

REGULAR MEETING  
OCTOBER 27, 2008

IN CITY COUNCIL  
ABSENT:

CONVENED:  
ADJOURNED:

1. Minutes, City Council Meeting, October 6, 2008.
2. Welcome ceremony for our Japanese students from our sister city of Akiruno, Japan.
3. Communication from the Mayor re: budget transfer request in the amount of \$51,032.98 from various accounts to fund overtime requirements within the Marlborough Fire Department.
4. Communication from the Mayor on behalf of the City Auditor, Diane Smith, re: closing of the books relative to FY08.
5. Communication from the Mayor re: grant money awarded to the Marlborough Fire Department in the amount of \$131,708.00 from the Federal Emergency Management Agency and the Department of Homeland Security for use in Rapid Intervention Training.
6. Communication from the Mayor re: establishment of new revolving fund at the request Councilor Delano re: income received from owners of antennae and related telecommunications equipment located at the Easterly Wastewater Treatment Plant.
7. Communication from the Mayor re: Governmental Accounting Standards Board (GASB) 43 and 45.
8. Communication from Ronald LaFreniere, Commissioner of Public Works, re: Operations Review of the Forestry, Parks and Cemetery Division as requested in Council Order No. 08-1001924.
9. Communication from the Planning Board re: recommendation of the Proposed Zoning Ordinance change of the Retirement Community Overlay District (Order No. 08-1001939).
10. Application for Revised Special Permit from Shalvis Realty, LLC, to modify Order 99-8106, Special Permit from Eric Rennie, ERA Corporation, re: modifying condition #5 which currently obligates owner occupancy, thereby precluding rentals.
11. Communication from the MassDevelopment Finance Agency re: considering final approval to a revenue bond project to be financed on behalf of the Justice Resource Institute, Inc.
12. Communication from Tennessee Gas Pipeline re: Emergency Personnel Contact List.
13. Communication from Suburban Coalition re: FY 09 membership to the Suburban Coalition.
14. Communication from the Commonwealth of Massachusetts, Department of Public Utilities re: Notice of Filing and Public Hearing.
15. Amended Minutes, Board of Assessors, March 28, 2008.
16. Minutes, Planning Board, September 29, 2008.
17. Minutes, Community Development Authority, July 31 & August 28, 2008.
18. CLAIMS:
  - A. Kerrie Brasington, 24 Gregoire Dr., vehicle damage

REPORTS OF COMMITTEES:



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

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

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

**OCTOBER 6, 2008**

Regular meeting of the City Council held on Monday OCTOBER 6, at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Schafer, Juairé, Seymour, Clancy and Landers. Meeting adjourned at 9:20 p.m.

Suspension of the Rules requested-granted to allow the Mayor to present Certificates of Recognition to Christie Cavalcanti, Amandalyn Lehman, and Jacklyn Potter for their prize-winning ribbons decorated for the contest sponsored by the Mayor's Crusade Against Cancer for Breast Cancer Awareness Month, **FILE**; adopted.

The City Clerk recognized the students participating in the City Clerk Mentoring Program, Zachary Saunders, Casey Taillacq, Kaila Harpin, and Lacey Lemanski, **FILE**; adopted.

**ORDERED:** Minutes, City Council Meeting, September 29, 2008, **FILE**; adopted.

**ORDERED:** Now being the time set for the **PUBLIC HEARING** on the petition by NSTAR to install 115' of 2.00" plastic gas main as a system improvement to supply 397 Stow Rd., all were heard who wish to be heard, hearing adjourned at 8:10 p.m.

**ORDERED:** Now being the time set for the **PUBLIC HEARING** on the Application for Special Permit from MetroPCS Massachusetts, LLC for proposed installation of a Telecommunications Facility onto the existing water tank located at 97 Arnold St. Ext., all were heard who wish to be heard, hearing adjourned at 8:25 p.m.

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

**FROM:**

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

**TO:**

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

**AND**

**FROM:**

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

**TO:**

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

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ORDERED: That the Grant in the amount of \$350.00 from Allied Waste Management be awarded to the Marlborough Fire Department to purchase consumable rescue truck supplies such as masks, rubber gloves and various medical supplies as outlined in MGL, Chapter 44 Section 53A ½, **APPROVED**; adopted.

ORDERED: That the reappointment of James Natale to the Zoning Board of Appeals from May 5, 2008 to May 5, 2013, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Municipal Aggregation Plan refer back to **MAYOR TO AUTHORIZE HER TO EXECUTE THE CONTRACT, WITH THE CAVEAT THAT COLONIAL POWER GROUP MAKE A SPECIAL EFFORT TO NOTIFY ELIGIBLE CUSTOMERS WHO OPTED OUT FROM THE 1<sup>ST</sup> CONTRACT TO GIVE THEM THE OPPORTUNITY TO OPT OUT AGAIN**; adopted.

(Councilor Schafer and Councilor Ossing abstained)

ORDERED: That agenda #8, communication from the City Solicitor regarding Special Permit Application from MetroPCS Massachusetts, LLC for 445 Simarano Dr, in proper form, be moved Agenda #21 from Wireless Communication Committee, **APPROVED**; adopted.

ORDERED: That the following notification from the City Clerk re: the **STATE ELECTION CALL**, be and is herewith accepted and placed on **FILE**.

That the City Clerk be and is herewith directed to have proper notices issued notifying the **VOTERS** of the City of Marlborough that the **STATE ELECTION** will be held in the polling locations as noted below on **November 4, 2008** as follows: **President/Vice-President, Senator in Congress, Representative in Congress, Councillor, Senator in General Court, Representative in General Court and Register of Probate**, be and is herewith accepted and placed on **FILE**.

**THE POLLS WILL OPEN AT 7:00 A.M. AND WILL CLOSE AT 8:00 P.M.**

**POLLING LOCATIONS ARE AS FOLLOWS:**

WARD ONE: Prec. 1 and 2	Francis J. Kane School, 520 Farm Rd.
WARD TWO: Prec. 1 and 2	Francis J. Kane School, 520 Farm Rd.
WARD THREE: Prec. 1	Masonic Hall, 8 Newton St., corner of Main/Newton Sts, rear
WARD THREE: Prec. 2	Raymond J. Richer School, 80 Foley Rd., gymnasium
WARD FOUR: Prec. 1 and 2	Boys & Girls Club, 169 Pleasant St.
WARD FIVE: Prec. 1	Senior Center, 250 Main St.
WARD FIVE: Prec. 2	Masonic Hall, 8 Newton St., corner of Main/Newton Sts., rear
WARD SIX: Prec. 1 and 2	Marlborough Middle (Intermediate) School, 25 Union St, Library
WARD SEVEN: Prec. 1 and 2	Hildreth School Gymnasium, 85 Sawin St.

The Information for Voters booklet is available in the City Clerk's Office which explains the three ballot questions or you may type the following URL via your Internet browser to access the PDF file to print: [http://www.sec.state.ma.us/ele/elepdf/IFV\\_2008.pdf](http://www.sec.state.ma.us/ele/elepdf/IFV_2008.pdf)

ORDERED: That there being no objection thereto set **MONDAY, NOVEMBER 10, 2008** as date for a **PUBLIC HEARING** on the Petition from NSTAR to install 375' of 2.00" plastic gas main as a system improvement to supply 56 & 58 Framingham Rd, **REFER TO PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, NOVEMBER 10, 2008** as date for a **PUBLIC HEARING** on the Petition from NSTAR to install 320' of 2.00" plastic gas main as a system improvement to supply 491 Northboro Rd., **REFER TO PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, NOVEMBER 10, 2008** as date for a **PUBLIC HEARING** on the petition by Petition from National Grid to relocate pole #90 & #91 on Robin Hill St., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, NOVEMBER 10, 2008** as date for a **PUBLIC HEARING** on Application for a Special Permit from Omnipoint Communications Inc. to install, operate and maintain of a wireless communications facility including without limitation, a 100' flagpole style tower, antennas, coaxial cables and radio communication equipment within a proposed fenced compound at 249 Miles Standish Dr., **REFER TO WIRELESS COMMUNICATION COMMITTEE AND ADVERTISE AND SET DATE FOR A BALOON TEST**; adopted.

**NOTE: Applicant will conduct a balloon test of at least (3) feet in diameter at the maximum height of the proposed Tower at 249 Miles Standish Dr., Marlborough, MA on November 1, 2008 from 9:00 AM-2:00 PM.**

ORDERED: That the Agreement to Extend Time Limitations 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, until 5:00 PM on December 15, 2008, **APPROVED**; adopted.

ORDERED: That the Agreement to Extend Time Limitations on the application to amend Special Permit from Attorney Bergeron, on behalf of Toll MA Land Limited Partnership, to construct 80 units on less than 14 acres on Crowley Drive. Map 29, Parcel 1, and to revise current permit conditions accordingly, until 5:00 PM on December 15, 2008, **APPROVED**; adopted.

ORDERED: That the City Council grant Richard and Kathleen Hureau a right of way easement to pass and repossess over City property shown on the Assessor's map as Map 48, Parcel 32, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the minutes, Planning Board, September 8, 2008, **FILE**; adopted.

#### **Suspension of Rules requested - granted**

ORDERED: That the Grant in the amount of \$43,000.00 from the Metro/South West Regional Employment Board be awarded to the Human Services Department to pay for two contracted positions-Partnership Director and Career Specialist as well as associated administration expenses to provide job development programs for those between the ages of 16 and 24, as outlined in MGL, Chapter 44 Section 53A which stipulates that grant funding be strictly applied to purposes outlined, **APPROVED**; adopted.

#### **Suspension of Rules requested - granted**

ORDERED: That the petition by NSTAR to install 115' of 2.00" plastic gas main as a system improvement to supply 397 Stow Rd., **APPROVED**; adopted

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RESOLVED: That the Marlborough City Council stands in support of the freeze by Mayor Stevens on all discretionary spending; and further, that the City Council expresses its concern for the current status of state revenues, anticipated to be running approximately \$200 million less than anticipated. Given the financial state of the Commonwealth, the City Council hereby issues its unanimous support for any and all options available to reduce spending through the end of FY2009, including but not limited to a hiring freeze, and applauds Mayor Stevens for her steady handling of the fiscal reins, **APPROVED**; adopted.

ORDERED: That the Mayor be requested to work with departmental managers to determine potential areas where they could cut their budgets should cuts in the FY2009 budget become necessary due to the financial situation facing the Commonwealth; and further, that the Mayor provide the City Council a report detailing those cuts on department-by-department basis by the City Council's November 10, 2008 meeting, refer to **MAYOR**; adopted.

ORDERED: Application for Special Permit from Ming Wang for conversion of former State Armory building into twelve residential condominiums in a Business B/Residence C zoned lot at 358-364 Lincoln St., **DENIED**; adopted.

The following roll call vote was to deny the Special Permit.

**(Councilor Seymour abstained)**

**Yea: 10 – Nay: 0**

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

ORDERED: The City Council of the City of Marlborough hereby **GRANTS** the Application of MetroPCS Massachusetts, LLC. having a usual place of business at 285 Billerica Rd, Chelmsford, MA as provided in the **DECISION** and subject to the following **FINDINGS OF FACTS AND CONDITIONS**.

#### EVIDENCE

1. The Applicant is METROPCS MASSACHUSETTS, LLC, having a usual place of business at 285 Billerica Rd, Chelmsford, MA 01824(hereinafter "Applicant").
2. Through its Application for a Special Permit, the Applicant seeks permission to allow co-location of six (6) wireless communications panel antennas on an existing telecommunications tower, and one (1) GPS antenna mounted on a proposed ice bridge, and supporting equipment on the ground within an existing compound (hereinafter "Proposed WCD Project"), substantially as depicted on a set of plans entitled "CROWN MARLBOROUGH" Chappell Engineering Associates, dated 1/15/08, revised 1/28/08, as submitted with the Special Permit Application, and as further revised 9/16/08 (hereinafter "Plans").
3. The location of the Proposed WCD Project is 445 Simarano Dr. The site is more particularly identified on the Assessor's Map of the City of Marlborough as Map 116 of Lot 1. The owner of record for the site is 445 Simarano Dr Marlborough, LLC.
4. The Applicant is a sub-lessee of Crown Castle International, which owns the existing telecommunications tower at the site and leases the underlying compound area.

5. The Site is zoned I (Industrial). Wireless communication devices are allowed by grant of Special Permit in I (Industrial) 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.
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 August 18<sup>th</sup>, 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 11:**
- 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 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) Applicant shall securely attach cables to the outside of the tower in such a manner as to prevent noise and/or other disturbance that would be obtrusive to the neighborhood.
- 11) In accordance with the provisions of Mass. Gen. Laws c.40A, § 11, the Applicant at its expense shall record this Special Permit in the Middlesex South 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.

**MOTION MADE BY COUNCILOR FERRO TO DELETE ITEM #6  
REGARDING MITIGATION FEES – DOES NOT CARRY**

**Yea: 10 – Nay: 1**

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

**Nay: Ferro**

**ORDERED:** There being no further business, the regular meeting of the City Council is herewith adjourned at 9:20 p.m.



# Memo

**To:** Lisa Thomas

**From:** Diane C. Halper



**CC:**

**Date:** 10/22/2008

**Re:** Council Meeting 10/27/08 – Japanese Visitors

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This will serve as notification of the arrival of the Japanese visitors from our Sister City of Akiruno, Japan. I am requesting permission to allow the Mayor to make a presentation to the visitors at the Council meeting on October 27, 2008.

The City Council has graciously received the visitors from our Sister-City in the past and we appreciate your permission to acknowledge their visit again this year on the occasion of the 10<sup>th</sup> Anniversary of our Sister-City relationship.



# 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* 31  
MAYOR

*Karen A. Kisty*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

October 21, 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 herewith please find a budget transfer request submitted on behalf of the Marlborough Fire Department in the amount of \$51,032.98 to cover overtime requirements.

This transfer shift funds into Account No. 12200003-51300 (Additional Gross Overtimes as follows:

\$36,545.12 from Account No. 12200001-50450 (Firefighter) – salary dollars not yet expended as the related positions remain open/required to fund deficit in FY09 budget

\$2,567.55 from Account No. 12200001-50800 (Fire Captain) – to reimburse for OT coverage resulting from injured leave

\$5,596.80 from Account No. 12200001-50810 (Fire Lieutenant) – to reimburse for OT coverage resulting from injured leave

\$6,323.51 from Account No. 12200001-50450 (Firefighter) – to reimburse for OT coverage resulting from injured leave

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

Sincerely,

*Nancy E. Stevens*  
Nancy E. Stevens  
Mayor

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CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: FIRE FISCAL YEAR: FY 09


Available Balance	Amount	FROM ACCOUNT:	Org Code	Object	Account Description:	Amount	TO ACCOUNT:	Org Code	Object	Account Description:	Available Balance
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\$ 2,179,112.29	\$36,545.12	12200001	50450	Firefighter	\$36,545.12	12200003	51300	Additional Gross OT	\$ 44,048.48
	Reason: Unused salaries due to open positions							FY 09 budget in need of additional funding	

\$ 182,295.19	\$2,567.55	12200001	50800	Captain	\$2,567.55	12200003	51300	Additional Gross OT	\$ 44,048.48
	Reason: Injured salaries paid to date							Replenish overtime used for coverage of injured leave	

\$ 336,006.60	\$5,596.80	12200001	50810	Lieutenant	\$5,596.80	12200003	51300	Additional Gross OT	\$ 44,048.48
	Reason: Injured salaries paid to date							Replenish overtime used for coverage of injured leave	

\$ 2,179,112.29	\$6,323.51	12200001	50450	Firefighter	\$6,323.51	12200003	51300	Additional Gross OT	\$ 44,048.48
	Reason: Injured salaries paid to date							Replenish overtime used for coverage of injured leave	

Department Head signature: 

Mayor's signature: 



# City of Marlborough

## Office of the Mayor

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

*Nancy E. Stevens*  
MAYOR

*Karen A. Kistly*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

October 22, 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:

This letter serves to inform you that the closing of the books relative to FY08 is on schedule. As the attached memorandum from City Auditor, Diane Smith, indicates, all tasks are on track as required. Some reports have already forwarded to the Department of Revenue while the FY2008 Schedule A will be submitted before the end of this month.

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

Sincerely,

Nancy E. Stevens  
Mayor



# CITY OF MARLBOROUGH

Office of the City Auditor

140 Main St.

Marlborough, MA 01752

508.460.3774

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## MEMORANDUM

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TO: Mayor Nancy E. Stevens  
FROM: Diane Smith, City Auditor  
DATE: October 22, 2008  
RE: FY08 End of Year Close Timeline Update

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Our representative at the Division of Local Services, Andrew Nelson, came in on Friday, October 17th and picked up all reporting for the certification of free cash. Approval typically takes 2 - 3 weeks after submission.

The FY2008 Schedule A is 95% complete and will be submitted by the October 31<sup>st</sup> due date.

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

Cc: Thomas Abel, Comptroller/Treasurer



*City of Marlborough*  
*Office of the Mayor*

140 Main Street

Marlborough, Massachusetts 01752

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

*Nancy E. Stevens*  
MAYOR

*Karen H. Kisty*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

October 21, 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:

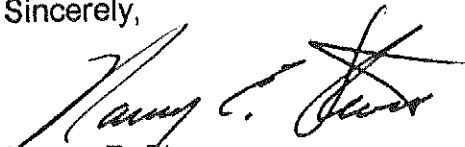
The Marlborough Fire Department has recently been awarded \$131,708 in grant funds from the Federal Emergency Management Agency and the Department of Homeland Security. This Assistance to Firefighters Grant is intended for use in Rapid Intervention Training used in the rescue of firefighters in jeopardy during emergency operations and Driver Safety During Emergency Response instruction to review/improve driving skills required for rapid response situations.

I plan to utilize a portion of the funds currently available in the recently established Public Safety Training Revolving Fund to provide the required 10% match. Supplying said match through this revolving fund illustrates a perfect fit with respect to the exact intent set forth in the fund's establishment.

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

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

Sincerely,

  
Nancy E. Stevens  
Mayor



## City of Marlborough

### FIRE DEPARTMENT

215 Maple Street, Marlborough, Massachusetts 01752  
Business (508) 460-6986 Facsimile (508) 460-3795

October 8, 2008

The Honorable Nancy E. Stevens, Mayor  
City of Marlborough  
140 Main Street  
Marlborough, MA 01752

Dear Mayor Stevens,

Attached please find documentation in support of a grant titled Assistance to Firefighters Grant in the amount of \$131,708.00 which has been awarded to the Fire Department through The Federal Emergency Management Agency and the Department of Homeland Security (DHS).

The FY 2008 Assistance to Firefighters Grant has been approved for funding and granted to the Marlborough Fire Department in order to provide training in two specific areas. Rapid Intervention Training used to rescue trapped or incapacitated firefighters during an emergency and Driver Safety During Emergency Response Training in an effort to reduce the leading cause of firefighter death and injury that occurs during response to emergencies.

The Grant does require matching funds of 10% (\$13,171.00) by the City and I would request that the recently created Public Safety Training Account be utilized for this purpose.

In accordance with Massachusetts General Laws, Chapter 44 Section 53A this grant was applied for and accepted by the Fire Department but in order for it to be expended for the purposes of the grant, the Mayor must recommend and the City Council must vote to approve the expenditure.

I would ask that this information be placed on the next available council agenda, and that you recommend and ask the City Council to approve the expenditure of these funds for the purposes of the grant by the Fire Department.

Thank You,

David Adams  
Fire Chief

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CITY OF MARLBOROUGH  
NOTICE OF GRANT AWARD

DEPARTMENT: Fire DATE: October 8, 2008

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: David Adams, Fire Chief

NAME OF GRANT: FY08 FEMA Assistance to Firefighters Grant

GRANTOR: Federal Emergency Agency (FEMA)

GRANT AMOUNT: \$131,708.00

GRANT PERIOD: 12 months (07-03-08 to 07-02-09)

SCOPE OF GRANT/ Training Programs

ITEMS FUNDED (1) Rapid Intervention Training Program - This two-day program is designed to assist the firefighter in understanding and implementing Rapid Intervention in an emergency. It covers theory and practical application aimed at removing a firefighter from a hostile environment should he become incapacitated or unable to escape. (Program Sponsor - Mass State Fire Academy)

(2) Driver Safety During Emergency Response Program - The number one cause of death and injury to firefighters is caused during emergency response to incidents. This program is designed to provide classroom prep including driving theory, rules of the road and Mass General Laws for emergency vehicles. Skills taught include accident avoidance, skid control, threshold braking, and emergency lane changing on an obstacle course during the practical portion of the program.

IS A POSITION BEING CREATED: No

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

ARE MATCHING CITY FUNDS REQUIRED? Yes \$13,171.00 (10%)

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:  
Account # 26213501-58520 Public Safety Training Expense



ANY OTHER EXPOSURE TO CITY?

No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL:

No

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

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U.S. Department of Homeland Security  
Washington, D.C. 20533

FEMA

Marlborough Fire Department  
215 Maple Street  
Marlborough, Massachusetts 01752-3237

Re: Grant No.EMW-2008-FO-04853

On behalf of the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS), I am pleased to inform you that your grant application submitted under the FY 2008 Assistance to Firefighters Grant has been approved. FEMA's Grant Programs Directorate, in consultation with the U.S. Fire Administration, carries out the Federal responsibilities of administering your grant. The approved project costs total to \$131,708.00. The Federal share is 90 percent or \$118,537.00 of the approved amount and your share of the costs is 10 percent or \$13,171.00.

As part of your award package, you will find Grant Agreement Articles. Please make sure you read and understand the Articles as they outline the terms and conditions of your Grant award. Maintain a copy of these documents for your official file. **You establish acceptance of the Grant and Grant Agreement Articles when you request and receive any of the Federal Grant funds awarded to you.** By accepting the grant, you agree not to deviate from the approved scope of work without prior written approval from DHS.

If your SF 1199A has been reviewed and approved, you will be able to request payments online. Remember, you should basically request funds when you have an immediate cash need (i.e. you have a bill in-hand that is due within 30 days).

If you have any questions or concerns regarding the awards process or how to request your grant funds, please call the helpdesk at 1-866-274-0960.

Sincerely,

R. David Paulson  
Administrator



*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* 61  
MAYOR

*Karen A. Kisty*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

October 22, 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:

Since 1996, your body has authorized revolving funds for various City departments to utilize income received from outside concerns for specific uses. Revolving funds contain more controls and safeguards than those imposed on regular accounts, including annual reauthorization, statutory caps and limits on annual expenditures.

I am presently writing to request the establishment of a new revolving fund at the request of Councilor Delano. Income received from owners of antennae and related telecommunications equipment located at the Easterly Wastewater Treatment Plant will be deposited into said proposed account for the express purposes of maintaining and improving municipal parks and playgrounds as outlined in the attached.

The enclosed order, if approved, will accomplish that goal and is submitted to you for your consideration.

As always, if you have any questions or concerns, please feel free to contact me.

Sincerely,

  
Nancy E. Stevens

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**EASTERLY WASTEWATER TREATMENT PLANT  
WIRELESS COMMUNICATIONS FACILITY REVOLVING FUND – FY2009**

ORDERED:

That, pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during Fiscal Year 2009, authorize the establishment of a revolving fund to be utilized by the Department of Public Works.

It is further ordered that:

(a) departmental receipts credited to the fund shall be limited to payments, fees and/or rental income due the City from owners of antennae and related telecommunications equipment located or co-located at the wireless communications facility ("WCF") situated on property under the care, custody, management and control of the Department of Public Works at the Easterly Wastewater Treatment Plant ("EWTP") at 860 Boston Post Road in Marlborough or any land adjacent thereto and unless otherwise directed by the General Laws; and

(b) expenditures from said fund shall be limited to the maintenance and improvement of municipal parks and playgrounds; and,

(c) the Commissioner of Public Works shall be the only officer authorized to approve expenditures from the fund; and,

(d) no more than \$75,000.00 shall be expended during Fiscal Year 2009, unless otherwise authorized by the City Council and Mayor; and,

(e) priority for expenditure of said payments, fees and/or rental income from the WCF at the EWTP shall, through Fiscal Year 2011, be utilized for the maintenance and improvement of Byrne Field; and,

(f) the Commissioner of Public Works shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and,

(g) no provisions of this order shall be changed unless approved by the Mayor and City Council.

ADOPTED  
In City Council  
Order No.

Adopted

Approved by Mayor  
Nancy E. Stevens  
Date:

A TRUE COPY  
ATTEST:



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**CITY OF MARLBOROUGH**

Office of the City Auditor

140 Main St.

Marlborough, MA 01752

508.460.3774

October 22, 2008

Mayor Nancy E. Stevens,

Receipts from Revolving Funds are not used in computing the tax levy.

Please call with any questions or concerns.

Sincerely,

Diane Smith  
City Auditor



# 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. Kirby*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

October 22, 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:

As some of you know, all government employers are required to implement Governmental Accounting Standards Board (GASB) 43 and 45, which is an accounting of obligations for post employment benefits not related to pensions (OPEB). The OPEBs must be disclosed on the City's financial statements and must contain: an actuarially-determined liability, assumptions used to determine liability, what benefits are offered, which employees are eligible, and the number of employees covered. The implementation date for GASB 43 and 45 varies according to the FY1999 annual revenues of the governmental unit. Marlborough must begin reporting its OPEB with the publication of our FY2009 financial statements.

Marlborough has hired BUCK Consultants to complete an actuarial valuation, determine our OPEB liability as of July 2008, determine our Annual Required Contribution (ARC), and to provide the City with a document that meets the reporting requirements of GASB 43 and 45. The draft report is attached for your review.

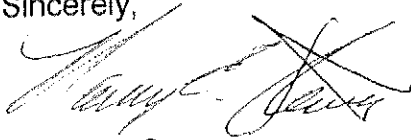
This draft states that our OPEB is between \$52.3 million and \$111.5 million depending on the method used to fund the liability. GASB DOES NOT require a governmental unit to fund its OPEB liability; it established standards for accounting and financial reporting of the liability. How the City finances the liability is a decision which needs to be made by this body and the Mayor. The unfunded liability may be funded in one of three ways: 1) Pay as you go, 2) Establish AND fund an irrevocable trust, or 3) Set aside a dedicated reserve. Each one of these funding methods has its own positive/negative points and needs to be understood and discussed in detail before a funding method is chosen.

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Due to the current financial climate, assuming any additional burden at present would not prove, in my opinion, the most prudent. My recommendation to the Council would be to vote to establish and fund an irrevocable trust with said funding to commence in FY2013. I believe this to be the best financial long-term plan as it would not place any undue encumbrance on current City resources. Should the financial picture improve considerably over the course of the next three years, we will consider funding in fiscal years prior to FY2013.

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

Sincerely,



Nancy E. Stevens  
Mayor

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# THE CITY OF MARLBOROUGH POST RETIREMENT BENEFITS ANALYSIS

September, 2008

explore  
excellence®

buckcon



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## SECTION I - OVERVIEW

The City of Marlborough has engaged Buck Consultants to prepare an actuarial valuation of their post-retirement benefits program as of July 1, 2008. The City provided employee data and premium information.

The purposes of the valuation are to analyze the current funded position of the City's post-retirement benefits program, determine the level of contributions necessary to assure sound funding and provide reporting and disclosure information for financial statements, governmental agencies and other interested parties. This valuation report contains information required by the Government Accounting Standards Board's Statements Nos. 43 and 45, respectively entitled "Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans" and "Accounting and Financial Reporting by Employers for Post-employment Benefits Other Than Pensions." Liabilities have been determined based on an 8.0% discount rate. According to GASB principles, if the benefits are not pre-funded, the rate earned by the General Asset Account must be used. To estimate that impact we have used an alternative discount rate of 3.5%.

Section II provides a summary of the principal valuation results. Section V provides a projection of funding amounts.

Respectfully Submitted,

BUCK CONSULTANTS, AN ACS COMPANY



Daniel Sherman, ASA, MAAA, EA

Director and Consulting Actuary

10/17/08  
Date

## SECTION II – REQUIRED INFORMATION

	Full prefunding 8%	Pay-as-you-go 3.5%	
	July 1, 2008	July 1, 2008	Difference
a) Actuarial valuation date			
b) Actuarial Value of Assets	\$ 0	\$ 0	\$ 0
c) Actuarial Accrued Liability			
Active participants	\$ 28,719,157	\$ 74,943,791	\$ 46,224,634
Retired participants	23,593,613	36,630,428	13,036,815
Total AAL	\$ 52,312,770	\$ 111,574,219	\$ 59,261,449
d) Unfunded Actuarial Liability "UAL" [ c - b ]	\$ 52,312,770	\$ 111,574,219	\$ 59,261,449
e) Funded ratio [ b / c ]	0.0%	0.0%	0.0%
f) Annual covered payroll	\$ 51,247,680	\$ 51,247,680	
g) UAL as percentage of covered payroll	102.1%	217.7%	
h) Normal Cost for fiscal year 2009	\$ 1,582,559	\$ 5,421,817	\$ 3,839,258
i) Amortization of UAL for fiscal year 2009*	\$ 2,700,415	\$ 3,223,951	\$ 523,536
j) Interest to the middle of the fiscal year	\$ 168,023	\$ 150,000	\$ -18,023
k) Annual Required Contribution "ARC" for fiscal year 2009 [ h + i + j ]	\$ 4,450,997	\$ 8,795,768	\$ 4,344,771
l) Expected benefit payments	\$ 2,391,581	\$ 2,391,581	\$ 0
m) Increase in annual cost to fund the Plan [ k - l ]	\$ 2,059,416	N/A	
n) Increase in Net OPEB Obligation (NOO)	N/A	\$ 6,404,187	

\* 30-year amortization, increasing 4.5% per year

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**SECTION III - MEMBERSHIP DATA AND MEDICAL PREMIUM****Monthly Premiums effective July 1, 2008**

Health benefits are available to employees and retirees through a number of plans. The following rates include associated administrative fees, if applicable.

Tufts EPO (individual)	\$642.86
Tufts EPO (family)	\$1,679.77
Tufts HMO (individual)	\$748.83
Tufts HMO (family)	\$1,962.78
Tufts PPO (individual)	\$748.83
Tufts PPO (family)	\$1,962.78
Tufts Senior (individual)	\$258.53
Delta Dental (individual)	\$607.68
Delta Dental (2 person)	\$1,215.36
Delta Dental (family)	\$1,635.36

SECTION III - MEMBERSHIP DATA AND MEDICAL PREMIUM

	School	Fire	Police	Water	DPW	Library	All Others	Total
<b>Accrued Liability @ 8%</b>								
Active	16,016,298	3,866,144	2,972,216	1,193,360	2,171,536	546,666	1,952,937	28,719,157
Retired	13,634,625	2,172,245	2,318,786	1,112,668	2,024,702	599,702	1,820,885	23,593,613
Total	29,650,923	6,038,389	5,291,002	2,306,028	4,196,238	1,056,368	3,773,822	52,312,770
<b>Annual Required Contribution @ 8%</b>								
Normal Cost with interest	1,153,900	97,354	128,300	49,644	67,019	38,178	110,243	1,644,644
Amortization of UAL with interest	1,590,644	323,933	283,839	123,708	225,109	56,670	202,459	2,806,353
Total	2,744,544	421,287	412,139	173,352	292,128	94,848	312,699	4,450,997
Pay-as-you-go	1,396,356	218,991	215,621	111,109	199,925	55,472	194,107	2,391,581
Difference	1,348,188	202,296	196,518	62,243	92,203	39,376	118,592	2,059,416
<b>Accrued Liability @ 3.5%</b>								
Active	41,530,281	10,453,126	8,543,427	2,899,118	5,602,737	1,256,679	4,658,423	74,943,791
Retired	21,242,451	3,382,886	3,756,227	1,658,771	3,203,684	719,027	2,665,382	36,630,428
Total	62,772,732	13,836,012	12,299,654	4,557,889	8,808,421	1,975,706	7,323,805	111,574,219
<b>Annual Required Contribution @ 3.5%</b>								
Normal Cost with interest	3,814,712	345,061	523,725	147,053	220,458	116,807	348,967	5,515,883
Amortization of UAL with interest	1,845,295	406,729	361,566	133,986	258,936	58,079	215,294	3,279,885
Total	5,660,007	751,790	885,291	281,039	479,394	174,886	563,361	8,795,768
Pay-as-you-go	1,396,356	218,991	215,621	111,109	199,925	55,472	194,107	2,391,581
Difference	4,263,651	532,799	669,670	169,930	279,469	119,414	369,254	6,404,187

City of Marlborough  
 OPEB Analysis Under GASB 43 & 45  
 July 1, 2008

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SECTION IV - REQUIRED SUPPLEMENTARY INFORMATION

SCHEDULE OF FUNDING PROGRESS - 8%

Actuarial Valuation Date	(a) Actuarial Value of Assets	(b) Actuarial Accrued Liability (AAL)	(b) - (a) Unfunded AAL (UAL)	(a) / (b) Funded Ratio	(c) Payroll	(d) Unfunded AAL as % of Payroll
July 1, 2008	0	52,312,770	52,312,770	0.00%	51,247,680	102.1%

SCHEDULE OF FUNDING PROGRESS - 3.5%

Actuarial Valuation Date	(a) Actuarial Value of Assets	(b) Actuarial Accrued Liability (AAL)	(b) - (a) Unfunded AAL (UAL)	(a) / (b) Funded Ratio	(c) Payroll	(d) Unfunded AAL as % of Payroll
July 1, 2008	0	111,574,219	111,574,219	0.00%	51,247,680	217.7%

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**SECTION V – SCHEDULE OF EMPLOYER CONTRIBUTIONS**

The Government Accounting Standards Board's Statement No. 45 "Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions" outlines various requirements of a funding schedule that will amortize the unfunded actuarial liability and cover normal costs. Amortization of the unfunded actuarial liability is to be based on a schedule that extends no longer than 30 years. The contribution towards the amortization of the unfunded actuarial liability may be made in level payments or in payments increasing at the same rate as salary increases.

In the amortization schedule shown on the following page, the amortization of the unfunded accrued liability is assumed to increase annually by 4.5%. The normal cost is expected to increase at the same rate as the assumed health care trend rate. The contributions were computed assuming that the contribution is paid on January 1, in the middle of the fiscal year.

## SECTION V – SCHEDULE OF EMPLOYER CONTRIBUTIONS

8%

Fiscal Year Ending In	Normal Cost	Amortization of UAL	ARC	Pay-as-You-Go
2009	1,644,644	2,806,353	4,450,997	2,391,581
2010	1,726,876	2,932,639	4,659,515	2,604,709
2011	1,813,220	3,064,608	4,877,828	2,731,422
2012	1,903,881	3,202,515	5,106,396	2,931,093
2013	1,999,075	3,346,628	5,345,703	3,055,005
2014	2,099,029	3,497,226	5,596,255	3,308,369
2015	2,203,980	3,654,601	5,858,581	3,573,457
2016	2,314,179	3,819,058	6,133,237	3,723,827
2017	2,429,888	3,990,916	6,420,804	4,018,382
2018	2,551,382	4,170,507	6,721,889	4,265,124
2019	2,678,951	4,358,180	7,037,131	4,532,810
2020	2,812,899	4,554,298	7,367,197	4,771,210
2021	2,953,544	4,759,241	7,712,785	5,022,148
2022	3,101,221	4,973,407	8,074,628	5,286,285
2023	3,256,282	5,197,210	8,453,492	5,564,313
2024	3,419,096	5,431,084	8,850,180	5,856,965
2025	3,590,051	5,675,483	9,265,534	6,165,008
2026	3,769,554	5,930,880	9,700,434	6,489,252
2027	3,958,032	6,197,770	10,155,802	6,830,550
2028	4,155,934	6,476,670	10,632,604	7,189,798
2029	4,363,731	6,768,120	11,131,851	7,567,940
2030	4,581,918	7,072,685	11,654,603	7,965,971
2031	4,811,014	7,390,956	12,201,970	8,384,935
2032	5,051,565	7,723,549	12,775,114	8,825,935
2033	5,304,143	8,071,109	13,375,252	9,290,129
2034	5,569,350	8,434,309	14,003,659	9,778,737
2035	5,847,818	8,813,853	14,661,671	10,293,043
2036	6,140,209	9,210,476	15,350,685	10,834,398
2037	6,447,219	9,624,947	16,072,166	11,404,226
2038	6,769,580	10,058,070	16,827,650	12,004,023
2039	7,108,059	-	7,108,059	12,635,367
2040	7,463,462	-	7,463,462	13,299,915



2013	6,704,570	4,087,334	11,127,154	3,308,369
2014	7,039,820	4,271,264	11,663,075	3,573,457
2015	7,391,811	4,463,471	12,224,873	3,723,827
2016	7,761,402	4,664,327	12,813,799	4,018,382
2017	8,149,472	4,874,222	13,431,168	4,265,124
2018	8,556,946	5,093,562	14,078,355	4,532,810
2019	8,984,793	5,322,772	14,756,805	4,771,210
2020	9,434,033	5,562,297	15,468,032	5,022,148
2021	9,905,735	5,812,600	16,213,622	5,286,285
2022	10,401,022	6,074,167	16,995,240	5,564,313
2023	10,921,073	6,347,505	17,814,632	5,856,965
2024	11,467,127	6,633,143	18,673,626	6,165,008
2025	12,040,483	6,931,634	19,574,141	6,489,252
2026	12,642,507	7,243,558	20,518,190	6,830,550
2027	13,274,632	7,569,518	21,507,882	7,189,798
2028	13,938,364	7,910,146	22,545,428	7,567,940
2029	14,635,282	8,266,103	23,633,149	7,965,971
2030	15,367,046	8,638,078	24,773,476	8,384,935
2031	16,135,398	9,026,792	25,968,960	8,825,935
2032	16,942,168	9,432,998	27,222,274	9,290,129
2033	17,789,276	9,857,483	28,536,223	9,778,737
2034	18,678,740	10,301,070	29,913,747	10,293,043
2035	19,612,677	10,764,618	31,357,929	10,834,398
2036	20,593,311	11,249,026	32,872,003	11,404,226
2037	21,622,977	11,755,232	34,459,358	12,004,023
2038	22,704,126	-	23,839,332	12,635,367
2039	23,839,332	-	25,031,299	13,299,915
2040	25,031,299	-	-	-

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SECTION V – SCHEDULE OF EMPLOYER CONTRIBUTIONS

3.5%

SCHEDULE A - ACTUARIAL ASSUMPTIONS AND METHODS

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CITY OF MARLBOROUGH, ALL GROUPS

*Interest:* Funded: 8.00% per year, net of investment expenses  
Unfunded: 3.50% per year, net of investment expenses

*Actuarial Cost Method:* Projected Unit Credit

*Medical Care Inflation:*

<u>Year</u>	<u>Inflation Rate</u>
2008	9.0%
2009	8.5%
2010	8.0%
2011	7.5%
2012	7.0%
2013	6.5%
2014	6.0%
2015	5.5%
2016 & after	5.0%

*Amortization period:* 30-year level percent of pay assuming 4.5% increasing, closed basis. The amortization period is a specific number of years that is counted from one date, declining to zero with the passage of time.

*Participation:* For Non-Teachers, 70% of future retirees are assumed to participate in the retiree medical plan and 60% of future retirees are expected to elect life insurance. For Teachers, 80% of future retirees are assumed to participate in the retiree medical plan and 55% of future retirees are expected to elect life insurance.

*Marital status:* 80% of male employees and 60% of female employees are assumed to have a covered spouse at retirement. Wives are assumed to be three years younger than their husbands.

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## SCHEDULE A - ACTUARIAL ASSUMPTIONS AND METHODS

## CITY OF MARLBOROUGH, ALL GROUPS

*Pre-Age 65 Retirees:* Current retirees who are under age 65 are assumed to remain in their current medical plan until age 65.

Current active employees who are assumed to retire prior to age 65 are valued with a weighted-average premium. This weighted-average premium is based on the medical plan coverage of current retirees under age 65.

*Post-Age 65 Retirees:* Current retirees over age 65 remain in their current medical plan until death.

*Age-based Morbidity:* Per capita costs are adjusted to reflect expected cost increases related to age. The increase in the net incurred claims was assumed to be:

Age	Annual Increase <u>Retiree</u>
49 and below	2.6%
50-54	3.2%
55-59	3.4%
60-64	3.7%
65-69	3.2%
70-74	2.4%
75-79	1.8%
80 and over	0.0%

*Termination Benefit:* For Non-Teachers, 60% of current actives over age 50 with at least 10 years of service are expected to elect medical coverage starting at age 65. For Teachers, 55% of current actives over age 50 with at least 10 years of service are expected to elect medical coverage starting at age 65.

*Medical Plan Costs:* It is assumed that future retirees participate in the same manner as current retirees. Per capita costs were developed from the monthly costs. Employee cost sharing is based on current rates. Future cost sharing is based on the weighted average of the current cost sharing of retirees and beneficiaries.

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**SCHEDULE A - ACTUARIAL ASSUMPTIONS AND METHODS**

**GROUPS 1 AND 2 (NON-TEACHERS)**

SEPARATIONS FROM ACTIVE SERVICE: Representative values of the assumed annual rates of withdrawal and vesting, disability, death and service retirement are as follows:

Age	Disability	Service Retirement		Years of Service	Rates of Withdrawal
		Male	Female		
25	.02%			0	15.0%
30	.03			1	12.0
35	.06			2	10.0
40	.10			3	9.0
45	.15			4	8.0
50	.19	1.0%	1.5%	5	7.6
55	.24	2.0	5.5	10	5.4
60	.28	12.0	5.0	15	3.3
62	.30	30.0	15.0	20	2.0
65	.30	40.0	15.0	25	1.0
69		30.0	20.0	30+	0.0

Mortality: The RP-2000 Combined Healthy Table. For the period after disability retirement, the RP-2000 Combined Healthy Table set forward 2 years is used.

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**SCHEDULE A - ACTUARIAL ASSUMPTIONS AND METHODS**

**GROUPS 1 AND 2 (TEACHERS)**

SEPARATIONS FROM ACTIVE SERVICE: Representative values of the assumed annual rates of withdrawal and vesting, disability, death and service retirement are as follows:

Age	Disability	Years of Service	Rates of Withdrawal
25	.02%	0	15.0%
30	.03	1	12.0
35	.06	2	10.0
40	.10	3	9.0
45	.15	4	8.0
50	.19	5	7.6
55	.24	10	5.4
60	.28	15	3.3
62	.30	20	2.0
65	.30	25	1.0
69		30+	0.0

Age	Male Service Retirement		Female Service Retirement	
	<20	20+	<20	20+
50	0.00	0.01	0.00	0.01
55	0.02	0.03	0.02	0.04
60	0.12	0.20	0.12	0.16
61	0.15	0.30	0.15	0.20
62	0.18	0.35	0.18	0.25
63	0.15	0.35	0.15	0.25
64	0.25	0.30	0.25	0.30
65	0.40	0.50	0.40	0.40
66	0.40	0.30	0.40	0.30
67	0.40	0.30	0.40	0.25
68	0.40	0.30	0.40	0.35
69	0.40	0.40	0.40	0.35
70	1.00	1.00	1.00	1.00

Teachers electing the increased benefit under Chapter 114 of the Acts of 2000 were assumed to have higher rates of retirement from ages 54 to 62 if their service was greater than 30 years. These rates are the same for males and females. The rate at age 54 is 0.035. The rate increases to 0.06 at age 55, 0.18 at age 56, and 0.30 at age 57. The rate for ages 58, 59, and 62 is 0.40. The rate for ages 60 and 61 is 0.35.

Mortality: The RP-2000 Combined Healthy Table. For the period after disability retirement, the RP-2000 Combined Healthy Table set forward 2 years is used.

7/18

## SCHEDULE A - ACTUARIAL ASSUMPTIONS AND METHODS

### GROUP 4

SEPARATIONS FROM ACTIVE SERVICE. Representative values of the assumed annual rates of disability, service retirement, and withdrawal are as follows:

Age	Disability	Service Retirements	Years of Service	Rates of Withdrawal
25	0.20%		0	15.0%
30	0.30		1	15.0
35	0.30		2	15.0
40	0.30		3	15.0
45	1.00	1.0%	4	15.0
50	1.25	2.0	5	15.0
55	1.20	15.0	6	15.0
60	0.85	20.0	7	15.0
62	0.75	25.0	8	15.0
65	0.00	100.0	9	15.0
69			10	15.0
			11+	0.0

Mortality: The RP-2000 Combined Healthy Table. For the period after disability retirement, the RP-2000 Combined Healthy Table set forward 2 years is used.

7/19

**SCHEDULE B - SUMMARY OF PROGRAM PROVISIONS**

*Retirement Eligibility:* Age 55 with 10 years of service, or 20 years of service

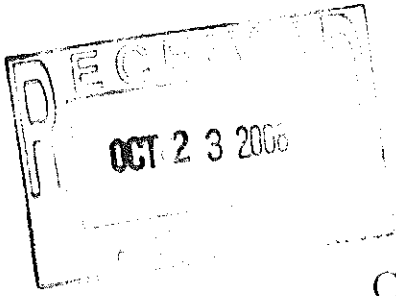
*Disability Eligibility:* 10 years of service and under age 55.

*Retirement Medical Insurance:* Retirees pay a variable portion of their post-retirement medical costs, which varies by plan.

*Life Insurance:* The City of Marlborough contributes \$3.78 per month for each person receiving \$5,000 basic life insurance, which represents 40% of the total cost. The City is self-insured through Tufts. Employees pay 100% of the costs in the other life insurance plans.

*Dental Insurance:* Retirees pay 50% of their post-retirement dental costs.





J

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

October 23, 2008

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

Dear Mr. President and Members:

Enclosed herewith please find this department's Operations Review of the Forestry, Parks & Cemetery Division as requested in Council Order No. 08-1001924.

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

Sincerely,

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

cc: Nancy E. Stevens, Mayor

OCT 1 4 2008

9

*City of Marlborough*  
*Commonwealth of Massachusetts*



**PLANNING BOARD**

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

Carrie Lizotte, Board Secretary

Phone: (508) 460-3769

Fax: (508) 460-3736

Email: [CLizotte@marlborough-ma.gov](mailto:CLizotte@marlborough-ma.gov)

October 7, 2008

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

RE: Proposed Zoning Ordinance Change  
Retirement Community Overlay  
Recommendation

Dear Mr. Vigeant:

At its meeting on Monday, October 6, 2008, the Planning Board took the following action:

Before making any recommendation the Planning Board would like to recommend to the City Council the following changes to be implemented:

- Consider not allowing Retirement Communities in Limited Industrial or Industrial Zones.
- Consider buffer zones between the developments.
- Consider sidewalks on both sides of the streets.
- Consider density issues corresponding to zoning

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

To send the considerations to the City Council before the Planning Board takes a vote.

Sincerely,

Barbara L. Fenby  
Chairperson  
Marlborough Planning Board

CC: City Clerk  
City Engineer  
David Gadbois  
file

10

CITY OF MARLBOROUGH  
OFFICE OF THE CITY CLERK

2008

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

Shalvis Realty, LLC 1172 Beacon St. Newton, MA. 02461

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

204-206 West Main St. Assessor's map 81, Parcel 103

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

N/A

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

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

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

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

Wholly within Business "B" District

7. Specific reason(s) for seeking Special Permit

The intent of this application is to modify condition #5 which currently obligates owner occupancy, thereby precluding rentals. Our desire is to allow rentals temporarily, similar to special permit # ~~07100 - 1500c~~ 07100 - for the St. Mary's Church/School and Rectory permit - See attached proposed language.

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

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

Henry L. Barr

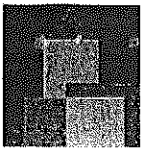
Signature of Petitioner or Applicant  
HENRY L. BARR

Address: 1172 Beacon St.

Newton, Ma. 02461

Telephone No. 617-969-1381

Date: 10/22/08



# MASSDEVELOPMENT

111

160 Federal Street October 10, 2008

Boston, Massachusetts  
02110

Tel: 617-330-2000  
800-445-8030

Fax: 617-330-2001  
617-451-3429

www.massdevelopment.com

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

Dear Members of the Council:

The Massachusetts Development Finance Agency will be considering final approval to a revenue bond project to be financed on behalf of Justice Resource Institute, Inc. located in Acton, Concord, Framingham, Great Barrington, Housatonic, Lexington, Littleton, Marlborough and Swansea to be issued pursuant to Chapter 23G and 40D of the General Laws. A summary of the project is attached for your information.

The Agency's policy is to advise the appropriate local and regional planning agencies to ascertain the relationship of a proposed project to any existing state, local or regional comprehensive plan.

The purpose of this letter is to notify you of the project and to request that you advise in the event that the proposed project conflicts with an existing local or regional comprehensive plan. If you would like further information on the project, or if you would like the Agency to consider any comments you may have, please give me a call.

DEVAL PATRICK  
Governor

TIMOTHY P. MURRAY  
Lieutenant Governor

RANCHO C. KIMBALL  
Chairman

ROBERT I. CULVER  
President/CEO

Sincerely,

Steven J. Chilton  
Senior Vice President

Enclosure: Summary

cc: Bowditch & Dewey, LLP  
311 Main Street  
Worcester, MA 01608  
Attn: Jane Hawkes, Esq.

SJC/kh

JUSTICE RESOURCE INSTITUTE, INC.

REQUEST: To assist the applicant in financing a non-profit project, approval of the proposed project for a MassDevelopment 501(c)(3) Tax-Exempt Bond issue is requested.

BORROWER: Borrower: Justice Resource Institute, Inc.  
545 Boylston Street  
Boston, MA 02116  
User(s): Same.

PROJECT LOCATIONS:  
25 Otis Street Framingham, MA 01702  
56-58 Framingham Road Marlborough, MA 01752  
789 Stevens Road Swansea, MA 02777  
380 Massachusetts Avenue Acton, MA 01720  
13 Pelham Street Lexington, MA 02421  
22 King Street Littleton, MA 01460  
249 North Plain Road Great Barrington, MA 01236  
664 Stevens Road Swansea, MA 02777  
1749 Main Street Concord, MA 01742  
249 North Plain Road Housatonic, MA 01236  
148/160 Walden Street Concord, MA 01742  
35 Varnum Avenue Lowell, MA 01850

PROJECT: Proposed are the refunding of the organization's 1998 and 2002 MassDevelopment bond issues. The 2002 bond was used to refinance conventional loans originally used for the renovation and/or construction of several treatment centers and group homes. The 1998 bond was used to refund a MassHEFA pool loan; refinance conventional bank mortgages; finance miscellaneous improvement projects; and purchase two group homes.  
Bond proceeds will also be used for the improvement and expansion of several existing facilities.

GUIDELINE ISSUES: None.

SOURCES & USES:  
Sources:  
Total \$16,752,000  
Uses:  
Total \$16,752,000

113

BOND AMOUNT: \$15,670,000

EMPLOYMENT: New Jobs: 9  
Existing Jobs (in Massachusetts): 1,532

INSTITUTION: Justice Resource Institute, Inc. ("JRI") is a 501(c)(3) corporation founded in 1973 to work with government in solving the problems of deinstitutionalization and other problems of the human service system. JRI operates programs to help treat severely developmentally delayed persons requiring significant medical involvement; mentally ill/behaviorally challenging adolescents; court involved children and adolescents; and persons living with AIDS.

JRI is one of the largest human service providers in Massachusetts. Today, it manages a health center and mental health clinic; street youth outreach; court and probation consultative services; and residential schools for mentally ill, cognitively limited, developmentally disabled, and behaviorally challenged youngsters.

PUBLIC PURPOSE BENEFIT: The proposed project will allow Justice Resource Institute to better serve its clients in providing quality social services.

PRINCIPALS: Dr. Judith Tsipis, Chairperson  
Robert J. Guttentag, Vice Chairperson  
Stephen Webster, Treasurer  
Dr. Stephen Porter, Clerk  
Joel Kershner, Assistant Clerk

BOARD ACTION: Make the statutory findings and approve the resolution Authorizing Official Action and Final Approval for a MassDevelopment 501(c)(3) Tax-Exempt Bond.

12/1

October 9, 2008

Marlboro City Council President  
140 MAIN STREET  
MARLBORO, MA 01752

Dear Marlboro City Council President:

Enclosed please find an updated Tennessee Gas Pipeline Company Emergency Personnel List indicating whom to notify in case of an emergency.

The list includes a twenty-four (24) hour a day emergency phone number, local Tennessee Gas Pipeline representatives from our Hopkinton, MA facility that handle emergency response and our Northern Division office personnel located in Enfield, CT.

I would appreciate receiving a copy of your company's/communities emergency response list which should include 24 hour emergency response personnel and their local telephone numbers. Please mail it to my attention at 54 Wilson Street, Hopkinton, MA 01748 or fax to (508) 435-2524.

If you need any additional information please feel free to call me.

Very Truly Yours,

David J. Carroll  
Hopkinton Area Manager

/tlc  
Enclosures

1/22

**TENNESSEE GAS PIPELINE COMPANY**

HOPKINTON AREA  
 54 Wilson Street  
 Hopkinton, MA 01748  
 Phone: (508) 435-6812  
 Phone: (800) 244-6812  
 Fax: (508) 435-2524

**IN CASE OF EMERGENCY**

Please contact the Dispatching Office in Houston, Texas at the numbers listed below.

The dispatcher is on duty Twenty-Four (24) hours a day.

Dispatching Office: (800) 231-2800 or (936) 372-2893

**HOPKINTON AREA PERSONNEL - (508) 435-6812**

		<u>Ext.</u>	<u>Home Phone</u>	<u>Cell Phone</u>	<u>Pager</u>
D.J. Carroll	Area Manager	2022	508-488-6629	508-889-6851	508-327-0878
S.P. Rogers	Operations Supervisor	2023	508-529-4437	508-889-6845	508-327-6701
E.L. Gorman	Property Rights Principal	2035	508-529-3752	508-380-2076	N/A

**HOPKINTON AREA PERSONNEL - METER STATIONS**

		<u>Ext.</u>	<u>Home Phone</u>	<u>Cell Phone</u>	<u>Pager</u>
B.W. Julian	Sr. Operations Technician	2027	603-893-6067	508-889-6844	508-327-6732
S.P. Hoffman	Sr. Operations Technician	2039	508-435-4074	508-889-6852	508-327-6825

**Station 266A - Unmanned**

54 Thayer Road  
 Mendon, MA 01756  
 Phone: (508) 478-5504  
 Fax: (508) 478-5505

**Station 265E - Unmanned**

1575 Sherman Farm Road  
 Harrisville, RI 02830  
 Phone: (401) 568-3632  
 Fax: (401) 568-3672

**NORTHERN DIVISION OFFICE**

8 Angina Drive  
 Enfield, CT 06082  
 Phone: (860) 763-4081  
 Fax: (860) 763-6041

**NORTHERN DIVISION PERSONNEL**

		<u>Ext.</u>	<u>Home Phone</u>	<u>Cell Phone</u>	<u>Pager</u>
J. Sinclair	Director	6028	802-257-4269	802-380-4030	800-942-8116
N. DeCesare	Pipeline Engineer	6015	413-789-1093	413-530-5692	N/A
T. Hollingsworth	Operations Manager	6036	413-563-1078	413-530-5526	N/A





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**Suburban Coalition**

P.O. Box 103  
Concord, MA 01742  
suburbancoalition.org

Dear Local Board:

The Suburban Coalition has had a consistent mission throughout its twenty-five year history: to strengthen the voice of our member communities at the state level. Working together, we are more effective in addressing issues that face our communities and in creating a partnership between our communities and the Commonwealth.

In these very difficult fiscal times, it is critical that Beacon Hill understands the challenges our communities face in providing the essential services of public safety, education and infrastructure maintenance to our citizens.

Through our annual Legislative Breakfast, meetings with state officials, participation in various forums and speaking with the media, the Suburban Coalition works to bring this message to the Statehouse. We continue to address such issues as the over-reliance on the property tax, adequate and equitable state funding for education and sufficient funding for public safety and infrastructure maintenance.

Throughout the year, the Suburban Coalition will continue its advocacy on behalf of our members and will continue to provide information to members that will assist them in their own advocacy efforts.

Please review the enclosed 2008 Position Paper. We believe you will find that our issues reflect many of those you face in your community. We would encourage you to join the Suburban Coalition. Dues are \$250 yearly and the invoice is enclosed.

We would welcome your board's participation in our efforts. With a larger membership, we can become a stronger, more persuasive voice. We invite you to join the Suburban Coalition for Fiscal 2009 and work with us to advocate for your community.

For more information about the Coalition please visit us at [suburbancoalition.org](http://suburbancoalition.org). For specific questions, please contact [dorothyresser@suburbancoalition.org](mailto:dorothyresser@suburbancoalition.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Dorothy Messer", is written over a horizontal line.

Dorothy Messer  
President



Suburban Coalition  
P.O. Box 103  
Concord, MA 01742

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Account Information:

Membership Dues:

Invoice Number: 20091

FY 2009 Membership: \$250.00

Invoice Date: 9/23/08

Total Balance: 250.00

-----  
*Payment Coupon: Please detach and return with payment. Thank you.*

1 year Membership: \$250.00

Amount Enclosed:

Please provide us with the following information:

Town

Board Type  Board of Selectmen  School Committee  Finance Committee

Contact Name

Mailing Address

Phone Number

E-Mail Address

Please send payment to:

**Suburban Coalition**  
**P.O. Box 103**  
**Concord, MA 01742**

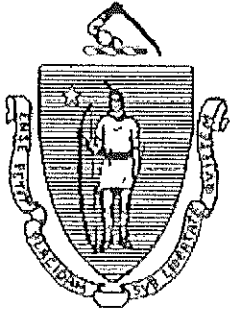


***Thank you for your membership!***

The Suburban Coalition provides a great opportunity to:

- Advocate for your community and the needs of your townspeople.
- Share your opinions and concerns with elected officials and their aides from all across the state.
- Network with the opinion leaders and policy shapers from other communities.
- Make sure you have the most accurate and up-to-date information on the issues that concern you the most.

***We are on the web: [www.suburbancoalition.org](http://www.suburbancoalition.org)***



The Commonwealth of Massachusetts  
DEPARTMENT OF PUBLIC UTILITIES

NOTICE OF FILING AND PUBLIC HEARING

D.P.U. 08-44

Review by the Department of Public Utilities, pursuant to G.L. c. 25, § 19 and G.L. c. 25A, § 11G, of Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid's 2007 Demand-Side Management Performance Measurement Report.

On August 29, 2008, Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid (together, "National Grid" or "Company") filed with the Department of Public Utilities ("Department") its 2007 demand-side management performance report ("Report"). The Report uses quantitative analysis to assess energy and capacity savings resulting from the implementation of the Company's energy efficiency plan, approved by the Department in Massachusetts Electric Company and Nantucket Electric Company, D.P.U. 07-48 (2007). The Department is required to review and approve energy efficiency expenditures after determining that the implementation of such programs was cost-effective. G.L. c. 25, § 19, G.L. c. 25A, § 11G.

The Department will conduct a public hearing to receive comments on the Company's Report. The hearing will take place on **November 3, 2008, at 2:00 p.m.** at the Department's offices, One South Station - 2<sup>nd</sup> Floor, Boston, Massachusetts 02110. A procedural conference will take place immediately following the public hearing. Any person who desires to comment may do so at the time and place noted above or submit written comments to the Department not later than the close of business (5:00 p.m.) on **November 3, 2008**.

Any person who desires to participate in the evidentiary phase of this proceeding must file a written petition for leave to intervene with the Department not later than the close of business on **October 30, 2008**. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 C.M.R. § 1.03. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 C.M.R.

§ 1.01(4). To be allowed, a petition under 220 C.M.R. § 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10.

An original and four (4) copies of all written comments or petitions to intervene must be filed with Mary L. Cottrell, Secretary, Department of Public Utilities, One South Station - 2<sup>nd</sup> Floor, Boston, Massachusetts 02110 not later than the close of business on the dates noted above. One copy of all written comments or petitions to intervene should also be sent to the Company's attorney, Patrica Crowe, Esq., National Grid, 201 Jones Road, Waltham, Massachusetts 02451.

A copy of the Report is on file at the Department's offices, One South Station, Boston, Massachusetts for public view during normal business hours, and on the Department's website, at <http://www.mass.gov/dpu>. A copy is also on file for public view at the offices of National Grid, 201 Jones Road, Waltham, Massachusetts 02451. Any person desiring further information regarding the Company's 2007 Report should contact counsel for the Company, Patricia Crowe, Esq., at (781) 907-1848. Any person desiring further information regarding this notice should contact Benjamin Spruill, Hearing Officer, Department of Public Utilities, at (617) 305-3500.

All documents should also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to [dpu.efiling@state.ma.us](mailto:dpu.efiling@state.ma.us) and the hearing officer [[benjamin.spruill@state.ma.us](mailto:benjamin.spruill@state.ma.us)] or (2) on a 3.5" disk or CD-ROM. The text of the e-mail, disk label, or CD-ROM must specify: (1) the docket number of the proceeding D.P.U. 08-44; (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. Text responses should be created in either Corel WordPerfect, Microsoft Word, or Adobe Acrobat (version 7 or higher). Data or spreadsheet responses should be compatible with Microsoft Excel (version 2000). The Department strongly encourages filers to avoid submitting scanned files but will accept them for posting when an alternative version does not exist in electronic format. In addition, if the petitioner, applicant, or any other participant has already filed a document relevant to this proceeding, such as the initial petition, application, or filing, without providing an electronic copy of that document, such entity is directed to do so in compliance with the above electronic filing requirements as soon as practicable. All documents submitted in electronic format will be posted on the Department's website: <http://www.mass.gov/dpu>.



*City of Marlborough*

Office of the Assessors  
140 Main Street  
Marlborough, Massachusetts 01752  
TDD (508) 460-3610  
Phone: (508) 460-3779

**AMMENDED MINUTES**  
**BOARD OF ASSESSORS**  
**PUBLIC MEETING**

March 28, 2008

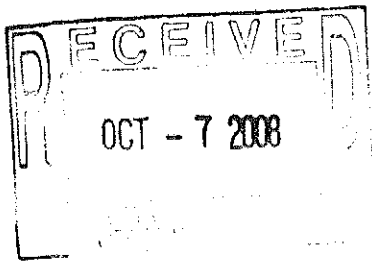
10:00 AM SCHEDULED

MINUTES

1. CALL TO ORDER 10:00 AM
2. ROLL CALL Trodella, Brogie, Arruda present
3. DISCUSSION OF CURRENT MEASURE AND LIST PROGRAM. Currently measuring and listing appx. half of the Condo units and a number of single family homes. The response to the condo owner's letters has been good.
4. DISCUSSION OF TRI-ANNUAL RECERTIFICATION. Both residential and commercial reviews are under way. Preliminary land schedule has been sent to our field rep. His comments are positive. We are aiming for a September time frame for public disclosure.
5. VOTE ON ABATEMENTS TO BE GRANTED RESIDENTIAL Unanimous in favor.
6. VOTE ON ABATEMENTS TO BE DENIED RESIDENTIAL. Unanimous in favor.
7. VOTE ON ABATEMENTS TO BE GRANTED COMMERCIAL/IND. Unanimous in favor.
8. VOTE ON ABATEMENTS TO BE DENIED COMMERCIAL / IND. Unanimous in favor.
9. VOTE ON PERSONAL PROPERTY ABATEMENTS TO BE GRANTED. Unanimous in favor.

10. VOTE ON PERSONAL PROPERTY ABATEMENTS TO BE DENIED.  
Unanimous in favor.
11. PUBLIC INPUT AND QUESTIONS. No members of the public were in attendance.
12. EXECUTIVE SESSION(IF NEEDED) None required
13. OLD BUSINESS. None
14. NEW BUSINESS. Discussed the requirement to put any new moneys gained from the ATB ruling on telephone companies' poles and wires into the overlay pending appeals or legislation.  
Vote to allow 3<sup>rd</sup> quarter estimated bills if required. Unanimous in favor
15. ADJOURNMENT. 10: 30 AM

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City of Marlborough  
Commonwealth of Massachusetts



**PLANNING BOARD**

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

**PLANNING BOARD MINUTES**  
September 29, 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, September 29, 2008 in Memorial Hall, 3<sup>rd</sup> floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Chairperson, Steve Kerrigan, Clerk, Clyde Johnson, Philip Hodge, Edward Coveney and Sean Fay. Also present: Assistant City Engineer Richard Baldelli.

**MINUTES**

*Meeting Minutes September 8, 2008*

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

To accept and file the meeting minutes with the minor changes.

**CHAIR'S BUSINESS**

*Marlborough Historical Society  
Correspondence to Clifford Schorer*

The Historical Society sent a plan to Mr. Schorer showing the layout of the lot that they would like to see transferred to the Marlborough Historical Society.

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

To accept and file the correspondence.

*Proposed Modified New Car Dealership Overlay District  
Legal notice from City Council*

Notice was given that the City Council will hold a public hearing for the proposed New Car Dealership Overlay District for the Marlborough Zoning Ordinance and was referred to the Planning Board.

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

To accept and file the correspondence and to schedule a public hearing for October 27, 2008 at 7:30 pm.

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Arthur Bergeron sent correspondence to the City Council a modified version of the proposed amendment to the Marlborough Zoning Ordinance. This was referred by the City Council to the Planning Board.

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

To accept and file the correspondence.

**APPROVAL NOT REQUIRED PLAN**

Mr. Fay excused himself.

*Phelps Street  
ANR Approval  
Correspondence from City Engineer*

Mr. Collins has completed the review of the ANR for Phelps Street. The proposed plan subdivides the property at 107 Phelps Street into two lots that meet all the requirements of the Rules and Regulations for the Subdivision of Land in Marlborough, Massachusetts. The proposed subdivision of land also complies with the deed restrictions to limit the use of Parcel B as a driveway for the new lot; Lot 1 will gain access through and extension of the driveway for the existing house on Lot 2. Mr. Collins is recommending for the Planning Board to endorse the plan.

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

To accept and file the correspondence.

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 James J. & Noel Cain of 11 Bridle Path Drive, North Grafton, MA 01536. Name of Engineer: Inland Survey, Inc DBA Zanca Land Surveying 16 Gleasondale Road, Suit 1-2, Stow, MA 01775. Deed of property recorded in South Middlesex Registry of Deeds books 34318, page 424; LC 1245 page 175; Book 50728 pages 368, 370 and LC 4143 pages 497 and 498. Location and description of property: Bounded in the east by Phelps Street, Bounded in the north by Esquire Court Condominium, bounded in the west by Bonaldo and bounded in the south by Flatley, Capone, Sutherland, Moore, McDonough and Bonaldo.

Mr. Fay returned to the room.

*13 Harvard Street  
ANR Submittal  
Mr. Fays' Disclosure Notice*

Mr. Fay disclosed to Mayor Stevens that he has a conflict of interest with the Presenting Counsel for this ANR Plan.

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

To accept and file the correspondence.

Attorney Christopher Flood presented the plan to the Planning Board. The current plan shows three parcels along Harvard Street. The ANR Plan will take those three parcels and subdivide leaving two conforming RB zoned parcels.

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



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**PUBLIC HEARING**

7:30 PM

*Proposal Amendment in Retirement Community  
Public Hearing*

The Planning Board of the City of Marlborough Continued the public hearing from Monday, September 8, 2008, at 7:30 p.m. in Memorial Hall, 3<sup>rd</sup> Floor, City Hall, 140 Main Street, Marlborough on the Proposal to Abolish Retirement Community Overlay District and Retirement Communities be an allowable use in all districts with a Special Permit granted by the City Council. Members present: Chairperson Barbara L. Fenby, Clerk Steven Kerrigan, Philip Hodge, Clyde Johnson, Edward Coveney and Sean Fay. Also present: Assistant City Engineer Richard Baldelli.

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

Mr. Kerrigan read the public hearing notice into record.

**LEGAL NOTICE**

Notice is hereby given that the Planning Board of the City of Marlborough will hold a PUBLIC HEARING on **Monday, September 8, 2008 at 7:30 PM in the Memorial Hall, 3rd floor, City Hall, 140 Main Street, Marlborough Massachusetts for Proposal to Abolish Retirement Community Overlay District and that Retirement Communities be an Allowable Use in all Districts with a Special Permit.**

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, AI, 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 20022 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 Y 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.
  - (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
  - (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.
- (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.

**Per order of the City Council**  
**#08-1001939**

Attorney David Gadbois presented to the Board with the suggestions in changes to the ordinance which were:

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- **A. Article II Definitions and Severability Section 200-05 Definitions shall read as follows:**

**Retirement Community:** A community consisting of a structure or s structures constructed or re-constructed expressly for use as housing for persons over fifty-five (55) years of age or over or over sixty-two (62) years of age or over on one parcel contiguous parcels of lands, totaling at least five (5) acres of land; which land has been submitted to the provisions of Massachusetts General Laws Chapter 183A, thereby creating a condominium through the execution and recording of a master deed; and which community complies with the provisions of Massachusetts General Laws Chapter 151 B Section 4.7.

- **The following provisions of Section 200-22 Retirement Community C. Shall read as follows:**

(5) a. In the Rural Residence RR, Residence A-1, Residence A-2, Residence A-3, Residence B and Residence C zoning districts the number of dwelling units allowed within a Retirement Community shall be determined by dividing the total square got 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.

b. In the Business B, the Commercial and Automotive CA, the Limited Industrial Lim and Industrial I districts the number of dwelling units allowed within the development site will be determined by dividing the total square footage as provided in Section 200-41 for a Residence C district.

c. With approval of the City Council, a Retirement Community located within a quarter of a mile of public transportation terminal or stop, may receive a bonus number of dwelling units allowed of up to a twenty percent (20%) increase in the number of units, which would otherwise be allowed.

(14) No unit in a Retirement Community shall have more then a three (3) bedrooms of which at least one (1) bedroom shall be located on the first floor.

(15) The Retirement Community shall have a sidewalk adjacent to the common driveway on one side, or in the alternative a meandering walkway within the Community, which provides for the safe passageway for the residence and guests to the other units within the community.

**In Favor**

No one spoke in favor.

**In Opposition**

No one spoke in opposition.

**In General**

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Mr. Hodge stated that he still did not have enough clarification from Attorney Gadbois on the Age qualifying issue. If one person is 65 and the other person is 45, something happens to the age qualified person, would the other person have to move because they do not qualify with their age? Mr. Gadbois stated he would have research that further and return with the standard for the national guidelines.

Mr. Johnson stated that he believes all retirement communities belong in residential districts and not in any commercial, business or industrial districts. He stated that the residents should not have to look at the businesses around the community.

Mr. Hodge believes that constructing these communities near business districts benefits all patrons, both business and the residential community.

Mr. Fay stated that the Ordinance should be for those who wish to "age in one place". He also stated that since the proposed ordinance does state that one bedroom must be on the first floor that should also include a bathroom. He also posed the question that would the residential communities be located next to subdivisions like Blackhorse Farms or Mauro Farm? Mr. Gadbois stated the proposed ordinance is designed where it would be less impact of space then you normal subdivision with less impervious areas and more open space.

Mr. Hodge and Ms. Fenby would like them to reconsider for the safety of the residents to have sidewalks on both sides of the street. Mr. Gadbois stated that the roadways would all be privately owned.

Mr. Kerrigan asked what the logic was to have 50% of the total living area on the first floor? Mr. Gadbois stated that the current ordinance must have 66% of total living area on the first floor. By making it only 50%, it would balance out the layout designs. Mr. Hodge recommended to have the percentage removed from the language.

The public hearing was closed at 8:00 pm.

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

To place the Proposed Amendment on the October 6, 2008 agenda.

## **SUBDIVISION PROGRESS REPORTS**

### ***Update from City Engineer***

At this time there is no new update.

### ***Forest Trail (Mosher Lane)***

*Correspondence from Code Enforcement Officer  
20 Mosher Lane*

Pamela Wilderman, The City Code Enforcement Officer, sent correspondence to the Planning Board asking them to intervene between the developer and the current homeowner on the drainage easements. She is asking for the Planning Board to cease all work with the drainage easements and have both the developer and Mr. Welch to attend the October 6, 2008 meeting to discuss the easement further with the Board and the City Engineer.

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

To accept and file correspondence; ask the developer to cease all drainage easement work; to have the City Engineer review all easements on this property and to send correspondence to the

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Developer, Mr. Welch and Avidia Banks Attorney asking them all to be in attendance on October 6, 2008.

**Pembroke Street**  
*Engineering Correspondence*  
*Re-signing of Definitive Plans*

Mr. Tim Collins of the Engineering Department has reviewed the plans for 26 Pembroke Street. He stated all language and the Developer has received a variance from the Zoning Board of Appeals (case # 1374-2008) and has made a favorable recommendation to the Planning Board to endorse the plans.

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

To re-endorse the Definitive Plan of a Subdivision known as 26 Pembroke Street with plans of a revised date of Sept. 8, 2008. Name of owner: William P. Wyskoczka, 26 Pembroke Street, Marlborough, MA 01752. Engineer: Jarvis Land Survey, 29 Grafton Circle, Shrewsbury, MA 01545.

**PENDING SUBDIVISION PLANS: Updates and Discussion**

**PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS/ LDS SUBMITTALS**

**LDS Submittal**  
*214 Wilson Street*

The appeal period for this LDS has not expired.

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

To endorse plans after the appeal period.

**DEFINITIVE SUBDIVISION SUBMISSIONS**

**Marlborough Elms**  
*Correspondence for Extension Request*

Sean McCarthy, Civil Engineer for the Developer, is asking the Planning Board to consider a 30 day extension for the proposed Definitive Subdivision.

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

To accept and file the correspondence from Sean McCarthy regarding granting an extension for plan review and to extend the time for consideration of this plan until October 29, 2008.

**SCENIC ROADS**

**SIGNS**  
*Batteries Plus*  
*Sign Variance request*

Mr. Stan Healy is asking relief from the Sign Ordinance Chapter 163 (C) (2) from the Planning Board. Their new sign for the new location at 197N Boston Post Road West is 48 Square Feet and they are allowed according to the sign ordinance is 42 Square Feet. They are seeking a variance to keep the already manufactured sign of 50 Square feet. The Planning Board has

asked the Mr. Healy to see if he or his sign company to can come back with another design that would meet the requirements.

**INFORMAL DISCUSSION**

Mr. Kerrigan has compiled a few draft changes to the Subdivision Rules and Regulations. He has asked the Board if they all agreed to make the minor changes to the current subdivision rules and regulations. He has also asked the City Solicitor how to go about the changes. In a separate email, Mr. Rider explained that the changes would have to go through the City Council as well as a public hearing would be warranted. The Board unilaterally agreed that Mr. Kerrigan should go through and draft the changes and discuss at a later date.

**COMMUNICATIONS/CORRESPONDENCE**

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

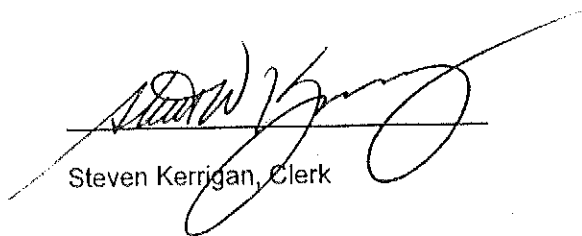
To accept all of the items listed under communications and/or correspondence.

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

To adjourn at 8:30 p.m.

**A TRUE COPY**

ATTEST:

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

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## Marlborough CDA Meeting of July 31, 2008

**Convened:** Meeting called to order at 8:31 A.M. by Mayor Nancy Stevens.

**Members Present:** Mayor Nancy Stevens, Tom Able, Camille Duridas, Lynn Faust, Jackie Malloy, Dr. Muir, Betsy Roszko, Diane Smith, Steven Vigeant

**Absent:** Michael Hogan and David McCabe.

**Others Present:** Michelle Ciccolo, Nancy West, Councilor Trisha Pope.

### 1. Past minutes

*VOTE: Dr. Muir made a motion to accept and file the minutes of 6/19 and 6/30 as submitted. Vigeant seconded. The motion passed unanimously.*

### 2. Housing Director's Report

Bills payable were presented and reviewed. *VOTE: Faust made a motion to approve the payables dated August 1, 2008, and the H.A.P./Landlord payments dated August 1, 2008. Vigeant seconded. The motion passed unanimously.*

Performance Evaluation Forms (PEF) were presented and reviewed. Vigeant requested that a section regarding certifications and/or licenses be added. *VOTE: Faust made a motion to approve the PEF with the added section. Vigeant seconded. The motion passed unanimously.*

Window replacement sub bids and general bids due dates have been changed per Addendum No. 1. The sub bids were opened July 23<sup>rd</sup> and the general bids are due August 6<sup>th</sup>. To date, 16 sets of plans and specs have been taken out. Discussion: Mayor Stevens requested that a written procedure be presented at the next CDA meeting regarding tenant responsibilities, Housing responsibilities during the window replacement project.

Elevator upgrade: Greg Arute of Syska Hennessy Group was here on July 29<sup>th</sup> to begin the evaluation and design for the elevator upgrade of 240 Main Street. Mayor Stevens noted that both elevators are 28 years old and are in need of upgrading.

The Budget guidelines for the State-Aided Housing Programs have not been issued yet. Housing Director requested members approve a 4% increase in the Administrative salaries, to keep in line with the City's 4% increase. *VOTE: Faust made a motion to approve the increase for the FY09 Budget. Vigeant seconded. The motion passed unanimously.*

Updated Grievance Procedure/Policy for the State Housing Program was presented. *VOTE: Faust made a motion to accept and adopt the Grievance Procedure/Policy as presented. Vigeant seconded. The motion passed unanimously.*

*VOTE: Faust made a motion to accept the Housing Director's Report. Vigeant seconded. The motion passed unanimously.*

### 3. Request from Councilor Pope for CDBG Funding for the ARC program

Councilor Pope spoke about the CDA Public Hearing which was held to get the Public's input



and requests on how to spend the remaining 2004-2005 CDBG funds. Pope would like to see the local ARC program receive \$6000.00 to help it with its recent move to the downtown. The facility is in need of painting and repairs. Mayor Stevens noted that she is in support of this request. *VOTE: Vigeant made a motion to approve expending \$6000.00 on ARC funding contingent upon confirmation that this is an eligible CDBG cost and that the percent of the program income spent toward Human Services activities has not been exceeded. Faust seconded. The motion passed unanimously.*

**4. Solicitation packet for the CDA to acquire its own attorney**

The committee asked Ciccolo for her feedback on the solicitation packet; she indicated that she had seen it, would review it further with Malloy and that there was no reason not to extend the bid opportunity to all general attorneys in Marlborough. Accordingly, Malloy will send bid packets to all attorneys practicing within the city. The application deadline for bids will be targeted for 9/15/08.

**5. Windsor Street update**

Tim Collins on behalf of the DPW presented a plan for repairing the drainage and related problems with Windsor Street.

**6. Professional Services Contract for CDBD Consultant**

The Mayor submitted the contract proposal submitted by Ciccolo on behalf of The Ciccolo Group, LLC which was ready for signature. The CDA approved it and asked that Ciccolo assist with the hiring of a new Executive Director. *VOTE: Faust made a motion to sign the contract with The Ciccolo Group. Vigeant seconded. The motion passed unanimously.*

**7. Update on 3 South Street**

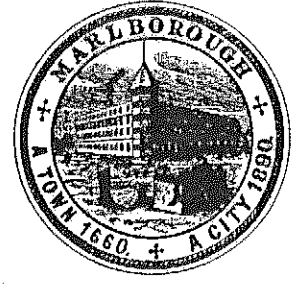
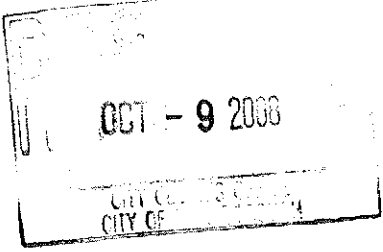
Building Commissioner Steve Reid updated the Board on the South Street project. He informed the CDA that a waste oil tank was found on the site and had to be cut in half for removal, a process being overseen by Fred Flynn. Reid suggested that the CDA get in contact with St. Mary's Credit Union regarding an earlier offer to manage the landscaping of the site. If this plan does not work out, it was agreed that the CDA should approach the Chamber of Commerce and other potential donors regarding the matter.

**8. Update on Gulbankian Mobile Home Park/Affordables**

Building Commissioner Steve Reid updated the CDA on the status of Gulbankian Mobile Home Park Affordable Units. Because it has failed to follow through on its commitment to provide six affordable units to the city, from the CDA's perspective Gulbankian is in default of its Special Permit. The CDA asked that Don Rider request Gulbankian to submit a formal report on its affordable units. *VOTE: Vigeant made a motion to request a report from Gulbankian. Faust seconded. The motion passed unanimously.*

**9. Status of part-time temporary CDA position** - Malloy's request for permanent employment status in her position with the CDA was reviewed. It was determined that no changes will be made at this time, and that if the position is to be filled on a permanent basis, an open search must be conducted. It was clarified that for the time being that Malloy will report to Ciccolo.

Meeting adjourned at 10:03.



**CITY OF MARLBOROUGH**  
Department of Community Development

255 Main Street

Marlborough, Massachusetts 01752  
Voice (508) 460-3715 TDD (508) 460-3610 Facsimile (508) 460-3700

**COMMUNITY DEVELOPMENT AUTHORITY MEETING**

Thursday, August 28, 2008

8:30 AM, 4<sup>TH</sup> FLOOR CONFERENCE ROOM

MARLBOROUGH CITY HALL

**MINUTES**

Convened: Meeting called to order at 8:35 A.M. by Mayor Nancy Stevens.

**Members present:** Mayor Nancy Stevens, Michael Hogan, Dr. Muir, Lynn Faust, Steven Vigeant, Tom Abel, Diane Smith

**Others present:** Jackie Malloy, Betsy Roszko, Nancy West, Michelle Ciccolo, Tony Trodella, Reporters from Metrowest News and Community Advocate.

**Members absent:** David McCabe, Camille Duridas

**1. Past minutes**

*VOTE: Dr. Muir made a motion to accept and file the minutes of 7/31 as submitted. Vigeant seconded. The motion passed unanimously.*

**2. Housing Director's Report**

a. Bills payable were presented and reviewed. *VOTE: Vigeant made a motion to approve the payables as submitted. Mayor Stevens seconded. The motion passed unanimously.*

b. **Section 8 Audit:** Copies of the DRAFT Audit Reports for FYE 12/31/06 and FYE 12/31/07

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were mailed to members on August 12<sup>th</sup>. Discussion. S. Vigeant questioned the vacation time on the books and requested Housing Director bring a report to the next meeting showing the vacation time on the books for all housing personnel.

c. Window **Replacement/Work Plan 1004**: General bids have been received. CBI Consulting has conducted reference checks on the low bidders. DHCD has also reviewed the bid documentation; all in order. Discussion. VOTE: Faust made a motion to accept and approve Advantage Glass Company, Cranston, R.I. as the lowest, most responsive responsible bidder in the amount of \$533,000.00 and to authorize Chairman Stevens to sign contract pending a final reference check to be made by John Ghiloni, Seconded by Hogan. The motion passed unanimously. John Ghiloni to attend the next CDA Meeting.

d. DHCD **Amendment #1 for Capital Improvement Work Plan #1004 (Windows)**: Review and discussion. VOTE: Motion by D. Muir to accept and approve the CFA Amendment #1 as presented for a total CFA of \$658,000.00 and to authorize Chairman Stevens to sign, Seconded by Faust. The motion passed unanimously.

e. Elevator **Up-grade update**: Syska Hennessy, Group, Inc. has prepared a report of the elevator conditions and requirements for up-grading. Estimated \$400,000.00. DHCD is reviewing and Betsy is waiting for DHCD approval to go forward.

f. Increase to our **Section 8 Applicable Payment Standards presented**: APS had not been adjusted since December 1, 2006. Housing Director presented proposed APS change that would reflect 110% of the October 2007 Fair Market Rents. Families have had a difficult time finding apartment that their share would calculate out to be fewer than 40% of their income (for moves/new lease ups family share must be lower than 40% of their income). The APS increase would allow better access to apartment and we always use rent reasonableness and negotiate rents with property owners. Discussion. VOTE: Motion made by Vigeant to table the request to change the APS and request Housing Director to provide a report at the next meeting of all Section 8 units, bedroom size, contract rent, gross rent, and utilities for members to review. Seconded by Hogan. The motion passed unanimously.

VOTE: Motion made by Hogan to accept the Housing Director's report. Seconded by Faust. The motion passed unanimously.

**3. Subordination request –**  
Tabled for more information

**4. Update from Tony Trodella on the CDA Intern and Windsor St.**

Trodella reported that a candidate had been identified and offered a two-month contract, beginning on Tuesday September 2 for 20 hours/week at \$10/hour. The Intern will clarify if the CDA has control of any city owned property, research history cards and pull all deeds.

*VOTE: Vigeant made a motion to authorize up to \$3,000 out of the Fafard account to pay the intern. Mayor Stevens seconded. The motion passed unanimously.*

**5. 3 South St.**

VOTE: Upon viewing the submitted request for a change order, Vigeant made a motion to change the contract amount from \$21,501.59 to \$23,001.59, granting the \$1,500.00 Change Order. Mayor Stevens seconded. The motion passed unanimously.

**6. Update on general progress from Michelle Ciccolo - Consultant**

Ciccolo distributed documentation reflecting the progress her team has made over the past month, particularly in regard to organizing the office and getting clearances from DHCD to proceed. Vigeant asked that recruitment of a new Executive Director be prioritized. Ciccolo agreed to circulate a draft job description and prepare the posting as soon as possible. With posting and a period of time for resumes to be submitted, Ciccolo identified that it would take approximately 5 weeks to have a pool of candidates at hand. A brief discussion about the qualifications for the new Executive Director ensued and Ciccolo recommended that the new Director be required to be certified or receive certification within one year from the Public Purchasing Official's program. Ciccolo suggested that in the interim period the CDA might want to enlist the help of Beverly Sleeper and if it did so a stipend might be appropriate to pursue.

Steve Vigeant suggested that it would be prudent to attempt to include a CDA member in meetings with DHCD to provide for continuity and enhance communications between the state and the CDA. Mr. Vigeant offered to serve in this capacity and the members agreed this was appropriate. The office will notify Mr. Vigeant of any meetings scheduled with DHCD.

**7. Status of Seymour Oil**

Ciccolo reported that the final report from the EPA needs to be filed by September 5. The EPA grant is nearly completed and is in the hands of John Ghiloni. Ciccolo presented a CDBG FY05 Contract Amendment form to be signed by the Chair so the funding request can be processed. Mr. Hogan suggested that John Ghiloni request an extension but it was explained that several had already been granted and this was no longer an option. *VOTE: Vigeant made a motion to authorize the signing of the form. Muir seconded. The motion passed unanimously.*

**8. Status of Human services expenditure request**

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Regarding the request from Councilor Pope for the ARC Program, Ciccolo stated that human services funds have to be spent on projects that match national CDBG guidelines. These guidelines include the requirement that Human Services funding only be provided to organizations who can document they serve low/moderate income clientele. Because the burden of documentation and reporting would be difficult to prove, it was decided that Program Income funds should not be used for this purpose at this time until and unless a system is identified to enable tracking of low and moderate income beneficiaries. *VOTE: Hogan made a motion to provide \$3,000 for ARC out of the Mitigation funds with the plan to add more money later if it was determined that guidelines were met. Vigeant seconded. The motion passed unanimously.*

**9. Pending invoices to be paid**

*A list of outstanding vendor bills was presented to the CDA. VOTE: Lynn Faust made a motion that pending invoices be paid. Vigeant seconded. The motion passed unanimously.*

**10. Proposed Organization and staffing plan for discussion**

Members requested more time to review what was submitted.

**11. Proposed equipment upgrades**

*VOTE: Vigeant made a motion to approve proposed equipment upgrades as detailed on distributed documented. Faust seconded. The motion passed unanimously.*

**12. Additional business**

Mayor Stevens made a motion to add an item to the agenda concerning the election of a vice-chair and a clerk. Hogan and Faust both expressed their willingness to serve as vice-chair; it was agreed that a decision would be made at the next meeting.

Adjourned at 10:30 A.M.

Respectfully Submitted,

Jackie Malloy

Nancy West, The Ciccolo Group, LLC (TCG)