

REGULAR MEETING
NOVEMBER 10, 2008

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:

1. Minutes, City Council Meeting, October 27, 2008.
2. 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.
3. PUBLIC HEARING: On the Petition from National Grid to relocate pole #90 & #91 on Robin Hill St.
4. 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.
5. PUBLIC HEARING: On the Application for a Special Permit from Omnipoint Communications Inc. to install, operate and maintain a wireless communication facility at 249 Miles Standish Dr.
6. Communication from the Mayor re: FY09 State 911 Department Training reimbursement grant awarded to the Marlborough Police Department in the amount of \$11,638.00 which will be applied to salary overtime charges related to dispatcher training.
7. Communication from the Mayor re: Auction of Corbin Plaza.
8. Communication from the Mayor re: the Federal Disaster Mitigation Act of 2000.
9. Communication from the Mayor re: correspondence from the Director on Aging pertinent to changing the status of Morgan Elwood from an alternate to a full board member.
10. Communication from the Marlborough Retirement Board re: Appropriation for Fiscal Year 2010.
11. Communication from Attorney Cipriano re: Real Property transfer and exchange off Bolton St.
12. Application for Special Permit from The Gutierrez Co. to develop Map 67, Lot 45 & Map 68, Lot 30A, Lakeside Ave and Elm St., located in the Business District for multi-family dwellings per Article 200, Section 13, Paragraph C, Sub-paragraph 4 of the City of Marlborough Zoning Bylaws.
13. Minutes, Planning Board, October 6, 2008.

REPORTS OF COMMITTEES:

14. ORDERED: That the Legislative & Legal Affairs Committee meet with the Code Enforcement Officer and the City Solicitor to establish regulations and procedures relative to the control of abandoned and/or foreclosed properties which are causing safety and blight issues in neighborhoods across the City of Marlborough.Submitted by Councilors Pope, Delano and Vigeant

UNFINISHED BUSINESS:

From Finance Committee

15. **Order No. 08-1002015 – Transfer request in the amount of \$33,000 in Various DPW Salary Accounts.** The Finance Committee reviewed the Mayor's letter dated October 1, 2008 requesting the transfer of \$22,000 from DPW Motor Equipment Repairman to Temporary Part Time help which would provide coverage for an employee injury situation as well as part time co-op help through the balance of this fiscal year and \$11,000 from DPW Assistant Engineer to Interim Foreman. **Recommendation of the Finance Committee is to approve 3-2, the two transfers totaling \$33,000. (Councilors Levy and Delano opposed)**

From Personnel Committee

16. **Order No. 08-1001999 – Reappointments as follows: Alfred Hill & John Usinas to the Commission on Disabilities for terms expiring on November 6, 2011 and Bea Morris and Debra McManus to said Commission for terms expiring on November 6, 2010. Additionally, Richard Towle with an expiration date of 3 years from date of appointment. Recommendation of the Personnel Committee is to approve 3-0.**

17. **Order No. 08-1002000 – Reappointments of John Noble & Gary Brown to the Historical Commission with terms expiring September 18, 2011 & September 18, 2012 respectively. Recommendation of the Personnel Committee is to approve 3-0.**
18. **Order No. 08-1002001 – Reappointment of James Holt to the Caretaker of Soldiers and Sailors Graves with term expiring February 1, 2010. Recommendation of the Personnel Committee is to approve 3-0.**
19. **Order No. 08-1002002 – Reappointment of Gary Brown as the City's Director of Veteran Aid and Service with term expiring September 1, 2011. Recommendation of the Personnel Committee is to approve 3-0.**
20. **Order No. 08-1002003 – Appointment of John Nicholson to the Youth Commission with an expiration date of 3 years from date of appointment. Recommendation of the Personnel Committee is to approve 3-0.**
21. **Order No. 08-1002017 – Reappointment of James Natale to the Zoning Board of Appeals with term expiring May 5, 2013. Recommendation of the Personnel Committee is to approve 3-0.**
22. **Order No. 08-1001982 – Reappointment of Paul Guinta to the Zoning Board of Appeals with term expiring May 5, 2013. Recommendation of the Personnel Committee is to approve 3-0.**

From Public Services Committee

23. **Order No. 08-1002020 - Petition from NSTAR to install 375' of 2.00" plastic gas main as a system improvement to supply 56 & 58 Framingham Rd. Recommendation of the Public Services Committee is to refer to the City Council 3-0 without recommendation, pending results of the Public Hearing on November 10, 2008.**
24. **Order No. 08-1002021 - Petition from NSTAR to install 320' of 2.00" plastic gas main as a system improvement to supply 491 Northboro Rd. Recommendation of the Public Services Committee is to refer to the City Council 3-0 without recommendation, pending results of the Public Hearing on November 10, 2008.**
25. **Order No. 08-1002022 - Petition from National Grid to relocate pole #90 & #91 on Robin Hill St. Recommendation of the Public Services Committee is to refer to the City Council 3-0 without recommendation, pending results of the Public Hearing on November 10, 2008.**



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

**Lisa M. Thomas
140 Main St.
Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723
OCTOBER 27, 2008**

Regular meeting of the City Council held on Monday OCTOBER 27, 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 8:38 p.m.

ORDERED: Minutes, City Council Meeting, October 6, 2008, **FILE**; adopted.

ORDERED: That the WELCOME ceremony for our Japanese students from our sister city of Akiruno Japan, **FILE**; adopted.

Suspension of the Rules requested-granted to allow the Mayor to speak.

ORDERED: That the Massachusetts Department of Revenue has certified free cash in the amount of \$6,925,031.00, **FILE**; adopted.

ORDERED: That the transfer request in the amount of \$51,032.98 on the behalf of the Marlborough Fire Department, to cover overtime costs as follows, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 12200001-50450 \$36,545.12
Firefighter

TO:

Acct. # 12200003-51300 \$36,545.12
Additional Gross OT

FROM:

Acct. # 12200001-50800 \$2,567.55
Captain

TO:

Acct. # 12200003-51300 \$2,567.55
Additional Gross OT

FROM:

Acct. # 12200001-50810 \$5,596.80
Lieutenant

TO:

Acct. # 12200003-51300 \$5,596.80
Additional Gross OT

FROM:

Acct. # 12200001-50450 \$6,323.51
Firefighter

TO:

Acct. # 12200003-51300 \$6,323.51
Additional Gross OT

1/2

ORDERED: That the closing of the books relative to FY08 is on schedule, **FILE**; adopted.

ORDERED: That the Assistance to Firefighters Grant in the amount of \$131,708.00 from the Federal Emergency Management Agency and the Department of Homeland Security be awarded to the Marlborough Fire Department 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, as outlined in MGL, Chapter 44 Section 53A which stipulates that grant funding be strictly applied to purposes outlined, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: **EASTERLY WASTEWATER TREATMENT PLANT**

WIRELESS COMMUNICATIONS FACILITY REVOLVING FUND – FY2009

That, pursuant to the provisions of § 53E% 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,

refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That 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) which 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. Further, that the implementation date for GASB 43 and 45 varies according to the FY1999 annual revenues of the governmental unit and Marlborough must begin reporting its OPEB with the publication of our FY2009 financial statements, refer to **FINANCE COMMITTEE**; adopted.

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ORDERED: That the DPW Commissioner's report regarding Operations Review of the Forestry, Parks and Cemetery Division, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED: That the Communication from the Planning Board regarding their recommendation of the Proposed Zoning Ordinance so that Retirement Community Overlay Districts be abolished and that Retirement Communities be an allowable use in all districts with a Special Permit, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

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

ORDERED: That 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., **FILE**; adopted.

ORDERED: That Communication from Tennessee Gas Pipeline re: Emergency Personnel Contact List, refer to the **EMERGENCY MANAGEMENT DIRECTOR, DON CUSSON**; adopted.

ORDERED: That the Communication from the Suburban Coalition re: FY 09 membership to the Suburban Coalition, **FILE**; adopted.

ORDERED: That the Communication from the Commonwealth of Massachusetts, Department of Public Utilities re: Notice of Filing and Public Hearing, **FILE**; adopted.

ORDERED: That the amended minutes, Board of Assessors, March 28, 2008 **FILE**; adopted.

ORDERED: That the minutes, Planning Board, September 29, 2008 **FILE**; adopted.

ORDERED: That the minutes, Community Development Authority, July 31 & August 28, 2008, **FILE**; adopted.

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

A. Kerry Brsington, 24 Gregoire Dr., vehicle damage

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

Order No. 08-1002015 – Transfer request in the amount of \$33,000 in Various DPW Salary Accounts. The Finance Committee reviewed the Mayor's letter dated October 1, 2008 requesting the transfer of \$22,000 from DPW Motor Equipment Repairman to Temporary Part Time help which would provide coverage for an employee injury situation as well as part time co-op help through the balance of this fiscal year and \$11,000 from DPW Assistant Engineer to Interim Foreman. **Recommendation of the Finance Committee is to approve 3-2, the two transfers totaling \$33,000. (Councilors Levy and Delano opposed)**

Order No. 08-1001985 – Sepracor Tax Increment Financing (TIF) Proposal. The Finance Committee reviewed the Mayor's letter dated September 3, 2008 requesting the City Council review the Sepracor TIF proposal consisting of the following:

- The TIF agreement
- The TIF plan
- The certified project application
- The application for the 84/158 Waterford Drive Economic Opportunity Area
- City Council resolution

The City Council asked the Sepracor official (Brian Iwata) to provide the following information at the next FINCOM meeting:

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- Throughout the TIF proposal, review the designations used for Building #2 and #3 for consistency.
- On page 6 of the TIF Agreement, correct the example in the third paragraph under Item 3 that describes the exemption formula if the cumulative minimum job requirements are not satisfied.
- Sepracor to provide a summary of the past, present and future involvement in city activities.
- Provide the number of employees at the main building on Waterford Drive as well as 111, 100 and 33 Locke Drive
- Councilor Ferro and Mr. Trodella to review the Building 2 Scheduled Exemption Percentage table and forward revised values to Sepracor prior to the next Finance Committee meeting.

Recommendation of the Finance Committee is table 5-0 to the next Finance Committee meeting.

Councilor Clancy reported the following out of the Personnel Committee:

Order No. 08-1001999 – Reappointments as follows: Alfred Hill & John Usinas to the Commission on Disabilities for terms expiring on November 6, 2011 and Bea Morris and Debra McManus to said Commission for terms expiring on November 6, 2010. Additionally, Richard Towle with an expiration date of 3 years from date of appointment. Recommendation of the Personnel Committee is to approve 3-0.

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Order No. 08-1002001 – Reappointment of James Holt to the Caretaker of Soldiers and Sailors Graves with term expiring February 1, 2010. Recommendation of the Personnel Committee is to approve 3-0.

Order No. 08-1002002 – Reappointment of Gary Brown as the City's Director of Veteran Aid and Service with term expiring September 1, 2011. Recommendation of the Personnel Committee is to approve 3-0.

Order No. 08-1002003 – Appointment of John Nicholson to the Youth Commission with an expiration date of 3 years from date of appointment. Recommendation of the Personnel Committee is to approve 3-0.

Order No. 08-1002017 – Reappointment of James Natale to the Zoning Board of Appeals with term expiring May 5, 2013. Recommendation of the Personnel Committee is to approve 3-0.

Order No. 08-1001982 – Reappointment of Paul Guinta to the Zoning Board of Appeals with term expiring May 5, 2013. Recommendation of the Personnel Committee is to approve 3-0.

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Councilor Juaire reported the following out of the Public Services Committee:

Order No. 08-1002020 - Petition from NSTAR to install 375' of 2.00" plastic gas main as a system improvement to supply 56 & 58 Framingham Rd. Recommendation of the Public Services Committee is to refer to the City Council 3-0 without recommendation, pending results of the Public Hearing on November 10, 2008.

Order No. 08-1002021 - Petition from NSTAR to install 320' of 2.00" plastic gas main as a system improvement to supply 491 Northboro Rd. Recommendation of the Public Services Committee is to refer to the City Council 3-0 without recommendation, pending results of the Public Hearing on November 10, 2008.

Order No. 08-1002022 - Petition from Nation Grid to relocate pole #90 & #91 on Robin Hill St. Recommendation of the Public Services Committee is to refer to the City Council 3-0 without recommendation, pending results of the Public Hearing on November 10, 2008.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:38 p.m.

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IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 10, 2008

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, be and is herewith **REFER TO PUBLIC SERVICES COMMITTEE.**

ADOPTED

ORDER NO. 08-1002020



IN CITY COUNCIL

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Marlborough, Mass., OCTOBER 6, 2008

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., be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 08-1002022



IN CITY COUNCIL

Marlborough, Mass., OCTOBER 6, 2008

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., be and is herewith **REFER TO PUBLIC SERVICES COMMITTEE.**

ADOPTED

ORDER NO. 08-1002021

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IN CITY COUNCIL

Marlborough, Mass., OCTOBER 6, 2008

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., be and is herewith **REFER TO WIRELESS COMMUNICATION COMMITTEE AND ADVERTISE AND SET DATE FOR A BALOON TEST.**

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.

ADOPTED

ORDER NO. 08-1002023



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

November 3, 2008

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

Honorable President Vigeant and Councilors:

The Commonwealth's Executive Office of Public Safety has awarded the City's police department with an FY09 State 911 Department Training reimbursement grant in the amount of \$11,638.00 which will be applied to salary overtime charges related to dispatcher training.

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

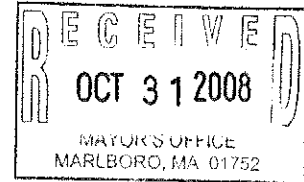


City of Marlborough POLICE DEPARTMENT

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

MARK F. LEONARD
Chief of Police



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

October 31, 2008

Dear Mayor Stevens:

The Marlborough Police Department has been awarded a State 911 Department training grant from the Commonwealth of Massachusetts, Executive Office of Public Safety. The grant amount, \$11,638.00, will be used for overtime expenses incurred while public safety telecommunications personnel attend training courses.

Attached is a "Notice of Grant Award" form, and a copy of the grant contract. I am requesting that the grant award be forwarded to the City Council for approval. Should you have any questions, please do not hesitate to call.

Sincerely,

Mark F. Leonard
Chief of Police

CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: Police DATE: 10/31/2008

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: CAPTAIN PAUL VALIANTE

NAME OF GRANT: FY09 STATE 911 DEPARTMENT TRAINING GRANT

GRANTOR: EXECUTIVE OFFICE OF PUBLIC SAFETY

GRANT AMOUNT: \$ 11,638.00

GRANT PERIOD: NOV. 1, 2008 TO JUNE 30, 2009

SCOPE OF GRANT/
ITEMS FUNDED FOR OVERTIME EXPENSES INCURRED FOR
DISPATCHER TRAINING.

IS A POSITION BEING
CREATED: No.

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

ARE MATCHING CITY
FUNDS REQUIRED? No

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

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

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: 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



The Commonwealth of Massachusetts
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
STATE 911 DEPARTMENT
1380 Bay Street, Building C ~ Taunton, MA 02780-1088
Tel: 508-828-2911 ~ TTY: 508-828-4572 ~ Fax: 508-828-2585
www.mass.gov/e911



DEVAL L. PATRICK
Governor

KEVIN M. BURKE
Secretary of Public Safety
and Security

TIMOTHY P. MURRAY
Lieutenant Governor

FRANK POZNIAK
Executive Director

October 21, 2008

Marlborough Police Department
Attn. Chief Mark F. Leonard
140 Main Street
Marlborough, MA 01752

Dear Chief Leonard:

The Commonwealth of Massachusetts, State 911 Department would like to thank you for participating in the July 2008 through June 2009 State 911 Department Training Grant Program. For your files, please find attached a copy of the contract signed by both parties.

We have made the reimbursement request forms available on our website www.mass.gov/e911. For any questions related to the reimbursement process, please contact Michelle Hallahan at (508) 828-2911 ext. 116.

If, in the future, you would like to make any changes to the authorized signatory, the contract manager, and/or the budget worksheet, please e-mail those proposed changes to 911deptgrants@state.ma.us.

Sincerely,

Frank P. Pozniak
Executive Director

cc: State 911 Department Training Grant File

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COMMONWEALTH OF MASSACHUSETTS - STANDARD CONTRACT FORM

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

→ Contractor Legal Name (and d/b/a): <u>City of Marlborough - Police Department</u>	Department MMARS Alpha Code and Name: <u>EOPSS/State 911 Department</u>	
→ Legal Address (from W-9): <u>140 Main Street Marlborough MA 01752</u>	Business Mailing Address: <u>1380 Bay Street Bldg. C Taunton, MA 02780</u>	
→ Payment Remittance Address (from W-9):	Billing Address (if different):	
→ Contract Manager: <u>Chief Mark F. Leonard</u>	Contract Manager: <u>Monna Wallace</u>	
→ E-Mail Address: <u>mleonard@marlborough-ma.gov</u>	→ Phone: <u>508 624-6970</u>	E-Mail Address: <u>monna.wallace@state.ma.us</u> Phone: <u>(508) 828-2911</u>
→ Fax: <u>508-634-6938</u>	→ TTY:	Fax: <u>(508) 828-2585</u> TTY: <u>(508) 828-4572</u>
→ State of Incorporation (if a corporation) or "N/A": <u>N/A</u>	MMARS Doc ID(s):	
→ Vendor Code: <u>W6000192111</u>	RFR/Procurement or Other ID Number (if applicable):	
MMARS Object Code: <u>P01</u>	Account(s) Funding Contract:	

<input checked="" type="checkbox"/> NEW CONTRACT	<input type="checkbox"/> CONTRACT AMENDMENT/RENEWAL
<p>COMPENSATION: (Check only one):</p> <p><input checked="" type="checkbox"/> Total Maximum Obligation of this Contract \$ <u>11,638.00</u></p> <p><input type="checkbox"/> Rate Contract (Attach details of rate(s) units and any calculations):</p> <p>The following COMMONWEALTH TERMS AND CONDITIONS for this Contract has been executed and filed with CTR (Check only one):</p> <p><input checked="" type="checkbox"/> Commonwealth Terms And Conditions</p> <p><input type="checkbox"/> Commonwealth Terms And Conditions For Human And Social Services</p> <p>PROCUREMENT OR EXCEPTION TYPE (Check one option only):</p> <p><input type="checkbox"/> Single Department Procurement/Single Department User Contract</p> <p><input type="checkbox"/> Single Department Procurement/Multiple Department User Contract</p> <p><input type="checkbox"/> Multiple Department Procurement/Limited Department User Contract</p> <p><input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department)</p> <p><input checked="" type="checkbox"/> Grant (as defined by <u>815 CMR 2.00</u>)</p> <p><input type="checkbox"/> Emergency Contract (attach justification)</p> <p><input type="checkbox"/> Contract Employee (Complete <u>Employment Status Form</u>)</p> <p><input type="checkbox"/> Collective Purchase (attach OSD approval)</p> <p><input type="checkbox"/> Legislative/Legal Exemption (attach authorizing language)</p> <p><input type="checkbox"/> Other (Specify and attach documentation):</p> <p>ANTICIPATED START DATE: <u>November 1, 2008</u> (Enter the Date Contract Obligations may begin. Review Certification for Effective Date Below prior to entry.)</p> <p>CONTRACT END DATE: <u>06/30/2009</u></p>	<p>ENTER CURRENT CONTRACT START and END DATES (prior to amendment)</p> <p>Current Start Date: _____ Current End Date: _____</p> <p>COMPENSATION: (Check Either, "No Compensation Change", "Maximum Obligation" or "Rate change". ATTACH Amended Scope and Budget to support Amendment.)</p> <p><input type="checkbox"/> NO Compensation Change (Skip to "OTHER" section below and select change)</p> <p><input type="checkbox"/> Redistribute Budget Line Items (No Maximum Obligation Change)</p> <p><input type="checkbox"/> Maximum Obligation Change.</p> <p>a) Current Total Contract Maximum Obligation: \$ _____ (Total Contract Maximum Obligation, including all prior amendments).</p> <p>b) Amendment Amount ("+" or "-"): \$ _____</p> <p>c) NEW TOTAL CONTRACT MAXIMUM OBLIGATION: \$ _____</p> <p><input type="checkbox"/> Rate Changes to Rate Contract</p> <p>OTHER: (Check option, explain under "Brief Description" below, and attach documentation.)</p> <p><input type="checkbox"/> Amend Duration Only (No Compensation or Performance Change)</p> <p><input type="checkbox"/> Amend Scope of Services/Performance Only (no budget impact)</p> <p><input type="checkbox"/> Interim Contract (Temporary Extension to complete new Procurement)</p> <p><input type="checkbox"/> Other: (Describe Details and Attach documentation):</p> <p>ANTICIPATED START DATE: _____ (Enter the Date Amendment Obligations may begin. Review Certification for Effective Date Below prior to entry.)</p> <p>NEW CONTRACT END DATE: _____</p>

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

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

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

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

For reimbursement, under the State 911 Training Grant Program, of training-related costs associated with the 9-1-1 system. (Please see attached grant documents.)

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

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

AUTHORIZING SIGNATURE FOR THE CONTRACTOR:

→ X: Nancy E. Stevens Date: 10/27/08
(Signature and Date Must Be Handwritten At Time of Signature)

→ Print Name: Nancy E. Stevens

→ Print Title: Mayor

AUTHORIZING SIGNATURE FOR THE DEPARTMENT:

X: Frank P. Pozniak Date: 10/27/08
(Signature and Date Must Be Handwritten At Time of Signature)

Print Name: Frank P. Pozniak

Print Title: Executive Director, State 911 Department



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

November 6, 2008

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

Re: Auction of Corbin Plaza

Dear President and Members:

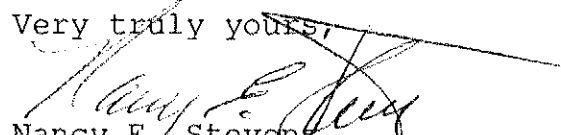
I had made a commitment to the Council to arrange for the disposition of Corbin Plaza located at 110/118 Pleasant Street by December 31, 2008. To that end, with the assistance of the Community Development Authority and the Marlborough 2010, we have pursued several options; however, there has been no interest by any individual or group regarding the possible purchase of Corbin Plaza.

Given the current economic climate and real estate downturn, I believe an auction of the property is the only viable option. The City's Legal Department has identified preferred uses on the future development of this site consistent with current zoning in order to protect and enhance the neighboring residential areas.

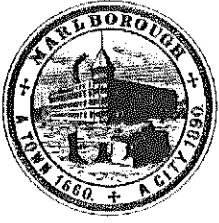
The auction of 110/118 Pleasant Street, also known as Corbin Plaza, is scheduled for the week of December 8, 2008. The Zekos Group of Shrewsbury, MA will schedule the exact date and time of the auction. The Zekos Group will also advertise and conduct the auction.

I am available at your convenience to discuss this matter more fully with you. Thank you for your attention to this matter.

Very truly yours,


Nancy E. Stevens
Mayor

cc: Legal Department



City of Marlborough
Office of the Mayor

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

Nancy E. Stevens
MAYOR

Karen A. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

November 3, 2008

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

Honorable President Vigeant and Councilors:

The Federal Disaster Mitigation Act of 2000 requires a community to adopt a local hazard mitigation plan in order to apply for certain grants (i.e. Pre-Disaster Mitigation, Hazard Mitigation, Flood Mitigation Assistance). A committee including fire, police, emergency management, DPW, Conservation, and Health has identified 107 sites within the City which have been provided for in its draft plan which has subsequently been reviewed by the State.

In order to be included in this year's funding, I am respectfully requesting City Council to vote this evening on the attached Order which adopts the proposed Metro Boston NorthWest Regional Multi-Hazard Mitigation Plan /Marlborough Annex as the filing deadline is November 21, 2008

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

Sincerely,

Nancy E. Stevens
Mayor

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City of Marlborough
Emergency Management

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

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

November 5, 2008

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

RE: Adoption of the Metro Boston North/West Multi-Hazard Mitigation Plan Marlborough Annex

Dear Mayor Stevens:

As you are aware, the Metro Boston North/West Hazard Mitigation Plan, Marlborough Annex dated October 29, 2008 has received conditional approval from the Federal Emergency Management Agency (FEMA) Region I. The last remaining task is to have the Plan adopted by the City Council.

As you recall, Martin Pillsbury and Sam Cleaves of Metropolitan Area Planning Council (MAPC) did a presentation to the City Council on July 14, 2008 to present the Plan. The Plan is a requirement of FEMA and as stated in the introduction "all municipalities that wish to continue to be eligible to receive FEMA funding for hazard mitigation grants, must adopt a local multi-hazard mitigation plan." We are fortunate that the MAPC was able to get a grant to assist Marlborough and other communities to develop a regional multiple-hazard mitigation plan. A copy of the letter received on November 3, 2008 from FEMA regarding their conditional approval of this Plan is enclosed, as well as a copy of the Plan. Because the Plan is 87 pages long, you may want to give a single copy to the City Council Office for their review. Section VII of the Plan, including pages 51-61, contains the specific potential mitigation measures for the City that were identified by city departments and reviewed with the City Council in July.

The Department of Public Works is planning on submitting a request for a hazard mitigation grant to FEMA for the correction of the Glen Brook/ Magee Ave. flooding problem. That request is due no later than November 21, 2008. City Council adoption of the Hazard Mitigation Plan is needed in order to meet this deadline. Therefore, we would request that this document be adopted at the City Council meeting on November 10, 2008 in order to ensure the city's eligibility for these funds as well as FEMA funding for future hazard mitigation projects in the city.

If you have any questions, please feel free to contact me at 508-726-1088.

Sincerely,

Don Cusson
Director
Emergency Management

DRAFT

Ordered:

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

ADOPTED
In City Council
Order No. 08-
Adopted

Approved
Nancy E. Stevens, Mayor

A TRUE COPY
ATTEST:



City of Marlborough
Office of the Mayor

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

Nancy E. Stevens
MAYOR

Karen A. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

November 5, 2008


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

Honorable President Vigeant and Councilors:

Attached please find correspondence from Amy Loveless, Director of the Council on Aging, which indicates that the Council wishes to change the status of Morgan Elwood from alternate member to full board member. Mr. Elwood's term would remain as May 1, 2011. I am submitting this request on behalf of Ms. Loveless and the Council on Aging.

Please call with any questions or concerns.

Sincerely,


Nancy E. Stevens
Mayor



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City of Marlborough

Council on Aging and Senior Center

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

November 4, 2008

Dear Mayor Nancy E. Stevens,

On behalf of the Council on Aging Board of Directors I am submitting the nomination of Morgan Elwood to become a full member of board. Mr. Elwood has served as an alternate member and was approved by the Personnel Committee at the time of that appointment.

Morgan Elwood 49 Hastings Street, Marlborough, MA 01752

Thank you for your consideration in this matter.

Sincerely,

Amy Loveless, LICSW
Executive Director
Marlborough Council on Aging & Senior Center

PERAC

OCT 28 2008

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COMMONWEALTH OF MASSACHUSETTS | PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION

DOMENIC J. F. RUSSO, *Chairman* | A. JOSEPH DeNUCCI, *Vice Chairman*
MARY ANN BRADLEY | PAUL V. DOANE | KENNETH J. DONNELLY | JAMES M. MACHADO | DONALD R. MARQUIS

JOSEPH E. CONNARTON, *Executive Director*

MEMORANDUM

TO: Marlborough Retirement Board
FROM: *Joseph E. Connarton*
Joseph E. Connarton, Executive Director
RE: Appropriation for Fiscal Year 2010
DATE: October 28, 2008

Required Fiscal Year 2010 Appropriation: **\$6,370,663**

This Commission is hereby furnishing you with the amount to be appropriated for your retirement system for Fiscal Year 2010 which commences July 1, 2009.

Attached please find summary information based on the present funding schedule for your system and the portion of the Fiscal Year 2010 appropriation to be paid by each of the governmental units within your system.

If your System has a valuation currently in progress, you may submit a revised funding schedule to PERAC upon its completion. The current schedule is/was due to be updated by Fiscal Year 2011.

If you have any questions, please contact PERAC's Actuary, Jim Lamenzo, at (617) 666-4446 Extension 921.

JEC/jrl
Attachments

cc: Office of the Mayor
City Council
c/o City Clerk



Marlborough Retirement Board

Projected Appropriations

Fiscal Year 2010 - July 1, 2009 to June 30, 2010

Aggregate amount of appropriation: **\$6,370,663**

Fiscal Year	Estimated Cost of Benefits	Funding Schedule (Excluding ERI)	ERI	Total Appropriation	Pension Fund Allocation	Pension Reserve Fund Allocation	Transfer From PRF to PF
FY 2010	\$7,067,416	\$6,370,663	\$0	\$6,370,663	\$6,370,663	\$0	\$696,753
FY 2011	\$7,516,246	\$6,507,455	\$0	\$6,507,455	\$6,507,455	\$0	\$1,008,791
FY 2012	\$7,992,747	\$6,646,176	\$0	\$6,646,176	\$6,646,176	\$0	\$1,346,571
FY 2013	\$8,498,625	\$6,786,781	\$0	\$6,786,781	\$6,786,781	\$0	\$1,711,844
FY 2014	\$9,035,690	\$6,929,217	\$0	\$6,929,217	\$6,929,217	\$0	\$2,106,473

The Total Appropriation column shown above is in accordance with your current funding schedule and the scheduled payment date(s) in that schedule. Whenever payments are made after the scheduled date(s), the total appropriation should be revised to reflect interest at the rate assumed in the most recent actuarial valuation. Payments should be made before the end of the fiscal year.

For illustration, we have shown the amount to be transferred from the Pension Reserve Fund to the Pension Fund to meet the estimated Cost of Benefits for each year. If there are sufficient assets in the Pension Fund to meet the Cost of Benefits, this transfer is optional.

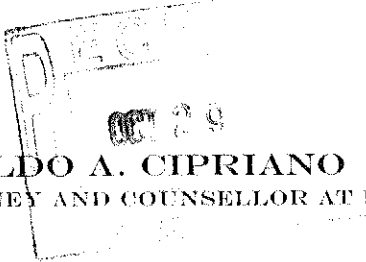
Marlborough Retirement Board
Appropriation by Governmental Unit

Fiscal Year 2010 - July 1, 2009 to June 30, 2010

Aggregate amount of appropriation: **\$6,370,663**

UNIT	Percent of Aggregate Amount	Funding Schedule (excluding ERI)	ERI	Total Appropriation
City of Marlborough	74.08%	\$4,719,387	\$0	\$4,719,387
School Department	24.84%	\$1,582,473	\$0	\$1,582,473
Housing & Community Devel. Authority	1.08%	\$68,803	\$0	\$68,803
UNIT TOTAL	100%	\$6,370,663	\$ 0	\$6,370,663

The Total Appropriation column shown above is in accordance with your current funding schedule and the scheduled payment date(s) in that schedule. Whenever payments are made after the scheduled date(s), the total appropriation should be revised to reflect interest at the rate assumed in the most recent actuarial valuation. Payments should be made before the end of the fiscal year.



ALDO A. CIPRIANO
ATTORNEY AND COUNSELLOR AT LAW

277 MAIN STREET
VICTORIA BUILDING
SECOND LEVEL • ATRIUM SUITE
MARLBOROUGH, MASSACHUSETTS 01752
TEL. (508) 485-7245
FAX (508) 485-2304

October 29, 2008

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

RE: Real Property transfer and exchange off of Bolton Street. Lakeview/Bolton St. Realty LLC. and the City of Marlborough

Dear Mr. President and Council Members:

Please note that I represent Dr. Robert Rittenhouse and Gregory Mitrakas Sr. principals of Lakeview/Bolton Street Realty LLC.

You may recall that about a year ago, a suggested zoning change was withdrawn so as to not adversely affect the Blaiswood Avenue residential neighborhood with the envisioned construction of a medical office building and that a property exchange with the City was submitted to the City Council for consideration.

That subsequent property exchange petition remained in the Committee at the end of the term without action because of the several valuation and titles matters that needed to be addressed based upon City Officials inquiries.

All of those issues have since been addressed. Petitioner, the Lakeview/Bolton Street Realty LLC is now hereby resubmitting for your consideration the proposed property exchange.

This would require the acquisition of a portion of land owned by the City of Marlborough behind the existing pump station, and, for permanent buffer purposes, the exchange and transfer of the Lakeview vacant parcel to the City behind Blaiswood Avenue.

A revised conceptual plan as to the proposed medical office building relocation is attached hereto for your consideration.

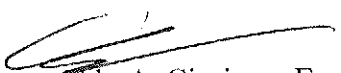
Accordingly, on behalf of Lakeview/Bolton Street Realty LLC, we would petition and request the City Council's consideration of a real property exchange and transfer of that parcel designated parcel B, shown on such plan and consisting of 3.13 acres, for Lakeview's parcel designated parcel A and consisting of 2.48 acres all of which is more

particular displayed on the attached plan. We have also furnished a running description of both parcels A and B for subsequent conveyancing purposes.

It is the belief by both Dr. Rittenhouse and Mr. Mitrakas that this exchange will benefit the Blaiswood Avenuc neighborhood, in preservation of open space, and the City of Marlborough in the construction of a new medical office building to better serve the residents of the City.

We thank you for your consideration and await the opportunity to discuss this matter in more detail at any assigned subsequent meeting of the City Council.

Respectfully submitted,



Aldo A. Cipriano, Esq.

- Cc: Dr. Robert Rittenhouse
- Mr. Gregory Mitrakas Sr.
- Attorney Gregory Mitrakas Jr.

PARCEL A

Beginning at the southeasterly corner of the parcel at a point on the wall at other land of the Lakeview/Bolton Street Realty, LLC., and land of the City of Marlborough

thence running S60-54-37W 150.45 feet by the wall and land of the City of Marlborough to a point,

thence running S59-08-02W 58.91 feet by the wall and land of the City of Marlborough to a point,

thence running S61-17-54W 92.18 feet by the wall and land of the City of Marlborough to a point,

thence running S57-52-11W 67.96 feet by the wall and land of the City of Marlborough to a point,

thence running S60-09-20W 72.51 feet by the wall and land of the City of Marlborough to a point,

thence running S62-49-04W 44.31 feet by the wall and land of the City of Marlborough to a point,

thence running S58-34-33W 32.95 feet by the wall and land of the City of Marlborough to a point on the wall at the center of a proposed street,

thence running N30-45-55W 90.42 feet by the center of a proposed street to a point at land of the Estate of Walter Morse,

thence running N59-14-05E 120.00 feet by land of Morse to a point in the center of a proposed street,

thence running N30-45-55W 50.00 feet by the center of a proposed street to a point,

thence running S59-14-05W 120.00 feet by land of Morse to a point in the center of a proposed street,

thence running N30-45-55W 53.54 feet by the center if a proposed street to a point in the center of a proposed street

thence running N08-11-38E 162.58 feet by the center of a proposed street to a point,

thence running S81-48-22E 10.00 feet by a proposed street to a point,

thence running N59-14-05E 10.00 feet to the center of a proposed street,

thence running S30-45-55E 150.35 feet by the center of a proposed street to a point,
thence running N59-14-05E 120.00 feet by a proposed street, and land of Gary & Heather Everett to a point in the center of a proposed street,
thence running N30-45-55W 100.00 feet by the center of a proposed street to a point,
thence running N59-14-05E 240.00 feet by a proposed street, land of Jair P. Pereira, a proposed street and land of Charles L. & Lynne D. Ripley to a point in the center of a proposed street,
thence running S30-45-55E 74.63 feet by the center of a proposed street to a point at other land of Lakeview/Bolton Street Realty/LLC.,
thence running S36-49-49W 63.81 feet by other land of Lakeview/Bolton Street Realty, LLC. to a point,
thence running S60-06-07E 200.07 feet by other land of Lakeview/Bolton Street Realty, LLC. to the point and place of beginning.
Containing, according to said plan, 2.48 acres.

PARCEL B

Beginning at the northeasterly corner of the parcel at other land of the City of Marlborough and the Lakeview/Bolton Street Realty, LLC.,

thence running S32-37-49E 92.80 feet by other land of the City of Marlborough to a point,

thence running S16-05-34W 101.25 feet by other land of the City of Marlborough to a point,

thence running S57-05-06E 159.49 feet by other land of the City of Marlborough to a point,

thence running S23-01-04E 40.37 feet by other land of the City of Marlborough to a point,

thence running S07-30-51W 101.70 feet by other land of the City of Marlborough to a point,

thence running S46-15-16W 116.82 feet by other land of the City of Marlborough to a point,

thence running S80-33-52W 94.78 feet by other land of the City of Marlborough to a point,

thence running N57-05-06W 154.00 feet by other land of the City of Marlborough to a point,

thence running N11-02-45W 72.90 feet by other land of the City of Marlborough to a point,

thence running N57-05-06W 154.20 feet by other land of the City of Marlborough to a point,

thence running N08-33-22W 86.60 feet by other land of the City of Marlborough to a point on the wall at land of the Lakeview/Bolton Street Realty, LLC.,

thence running N61-17-54E 59.77 feet by the wall and land of Lakeview/Bolton Street Realty, LLC., to a point,

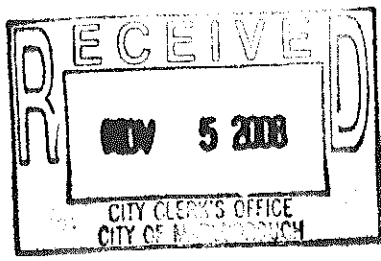
thence running N59-08-02E 58.91 feet by the wall and land of Lakeview/Bolton Street Realty, LLC., to a point

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thence running N60-54-37E 164.34 feet by the wall and land of Lakeview/Bolton Street Realty, LLC., to a point at the end of the wall,

thence running N60-41-19E 67.14 feet by land of Lakeview/Bolton Street Realty, LLC., to the point and place of beginning.

Containing, according to said plan, 3.09 acres.



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CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

The Gutierrez Company, One Wall Street, Burlington, MA 01803

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

Lakeside Avenue and Elm Street / Map 67, Lot 45 / Map ~~68~~ Lot 30A (see attached plans)

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

Same as Item 1.

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

Owner

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

Article 200, Section 13, Paragraph C, Sub-paragraph 4

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

Business District B and Limited Industrial LI

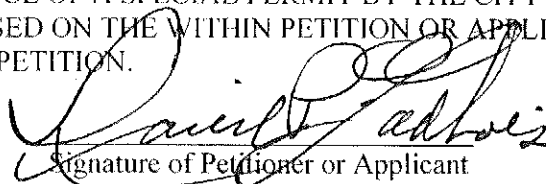
7. Specific reason(s) for seeking Special Permit:

To develop that portion of the parcel located in the Business District for multi-family dwellings per Article 200, Section 13, Paragraph C, Sub-paragraph 4, of the City of Marlborough Zoning Bylaws

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.

DAVID P. GADBOIS
Attorney-At-Law
27 Prospect Street
Marlborough, Massachusetts 01752
TEL # 508 481-0101

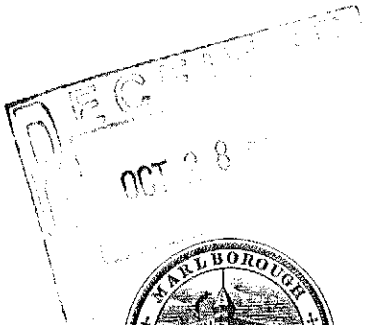

Signature of Petitioner or Applicant

Address: David P. Gadbois Attorney for
The Gutierrez Company
One Wall Street
Burlington, MA 01803
Telephone #: 781-272-7000

Date: _____
City Clerk's Office 1

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*City of Marlborough
Commonwealth of Massachusetts*



PLANNING BOARD

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

PLANNING BOARD MINUTES
October 6, 2008
7:00 PM

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

The Planning Board for the City of Marlborough met on Monday, October 6, 2008 in Memorial Hall, 3rd floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Chairperson, Steve Kerrigan, Clerk, Clyde Johnson, Edward Coveney and Sean Fay. Also present: City Engineer Thomas Cullen.

MINUTES

Meeting Minutes September 29, 2008

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

To accept and file the meeting minutes.

CHAIR'S BUSINESS

Proposed Retirement Community

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

To table any discussion until the end of the meeting.

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

To remove the Proposed Retirement Community off the table.

In discussion, Mr. Johnson still feels that any retirement district should not be in any Limited Industrial or Industrial zone. Mr. Johnson also suggested a buffer zone between the developments. Mr. Convey and Mr. Hanson both agreed with Mr. Johnsons' opinion of not having these developments in a LI or I zone.

Mr. Fay stated that he wanted to make clear that the reporter for the Metrowest Daily News was incorrect by stating that the Planning Board wanted bathrooms in all units, instead the Board wished them to be on the first floor so that people could age in place, He also favored the idea of keeping the developments in residential neighborhoods but not to the detriment of the neighborhoods. For example: could this type of development go next to a multi million dollar house, and right next door would be 12 units at 1,000 square foot each. Mr. Fay stated it would not be fair for those who bought these homes not knowing that a retirement community could be right next door. Some zone/lot size correspondence with the number/size of units allowed should

be considered Mr. Fay also stated that he believes all units should be designed for the owners to age in place.

Before making any recommendation the Planning Board would like to recommend to the City Council the following changes 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.

*LDS Approval
City Council Adoption of 200, Article VI, section 200-30*

Mr. Kerrigan asked if there was any correspondence from the City Clerk regarding the added language to the LDS approval for the additional wording of "be and is herewith APPROVED" is being questioned if this is standard language as it tends to be confusing.

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

To send correspondence to ask the City Solicitor if the language "be and is herewith APPROVED" a standard clerical addition of policy.

APPROVAL NOT REQUIRED PLAN

*13 Harvard Street
ANR Approval
Mr. Fays' Disclosure Notice
Correspondence from City Engineer*

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.

The Assistant City Engineer, Richard Baldelli, sent correspondence to the Planning Board of his review of the ANR plan for 13 Harvard Street. In his review he stated that an August 11, 2008 plan showed a division of three parcels of land owned by Anna Lee Ginetti that would create two building lots. All newly created lots meet the requirements of the Rules and Regulations of the subdivision rules and regulations for the City of Marlborough. Mr. Baldelli is giving a favorable recommendation to approve the ANR plan.

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

To accept and endorse a plan of land believed to be Approval Not Required of Zagami Family of 365 Boston Post Road, Suite 214, Sudbury, MA 01776. Name of Engineer: Thomas Dipersio, Thomas Land Surveyors, 265 Washington Street, Hudson, MA 01749. Deed of property recorded in Middlesex Registry of Deeds books 51623, page 241. Location and description of property: Several Parcels on Harvard Street.

PUBLIC HEARING

SUBDIVISION PROGRESS REPORTS

Update from City Engineer

Mr. Cullen stated that there are currently 41 active subdivisions and they are reviewing as-builts for some subdivisions that are nearly completed.

Forest Trail (Mosher Lane)

Correspondence from Conservation Officer

The Conservation Officer, Pricilla Ryder, gave an update on the planting progress for Forest Trail. She stated in her letter that the work is not yet completed and after a conversation with Mr. Sykes, he stated all work is to be completed by October 10, 2008. Mr. Skyes also indicated that the following work was to be performed as well:

- Desert Conservation land parking lot was regarded and will be re-bermed with a cape cod berm as required.
- Access ramp that was constructed in Open Space A, will be removed and area will be loamed and seeded to restore and stabilize this area.
- Replacement trees have been ordered and will be planted this week including the five trees that were removed when the access road was installed.
- Entrance way decorative stone wall and low shrub planting between Mosher Lane and Desert Parking lot will be completed as well as the pines noted on plan are to be replaced with low growing juniper and rhododendron plants.

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

To accept and file correspondence; ask the Conservation Officer to provide an update when the work is completed.

Easements

At the last meeting, the Planning Board received correspondence from the Code Enforcement Officer, asking the Board to meet with the homeowner (Mr. Welch), the developer (Mr. Kane) and Avidia Bank, owner of the subdivision. Mr. Stephen Poole, the Civil Engineer with Zanca Land Surveying was asked to attend the meeting for Avidia Bank. Mr. Welch or representatives for the developer were not in attendance. Mr. Cullen stated that both he and Mr. Baldelli have been to the site several times and no answer from the homeowner when they have knocked on the door. Mr. Poole presented the plans for 20 Mosher Lane and showed the Board where the drainage easements and detention basin sits on Mr. Welch's property. As explained, they used a right of way on one side of the property to hand dig the trench for the detention basin so no heavy equipment was used to damage any of Mr. Welch's Property. Mr. Cullen spoke on how he feels since the subdivision is not completed and still in the developer's prevue that the developer should go back to the homeowner and work out a compromise. Mr. Poole stated that he will speak to the developer and the homeowner to come up with a solution. Mr. Poole will send a report back to the Planning Board.

PENDING SUBDIVISION PLANS: Updates and Discussion

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS/ LDS SUBMITTALS

LDS Submittal

214 Wilson Street

Signing of Plans/ ANR Plan

The City Clerk certified that there were no appeals. The Planning Board may now endorse the plan.

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 SMC Reality Trust, P.O. Box 551, Marlborough, MA 01752. Name of Engineer: Thomas Land Surveying, 265 Washington Street, Hudson, MA 01749. Deed of property recorded in South Middlesex Registry of Deeds book 32283, page 81. Location and description of property: located at 214 Wilson Street on Assessors map 60, parcel 5 and map 47 parcel 16.

DEFINITIVE SUBDIVISION SUBMISSIONS

SCENIC ROADS

SIGNS

INFORMAL DISCUSSION

COMMUNICATIONS/CORRESPONDENCE

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

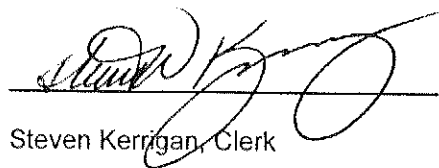
To accept all of the items listed under communications and/or correspondence.

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

To adjourn at 7:45 p.m.

A TRUE COPY

ATTEST:


Steven Kerrigan, Clerk

135

26 BROAD ST

80 68

Department:
City of Marlborough Building Electrical Mecha

Fee Type:
BUILDING PERMIT

Paid By:
ST MARYS RECTORY

Received By:
Melissa Irish

Reference No: BEM-2008-001992

Permit No: MA-2008-0014

Account No:

Receipt No: REC-2009-001249

Paid in Full On: Wed Oct 22,2008

Check No: 1432

Amount: \$700.00

TREASURER'S COPY

26 BROAD ST

80 68

Department:
City of Marlborough Building Electrical Mecha

Fee Type:
BUILDING PERMIT

Paid By:
ST MARYS RECTORY

Received By:
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Reference No: BEM-2008-001992

Permit No: MA-2008-0014

Account No:

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DEPARTMENT'S COPY

26 BROAD ST

80 68

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CUSTOMER'S COPY