TTY:	Fax: (508) 820-1401	TTY:
→ <u>State of Incorporation</u> (if a corporation) or "N/A":		<u>MMARS Doc ID(s)</u> : 09FEMA1813MARLB00679	
→ <u>Vendor Code</u> : VC6000192111		<u>RFR/Procurement or Other ID Number</u> (if applicable): PW-00679	
<u>MMARS Object Code</u> : P01 PP1		<u>Account(s) Funding Contract</u> : FEDERAL 8800-1813	

<p align="center"><u>X</u> NEW CONTRACT</p> <p><u>COMPENSATION</u> (Check only one): <input checked="" type="checkbox"/> Total <u>Maximum Obligation</u> of this Contract \$ <u>5,063.63</u> <input type="checkbox"/> <u>Rate Contract</u> (Attach details of rate(s) units and any calculations):</p> <p>The following <u>COMMONWEALTH TERMS AND CONDITIONS</u> for this Contract has been executed and filed with CTR (Check only one): <input checked="" type="checkbox"/> Commonwealth Terms And Conditions <input type="checkbox"/> Commonwealth Terms And Conditions For Human And Social Services</p> <p><u>PROCUREMENT OR EXCEPTION TYPE</u> (Check one option only): <input type="checkbox"/> Single Department Procurement/Single Department User Contract <input type="checkbox"/> Single Department Procurement/Multiple Department User Contract <input type="checkbox"/> Multiple Department Procurement/Limited Department User Contract <input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department) <input checked="" type="checkbox"/> Grant (as defined by <u>815 CMR 2.00</u>) <input type="checkbox"/> Emergency Contract (attach justification) <input type="checkbox"/> Contract Employee (Complete <u>Employment Status Form</u>) <input type="checkbox"/> Collective Purchase (attach OSD approval) <input type="checkbox"/> Legislative/Legal Exemption (attach authorizing language) <input type="checkbox"/> Other (Specify and attach documentation): FEMA 1813 DR Dec Ice</p> <p><u>ANTICIPATED START DATE</u>: <u>01-05-2009</u> (Enter the Date Contract Obligations may begin. Review Certification for Effective Date Below prior to entry.) <u>CONTRACT END DATE</u>: <u>07-05-2009</u></p>	<p align="center"><u> </u> CONTRACT AMENDMENT/RENEWAL</p> <p>ENTER <u>CURRENT CONTRACT START</u> and <u>END DATES</u> (prior to amendment) Current Start Date: _____, Current End Date: _____</p> <p><u>COMPENSATION</u>: (Check Either, "No Compensation Change"; "Maximum Obligation" or "Rate change". ATTACH Amended Scope and Budget to support Amendment.) <input type="checkbox"/> NO Compensation Change (Skip to "OTHER" section below and select change) <input type="checkbox"/> Redistribute Budget Line Items (No Maximum Obligation Change) <input type="checkbox"/> Maximum Obligation Change a) <u>Current Total Contract Maximum Obligation</u>: \$ _____ (Total Contract Maximum Obligation, including all prior amendments). b) <u>Amendment Amount</u> ("+" or "-"): \$ _____ c) <u>NEW TOTAL CONTRACT MAXIMUM OBLIGATION</u>: \$ _____ <input type="checkbox"/> Rate Changes to Rate Contract</p> <p><u>OTHER</u>: (Check option, explain under "Brief Description" below, and attach documentation.) <input type="checkbox"/> Amend Duration Only (No Compensation or Performance Change) <input type="checkbox"/> Amend Scope of Services/Performance Only (no budget impact.) <input type="checkbox"/> Interim Contract (Temporary Extension to complete new Procurement) <input type="checkbox"/> Other: (Describe Details and Attach documentation):</p> <p><u>ANTICIPATED START DATE</u>: _____ (Enter the Date Amendment Obligations may begin. Review Certification for Effective Date Below prior to entry.) <u>NEW CONTRACT END DATE</u>: _____</p>
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→ PROMPT PAYMENT DISCOUNTS: Contractor has agreed to the following Prompt Pay Discounts for the listed Payment Issue Dates. See Prompt Payment Discount Policy.
 ___ % Within 10 Days ___ % Within 15 Days ___ % Within 20 Days ___ % Within 30 Days OR, Check off the following if:
 Contractor either claims hardship, or chooses not to provide PPD, or compensation is not subject to prompt pay discounts (grants, non-commodity or non-service compensation)

BRIEF DESCRIPTION OF CONTRACT PERFORMANCE OR REASON FOR AMENDMENT (Reference to attachments is insufficient): PW-00679 to reimburse for FEMA 1813 DR December 2008 Ice Storm—To return to pre-disaster condition and or configuration as approved by FEMA under the Public Assistance Program in accordance with Scope of Service in Attachment A.

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

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

AUTHORIZING SIGNATURE FOR THE CONTRACTOR:

→ X: Nancy E. Stevens, Date: 5/18/09
 (Signature and Date Must Be Handwritten At Time of Signature)
 → Print Name: NANCY E. STEVENS
 → Print Title: MAYOR

AUTHORIZING SIGNATURE FOR THE DEPARTMENT:

X: _____, Date: _____
 (Signature and Date Must Be Handwritten At Time of Signature)
 Print Name: Diane Nocive
 Print Title: Associate Director-Chief Financial Officer



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 12,
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

June 2, 2009

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

Re: Human Services WIA Grant

Honorable President Vigeant and Councilors:

The Department of Human Services has been awarded a Workforce Investment Act (WIA) Summer Jobs Grant in the amount of \$29,165.00. This grant is funded through the American Recovery and Reinvestment Act and is administered by the Metro South West Regional Employment Board. This grant provides funding to address growing unemployment concerns among youth aged 14-24.

The summer program helps build work readiness skills, offers stipend-based summer internships, and provides work and life skills, as well as educational remediation.

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

Attachments



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

13,
Nancy E. Stevens
MAYOR

Krista F. Holmi
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

June 3, 2009

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

Re: Order of Taking by Eminent Domain - Maple and Valley Streets

Honorable President Vigeant and Councilors:

Enclosed herewith, please find an Order of Taking by Eminent Domain concerning a certain strip of land as more fully described within the attached proposed order.

The taking is for the purpose of acquiring the fee interest in a portion of the land located at the intersection of Maple Street and Valley Street from the developer of apartments in the former Design Pak building. In accordance with its special permit, the developer has constructed public safety improvements to this referenced strip of land.

This proposal is being requested on behalf of the Department of Public Works. Please note that in accordance with another provision of the special permit, no appropriation is necessary. The developer has waived an appraisal and damages for this taking.

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

Sincerely,

Nancy E. Stevens
Mayor

Attachments

Cc: Donald V. Rider, Jr., City Solicitor
Cynthia Panagore Griffin, Assistant City Solicitor
Ronald LaFreniere, Commissioner
Thomas Cullen, City Engineer



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

June 4, 2009

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

RE: Order of Taking by Eminent Domain of land at the corner of Maple Street and Valley Street

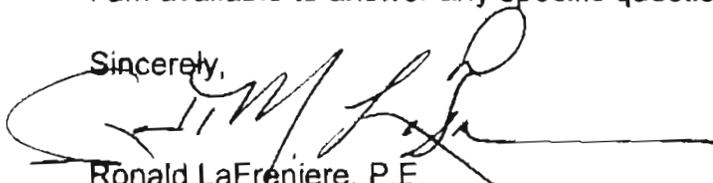
Dear Mayor Stevens:

I request that you send to the City Council, for their action, the attached Order of Taking by Eminent Domain of a certain piece of land as more fully described within the order itself.

This taking is for the purpose of acquiring the fee interest in a portion of the land located at the intersection of Maple Street and Valley Street from the developer of apartments at the former Design Pak building, and upon which the developer constructed public safety improvements in accordance with its special permit. Further, no appropriation is necessary because the developer has waived an appraisal and damages for this taking (see attached Waiver of Appraisal and Compensation of Damages), also in accordance with its special permit.

I am available to answer any specific questions relative to the project.

Sincerely,



Ronald LaFreniere, P.E.
Commissioner of Public Works

Enclosure

Cc: Donald V. Rider, Jr., City Solicitor
Cynthia Panagore Griffin, Assistant City Solicitor
Tom Cullen, City Engineer

ORDERED:

Eminent Domain Order of Taking

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

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

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

DESCRIPTION OF LAND TAKEN

A certain portion of land located on the northerly corner of Maple Street and Valley Street in Marlborough, Middlesex County, Massachusetts and being shown as LC Lot 9 on a plan entitled, "Taking Plan, Subdivision of Land Court Plan No. 8742C, Marlborough, Massachusetts (Middlesex County); Scale 1"=40'; Date: November 10, 2008, Prepared For: L-A 175 Maple Street Land Owner LLC, 900 Chapel Street, New Haven, Connecticut, Prepared By: GLM Engineering Consultants, Inc., 19 Exchange Street, Holliston, MA." said Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order. Meaning and intending to take and taking by Eminent Domain the fee simple interest, shown as LC Lot 9 as described in the aforementioned plan, which is a portion of the land as described in the deed recorded with the Middlesex South District Registry of Deeds in Book 48218, Page 138 and also recorded with the Middlesex South District Registry of Deeds in Certificate Number 237805 at Book 1327, Page 2.

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

The land consisting of LC Lot 9 as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 132 on Map 82. The total land area being taken consists of 459 ± square feet or 0.01 ± acres.

AWARDS

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

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

ADOPTED
In City Council
Order No. 09-
Adopted

Approved By Mayor
Nancy E. Stevens
Date:

A TRUE COPY
ATTEST:

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WAIVER OF APPRAISAL AND COMPENSATION OF DAMAGES

Owner of Record Of Land: L-A 175 Maple Street Land Owner, LLC, being a Delaware limited liability company

Address: Cira Center, 2929 Arch Street, Philadelphia, PA and 900 Chapel Street, New Haven, CT

Owner of Record of Building: 175 Maple Street Building Owner, LLC, being a Massachusetts limited liability company

Address: 175 Maple Street, Marlborough, MA

Project: Public Safety Improvements In The Public Right Of Way At The Northerly Corner of Maple Street And Valley Street, Marlborough, MA

In Fee: LC Lot 9 Consisting Of 459 ± SF Or 0.01 ± Acres As Shown On Plan of Taking Entitled "Taking Plan, Subdivision Of Land Court Plan No. 8742C, Marlborough, Massachusetts (Middlesex County), Scale 1"=40', November 10, 2008, Prepared For L-A 175 Maple Street Land Owner, LLC, 900 Chapel Street, New Haven, Connecticut, Prepared By: GLM Engineering Consultants, Inc., 19 Exchange St., Holliston, MA. "

Pursuant to paragraph 30 of the attached Special Permit granted by the City Council of the City of Marlborough to L-A 175 Maple St. [Street] Land Owner, LLC and 175 Maple Street Building Owner for the construction of residential units at the former Design Pak building located at 175 Maple Street, Marlborough, MA, and pursuant to M.G.L. c. 79, s. 7A, the Owner of Record, L-A 175 Maple St. Land Owner, LLC, hereby waives an appraisal and damages for a taking by eminent domain in fee by the City of Marlborough, for the purposes of the above described Project, of the parcel identified herein and in the attached Taking Plan, dated November 10, 2008.

The conveyance of this parcel will be accomplished by Order of Taking and recorded at the Middlesex South Registry of Deeds.

I/we waive my/our right(s) to an appraisal and compensation of damages.

**L-A 175 Maple Street Land Owner, LLC,
a Delaware limited liability company**

By: 
Name: R. Eric Emrich
Title: CFO, VP, and Treasurer

Date: April 22, 2009

Acknowledged: 

**Ronald LaFreniere, Commissioner
Department of Public Works
City of Marlborough**

4/28/09
Date

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COMMONWEALTH OF PENNSYLVANIA

Philadelphia County, ss.

On this 22nd day of April, 2009, before me, the undersigned notary public, personally appeared R. Eric Emrich, proved to me through satisfactory evidence of identification, being (check whichever applies):

- driver's license or other state or federal governmental document bearing a photographic image, oath or affirmation of a credible witness known to me who knows the above signatory, or my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by him voluntarily for its stated purpose, as the duly authorized CFO, VP, and Treasurer of L-A 175 MAPLE STREET LAND OWNER LLC, a Delaware limited liability company.

Catherine Fox

Notary Public

My commission expires: 12/22/2012

Print Notary Public's Name: CATHERINE FOX

Qualified in the Commonwealth of Pennsylvania

[Notary Seal]

COMMONWEALTH OF PENNSYLVANIA
 Notarial Seal
 Catherine Fox, Notary Public
 City of Philadelphia, Philadelphia County
 My Commission Expires Dec. 22, 2012
 Member, Pennsylvania Association of Notaries



City of Marlborough
Office of the Mayor

140 MAIN STREET, 4TH FLOOR
MARLBOROUGH, MASSACHUSETTS 01752
TEL. (508) 480-3770 ■ FACSIMILE (508) 460-3698 ■ TDD (508) 460-3610

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

June 4, 2009

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

Re: Offset of an Appropriation by Estimated Fees Related to Site Plan Review

Dear President Vigeant and Members:

On November 7, 2005, you approved Council Order # 05-100881B, thereby accepting the provisions of Mass. Gen. Laws c. 44, § 53E, and approved a request to fund the services of the City Planner for six months through a supplementary budget that was offset by the fees established for the Site Plan Review process.

I am requesting that you approve a budget item to fund a portion of the salary for the position of the City Planner for all of FY 2010 in the amount of \$14,677.00, with the estimated receipts from the Site Plan Review process being used to offset that portion of the salary.

Using § 53E of Chapter 44, a full copy of which is enclosed, is similar to establishing a revolving fund, except the money must first be appropriated, and any balance at the end of the fiscal year is automatically deposited into the general fund.

Thank you for your consideration of this matter.

Sincerely yours,

Nancy E. Stevens
Mayor

Enclosures

cc: City Auditor, Comptroller, City Solicitor, City Planner

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CITY OF MARLBOROUGH

IN CITY COUNCIL

FISCAL YEAR 2010 BUDGET

REASON FOR PROPOSED EXPENDITURE:

TO FUND A PORTION OF CITY PLANNER FY 2010 SALARY

ORDERED:

That the sum of Fourteen Thousand Six Hundred Seventy-Seven Dollars and Zero Cents (\$14,677.00), designated as City appropriations, is hereby appropriated in the City of Marlborough.

This sum is to be placed into the budgetary line item as defined below, and it is further specified, pursuant to § 53E of Chapter 44 of the General Laws, that said amount shall be offset by the estimated receipts from the fees charged to users of the Site Plan Review process pursuant to § 63-15.F. of Chapter 63 of the City Code of the City of Marlborough.

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
26117401-50032	A portion of the salary for the City Planner.	\$14,677.00

ADOPTED

In City Council
Order No. 09-
Adopted

Approved by Mayor

Nancy E. Stevens
Mayor

DATE:

Chapter 44, Section 53E Agencies, boards, etc; annual operating costs; offset by estimated receipt of user fees.

Section 53E: Notwithstanding the provisions of section fifty-three, a city or town which accepts the provisions of this section may specify when making an appropriation for the annual ordinary operating costs of any agency, board, department or office of said city or town that such costs may be offset, in part or in the aggregate, by the estimated receipts from the fees charged to users of the services provided by such agency, board, department or office.

The use of such fees shall be limited to an amount not to exceed the actual amounts received during the previous fiscal year or such other estimated amount as may be approved, in advance of appropriation, by the commissioner of revenue or his designee, and which is based upon adequate documented material supporting such estimated amounts.

Receipts so allocated shall be deposited in a special account by the city or town treasurer or otherwise specifically identified and may be expended for the purpose allocated without further appropriation. Any balance in such accounts at the end of the fiscal year shall be deposited into the general treasury of the city or town.

Any deficit resulting from any city or town acting under the provisions of this section shall be reported by the auditor, accountant or other officer having similar duties, or by the treasurer if there be no such officer, to the assessors, who shall include the amount so reported in the aggregate appropriations to be assessed in the next subsequent annual tax levy, unless the city or town has provided funds to eliminate such deficit. Any deficit so incurred must be raised by taxation and shall be subject to all applicable provisions of chapter fifty-nine.

Each agency, board, department or office shall prepare an annual report of the change in cash balances in such entity which shall detail the cash receipts and disbursements for the year and shall be submitted to the mayor, city council, city manager, board of selectmen or town manager for their review and a copy of said report shall be submitted to the director of the bureau of accounts. Such report shall be prepared and submitted within forty-five days after the close of the fiscal year.

All such sums, so allocated, shall be treated as amounts voted from available funds for the purpose of deduction in accordance with the provisions of section twenty-three of chapter fifty-nine. All amounts voted from available funds shall be itemized in a schedule, on a form approved by the commissioner of revenue, prepared by the city or town clerk and included with the submission for approval of the tax rate by the commissioner of revenue as provided in section twenty-three of chapter fifty-nine. The assessors shall further attest, on said schedule, that the receipts itemized therein have not been included in any other deduction from the gross amounts to be raised.



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 15,
CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

KATHERINE M. KIMBER
PARALEGAL

June 4, 2009

Arthur Vigeant
President
Marlborough City Council

RE: Order No. 08-1002051/Special Permit Application
The Gutierrez Company/Overlook at Lake Williams

Dear President Vigeant and Members:

Pursuant to Chapter 200-59(C)(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 The Guttierrez Company regarding parcels located on Lakeside Avenue and Bond Street as shown on the City of Marlborough Assessors Maps Map 67, Parcel 45 and Map 68 Parcel 30A in Marlborough.

I recommend that the following revisions be made:

- Minor additions or changes for consistency and/or clarity include:
 - Addition of the article "the" before every reference to "Applicant";
 - Change references to the Massachusetts General Laws using the abbreviation "MGL" to the full name;
 - Include words describing heights or distances to coincide with numerical references;
 - Clarify generic reference to "Committee" in paragraph C6 to read "Site Plan Review Committee"; and
 - Change references to "old code" and "new code" to "1986 Code" and "2008 Code," respectively.
- Procedural Finding Number 7: Updated information concerning the recent extension in time for final action granted by the City Council to the Applicant:

The Marlborough City Council held a public hearing on the Application on December 1, 2008 in accordance with the published notice (the "Public Hearing"). The Public Hearing was opened and continued to December 15, 2008. The

Public Hearing was further continued to January 5, 2009 and following the completion of testimony the Public Hearing was closed on said date. By timely agreement of the Applicant and the City Council, acting in its capacity as special permit granting authority, the time for the Council to take final action on the Application was extended to June 8, 2009 at 5 pm and further extended until June 22, 2009 at 11:59 pm. 152

- Procedural Findings Number 23: Additional terms that will include the Americans With Disabilities Act (ADA) and other relevant laws which are not life safety or building codes (underlined language):

All buildings will be fully sprinkled and constructed in accordance with the latest life safety, building codes, and other applicable laws.

- Condition C1: Additional terms that will include the Americans With Disabilities Act (ADA) and other relevant laws which are not life safety or are not building codes (underlined language):

Construction. Construction of all structures on the Site is to be in accordance with all building codes, zoning regulations, and other applicable laws in effect in the City of Marlborough and Commonwealth of Massachusetts and shall be built according to the Site Plan prepared by John G. Crowe Associates, Inc. 385 Concord Avenue, Suite 1, Belmont, MA 02478, dated November 6, 2008, filed with the Permit Application and as revised during the application process on April 10, 2009. The Applicant's Site Plan indicates a permitted building area in which the buildings are to be located.

- Condition C4: Clarification of exactly what "decisions and findings" are referenced in the last sentence (underlined language):

Compliance with Local, State and Federal Laws. The Applicant shall comply with all applicable rules, regulations, and ordinances of the City of Marlborough, Commonwealth of Massachusetts, and Federal Agencies as they may apply to the construction, maintenance, and operation of the Project and Site, and all decisions and findings related thereto, including without limitation compliance with local Conservation Commission Orders, the Massachusetts Environmental Policy Act (MEPA), Massachusetts General Laws Chapter 30, Section 61, and the Massachusetts State Building Code. The terms and conditions of such decisions and findings shall become a part of this

decision.

- Condition C12: Eliminate passive voice and clarify City's role in providing Police details for construction phase of the project (underlined language):

Off-Site Improvements. In connection with the installation of improvements within public right-of-ways which requires a street opening permit, the City Engineer shall be provided by the Applicant, prior to the commencement of any work, with a schedule of such work and the construction procedures to be utilized prior to the commencement of such work. A Police detail shall be provided by the City at the Applicant's expense for any utility work performed within the public way.

- Condition C15: Eliminate passive voice and clarify Applicant's obligation to provide utilities as may be required by the City Engineer as a result of the Site Plan Review process (underlined language):

Utilities Review. The detailed review of on-site and off-site utilities will be performed as part of the Site Plan Review process, and such utilities as may be required by the City Engineer during this review shall be provided by the Applicant. The Applicant, its affiliates, successors and/or assigns shall deliver to the City Engineer, prior to the commencement of construction of the water and sewer improvements, copies of the final plans and schedule of work of such improvements for final review and approval by the City Engineer.

- C25: Revise to clarify terms and enhance technical accuracy (underlined language):

Exterior Siding of Buildings. The exterior siding of the buildings shall be constructed of vinyl equal to or per the outline specification submitted for the record.

- Condition 41: Revise to clarify terms and enhance technical accuracy (underlined language):

Retaining Walls at Dry Detention Basin. As shown on the Site Plan submitted to the City Council and City Council's Urban Affairs Committee and per the outline specification submitted for the record, the cast-in-place concrete retaining wall system to be constructed along the dry detention basin at the front of the Site, the face of which retaining wall shall have a fieldstone appearance (formed, veneer, or other).

- New Condition C45:

In accordance with the provisions of Massachusetts General Laws Chapter 40A, Section 11, the Applicants at their expense shall record this Special Permit in the Middlesex South 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.

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I have enclosed both a tracked and a clean version of the decision reflecting these additional recommendations.

With the additional recommendations specified above, I certify that the Council's proposed findings are in proper legal form.

Very truly yours,



/s/Cynthia Panagore Griffin
Cynthia Panagore Griffin
Assistant City Solicitor

Enclosures

cc: David P. Gadbois, Esquire

IN CITY COUNCIL

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Marlborough, MA, June , 2009

ORDERED:

DECISION FOR SPECIAL PERMIT

IN CITY COUNCIL

Special Permit
The Gutierrez Company
Overlook at Lake Williams
Order No. 08-1002051

DECISION ON AN APPLICATION FOR SPECIAL PERMIT

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to The Gutierrez Company, having a usual place of business at One Wall Street, Burlington, Massachusetts 01803 as provided in the Decision and subject to the following Procedural Findings, Findings of Facts and Conditions:

PROCEDURAL FINDINGS

1. The Gutierrez Company is a corporation organized and existing under laws of the State of Delaware registered to do business in the Commonwealth of Massachusetts and having a usual place of business at One Wall Street, Burlington, Massachusetts 01803 (the "Applicant").
2. The Applicant, through a realty trust known as Marlborough/Northborough Land Realty Trust u/d/t dated October 12, 2000 recorded in the Middlesex South District Registry of Deeds in Book 31932 Page 433, is the owner of the property described in the Middlesex South District Registry of Deeds in Book 31932 Page 445 known as Lakeside Avenue and Bond Street, Marlborough, MA as shown on the City of Marlborough Assessors Maps Map 67, Parcel 45 and Map 68 Parcel 30A (the "Site").
3. The Applicant, on or about November 6, 2008 filed with the City Clerk of the City of Marlborough an Application To City Council for Issuance of Special Permit (the "Application") under Chapter 200 (Zoning) of the Code of the City of Marlborough, Article 200 Section 13, Paragraph C. Sub-paragraph 4 (1986 Code) Article V Section 200-17 Residential Use Multi-family dwelling (4) (2008 Code) to construct a 60 unit townhouse condominium community on approximately 31.2 acres of land located at Assessors Map 67 Parcel 45 Lakeside Avenue and Assessors Map 68 Parcel 30A Bond Street (the "Project").

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4. The Application, filed on November 6, 2008, consisted of an original and two copies of the following: (a) Application to the City Council for Issuance of Special Permit, (b) Special Permit-Summary Impact Statement, (c) Filing Fee check in the amount of \$1,725.00, (d) Drainage Report, (e) Traffic Study, (f) Plan Delivery Certification, (g) Tax Payment Certification, (h) Abutters List, (i) Preliminary Site Plan, and (j) Planning Department Certification (collectively the "Documents") which Documents are incorporated herein and become a part of this Decision. Eleven sets of documents were delivered to the City Council and one set each to the Police Chief, the Fire Chief, the City Planner (Building Commissioner), the City Engineer, and the Conservation Officer, all in accordance with Chapter 200 Section 200-59 of the Zoning Code (1986 Code) of the City of Marlborough.
 5. The Applicant filed with the Application a Certificate of Completeness of Application on a form signed by the Building Commissioner for the City Planner for the City of Marlborough as having complied with the provisions of Chapter 200 (Zoning Code) Section 200-59, C. (7) (a), (b) and (c) (1986 Code).
 6. In accordance with the Rules and Regulations of the City Council and Massachusetts General Laws Chapter 40A, Sections 9 and 11, the City Council established a date for a public hearing on the Application, caused to be advertised notice of said hearing and the date thereof in the MetroWest Daily News, and mailed said notice to those entitled thereto.
 7. The Marlborough City Council held a public hearing on the Application on December 1, 2008 in accordance with the published notice (the "Public Hearing"). The Public Hearing was opened and continued to December 15, 2008. The Public Hearing was further continued to January 5, 2009 and following the completion of testimony the Public Hearing was closed on said date. By timely agreement of the Applicant and the City Council, acting in its capacity as special permit granting authority, the time for the Council to take final action on the Application was extended to June 8, 2009 at 5 pm and further extended until June 22, 2009 at 11:59 pm.
 8. The Applicant presented testimony at the Public Hearing detailing the Project, its impact upon municipal services, the neighborhood, traffic, drainage, and such issues as the City Council and members of the public deemed appropriate. Members of the public had the opportunity to testify at the Public Hearing. Subjects of concern were drainage, traffic, emergency access to and from Bond Street, sewer system flow, and retaining walls.
 9. The Applicant provided written and oral documentation and testimony to the City Council and the City Council's Urban Affairs Committee regarding the Site, traffic impacts, open space, landscaping, drainage, lighting, water and sewer use, other utility improvements associated with the Project, and the production of affordable housing.
 10. The Project is located on 31.2 acres of land on the north side of Lakeside Ave. (Route 20 West) between The Holiday Inn and Dunkin Donuts. It has approximately 341 feet of frontage along Lakeside Avenue (Route 20 West).
 11. Except for the emergency access way to and from Bond Street which is located in the Residence A-3 District, the Site is currently divided between two zoning districts. The development portion of the Site totals approximately 8.1 acres, and is located within the

Business B District. The balance of the Site is located within the Limited Industrial District. All of the proposed development is within the Business B District except for the emergency access way from Bond Street.

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12. The Project meets or exceeds all dimensional requirements of the Zoning Ordinance of the City of Marlborough.
13. The Project consists of 15 buildings each with four condominium units. There are six (6) one bedroom units, forty-eight (48) two bedroom units and six (6) three bedroom units. Building height is limited to 2 stories or twenty-three and a half (23.5') feet high. Each unit will have an attached one car garage. A Tot Lot or play area will be constructed and located as shown on the Detailed Site Plan.
14. One hundred eighty (180) parking spaces are provided and are in accordance with the Zoning Ordinance requirements of the City of Marlborough.
15. The Traffic Evaluation prepared by Vanasse Hangen Brustlin, dated November 6, 2008, indicates the total average daily traffic trips to be generated by the Project is projected to be 415 per day on a weekday. The Traffic Evaluation projects peak hour traffic volumes to be generated by the Project are: in the morning 5 trips entering and 30 trips exiting the Site per hour, and in the evening 25 trips entering and 15 trips exiting per hour.
16. To provide safe access and egress to and from the Site, the Applicant, its affiliates, successors and/or assigns will design and construct a series of access improvement measures including a deceleration taper on Route 20 westbound, a left-turn pocket on Route 20 eastbound, and relocation of the existing retaining wall on the north side of Route 20 to improve sight distance.
17. The Applicant states there is sufficient potable water available in the City's water system to supply the Project. A looped water system will be constructed from Route 20 through the Project Site out to Bond Street.
18. The Project will generate approximately 13,200 gallons per day of sewer flow per design flows. The sewer will be directed through the City of Marlborough's waste water system through the Lake Williams Pumping Station to the easterly wastewater treatment plant. Said plant has the capacity to treat the wastewater generated by the Project.
19. Natural gas is available to the Project Site.
20. Telephone, Electricity and Cable TV services are all available to serve the Project.
21. The Applicant states that the Site Plan provides for proper management of stormwater runoff from the Project. The Applicant states that proposed runoff rates are less than existing runoff rates; that there will be no adverse impact to any surrounding areas; that the drain systems have been properly designed to handle the design flow rates; and that reduced Total Suspended Solids will result in improved quality of stormwater runoff to receiving areas. Stormwater drain system improvements will be made in Route 20, thereby improving existing problem conditions in Route 20. All drainage improvements in Route 20 must be approved by the Commonwealth of Massachusetts.

22. Site lighting will be provided according to the Electrical Site Lighting Plan submitted with the Application.
23. All buildings will be fully sprinkled and constructed in accordance with the latest life safety, building codes, and other applicable laws.
24. Applicant will designate 9 units or 15% of the units as affordable housing units.

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BASED UPON THE ABOVE, THE CITY COUNCIL OF THE CITY OF
MARLBOROUGH MAKES THE FOLLOWING FINDINGS:

- A. The City Council finds that it may grant a Special Permit (Special Permit) subject to such terms and conditions as it deems necessary and reasonable to protect the citizens of the City of Marlborough (also referenced herein as the "City").
- B. The City Council finds the Application for the Special Permit does not derogate from the intent or purpose of the Zoning Ordinance of the City of Marlborough, or Massachusetts General Laws Chapter 40A, et seq.
- C. The City Council finds that the use of the Site for the Project is an appropriate use, and is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough.
- D. The Site Plan, as submitted to the City Council and the City Council's Urban Affairs Committee, provides improvements that will protect the environment, mitigate traffic impacts, and enhance the quality of life for the residential community abutting the Project. The City Council makes this determination subject to the completion and adherence by the Applicant to the conditions more fully set forth herein and to the site plan to be submitted to and approved by the Site Plan Review Committee, which site plan shall be drafted to reflect engineering consistent with this Permit.
- E. The Applicant has complied with all the procedural rules and regulations of the City Council of the City of Marlborough and Chapter 200 (Zoning Code) of the City of Marlborough (1986 Code) and Massachusetts General Laws Chapter 40A, Sections 9 and 11.

GRANT OF SPECIAL PERMIT WITH CONDITIONS

The City Council of the City of Marlborough pursuant to its authority under Chapter 200 (Zoning Code) of the Code of the City of Marlborough (1986 Code) and Massachusetts General Laws Chapter 40A, GRANTS to the Applicant a Special Permit to construct the Project to be used as a 60 Unit Condominium Townhouse Community consisting of 15 buildings as set forth in the Application Documents and as per the Site Plan submitted to the City Council and the City Council's Urban Affairs Committee, and subject to the following conditions:

1. Construction. Construction of all structures on the Site is to be in accordance with all building codes, zoning regulations, and other applicable laws in effect in the City of Marlborough and Commonwealth of Massachusetts and shall be built according to the Site Plan prepared by John G. Crowe Associates, Inc. 385 Concord Avenue, Suite 1, Belmont, MA

02478, dated November 6, 2008, filed with the Permit Application and as revised during the application process on April 10, 2009. The Applicant's Site Plan indicates a permitted building area in which the buildings are to be located.

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2. Site Plan Review. The issuance of the Special Permit is further subject to detailed Site Plan Review, in accordance the City of Marlborough Code, prior to issuance of the Building Permit. Any additional changes, alterations, modifications or amendments as required by Site Plan Review shall become further conditions to this Special Permit. A Permanent Occupancy Permit shall not be issued until all conditions are complied with by the Applicant, provided, however, that a Temporary Occupancy Permit for individual condominium units may issue upon a determination by the Building Commissioner that the Site is substantially complete, providing for a phased development of the Site, and no Permanent Occupancy Permit shall be issued until all conditions are complied with by the Applicant. Site Plan Review shall be consistent with this Special Permit. Any violation of a condition of the Site Plan Approval shall be a violation of this Special Permit.

3. Hazardous Waste. The Applicant shall comply with all directives by the Department of Environmental Protection of the Commonwealth of Massachusetts relative to the existence of any hazardous waste which may be located on the Site, including compliance with the provisions of Massachusetts General Laws Chapter 21E and any other applicable government codes and regulations as they relate to the authority of the Fire Chief of the City of Marlborough.

4. Compliance with Local, State and Federal Laws. The Applicant shall comply with all applicable rules, regulations, and ordinances of the City of Marlborough, Commonwealth of Massachusetts, and Federal Agencies as they may apply to the construction, maintenance, and operation of the Project and Site, and all decisions and findings related thereto, including without limitation compliance with local Conservation Commission Orders, the Massachusetts Environmental Policy Act (MEPA), Massachusetts General Laws Chapter 30, Section 61, and the Massachusetts State Building Code. The terms and conditions of such decisions and findings shall become a part of this decision.

5. Inspectional Services Mitigation. The Applicant, its affiliates, successors and/or assigns shall, prior to issuance of the Building Permit for the Project, provide a payment to the City of Marlborough Inspectional Services fund in the amount of six thousand (\$6,000.00) dollars to offset the increases in costs associated with the Project. The City shall expend said funds as needed to contract for temporary staff, materials, supplies, and equipment so as to enable the Inspections Staff to provide adequate and timely inspections of the Project construction.

6. Route 20 Landscape and Traffic Mitigation. The Applicant, its affiliates, successors, and/or assigns shall install approximately 830 linear feet of granite curbing along Route 20, hydroseed barren areas, and place ornamental flowering shade trees (the "Route 20 Landscaping Work") all as shown on the Proposed Mitigation for Overlook at Lake Williams rendering filed with plans for the Project. The Applicant, it affiliates, successors and/or assigns shall file a more detailed plan consistent with said rendering with the Site Plan Review Committee. The plan for said work as approved by the Site Plan Review Committee shall be part of this Permit. The Applicant, its affiliates, successors and/or assigns shall perform such Route 20 Landscaping Work as described herein and as shown on the rendering filed with the

plans for the Project, concurrently with the initial clearing and excavating activities of the Project Site. The Applicant, its affiliates, successors and/or assigns, shall complete all such Route 20 Landscaping Work prior to the issuance of any Building Permit for the Project.

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7. Detention Basins. The Applicant, its affiliates, successors and/or assigns, shall inspect the on-site detention basins not less than annually with respect to sedimentation accumulation, and shall provide copies of annual reports to the City Engineer. To the extent such reports indicate the need for sediment removal, the same shall be removed by the Applicant, at no cost to the City, and within thirty (30) days following such direction from the City Engineer.

8. Catch Basins. The Applicant, its affiliates, successors and/or assigns shall equip all catch basins with sumps and inverted outlets as more fully shown on the Site Plan, shall monitor the catch basins on a semi-annual basis and furnish reports to the City Engineer, and shall clean the catch basins annually or at more frequent intervals as determined by the City Engineer. The maintenance of the detention basins and catch basins as described herein shall be included in the Operations & Maintenance (O & M) Plan that the Applicant, its affiliates, successors and/or assigns shall develop and implement for the Project, as more particularly described below.

9. Snow Storage. The Applicant, its affiliates, successors and/or assigns shall provide for snow storage on-site and stockpile snow only from the Project, may elect to utilize off-site snow storage, and shall direct snowmelt runoff toward catch basins.

10. Parking Areas. (i) The Applicant, its affiliates, successors and/or assigns shall sweep all parking areas as necessary. (ii) Pursuant to the provisions of Massachusetts General Laws Chapter 90, Section 18, the Applicant, its affiliates, successors and/or assigns shall submit a written request and grant of authority to the Marlborough Traffic Commission to promulgate legally enforceable rules and regulations for the control of on-site traffic and parking. The Applicant, its affiliates, successors and/or assigns shall be responsible for providing, installing, and maintaining all signage or markings required. Such signage or markings shall meet the standards of the Manual on Uniform Traffic Control Devices.

11. Construction Traffic. During construction of the Project, the Applicant, its affiliates, successors and/or assigns shall impose on each of its contractors a requirement that all heavy equipment accessing the Site shall use Route 20 and not to use residential streets abutting the Project.

12. Off-Site Improvements. In connection with the installation of improvements within public right-of-ways which requires a street opening permit, the City Engineer shall be provided by the Applicant, prior to the commencement of any work, with a schedule of such work and the construction procedures to be utilized prior to the commencement of such work. A Police detail shall be provided by the City at the Applicant's expense for any utility work performed within the public way..

13. Traffic Improvements. (a) All traffic improvements will be constructed by the Applicant, its affiliates, successors and/or assigns in accordance with the Site Plan submitted to the City Council and the City Council's Urban Affairs Committee and as approved by the Commonwealth of Massachusetts Highway Department. (b) Applicant, its affiliates, successors and/or assigns will construct a second means of ingress and egress to and from Bond Street to be

used in emergency situations only. The Bond Street entrance will be gated and equipped with a locking system approved by the Fire Department and installed by the Applicant..

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14. Landscaping. The Applicant, its affiliates, successors and/or assigns shall plant and maintain the Project's landscaping as shown on the Site Plan submitted with the Application as may be amended during Site Plan Review.

15. Utilities Review. The detailed review of on-site and off-site utilities will be performed as part of the Site Plan Review process, and such utilities as may be required by the City Engineer during this review shall be provided by the Applicant. The Applicant, its affiliates, successors and/or assigns shall deliver to the City Engineer, prior to the commencement of construction of the water and sewer improvements, copies of the final plans and schedule of work of such improvements for final review and approval by the City Engineer.

16. Water-Sewer. Water and Sewer services provided to the Project shall be subject to currently applicable citywide water and sewer policies and charges subject to annual adjustment by the Commissioner of Public Works. The Applicant, its affiliates, successors and/or assigns shall develop an on-site water supply for irrigation purposes. Use of the City's water supply for irrigation purposes may only be permitted, upon demonstration by the Applicant to the City Engineer, that on-site supplies are inadequate due to quantity or quality.

17. Conservation Commission. The Applicant, its affiliates, successors and/or assigns shall construct a dry bottom detention basin according to the Site Plan as amended and shall comply with the terms and conditions of any final, duly issued Order of Conditions issued pursuant to the Wetlands Protection Act (Massachusetts General Laws Chapter 131, Section 40) so long as they are consistent with this provision.

18. Outside Storage. Outside storage of utility trailers, motor homes, boats, campers or other recreational vehicles shall not be permitted on the grounds of the Project, except that the same may be stored in a unit condominium garage. The condominium documents shall contain a restrictive provision covering and consistent with this condition.

19. School Bus Stop. An area next to Lakeside Ave. (Route 20) as shown on the Site Plan shall be provided for a school bus stop. The Applicant, its affiliates, successors and/or assigns shall construct and maintain a partially enclosed bus shelter for students and parents waiting for a school bus. The Applicant shall illuminate said bus shelter.

20. Snow Storage on Emergency Access Road. There will be no storage of snow on the emergency access road east of the gate and fencing as shown on the Site Plan, abutting the Bond Street neighbors. In addition, the Applicant, its affiliates, successors and/or assigns shall make reasonable efforts to ensure snow is removed from the emergency access road in such a way that does not disturb the abutting Bond Street neighbors. The Applicant, its affiliates, successors and/or assigns, shall clear snow from the emergency access road into the Project Site away from the abutting Bond Street neighbors, and store and stockpile in designated snow storage areas as delineated on the Site Plan page SP 7 "Snow Storage Plan". No snow may be brought onto the Site from off site.

21. Use of Parking Areas. The parking areas delineated on the Site Plan must be used only for parking automotive vehicles of unit owners and their invitees and guests.

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22. Stockade Fence. The Applicant, its affiliates, successors and/or assigns shall erect a white vinyl stockade fence, eight feet (8') in height with a lattice feature, along the Bond Street side of the Project, all as shown on the Site Plan submitted to the City Council and City Council's Urban Affairs Committee.

23. Chain Link Fence. The Applicant, its affiliates, successors and/or assigns shall erect a black vinyl chain link fence along the Bond Street side of the Project, transitioning from the stockade fence to an area at the front of the Site on Lakeside Avenue (Route 20), all as shown on the Site Plan submitted to the City Council and City Council's Urban Affairs Committee.

24. Ornamental Fence. As shown on the Site Plan submitted to the City Council and City Council's Urban Affairs Committee, the Applicant, its affiliates, successors and/or assigns shall install black aluminum ornamental fencing, six feet (6') in height, on the top of all walls so as to prevent access by pedestrians and children. As shown on said Site Plan, the Applicant, its affiliates, successors and/or assigns shall install black vinyl chain link fencing around the Tot Lot and detention basin located at the rear of the Site. As shown on the Site Plan submitted to the City Council and City Council's Urban Affairs Committee, the black aluminum ornamental fencing to be installed on the walls surrounding the dry detention basin adjacent to Route 20 shall be no less than six feet (6') in height.

25. Exterior Siding of Buildings. The exterior siding of the buildings shall be constructed of vinyl equal to or per the outline specification submitted for the record.

26. Management of Project/Condominium. The Project, and condominium created (the "Condominium"), shall be managed by a third party professional condominium management company, and the condominium documents shall contain a restrictive provision covering and consistent with this condition.

27. Operation and Maintenance Plan. The Applicant, its affiliates, successors and/or assigns, shall develop an Operation and Maintenance (O & M) Plan for the Project's stormwater management system, including any components and/or structures to be located in Route 20 and City-owned property. The O & M Plan must be approved by the Conservation Commission and the City Engineer. The Applicant, its affiliates, successors and/or assigns, shall be responsible for the execution of the O & M Plan and the performance of the maintenance in accordance with the provisions thereof. Upon the transfer of the management of the Project and Condominium to the newly elected condominium association (the "Condominium Association"), the Condominium Association shall then be responsible for the compliance with this provision. The condominium documents shall contain a restrictive provision covering and consistent with this condition.

28. Stormwater Management Reserve Account. The condominium documents shall provide for the establishment of a stormwater management reserve account (the "Reserve Account"), which will insure that funds are available to maintain the said system. The Reserve Account balance shall be equal to at least two (2) years of the estimated cost to maintain the Project's stormwater management system, at all times, and shall be made available to the Conservation Commission upon request.

29. Management Responsibilities of Project/Condominium. The Applicant, its affiliates, successors and/or assigns, shall retain all property management responsibilities for the

Project and Condominium until all units are initially sold, whereupon all maintenance responsibilities provided for hereunder in this provision and other provisions of this Permit shall be transferred to the Condominium Association. The condominium documents shall contain a restrictive provision covering and consistent with this condition.

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30. Owner-Occupancy. All units shall be owner-occupied only, with the provision that there shall be no rentals. The condominium documents shall contain a provision covering and consistent with this condition.

31. Reimbursement of City Engineering Costs. The Applicant, its affiliates, successors and/or assigns shall reimburse the City of Marlborough for all reasonable costs incurred in its review of the Project's sewer system, specifically, all pertinent data relating to the Project's connection to the sewer pump station located on Route 20 at Lake Williams. The City will forward for reimbursement by Applicant, its affiliates, successors and/or assigns all third-party invoices to cover this scope of work.

32. Erosion and Sedimentation Control Plan/Construction Sequencing Plan. The Applicant, its affiliates, successors and/or assigns shall develop an erosion and sedimentation control plan, incorporating proposed erosion and sedimentation control measures, as well as a construction sequencing plan, for the Project. Both plans must be approved by the Conservation Commission and the City Engineer. The Applicant, its affiliates, successors and/or assigns shall be responsible for the execution of said plans and the performance of the maintenance in accordance with the provisions thereof.

33. Hiring of Site Engineer for Stormwater and Erosion Management Control. The Applicant, its affiliates, successors and/or assigns shall be required to hire a site engineer who shall be competent in stormwater and erosion control management. This individual(s) credentials shall be acceptable to the Engineering Division and the Conservation Commission. This individual(s) shall be responsible for checking the site before, during, and after storm events including weekends and evenings when storms are predicted. This individual(s) shall ensure that no untreated stormwater leaves the Site consistent with the State's stormwater regulations. This individual(s) shall ensure compliance with the approved sequence of construction plan, the approved erosion control plan, and the Conservation Commission's Order of Conditions. The Applicant, its affiliates, successors and/or assigns shall grant this individual(s) complete authority of the Site as it relates to stormwater and erosion controls.

34. Left-Hand Turns. To provide for safe egress from the Project, left-turn movements exiting the Project Site shall be prohibited; left turns into the Project Site are permitted.

35. Sidewalks. The Applicant, its affiliates, successors and/or assigns shall provide sidewalks within the Project for pedestrian circulation. Such sidewalk system shall connect to the existing sidewalks in Route 20 along the Project's frontage. All sidewalks within the Project shall be constructed with sloped granite curbing and bituminous concrete. All disturbed areas to the sidewalk system along the Project's frontage on Route 20 shall be reconstructed and/or repaired to match the existing sidewalk specification and profile.

36. Paving of Emergency Access Road. As shown on the Site Plan submitted to the City Council and City Council's Urban Affairs Committee, the emergency access road shall be paved by the Applicant and shall comply with the City's street design standards.

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37. Maintenance of Roadways. All roadways within the Project, including the emergency access road, shall be maintained by the Applicant, its affiliates, successors and/or assigns and shall be kept free and clear of snow and ice at all times by the Applicant, its affiliates, successors and/or assigns, and shall not be used for overflow parking at any time. Parking shall only be allowed in the parking spaces as shown on the Site Plan and prohibited at all times within the roadways of the Project to provide for normal traffic and emergency vehicles.

38. Emergency Access Road Gate. The emergency access road gate shall be maintained so as to operate freely by one person, and shall be provided and maintained with an opening and locking system approved by the Fire Department. The emergency access road gate shall be an eight (8') foot high chain link fence with white vinyl slats consistent in design with the proposed stockade fence along the Bond Street side of the Project as noted herein. An approved fire annunciator panel shall be located on the main entrance roadway into the Project, with details of its exact location and installation requirements to be determined during the Site Plan Review and fire alarm permitting process.

39. Vegetation on Emergency Access Road. The emergency access road shall be kept clear of all vegetation by the Applicant, its affiliates, successors and/or assigns to include a vertical clearance of sixteen feet (16').

40. Retaining Walls at Main Driveway. As shown on the Site Plan submitted to the City Council and City Council's Urban Affairs Committee and per the outline specification submitted for the record, the modular retaining wall system to be constructed along both sides of the Project's main driveway shall be by "Allan Block, AB Europa Collection, Abbey Blend Pattern", an equal or better, in texture, size, pattern and color, if this particular product line is discontinued or unavailable.

41. Retaining Walls at Dry Detention Basin. As shown on the Site Plan submitted to the City Council and City Council's Urban Affairs Committee and per the outline specification submitted for the record, the cast-in-place concrete retaining wall system to be constructed along the dry detention basin at the front of the Site, the face of which retaining wall shall have a fieldstone appearance (formed, veneer, or other).

42. Route 20 Access and Maintenance Agreement. The Applicant, its affiliates, successors and/or assigns, shall obtain an access permit and permanent maintenance agreement between the Applicant and the Commonwealth of Massachusetts Highway Department for the installation and maintenance of the drains and related structures in Route 20 as shown on the Site Plan.

43. City of Marlborough Access and Maintenance Agreement. The Applicant, its affiliates, successors and/or assigns, shall obtain an access permit and permanent maintenance agreement between the Applicant and the City of Marlborough for the installation and maintenance of the storm water outlet structure, which outlets from the Route 20 drains below Route 20 onto City of Marlborough property as shown on the Site Plan.

44. Sullivan Property – Bond Street. In the event the owner of the property located at 36 Bond Street, Marlborough, MA, incurs water seepage into the basement of said property, and proven such water seepage is a direct result of water run-off from the Project Site, the Applicant, its affiliates, successors, and/or assigns, shall make all necessary and reasonable repairs to remedy the situation. Applicant, its affiliates, successors and/or assigns, agrees to abandon any rights it may have to a seven (7') foot right of way on land of Sullivan abutting the emergency access leading from Bond Street to the Site.

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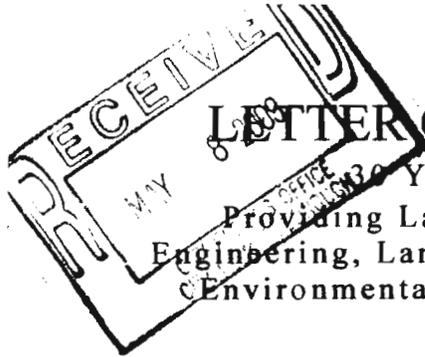
45. Recording of Special Permit. In accordance with the provisions of Massachusetts General Laws Chapter 40A, Section 11, the Applicants at their expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed.

Yea: - Nay: - Absent:

ADOPTED
In City Council
Order No.
Adopted 2009

Approved by Mayor
Date: 2009

A TRUE COPY
ATTEST:



LETTER OF TRANSMITTAL

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Providing Land Surveying, Civil
Engineering, Landscape Architecture and
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HANCOCK ASSOCIATES ¹⁶

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TO: Lisa M. Thomas	DATE: 05/07/09	JOB #: 14630
City of Marlborough	FROM: Joseph D. Peznola, P.E.	
City Clerk	RE: 81 Granger Boulevard	
	Marlborough Savings Bank	

● We are sending you:

- Prints
 Plans
 Samples
 Specifications
 Copy of letter
 Change order

COPIES	DATE	JOB #	DESCRIPTION
3	05/07/09	14630	Permit Site Plans (reduced)
1	05/07/09	14630	Color Drive Up Perspective

● These are transmitted as checked below:

- For approval
 Approved as submitted
 Resubmit _____ copies for approval
 For your use
 Approved as noted
 Submit _____ copies for distribution
 As requested
 Returned for corrections
 Return _____ corrected prints
 For review and comment
 PRINTS RETURNED AFTER LOAN TO US

REMARKS:

COPY TO: HSA **SIGNED:** Beth Femino



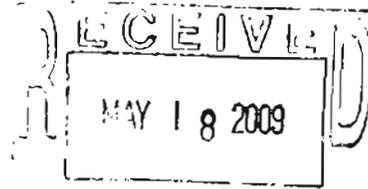
The Commonwealth of Massachusetts
 STATE RECLAMATION & MOSQUITO CONTROL BOARD
**CENTRAL MASSACHUSETTS
 MOSQUITO CONTROL PROJECT**

111 Otis Street, Northborough, MA 01532-2114
 Telephone (508) 393-3055 • Fax (508) 393-8492
 www.cmmcp.org



COMMISSION CHAIRMAN
 RICHARD J. DAY

EXECUTIVE DIRECTOR
 TIMOTHY D. DESCHAMPS



May 15, 2009

Health Dept.
 City of Marlborough
 Marlborough, MA 1752

Central Massachusetts Mosquito Control Project personnel will be in your community to investigate resident's complaints about mosquitoes on the following dates during **May** and **June**, 2009:

June 3, 10, 17, 24, July 1

The above dates are very tentative, and are subject to change due to weather conditions, mosquito populations and mosquito virus activity. This program will shut down when cool night time temperature becomes predominant in this area. A notice about our spray schedule is posted on the CMMCP phone system after 3:30 p.m. each day, and it is also listed on our website.

Complaints about mosquitoes may be registered by calling the CMMCP office at 508-393-3055 between 7:00 AM - 3:30 PM, Monday through Friday or through our website.

The results of an investigation may warrant the use of a mosquito insecticide to defined, site-specific areas of the town. Such an application may be accomplished by using hand or truck mounted equipment, depending on the extent of the application.

Per 333CMR13.04: "No intentional application of pesticides shall be made to private property which has been designated for exclusion from such application by a person living on or legally in control of said property." Notices were sent to all City and Town Clerks in February to alert them of the pesticide exclusion process; CMMCP will continue to accept exemptions during the spray season. Residents should contact their Town or City clerk for more information on the exclusion process, or may contact the CMMCP office during business hours or apply for an exclusion through our website.

Please list this information in the local newspapers and on the local cable access station. Additional information on CMMCP may be found on the Internet at:
<http://www.cmmcp.org>

Sincerely,

Timothy D. Deschamps
 Executive Director

cc: City Clerk
 Police Department

MEMO

Central Mass. Mosquito Control Project



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DATE: May 15, 2009
SUBJECT: Upcoming mosquito spray season
TO: CMMCP member cities and towns
FROM: Timothy Deschamps, Executive Director

The Central Massachusetts Mosquito Control Project has been treating areas since March throughout your community where mosquito larvae may be found. This larviciding of breeding sites will continue throughout the summer months, as will our water management and public education programs.

Warming temperatures coupled with standing water from spring rains will result in the season's first emergence of adult mosquitoes very shortly. CMMCP is prepared to begin limited adult mosquito spraying on or around the week of Memorial Day, weather permitting.

The Ultra Low Volume Spray operations for adult mosquitoes will be conducted in residential areas by **request only**, and only after an investigation has confirmed the existence of mosquitoes has exceeded a pre-determined threshold. The spraying is done after sunset utilizing hand held or truck mounted sprayers.

These dates are subject to change due to inclement weather and/or high mosquito populations. Schedules have been mailed to Town/City Clerk; Health and Police Departments and are posted on the CMMCP website.

Anyone who wishes to have their property excluded from spraying should notify the city/town clerk and the CMMCP office.

We are continuing with our goal to reduce the need for adult mosquito spraying by placing an increased emphasis on larviciding, water management and public education.

Please feel free to contact our office if we may be of assistance to you at (508) 393-3055 Monday-Friday 7:00 AM to 3:30 PM or by e-mail at cmmcp@cmmcp.org

Thank You

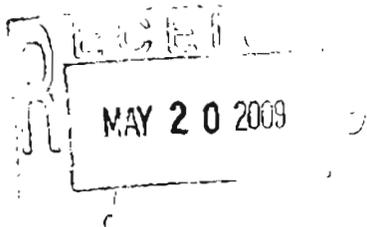


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COMMONWEALTH OF MASSACHUSETTS
 EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Central Regional Office, 627 Main Street, Worcester, MA 01608

DEVAL L. PATRICK
 Governor
 TIMOTHY P. MURRAY
 Lieutenant Governor

IAN A. BOWLES
 Secretary
 LAURIE BURT
 Commissioner



Date: May 6, 2009

Marlborough Department of Public Works
 135 Neil Street
 Marlborough, MA 01752
 Attn: Doran Crouse, Asst. Com.

City: Marlborough
 PWS Number: 2170000
 WMA Permit #: 9P-2-14-170.01
 Program: Water Management Act (WMA)
 Action: WMA Permit Application
 Order To Complete
 MassDEP Trans: 51008241

Dear Mr. Crouse:

The Department of Environmental Protection ("the Department") is conducting its review of the Water Management Act permit application for the Marlborough Department of Public Works to be issued under the Water Management Act (MGL 21G). We have conducted an initial compliance review of the current permit and have determined that additional information needs to be provided to evaluate your request for an increase in your withdrawal volume.

MassDEP requires you complete and return a response to the attached Order to Complete, by August 6, 2009, to: MassDEP, 627 Main Street, Worcester, MA 01608 Attn: Marielle Stone.

If you have any questions concerning the permit application process, please contact Barbara Kickham of the Drinking Water Program at 508-767-2724 or myself at 508-767-2827. MassDEP looks forward to working with you as we begin to finalize the review of your Water Management permit.

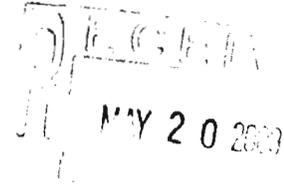
Sincerely,

Marielle Stone
 Section Chief
 Drinking Water Program



Department of Energy
Washington, DC 20585

5/12/2009



Chair Of Select Board
Marlborough City
140 Main St
Marlborough, MA 01752

Dear Marlborough City Chair Of Select Board:

The US Department of Energy is pleased to inform you that Marlborough City is eligible to receive a direct formula grant as part of the Energy Efficiency and Conservation Block Grant (EECBG) Program. This grant is part of the President's American Recovery and Reinvestment Act of 2009. The Recovery Act is an unprecedented effort to jumpstart our economy, create or save millions of jobs, and put a down payment on addressing the nation's energy and environmental challenges.

The EECBG program represents a Presidential priority to invest in the cheapest, cleanest and most reliable energy technologies we have – energy efficiency and conservation – which can be deployed immediately. Through grants to U.S. cities, counties, states, territories, and Indian tribes, the program empowers local communities to make strategic investments to meet the nation's long-term goals for energy independence and leadership on climate change. Please visit the EECBG Program website at <http://www.eecbg.energy.gov> for more information on your allocation amount, eligible uses of funds, program objectives and requirements.

Instructions for Applications

Your first step is to download and read the Funding Opportunity Announcement DE-FOA-0000013 (FOA) which contains application materials and program guidance. Be sure to read all attachments to the FOA. The FOA is available for download at <http://www.eecbg.energy.gov>.

To receive your funding allocation, you **MUST** submit an application. The deadline for the submission of all applications is **Thursday, June 25, 2009 8:00 pm ET**.

In order to submit an application, you must first be registered in FedConnect and complete the following one-time actions. These five (5) actions must be completed in order for you to submit an application in response to this funding opportunity. You may already have completed steps 1 and 2 for previous funding opportunities with the federal government. If you have, you may proceed directly to step 3. Applicants must:

1. Obtain a Dun and Bradstreet Data Universal Numbering System (DUNS) number at http://www.dnb.com/US/duns_update/.
2. Register with the Central Contractor Registration (CCR)* at <http://www.ccr.gov/>.



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3. Register as a vendor with FedConnect at <http://www.fedconnect.net>. Once you are signed in, you MUST join the Response Team as a Team Member.
4. Download the application package from Grants.gov (www.grants.gov) and complete. From the main page, click on "Apply for Grants", then click on "download a grant application package" – use CFDA number 81.128. Once you download the application package, save it on your computer.
5. Submit the application materials to: <http://www.fedconnect.net>.

** Applicants who are not registered with CCR and FedConnect, should allow at least 10 days to complete these requirements.*

Your application must include the documents in the table enclosed with this letter.

Questions?

Please read the FOA carefully and check the program website – you may find the answers to your questions there. You may also read a primer on FedConnect at https://www.fedconnect.net/FedConnect/PublicPages/FedConnect_Ready_Set_Go.pdf.

For all questions relating to the Grants.gov application forms should be directed to Grants.gov at 1-800-518-4726 or support@grants.gov.

For all questions relating to FedConnect, please call 1-800-899-6665 or email support@FedConnect.net.

Questions on the content of the FOA and submission of applications may be submitted by e-mail to EECBG@netl.doe.gov.

The EECBG Program is part of the largest single Federal investment in clean energy for states, local governments, and tribes. We look forward to partnering with you to stimulate the economy and reach our shared energy goals. Please visit our website <http://www.eecbg.energy.gov> often for program announcements and information on technical assistance including our webinar series. The first webinar is designed to help you understand the nuts and bolts of the application process and how to prepare your energy efficiency and conservation strategy. Please join us.

Sincerely,



Gilbert P. Sperling
Program Manager
Weatherization and Intergovernmental Program
Office of Energy Efficiency and Renewable Energy
US Department of Energy

EECBG Application Documents

Please note that some of the documents are contained in the application package that you will download from Grants.gov. Other documents are to be created using forms attached to the FOA and others do not have an established format and are to be created in the format of the applicants' choice.

Name of Document	Location of Document	Format	File Name
Application for Federal Assistance - SF424	In grants.gov forms package	Form	N A
Project Performance Site Location(s)	In grants.gov forms package	Form	N A
Project Activity File	Part of the FOA: Attachment B1	PDF	UIC-Project Activity.pdf
SF 424A File - Budget Information for Non-Construction Programs	DOE Financial Assistance Forms Page at http://management.energy.gov/business_doe/business_forms.htm .	Excel	UIC-SF424A.xls
Budget Justification File	Created by Applicant See Instructions in FOA . page 16	PDF	UIC-Budget.pdf
Subaward Budget File(s) (if applicable)	Created by Applicant See Instructions in FOA . page 17	Excel	10 letters of the subawardee's name.xls
Financial Management Assessment	Part of the FOA: Attachment B2	PDF	UIC-Financial Assessment.pdf
EEC Strategy Format (units of local government and Indian Tribes only)	Part of the FOA: Attachment D	PDF	UIC-Strategy.pdf
Assurances	Created by Applicant See Instructions in FOA . page 18	PDF	UIC-Assurances.pdf
SF-LLL Disclosure of Lobbying Activities (if applicable)	In grants.gov forms package	Form	N A
NEPA Information NEH.F 451.1-1/3-EECBG, if applicable	Part of the FOA: Attachment B3	PDF	UIC-NEPA.pdf

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McLane, Graf,
Raulerson & Middleton
Professional Association

11 South Main Street, Suite 500 | Concord, NH 03301
Tel: 603.226.0400 | www.mclane.com

OFFICES IN
MANCHESTER
CONCORD
PORTSMOUTH
WOBURN, MA

STEVEN V. CAMERINO
Email: steven.camerino@mclane.com
Licensed in MA and NH

May 30, 2009

Councilor
City Council
City Hall
140 Main Street
Marlborough, MA 01752

Re: Petition of Massachusetts Electric Company and Nantucket Electric Company, pursuant to G.L.c. § 94, and 220 C.M.R. § § 5.00 et seq., for a General Increase in Electric Rates and Approval of a Revenue Decoupling Mechanism; DPU 09-39

Dear Councilor:

Pursuant to the Massachusetts' Department of Public Utilities' May 28, 2009 Order of Notice in the above-captioned proceeding, we enclose a copy of the Department's Notice of Filing and Public Hearing in the above-referenced docket. Please post a copy of the enclosed Notice in your city or town hall.

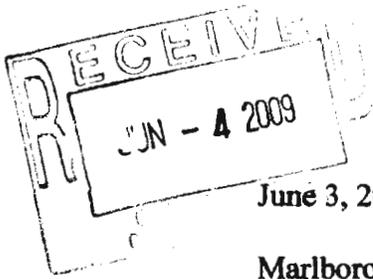
If you have any questions, please feel free to contact me.

Very truly yours,

Steven V. Camerino

SVC/gvb
Enclosure

cc: Amy Rabinowitz, Esq.



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June 3, 2009

Marlborough City Council:

For some time, we have been noticing in the Hudson-Marlborough as well as other areas, people have been operating a taxi cab business using their private cars. They are charging a very low rate for this service. We took the liberty to talk to the RMV about the requirements to operate a Taxi Cab versus a Livery and using a personal car for either. The response from the RMV was that a PAN registration can not be used as either a taxi or a Livery. For a Taxi, the car must be registered as a taxi with a Taxi plate, insured and marked as a taxi including decals and crown. A Livery must not have any decals or taxi lights. The registration would be a Livery registration.

This is a quick and easy way to make some money. By not paying the high rates for the insurance and registration, not to mention taxes, let these people charge a much lower rate.

The problem with these gypsy cabs is they are not concern about the safety of the public. Incase of an accident, they are under insured, drivers are not cored, driver records are not checked. This is a reflection on the towns or cities.

Concord, Acton, Maynard, Hudson Police and as well as the Board of Selectmen of these towns, have also been make aware of this issue.

Thank you.

Laura Eischeimer

LAURA EISCHEIMER

TAXI - HUDSON, MARLBOROUGH

FOR AGENDA JUNE 8/2009

City of Marlborough
Commonwealth of Massachusetts

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PLANNING BOARD

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

PLANNING BOARD MINUTES
April 27, 2009
7:00 PM

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

The Planning Board for the City of Marlborough met on Monday, April 27, 2009 in Memorial Hall, 3rd floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Chairperson, Steven Kerrigan, Philip Hodge, Edward Coveney and Sean Fay. Also present: City Engineer Thomas Cullen.

MINUTES

Meeting Minutes March 23, 2009

The Meeting Minutes were approved on April 6, 2009 and needed a signature from Mr. Fay.

Meeting Minutes April 6, 2009

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

To accept and file the Meeting Minutes of April 6, 2009 with the minor changes.

CHAIRS BUSINESS

At the last meeting, Mr. Kerrigan asked if the legal representation for the Residences of Oak Crest has sent a copy of the recording for the Certificate of Performance that was signed at the March 9, 2009 meeting. A letter was sent to the law firm and there has been no response to date. Mr. Kerrigan suggested sending another letter requesting confirmation of the recording.

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

To send another letter requesting proof of recording for the Certificate of Performance.

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APPROVAL NOT REQUIRED PLAN

107 Phelps Street
Submittal

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

To place the ANR submittal on the table.

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

To take ANR off the table.

With Mr. Fay having a conflict, he stepped out of the room.

Steve Poole, of Zanca Land Surveying, presented an updated ANR plan. The Planning Board signed an ANR Plan on September 29, 2008 and when the plan was submitted for recording for the unregistered land and the Land Court ANR Plan was returned and requested minor modifications for minor changes that the Land Court required. The updated plan incorporates all the modifications that were requested by Land Court.

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

To accept and file the correspondence; to refer the plan to the Engineering Department for their review and to report back to the Planning Board at their next meeting.

Mr. Fay returned to the meeting.

Pleasant Street/Fitchburg Street
Correspondence from Engineering

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

To place the correspondence on the table.

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

To take correspondence off the table.

Tim Collins has reviewed the ANR plan for Pleasant Street/Fitchburg Street. The initial review of the first plan raised questions of status and cross section of Fitchburg Street (public or discontinued) referred as Old Fitchburg Street, width of layout of the section of roadway to as Old Fitchburg Street and compliance with "Lot Shape" based on the section of "Old Fitchburg Street" as a Public Way. With all issues raised from the previous submission resolved, the DPW is recommending the Planning Board to endorse the new ANR plan.

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

To accept and endorse a plan of land believed to be Approval Not Required of 251 Realty Corp. of 3 Ledgewood Blvd., North Dartmouth, MA 02743. Name of Engineer: Steven Roy, 162 North Main Street, Fall River, MA 02720. Deed of property recorded in South Middlesex Registry of Deeds book 21732, page 29. Location and description of property: Corner lot between Pleasant Street and Fitchburg Street, Assessors Map 29 Parcel 2 and 2A.

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PUBLIC HEARING

**Marlborough Elms Definitive Subdivision
7:00 pm**

The Planning Board of the City of Marlborough held a public hearing on Monday, April 27, 2009, at 7:08 p.m. in Memorial Hall, 3rd Floor, City Hall, 140 Main Street, Marlborough on the Definitive Plan of a subdivision entitled, "Marlborough Elms". Members present: Chairperson Barbara L. Fenby, Clerk Steven Kerrigan, Philip Hodge, Edward Coveney and Sean Fay. Also present: City Engineer Thomas Cullen.

The Chair introduced all of the members of the board, the City Engineer and the Planning Board Secretary. She advised the audience that everyone should direct questions to her and she will direct the questions to the proponent or others. She also stated that this is the definitive plan and the Board will refer this plan to the Engineering Department for a full review after the public hearing is closed.

Mr. Kerrigan read the public hearing notice into record.

**PLANNING BOARD
PUBLIC HEARING NOTICE**

Notice is hereby given that the **Planning Board** of the City of Marlborough will hold a public hearing on Monday, April 27, 2009 at 7:00 P.M., at Memorial Hall, City Hall, 140 Main Street, Marlborough, MA on the following Definitive Subdivision Plan "Marlborough Elms" subdivision which proposal is herewith published in compliance with the requirements of the M.G.L. 41, §81T and is hereby set forth as follows:

- NAME OF SUBDIVIDER:** **Marlborough Elms, Inc.
10 Turnpike Road
Southborough, MA 01772**
- NAME OF ENGINEER:** **Highland Engineering & Development
25 Braintree Hill Park, Suite 200
Braintree, MA 02184**
- LOCATION OF PROPERTY:** **Several parcels of land located on the northerly side
of Elm Street and adjacent to Interstate Route 495**

A plan of the proposed subdivision is on file in the City Clerk's Office, the Planning Board Office, and the City Engineer's Office and may be seen prior to the public hearing.

Clifford Schorer of CJS Holdings, owner of the development, presented to the Planning Board the new definitive plans. A previous definitive plan, withdrawn without prejudice, had a street that began at the driveway of 289 Elm Street and past the rear of the property to connect at 401 Elm Street with a "bridge" over the wetlands. The current plan for the subdivision would have two cul-de-sacs, one located at the driveway of 289 Elm Street and the other located at 401 Elm Street and less disturbance of the wetlands. Mr. Schorer stated that the Conservation Commission was in favor of this plan since the disturbance of wetlands will be kept to a minimum.

The developer has agreed to grant a parcel of land to the Marlborough Historical Society, the Peter Rice Homestead noted on the plans.

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They are currently seeking 5 waivers:

Section III-Definitive Plan:

- B.2.0 Request a waiver from locating existing trees over 4' within 20 feet of the right of way.
- B.2.5 Request a waiver to allow GIS contours supplied by the town in lieu of an on-the-ground survey.

Section IV-Design Standards:

- A.4C. Request a waiver from a 75 foot leveling area at roadway intersection
- J. Request a waiver to construct a single sidewalk in the inside of the roadway
- J. Request a waiver to allow cape cod berm in lieu of sloped granite curbing.

In Favor

Susan Boggs
4 Roosevelt Street

Ms. Boggs stated that she was very pleased with the new plan and the wetlands would be less invaded.

Courtney Campbell
279 Elm Street

Ms. Campbell stated she just moved into her home at 279 Elm Street and asked if there were any direct plans to build a new office building. Ms. Campbell also wanted to know if there would be traffic study, fencing to hide the current trucks and stated her privacy would be affected.

Mr. Schorer stated that he has no intention of building anything at the present time. He is looking to just build the cul-de-sac for the purpose of having frontage rights for future use. He did say if there were plans for a building at any time, they would to submit to the Site Plan Review Committee, which at that time would require a traffic study.

City Councilor Rob Seymour
Ward 5
17 Kenny Lane

Councilor Seymour reported to the Planning Board that he and the developer held a public neighborhood meeting. He stated some of their concerns were traffic, drainage and the conservation of the wetlands. He also stated that the 2 roadways are just existing roadways that will be turned into cul-de-sacs and that the plan before them now is more favorable then the past plans. He still has concerns regarding the water table and the possibility of donating a back portion of the land to conservation. The trucks are still a concern and asked about the possibility of fencing around 289 Elm Street.

Mr. Schorer stated that he would look into the fencing and the conservation donation.

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Geraldine Fossile
43 Spring Street

Ms. Fossile's questions were about the storm water drainage at this property and sewerage capability. She stated when there are heavy rains the drainage seems to be a problem for her neighbors along Roosevelt Street. She asked about the oil from the trucks that are parked at 289 Elm Street.

Mr. Schorer stated that the discharge will be separated in the storm drains and that the drainage reports have all the information on the storm drains. Any improvements would be looked at closely due to the conservation issues.

Muriel Bowles
307 Elm Street

Ms. Bowles asked if there would be screening due to the unsightly trucks in the parking lot at 289 Elm Street.

Robert Dolan
310 Elm Street

Mr. Dolan has concerns about the storage on site and the traffic that the subdivision would cause.

Dayna Walters
290 Elm Street

Ms. Walters was concerned about the long range goal of what the developer can erect at the site.

Mr. Schorer stated that in this economic time, he was not willing to build unless he had a tenant who would require enough square footage to warrant another building. He is looking at the two smaller lots in the rear of 289 Elm Street as buildable lots.

Ken Schmidlein
288 Elm Street

Mr. Schmidlein's concern was the traffic and how the traffic would affect the now already busy street.

Lois Morelli
18 Roosevelt Street

Mr. Morelli stated that she is in favor of this project and that Mr. Schorer is doing good things.

Pearl Morelli
18 Roosevelt Street

Ms. Morelli was in favor of the subdivision.

In Opposition

Ken Schmidlein
288 Elm Street

Mr. Schmidlein is in opposition of the subdivision.

Robert Dolan
310 Elm Street

Mr. Dolan asked if there was any way of putting in a complete street and what is allowed to be built in the Limited Industrial Zone.

Mr. Schorer stated if they were to put a street in, the wetlands would be greatly disturbed.

Mr. Kerrigan provided a general overview of what is allowed in the Limited Industrial Zone.

Geraldine Fossile
43 Spring Street

Ms. Fossile stated that she was upset with the developer for not having the proper sized plans for the audience to see. She also stated that she was not for it and stated "it's like a picture not finished". She had question regarding the parking lots.

Mr. Schorer stated that if and when there are buildings to be built, he will have to follow the guidelines for parking that are governed by the City's Zoning Ordinance.

Steven Walters
290 Elm Street

Mr. Walters has concerns about the traffic and asked about a traffic study.

Mr. Schorer stated that a traffic study will be done if and when they go through the Site Plan Review Process.

Dayna Walters
290 Elm Street

Ms. Walters agreed with Mr. Walters and the traffic concern.

In General

Mr. Fay asked about the waivers for the site. Mr. Schorer restated the waivers.

Mr. Fay has also walked the site and made a few comments about the disarray of the fencing behind 289 Elm Street. He also stated that the non-buildable conservation area would be a great site for a walking trail.

Mr. Schorer stated that he was not opposed to looking into the donation of a portion of the land to conservation efforts. He also stated that he has been generous in giving property for the Historical Society.

Ms. Fenby was surprised that no representative from the Historical Society was available at the meeting. Mr. Kerrigan read back into record the letter received by Mr. Kane and Ms. Licht of the Historical Society that was dated July 10, 2008. In this letter, the Society Stressed needing a long term lease for the property and or owning the property outright in order to qualify for grants to historical properties.

Mr. Kerrigan spoke regarding the waivers for the property, the current driveways already exist, and they would be turned into cul-de-sacs.

The public hearing closed at 7:58pm.

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

To refer the definitive subdivision to the City Engineer for a full review.

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

To send sheets D & E to the Conservation Commission for their review and have them report back to the Planning Board.

SUBDIVISION PROGRESS REPORTS

Update from City Engineer

Mr. Cullen provided a new subdivision status report. He was happy to report some work has been done to the Fiddlehead subdivision and stated that several subdivisions are nearly completion.

Davis Estates (Bouvin Drive) Subdivision Checklist

The subdivision checklist was submitted to the Planning Board. The checklist consisted of having the landscape done at lots 13, 14 and 15 by June 2009; having all sidewalks and top coat completed by September 2009; finish the completion schedule as stated on estimated for the City Bond; and by December 2009 get road approved and certified to become a public way.

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

To accept and file the correspondence, to refer the correspondence to the City Engineer for his review.

Devonshire at 495 Request for Extension

Attorney David Gadbois is requesting an extension of the Covenant for Devonshire at 495. He has included an amended covenant for the City Solicitor to review and it does include the anti-blight language.

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

To accept and file the correspondence; and to refer the amended covenant to the City Solicitor for his review.

Subdivision Checklist

Scott Weiss, a representative from the Gutierrez Company, gave a summary of the work completed on site, the current status and the anticipated schedule to complete the work. The Gutierrez Company and the Marlborough/Northborough Land Realty Trust partnered with the City to apply and receive from the Commonwealth of Massachusetts for an upgrade at the City's Westerly Wastewater Treatment Plant. They also applied to the Conservation Commission for a new Order of Conditions under the Massachusetts Wetland Protection Act.

No significant construction work has been completed. The site has been used as a storage site for soil storage associated with the development of other land. As stated in his letter, Mr. Weiss stated, current economic conditions, the site may not be developed until they have interest to build on the site, hopefully fall of 2010.

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

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To accept and file the correspondence; to refer the subdivision checklist to the City Engineer.

Forest Trail (Mosher Lane)

Correspondence from Attorney Burger

A fax was received from Attorney Burger showing evidence that all real estate taxes for Forest Trail Subdivision have been paid and are current. He is requesting that the Planning Board release the Amended Covenant and Restated Agreement that was voted on April 6, 2009 per the agreement that Mrs. Lizotte hold it until proof of taxes are current was provided.

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

To accept and file the correspondence; and to release the amended agreement.

PENDING SUBDIVISION PLANS: Updates and Discussion

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

SCENIC ROADS

SIGNS

Solomon Pond Mall

KayGee Signs

The Board members took no action.

INFORMAL DISCUSSION

COMMUNICATIONS/CORRESPONDENCE

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

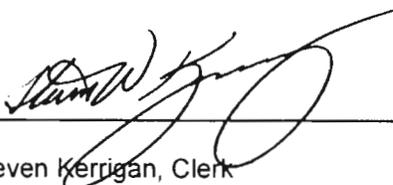
To accept all of the items listed under communications and/or correspondence.

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

To adjourn at 8:26 p.m.

A TRUE COPY

ATTEST:



Steven Kerrigan, Clerk



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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

COMMUNITY DEVELOPMENT AUTHORITY MEETING
Thursday, April 30, 2009 8:30 AM
City Hall, 4th Floor Conference Room

MINUTES

CONVENED: Mayor Stevens called the meeting to order at 8:33 a.m.

MEMBERS PRESENT: Mayor Stevens, L. Faust, S. Vigeant, D. McCabe, Dr. Muir, C. Duridas and M. Hogan

OTHERS PRESENT: K. Flynn, J. Malloy, B. Roszko, T. Abel and D. Smith

APPROVAL OF MINUTES: Motion by Muir, seconded by Faust, to accept and file the minutes of the regular meetings of March 26, 2009 and the minutes from April 16, 2009. Approved unanimously.

APPROVAL OF WARRANT: Motion by Vigeant, seconded by Faust to pay all bills. Approved unanimously.

HOUSING DIRECTOR'S REPORT:

Motion by Vigeant, seconded by Faust, to approve May 1, 2009 bills payable as presented. Approved unanimously.

Contractor is more than 90% complete with the window project for 250 Main Street. Punch list has been prepared by CBI Consulting. The exterior work (change order work) will continue. Project is basically on schedule.

Requested approval to close the existing 667 Investment Account with Bank of America and open a new account with Massachusetts Municipal Depository Trust (MMDT). No interest has

been posted to this account by Bank of America. Motion by Muir, seconded by Vigeant, to close the 667 Investment account with Bank of America and open new account at MMDT. Approved unanimously.

MHQ has truck in stock that meets our specifications; delivery would be within 30 days of order; per contract price is \$40,021.00; funds in current fiscal year budget; requested approval to proceed. Discussion. Motion by Muir, seconded by Faust, to approve the purchase of the truck from MHQ upon review by the Mayor and the City's DPW Fleet Manager in an attempt to have the price reduced. Approved unanimously.

EXECUTIVE DIRECTOR'S REPORT: Mr. Flynn submitted a monthly update to all members. The Ciccolo Group, LLC is to finish up remaining project discrepancies as required by DHCD. Staff will then work on extensions for the 04 and 05 grants.

The City of Marlborough was awarded \$400,000.00 in NSP funds. We are waiting for the grant contract documents, which may include special conditions.

Because of inadequate funding, the state is limiting the Get the Lead Out program to emergency cases where there is a lead poisoned child on the premises and an enforcement issue requiring lead abatement.

Hogan would like to see the previously approved Sign and Façade program being used. Flynn explained that the authority never filed the required amendments to obtain approval for the Sign and Façade and Small Business Loan programs. This can be done as part of the re-start of programs upon clearance of the outstanding audit issues.

Mayor Stevens would like to explore whether there is an opportunity for the CDA to help market some of our local projects. This could be an issue for consideration at a future meeting.

Flynn requested the Board authorize two positions: Finance/Compliance Manager and CDBG Program Manager. These will restore staffing needed to manage the CDBG and NSP programs. Vigeant wants the housing and CD staff consolidated. Hogan notes it is time the divisions were located in the same site. Motion by Hogan, seconded by Vigeant, to approve the staffing request, and to have the Executive Director prepare a unified staffing plan, with shared office location, by July 1, 2009. Passed unanimously.

Mayor Stevens requested the CDA go into Executive Session at 9:35.

By roll call vote the following members voted to enter Executive Session: Stevens, Hogan, Vigeant, Faust, Duridas, McCabe and Muir. The Board entered Executive Session at 9:35 a.m.

24/1



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

Traffic Commission

The Regular Meeting of the Traffic Commission was held on Tuesday, April 28, 2009 at 10:05 a.m. in City Council Committee Room, City Hall. Members present: Chairman Police Chief Mark Leonard, Vice Chairman - DPW Commissioner Ronald LaFreniere, Fire Chief David Adams, City Clerk Lisa M. Thomas and City Planner Nancy Savoie. Also present: Timothy Collins, Engineering Division, City Councilor Ed Clancy, City Councilor Don Landers and Deborah Fairbanks from Renaissance Lofts. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

That the minutes of the Traffic Commission meeting of Tuesday, March 31, 2009.
MOTION was made, seconded, duly VOTED:
To APPROVE.

2-New Business

2a. Communication from Councilors Vigeant and Seymour, re: signage diverting truck traffic onto Granger Boulevard.

Councilors Vigeant and Seymour have indicated that the signage on Rte. 20 diverting traffic onto Granger Blvd. may be taking passerby traffic away from the downtown area. They asked if there was a way to only divert truck traffic away from downtown and therefore encourage all other traffic to proceed downtown. Ron LaFreniere stated that the current signage is consistent with the routes we have, i.e. most traffic for Route 85 South will use Granger Blvd. The parking garages are also accessed by Granger Blvd. Route 20 was diverted intentionally. The by-pass to Granger was intended to be what it is – a by-pass. He stated that 20,000 to 25,000 vehicles per day travel on Route 20. This traffic is not intended for Main Street.

Lisa Thomas suggested a possible sign at the top of Main Street listing some of the business/store names.

MOTION was made, seconded, duly VOTED to look at the signage there now and see if any changes can be made and refer back at the next meeting.

To APPROVE.

2b. Communication from Gretta Holland, re: Request for crosswalk and associated signage on Chestnut St. @ Pleasant St.

Concern is for the elderly at Christopher Heights crossing Chestnut Street to go to Tedeschi's Market. Ron LaFreniere stated that there is a faded crosswalk there and that it is slated for painting by the DPW. Tim Collins advised that there are advance warning signs for crosswalks but that there are no signs in that area now.

MOTION was made, seconded, duly VOTED to refer to the DPW to look into advance warning signs that would be appropriate.

To APPROVE.

3-Old Business

3h. Crosswalk on Lincoln Street near Winthrop St. – Artist Lofts

Tim Collins has looked into this issue and prepared a memo to the Traffic Commission with his findings. In brief, his department does not look favorably on the new location requested for the crosswalk. It was requested that the crosswalk be located at a driveway apron already in existence. He did not feel that this was safe for pedestrians. Also, this area is too steep for a person in a wheelchair to maneuver safely. He indicated that the crosswalk should be located where originally outlined in the Approved Site Plan. His department researched midblock crosswalks and found guidelines from the State of Minnesota which could be helpful in determining the actual need for a crosswalk. The need is based on 1) # of vehicles - i.e. Average Daily Traffic count (ADT) and 2) # of pedestrians crossing in peak hours. Ron LaFreniere asked if there was any criteria listed in MUTCD (Manual on Uniform Traffic Control Devices). Tim could not find anything.

Deborah Fairbanks showed a picture of a school bus dropping off children at this location and then having to cross the street. Deborah gets complaints and requests from residents all the time about the need for a crosswalk in this area. She did not understand why this needed to be turned into an expensive traffic study now. They have already paid for a traffic study. At the time of construction there was a depression in the curb and they could have accommodated the sidewalk requirements. The sidewalk has since been rebuilt and now appears that it would have to be reconstructed again.

Deborah stated that neither of the sidewalks on Lincoln Street currently meet ADA requirements. Ron LaFreniere said that we need to differentiate between existing sidewalks and creating new ones. Any new sidewalks would need to meet current regulations. We are talking about putting a sidewalk in the middle of a busy street where one does not currently exist. We don't want to set a precedent. Ron stated that a study, using the Minnesota guidelines, would probably show that a crosswalk was needed.

There was some discussion as to whether the crosswalk was a requirement of the Special Permit for the site. Deborah stated that she wants one regardless of whether it was initially required in the permit. (Lisa Thomas passed out copies of the special permit. The sidewalk is not a requirement). Deborah asked about the procedure for "calming traffic". She talked about possibly bringing out the curb for a tree and putting in side

street parking. She felt that widening the sidewalk in a few specific locations would solve many problems. This would also help with sight concerns coming out of Winthrop Street. Chief Leonard questioned the funding for this type of a project. He said that the Traffic Commission does not have any approval on funding. This would be a fairly significant cost that would possibly be a part of a capital funding request. Ron stated that all capital requests need to be approved by the City Council and would be measured against all other requests. He mentioned that a better option may be a request for Community Development Funding. Deborah asked if it would help that the Lofts are located in an "economic target area". She wanted to know the procedure for making this type of request. She initially came to the Traffic Commission at the direction of Pam Wilderman.

Ron LaFreniere said that the best idea is to talk to her City Councilor, Rob Seymour, and have him make a request, on her behalf, to the Community Development Authority. He felt that it would probably be well received. He said to have Councilor Seymour contact the Engineering Department with regard to the scope of the project. They can give basic estimates on cost etc. which can be given to the Community Development Authority for consideration.

Chief Leonard advised that in the meantime, the police will try to take enforcement action, possibly using the Radar Speed Board. We need to get the message out to the public to slow down in this area.

MOTION was made, seconded, duly VOTED to recommend that Deborah Fairbanks contact Councilor Seymour and proceed from there as directed.

To APPROVE.

3a. Long term oversized vehicle ordinance.

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

3b. Municipal off street parking regulation.

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

3c. High School parking regulations.

MOTION was made, seconded, duly VOTED:
To TABLE

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

Chief Leonard stated that he has received another letter from Barbara McGann, dated 4/16/09. Ron indicated that a reconstruction project for Forrest Street is currently under design; however, there are a number of problems in this area. The biggest issue is the increased enrollment at AMSA. The numbers are larger than what was expected when the school was created. Chief Leonard indicated that the onus is on them for a speed study

to be conducted. Parents are parking at HP and crossing the street to pick up children and then re-crossing. There are a lot of issues going on. There is both business traffic and school traffic in the area. Ron LaFreniere said that the current problems are not part of the original site plan approval. That existing plan is now being compromised. The usage has changed from what was originally approved in the site plan. The Site Plan may need to be revisited. Chief Leonard agreed that there are numerous safety issues that need to be addressed.

MOTION was made, seconded, duly VOTED:

To TABLE, but Chief Leonard will talk to Barbara McGann with regard to the safety issues.

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

Tim Collins has looked into this issue and prepared a memo to the Traffic Commission with his findings. In brief, the options are 1) Signalization of the intersection of Donald Lynch Blvd. and the entrance to Sports Authority/Old Navy. This would require an extensive traffic study. 2) Restrict Left Turn out of the parking lot. He presented three U-turn options for traffic, i.e. for both passenger vehicles and commercial vehicles and suggested that this information be forwarded to the property owner to assist them in making a decision on how to handle the traffic at their location.

It is the recommendation of the Traffic Commission to use the No Left Turn option and let the property owner review the findings and determine the best option for truck traffic and to obtain any necessary approvals.

MOTION was made, seconded, duly VOTED to refer the issue back to Joe Camar with the findings of the Engineering Department.

To APPROVE.

3f. Communication from Jeff Niedzwecki, re: Speeding concerns on Stevens St. near Rte. 20.

Ron LaFreniere said that signage will be posted, probably today, at the Cemetery. The speed limit is 20mph in this area. It is currently posted at another location on the road.

MOTION was made, seconded, duly VOTED:

To TABLE

3g. Communication from First Student, re: Grant of Authority for on-site traffic and parking rules/regulations at their Hayes Memorial Site.

Tim Collins has reviewed the permit and found that nothing needs to be regulated at this site. No action is necessary at this time.

MOTION was made, seconded, duly VOTED:

To REMOVE.

245

That there being no further business of the Traffic Commission held on this date, meeting adjourned at 11:15 a.m.

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



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

Traffic Commission

The Regular Meeting of the Traffic Commission was held on Tuesday, May 26, 2009 at 10:05 a.m. in City Council Committee Room, City Hall. Members present: Chairman Police Chief Mark Leonard, Vice Chairman - DPW Commissioner Ronald LaFreniere, Fire Chief David Adams, City Planner Nancy Savoie. Also present: City Engineer Thomas Cullen, Timothy Collins, Engineering Division. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

That the minutes of the Traffic Commission meeting of Tuesday, April 28, 2009.

MOTION was made, seconded, duly VOTED:

To APPROVE.

2-New Business

2a. New Crosswalk locations.

Tim Collins sent an e-mail, dated 5/7/09, to the Traffic Commission requesting approval for five new crosswalk locations in conjunction with a DPW roadway reconstruction project. He passed out a diagram with the five new locations indicated. The openings in the sidewalks are currently there but the actual crosswalks have not yet been painted. He advised that finish paving should be completed this week or into early next week with completion the following week.

Chief Leonard put together an Emergency Preamble to add the new locations to the "Rules and Regulations of the Traffic Commission of the City of Marlborough". The only location that was questioned was a "midblock" crosswalk on Goodale Road. Tom Cullen advised that the midblock crosswalk was the only place to put the crosswalk where it would work.

MOTION was made, seconded, duly VOTED:

To APPROVE the five new crosswalk locations.

MOTION was made, seconded, duly VOTED:

To APPROVE the Emergency Preamble.

2b. Request for “School Zone” at Richer School.

Chief Leonard advised that this was a verbal request made by the Principal of Richer School, Joanne Stockland. Richer School currently has a group involved in a “walking school bus” on Thursday mornings. The Chief was present last Thursday when the Principal commented on how many vehicles she sees speeding up Foley Road while the children are walking. She asked about a “school zone” being created at this location. Chief Leonard mentioned that this is the only elementary school without a designated “school zone”. Tim Collins advised that the School Zone is normally a function of frontage. A 300 foot section of the public way in front of the school is reduced to a speed limit of 20 mph. Richer School is different because it is at the end of a public way. Foley Road basically turns into the parking lot with a crosswalk separating the road from the parking lot. Chief Leonard advised that it does make sense to slow cars down as they approach the school. 300 feet of Foley Road and McGee Road could be slowed to 20mph if designated as a “School Zone”.

MOTION was made, seconded, duly VOTED to refer to the Engineering Department to look into creating a “School Zone” on Foley Road and McGee Road.

To APPROVE.

2c. Communication from Beth Garafolo, re: advanced warning signage request for signals at Hildreth St. @ Church St.

The Mayor’s Office also forwarded a second e-mail from a constituent regarding accidents at this same location. Chief Leonard has looked at this location and does agree that if you were not familiar with the area the signal lights do come up on you quickly. It is hard to see the signal from a distance because of foliage in the area and a light pole. Tim Collins advised that he has gone out and done measurements at the intersection. In one direction, you do not see the signal light until you are 100 feet from it. In the other direction, you can see it from 250 feet. It is obscured by the bushes at #62 and the low tree canopy blocks the view of the red light. The best approach is from Route 20, where you can see the signal light from 500 feet. This is the only approach that has advance warning signs.

Ron LaFreniere advised that he has directed his department to remove foliage from this area but that he has not had a chance to check on the status yet. He agreed that advance warning signs from the East and West are critical.

MOTION was made, seconded, duly VOTED to refer to the DPW to take care of the situation.

To APPROVE.

Also, the Chief advised that he will get back to the constituents and let them know that advance warning signs will be put in place once the tree canopy has been cut back further and there is more visibility.

2d. Hayden St. parking.

248

Chief Leonard received an e-mail from Officer Leahy regarding parking problems at this location during a lacrosse game. He mentioned that the buses could not get through due to the way that cars were parked on this one way street.

MOTION was made, seconded, duly VOTED:

To TABLE. The Chief will get more information from Officer Leahy.

3-Old Business

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

Chief Leonard advised that he needs to have a conversation with Barbara McGann. He asked if we have received any specific recommendations from AMSA. Tim Collins said that he has received a traffic report. He has not yet reviewed it in detail but that it does not seem to address safety concerns at all. Chief Leonard asked if we would entertain a "School Zone" at this location. Tom Cullen advised that he went to the school at the peak AM and PM hours and found there to be "0" walkers at this location. Chief Leonard also commented that they are no longer competing with business traffic as most, if not all, of the businesses have left this location. Tom stated that he did not observe a cueing back up during these peak times. Traffic enters the shared driveway and goes around to the right and follows around the back of the building to exit. There are three lanes, one for cars, one for buses, and one for through traffic. He mentioned that it takes approx. 2 ½ minutes for cars to come into the driveway and out again. The maximum number of cars that he observed waiting on Forest Street to turn into the parking lot was four. It was discussed that the cueing problem could potentially get much worse next year as enrollment increases. Current enrollment is 650; however, it appears that they are increasing to 800 in the fall.

Chief Leonard said that the idea is to not have students crossing Forest Street. AMSA was supposed to have an agreement with ForeKicks to handle the overflow. When the cue got long, cars were supposed to park at ForeKicks and walk to AMSA. If that is still the intent, sidewalks would need to be installed on Forest Street. Tom advised that as part of the Forest Street Project the City will be installing sidewalks on the south side up to the HP facility but not near ForeKicks. Tom commented that he saw a vehicle traveling on Forest Street at 70 mph during his study. Ron LaFreniere said that the Traffic Commission cannot comment on a "School Zone" until a complete review has been conducted by the school with specific recommendations being made.

MOTION was made, seconded, duly VOTED:

To TABLE, but Chief Leonard will talk to Barbara McGann with regard to the safety issues and the increased enrollment for the fall.

3e. Signage diverting truck traffic onto Granger Blvd.

MOTION was made, seconded, duly VOTED:

To TABLE.

3f. Advance warning signage from crosswalk on Chestnut @ Pleasant St.

Tim Collins is looking into this issue. He took pictures of the site from various angles and presented them at the meeting. The line painting on the crosswalks are so faded that you can barely see them when approaching from 150 feet away. Obviously, repainting the crosswalks will help. It was discussed that Advance Warning signage was not required on Chestnut Street as a "stop condition" already exists there, however, it would be a benefit to have this signage on Pleasant Street.

Ron LaFreniere advised that the DPW is on top of this issue and the crosswalks will be painted shortly. Advance warning signs will be installed on Pleasant Street by the next meeting. There is no need for a vote at this time as the issue is currently being handled by the DPW.

3g. Late Item - not on original agenda. E-mail from City Councilor Paul Ferro regarding the timing of signal lights on Route 85. He mentioned that cars traveling North or South at the posted speed limit hit alternating red and green lights rather than traveling straight through. Can a request be made to the MHD to address this issue?

Ron LaFreniere advised that Route 85 is not under the control of the MHD. It is under the control of the City. Also, as far as he knows, there has never been a study of this type. The traffic lights on Route 85 are not pre-timed lights. They are traffic activated, meaning that the vehicle itself trips the lights. A very sophisticated system would be required to do what Councilor Ferro has suggested. A large capital expenditure would be necessary to update the current traffic control system on this roadway.

Chief Leonard advised that he will reply to Councilor Ferro's e-mail.

3a. Long term oversized vehicle ordinance.

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

3b. Municipal off street parking regulation.

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

3c. High School parking regulations.

MOTION was made, seconded, duly VOTED:
To TABLE

That there being no further business of the Traffic Commission held on this date, meeting adjourned at 11:00 a.m.

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