

REGULAR MEETING
NOVEMBER 24, 2008

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:

1. Minutes, City Council Meeting, November 10, 2008.
2. PUBLIC HEARING: On the Application for Revised Special Permit from Shalvis Realty, LLC, to modify Order 99-8106, Special Permit from Eric Rennie, ERA Corporation, re: modifying condition #5 which currently obligates owner occupancy, thereby precluding rentals.
3. Communication from the Mayor re: Council's request that the Mayor work with Department Heads to identify potential FY09 budget cuts, Order No. 08-1002026.
4. Communication from the Mayor re: budget transfer request in the amount of \$1,000,000.00 which moves funds from Undesignated to Stabilization account given the healthy state of the City's finances.
5. Communication from the Mayor re: budget transfer request in the amount of \$5,000.00 which moves monies received from Omnipoint/T-Mobile for the easterly wastewater facility installation to a new stabilization account, Recycling Swap Shack, as specified in Order No. 08-1001991.
6. Communication from the Mayor re: budget transfer request in the amount of \$190,000.00 which moves funds from mitigation received relative to the Design Pak redevelopment project to the Affordable Housing Stabilization account, per Council Order No. 08-1001990.
7. Communication from the Mayor re: budget transfer request in the amount of \$39,850.24 which moves funds from Open Space Stabilization to Open Space account for annual payment to Ward Mountain LLC.
8. Communication from the Mayor, on behalf of the Fire Chief, recommending the permanent appointments of Donald Bardsley, Brian Bishop and Adam Buckley.
9. Communication from the Mayor re: the resignation of Sue Ellis, Personnel Director.
10. Communication from the Mayor re: Massachusetts Opportunity Relocation Expansion (MORE) grant documentation.
11. Communication from the Planning Board re: their recommendation of the Modified Car Dealership Overlay District, Order No. 08-1001833.
12. Communication from Attorney Bergeron re: ForeKicks, Conservation Restriction, Order No. 07-1001465.
13. Communication from Attorney Bergeron, on behalf of Gary White, Trustee of 566 and 574 Lincoln St. Realty Trust, to withdraw without prejudice an Application for Special Permit to construct 19 new townhouse condominium units on Lincoln St., Map 80, parcels 47, 48 & 51, Order No. 08-1001877.
14. Communication from Attorney Bergeron, on behalf of Toll MA Land Limited Partnership, re: request to extend time limitations to construct 80 units on less than 14 acres and to revise current permit conditions accordingly, to March 1, 2009 at 5:00 PM., Order No. 08-1001938.
15. Minutes, Community Development Authority, September 25, 2008.
16. Minutes, Planning Board, October 27, 2008.
17. CLAIMS:
 - A. Debra Baldelli, 27 Spoonhill Ave., vehicle damage
 - B. Plymouth Rock Insurance Co., on behalf of Kimberly O'Brien, vehicle accident

REPORTS OF COMMITTEES:



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

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

NOVEMBER 10, 2008

Regular meeting of the City Council held on Monday NOVEMBER 10, at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Schafer, Juare, Seymour, Clancy and Landers. Meeting adjourned at 10:02 p.m.

ORDERED: Minutes, City Council Meeting, October 27, 2008, **FILE**; adopted.

ORDERED: Now being the time set for the **PUBLIC HEARING** on the Petition by NSTAR to install 375' of 2.00" plastic gas main as a system improvement to supply 56 & 58 Framingham Rd, all were heard who wish to be heard, hearing adjourned at 8:05 p.m.

ORDERED: Now being the time set for the **PUBLIC HEARING** on the Petition from National Grid to relocate pole #90 & #91 on Robin Hill St., all were heard who wish to be heard, hearing adjourned at 8:07 p.m.

ORDERED: Now being the time set for the **PUBLIC HEARING** on the Petition from NSTAR to install 320' of 2.00" plastic gas main as a system improvement to supply 491 Northboro Rd., all were heard who wish to be heard, hearing adjourned at 8:10 p.m.

ORDERED: Now being the time set for the **PUBLIC HEARING** on the Application for a Special Permit from Omnipoint Communications Inc. to install, operate and maintain of a wireless communications facility including without limitation, a 100' flagpole style tower, antennas, coaxial cables and radio communication equipment within a proposed fenced compound at 249 Miles Standish Dr, all were heard who wish to be heard, hearing adjourned at 9:33 p.m.

ORDERED: That the City Council meeting recessed at 9:33 p.m. and reconvened at 9:35 p.m., **APPROVED**; adopted.

ORDERED: That the FY09 State 911 Department Training Grant in the amount of \$11,638.00 from the Commonwealth's Executive Office of Public Safety be awarded to the Marlborough Police Department to be applied to salary overtime charges related to dispatcher training as outlined in MGL, Chapter 44 Section 53A which stipulates that grant funding be strictly applied to purposes outlined, **APPROVED**; adopted.

ORDERED: That the Disposition of Corbin Plaza located at 110/118 Pleasant St., refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED: That, upon the request of Mayor Nancy E. Stevens and in order for the City of Marlborough to be eligible to apply for Mitigation Grants administered by the Federal Emergency Management Agency, the City Council for the City of Marlborough hereby adopts the plan titled: **Metro Boston North/West Multi-hazard Mitigation Plan Marlborough Annex, dated October 29, 2008, APPROVED**; adopted.

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

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ORDERED: That the communication from the Commonwealth of Massachusetts Public Employee Retirement Administration Commission (PERAC), regarding Required Fiscal Year 2010 Appropriation in the amount of \$6,370,663.00, **FILE**; adopted.

ORDERED: Communication from Attorney Aldo Cipriano re: real property transfer and exchange off of Bolton St., Lakeview/Bolton St. Realty LLC, and the City of Marlborough, refer to **LEGAL AND LEGISLATIVE AFFAIRS COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, DECEMBER 1, 2008** as the date for a **PUBLIC HEARING** on 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 **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the minutes, Planning Board, October 6, 2008 placed on **FILE**; adopted.

ORDERED: That the Legislative & Legal Affairs Committee meet with the Code Enforcement Officer and the City Solicitor to establish regulations and procedures relative to the control of abandoned and/or foreclosed properties which are causing safety and blight issues in neighborhoods across the City of Marlborough, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the transfer request in the amount of \$33,000 which moves \$22,000.00 from Motor Equipment Repairman to Temporary Part-Time Help which would provide coverage for employee injury situation as well as part-time co-op help, and \$11,000.00 from Assistant City Engineer-Streets to Interim Foreman which will move funds from current vacant position to provide coverage by Acting Division Supervisor and Interim Foreman, **APPROVED**; adopted.

FROM:

Acct. # 14001403-50745	\$22,000.00
Motor Equipment Repairman	

TO:

Acct. # 14001403-51240	\$22,000.00
Temporary Part Time Help	

AND

FROM:

Acct. # 14001301-50660	\$11,000.00
Assistant City Engineer Streets	

TO:

Acct. # 14001303-51470	\$11,000.00
Interim Foreman	

ORDERED: That the reappointments as follows: Alfred Hill & John Usinas to the Commission on Disabilities for terms to expire on November 6, 2011 and Bea Morris and Debra McManus to said Commission for terms to expire on November 6, 2010 & request that Richard Towle be switched to a full Commission member with a term to expire 3 years from date of appointment, **APPROVED**; adopted.

ORDERED: That the reappointments of John Noble and Gary Brown to the Historical Commission for terms to expire on September 18, 2011 and September, 18, 2012 respectively, **APPROVED**; adopted.

ORDERED: That the reappointment of James Holt to the as Caretaker of Soldiers and Sailors Graves for a term to expire of the 1st Monday of February 2010, **APPROVED**; adopted.

- ORDERED: That the reappointment of Gary Brown as the City's Director of Veteran Aid and Service for a term to expire on September 1, 2011, **APPROVED**; adopted.
- ORDERED: That the appointment of John Nicholson to the Youth Commission with a term to expire 3 years from date of appointment, **APPROVED**; adopted.
- ORDERED: That the reappointment of James Natale to the Zoning Board of Appeals with a term to expire on May 5, 2013, **APPROVED**; adopted.
- ORDERED: That the reappointment of Paul Guinta to the Zoning Board of Appeals with a term to expire on May 5, 2013, **APPROVED**; adopted.
- ORDERED: That the Petition from NSTAR to install 375' of 2.00" plastic gas main as a system improvement to supply 56 & 58 Framingham Rd, **APPROVED**; adopted.
- ORDERED: That the Petition from NSTAR to install 320' of 2.00" plastic gas main as a system improvement to supply 491 Northboro Rd., **APPROVED**; adopted.
- ORDERED: That the Petition from National Grid to relocate pole #90 & #91 on Robin Hill St., **APPROVED**; adopted.
- ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 10:02 p.m.

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IN CITY COUNCIL

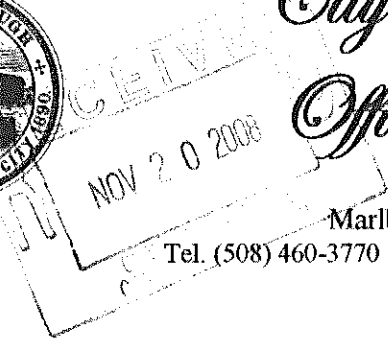
Marlborough, Mass., OCTOBER 27, 2008

ORDERED:

That there being no objection thereto set **MONDAY, NOVEMBER 24, 2008** as date for a **PUBLIC HEARING** on the Application to modify Special Permit for 204-206 West Main St., Condition #5 which currently obligates owner occupancy, thereby precluding rentals, Order No. 99-8106, from Shalvis Realty, LLC, be and is herewith **REFER TO URBAN AFFAIRS COMMITTEE, AND ADVERTISE.**

ADOPTED

ORDER NO. 99/08-8106C



City of Marlborough

Office of the Mayor

140 Main Street

Marlborough, Massachusetts 01752

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

Nancy E. Stevens
MAYOR

Karen H. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

3

November 20, 2008

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

Honorable President Vigeant and Councilors:

In response to Order No. 08-1002026 in which the Council requested that I work with department heads to identify potential FY09 budget cuts, I offer the following.

I have analyzed all 9C cuts and have determined that the sole program affected is the City's Community Policing program. This is a much needed public safety measure which was fairly recently reinstated; I believe we should work to identify alternative funding to allow for its continuation.

I continue to meet weekly with the finance team to monitor the state of the City's finances. I can report that, at present, all revenue projections utilized in the formation of the FY09 budget remain on target as do collections which have been at 98% or higher. Given our strong financial position with respect to revenue as well as the value of the recently-certified Free Cash and stabilization accounts, I do not believe that any additional cuts are warranted at this time.

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

Sincerely,

Nancy E. Stevens
Mayor



NOV 20 2008
CITY OF MARLBOROUGH

City of Marlborough
Office of the Mayor

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

Nancy E. Stevens
MAYOR

Karen H. Kirby
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

4/1

November 19, 2008

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

Honorable President Vigeant and Councilors:

I am submitting herewith a budget transfer request in the amount of \$1,000,000 which would move funds from Account No. 100-35900 (Undesignated Fund) to Account No. 836000-11515 (Stabilization). Given the healthy state of the City's finances, I offer this transfer for your consideration.

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 OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
\$ 6,925,031.00	\$ 1,000,000.00	100	35900 Undesignated Fund	\$ 1,000,000.00	836000	11515	Stabilization	\$ 8,710,430.00

Reason: See request from Mayor



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City of Marlborough
Office of the Mayor

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

Nancy E. Stevens
MAYOR

Karen H. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

NOV 20 2008
November 17, 2008


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

Honorable President Vigeant and Councilors:

I am submitting herewith a transfer request in the amount of \$5,000 moving monies received from Omnipoint/T-Mobile for the easterly wastewater facility installation to a new stabilization account, Recycling Swap Shack, (Account No. 83600-32721) as specified in Order No. 08-1001991.

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 OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
			Undesignated Fund				Stabilization - Recycling Swap Shack	
\$ 6,925,031.00	\$ 5,000.00	100	35900 Undesignated Fund	\$ 5,000.00	83600	32721	Recycling Swap Shack	\$ -

Reason: Funds from Omnipoint/T-Mobile



IN CITY COUNCIL

Mayor 53

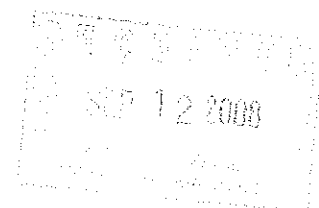
Marlborough, Mass., SEPTEMBER 8, 2008

ORDERED:

That the Mayor be requested to submit a transfer to a new stabilization account – Recycling Swap Shack – in the amount of \$5,000.00 received from Omnipoint/T-Mobile for the east plant site, immediately upon the certification of the City's Free Cash, which should be certified by the State in October, be and is herewith refer to the **MAYOR**.

ADOPTED

ORDER NO. 08-1001991





City of Marlborough
Office of the Mayor

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

Nancy E. Stevens
MAYOR

Karen M. Kist
EXECUTIVE AIDE

Diano C. Halper
EXECUTIVE SECRETARY

RECEIVED
NOV 20 2008
CITY OF MARLBOROUGH
COMMUNICATIONS SECTION

November 17, 2008

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

Honorable President Vigeant and Councilors:

Attached please find a transfer request moving \$190,000 from mitigation received relative to the Design Pak redevelopment project to the Affordable Housing Stabilization Fund (Account No. 83600-32718). This transfer was provided for upon the certification of Free Cash by Order No. 08-1001990 dated September 8, 2008.

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 OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	AVAIL
	\$ 6,925,031.00	100	35900 Undesignated Fund	\$ 190,000.00	83600	32718 Affordable Housing	Stabilization - Affordable Housing	\$ 52,500.00	

Reason: Funds from Design Pak housing conversion project

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IN CITY COUNCIL

Mayor 63

Marlborough, Mass., SEPTEMBER 8, 2008

ORDERED:

That the Mayor be requested to submit a transfer to the Affordable Housing Stabilization Fund in the amount of \$190,000.00 received from the Design Pak housing conversion project, immediately upon the certification of the City's Free Cash, which should be certified by the State in October, be and is herewith refer to the **MAYOR**.

ADOPTED

ORDER NO. 08-1001990

RECEIVED
SEP 12 2008
CITY OF MARLBOROUGH



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

71
Nancy E. Stevens
MAYOR

Karen H. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

November 18, 2008

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

Honorable President Vigeant and Councilors:

Per the City's agreement with Ward Mountain LLC, the annual payment of \$39,850.24 for the property is due. To complete this transaction, \$39,850.24 must be transferred from Acct. No. 836-11520 (Open Space Stabilization) to Acct. No. 19300006-58170 (Open Space).

I respectfully request your approval of this routine transfer in order that payment can be made as soon as possible.

Sincerely,

Nancy E. Stevens
Mayor

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TRANSFER REQUEST

FROM ACCOUNT		TO ACCOUNT		
AVAILABLE BALANCE	AMOUNT	ORG C/OBJECT	ACCOUNT DESCRIP	AMOUNT
\$ 780,735.49	\$ 39,850.24	83600	11520 Undesignated Fund	
			Undesignated Fund	
			Stabilization - Affordable Housing	
			58170 Open Space Acquisition	\$
		19300006		
	\$ 39,850.24			

Reason: To Fund Annual Land Purchase Payment for Mt. Ward

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Ward Mountain LLC
782 Boston Post Road
Marlborough, MA 01752
508-229-2488
Fax: 508-624-7054

November 10, 2008

INVOICE

Mr. Tom Able
City of Marlborough
140 Main Street
Marlborough, MA 01752

Dear Mr. Able:

On December 7th, 2008, the annual payment of **\$39,850.24** is due to Ward Mountain LLC, per our agreement.

Please mail the check to the above address.

Thank you in advance for your attention in this matter.

Sincerely,



Korina Z. Peltak
Office Manager

0000012006064

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CITY OF MARLBOROUGH

CORNER

PROPERTY ADDRESS: 782 BOSTON POST ROAD, MARLBOROUGH, MASSACHUSETTS 01752

MSD 12/12/00 12:39:59 914 10.00

Pursuant to MGL C.40 §14, the City Council of the City of Marlborough hereby authorizes the Mayor to purchase certain parcels of land containing 74.65 acres± of land on the northerly side of Boston Post Road East, Route 20, in Marlborough, Massachusetts, known as Ward Hill and Mount Ward, and identified as a portion of Parcel 1 of Map 48 of the Assessor's Maps, and more particularly described and shown as Parcel "B-1" on a plan of land entitled "Compiled Plan of Land in Marlborough, Mass. (Middlesex County), Prepared For: W.M. Associates Realty Trust, Scale 1" = 200', Jan. 12, 1988, The BSC Group-Bedford, Inc., Land Surveyors, Civil Engineers, 18 North Road, Bedford, Mass." recorded with the Middlesex South District Registry of Deeds as Plan No..370 of 1988 in Book 18944, Page 468; and subject to a 20' wide easement for Tennessee Gas Pipeline Company, and a utility & drainage easement, all as shown on said Plan, with a title reference of February 11, 1999, Registry of Deeds, Book 29886, Page 335.

The purchase price is Eight Hundred Thirty Four Thousand Two Hundred Forty Six Dollars (\$834,246.00), same to be paid by a payment of Four Hundred Thirty Four Thousand Two Hundred Forty Six Dollars (\$434,246.00), in the first year, and fifteen annual payments thereafter of Thirty Nine Thousand Eight Hundred Fifty Dollars and Twenty Five Cents (\$39,850.25) each. The person having a beneficial interest pursuant to MGL C.7 §40J, is Guenter Zisler, Ward Mountain, LLC, a Massachusetts Limited Liability Company.

ADOPTED
In City Council
Order No. 00-8838-1A
Adopted November 27, 2000

Approved by Mayor *William J. Mauro, Jr.*
William J. Mauro, Jr.
Date: November 30, 2000

A TRUE COPY
ATTEST: *Patricia Reynolds*
City Clerk

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11111

1/11/11

Marlborough, Massachusetts
01752

FOR VALUE RECEIVED, The City of Marlborough, a Municipal corporation, with an address of 140 Main Street, Marlborough, Massachusetts 01752, (jointly and severally if more than one), promises to pay to Ward Mountain, LLC, a Massachusetts limited liability company, with an address of 782 Boston Post Road, Marlborough, Massachusetts, 01752, or order, the sum of **FOUR HUNDRED THOUSAND AND 00/100 (\$400,000.00) DOLLARS**, with interest thereon at the rate of five and one-half (5.50%) percent per annum, payable in annual installments of principal and interest in the amount of Thirty-nine Thousand Eight Hundred Fifty And 24/100 (\$39,850.24), commencing on December 7, 2001, and annually thereafter on December 7th until December 7, 2016, on which date the entire balance of principal and interest thereon shall become due and payable.

The entire unpaid balance of this note, together with any interest due thereon, shall become immediately due and payable at the option of the holder hereof upon the happening of any of the following events:

- (a) failure of the undersigned to make any interest or principal payment required to be paid hereunder when due; or
- (b) in the event that any of the terms, conditions, covenants or provisions of the mortgage(s) given as collateral security for this note are not fully performed; or
- (c) upon the death of any maker, comaker, endorser or guarantor hereof, if an individual; or
- (d) upon the dissolution or termination of existence of an corporate or partnership or trust maker, comaker, endorser or guarantor hereof; or
- (e) upon the appointment of a receiver for any part or all of the property of, or an assignment for the benefit of creditors by, or upon the execution of a trust mortgage by, or the commencement of any proceedings under any bankruptcy or insolvency laws by or against the maker, comaker, endorser or guarantor hereof; or
- (f) upon the admission by any maker, comaker, endorser or guarantor hereof of their inability to meet their obligations as they mature, or upon the business failure of any maker, comaker, endorser or guarantor hereof.

If any payment due hereunder, or any part hereof, shall remain unpaid for a period exceeding seven (7) days from the time it shall become due under the terms hereof, there shall become due, at the option of the holder hereof, a Late Charge of five (5.00%) percent per month on each dollar of principal and interest of the then current monthly payment or any part thereof so overdue.

Each maker, comaker, endorser or guarantor of this note hereby waives presentment for payment, demand, notice of dishonor, notice of protest, and any other defense, legal or equitable, except payment, which might otherwise be available, and expressly consents to and waives notice of (a) any extension or postponement of the time for payment or any other indulgence and to the addition or release (whether by operation of law or otherwise) of any other party or person primarily or secondarily liable hereunder; and (b) any and all

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impairment, release, substitution or exchange by the holder hereof of any property securing this obligation. In the event of any default hereunder, the holder hereof may, at its option, set off against the payment of this note any sums due from the holder to any such maker, comaker, endorser or guarantor hereof, and may hold, as additional security for the payment of this note any property, real or personal, of any such maker, comaker, endorser or guarantor in the possession of the holder.

This note shall, at the option of the holder hereof, become due and payable without notice or demand in the event of the insolvency of, or the filing of a petition in bankruptcy by or against any such maker, comaker, endorser or guarantor hereof. In addition to all other rights, the holder shall have the rights and remedies of a secured party under the Uniform Commercial Code of Massachusetts.

In the event that the ownership of the real estate mortgaged as security for this note, or any part thereof, becomes vested in anyone other than the mortgagor or mortgagors named in said mortgage, the whole sum of principal and interest then remaining unpaid shall become immediately due without notice at the option of the holder hereof.

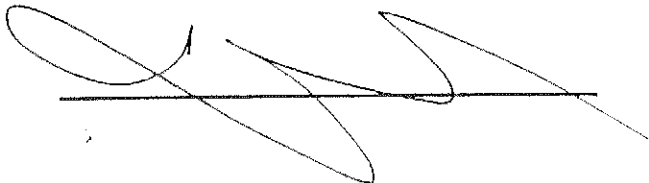
Each maker, comaker, endorser or guarantor of this note hereby agrees to pay all costs, charges and expenses of collection, including reasonable attorney's fees in the event this note is placed into the hands of any attorney(s) for collection or enforcement hereof.

A record of all payments of principal or interest may be kept by the holder hereof on an individual liability card, which is hereby incorporated into this note by this reference and made a part hereof, and no such record of payments need be made or kept on this note.

The rights and obligations hereunder shall be governed by the laws of the Commonwealth of Massachusetts. In the event that any provision or clause of this note or the mortgage given as security herefor conflicts with applicable law, such conflict shall not affect other provisions of this note or said mortgage which can be given effect without the conflicting provision, and to this end the provisions of this note and said mortgage are declared severable.

EXECUTED as an instrument under seal.

Signed in the Presence of:

A large, stylized handwritten signature in black ink, written over a horizontal line.

The City of Marlborough

By: William J. [Signature]

This Note is secured by a mortgage on the property at Parcel B-1 Boston Post Road, Marlborough, Middlesex County, MA.

Handwritten scribbles and numbers, possibly '77'.

Ward Mountain, LLC, a Massachusetts limited liability company,

with an address of 782 Boston Post Road, Marlborough, Middlesex County, Massachusetts,

in full consideration paid of \$500,000.00 Dollars

grant(s) to The City of Marlborough, a Municipal corporation,

with an address of 140 Main Street, Marlborough, Middlesex County, Massachusetts,

WITH QUITCLAIM COVENANTS

That certain parcel of land situated off of the Northerly side of Boston Post Road, also known as Ward Hill, in Marlborough, Middlesex County, Massachusetts, and being shown as Parcel B-1 on Plan entitled "Compiled Plan of Land in Marlborough, Mass. (Middlesex County), Prepared For: W. M. Associates Realty Trust, Scale: 1" = 200', Jan. 12, 1988, The BSC Group-Bedford, Inc., Land Surveyors, Civil Engineers, 18 North Road, Bedford, Mass." recorded with the Middlesex South District Registry of Deeds as Plan No. 370 of 1988 in Book 18944, Page 468.

Reference is made to said Plan for a more particular description of said Parcel B-1.

Containing 3,251,482± S.F. (74.65± AC.), all according to said Plan.

Subject to 20' Wide Easement for Tennessee Gas Pipeline Company, as shown on said Plan.

Subject to Utility & Drainage Easement, as shown on said Plan.

For title reference see deed dated February 11, 1999, and recorded with said Registry of Deeds in Book 29886, Page 335.

PROPERTY ADDRESS: 782 BOSTON POST ROAD, MARLBOROUGH, MASSACHUSETTS 01752

915 25.00

MSD 12/12/88 12:39:59

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WITNESS its hand and seal this 7th day of December, 2000.

Ward Mountain, LLC

By: Janice Meyers
Janice Meyers, Authorized Agent

PROPERTY ADDRESS: 782 BOSTON POST ROAD, MARLBOROUGH, MASSACHUSETTS 01752

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

December 7, 2000.

Then personally appeared the above-named Janice Meyers, Authorized Agent, and acknowledged the foregoing instrument to be the free act and deed of Ward Mountain, LLC.

Before me,

Michael J. Norris
Notary Public

My commission expires: April 15, 2005.



City of Marlborough
Office of the Mayor

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

Nancy E. Stevens
MAYOR

Karen H. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

81

RECEIVED
NOV 20 2008
November 18, 2008

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

Honorable President Vigeant and Councilors:

Attached please find correspondence from Fire Chief David Adams recommending the appointment of Donald Bardsley, Brian Bishop, Adam Buckley as a permanent firefighters. Each has completed required screening, examinations and background checks with positive outcomes to allow for their appointments which will fill vacancies created through retirement. This letter serves to inform you that I have approved these appointments.

Donald Bardsley will transfer into the department with six years employment in the town of Weston and complete two weeks of orientation; Brian Bishop and Adam Buckley will begin training with the Fire Academy on January 5th session and be ready, upon successful completion, to graduate on March 27, 2009.

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

Sincerely,

Nancy E. Stevens
Mayor



J2

City of Marlborough

FIRE DEPARTMENT

215 Maple Street, Marlborough, Massachusetts 01752
Business (508) 485-2323 Facsimile (508) 460-3795

November 18, 2008

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

RE: Filling of Firefighter Vacancies

The following firefighter candidates have successfully completed all required interviews, background checks, psychological screenings, physical examinations, and physical agility tests, I recommend that the following individuals be appointed as Permanent Firefighters to fill existing vacancies in the Department due to retirements earlier this year:

Donald Bardsley
Brian Bishop
Adam Buckley

Upon your approval, these candidates are available to begin employment the first week of December and two of the candidates, Brian Bishop and Adam Buckley, would begin training at the Stow Fire Academy on January 5, 2009. Their expected graduation date is March 27, 2009.

Donald Bardsley is currently a full time firefighter for the Town of Weston with six years experience and will be placed on shift after two weeks of orientation.

I respectfully urge your consideration for employment and subsequent notification to City Council.

Sincerely,

David Adams
Fire Chief

cc: E. Susan Ellis, Personnel 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

Karen H. Kistly
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

November 12, 2008

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

Honorable President Vigeant and Councilors:

It is with great reluctance that I must now inform you that Sue Ellis, Personnel Director, has resigned effective January 5, 2009.

I believe this development presents an appropriate opportunity to reexamine the salary ordinance associated with this position. To that end, I have requested that a summary of salary ranges for Personnel/Human Resource Directors in both neighboring and comparatively-sized communities be prepared for your review. In addition, attached please also find the current as well as a proposed revised salary ordinance and job description.

I respectfully request your support of the attached salary revision.

Sincerely,

Nancy E. Stevens
Mayor

Entity	Population	Range		
		Min	Mid	Max
Attleboro	42,000	\$66,368	\$76,482	\$86,595
Belmont	26,000	\$72,834	\$87,416	\$101,999
Burlington	23,800	\$65,571	\$75,439	\$85,307
Chelmsford	33,800	\$61,051	\$73,658	\$86,264
Concord	15,200	\$67,034	\$82,117	\$97,200
Danvers	25,000	\$66,026	\$78,616	\$91,207
Falmouth	31,200	\$65,562	\$75,556	\$85,550
Franklin	32,000	\$69,544	\$82,176	\$94,808
Gloucester	30,000	\$58,352	\$66,916	\$75,479
Lexington	30,400	\$72,760	\$82,412	\$92,065
Melrose	27,000	\$77,848	\$88,222	\$98,597
Medway	12,700	\$70,000		\$89,500
Natick	32,000	\$71,994	\$83,661	\$95,328
Needham	30,500	\$75,400	\$75,672	\$88,348
North Attleboro	27,900	\$0	\$0	\$90,860
Norwood	28,300	\$70,245	\$78,322	\$86,398
Sandwich	23,000	\$56,571	\$70,938	\$85,126
Watertown	32,000	\$63,175	\$72,883	\$82,591
Wellesley	26,600	\$69,440	\$86,800	\$104,160
West Springfield	27,900	\$65,900	\$71,162	\$76,423
Westford	21,000	\$60,059	\$72,988	\$85,917
Weston	11,000	\$66,503	\$78,738	\$90,973
Westwood	15,500	\$72,258	\$84,623	\$96,988
Marlborough	35,000	\$63,122	\$67,064	\$71,006

07/15/2008 13:19
mward

CITY OF MARLBOROUGH
SALARY TABLE

EFF. DATE GROUP/EU GRADE/
RANK DESCRIPTION PAY BASIS FREQUENCY CALC PERIODS DAY HRS/ PERIOD HRS/ DAYS/ PERIOD HRS/ DAYS/
07/01/2008 CNOA NON-AFFIL PASS PRIN ASSESSOR A ANNUAL W WEEKLY 11 52.0000 7.00 35.00 5.00 1820.00 260.00
Change was made by 4.0000%
No Dollar amount used.

STEP/LEVEL

00
01
02
03

HOURLY RATE DAILY RATE W WEEKLY PERIOD SALARY ANNUAL SALARY

34.6829 242.7791 1,213.90 1,213.90 63,122.57
36.0697 252.4877 1,262.44 1,262.44 65,646.80
37.5137 262.5955 1,312.98 1,312.98 68,274.82
39.0143 273.1006 1,365.50 1,365.50 71,006.16

07/01/2008 CNOA NON-AFFIL PERD PERSONNEL DIREC A ANNUAL W WEEKLY 11 52.0000 7.00 35.00 5.00 1820.00 260.00
Change was made by 4.0000%
No Dollar amount used.

STEP/LEVEL

00
01
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HOURLY RATE DAILY RATE W WEEKLY PERIOD SALARY ANNUAL SALARY

34.6829 242.7791 1,213.90 1,213.90 63,122.57
36.0697 252.4877 1,262.44 1,262.44 65,646.80
37.5137 262.5954 1,312.98 1,312.98 68,274.80
39.0143 273.1006 1,365.50 1,365.50 71,006.16 ✓

07/01/2008 CNOA NON-AFFIL PFDR DIR PUBLIC FAC A ANNUAL W WEEKLY 11 52.0000 7.00 17.50 5.00 1820.00 260.00
Change was made by 4.0000%
No Dollar amount used.

STEP/LEVEL

00

HOURLY RATE DAILY RATE W WEEKLY PERIOD SALARY ANNUAL SALARY

45.8754 160.5634 802.82 802.82 41,746.49

07/01/2008 CNOA NON-AFFIL PLGL PARALEGAL A ANNUAL W WEEKLY 11 52.0000 7.00 35.00 5.00 1820.00 260.00
Change was made by 4.0000%
No Dollar amount used.

STEP/LEVEL

00

HOURLY RATE DAILY RATE W WEEKLY PERIOD SALARY ANNUAL SALARY

21.2766 148.9358 744.63 744.63 38,723.32

07/01/2008 CNOA NON-AFFIL PSNL PERSONNEL ASST A ANNUAL W WEEKLY 11 52.0000 7.00 35.00 5.00 1820.00 260.00
Change was made by 4.0000%
No Dollar amount used.

STEP/LEVEL

00
01
02
03

HOURLY RATE DAILY RATE W WEEKLY PERIOD SALARY ANNUAL SALARY

22.8094 159.6653 798.33 798.33 41,512.97
23.7037 165.9267 829.63 829.63 43,140.93
24.6520 172.5637 862.82 862.82 44,866.56
25.6377 179.4637 897.32 897.32 46,660.56

93

**City of Marlborough
Marlborough, Massachusetts 01752**

IN CITY COUNCIL

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY ADDING TO CHAPTER 32, COMPENSATION SCHEDULE, THE FOLLOWING:

TITLE	EFFECTIVE DATE	MIN 1ST SIX MONTHS	STEP 1 2ND SIX MONTHS	STEP 2 NEXT 12 MONTHS	MAX
Personnel Director	1/2/2009	\$ 76,000.00	\$ 79,040.00	\$ 82,201.60	\$ 85,489.66

9/4

9/5

HUMAN RESOURCES DIRECTOR

Position Purpose:

The purpose of this position is to provide administrative, management, and professional work in directing and supervising the personnel systems of the City of Marlborough including benefits, recruitment and retention, workplace safety, labor relations, training, and employee recognition; all other related work as required. The Human Resources Director is responsible for maintaining and improving upon the efficiency and effectiveness of all areas under his/her direction and control.

Supervision:

Supervision Scope: Performs varied and highly responsible duties requiring extensive independent judgment in ensuring conformance with applicable laws, regulations, collective bargaining agreements, and departmental policies. Incumbent is required to work independently in formulating decisions regarding policies, procedures, operations and plans at the municipal-wide level.

Supervision Received: Works under the policy direction of the Mayor. Employee receives occasional guidance, intent, and special directives; assumes responsibility for developing and achieving the department goals and objectives. The position is subject to review and evaluation according to the City's personnel plan.

Supervision Given: Supervises department employee, developing job direction, assigning tasks and instructions, and monitoring personnel performance evaluation. Provides general guidance to all department heads regarding matters of personnel policies and procedures.

Job Environment:

Work is performed under typical office conditions; frequently required to work evening and/or weekend hours; incumbent occasionally required to attend meetings with various City boards, committees, and employees.

Operates microcomputers using standard office automation applications, calculator, telephone, copier, facsimile machine, and all other standard office equipment.

Makes regular contacts with all City departments and employees, union representatives, vendors, retirees, and representatives of local, state, and federal government; contacts involve furnishing routine information as well as discussing complex legal issues; contacts require considerable discretion, resourcefulness and persuasiveness to achieve desired objectives.

Has access to an extensive amount of highly confidential information on a City-wide basis such as personnel records, collective bargaining negotiations, bid proposals, and pending law suits and investigations.

Errors could result in an significant adverse impact on employee morale, confusion and delay, and could have serious legal and/or financial repercussions.

Essential Job Functions:

(The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.)

Oversees the administration of insurance and employee benefit plans. Acts as group insurance administrator; acts as liaison between insurance carriers and City employees to ensure that correct benefits are provided and that problems or disputes are resolved whenever possible. Counsels employees on benefit programs and levels and on payment/reimbursement procedures. Ensures that employees who are leaving the employ of the City are advised of their rights; reviews and processes claims; represents the City at unemployment hearings.

Oversees the administration of the worker's compensation insurance program within the City; reviews claims, recommends acceptance or denial, assigns attorneys to cases when necessary, reviews and processes all claim and bills through a third party administrator.

Responsible for developing, administering and proposing improvements to the City's wage compensation plan; monitors and reviews current personnel policies, job classification and salary structures, and the performance evaluation system and recommends changes as required; revises and maintains job descriptions. As requested, reviews and recommends the classification or re-classification of a position.

Oversees and participates in the recruitment, screening, hiring, and orientation of all new City employees. Maintains employment applications; establishes and maintains employee records and personnel transactions such as hires, promotions, transfers, performance reviews, and terminations; furnishes references and credit checks; performs special studies and advises the public on job opportunities and application procedures. Develops retention incentives including the conference and training program as well as the employee recognition program.

Acts as bargaining representative for the City with all City unions; assists in the development of bargaining concepts and strategies; works with labor counsel and presents the City's case to mediators, fact finders and arbitrators as needed; drafts necessary contract language and prepares agreement for execution; coordinates post negotiation activities including; communicates contract changes to department heads; schedules any major retroactive payments, etc. Continuously administers collective bargaining agreements ensuring compliance to labor contracts; maintains communications with appropriate union officials for exchange of information, informal discussion of union-management affairs and related matters; assists with the grievance process as necessary.

Serves as hearing officer for all of the Mayor's Civil Service and grievance hearings.

Mediates problems between employees; works to improve communication within and between departments; answers questions from department heads and supervisors concerning personnel policies and procedures.

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Other Functions:

Ensures City-wide compliance with existing laws, rules, codes and regulations governing the acquisition and utilization of employees. Studies new legislation and implements any affecting the City as an employer.

Serves as keeper of personnel records and all other confidential information concerning employees.

Performs similar or related work as required, directed or as situation dictates.

Recommended Minimum Qualifications:

Education, Training and Experience:

Bachelor's Degree in human resources, public administration, business administration, labor relations or related field; and five years of experience in personnel administration including three years in a supervisory or management capacity; or any equivalent combination of education and experience.

Knowledge, Ability and Skill:

Knowledge: Thorough knowledge of public sector personnel practices and applicable federal and state laws regulating hiring and collective bargaining matters. Thorough knowledge of employee classification, compensation and benefits, recruitment, selection, training, and labor relations.

Ability: Ability to interact in a positive and effective manner with personnel at all levels of authority. Ability to communicate clearly and concisely, in writing and orally. Ability to recruit, interview, and evaluate job applicants for diverse positions. Ability to maintain accurate and detailed records. Ability to prepare and analyze comprehensive reports. Ability to carry out assigned projects to their completion. Ability to efficiently and effectively administer a human resource system.

Skill: Skill in the use of personal computers, particularly word processing and spreadsheet applications. Excellent public relations skills. Superior negotiating skills. Sensitivity to political issues.

Physical And Mental Requirements:

Intellectual and mental acuity to perform conceptual and detailed technical work. Recurring intellectual effort is required to maintain a current knowledge of applicable laws, principals, and rules and regulations. Employee is frequently required to walk, stand, sit, talk, and hear; uses hands to finger, handle, feel or operate objects, tools, or controls, and reach with hands and arms as in physically picking up files, papers and other common office objects. Employee must occasionally lift and/or move objects weighing up to 10 pounds such as a briefcase, books, supplies, etc. Employee must possess the ability to operate a keyboard at a moderate speed. Vision and hearing at or correctable to normal ranges.

(This job description does not constitute an employment agreement between the employer and employee. It is used as a guide for personnel actions and is subject to change by the employer as the needs of the employer and requirements of the job change.)



City of Marlborough
Office of the Mayor

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

10,
Nancy E. Stevens
MAYOR

Karen A. Kirby
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

November 18, 2008

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

Honorable President Vigeant and Councilors:

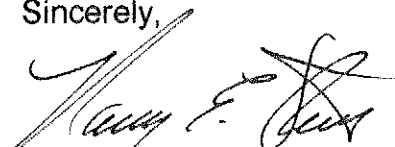
As you know, last spring, the City of Marlborough was fortunate to have been selected to receive a \$10M Massachusetts Opportunity Relocation and Expansion (MORE) grant the result of the collaboration of many city and state officials as well as the Marlborough 2010. The intent is to utilize this \$10M to address the federally-mandated upgrades to the wastewater treatment plants to provide future opportunities for economic development as well as reduce the financial impact to both residential and commercial ratepayers.

To date, the City has completed all required documentation and executed a Memorandum of Understanding related to the grant. This is a reimbursement grant; simply stated, the City will submit invoices for work performed subsequent to contract start date which should be processed within 30 days of receipt by State.

As outlined in MGL, Chapter 44, Section 53A, I am recommending that the City Council approve the grant award which will go a long way towards mitigating the cost of our wastewater treatment upgrades. I respectfully request your approval this evening.

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

Sincerely,


Nancy E. Stevens
Mayor



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CITY OF MARLBOROUGH
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

November 19, 2008

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

**RE: NOTICE OF GRANT AWARD
M.O.R.E. GRANT
WESTERLY WASTEWATER TREATMENT PLANT UPGRADES**


Dear Mayor Stevens,

I hereby request that you submit the enclosed Notice of Grant Award to the Marlborough City Council in order to authorize the expenditure of the funds described in this notice.

As you know, the city was the recipient of \$10M in grant funds from the Executive of Office of Housing and Economic Development to be used as partial funding for the design and construction of major upgrades to the city's Westerly Wastewater Treatment Plant. The total cost of the upgrades has been estimated to be \$33.7M.

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

Sincerely,


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

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CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT Public Works DATE November 20, 2008

PERSON RESPONSIBLE FOR GRANT EXPENDITURE Ronald M. LaFreniere

NAME OF GRANT M.O.R.E.

GRANTOR Commonwealth of Massachusetts, (EOHED)

GRANT AMOUNT \$10,000,000

GRANT PERIOD November, 2008 – July 2011

SCOPE OF GRANT/ITEMS FUNDED Design and construction of the upgrades to the Westerly Wastewater Treatment Plant

IS POSITION BEING CREATED? No

IF YES, CAN FRINGE BENEFITS BE PAID FROM GRANT? N/A

ARE MATCHING CITY FUNDS REQUIRED? No further city appropriations are necessary beyond the appropriation listed below.

IF MATCHING IS NON-MONETARY (MANHOURS, ETC.) PLEASE SPECIFY: N/A

IF MATCHING IS MONETARY, PLEASE GIVE ACCOUNT NUMBER AND CITY FUNDS TO BE USED 30543206-58300, \$33,700,000 (total project costs)

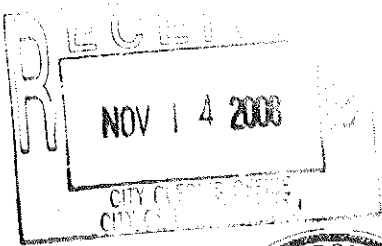
ANY OTHER EXPOSURE TO CITY? No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL? No, but grant funds may not used until approved by council.

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 THE CITY COUNCIL FOR APPROVAL OF THE DEPARTMENT TO EXPEND THE FUNDS FOR THE PURPOSE OF THIS GRANT.

//

City of Marlborough
Commonwealth of Massachusetts



PLANNING BOARD

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

Carrie Lizotte, Board Secretary

Phone: (508) 460-3769

Fax: (508) 460-3736

Email: CLizotte@marlborough-ma.gov

November 14, 2008

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

RE: Modified New Car Dealership Overlay District
Marlborough Zoning Ordinance
Recommendation

Dear Mr. Vigeant:

At its meeting on Monday, November 10, 2008, the Planning Board took the following action:

On a motion by Mr. Hodge, seconded by Mr. Kerrigan, with Mr. Fay and Dr. Fenby opposing it was duly voted:

To oppose any approval of the Modified New Car Dealership Overlay District and to ask the City Council to take a further look into the zoning ordinance for a possibly allowing new car dealerships back in the business zone.

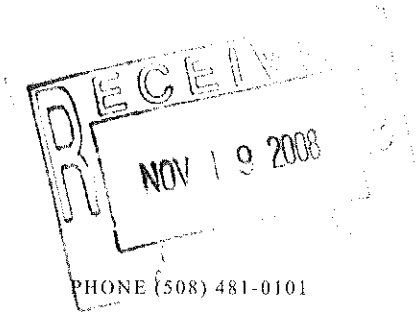
Sincerely,

Barbara L. Fenby

Barbara L. Fenby
Chairperson
Marlborough Planning Board

CC: City Clerk
City Engineer
City Solicitor
Arthur Bergeron
file

12



DAVID P. GADBOIS
Attorney-at-Law
27 PROSPECT STREET
MARLBOROUGH, MASSACHUSETTS 01752
E-MAIL David@attygadbois.com

FAX (508) 485-8506

November 19, 2008

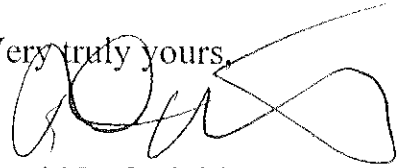
Councilor Arthur Vigeant, President
Marlborough City Coughlin
City Hall
Marlborough, MA 01752

Re: Fore Kicks, Conservation Restriction

Dear Councilor Vigeant:

In the above-referenced matter, I am enclosing 15 copies of the draft Conservation Restriction from my client, Fore Kicks II Limited Partnership, to the City of Marlborough to comply with Condition #38 of the special permit granted to my client by decision of the City Council filed on June 1, 2007. I am enclosing 15 copies of the proposed plan showing the Conservation Restriction area

I have forwarded copies of the proposed Conservation Restriction to the Conservation Commission and the City Solicitor for their review.

Very truly yours,

David P. Gadbois

Cc:
Atty. Don Rider, City Solicitor
Marlborough Conservation Commission

07-1001465

RECEIVED
NOV 20 2008

13

ARTHUR P. BERGERON
Attorney-at-Law
27 PROSPECT STREET
MARLBORO, MASSACHUSETTS 01752

PHONE (508) 481-0103

FAX (508) 485-8506

November 20, 2008

Councilor Arthur Vigeant, President
Marlborough City Council
City Hall
Marlborough, MA 01752

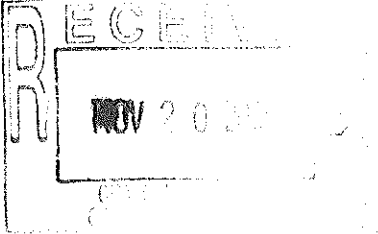
Re: Gary White, Trustee of 566 Lincoln St. Realty Trust and 574 Lincoln
Street Realty Trust, request for withdrawal without prejudice. Special Permit
Order # 08-100-18773

Dear Councilor Vigeant:

Pursuant to Mass. General Laws Chapter 40A sec. 9, my client Gary White, Trustee, hereby requests that the his application for a special permit in the above-referenced matter be withdrawn without prejudice. As you know, my client is working on improving the proposed access to the site before pursuing this further.

Very truly yours,


Arthur P. Bergeron



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ARTHUR P. BERGERON
Attorney-at-Law
27 PROSPECT STREET
MARLBORO, MASSACHUSETTS 01752

PHONE (508) 481-0103

FAX (508) 485-8506

November 20, 2008

Councilor Arthur Vigeant, President
Marlborough City Council
City Hall
Marlborough, MA 01752

Re: Toll MA Land Partnership, proposed Revised Special Permit, Order
08-100193FB / Y-03-20022

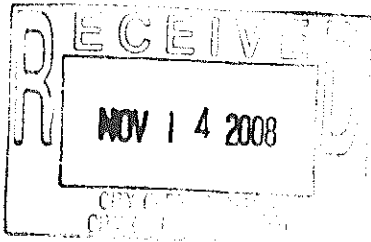
Dear Councilor Vigeant:

Pursuant to Mass. General Laws Chapter 40A sec. 9, my client Toll MA Land Partnership hereby requests that the deadline for City Council action regarding its currently pending request for a modified special permit be extended to March 1, 2009. It is my understanding that the revised plans will be ready for filing next week, but I assume that the Urban Affairs Committee will not start reviewing them without comments from department heads.

Very truly yours,

Arthur P. Bergeron

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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, September 25, 2008

8:30 AM, 4TH FLOOR CONFERENCE ROOM

MARLBOROUGH CITY HALL

MINUTES

Convened: Meeting called to order at 8:38 A.M. by Acting Chair Lynn Faust.

Members present: Tom Abel, Camille Duridas, Lynn Faust, Michael Hogan, David McCabe, Diane Smith, Steve Vigeant (nonvoting -- on speakerphone)

Others present: Michelle Ciccolo, John Ghiloni, Jackie Malloy, Don Rider, Betsy Roszko, Nancy West, Reporter from Metrowest News

Members absent: Dr. Muir, Mayor Nancy Stevens

1. Past minutes

VOTE: Hogan made a motion to accept and file the minutes of 8/28 as submitted. McCabe seconded. The motion passed unanimously.

2. Update on Meeting with DHCD from 9/12

Ciccolo reported on the meeting held with DHCD representatives on September 12, calling it a lengthy and productive meeting intended to cover everything the DHCD requires in order for Marlborough's CDA program to become operational. In response to a question from Vigeant, Ciccolo confirmed that TCG would endeavor to document work

to be done and develop a manual for the new Executive Director. She stated that one goal based on DHCD requirements was that we have all CDA books balanced by the end of October. Hogan requested different terminology, stating that he believes the books *are* balanced but that the conflict lies in whether our expenditures and payments are being loaded into the proper software according to DHCD. Vigeant said that given the amount of updating to be done on the DHCD system, he would like to see a list showing what we have to do and reflecting progress. Ciccolo agreed to develop this list and suggested that the CDA members would benefit from having more financial reports generated from the DHCDs systems and suggested that going forward the CDA be given financial activity reports at each meeting. Hogan asked Ciccolo to confirm that once the data is uploaded properly into the DHCD system, we can draw down funds and start using the money. Ciccolo agreed that making the money available was top priority. She clarified that grants older than 2003 have been deactivated, and the state is going to have to issue the CDA a new contract to draw on those funds, explaining that "The good news is, they're going to make the funds available. The bad news is there are some hoops they have to go through. Accessing those funds could take a little longer than we might hope." More questions followed about verifying accounts between the city and the state, and Ciccolo again confirmed that the goal is to have all accounts reconciled by the end of October. In response to a question from Hogan about 2009 grant money, Vigeant said that the prudent thing to do was to wait a year and apply in 2010. He also pointed out that there are other funds and grants that the CDA could potentially draw upon, beyond DHCD.

3. Invoices to be paid

Faust asked what account the TCG invoice should be paid from. Ciccolo responded that it should come from CDBG administration funds. Faust asked whether we purchased computers. Ciccolo said computer purchases weren't authorized but the scanner add-on to the copier and a camera were authorized, though neither has actually been acquired yet. Regarding the ARC program, it was determined that monies were to come from the mitigation fund, but Ciccolo clarified that none of this has actually been disbursed yet. Malloy said it was because we have not yet received an invoice from ARC.

VOTE: Hogan made a motion to approve payment of invoices. McCabe seconded. Discussion: In response to a question from Hogan, Ciccolo stated that the maximum amount to be paid to TCG is \$25,000 and that the current invoice represents the second draw from that allotment. The motion passed unanimously.

4. Housing Director's Report

Roszko reviewed and distributed copies of her report and mentioned that October payments have not been finalized as of yet. *Vote: Hogan made a motion to approve bills payable. McCabe seconded. The motion passed unanimously.*

Other business: Roszko distributed a table reflecting vacation balance by for her staff. Hogan asked about sick time. Roszko affirmed that it can be carried over. Discussion

followed about sick time accumulation. Hogan asked that it be itemized in the same kind of table that Roszko had distributed for vacation time, and that the report be made available at the next CDA meeting. Roszko also mentioned that she was working on an improvement in software that would enable her to pull items from the software to drop into spreadsheets such as gross rent, contract rent, utilities and addresses.

Roszko then addressed the contract with Advantage Glass, saying she does not yet have it but expects it tomorrow and will immediately request the Mayor's signature. After that, she will schedule a kickoff meeting to talk to residents about the plan. In response to a question from Faust, Ghiloni stated that once the contract is signed, he will meet with the developer who will show a sample and present a schedule. Ghiloni stated that one of the requirements is that the contractor finish a unit daily. Roszko then said that the DHCD has reviewed the schematic design for the elevator improvements and given the go-ahead to prepare construction documents. *VOTE: Hogan made a motion to approve the Housing Director's report. McCabe seconded. The motion passed unanimously.*

5. Subordination Requests

a. Case 19

Regarding information supplied by Malloy, Duridas stated that she felt that the appraisal and comps were extremely well done and said she had no disagreements with it. Hogan brought up the point that when review of subordination requests began about a year ago, the CDA asked if in cases where there was room within the appraisal to do some paydown, it would be requested, as a means to recapture some of the program income. Ciccolo said that she had read through the minutes related to that discussion and those minutes did not fully spell out a procedure. She asked Hogan whether there was a percentage he recommended requesting. Duridas said that she had suggested a maximum of 80% loan-to-value. *VOTE: Hogan made a motion that the CDA would approve the requirement of a maximum 80% loan- to-value if a paydown of \$5,000 could be collected. McCabe seconded. The motion passed unanimously.*

b. Case 20

Ciccolo gave the background of this subordination request, explaining that the homeowner asked the CDA to waive the requirement for a second approval in addition to St. Mary's because the amount they are asking to borrow is very small and so is the city's loan. *VOTE: Hogan made a motion that the CDA waive the second appraisal. McCabe seconded. The motion passed unanimously.* Ciccolo explained that this request would appear before the board next month assuming all the paperwork has been filed.

6. Update on Program Income; consider policy for new program income plan; schedule hearing

Ciccolo briefly summarized that she has been reviewing accounts to confirm the amount owed back to the state and that 2% must be paid back for any amount that exceeds \$25,000 for any given year. She reiterated the point made by DHCD that program income must be used in accordance with the original plan from the grant year that the funds originally were dispersed from. Because these plans may have differed from one year to the next program requirements changed over time, it now makes sense to consolidate the PI Plans into one. This would require holding a public hearing to discuss a new plan that would be more generic and state that program income can be used toward any expense that falls under the national CDBG guidelines. In response to a question from Faust, Ciccolo said that the meeting should ideally be held in the evening, for accessibility, and that it needs to be advertised two weeks prior. *VOTE: Hogan made a motion to approve a plan to hold an evening public hearing in the near future. McCabe seconded. The motion passed unanimously.* Faust requested that the CDA see a draft of the new proposed program income plan ahead of the meeting. Hogan asked that City Council be informed of the meeting and encouraged to attend.

7. Discussion on unrestricted CDA funds and approval of payment for legal bills

Ciccolo expressed her concern that money is dwindling in unrestricted accounts and that the MCD has received several bills for legal services that are not eligible for payment from CDBG or program income funds according to DHCD. With Debra Fairbanks' contract soon to be signed, that leaves approximately \$40,000 in unrestricted funds, but Ciccolo believes that legal fees could exceed that amount. Hogan asserted his belief that legal expenses related to the audit could come from program income and that the DHCD should be asked to reconsider their stance on this. Faust said that Don Rider had located a memo from the Mayor to DHCD written in 2006 stating that under corrective actions, the City could use CDBG funds to pay for a program audit. Faust said the issue should be studied during the upcoming month.

8. New business – progress on hiring of Executive Director

Ciccolo reminded committee members that they had recently been sent the posted version of the Executive Director job description and pointed out that compared to the last version created in 2006, the tasks are similar but the verbiage has been fleshed out, and the reporting structure has been clarified. She said that the position has been advertised in several venues and the next step is for the CDA to decide how they want to proceed in reviewing candidates. Faust said that in the past, this has been done by subcommittee, and Hogan stated that he believes the Chair wants to designate a subcommittee that will then narrow the field to 2-3 candidates. *VOTE: Hogan made a motion that it be suggested to the Chair that she designate a 3-person subcommittee to*

screen candidates and bring the finalists to the CDA. McCabe seconded. The motion passed unanimously.

9. New business

a. Work to be requested of Title Examiner

Don Rider raised the subject of a previous discussion about having Title Examiner Peter Haney conduct title research work to ensure that liens on properties correspond to the amount of contract work being done there. He recommended a motion that the CDA chair be authorized to execute an independent contractor professional service agreement with Peter R. Haney, in an amount less than \$5,000, to perform title work at the Middlesex South Registry of Deeds concerning loans made by the CDA from 1990 to the present. Hogan asked to amend the motion to say "subject to a list provided by the Executive Director, to avoid the effort of tracking down information we already have.

VOTE: Rider made a motion that the CDA chair be authorized to execute an independent contractor professional service agreement with Peter R. Haney, in an amt less than \$5,000, to perform title work at the Middlesex South Registry of Deeds concerning loans made by the CDA from 1990 to the present, subject to a list provided by the Executive Director. McCabe seconded. The motion passed unanimously.

b. 3 South Street

As a procedural note, Rider mentioned that at the August CDA meeting, a motion was passed to change the contract amount for 3 South Street to \$23,001.59, granting a \$15,000 change order. Rider proposed the change reflected in the following vote: *VOTE: Faust made a motion that the Chair be authorized to execute an amendment to the master agreement and the grant agreement both entered into by 3 South St. LLC and the CDA on July 21, 2008, so that the amount recited in said agreements shall be increased so as to correspond to the total contract amount of \$23,001.59 for demolition work at 3 south Street in Marlborough, Massachusetts, including a change order previously approved by the CDA on 8/28/08 and confirmed herein. Duridas seconded. The motion passed unanimously.*

c. 61 Emmett Street

Malloy reported that at this CDA-owned property, a stone wall was ruined by snowplows last winter. Malloy has elicited a promise from Tom Temple in Engineering to fix the stone wall within the next two weeks.

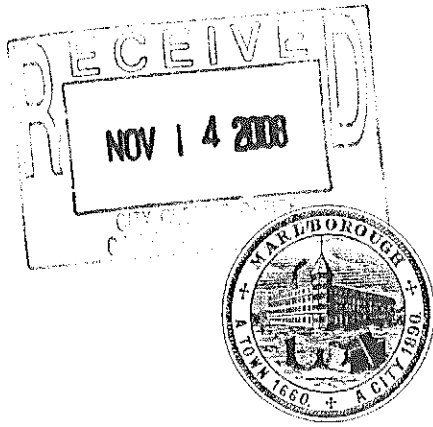
d. **Permanent employee status for Jackie Malloy**

Duridas expressed her wish to reexamine the employment status of CDA Office Administrator Jackie Malloy, currently on temporary status. Duridas acknowledged that a decision was made previously not to change this situation until a new Executive Director was in place, but said she has rethought that position based on her awareness of the amount of time and energy Malloy puts into the position while working without any employee benefits. Duridas strongly recommended that the position be changed to permanent status with a salary and benefits. McCabe agreed, saying that Malloy has taken a great deal of initiative amidst significant transition. Faust suggested that Duridas draft a formal proposal for next month's meeting. *VOTE: Acknowledging Malloy's hard work, Hogan made a motion the CDA ask the Mayor to create a permanent position for Malloy. McCabe seconded.* A discussion period followed. Faust stated that she was not comfortable making that change effective without the Chair present, and stated her preference that a proposal be drafted for consideration at the next meeting. Faust also suggested to make the change retroactive if they did not want to wait. Hogan said that if there was a sense of the Board that this was a desirable change, they should go ahead and vote on it now. Ciccolo asked if there was a current job description for the position and offered to craft one. Faust said there was an old version but that it might need updating. Ciccolo stated that DHCD would have to approve any staffing positions that were to be paid from CDBG funds, and that they would consequently require standard DHCD protocol of public posting, naming of three finalists, etc. Hogan said that the position reached well beyond CDBG tasks and therefore other funds could be drawn upon. Ciccolo asked if they wanted to post it, Hogan replied NO. Faust reiterated that she felt the decision needed more consideration before a vote was taken. McCabe suggested an amendment to the motion that would encompass Ciccolo updating the job description. Hogan added to that the request that Ciccolo explore funding options and a compensation package. Faust expressed concern with making a hiring decision without knowing where funding for the position would come from. Abel stated that the description and salary range would need to be approved by the CDA. Faust asked Duridas to consider withdrawing the motion pending further consideration and preparation. Duridas chose not to withdraw the motion. *AMENDED VOTE: Acknowledging Malloy's hard work, Hogan made a motion the CDA ask the Mayor to create a permanent position for Malloy, based on a job description, compensation package and funding recommendations. McCabe seconded. The motion passed 3-1.*

Adjourned: The meeting was adjourned at 9:57 AM.

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City of Marlborough
Commonwealth of Massachusetts



PLANNING BOARD

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

PLANNING BOARD MINUTES
October 27, 2008
7:00 PM

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

The Planning Board for the City of Marlborough met on Monday, October 27, 2008 in Memorial Hall, 3rd floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Chairperson, Steve Kerrigan, Clerk, Philip Hodge, Clyde Johnson, Edward Coveney and Sean Fay. Also present: Assistant City Engineer Richard Baldelli.

MINUTES

Meeting Minutes October 6, 2008

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

To accept and file the meeting minutes with a minor change at the request of Mr. Fay.

CHAIR'S BUSINESS

General Updates

Mr. Hodge informed the Board that he attended a workshop on the retirement district with Commissioner Reid and City Councilors Pope, Clancy and Vigeant. Mr. Hodge stated that most issues dealt with zoning and they left the meeting with Commissioner Reid having to do some zoning research.

Ms. Fenby and Mr. Fay attended an open space committee meeting which the committee is taking inventory of the open space throughout the City. Also, the committee is trying to connect the current walking/biking trails with the local surrounding communities.

Commonwealth of Massachusetts

The Planning Board received correspondence from the Commonwealth of Massachusetts regarding the nomination of the Dennison Mfg. Co. Paper Box Factory located at 175 Maple Street by State's Historic Preservation Officer. The owners of the property will be notified if they are chosen to be elected to the Massachusetts Historical Commission with a 45 day time period.

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

To accept and file the correspondence.

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MassDevelopment

The Massachusetts Development Finance Agency is considering approval of a revenue bond to the Justice Resource Institute for a proposed addition at their current location of 56-58 Framingham Road. MassDevelopments policy is to advise the appropriate local and regional planning agencies to ascertain the relationship of the proposed project to any existing state, local or regional comprehensive plan.

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

To accept and file the correspondence.

Legal Correspondence

At the last meeting the Planning Board requested for the City Solicitor to clarify the language added to the Limited Development Subdivision of "be and is herewith APPROVED". The City Solicitor responded with correspondence that the "be and herewith APPORVED" is standard language and that the words mean what they say that the Council's action was to approve the proposed amendment to the Limited Development Subdivision.

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

To accept and file the correspondence; and to thank the City Solicitor for his attention in this matter.

APPROVAL NOT REQUIRED PLAN

PUBLIC HEARING

**New Car Dealership Overlay District
7:30 PM**

The Planning Board of the City of Marlborough held a public hearing on Monday, October 27, 2008, at 7:30 p.m. in Memorial Hall, 3rd Floor, City Hall, 140 Main Street, Marlborough on the New Car Dealership Overlay District. Members present: Chairperson Barbara L. Fenby, Clerk Steven Kerrigan, Philip Hodge, Edward Coveney, Robert Hanson, Clyde Johnson and Sean Fay. Also present: Assistant City Engineer Richard Baldelli.

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

Mr. Kerrigan read the public hearing notice into record.

Public Hearing – Proposed Modified New Car Dealership Overlay District in the Marlborough Zoning Ordinance

Applicant: 890 Boston Post Rd. LLC

Locus: Map 61 Parcels 17, 17A, 20, 21 & Map 62 Parcels 1 & 24

Notice is given that the **PLANNING BOARD of the City of Marlborough** will hold a **PUBLIC HEARING ON Monday, October 27, 2008 at 7:30 p.m. in Memorial Hall**, 3rd floor City Hall, 140 Main Street, Marlborough, Massachusetts on the application of 890 Boston Post Rd. LLC, for a **Proposed New Car Dealership Overlay District in the Marlborough Zoning Ordinance as follows:**

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1) By adding to **Section 200-05. Definitions**, the following definition:

"NEW CAR DEALERSHIP: A business engaged in the sale of new passenger motor vehicles as a recognized agent of a motor vehicle manufacturer or as one whose authority to sell new passenger motor vehicles is created by a written contract with such manufacturer, together with related service and used vehicle sales, operating pursuant to a Class 1 license granted by the Marlborough License Commission pursuant to Massachusetts General Laws Chapter 140 sec. 58"

2) By adding the following new section 200-31 to Chapter 200

200-31 New Car Dealership Overlay District

A. Purpose. The purpose of the New Car Dealership Overlay District (NCDOD) shall be to advance the public health, safety and welfare by allowing for the development and operation of a New Car Dealership in areas of the Marlborough Business Districts where it is found that such a use would not conflict with other existing or proposed uses in the Business Districts or in other districts in close proximity to a New Car Dealership.

B. Location. A New Car Dealership Overlay District may only be created regarding land that, at the time of its creation, is located in a Business District. The exterior boundaries of a New Car Dealership Overlay District shall not border or be located immediately across a public way from a Residence District (RR, A-1, A-2, A-3, RB, RC) unless the City Council specifically finds that there is no then current or reasonably expected use of the abutting residentially zoned land for residential purposes. For the purposes of this section, a New Car Dealership Overlay District shall be superimposed on the other District existing at the time that any land in said underlying District is also included in the New Car Dealership Overlay District. The subsequent rezoning of any or all of the land included in the New Car Dealership Overlay District from the Business District to another District shall not affect its inclusion in the New Car Dealership Overlay District, unless said land is specifically removed from said New Car Dealership Overlay District.

C. Permitted Uses. All permitted uses must comply with the appropriate provisions of Article V and Article VII, except as otherwise specified herein. In addition to those uses that are allowed, either as of right or by Special Permit, in the underlying Business District, regarding land in a New Car Dealership Overlay District the City Council may, by Special Permit in accordance with the provisions of Section 200-59, permit a New Car Dealership as defined in Section 200-05, subject to such terms and conditions as the said City Council deems appropriate, and subject in addition to the following provisions:

(1) Each lot or group of contiguous lots upon which a New Car Dealership is located shall have total frontage on an existing public way of not less than 330 feet, and shall have a total size of not less than six (6) acres.

(2) All newly constructed buildings or additions at the site shall be constructed so as to maximize their adaptive reuse for other uses that are otherwise allowable in a Business District."

The conditions imposed by the City Council may include conditions that would require the developer and/or owner of a New Car Dealership permitted hereunder to cause aesthetic and other improvements in other parts of the Business District in order to reduce or minimize the net impact of automotive uses in the Business District.

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3) by including in a New Car Overlay District the land shown on the Marlborough Assessors Maps as Map 61 Parcels 17, 17A, 20 and 21 and Map 62 Parcels 1, and 24.

The application materials are available for viewing in the Office of the City Clerk, City Hall, 140 Main St., Marlborough, MA 01752.

***Per Order of the City Council
#08-1001833D***

Attorney Arthur Bergeron presented the new overlay to the Board. He stated that the overlay that Board previously approved in June was withdrawn without prejudice in City Council due to the state mandated time period. The Owners are the current owners of the Nissan Dealer located at 740 Boston Post Road East and are planning to move their new car sales to 860 Boston Post Road East if the overlay amendment passes. He stated this is the same ordinance with three minor changes. These changes are:

- The exterior boundaries of a New Car Dealership Overlay District shall not border or be located immediately across a public way from a Residence District (RR, A-1, A-2, A-3, RB or RC) unless the City Council specifically finds that there is no then current or reasonably expected use of the abutting residentially zones land for residential purposes.
- The conditions imposed by the City Council may include condition that would require the developer and/or owner of the a New Car Dealership permitted hereunder to cause aesthetic and other improvements in other parts of the Business District in order to reduce or minimize the net impact of automotive uses in the Business District.
- By including in a New Car Overlay District the land shown on the Marlborough Assessors Maps as Map 61 Parcels 17, 17A 20 and 21 and Map 62 Parcels 1, and 24.

Mr. Bergeron stated that these changes were resulted after meeting with the Urban Affairs Committee and suggestions made by several Councilors. Mr. Bergeron also stated there were several design changes they have made including moving the current paint spray booth to the new location at the request of the neighbors concerns for their air quality.

In Favor

No one spoke in Favor

In Opposition

Kevin McAllister
Attorney representing Neighbors
130 Wilson Street

Mr. McAllister was questioning why this request for an overlay is not being considered as spot zoning which is not allowed. Mr. Bergeron responded to this question by stating that this is a standard of a planning matter and no lot lines were being changed. Mr. Bergeron also stated that was a conflict of changing the lot lines in which his client wanted to avoid. Mr. McAllister also stated that this falls outside of the typical overlay and overlay should be for anything outside of the boundary.

Richard Hureau
744 Boston Post Road East

Mr. Hureau stated that he is basically against the overlay change because of all the current issues that they have endured with the current location. He does not want to see Boston Post Road East turn into an Auto Mile and he believes something needs to be done for the residents.

Richard Hayes
748 Boston Post Road East

Mr. Hayes stated he shares the same opinion in this matter as Mr. Hureau does. He stated that if the amendment passes there would be no more country feel to the east end of the City and all dealerships should be on Route 85 in the commercial automotive zone.

General

Mr. Kerrigan asked Attorney Bergeron why they were not rewriting the ordinance and just adding an overlay. Attorney Bergeron stated that when he first proposed the change in 2007 they were hoping to have changed the ordinance by having City Council approve new car dealerships with a special permit. He also stated that with the new changes made to the overlay, residential zones will not be affected.

Mr. Fay asked if they have considered making a shorter frontage requirement to attract boutique dealers such as a Range Rover Dealer. He sees this new overlay as a possible chance for a attracting the boutique dealers where their design standards are a little higher.

Public Hearing Closed at 8:15pm.

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

To place the New Car Dealership Overlay on the agenda for the next regular scheduled meeting.

SUBDIVISION PROGRESS REPORTS

Update from City Engineer

Mr. Baldelli stated that they are currently working on several subdivisions including progression of the Open Space and the stone walls at Forest Trail.

Acre Bridge Estates

Correspondence from the Developer

Mr. Garofalo, the developer, is requesting a bond reduction for the completion of the subdivision and roadway known as Acre Bridge Estates, Blake Circle.

Correspondence from the City Engineer

Mr. Cullen has reviewed the bond status and has recommended to the Planning Board to reduce the current bond from \$68,000.00 to \$31,000.00. He also stated the subdivision is in it's year maintenance period.

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

To accept and file all correspondence; and to reduce the bond from \$68,000.00 to \$31,000.00.

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Eager Court

Mr. Dipersio is asking the Planning Board to accept his subdivision and return the performance bond. This subdivision has been in its' year long maintenance period, the City Engineers have been provided with all acceptance plans, final "as built" plans and legal descriptions.

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

To accept and file correspondence; refer to the City Engineer for a full review and to report back to the Planning Board at the next regular scheduled meeting.

PENDING SUBDIVISION PLANS: Updates and Discussion

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS/ LDS SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

Marlborough Elms

Mr. Sean McCarthy is requesting another extension for consideration of the Marlborough Elms Subdivision. Mr. Clifford Shorer, owner of the subdivision, spoke to the Planning Board regarding the design concepts. He feels the concept that was presented to the Board was beyond the construction that they planned to perform as well as the impact of the wetlands would be protrusive. He and his engineers are going back to the drawing board to reconfigure the plans. Ms. Fenby stated that the Board would consider a new plan, however if the plans have changed significantly a withdrawal of the current plans without prejudice will be needed and the new plans will have to go through the submittal process.

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

To accept and file the correspondence from Sean McCarthy, and to **grant** an extension for plan review and to extend the time for consideration of this plan until November 27, 2008.

SCENIC ROADS

SIGNS

INFORMAL DISCUSSION

COMMUNICATIONS/CORRESPONDENCE

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

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

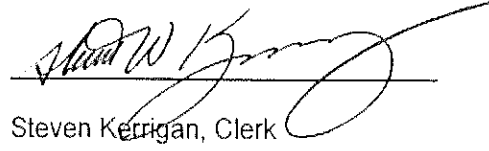
On a motion by Mr. Johnson, seconded by Mr. Kerrigan, it was duly voted:

To adjourn at 8:15 p.m.

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A TRUE COPY

ATTEST:


Steven Kerrigan, Clerk