

REGULAR MEETING  
JUNE 23, 2008

IN CITY COUNCIL  
ABSENT:

CONVENED:  
ADJOURNED:

1. Minutes, City Council Meeting, June 9, 2008.
2. PUBLIC HEARING: On the application from Gary White, Trustee of 566 and 574 Lincoln St. Realty Trust to construct 19 new townhouse condominium units on Lincoln St., Map 80, parcels 47, 48 & 51.
3. PUBLIC HEARING: On the application of National Grid to relocate pole #63 on Elm St. in an easterly direction 15' ±.
4. Communication from the Mayor re: request to allow Diane Sullivan, Executive Director of the Marlborough Community Development Authority, an opportunity to address Council on status of CDA and DHCH investigation.
5. Communication from the Mayor re: budget transfer request in the amount of \$12,677.00 to address a deficit in the Police Salary from Fringes to Police Salary account.
6. Communication from the Mayor re: budget transfer request in the amount of \$1,850.00 to move salary funds within the Inspectional Services Department/Zoning Board of Appeals.
7. Communication from the Mayor re: budget transfer request in the amount of \$1,685.00 to move funds from Equipment Operator to Assistant Chemist.
8. Communication from the Mayor re: formula grant for 2009 in the amount of \$35,523.00 provided to the Council on Aging from the Department of Elder Affairs.
9. Communication from the Mayor re: Council on Aging receiving a grant from Boston Scientific Corporation to provide funding for the "Be Strong, Live Long" program.
10. Communication from the Mayor re: safe transport of city children to the Boys and Girls Club's after-school programs.
11. Communication from the Donald Rider, City Solicitor, re: Bell Atlantic Mobile Special Permit for 75 Donald Lynch Blvd. in proper form.
12. Communication from Beverly Sleeper, Chief Procurement Officer, re: RFP for Wireless Telecommunications Leasing Project at Spoonhill Water Tank.
13. Communication from Beverly Sleeper, Chief Procurement Officer, re: RFP for Wireless Telecommunications Leasing Project at Sligo Hill Water Tank.
14. Communication from Beverly Sleeper, Chief Procurement Officer, re: RFP for Wireless Telecommunications Leasing Project at Westerly Wastewater Treatment Plant.
15. Communication from Beverly Sleeper, Chief Procurement Officer, re: RFP for Wireless Telecommunications Leasing Project at Fairmont Hill Water Tank.
16. Communication from the Planning Board recommending acceptance of the Limited Development Subdivision Ordinance, Order No. #08-1001835.
17. Application for Revised Special Permit from Attorney Bergeron, on behalf of Toll MA Land Limited Partnership, to construct 80 units on less than 14 acres and to revise current permit conditions accordingly.
18. Petition from Attorney Gadbois, on behalf of Lewis Clark, Jr., to amend the Zoning Ordinance so that Retirement Community Overlay Districts be abolished and that Retirement Communities be an allowable use in all districts with a Special Permit.
19. Communication from Jack Milgram, on behalf of Ming Wang, re: submission of architectural plans to supplement plans previously submitted for Special Permit for 358-364 Lincoln St.
20. Communication from John Riordan, Executive Director of Marlborough 2010 Corp., re: permission to place signage during the operation of Farmers Market this summer.
21. Communication from abutters of 568-574 Lincoln St. regarding Special Permit application by Gary White, Trustee of 566 and 574 Lincoln St. Realty Trust, proposing to construct 19 new townhouse condominium units on Lincoln St., Map 80, parcels 47, 48 & 51.
22. Minutes, Planning Board, May 12, 2008.

23. Communication from Central Massachusetts Mosquito Control re: investigating resident's complaints on July 2, 9, 16, 23 and 30.
24. CLAIMS:
  - A. Marion Langelier., PO Box 40569, Jacksonville, FL, vehicle damage

## REPORTS OF COMMITTEES:

## UNFINISHED BUSINESS:

From City Council

25. **Order No. 08-1001774B – Communication from John Ghiloni, Public Facilities Director, re: RFP for lease of Bigelow School.** Two proposals were submitted – one from the current tenant, the new Covenant Christian School, and the other from the Assabet Valley collaborative.  
**MOTION: Councilor Schafer requested that this item be placed on the June 23, 2008 agenda.**
26. **Order No. 08-1001794A – Eleven Capital Bonds totaling \$12,076,464.00 (\$13,286,000.00 total request), ADVERTISING APPROVED ON JUNE 9<sup>TH</sup> FOR BONDS 1, 2, 3, 5 AND 6 ONLY AND TO TABLE UNTIL JUNE 23, 2008.**  
(Councilor Schafer opposed)
  1. **Order No. 08-1001794-1** - The sum of \$2,635,500.00 (two million six hundred thirty five thousand five hundred) dollars be appropriated for departmental equipment. **Recommendation of the Finance Committee is to approve \$2,302,848.00 (two million three hundred and two thousand eight hundred and forty eight) dollars 5-0.** Advertisement was published June 12, 2008.
  2. **Order No. 08-1001794-2** - The sum of \$4,355,000.00 (four million three hundred fifty-five thousand) dollars be appropriated for street construction. **Recommendation of the Finance Committee is to approve \$3,923,613.00 (three million nine hundred twenty three thousand six hundred thirteen) dollars 5-0.** Advertisement was published June 12, 2008.
  3. **Order No. 08-1001794-3** - The sum of \$327,000.00 (three hundred twenty seven thousand) dollars be appropriated for sidewalk construction. **Recommendation of the Finance Committee is to approve \$327,000.00 (three hundred twenty seven thousand) dollars 5-0.** Advertisement was published June 12, 2008.
  4. **Order No. 08-1001794-4** - The sum of \$728,000.00 (seven hundred twenty eight thousand) dollars be appropriated for sewer construction. **Recommendation of the Finance Committee is to deny the bond 5-0.**
  5. **Order No. 08-1001794-5** - The sum of \$810,464.00 (eight hundred ten thousand four hundred sixty four) dollars be appropriated for fire department equipment. **Recommendation of the Finance Committee is to approve \$810,464.00 (eight hundred ten thousand four hundred sixty four) dollars 5-0.** Advertisement was published June 12, 2008.

6. **Order No. 08-1001794-6** - The sum of \$1,356,000.00 (one million three hundred fifty six thousand) dollars be appropriated for building renovations. **Recommendation of the Finance Committee is to approve \$1,143,033.00 (one million one hundred forty three thousand thirty three) dollars 5-0.** *Advertisement was published June 12, 2008.*
7. **Order No. 08-1001794-7** - The sum of \$200,000.00 (two hundred thousand) dollars be appropriated for energy improvements to buildings. **Recommendation of the Finance Committee is to deny the bond 5-0.**
8. **Order No. 08-1001794-8** - The sum of \$95,000.00 (ninety five thousand) dollars be appropriated for developing cemetery roads and paths. **Recommendation of the Finance Committee is to deny the bond 5-0.**
9. **Order No. 08-1001794-9** - The sum of \$75,000.00 (seventy five thousand) dollars be appropriated for engineering and architectural design. **Recommendation of the Finance Committee is to refer the bond back to the Mayor 5-0 as there was not enough information on the scope of the project.**
10. **Order No. 08-1001794-10** - The sum of \$1,092,500.00 (one million ninety two thousand five hundred) dollars be appropriated for park reconstruction. **Recommendation of the Finance Committee is to deny the bond 5-0.**
11. **Order No. 08-1001794-11** - The sum of \$402,000.00 (four hundred two thousand) dollars be appropriated for computer hardware. **Recommendation of the Finance Committee is to deny the bond 5-0.**

#### From Personnel Committee

27. **Order No. 08-1001871 - Reappointments of Sheila Brecken, Paulina Lynch and Catherine Mockus to the Council on Aging Board whose terms of four years expire on May 1, 2012.** Catherine Mockus can not continue to serve on Council on Aging. **Recommendation of the Personnel Committee is to approve the reappointments of Sheila Brecken and Paulina Lynch 3-0 and refer back to Mayor the reappointment of Catherine Mockus.**
28. **Order No. 08-1001855 – Reappointments of George Whapham and Diane Halper to the Arts Lottery Council whose terms expire on May 1, 2010 and the appointments of Cheryl Desautels, Nena Bloomquist, Jackie DiBuono and Ruth Crowell to the Arts Lottery Council.** **Recommendation of the Personnel Committee is to approve the reappointments and appointments 3-0 for George Whapham, Diane Halper, Cheryl Desautels, Jackie DiBuono and Ruth Crowell.**

#### From Finance Committee

29. **Order No. 08-1001889 – Mayor’s Fiscal Year 2009 Budget** - The Finance Committee completed the review of the Mayor’s fiscal year 2009 budget. Councilor Pope abstained from the discussion on the Recreation Department budget. **Recommendation of the Finance Committee is to approve 3-2 (Councilors Ossing, Delano and Landers in favor) and (Councilors Ferro and Levy opposed) the FY09 budget of \$120,447,535.00 which is a \$840,534.00 reduction to the proposed Mayor’s FY09 budget of \$121,288,069.00. Suspension of the Rules requested – does not carry.**

30. **Order No. 08-1001818 - Inspector General Report on Assabet Valley** – The Finance Committee discussed the Inspector General report regarding the accounting practices at Assabet Valley. Councilor Schafer abstained from the discussion. **Recommendation of the Finance Committee is to accept and place on file 5-0.**
31. **Order No. 08-1001872 - Renewal of GIS Revolving Fund** – The Finance Committee reviewed the Mayor's letter dated April 23, 2008 requesting the approval of the Geographical Information System (GIS) revolving fund for 2009. **Recommendation of the Finance Committee is to approve the GIS revolving fund for 2009.**
32. **Order No. 08-1001874 - Renewal of Fairmount Hill Revolving Fund** – The Finance Committee reviewed the Mayor's letter dated April 23, 2008 requesting the approval of the Fairmount Hill revolving fund for 2009. **Recommendation of the Finance Committee is to approve the Fairmount Hill revolving fund for 2009 and request the DPW Commissioner provide the plans for utilizing the funds (145,667.83) to the City Council by June 9, 2008.**
33. **Order No. 08-1001873 - Renewal of Sligo Hill Revolving Fund** – The Finance Committee reviewed the Mayor's letter dated April 23, 2008 requesting the approval of the Sligo Hill revolving fund for 2009. **Recommendation of the Finance Committee is to approve the Sligo Hill revolving fund for 2009 and the Public Facilities Director report back to the City Council within 90 days of options for the use of the funds (\$463,284.86).** Items to consider include options for the tower – repair, replace new antennas as well as needs for the remaining fields in the city.
34. **Order No. 08-1001890 - Interdepartmental Transfers of \$9,154.00 and \$90,243.55** – The Finance Committee reviewed the Mayor's letter dated May 7, 2008. The transfer of \$9,154.00 moved funds from Council on Aging, Auditor and Inspectional Services to various line items in the Inspectional Services department. The second transfer of \$90,243.55 moved funds from Reserve for Salaries and Fringes to fund contractual salary increases for the Library, Public Facilities, Inspectional Services and Police Department. **Recommendation of the Finance Committee is to approve both transfers 5-0.**
35. **Order #08-1001892 - Intra-departmental Transfers of \$112.93, \$4,000.00 and \$20,252.00** – The Finance Committee reviewed the Mayor's letter dated May 7, 2008 requesting intra departmental transfer of \$112.93 in the City Clerk office, \$4,000.00 in Public Facilities and \$20,252.00 in the Police Department. **Recommendation of the Finance Committee is to approve all three transfers 5-0.**
36. **Order No. 08-1001891 - DPW Transfers in the Amount of \$214,916.71** – The Finance Committee reviewed the Mayor's letter dated May 7, 2008 requesting DPW salary related transfers in the amount of \$214,916.71. The Mayor provided an additional letter dated May 21, 2008 requesting a reduction of \$8,500.00 from the original transfer request. **Recommendation of the Finance Committee is to approve the transfers of \$206,416.71, 5-0.**



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

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

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

**JUNE 9, 2008**

Regular meeting of the City Council held on Monday JUNE 9, 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 11:08 p.m.

ORDERED: That the Mayor and Council President presented City Scholarships certificates to Paul DiTullio, 59 Walcott Circle, Paula Leocadio, 41 Briarwood Lane, Kathryn Philbrick, 30 Settlers Lane, Beth Gabrielli, 45 Hamilton Circle, and Devon Blake, 75 Schofield Drive, **FILE**; adopted.

ORDERED: Minutes, City Council Meeting, May 12, 2008, **FILE**; adopted.

ORDERED: Minutes of the Joint Convention Meeting June 2, 2008 **FILE**; adopted.

ORDERED: Now being the time set for the PUBLIC HEARING on the application for Special Permit from MetroPCS Massachusetts, LLC for proposed installation of a Telecommunication Facility onto the existing Telecommunications Tower located at 75 Donald Lynch Blvd., 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 resubmitting of application of the Special Permit by Arthur Bergeron, on behalf of Boston Post 355, LLC for permission to construct and operate a car wash at 355 Boston Post Rd. West, all were heard who wish to be heard, hearing adjourned at 8:16 p.m.

ORDERED: Now being the time set for the PUBLIC HEARING on the on the application for "**SECOND**" Special Permit Boston Post Rd LLC for permission to construct and operate a car wash at 355 Boston Post Rd. West as it is also located in the Water Supply Protection District, all were heard who wish to be heard, hearing adjourned at 8:18 p.m.

ORDERED: Now being the time set for the PUBLIC HEARING pursuant to § 5 of Chapter 40A of the General Laws, the City Council of the City of Marlborough, having received a submission from the Planning Board of the City of Marlborough to amend the zoning ordinance of the city of Marlborough, as amended, by further amending Chapter 200, Article VI, Section 200-30, entitled "Limited Development Subdivisions," now ordains that the Zoning Ordinance of the City of Marlborough, as amended, be further amended by adding thereto, as follows:

1. The introductory preamble to § 200-30 is hereby deleted in its entirety and replaced with the following:

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A parcel located in a residence district with frontage on a public way may be subdivided, subject to a special permit from the Planning Board, into Limited Development Subdivision lots for the use only as single-family dwellings under the alternative lot area, frontage and dimensional criteria set forth below; provided, however, that the special permit applicant must clearly demonstrate to the Board that the parcel which is the subject of the special permit application could be subdivided by right under conventional subdivision requirements, as set forth in the applicable ordinances of the City of Marlborough, the Subdivision Control Law and the Board's Rules and Regulations, into at least two and one-half times as many building lots as the number of building lots proposed in the special permit application.

2. The caption of Section 200-30A is hereby amended by deleting the word, "Dimensional."

3. Section 200-30A(8) is hereby deleted in its entirety and replaced with the following:

(8) The applicant for a special permit hereunder shall file with the Planning Board a preliminary plan that must clearly demonstrate to the Board that the parcel which is the subject of the special permit application is capable, as of right, of conventional subdivision, pursuant to the applicable ordinances of the City of Marlborough, the Subdivision Control Law and the Board's Rules and Regulations, into at least two and one-half building lots for each building lot proposed under the Limited Development Subdivision criteria, all were heard who wish to be heard, hearing adjourned at 8:23 p.m.

ORDERED: Now being the time set for the PUBLIC HEARING on the application of 890 Boston Rd. LLC for adopting a proposed New Car Dealership Overlay District for Maps 62 parcels 1 and 24, all were heard who wish to be heard, hearing adjourned at 9:00 p.m.

ORDERED: Now being the time set for the PUBLIC HEARING on the FY2009 Municipal Operating Budget submitted by Mayor Nancy Stevens, all were heard who wish to be heard, hearing adjourned at 9:40 p.m.

ORDERED: That the City Council meeting recessed at 9:40 p.m. and reconvened at 9:50 p.m., **APPROVED**; adopted.

ORDERED: That the communication from the Mayor regarding all capital project summaries and timelines for FY08 and FY09, **FILE**; adopted.

ORDERED: That the following budget transfer request in the amount of \$54,000.00 which would move funds from Undesignated to Open Space Stabilization which relates to funds received for wireless antennae locations within the City for fiscal years 2007 (\$31,500.00) and 2008 (\$22,500.00) which prior to FY2007 has been deposited directly into the Open Space account, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 10000-35900 \$54,000.00  
Undesignated Funds

TO:

Acct. # 83600-32918 \$54,000.00  
Open Space Stabilization

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ORDERED: That the following budget transfer request in the amount of \$30,972.00 which moved funds from Fringes to Sick Leave to provide for sick leave buy back relative to a retirement in the Marlborough Fire Department, refer to **FINANCE COMMITTEE**; adopted.

**(Councilor Juaire abstained)**

FROM:

Acct. # 11990006-51500 \$30,972.00  
Fringes

TO:

Acct. # 12200003-51920 \$30,972.00  
Open Space Stabilization

ORDERED: That the appointment of Eric Jusseaume to a permanent full-time firefighter following successful completion of the Fire Academy's Recruit Program commencing early in July anticipating graduation and be prepared for regular duty by the end of September, **FILE**; adopted.

ORDERED: That the Marlborough Police Department has recently been awarded a Statewide Emergency Telecommunications Board grant in the amount of \$11,900.00 for the purpose of emergency telecommunications training as well as personnel overtime and mileage reimbursement associated with personnel attendance, **APPROVED**; adopted.

ORDERED: That the City's municipal aggregation program, in which there has been a volatile utility market in play over the last several months and numerous attempts to solicit competitive bids have proven unsuccessful in securing a better rate than National Grid, therefore has been temporality suspended, **FILE**; adopted.

**(Councilor Schafer and Ossing abstained)**

ORDERED: That the sum of Twelve Thousand Seven Hundred Sixteen Dollars and Eight Cents (\$12,716.08), 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, refer to **FINANCE COMMITTEE**; adopted.

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
26117401-50032	Twelve months of compensation for the City Planner.	\$12,716.08

ORDERED: That the communication from DPW Commissioner, Ronald M. LaFreniere regarding National Grid Utility Pole Relocation at 519 Elm St. for utility pole # 63, **FILE**; adopted.

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**Suspension of the Rules requested – granted to allow the Public Facilities Director, City Solicitor and Chief Procurement Officer to address questions pertinent to pick-up and drop off locations, other programs/services hosted by the school and Americans with Disabilities Act (ADA) and Individuals with Disabilities Education Act (IDEA) compliances and costs.**

ORDERED: That City recently issued a Request for Proposals for the lease of a minimum of 6,500 square foot premises at the Bigelow School located at 57 Orchard St. and two proposals were submitted – one from the current tenant, the New Covenant Christian School, and the other from the Assabet Valley Collaborative, **TABLED UNTIL JUNE 23, 2008**; adopted.

ORDERED: That a request for permission to use the Rail Trail for the annual Sgt. William Kirby Road race, **APPROVED & REFER TO OPERATIONS AND OVERSIGHT COMMITTEE FOR REVIEW OF DISPOSITION OF RAIL TRAIL.**

**MOTION: Councilor Schafer requested to amend the APPROVAL with two conditions as follows:**

- ❖ Arrange for appropriate police detail at Road Crossings
- ❖ Clean up any trash left behind, **APPROVED AS AMENDED**; adopted.

ORDERED: That the proponent of Indian Hill Park development filed a Notice of Project Change pertinent to increasing the retail component from 110,000 square feet to 155,900 square feet, refer to **DPW**; adopted.

ORDERED: That the communication from the American Heart Association regarding CPR training, **FILE**; adopted.

ORDERED: That the request to extend deadline mitigation for condition #21 of Special Permit adopted April 4, 2007 for 175 Maple St., (#06-1001377), **EXTENDED FOR 45 DAYS FOLLOWING JUNE 9, 2008**, & refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JUNE 23, 2008** as date for a **PUBLIC HEARING** on the petition by Petition from National Grid to relocate pole #63 on Elm St. in an easterly direction 15' ±, refer to **PUBLIC SERVICES COMMITTEE** adopted.

ORDERED: That the application for a Junk Dealer's License, Nobiano Coelo Rangel, d/b/a/ Silver Games, 259 Boston Post Rd East #10, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Notice from Mosquito Control Project investigating resident's complaints about mosquitoes on June 4, 11, 18 & 25, **FILE**; adopted.

ORDERED: That the Minutes, Community Development Authority, April 9, 2008, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, April 28, 2008, **FILE**; adopted.

ORDERED: That the Minutes, MetroWest Regional Transit Authority, April 14, 2008, **FILE** adopted.

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

- A. Nathan Stiryer, 177 Elm St., vehicle damage
- B. Bernadette Houldsworth., 247 West Hill Rd., property damage
- C. Joanne Levy, 41 Whispering Brook Rd., property damage
- D. Jeff Marques, 345 Oak Grove Ave., Fall River, vehicle damage
- E. Ming Fang, 12 Robert Rd., property damage



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Reports of Committees:

Councilor Clancy reported the following out of the Personnel Committee:

**Order No. 08-1001871 - Reappointments of Shiela Bracken, Paulina Lynch and Catherine Mockus to the Council on Aging Board whose terms of four years expire on May 1, 2012. Catherine Mockus can not continue to serve on Council on Aging. Recommendation of the Personnel Committee is to approve the reappointments of Sheila Bracken and Paulina Lynch 3-0 and refer back to Mayor the reappointment of Catherine Mockus.**

**Order No. 08-1001855 – Reappointments of George Whapham and Diane Halper to the Arts Lottery Council whose terms expire on May 1, 2010 and the appointments of Cheryl Desautels, Nena Bloomquist, Jackie DiBuono and Ruth Crowell to the Arts Lottery Council. . Recommendation of the Personnel Committee is to approve the reappointments and appointments 3-0.**

Councilor Ossing reported the following out of the Finance Committee:

**Order No. 08-1001889 – Mayor’s Fiscal Year 2009 Budget - The Finance Committee completed the review of the Mayor’s fiscal year 2009 budget. Councilor Pope abstained from the discussion on the Recreation Department budget. Recommendation of the Finance Committee is to approve 3-2 (Councilors Ossing, Delano and Landers in favor) and (Councilors Ferro and Levy opposed) the FY09 budget of \$120,447,535.00 which is a \$840,534.00 reduction to the proposed Mayor's FY09 budget of \$121,288,069.00. Suspension of the Rules requested – does not carry.**

**Order No. 08-1001818 - Inspector General Report on Assabet Valley – The Finance Committee discussed the Inspector General report regarding the accounting practices at Assabet Valley. Councilor Schafer abstained from the discussion. Recommendation of the Finance Committee is to accept and place on file 5-0.**

**Order No. 08-1001872 - Renewal of GIS Revolving Fund – The Finance Committee reviewed the Mayor’s letter dated April 23, 2008 requesting the approval of the Geographical Information System (GIS) revolving fund for 2009. Recommendation of the Finance Committee is to approve the GIS revolving fund for 2009.**

**Order No. 08-1001874 - Renewal of Fairmount Hill Revolving Fund – The Finance Committee reviewed the Mayor’s letter dated April 23, 2008 requesting the approval of the Fairmount Hill revolving fund for 2009. Recommendation of the Finance Committee is to approve the Fairmount Hill revolving fund for 2009 and request the DPW Commissioner provide the plans for utilizing the funds (145,667.83) to the City Council by June 9, 2008.**

**Order No. 08-1001873 - Renewal of Sligo Hill Revolving Fund** – The Finance Committee reviewed the Mayor's letter dated April 23, 2008 requesting the approval of the Sligo Hill revolving fund for 2009. **Recommendation of the Finance Committee is to approve the Sligo Hill revolving fund for 2009 and the Public Facilities Director report back to the City Council within 90 days of options for the use of the funds (\$463,284.86).** Items to consider include options for the tower – repair, replace, new antennas as well as needs for the remaining fields in the city.

**Order No. 08-1001890 - Interdepartmental Transfers of \$9,154.00 and \$90,243.55** – The Finance Committee reviewed the Mayor's letter dated May 7, 2008. The transfer of \$9,154.00 moved funds from Council on Aging, Auditor and Inspectional Services to various line items in the Inspectional Services department. The second transfer of \$90,243.55.00 moved funds from Reserve for Salaries and Fringes to fund contractual salary increases for the Library, Public Facilities, Inspectional Services and Police Department. **Recommendation of the Finance Committee is to approve both transfers 5-0.**

**Order #08-1001892 - Intra-departmental Transfers of \$112.93.00, \$4,000.00.00 and \$20,252.00** – The Finance Committee reviewed the Mayor's letter dated May 7, 2008 requesting intra departmental transfer of \$112.93 in the City Clerk office, \$4000.00 in Public Facilities and \$20,252 in the Police Department. **Recommendation of the Finance Committee is to approve all three transfers 5-0.**

**Order No. 08-1001891 - DPW Transfers in the Amount of \$214,916.71** – The Finance Committee reviewed the Mayor's letter dated May 7, 2008 requesting DPW salary related transfers in the amount of \$214,916.71. The Mayor provided an additional letter dated May 21, 2008 requesting a reduction of \$8,500.00 from the original transfer request. **Recommendation of the Finance Committee is to approve the transfers of \$206,416.71, 5-0.**

**Suspension of the Rules requested – granted**

**ORDERED:** That **\$33,700,000** (thirty three million seven hundred thousand) dollars is appropriated for the purpose of financing the construction and upgrade to the Westerly Wastewater Treatment Plant including without limitation all cost thereof as defined in Section I of Chapter 29C of the General Laws, as most recently amended by ST. 1998, c.78; t1mt to meet this appropriation the Treasurer with the approval of the Mayor and the Auditor is authorized to borrow **\$33,700,000** dollars ,and issue bonds or notes therefore under Chapter 44 Section 8 (15) and/or Chapter 29 of the General Laws, as most recently amended by ST. 1998, c.78; that such bonds or note shall be general obligations of the City unless the Treasurer with the approval of the Mayor and the Auditor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section I of Chapter 29C, as most recently amended by ST. 1998,e.78; that the Treasurer with the approval of the Mayor and the Auditor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C, as most recently amended by St. 1998, e.78; and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the

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financing thereof; that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any action necessary to carry out the project, **APPROVED**; adopted.

**Yea: 10 – Nay: 1**

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

**Nay: Delano**

**ORDERED:** That the Marlborough City Council meet with the Commissioner and Assistant Commissioner of Public Works for an update regarding mandatory recycling, pay-as-you-throw and other trash disposal programs, refer to **COUNCIL PRESIDENT AND MAYOR'S OFFICE**; adopted. Order submitted by Councilors Pope, Delano and Clancy.

**ORDERED:** That The Commissioner of Public Works shall produce a report on the Forestry, Parks and Cemetery Division detailing, for each function performed by the division, both the all-in cost associated with the function and the projected cost of outsourcing the function. Both direct and indirect costs, including but not limited to salary, overtime, longevity, SLBB, clothing allowance, educational incentives, meal allowance, health and life insurance, retirement and pension, workers comp insurance, temp help, materials, supplies, equipment, equipment r&m, vehicle r&m, and fuel shall be used. The all-in cost analysis shall reconcile to FY08 actual costs and projected outsourcing costs shall be obtained through a request for information or another valid means. Said report shall be submitted to the full City Council no later than 90 days from the date this order is adopted, refer to **DPW COMMISSIONER**; adopted. Order submitted by Councilors Levy, Ferro, Delano and Seymour.

**(Councilor Juairé requested to be recorded in opposition)**

**ORDERED:** That the following budget transfer requests in the amount of \$940,378.00 which would move funds from Stabilization to DPW Projects, Public Facilities, Police Vehicle, Police Equipment, Recreation Equipment and City Hall Equipment to fund appropriate capital outlay accounts, **APPROVED**; adopted.

**FROM:**

Acct. # 836000-11515	\$940,378.00
Stabilization	

**TO:**

Acct. # 19300006-58514	
Department of Public Works	
Street Sign Replacement	\$64,000.00
Street Overlays (Rawlins Ave/River Street)	45,000.00
Guardrail (Richer School)	20,000.00
Crack Sealing (Various locations)	75,000.00
Salt Storage Shed	200,000.00
Drainage Relocation (UG tank removal)	6,000.00
Evergreen Cemetery (Roadway/water lines)	95,000.00
Total	\$505,000.00

Acct. # 19300006-58467	
Public Facilities	
Vehicle	\$30,000.00
Energy Upgrades	\$200,000.00
Total	\$230,000.00



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Pursuant to the provisions of Chapter 44, Section 7 (9) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than five (5) years from its date of issue.

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At a regular meeting of the City Council held on this date, the following BOND was Ordered Advertised:

ORDERED:

That the sum of \$3,923,613 (three million nine hundred twenty three thousand six hundred thirteen) dollars be and is hereby appropriated for street construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$3,923,613.

Pursuant to the provisions of Chapter 44, Section 7 (5) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than ten (10) years from its date of issue.

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At a regular meeting of the City Council held on this date, the following BOND was Ordered Advertised:

ORDERED:

That the sum of \$327,000 (three hundred twenty seven thousand) dollars be and is hereby appropriated for sidewalk construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$327,000.

Pursuant to the provisions of Chapter 44, Section 7 (6) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than five (5) years from its date of issue.

---

At a regular meeting of the City Council held on this date, the following BOND was Ordered Advertised:

ORDERED:

That the sum of \$810,464 (eight hundred ten thousand four hundred sixty four) dollars be and is hereby appropriated for fire departmental equipment.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$810,464.

1/10

Pursuant to the provisions of Chapter 44, Section 7 (9) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than ten (10) years from its date of issue.

At a regular meeting of the City Council held on this date, the following BOND was Ordered Advertised:

ORDERED:

That the sum of \$1,143,033 (one million one hundred forty three thousand thirty three) dollars be and is hereby appropriated for building renovations.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$1,143,033.

Pursuant to the provisions of Chapter 44, Section 7 (3A) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than twenty (20) years from its date of issue.

**Order No. 08-1001794-4** - The sum of \$728,000.00 (seven hundred twenty eight thousand) dollars be appropriated for sewer construction. **Recommendation of the Finance Committee is to deny the bond 5-0.**

**Order No. 08-1001794-7** - The sum of \$200,000.00 (two hundred thousand) dollars be appropriated for energy improvements to buildings. **Recommendation of the Finance Committee is to deny the bond 5-0.**

**Order No. 08-1001794-8** - The sum of \$95,000.00 (ninety five thousand) dollars be appropriated for developing cemetery roads and paths. **Recommendation of the Finance Committee is to deny the bond 5-0.**

**Order No. 08-1001794-9** - The sum of \$75,000.00 (seventy five thousand) dollars be appropriated for engineering and architectural design. **Recommendation of the Finance Committee is to refer the bond back to the Mayor 5-0 as there was not enough information on the scope of the project.**

**Order No. 08-1001794-10** - The sum of \$1,092,500.00 (one million ninety two thousand five hundred) dollars be appropriated for park reconstruction. **Recommendation of the Finance Committee is to deny the bond 5-0.**

**Order No. 08-1001794-11** - The sum of \$402,000.00 (four hundred two thousand) dollars be appropriated for computer hardware. **Recommendation of the Finance Committee is to deny the bond 5-0.**

ORDERED: That the following budget transfer requests in the amount of \$50,000.00 which would move funds from Stabilization to DPW Projects, **APPROVED**; adopted.

FROM:

Acct. # 836000-11515 \$50,000.00  
Stabilization

TO:

Acct. # 19300006-58514 \$50,000.00  
DPW for GPS vehicle system purchases

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 11:08 p.m.



# IN CITY COUNCIL

2

Marlborough, Mass., APRIL 28, 2008

ORDERED:

That there being no objection thereto set **MONDAY, JUNE 23, 2008** as the date for a **PUBLIC HEARING** on the application for Special Permit from Gary White, Trustee of 566 and 574 Lincoln St. Realty Trust to construct 19 new townhouse condominium units on Lincoln St., Map 80, parcels 47, 48 & 51, be and is herewith refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER NO. 08-1001877



# IN CITY COUNCIL

3

Marlborough, Mass., JUNE 9, 2008

ORDERED:

That there being no objection thereto set **MONDAY, JUNE 23, 2008** as date for a **PUBLIC HEARING** on the petition by Petition from National Grid to relocate pole #63 on Elm St. in an easterly direction 15' ± be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 08-1001916





*City of Marlborough*

*Office of the Mayor*

19 2008  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
Tel: (508) 460-3770

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

4  
*Nancy E. Stevens*  
MAYOR

*Karen H. Kisty*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

June 19, 2008

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

Honorable President Vigeant and Councilors:

I respectfully request the opportunity to allow Diane Sullivan, Executive Director of the Marlborough Community Development Authority, to address the full Council in order to update the City Council on the current status of the CDA and the DHCD investigation.

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

Sincerely

Nancy E. Stevens  
Mayor



*City of Marlborough*

*Office of the Mayor*

140 Main Street

Marlborough, Massachusetts 01752

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

*Nancy E. Stevens* / 5  
MAYOR

*Karen H. Kisty*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

June 18, 2008

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

Honorable President Vigeant and Councilors:

I am submitting herewith the attached budget transfer which is required in order to address a deficit in the Police Salary account due to an unanticipated retirement. The amount of said transfer from Account No. 11990006-51500 (Fringes) to Account No. 12100001-50420 (Police Salary) will be \$12,677. Please note that Chief Leonard has previously requested transfer of any available departmental funds; however, this retirement in addition to contractual increases require additional funding in order to meet obligations.

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

Sincerely,

Nancy E. Stevens  
Mayor

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: POLICE

FISCAL YEAR: 2008

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$65,556.45	\$12,677.00	11990006	51500	Fringes	\$12,677.00	12100001	50420	Police Officers	\$12,490.68

Reason: To fund vacation payoff for retiring Police 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

61  
Nancy E. Stevens  
MAYOR

Karen H. Kistly  
EXECUTIVE AIDE

Diane C. Halper  
EXECUTIVE SECRETARY

June 17, 2008

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

Honorable President Vigeant and Councilors:

I am submitting herewith a budget transfer in the amount of \$1,850 which will transfer funds between salary line items within the Inspectional Services Department /Zoning Board of Appeals as follows:

- \$1000 from Account No. 12410001-50960 (Asst Plumbing Inspector) to Account No. 1241001-50380 (Electrical Inspector)
- \$575 from Account No. 12410001-50970 (Asst Wiring Inspector) to Account No. 12410001-50380 (Electrical Inspector)
- \$275 from Account No. 12410001-51180 (ZBA Members) to Account No. 12410001-50380 (Electrical Inspector)

Your approval is required in order to fund the shortage in the Electrical Inspector salary line item the result of an increased need for services due to sizeable construction projects.

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

Sincerely,

Nancy E. Stevens  
Mayor

CITY OF MARLBOROUGH  
BUDGET TRANSFER REQUEST

FY: 2008

DATE: June 17, 2008

DEPT: Inspectional Services

FROM ACCOUNT:		TO ACCOUNT:	
Amount	Fund Dept Object	Fund Dept Object	Account Description:
1000	1241 0001 50960	1241 0001 50380	Electrical Inspector
Reason:	<u>Overage in acct</u>	<u>Shortage due to excessive inspections larger projects</u>	

Amount	Fund Dept Object	Fund Dept Object	Account Description:
575	1241 0001 50970	1241 0001 50380	Electrical Inspector
Reason:	<u>Overage in acct</u>	<u>Shortage due to excessive inspections larger projects</u>	

Amount	Fund Dept Object	Fund Dept Object	Account Description:
275	1241 0001 51780	1241 0001 50380	Electrical Inspector
Reason:	<u>Overage in acct</u>	<u>Shortage due to excessive inspections larger projects</u>	

Department Head Signature: Stephen A. Reid

Line item transfers for individual budget lines may not exceed \$10,000.00 in any fiscal year.  
Budget transfers may NOT be requested from Salary related lines.  
Requests must include an explanation for why funds are no longer required in the "From" account and why additional funds are needed in the "To" account.  
Transfer requests must include the Department Head signature indicating approval of the request.



*City of Marlborough*

*Office of the Mayor*

140 Main Street

Marlborough, Massachusetts 01752

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

*Nancy E. Stevens*  
MAYOR

*Karen A. Kistly*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

June 17, 2008

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

Honorable President Vigeant and Councilors:

Attached please find a budget transfer in the amount of \$1,685 which will transfer funds from Account No. 60081001-50750 (Equipment Operator) to Account No. 60080001-50580 (Assistant Chemist). This transfer is required in order to provide necessary funds to provide for Assistant Chemist salary payment.

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

Sincerely,

Nancy E. Stevens  
Mayor

CITY OF MARLBOROUGH  
BUDGET TRANSFER REQUEST

DEPT: \_\_\_\_\_ DATE: 6/17/2008 FY: 08

Available Balance	\$ 3,860.14	Amount	\$ 1,685.00	FROM ACCOUNT:	TO ACCOUNT:	Available Balance
		Reason:		Org Code	Object	
				60081001	50750	
				Equipment Operator	50580	Assistant Chemist
				Insufficient funds to meet salary needs.		96.44

Amount	_____	Org Code	_____	Object	_____	Account Description:	_____
Reason:	_____	Account Description:	_____	Org Code	_____	Object	_____
	_____		_____		_____		_____

Amount	_____	Org Code	_____	Object	_____	Account Description:	_____
Reason:	_____	Account Description:	_____	Org Code	_____	Object	_____
	_____		_____		_____		_____

Department Head Signature: 

Mayor Signature: 



# City of Marlborough

## Office of the Mayor

140 Main Street

Marlborough, Massachusetts 01752

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

8  
*Nancy E. Stevens*  
MAYOR

*Karen A. Kirby*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

RECEIVED  
JUN 19 2008  
CITY OF MARLBOROUGH  
OFFICE OF THE MAYOR  
June 17, 2008

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

Honorable President Vigeant and Councilors:

The Department of Elder Affairs recently provided the Council on Aging with a formula grant for 2009 in the amount of \$35,523. The scope of services covered with said funding include a Program Coordinator position of 19 hours, fitness instructors, office supplies, newsletter/printing/copying, equipment repair & maintenance, expenses associated with volunteer recognition.

Massachusetts General Laws, Chapter 44 Section 53A stipulates that grant funding be strictly applied to purposes outlined in the grant application and only with the approval of the mayor and city council.

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

Sincerely,

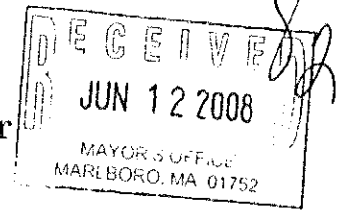
Nancy E. Stevens  
Mayor





City of Marlborough  
Council on Aging and Senior Center

250 Main Street  
Marlborough, MA 01752  
Tele (508) 485-6492 Fax (508) 460-3726



June 11, 2008

To Mayor Nancy E. Stevens,

I am submitting the Marlborough Council on Aging Formula Grant for FY09 from the state of Massachusetts. The Council on Aging of Marlborough has been appropriated a grant of \$35,523.00 for the fiscal year FY09 as a supplement to our city budget. **Attachment B, submitted to and approved by the Executive Office of Elder Affairs, is included to represent the line item breakdown of expenditures for the City Council's review. Please note the column labeled "Level Funding" is approved by the state – please reference the Payment Advisory Voucher.**

Thank you for your consideration in this matter.

Sincerely,

Amy Loveless  
Executive Director  
Marlborough Council on Aging

83

CITY OF MARLBOROUGH  
NOTICE OF GRANT AWARD

DEPARTMENT: Council on Aging DATE: 6-Jun-08

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Amy Loveless, Exec. Director

NAME OF GRANT: FY09 Formula Grant

GRANTOR: state of Massachusetts

GRANT AMOUNT: \$35, 523.00

GRANT PERIOD: FY09

SCOPE OF GRANT/  
ITEMS FUNDED Supplement support to the Council on Aging  
Program Coordinator 19 hour position  
Repairs & Maintenance of Equip  
Office Supplies  
Printing/Copy, Newsletter Printing  
Volunteer Recognition  
Fitness Instructors

IS A POSITION BEING  
CREATED: NO

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? \_\_\_\_\_

ARE MATCHING CITY  
FUNDS REQUIRED? NO

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

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

ANY OTHER EXPOSURE TO CITY? NO

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: URGENT

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





FY2009 FORMULA GRANT STATEMENT OF AUTHORIZATION  
 (Please affix to your Attachment B budget.)

86

MARLBOROUGH  
 (Name of COA/Agency)

508 485-6492  
 (Daytime Phone)

250 MAIN STREET  
 (Mailing Address)

508 460-3726  
 (Fax number)

MARLBOROUGH 01752  
 (ZIP)

SAME  
 (Street Address)

aloveless@marlborough-ma.gov  
**E-MAIL**

The persons whose signatures appear below are authorized to commit the applicant to this Formula Grant application for state grant funding and hereby agree to its submission to the Executive Office of Elder Affairs (Elder Affairs).

Elder Affairs reserves the right to modify the purposes and/or proposed expenditures of this application prior to execution of the final grant agreement. The award amount is subject to final appropriation by the General Court.

AMY LOVELESS (x) *Amy Loveless* 6/5/08  
 (PRINT) Director/Coordinator (signature) (date)

IRENE SELTZER (x) *Irene Seltzer* 06/10/08  
 (PRINT) Chairperson (signature) (date)

MAYOR (x) *Kay E. [Signature]* 6/10/08  
 (Print) Chair, Board of Selectmen; Mayor; (signature) (date)  
 Town or City Manager / Administrator;  
 Executive Secretary / Administrator;  
 \_\_\_\_\_  
 (other title)

For contract purposes only, please note:

The legal address of the municipality: 140 MAIN ST. MARLBOROUGH, MA

The payment remittance address of the municipality (from your W-9): 140 MAIN ST. MARLBOROUGH, MA

OPTIONAL: The last four digits of the municipality's taxpayer ID # (TIN) are: \_\_\_\_\_

# Commonwealth of Massachusetts

# Payment Advisory/Voucher FY2009

Submit this document to → Executive Office of Elder Affairs  
1 Ashburton Place, 5<sup>th</sup> Floor  
Boston, MA 02108  
ATT: Council on Aging Grants

5COA 1700000000002005  
(MMARS DOC ID)  
VC6000192111  
(Vendor Customer Code)

## Payment Details

Vendor Name/Address

Marlborough Council on Aging  
250 Main St.  
Marlborough, MA 01752

Amount available is subject to final appropriation.

Pay this amount: \$ 35,523

Appropriation Account 9110-9002

Payment Reference #: COA-09-01

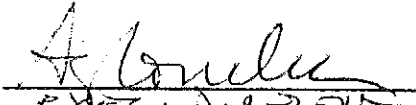
Dates of Service: 1 July 2008 – 30 June 2009

COA-09-02

## Document Affirmation

*This grant is awarded for the development and implementation of local programs for the elderly in accordance with the terms and conditions of the award letter or attached budget.*

Vendor's Certification by Grantee  
→ *(Sign in blue ink.)* →

(X)   
Exec. Director

*(I certify that the service/s were rendered as set forth above.)*

Amy Loveless, Exec. Director  
*(Print/type name & title)*

## ----- (Elder Affairs Use Only) -----

*I hereby certify under the penalties of perjury that all laws of the Commonwealth governing disbursements of public funds and the regulations thereof have been complied with and observed.*

Payment Document ID: \_\_\_\_\_

Unit Code: 0364

Entered by: \_\_\_\_\_

Accounting  
Authorization: \_\_\_\_\_

## Authorized/approved by the Executive Office of Elder Affairs.

*The undersigned authorized signatory approving this document certifies that this document and any attachments are accurate and complete and comply with all applicable general and special laws and regulations.*

Emmett H. Schmarsow  
Program Manager

Peter J. Tiernan  
Director, Administration & Finance

Date

Date

Telephone: (617) 222-7471



*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

91  
*Nancy E. Stevens*  
MAYOR

*Karen H. Kist*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

June 17, 2008

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

Honorable President Vigeant and Councilors:

For the past two years, the Council on Aging has received a grant from Boston Scientific Corporation to provide funding for the "Be Strong, Live Long" program – a comprehensive 12 week health and wellness program including fitness assessments, specialized fitness programs, stress reduction classes as well as services of a dietician and fitness consultant. The successes have been evidenced in participant weight loss; improved body fat measurements; improved blood pressure, cholesterol, blood sugar and lung capacity levels as well as increased exercise frequency. Boston Scientific Foundation has recently provided supplemental funding in the amount of \$5,000 to be utilized for water aerobic classes, specialized fitness classes and additional dietician services.

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 so that plans can be initiated to schedule the various aspects of this important program.

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

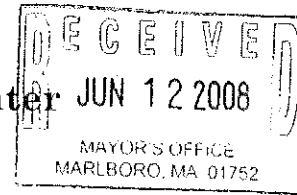
Sincerely,

Nancy E. Stevens  
Mayor



**City of Marlborough**  
**Council on Aging and Senior Center**

250 Main Street  
Marlborough, MA 01752  
Tele (508) 485-6492 Fax (508) 460-3726



92

June 11, 2008

To Mayor Nancy E. Stevens,

I am submitting a grant award for the amount of \$5000.00 from the Boston Scientific Foundation. This grant is designated as supplemental funding for the Council on Aging's "Be Strong, Live Long" health and wellness programming.

Thank you for your consideration in this matter.

Sincerely,

Amy Loveless  
Executive Director  
Marlborough Council on Aging



93

CITY OF MARLBOROUGH  
NOTICE OF GRANT AWARD

DEPARTMENT: Council on Aging DATE: 10-Jun-08

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Amy Loveless, Exec. Director

NAME OF GRANT: "Be Strong, Live Long"

GRANTOR: Boston Scientific

GRANT AMOUNT: \$5,000.00

GRANT PERIOD: 2008

SCOPE OF GRANT/  
ITEMS FUNDED Supplement to health and wellness programming  
Water aerobic classes  
Specialized fitness classes  
Dietician

IS A POSITION BEING  
CREATED: NO

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? \_\_\_\_\_

ARE MATCHING CITY  
FUNDS REQUIRED? NO

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

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

ANY OTHER EXPOSURE TO CITY? NO

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: URGENT

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

94

April 16, 2008

Ms. Amy Loveless  
Executive Director  
Marlborough Council on Aging  
250 Main Street  
Marlborough, MA 01752

Dear Ms. Loveless:

We are pleased to advise you that a grant of \$5,000.00 has been approved for the "Be Strong, Live Long" Program. A check for that amount is enclosed.

We extend our best wishes to you for success and look forward to hearing about your accomplishments during the year. The Boston Scientific Foundation is proud to be among your supporters. By endorsing and depositing this check, you warrant that there has been no change in your organization's I.R.S. tax classification.

The Boston Scientific Foundation invites you to publicize this grant through press releases and/or other avenues, but must review and approve press releases and any other such materials prior to their release. For assistance in developing press releases or other publicity about this grant, please contact Kate Gorman at Boston Scientific, 508-650-8468. In any other written materials published by your organization, feel free to identify the Boston Scientific Foundation as a contributor to this effort.

In addition, I have enclosed a Year End Report form that you can use to outline the program's progress. Please be aware that we will need to receive this completed form back within sixty days of the expiration of this grant (12 months from the date of enclosed check) before we can consider any additional funding.

Please feel free to contact me should you have any questions or concerns during the term of your grant at 508.650.8554 or via email at [Jacqueline.Boas@bsci.com](mailto:Jacqueline.Boas@bsci.com).

Sincerely,

*Jacqueline S Boas*

Jacqueline Boas  
Corporate Philanthropy & Community Relations Specialist  
Boston Scientific Foundation

Enclosure

cc: Metrowest, MA Employee Community Team

*Amy,  
lets have a follow  
up conversation  
re: next steps!  
Best,  
Jacquie*



RECEIVED  
JUN 19 2008  
*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

101  
*Nancy E. Stevens*  
MAYOR

*Karen H. Kistly*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

June 17, 2008

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

Honorable President Vigeant and Councilors:

In response to questions which came up during the recent budget hearings, I am providing herewith supporting documentation relative to the safe transport of city children to the Boys & Girls Club's after-school programs. First Student provides said transportation services as part of the city-wide contract; however, as noted in the attached sample, the Boys & Girls Club is billed separately for all associated costs.

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

Sincerely,

Nancy E. Stevens  
Mayor

102



**FIRST STUDENT, INC.**

MARLBOROUGH 12091  
 402 Hudson St  
 Marlboro, MA 01752

**Customer Information**

Name BOYS/GIRLS CLUB MARLB 02091  
 Address 169 PLEASANT STREET  
 CHRIS DUANE  
 MARLBORO, MA 01752

**INVOICE #** 10047376

**Invoice Date** 03/21/2008

**Terms** Net 30 Days

**Customer Number** 49908

**Purchase Order #**

Service Description	Location	Account	Amount
MARCH 2008	12091	41120	\$2,891.70

**Comments**

[Empty comment box]

Invoice Sub-Total	2,891.70
TAX EXEMPT	
Sales Tax	0.00
Total	2,891.70
Deposits	0.00
Balance Due	2,891.70

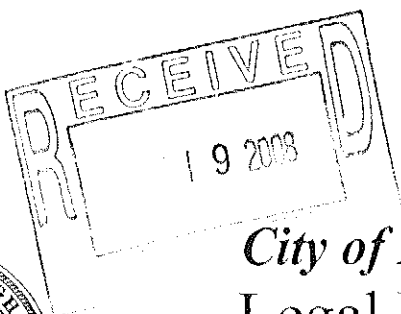
Please detach bottom portion to be returned with remittance

Location Number	12091
Customer Number	49908
Invoice Number	10047376
Invoice Total	2,891.70

**Remit to:**

FIRST STUDENT, INC.  
 22157 Network Place  
 Chicago, IL 60673-1221

00000120910000049908001004737600002891707



*City of Marlborough*  
**Legal Department**

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

DONALD V. RIDER, JR.  
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN  
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER  
CHIEF PROCUREMENT OFFICER

KATHERINE M. KIMBER  
PARALEGAL

June 19, 2008

Arthur Vigeant  
President  
Marlborough City Council

RE: Order 08-100-1795  
Special Permit Application  
Bell Atlantic Mobile of Massachusetts Corporation, Ltd.  
75 Donald Lynch Boulevard

Dear President Vigeant and Members:

Pursuant to Chapter 200-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed findings on the special permit application submitted by Bell Atlantic Mobile of Massachusetts Corporation, Ltd. for 75 Donald Lynch Boulevard. The application is for wireless communications antennas to be added to an existing cell tower (as well as the placement of the dish antennas' associated equipment within the existing compound).

I make the following recommendations relative to a June 16, 2008 draft provided by the applicant to the Council:

- Revise Condition D(6) to read:

Applicant shall pay to the City of Marlborough Open Space Account #100-2410-44515, as mitigation for the alleged impacts caused by the subject of this Permit, the annual sum of One Thousand Five Hundred (\$1,500.00) dollars, the first payment due and payable at the time of the issuance of the building permit hereunder, or within one year of the approval of Special Permit, whichever is earlier, and the subsequent payments to be due and payable on January 2, or the first business day thereafter, of each calendar year in which the WCD referenced in this 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

112

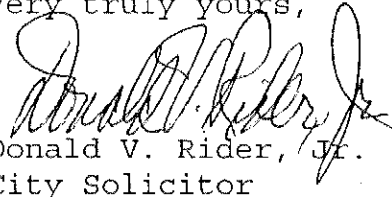
that the Applicant has failed to make payment.

- Revise the last sentence of Condition D(7) to read:

The noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 134 of the City Code.

I have enclosed both a tracked and a clean version of the proposed decision reflecting the recommendations noted above. With those recommendations, I certify that the Council's proposed decision is in proper legal form.

Very truly yours,



Donald V. Rider, Jr.  
City Solicitor

Enclosures

cc: Michael S. Giaimo, Esquire

113

June 23, 2008

**DECISION ON A SPECIAL PERMIT**  
**BELL ATLANTIC MOBILE OF MASSACHUSETTS CORPORATION, LTD.**  
**CITY COUNCIL ORDER NO. 08-100-1795**

Deleted: [ ]  
Deleted: As Amended by City Council and Approved as to Form by Solicitor  
Deleted: [ ]

Re: 75 Donald J. Lynch Boulevard

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to BELL ATLANTIC MOBILE OF MASSACHUSETTS CORPORATION, LTD., having a usual place of business at 400 Friberg Parkway, Westborough, MA 01581, as provided in the Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is BELL ATLANTIC MOBILE OF MASSACHUSETTS CORPORATION, LTD., d/b/a Verizon Wireless which has a business address of 400 Friberg Parkway, Westborough, MA 01581 (hereinafter "Applicant").
2. Through its Application for a Special Permit, the Applicant seeks permission to allow co-location of wireless communications antennas on an existing telecommunications tower and supporting equipment on the ground within an existing compound (hereinafter "Proposed WCD Project"), substantially as depicted on a set of plans entitled "Marlborough 4, Donald J. Lynch Blvd., Marlborough, MA" by Bay State Design Associates, Inc., dated December 21, 2007, revised January 3, 2008, as submitted with the Special Permit Application, and as further revised May 5, 2008 (hereinafter "Plans").
3. The location of the Proposed WCD Project is 75 Donald J. Lynch Boulevard. The site is more particularly identified on the Assessor's Map of the City of Marlborough as Parcel No. 2 of Plate 13. The owner of record for the site is Albert D. Bombard.
4. The Applicant is a sub-lessee of New Cingular Wireless, which owns the existing telecommunications tower at the site and leases the underlying compound area.
5. The Site is zoned LI. Wireless communication devices are allowed by grant of Special Permit in LI 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 Code of the City of Marlborough.
7. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the City Planner certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.

Deleted: Application

114

8. The Applicant has complied with all of the applicable rules of the Rules and Regulations.
9. The City of Marlborough City Council held a public hearing on the Proposed WCD Project on March 10, 2008, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing demonstrating that the Proposed WCD Project meets all the applicable Special Permit criteria of Article VI, Section 200-25 and Article VIII, Section 200-59.
11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCD Project's compliance with the applicable Special Permit criteria.
12. The Council, in reviewing the Applicant's Special Permit application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 200-25 and Article VIII, Section 200-59 of the City of Marlborough Zoning Ordinance, applicable to the proposed Wireless Communications Device.

**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 Application for a Special Permit.
- 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 Approval.
- C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications 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 City of Marlborough Zoning Ordinances, **GRANTS** the Applicant its Special Permit, **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 8:**



- 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 this 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 Application for Special Permit.
- 6) Applicant shall pay to the City of Marlborough Open Space Account #100-2410-44515, as mitigation for the alleged impacts caused by the subject of this Permit, the annual sum of One Thousand Five Hundred (\$1,500.00) dollars, the first payment due and payable at the time of the issuance of the building permit hereunder, or within one year of the approval of Special Permit, whichever is earlier, and the subsequent payments to be due and payable on January 2, or the first business day thereafter, of each calendar year in which the WCD referenced in this Permit is still in operation. Failure to make the payment in a timely manner shall constitute a violation of the Special Permit, and the Applicant shall pay an additional sum of \$500 per quarter or portion thereof after the payment due date that the Applicant has failed to make payment.
- 7) Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the Proposed WCD Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCD Project only in cases of power outages to the Proposed WCD Project and for purposes of routine testing and maintenance. The noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 134 of the City

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116

| Code.

- 8) No operation of this WCD shall commence until the Applicant has received written approval from the Building Inspector that all the above conditions have been satisfied.
- 9) Applicant shall be subject to site plan review if applicable.
- 10) 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 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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June 23, 2008

**DECISION ON A SPECIAL PERMIT  
BELL ATLANTIC MOBILE OF MASSACHUSETTS CORPORATION, LTD.  
CITY COUNCIL ORDER NO. 08-100-1795**

Re: 75 Donald J. Lynch Boulevard

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to BELL ATLANTIC MOBILE OF MASSACHUSETTS CORPORATION, LTD., having a usual place of business at 400 Friberg Parkway, Westborough, MA 01581, as provided in the Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is BELL ATLANTIC MOBILE OF MASSACHUSETTS CORPORATION, LTD., d/b/a Verizon Wireless which has a business address of 400 Friberg Parkway, Westborough, MA 01581 (hereinafter "Applicant").
2. Through its Application for a Special Permit, the Applicant seeks permission to allow co-location of wireless communications antennas on an existing telecommunications tower and supporting equipment on the ground within an existing compound (hereinafter "Proposed WCD Project"), substantially as depicted on a set of plans entitled "Marlborough 4, Donald J. Lynch Blvd., Marlborough, MA" by Bay State Design Associates, Inc., dated December 21, 2007, revised January 3, 2008, as submitted with the Special Permit Application, and as further revised May 5, 2008 (hereinafter "Plans").
3. The location of the Proposed WCD Project is 75 Donald J. Lynch Boulevard. The site is more particularly identified on the Assessor's Map of the City of Marlborough as Parcel No. 2 of Plate 13. The owner of record for the site is Albert D. Bombard.
4. The Applicant is a sub-lessee of New Cingular Wireless, which owns the existing telecommunications tower at the site and leases the underlying compound area.
5. The Site is zoned LI. Wireless communication devices are allowed by grant of Special Permit in LI 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 Code of the City of Marlborough.
7. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the City Planner certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.

11/8

8. The Applicant has complied with all of the applicable rules of the Rules and Regulations.
9. The City of Marlborough City Council held a public hearing on the Proposed WCD Project on March 10, 2008, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing demonstrating that the Proposed WCD Project meets all the applicable Special Permit criteria of Article VI, Section 200-25 and Article VIII, Section 200-59.
11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCD Project's compliance with the applicable Special Permit criteria.
12. The Council, in reviewing the Applicant's Special Permit application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 200-25 and Article VIII, Section 200-59 of the City of Marlborough Zoning Ordinance, applicable to the proposed Wireless Communications Device.

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

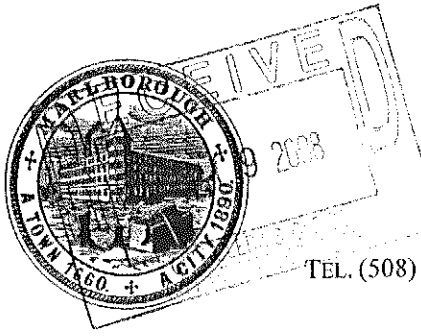
- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a Special Permit.
- B) The Site is an appropriate location for the Proposed WCD Project and the Proposed WCD Project is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this Approval.
- C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications 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 City of Marlborough Zoning Ordinances, **GRANTS** the Applicant its Special Permit, **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 8:**

- 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 this 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 Application for Special Permit.
- 6) Applicant shall pay to the City of Marlborough Open Space Account #100-2410-44515, as mitigation for the alleged impacts caused by the subject of this Permit, the annual sum of One Thousand Five Hundred (\$1,500.00) dollars, the first payment due and payable at the time of the issuance of the building permit hereunder, or within one year of the approval of Special Permit, whichever is earlier, and the subsequent payments to be due and payable on January 2, or the first business day thereafter, of each calendar year in which the WCD referenced in this Permit is still in operation. Failure to make the payment in a timely manner shall constitute a violation of the Special Permit, and the Applicant shall pay an additional sum of \$500 per quarter or portion thereof after the payment due date that the Applicant has failed to make payment.
- 7) Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the Proposed WCD Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCD Project only in cases of power outages to the Proposed WCD Project and for purposes of routine testing and maintenance. The noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 134 of the City

11/10

Code.

- 8) No operation of this WCD shall commence until the Applicant has received written approval from the Building Inspector that all the above conditions have been satisfied.
- 9) Applicant shall be subject to site plan review if applicable.
- 10) 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 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.



*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

*ld*

DONALD V. RIDER, JR.  
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN  
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER  
CHIEF PROCUREMENT OFFICER

KATHERINE M. KIMBER  
PARALEGAL

June 19, 2008

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

**RE: Request for Proposals for Wireless Telecommunications Leasing Project  
At Spoonhill Water Tank, 249 Miles Standish Drive  
Assessors' Map 20, Parcel 2**

President and Members:

Proposals were due for the above-referenced tower site on April 24, 2008. The City received one proposal from Omnipoint Communications, Inc. located at 15 Commerce Way, Norton, MA 02766, a wholly owned subsidiary of T-Mobile USA, Inc., in the amount of \$18,000.00 for the first year of the lease, increasing annually by five (5%) on each anniversary of the Rent Commencement Date. The value of the lease is \$226,402.07 over the ten-year term. In addition, the City will receive fifteen (15%) percent of the co-locator fee.

I seek your approval to issue a Notice of Award subject to the Commissioner of Public Works' evaluation and approval of Omnipoint's proposal to construct a monopole or similar tower at the Spoonhill Water Tank site.

Sincerely,

Beverly J. Sleeper  
Chief Procurement Officer

/b

Attachment (1) – Proposed Order

Cc: Nancy E. Stevens, Mayor  
Donald V. Rider, Jr., City Solicitor  
Ronald M. LaFreniere, Commissioner

172

ORDERED: That the City Council of the City of Marlborough hereby authorizes the Chief Procurement Officer to issue a Notice of Award to Omnipoint Communications, Inc. located at 15 Commerce Way, Norton, MA 02766, a wholly owned subsidiary of T-Mobile USA, Inc. in the amount of \$18,000.00 for the first year of the lease, increasing annually by five (5%) on each anniversary of the Rent Commencement Date, subject to the approval of the Commissioner of Public Works as to the proposal and the location of the tower on the site, and the approval of a Special Permit by the City Council pursuant to the applicable Articles and Sections of the Marlborough Zoning Ordinance; and it is FURTHERED ORDERED: that the Mayor is hereby authorized to negotiate a lease, subject to obtaining all necessary permits and licenses, with Omnipoint to construct a monopole or similar tower at the Spoonhill Water Tank site, located at 249 Miles Standish Drive, Marlborough, MA 01752, shown on Assessors' Map 20, Parcel 2. Said municipal property has been declared available for disposition by City Council Order No.

ADOPTED  
In City Council  
Order No.  
Adopted:

Approved by Mayor  
Nancy E. Stevens  
Date:

A True Copy,  
ATTEST:





RECEIVED  
JUN 19 2008

*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

131

*DONALD V. RIDER, JR.*  
CITY SOLICITOR

*CYNTHIA M. PANAGORE GRIFFIN*  
ASSISTANT CITY SOLICITOR

*BEVERLY J. SLEEPER*  
CHIEF PROCUREMENT OFFICER

*KATHERINE M. KIMBER*  
PARALEGAL

June 19, 2008

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

**RE: Request for Proposals for Wireless Telecommunications Leasing Project  
At Sligo Hill Water Tank, 97 Arnold Street Extension  
Assessors' Map 68, Parcel 80**

President and Members:

Proposals were due for the above-referenced tower site on April 24, 2008. The City received one proposal from MetroPCS Massachusetts LLC located at 285 Billerica Road – Third Floor, Chelmsford, MA 01824, in the amount of \$30,504.00 for the first year of the lease, increasing annually by four (4%) on each anniversary of the Rent Commencement Date. The value of the lease is \$366,234.29 over the ten-year term.

I seek your approval to issue a Notice of Award subject to the Director of Public Facilities' evaluation and approval of MetroPCS's proposal for the placement of antennas on the water tank along with associated wires and ground equipment at the Sligo Hill Water Tank site.

Sincerely,

Beverly J. Sleeper  
Chief Procurement Officer

/b

Attachment (1) – Proposed Order

Cc: Nancy E. Stevens, Mayor  
Donald V. Rider, Jr., City Solicitor  
John L. Ghiloni, Director

132

ORDERED: That the City Council of the City of Marlborough hereby authorizes the Chief Procurement Officer to issue a Notice of Award to MetroPCS Massachusetts LLC located at 285 Billerica Road – Third Floor, Chelmsford, MA 01824, in the amount of \$30,504.00 for the first year of the lease, increasing annually by four (4%) on each anniversary of the Rent Commencement Date, subject to the approval of the Director of Public Facilities as to the proposal and the location on the tower at the site and the approval of a Special Permit by the City Council pursuant to the applicable Articles and Sections of the Marlborough Zoning Ordinance; and it is FURTHERED ORDERED: that the Mayor is hereby authorized to negotiate a lease, subject to obtaining all necessary permits and licenses, with MetroPCS for the placement of antennas on the water tank along with associated wires and ground equipment at the Sligo Hill Water Tank site, located at 97 Arnold Street, Extension, Marlborough, MA 01752, shown on Assessors' Map 68, Parcel 80. Said municipal property has been declared available for disposition by City Council Order No.

ADOPTED  
In City Council  
Order No.  
Adopted:

Approved by Mayor  
Nancy E. Stevens  
Date:

A True Copy,  
ATTEST:



*City of Marlborough*  
**Legal Department**

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

*DONALD V. RIDER, JR.*  
CITY SOLICITOR

*CYNTHIA M. PANAGORE GRIFFIN*  
ASSISTANT CITY SOLICITOR

*BEVERLY J. SLEEPER*  
CHIEF PROCUREMENT OFFICER

*KATHERINE M. KIMBER*  
PARALEGAL

June 19, 2008

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

**RE: Request for Proposals for Wireless Telecommunications Leasing Project  
At Westerly Wastewater Treatment Plant, 303 Boundary Street  
Assessors' Map 71, Parcels 1 and 2**

President and Members:

Proposals were due for the above-referenced tower site on June 10, 2008. The City received one proposal from Bell Atlantic Mobile of Massachusetts Corporation Ltd, d/b/a Verizon Wireless located at 400 Friberg Parkway, Westborough, MA 01581-3956, in the amount of \$26,000.00 for the first year of the lease, increasing annually by three (3%) on each anniversary of the Rent Commencement Date. The value of the lease is \$298,060.86 over the ten-year term. In addition, the City will receive twenty-five (25%) percent of the co-locator fee.

I seek your approval to issue a Notice of Award subject to the Commissioner of Public Works' evaluation and approval of Bell Atlantic Mobile's (d/b/a Verizon Wireless) proposal to construct a monopole or similar tower at the Westerly Wastewater Treatment site.

Sincerely,

Beverly J. Sleeper  
Chief Procurement Officer

/b

Attachment (1) – Proposed Order

Cc: Nancy E. Stevens, Mayor  
Donald V. Rider, Jr., City Solicitor  
Ronald M. LaFreniere, Commissioner

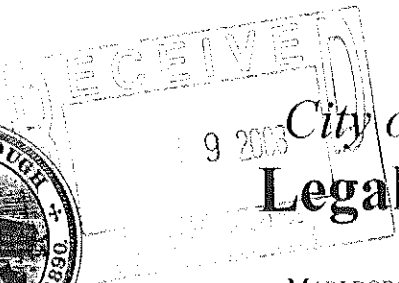
142

ORDERED: That the City Council of the City of Marlborough hereby authorizes the Chief Procurement Officer to issue a Notice of Award to Bell Atlantic Mobile of Massachusetts Corporation Ltd, d/b/a Verizon Wireless located at 400 Friberg Parkway, Westborough, MA 01581-3956 in the amount of \$26,000.00 for the first year of the lease, increasing annually by three (3%) on each anniversary of the Rent Commencement Date, subject to the approval of the Commissioner of Public Works as to the proposal and the location of the tower on the site and the approval of a Special Permit by the City Council pursuant to the applicable Articles and Sections of the Marlborough Zoning Ordinance; and it is FURTHERED ORDERED: that the Mayor is hereby authorized to negotiate a lease, subject to obtaining all necessary permits and licenses, with Bell Atlantic Mobile to construct a monopole or similar tower at the Westerly Wastewater Treatment Plant site, located at 303 Boundary Street, Marlborough, MA 01752, shown on Assessors' Map 71, Parcels 1 and 2. Said municipal property has been declared available for disposition by City Council Order No.

ADOPTED  
In City Council  
Order No.  
Adopted:

Approved by Mayor  
Nancy E. Stevens  
Date:

A True Copy,  
ATTEST:



*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

151

*DONALD V. RIDER, JR.*  
CITY SOLICITOR

*CYNTHIA M. PANAGORE GRIFFIN*  
ASSISTANT CITY SOLICITOR

*BEVERLY J. SLEEPER*  
CHIEF PROCUREMENT OFFICER

*KATHERINE M. KIMBER*  
PARALEGAL

June 19, 2008

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

**RE: Request for Proposals for Wireless Telecommunications Leasing Project  
At Fairmount Hill Water Tank, 115 Onamog Street  
Assessors' Map 81, Parcel 238**

President and Members:

Proposals were due for the above-referenced tower site on April 22, 2008. The City received one proposal from MetroPCS Massachusetts LLC located at 285 Billerica Road – Third Floor, Chelmsford, MA 01824, in the amount of \$22,500.00 for the first year of the lease, increasing annually by five (5%) on each anniversary of the Rent Commencement Date. The value of the lease is \$283,002.58 over the ten-year term.

I seek your approval to issue a Notice of Award subject to the Commissioner of Public Works' evaluation and approval of MetroPCS's proposal for the placement of antennas on the water tank along with associated wires and ground equipment at the Fairmount Hill Water Tank site.

Sincerely,

Beverly J. Sleeper  
Chief Procurement Officer

/b

Attachment (1) – Proposed Order

Cc: Nancy E. Stevens, Mayor  
Donald V. Rider, Jr., City Solicitor  
Ronald M. LaFreniere, Commissioner

152

ORDERED: That the City Council of the City of Marlborough hereby authorizes the Chief Procurement Officer to issue a Notice of Award to MetroPCS Massachusetts LLC located at 285 Billerica Road – Third Floor, Chelmsford, MA 01824 in the amount of \$22,500.00 for the first year of the lease, increasing annually by five (5%) on each anniversary of the Rent Commencement Date, subject to the approval of the Commissioner of Public Works as to the proposal and the location on the tower at the site, and the approval of a Special Permit by the City Council pursuant to the applicable Articles and Sections of the Marlborough Zoning Ordinance; and it is FURTHERED ORDERED: that the Mayor is hereby authorized to negotiate a lease, subject to obtaining all necessary permits and licenses, with MetroPCS for the placement of antennas on the water tank along with associated wires and ground equipment at the Fairmount Hill Water Tank site, located at 115 Onamog Street, Marlborough, MA 01752, shown on Assessors' Map 81, Parcel 238. Said municipal property has been declared available for disposition by City Council Order No.

ADOPTED

In City Council

Order No.

Adopted:

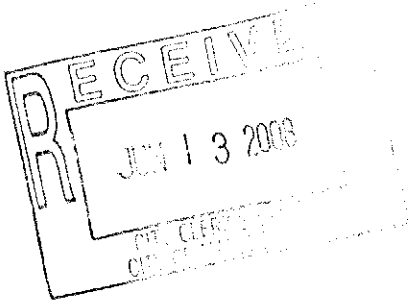
Approved by Mayor

Nancy E. Stevens

Date:

A True Copy,

ATTEST:



16

*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

June 12, 2008

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

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

RE: Limited Development Subdivision  
 Zoning Amendment  
 Council Order #08-1001835

Dear Mr. Vigeant:

At its regular meeting on June 9, 2008, the Planning Board took the following action:

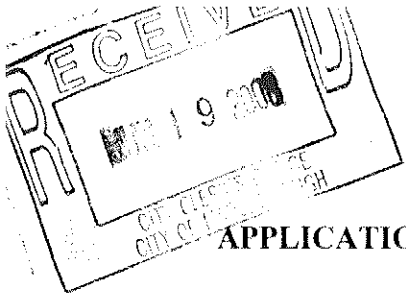
On a motion by Mr. Hodge, seconded by Mr. Kerrigan it was duly voted:

To recommend acceptance of the Limited Development Subdivision amendment to the City Council.

Sincerely,

*Barbara L. Fenby*  
 Barbara L. Fenby  
 Chairperson

Cc: City Clerk  
 City Solicitor  
 Zoning Officer  
 File



171

CITY OF MARLBOROUGH  
OFFICE OF THE CITY CLERK

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

Toll MA Land Limited Partnership, 20 Gibraltar Rd, Horsesham, PA 19044

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

Crowley Drive Map 29, Parcel 1

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

Same

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

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

\*see below

Article \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_ Sub-paragraph \_\_\_\_\_

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

Limited Industrial Retirement Community Overlay District

7. Specific reason(s) for seeking Special Permit

Application for revised special permit. Original Special Permit

City Council Order 03-10022 allowed construction of 210 retirement community units.

Applicant proposes instead to construct 80 units on less than 14 acres and to revise

current permit conditions accordingly.

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

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

Signature of Petitioner or Applicant

\*Article VI Sec. 200-22 and

Article VIII Sec.200-59

Address: Arthur P. Bergeron, Atty. for

Toll MA Land Limited Partnership

27 Prospect St Marlborough

Telephone No. 508 481-0103 ext.228

Date: June 19, 2008



**SPECIAL PERMIT-SUMMARY IMPACT STATEMENT**

172

Applicant's Name: Toll MA Land Limited Partnership Address: 20 Gibraltar Rd, Horsesham, PA 19044

Project Name: Regency at Assabet Ridge Address: Crowley Dr.

1. PROPOSED USE: (describe) Retirement Community

2. EXPANSION OR NEW: New

3. SIZE: floor area sq. ft. \_\_\_\_\_ 1<sup>st</sup> floor 112,829 all floors 167,598  
# buildings 19 # stores 2 lot area (s.f.) 605,484 +/-

4. LOT COVERAGE: 40 % Landscaped area: 60 %

5. POPULATION ON SITE: Number of people expected on site at anytime:  
Normal: 100 Peak period: 200

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 80 Peak period: 160

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

None

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? Street lights will light the project. No light will leave the building

8. NOISE:

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

Development noise will be that from any residential

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. None

9. AIR: What sources of potential air pollution will exist at the development? \_\_\_\_\_

Motor vehicle exhaust

10. WATER AND SEWER: Describe any unusual generation of waste. \_\_\_\_\_

None

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? None

**\*Attach additional sheets if necessary**



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CITY OF MARLBOROUGH  
MARLBOROUGH, MASSACHUSETTS 01752

City Hall

140 Main St.

Marlborough, Massachusetts 01752

Voice (508) 460-3775 Facsimile (508) 624-7504 TTD (508) 460-3610

President and Members City Council

Date: June 19, 2008

SPECIAL PERMIT APPLICATION  
CERTIFICATION BY PLANNING DEPARTMENT

Project Name: Regency at Assabet Ridge

Project Use Summary: Retirement Community

Project Street Address: Crowley Drive

Plate: 29 Parcel: 1

Applicant/Developer Name: Toll MA Land Limited Partnership

Plan Date: June 13, 2008 Revision Date: None

Dear President and Members:

In accordance with the City Council's Rules for Special Permit Applications, I hereby certify that the Site Plan filed with the City Clerk has been reviewed by the Building Department within the limits of work shown on the plan, and that said plan meets all prior referenced informational requirements of Rule 6; that the plan conforms in all aspects to City Code and to these Rules and Regulations, and that any necessary zoning variances have been already granted by the Marlborough Zoning Board of Appeals, and any applicable appeal period concerning said variances have run.

Very truly yours,

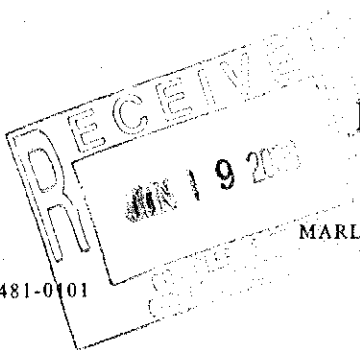
*Stephen A. Reid* FOR  
Alfred J. Lima

Director of Planning

\*\* Plan shows a site layout that requires future changes to be made to conform to the "Notes" table and zoning requirements.

*SFL*

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DAVID P. GADBOIS  
Attorney-at-Law  
27 PROSPECT STREET  
MARLBOROUGH, MASSACHUSETTS 01752

PHONE (508) 481-0101

E-MAIL David@attygadbois.com

FAX (508) 485-8506

June 19, 2008

President and Members  
Marlborough City Council  
City Hall 140 Main Street  
Marlborough, MA 01752

RE: Petition for Amendment  
To Zoning Code

Dear President and Members:

I represent Lewis F. Clark, Jr., (herein after referred to as Petitioner), owner of 710 Pleasant Street. My client hereby petitions the City Council to amend the Zoning Code of the City of Marlborough Chapter 200 in accordance with the attached proposed change.

The Petitioner requests that the Retirement Community Overlay Districts be abolished and that Retirement Communities be an allowable use in all districts with a Special Permit from the City Council in accordance with a new Section 200-22 of the Zoning Ordinance.

Attached hereto as Exhibit "A" is the proposed change to the Zoning Ordinance. During the public hearing, I will explain the reasons for the requested change. The Petitioner believes the amended Zoning Ordinance will provide a reasonable vehicle for the development of Retirement Communities within the City of Marlborough.

Would you kindly schedule a public hearing on the Petition, publish notice as provided for in Massachusetts General Laws Chapter 40A Section 5, give written notice as provided for therein and request a recommendation from the Planning Board. Because of the Council's summer schedule, I hereby request the Public Hearing be held on July 14, 2008.

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

Very truly yours,

Atty. David P. Gadbois

Encl: Proposed Ordinance Change

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**IN CITY COUNCIL**

---

**Marlborough, Mass., \_\_\_\_\_ 2008**

**Order No. 08-\_\_\_\_\_**  
**Zoning Change All Districts**

Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, Chapter 200 as amended be further amended by deleting the words “aged fifty-five or older” as part of the definition in ARTICLE II Definitions and Severability Section 200-05 Definitions; Word Usage. B. RETIREMENT COMMUNITY and inserting in place thereof the following words: “fifty-five (55) years of age or over or sixty-two (62) years of age or over”; and

That the Code of the City of Marlborough, Chapter 200 as amended be further amended by adding to ARTICLE V Permitted Uses Section 200-14 Use Regulations Applicable in All Districts the following:

“C. A Retirement Community, as defined in Article II Section 200-05 B hereof, shall be allowed only by grant of a Special Permit by the City Council in accordance with Article VI Section 200-22. Retirement Community”; and

That the Code of the City of Marlborough Chapter 200 Section 200-17 Table of Uses Single family and Single family, attached be amended by adding to each a foot note numbered “(41)”; and

That the Code of the City of Marlborough Chapter 200 Section 200-18 Conditions for Use as Noted in the Table of Uses, be amended by adding the foot note numbered “(41)” which states as follows: “(41) Except as provided for in a Retirement Community under the provisions Sections 200-14 and 200-22.”; and

That the Code of the City of Marlborough Chapter 200 Section 200-17 Table of Uses Retirement Community Overlay (Sec. 200-22) as amended be further amended by deleting the word “Overlay” and the symbol “N” under the Zoning District Abbreviations RR, A1, A2, A3, RB, RC, RCR, B and CA and inserting in place thereof for each deleted symbol the symbol “SP”; and

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That the Code of the City of Marlborough Chapter 200 as amended be further amended by deleting from Article VI Special Districts, Overlay and Special Requirements, all of Section 200-22 Retirement Community Overlay Districts and inserting in place thereof the following:

200-22 Retirement Community

- A. Purpose. The purpose of a Retirement Community shall be to advance the public health, safety and welfare of persons fifty-five (55) years of age or over or sixty-two (62) years of age or over by providing housing in a structure or structures constructed expressly for use as housing for persons fifty-five (55) years of age or over or sixty-two (62) years of age or over on a parcel or on contiguous parcels of land, totaling at least five (5) acres in size, in areas appropriate for residential use.
- B. Location. A Retirement Community may be located in all zoning districts with a Special Permit of the City Council granted under the provisions of Section 200-59 hereof.
- C. Permitted Uses. A Retirement Community must comply with the appropriate provisions of Article V and Article VII, except as otherwise specified herein and consistent with the following provisions:
  - (1) Height of buildings in a Retirement Community shall not be higher than that which is allowed in the zoning district in which the Retirement Community is located and as provided in Section 200-41.
  - (2) The provisions of Section 200-49 shall apply to the location and construction of the driveways and private ways within the Retirement Community development. All ways and/or driveways in a Retirement Community shall be private and maintained by the Retirement Community. To ensure adequate access for traffic and emergency vehicles within the Retirement Community, and to provide increased public safety for vehicles and pedestrians within the development, the City Council may modify the provisions of Section 200-49.
  - (3) Each building in a Retirement Community shall face either upon an existing private or public way or on a private way or driveway constructed within said Retirement Community. Each building shall have a minimum front yard of no less than twenty (20) feet from the edge of the paved way to the closest point of the structure, and a side yard of not less than ten (10) feet from the edge of the paved way to the closest point of the structure. Each building, whether principal or accessory, shall be at least ten (10) feet distant from any other building by air line distance between the nearest points of the buildings.

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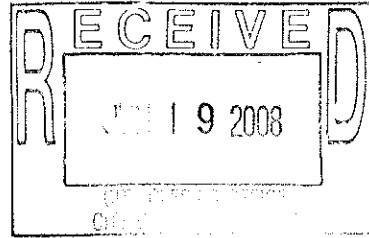
- (4) No dwelling in a Retirement Community shall contain less than one thousand (1,000) square feet of living area or more than two thousand eight hundred (2,800) square feet of living area. At least fifty (50%) percent of the living area shall be on the first floor.
- (5) The number of dwelling units allowed within a Retirement Community shall be determined by dividing the total square foot area of the development site by the minimum lot area square footage as provided in Section 200-41 for the zoning district in which the development site is located. The number resulting from said division shall be the number of units allowed in the Retirement Community. If the number results in a whole number plus a part of a number the number shall be rounded to the next higher number.
- (6) No part of any building in a Retirement Community shall be less than twenty-five (25) feet from any exterior lot line.
- (7) A town house style dwelling unit in a Retirement Community shall have its own attached yard area.
- (8) Each dwelling unit shall have two parking spaces dedicated to its use, of which at least one space shall be in a garage attached to the unit. The other space shall be adjacent to the building or within close proximity thereof as approved by the City Council. The City Council may, as a condition of the Special Permit, require additional parking areas to be used in common by dwelling unit owners and their invitees.
- (9) The City Council may, as a condition of the Special Permit, require adoption of legally enforceable condominium by-laws or other similar regulations to limit or prohibit the presence in a Retirement Community, either entirely or in designated locations, of boats, boat trailers, campers, or other recreational vehicles.
- (10) The maximum combined lot coverage in a Retirement Community shall be as provided for in the provision of Section 200-41 hereof for the zoning district in which the development site is located.
- (11) Each lot or contiguous lots upon which a Retirement Community is located shall have total frontage on an existing public way of at least seventy five (75) feet.

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- (12) The City Council shall, as a Permit condition, require that deed covenants, proposed condominium by-laws, or similar community regulations prohibit the ownership or residential use of a dwelling unit by a person or persons of less than fifty five (55) years of age or less than sixty-two 62 years of age. Failure to enforce said provisions shall be a violation of the Special Permit.
  
- (13) The City Council shall, as a Permit condition, require that a proposed Retirement Community be constructed entirely on one lot or contiguous lots, and that, from and after the date of issuance of a building permit for said community or any portion thereof, no subdivision of said lot or lots shall be allowed without the express approval of the City Council; provided, however, that the recording of a condominium master deed and the conveyance of condominium units with the lot covered by the master deed shall be allowed.
  
- (14) No unit in a Retirement Community shall have more than three (3) bedrooms.

19

LAW OFFICES OF  
JACK P. MILGRAM  
52 KNEELAND STREET  
BOSTON, MA 02111  
jackp.milgram@verizon.net  
http://www.milgramlaw.com



SYDNEY S. MILGRAM

June 18, 2008

City of Marlborough  
Office of the City Council  
City Hall  
140 Main Street  
Marlborough, MA. 01752

RE: Application for Special Permit  
354 Lincoln Street  
Marlborough, MA. 01752

Dear Sir/Madam:

In regard to the above captioned matter, kindly find enclosed herein the following:

1. Architectural Plans.

This set of plans supplements the set of plans previously submitted with the Application for Special Permit on February 19, 2008.

In addition, at the request of Karen Boule, I have enclosed a copy of said application for Ward Five City Councilor Seymour.

If you have any further questions or concerns, please do not hesitate to give me a call.

Thank you for your courtesy and cooperation.

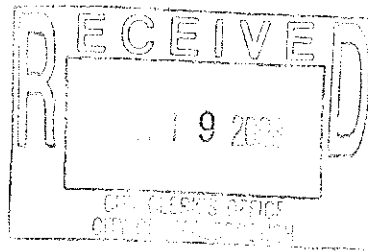
Very truly yours,

A handwritten signature in cursive script that reads "Jack P. Milgram".

Jack P. Milgram

JPM/jpm  
Enclosure





John D. Riordan  
Executive Director  
(508) 229-2010

June 18, 2008

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

Re: Permission to Place Signs

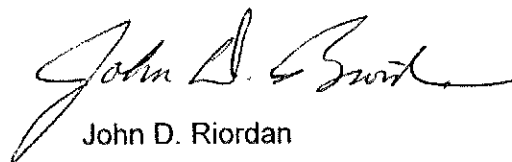
Dear President Vigeant and City Councilors

As part of an effort to encourage Summer Downtown activities and commerce Marlborough 2010 Corp. and the Community Development Authority are planning to organize and operate a Farmers Market in the Downtown for Saturday mornings from approximately July 19 through October 11, 2008. The market would be set up in the vicinity of the southwest corner of main and Windsor Streets. We have been in contact with a variety of city departments and agencies regarding the operation of a sidewalk market and will abide to by all city requirements, regulations and permits. In order to effectively promote the market and draw consumers to the downtown, we are petitioning for the placement of no more than 5 sandwich board style signs at various locations at the eastern and western entrances to Main Street and at the market site. The signs would be placed on the day before and the morning of the market operations. The signs will give visibility to the market stand and efficiently direct traffic to the site.

Your assistance in granting this request would be greatly appreciated. Should you require any additional information please contact me at (508) 229-2010, or Diane Sullivan at the Community Development Authority at (508) 460-3715. We would be happy to answer any questions you or the Council may have in this regard.

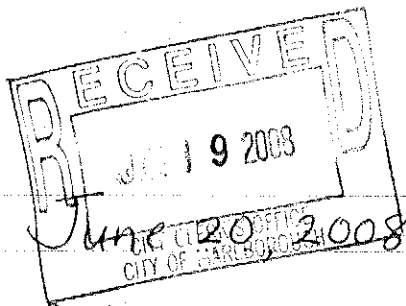
With every good wish and kind regards, I am

Very Truly Yours,



John D. Riordan

cc: Mayor N. Stevens, K. Boule



Council Members  
Marlborough City Council  
City Hall  
Marlborough, Ma 01752

RE: Special Permit for 19 unit condominium project at 568-574 Lincoln St. as proposed by Gary White, Trustee of 568 Lincoln Street Realty Trust and 574 Lincoln St. Realty Trust

Dear Councilors,

Attached please find a petition signed by 60 abutters, residents and business owners in the French Hill neighborhood in strong opposition to this proposed project.

Collectively the signers have almost 1700 years of residence/business on French Hill. Many have resided and/or done business here for 3-4 generations.

We respectfully request that you examine this project closely as we feel it is not a good fit for our neighborhood.

Sincerely,  
Valerie Brusco  
David A. Halliday

U  
21.2

### Petition To The Marlborough City Council

In Regards to the Condominium Project for 568 and 574 Lincoln St.

We the undersigned are all residents and neighbors of the French Hill community. We wish to express to our elected city representatives our strong opposition to the 19 Unit Condominium development proposed by Gary White at 568 and 574 Lincoln St.

Many of us are long term members of the French Hill and Marlborough community, some for over 50 years.

We see this new project as not only adding increased density and strains on city services to an area already overrun with condominiums and apartment projects but also adding adverse effects on fire and public safety.

Anyone who wishes to join us on French Hill will surely find a home in the more than ample current housing stock.

Respectfully submitted by the undersigned on June 23, 2008.

1. Pyuno Johnston 25 Silver Street Marlborough Ma. 01752 2 years
2. Robert J Seymour 39 Silver St. " " " 43 yrs
3. Cliza Lafey 31 Silver St #2 Marlborough MA 01752 2 years
4. Mark Lehman Mad Rfa 22 silverst. 01752 11 years
5. Patricia Davison 30 Winter Ave Marl. 01752 15 yrs.
6. Michael McGinnis, 15 ELIZABETH RD MARL. ~~2008~~ 41 yrs
7. Kathleen Samson, 32 County Dr. Marlboro 60 yrs family residence  
(also 30 Winter Av)
8. Susan & Peter 13 Versailles St Marlboro 41 yrs
9. Roberto L. Cote 11 Martin St 55 years
10. Lucille M. Cote 11 Martin St 55 years
11. Jeanne Cantonucci 11 Martin St 1 year

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### Petition To The Marlborough City Council

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Respectfully submitted by the undersigned on June 23, 2008.

- 12. Annette Alara 10<sup>th</sup> Martin St. 56 yrs.
- 13. Chak Denny 17 Fay Court 18 years
- 14. Laurie Buckley 14 FAY COURT 25 YEARS
- 15. Adele Marshall 14 Fay Court 52 YEARS
- 16. Lester Marshall 14 Fay Court 52 YEARS
- 17. Aline Ramos 134 Elm St 2 years
- 18. Marie-Anne Seymour 39 Silver St 64 years
- 19. ELIZABETH EVANGELOUS 47 ARNOLD ST 76 years
- 20. Theresa VEZINA 60 Grant St 58 years
- 21. Joanne Tucker 51 Grant St 45 years
- 22. Heather Baer 58 Prospect St 8 years
- 23. Eric Asman 30 Franklin St 6 years

Petition To The Marlborough City Council

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Respectfully submitted by the undersigned on June 23, 2008.

- 24. Robert Dufault 54 YRS  
19 SILVER ST. Resident
- 25. Josephine A. Dufault 54 yrs  
19 Silver St
- 26. Kathy Rivard  
20 Silver St
- 27. Thomas Finner 55 yrs  
515 Lincoln St.
- 28. Peter F MADDox 48 yrs
- 29. Bonni Maddox  
23 winter ave

215

Petition To The Marlborough City Council

In Regards to the Condominium Project for 568 and 574 Lincoln St.

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Respectfully submitted by the undersigned on June 23, 2008.

- 1. Robert Maddox 17 Winter Ave Marlboro 53 yrs
- 1. Pamela LeBlanc 11 Silver St Marlboro 13 yrs
- 2. Barry M. Richards 581 Lincoln St. Marl. 25 yrs.
- 3. Sandra J. Richards 581 Lincoln St. Marl. 7 yrs.
- 34. Evon M. Johnston 25 SILVER ST MARL. 2 YRS
- 35. Chris Prof 31 Silver St Marl 8 yrs
- 36. Carole J. Brey 120 Broad Street, Marl. 70 yrs.
- 39. Omar Lopez 2nd WWK # 39
- 40. Eleanor O'Hare WWK # 37
- 41. Ronette WWK # 35

Petition To The Marlborough City Council

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Respectfully submitted by the undersigned on June 23, 2008.

- 42 Aki Yoshida 45 Lakeside #19 13 yrs
- 43 Kyoko Yoshida #19. 13 yrs
- 44 Kristen Kyle #7 2 yrs.
- 45 Paul Lombardo 120 Broad St 25 yrs
- 46 Dan Leh 22 Silver St. 10 years
- 47 Alfonso Buiad 587 Lincoln St 3 1/2 years
- 48. Wendell H. Hooten Sr 79 BROAD ST 4 YEARS
- 49. Vera L. Wooten, 79 Broad Street 4 years
- 50. James v. DeHann 19 Fay Court 16 YEARS

21-7

Petition To The Marlborough City Council

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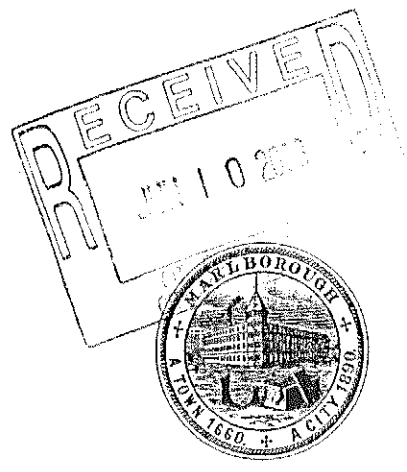
Respectfully submitted by the undersigned on June 23, 2008.

- 51. Barbara J. Ryan 19 Fay Ct. 58 yrs. in residence
- 52. Peter Ryan 19 Fay Court 45 years in residence
- 53. Ann Mackman 21 Fay Ct. 10 years in residence
- 54. Sara glassman 21 Fay Ct. 10 years in residence
- 55. Jinnie Downey 17 Fay Ct 48 yrs.
- 56. Robert W Dandrey 17 Fay Ct. 48 yrs.
- 57. Cheryl Busa 588 Lincoln St 51 yrs.
- 58. Paul Hill 590 Lincoln St 40 yrs
- 59. Valerie Brusco 558 Lincoln St. 58 yrs.
- 60. David A Phillips 582 Lincoln St 48 yrs.
- 61. Philis L. A. 111 Lakeside Ave 3rd Gen.



221

*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**  
May 12, 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, May 12, 2008 in Memorial Hall, 3<sup>rd</sup> floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Chairperson, Steve Kerrigan, Clerk, Phil Hodge, Edward Coveney, Clyde Johnson, Robert Hanson and Sean Fay. Also present: Assistant City Engineer Richard Baldelli.

**MINUTES**

*Meeting Minutes April 28, 2008*

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

To accept and file the meeting minutes.

**CHAIR'S BUSINESS**

**APPROVAL NOT REQUIRED PLAN**

*247 Maple Street*

Mr. Tim Collins from the City Engineers office recommended to the Planning Board to approve the ANR for 247 Maple Street.

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

To accept and endorse a plan of land believed to be Approval Not Required of Dennis P. & Carolyn M. Kennedy, 247 Maple Street, Marlborough, MA 01752. Name of Engineer: Engineering Design Consultants, Inc. 32 Turnpike Road, Southborough, MA 01772. Deed of property recorded in South Middlesex Registry of Deeds book 11816, page 107; book 20411, page 449 and book 14258, page 181. Location and description of property: To create 5 separate parcels for a recombination for an 81X plan. Also known as assessors Map 82, Parcel 144

*Hayes Memorial (First Student)*

Tom Cullen has made the recommendation to the Planning Board to approve the ANR Plan for Hayes Memorial Drive.

222

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

To accept and endorse a plan of land believed to be Approval Not Required of First Student Inc., 406 Central Ave Suite 300, Cincinnati, OH 45202. Name of Engineer: Tetra Tech Rizzo. One Grant Street, Framingham, MA 01701. Deed of property recorded in South Middlesex Registry of Deeds book 31932, page 445 & Land Court Certificate No. 219699. Location and description of property: Southerly side of Hayes Memorial Drive, Marlborough/Northborough also known as Assessor's Map 99 Parcel 1.

**PUBLIC HEARING**

**Limited Development Subdivision  
Proposed Amendment  
7:15 PM**

There was an error on the advertisement.

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

To reschedule the Public Hearing to June 9, 2008 at 7:15 PM.

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

The Planning Board of the City of Marlborough held a public hearing on Monday, May 12, 2008, at 7:30 p.m. in Memorial Hall, 3<sup>rd</sup> 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.

**CITY OF MARLBOROUGH  
PLANNING BOARD  
MARLBOROUGH, MASSACHUSETTS 01752**

**LEGAL NOTICE**

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

**Applicant: 890 Boston Post Rd. LLC**

**Locus: Map 62 Parcels 1 & 24**

Notice is given that the **Planning Board of the City of Marlborough** will hold a **PUBLIC HEARING ON Monday, May 12, 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:**

That Chapter 200 of the Code of the City of Marlborough, being the zoning ordinance, as most recently amended, be further amended 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 I 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. 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."

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 1,2, 2A, 2B, 20, 21,22,23, 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*  
**#08-1001833**

Arthur Bergeron stated he is representing the owner, Jeff Bata, who is the current owner of Marlboro Nissan. They are looking to move the current Nissan dealership to 890 Boston Post Road East. At the present time there is 6 acres of land with at least 330 feet of frontage along Boston Post Road East. He has proposed a new definition to the zoning ordinance for a new car dealership and adding a new section which states the criteria a proponent must meet. The definition defines a new car dealership as " a business engaged in the sale of new passenger motor vehicles as a recognized agent...operating pursuant to a Class I license granted by the Marlborough License Commission pursuant to Massachusetts General Laws Chapter 140 sec 58".

The proposed section includes guidelines that the location must be in a business district, having at least 330 feet of frontage and a total lot size not less then 6 acres. Mr. Bergeron stated that with the proposed criteria there would be only one other site in the City besides the location at 890 Boston Post Road East.

**In Favor**

Mr. Gunther Zisler  
Owner of Post Road Carpet

Mr. Zisler who has had his business for the past 40 years believes this site is great location and it would be a win-win situation for everyone involved. Mr. Zisler also provided pictures to the board of the current conditions. He stated he would prefer the renovation building with the addition then looking at the big poles with the netting.

Mr. Jeff Batta  
Owner of Marlboro Nissan

Mr. Batta stated that he has owned this current dealership for the past several years and given the location he strives to be the best Nissan dealership in all of New England. He is looking to move his New Car Sales to 890 Boston Post Road East and keep the used car sales at the previous location.

**In Opposition:**

No one spoke in opposition.

**In General:**

Mr. Kerrigan asked Mr. Bergeron about incorporating all the parcels. Mr. Bergeron explained that if you look at the map, all parcels are in the Business zone. Mr. Kerrigan also asked that if all sites along 495 wish to become a part of this new district; what would prevent them? Mr. Bergeron stated that with the new overly they would have to meet the criteria of the 6 acres lot plus having at least of 330 feet of frontage.

Mr. Fay asked what the significance was for the 330 feet for frontage? Mr. Bergeron stated that if there was 300 feet of frontage then there could possibly be 3 or 4 more dealerships in the City. With the 330 feet of frontage there could be possibly be one other site.

Mr. Hodge asked the Zoning Officer, Stephen Reid, what would happen if the dealership lost their Class I license. Mr. Reid stated that he the license commission would make a determination and the use of a new car dealership would not be allowed unless it has the "right of use" or possibly a different car franchise.

The Public Hearing closed at 8:12 p.m.

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**SUBDIVISION PROGRESS REPORTS**

*Update from City Engineer*

There was no new update from the City Engineer.

*Acre Bridge Estates*

*Correspondence from City Engineer*

Mr. Cullen sent a status report on Acre Bridge Estates. He stated that the major outstanding issues are:

- Developer still needs to provide an update construction schedule
- Placement of sidewalk binder and top course of bituminous concrete and blending of subdivision's driveways
- Complete all landscape requirements
- Placement of "top coat" bituminous concrete
- Miscellaneous Cleanup
- Submission of as-builts plans
- Submission of an appropriate set of acceptance plans

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

To accept and file correspondence.

*Steven Garafalo*

At the last Planning Board meeting it was asked for Mr. Garafalo to appear at tonight's meeting. Mr. Garafalo did state that his subdivision was past the extension date and his attorney is drafting an amended covenant for the next meeting.

*Berlin Farms  
Bond Reduction*

Mr. Charles Freeman, the developer, is asking for a bond reduction for his subdivision. Ms. Fenby noted that the request was not in compliance and that a subdivision checklist should be submitted with the request.

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

To accept and file correspondence and to refer the request to the City Engineer.

*Eager Court  
Confirmatory Certificate of Performance*

Attorney Hastings is asking the Planning Board to sign a Confirmatory Certificate of Performance since the original certificate of Performance that was signed by the Planning Board in April of 2005 was never recorded at the Registry of Deeds. Mr. Fay noted that the word Guarantee was spelled wrong.

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

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To accept and file correspondence; to allow Ms. Fenby to endorse the Confirmatory Certificate of Performance.

**Mauro Farm**  
*Request for Phasing*

Capital Group Properties is asking to phase the building process of their Mauro Farm subdivision. This request will allow that there will be a temporary cul de sac for phase 1A with only 5 to 7 homes being built. Phase 1B will include the construction of Spenser Circle with the development of lots 15 through 19 and Phase 1C would complete the subdivision. Mr. Loiseau stated that the normal two to two and a half years project could take several more years depending on the housing market.

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

To refer the request to the City Engineer for his review and to report back to the Planning Board at their next scheduled meeting.

**Orchard Estates III**  
*Correspondence from City Engineer*

Mr. Cullen sent correspondence and pictures to the Planning Board regarding the sinkhole still at 19 Miele Road. Mr. Baldelli stated that he knows Mr. Cullen has had several meetings onsite with the homeowners and the developers.

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

To accept and file correspondence, to ask Mr. Cullen to report back to the board on what action he would like to peruse as well as bond monies left to complete the work necessary.

**O'Leary's Landing**  
*Street Acceptance*

Mr. Cullen sent correspondence for the O'Leary's Landing Subdivision and the status of acceptance.

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

To refer the correspondence to the Engineering Department.

**PENDING SUBDIVISION PLANS: Updates and Discussion**

**PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS**

**DEFINITIVE SUBDIVISION SUBMISSIONS**

**SCENIC ROADS**

***Past Scenic Roads***

The Board discussed what action it should take at one residence. This residence was denied a variance for their removal of stone wall back in September of 2006.

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

To ask Ms. Wilderman a status of the wall and to ask the City Engineer to determine if the stone wall was on the City's property.

**SIGNS**

**INFORMAL DISCUSSION**

*Abutters Literature*

Mr. Rider sent down his change in language for the abutter list.

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

To accept and file correspondence; to place the abutter list with the revisions on the City's website.

*Subdivision Status Report*

Mrs. Lizotte has completed the report. A few suggestions have been made; she will incorporate those changes for the next meeting.

**COMMUNICATIONS/CORRESPONDENCE**

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

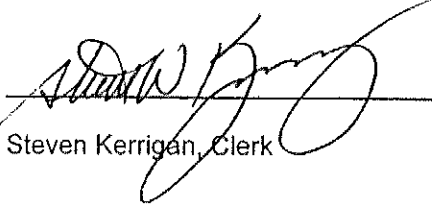
To accept all of the items listed under communications and/or correspondence.

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

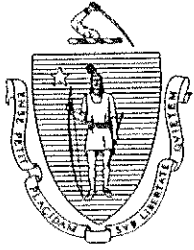
To adjourn at 8:53 p.m.

**A TRUE COPY**

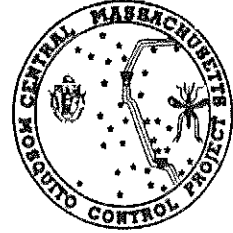
**ATTEST:**

  
\_\_\_\_\_  
Steven Kerrigan, Clerk

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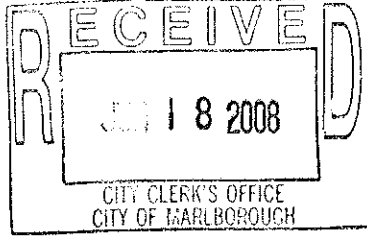


The Commonwealth of Massachusetts  
 STATE RECLAMATION & MOSQUITO CONTROL BOARD  
**CENTRAL MASSACHUSETTS  
 MOSQUITO CONTROL PROJECT**  
 111 Otis Street, Northborough, MA 01532-2114  
 Telephone (508) 393-3055 • Fax (508) 393-8492  
 www.cmmcp.org



COMMISSION CHAIRMAN  
 RICHARD J. DAY

EXECUTIVE DIRECTOR  
 TIMOTHY D. DESCHAMPS



June 16, 2008

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 July 2008:

July 2, 9, 16, 23, 30

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