

REGULAR MEETING
OCTOBER 15, 2007

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:

1. Minutes, City Council Meeting, September 24, 2007.
2. October is Breast Cancer Awareness Month whereby the City of Marlborough and the American Cancer Society are teaming up to join forces to fight cancer.
3. Presentation from representatives of Verizon and Comcast with update regarding local access television for Verizon Fios in the City of Marlborough – requested by President Vigeant
4. PUBLIC HEARING: On the petition of NSTAR to install 2000' of 8.00" plastic gas main as a system improvement to supply the Regency @ Assabet Ridge Development off Fitchburg St. and Crowley Dr.
5. PUBLIC HEARING: On the petition of Mass Electric to install stub pole #82-84 to support existing pole #82 on Farm Rd.
6. PUBLIC HEARING: On the communication from Attorney Arthur B. Bergeron, on behalf of 890 Post Rd., LLC, who owns the real property shown on Assessors Map 62 Parcels 1 and 24 requesting zone line changes.
7. PUBLIC HEARING: On the communication from Attorney Arthur B. Bergeron, on behalf of 890 Post Rd., LLC, who owns the real property shown on Assessors Map 62 Parcels 1 and 24. All of Parcel 24 and part of Parcel 1 are located in a Business zone.
8. Communication from the Mayor re: budget transfer in the amount of \$115,000.00.
9. Communication from the Mayor re: budget transfer in the amount of \$1,230.00.
10. Communication from the Mayor re: budget transfer totaling \$15,200.00.
11. Communication from Mayor re: attached revision to the Council on Aging's recently received formula grant.
12. Communication from the Mayor requesting that Tricia Richard of the Marlborough Fire Department receive the maximum salary step commensurate with her experience and overall length of service.
13. Communication from the Mayor re: Officer Richard R. Gaudette and Officer Ronald J. Ney promotions to the position of Police Sergeant.
14. Communication from the Mayor re: the Marlborough Community Development Authority.
15. Communication from the City Solicitor re: confirmatory vote on fire station.
16. Notice from City Clerk re: 2007 Biennial Municipal Election Call.
17. Communication from the Massachusetts State Lottery Commission re: Keno license application for Marlborough Fish and Game Club.
18. Minutes, Traffic Commission, August 28, 2007.
19. Minutes, Conservation Commission, April 6, May 4, May 18, June 1, June 15, July 6, July 20, 2006, & March 1, March 15, 2007.
20. CLAIMS:
 - Don Weaver 318 Main St., Northborough, property damage
 - Lamar Torres, 273 West Main St., Unit C-9, personal injury
 - Maria Montes-Otenti, 16 Spring Lane, vehicle damage

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Urban Affairs Committee

21. **Order No.05/07-100931B** – Re: Application of Deborah Fairbanks, Fairbanks Development LLC seeking to amend the special permit re: Artist Loft Housing at 406 Lincoln Street, known as Renaissance Lofts so that the language would read instead of “No person shall be eligible to Purchase” to “Preference will be given to Artists or persons engaged in an art-related businesses.” The City Solicitor submitted to the City Council the proposed decision in proper form. **Motion made, and seconded, to recommend approval with findings and conditions as amended. Recommendation of the Urban Affairs Committee is to approve 5-0.**

From Wireless Communications Committee

22. **Order No. 07-1001434** – Re: Presentation by Mark Gibbs, IS Director, updating the City Council on WI-FI and its impact on the City’s wireless communications; and that the report include the progress of the program and requirements including financial and otherwise going forward and any additional removal of trees and installation of antennae.

Motion made, seconded and approved (3-0) to recommend that the WI-FI network continue to move forward subject to the following:

- 1) Request for Proposal be issued for the construction of a communications pole at the Westerly Wastewater Treatment Plant;
- 2) That notification be given to the ward 3 councilor prior to a WCF installation taking place in the Forest Street area;
- 3) That the City Council be updated regarding any antennae location that will require rent prior to entering into any rental agreement for such locations;
- 4) That the City Council be updated regarding possible alternatives to the current Fairmount Hill water tank site;
- 5) That the WI-FI Team update the City Council within the next sixty (60) days regarding the progress of the above items.



CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
Lisa M. Thomas
140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
(508)460-3775 FAX (508)624-6504
SEPTEMBER 10, 2007

Regular meeting of the City Council held on Monday September 24, 2007 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Katz, Ferro, Juaire, Schafer, Webster, Clancy and Towle. Meeting adjourned at 9:20 p.m.

ORDERED: Minutes, City Council meeting, September 10, 2007, **FILE**; adopted.

ORDERED: Now being the time set for the **PUBLIC HEARING** on the application of Ming Wang to convert the former State Armory Building located at 358-364 Lincoln St., into 12 residential condominiums, all were heard who wish to be heard, hearing adjourned at 8:11 p.m., **IN URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: Now being the time set for the **PUBLIC HEARING** on the application of First Student Inc. for outdoor storage of vehicles (school buses) on Hayes Dr., all were heard who wish to be heard, hearing adjourned at 8:43 p.m., **IN URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the correspondence from the City Auditor providing a status update with respect to the closing of the FY07 books, **FILE**; adopted.

ORDERED: That the following transfer of \$84,157.17 from Fringes to various salary related accounts, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 11990006-51500 \$84,157.17

Fringes

TO:

Acct. # 12100001-50420 \$62,974.57

Police Officers

Acct. # 12100003-51226 \$1,242.36

First Respond

Acct. # 12100003-51430 \$2,109.24

Long

Acct. # 12100003-51440 \$8,164.71

Edu Inc

Acct. # 12100003-51450 \$1,827.42

Night Dif

Acct. # 12100003-51490 \$4,964.48

Holiday

Acct. # 12100003-51920	\$2,193.99
SLBB	
Acct. # 12100003-50435	\$680.40
SLBB	

Total \$84,157.17

ORDERED: That the amending existing licensing agreement between the owner(s) of the property at 19 Weed St and the City of Marlborough, refer to **LEGAL AND LEGISLATIVE AFFAIRS COMMITTEE**; adopted.

ORDERED: That the commencement of Passport Processing on October 14, 2007, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

MOTION: To move agenda item # 8, communication from the City Solicitor, amending the Fairbanks Development LLC Special Permit which has been put in proper form, be moved to Reports of the Committees, **APPROVE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, OCTOBER 29, 2007** as date for a **PUBLIC HEARING** on the communication from the Council President re: proposed amendment to Section 200-17 "Table of Uses" of the City's Zoning Ordinance, refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD AND ADVERTISE**; adopted.

ORDERED: That the communication from Department of Housing and Community Development re: range of services and assistance to communities seeking help on how to revitalize their downtowns through the Department's Massachusetts Downtown Initiative (MDI), **FILE**; adopted.

ORDERED: That the communication from the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs, Department of Environmental Protection, re: reviewing Water Management Act (WMA) permits every five years, refer to **DPW COMMISSIONER**; adopted.

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

ORDERED: That the communication from Massachusetts Development Finance Agency re: preliminary approval to issue a revenue bond on behalf of Hillside School., Inc, **FILE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, OCTOBER 15, 2007** as date for a **PUBLIC HEARING** on the petition by Petition from Mass Electric to install stub pole #82-84 to support existing pole #82 on Farm Rd. in Marlborough, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the minutes of the Traffic Commission meeting of July 24, 2007, **FILE**; adopted.

ORDERED: That the TransReport, September 2007, **FILE**; adopted.

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

REPORTS OF COMMITTEES:

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

Order No.05/07-100931B – Re: Application of Deborah Fairbanks, Fairbanks Development LLC seeking to amend the special permit re: Artist Loft Housing at 406 Lincoln Street, known as Renaissance Lofts so that the language would read instead of “No person shall be eligible to Purchase” to “Preference will be given to Artists or persons engaged in an art-related businesses.” The City Solicitor submitted to the City Council the proposed decision in proper form. **Motion made, and seconded, to recommend approval with findings and conditions as amended. Recommendation of the Urban Affairs Committee is to approve 5-0.**

Councilor Katz reported the following out of the Wireless Communications Committee:

Order No. 07-1001434 – Re: Presentation by Mark Gibbs, IS Director, updating the City Council on WI-FI and its impact on the City’s wireless communications; and that the report include the progress of the program and requirements including financial and otherwise going forward and any additional removal of trees and installation of antennae.

Motion made, seconded and approved (3-0) to recommend that the WI-FI network continue to move forward subject to the following:

- 1) Request for Proposal be issued for the construction of a communications pole at the Westerly Wastewater Treatment Plant;
- 2) That notification be given to the ward 3 councilor prior to a WCF installation taking place in the Forest Street area;
- 3) That the City Council be updated regarding any antennae location that will require rent prior to entering into any rental agreement for such locations;
- 4) That the City Council be updated regarding possible alternatives to the current Fairmount Hill water tank site;
- 5) That the WI-FI Team update the City Council within the next sixty (60) days regarding the progress of the above items.

Suspension of the rules requested – granted; adopted.

ORDERED: That the application of Mass Electric to install manhole duct locations on Donald J. Lunch Blvd., **APPROVE** as recommended by the Public Services Committee; adopted.

ORDERED: That the City Emergency Management Coordinator, Don Cusson, spoke at the September 24, 2007 meeting and provided an update of the City's R911 system, refer to **PUBLIC SAFETY COMMITTEE**; adopted.

ORDERED: That the communication from Mayor Stevens regarding the reappointment of Rosalind Baker as Director of Human Services, expires August 27, 2010, **APPROVE**; adopted.

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ORDERED; That the SPECIAL ACT submitted by Mayor Stevens to establish the Term of the Office of the City Solicitor and the confirmation and removal process for the required steps needed to create a Charter Change, refer to **LEGAL DEPARTMENT AND THE HOUSE COUNSEL** to draft the necessary language to effect this change and report back to City Council for final approval; adopted.

ORDERED: That the City of Marlborough **GRANTS** a temporary utility easement to be executed by the Mayor on behalf of the City, to Massachusetts Electric Co. (a/k/a "National Grid"), as described in the Grant of Temporary Easement, Christopher Heights, 84 Chestnut Street, Marlborough, MA for the purposes of installing, constructing, reconstructing, repairing, replacing, adding to, maintaining and operating an overhead system and an underground system for electric service to the buildings constructed or proposed to be constructed by the Christopher Heights of Marlborough Limited Partnership pursuant to a February 14, 2006 ground lease between the City and the Christopher House of Marlborough Limited Partnership, said temporary utility easement to be for a period concurrent with the term of said ground lease, and to be recorded at Middlesex South District Registry of Deeds; adopted.

YEA: - 9 ABSTAINED: - 2

YEA: Ferro, Schafer, Juairé, Webster, Clancy, Towle, Ossing, Vigeant, Levy

ABSTAIN: Katz, Pope

ORDERED: That the communication from the Legal Department with request by James J. and Noel M. Cain to purchase all of the city's right, title and interest in a certain parcel of land abutting their property at 107 Phelps Street, together with proposed quitclaim deed, **TABLED**; adopted.

ORDERED: That that the proposed permanent sewer easement regarding 107 Phelps St., be accepted to allow the city to maintain the relevant sewer truck line, **TABLED**; adopted.

ORDERED: That the City Council of the City of Marlborough adopt Chapter 73, section 4 of the Acts of 1986 which allows for doubling of all exemptions offered in the City to qualified residents (i.e. Elderly, Blind, Disabled Vets) as provided by Massachusetts Law, **APPROVE**; adopted.

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

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“PAINT THE CITY PINK”
OCTOBER 15, 2007

October is Breast Cancer Awareness Month and the City of Marlborough and the American Cancer Society are teaming up to join forces to fight cancer.

3

Thomas, Lisa

From: City Council
Sent: Tuesday, October 09, 2007 5:11 PM
To: lthomas@marlborough-ma.gov; Lucier, Claire
Subject: AGENDA ITEM FOR OCTOBER 15, 2007

Lisa – Please add agenda item at the top of the October 15, 2007 agenda before the first public hearing the following:

Presentation from representatives of Verizon and Comcast with update regarding local access television for Verizon Fios in the City of Marlborough – requested by President Vigeant

Thank you,
President Vigeant

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IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 10, 2007

ORDERED:

That there being no objection thereto set **MONDAY, OCTOBER 15, 2007** as date for a **PUBLIC HEARING** on the petition by NSTAR to install 2000' of 8.00" plastic gas main as a system improvement to supply the Regency @ Assabet Ridge Development off Fitchburg St. and Crowley Dr. in Marlborough, be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 07-1001668

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IN CITY COUNCIL

Marlborough, Mass., _____

ORDERED:

That there being no objection thereto set **MONDAY, OCTOBER 15, 2007** as date for a **PUBLIC HEARING** on the petition by Petition from Mass Electric to install stub pole #82-84 to support existing pole #82 on Farm Rd. in Marlborough, be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 07-1001682



IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 10, 2007

ORDERED:

That there being no objection thereto set **MONDAY, OCTOBER 15, 2007** as date for a **PUBLIC HEARING** on the communication from Attorney Arthur B. Bergeron, on behalf of 890 Post Rd LLC., which owns the real property shown on assessors Map 62 Parcels 1 and 24. Parcel 1 which extend from the Boston Post Rd. North to the City's Easterly Wasterwater Treatment Plant, is bisected by a zone line, making the rear of the property, which is landlocked, borders the Treatment Plant, and is zoned Rural Residential, useless. Pursuant to General Laws Chapter 40A, Section 5, the client is requesting that the rear part of the land shown on Assessors Map 62 Parcel 1 be rezoned from Rural Residential to Business, be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD AND ADVERTISE.**

ADOPTED

ORDER NO. 07-1001666



IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 10, 2007

ORDERED:

That there being no objection thereto set **MONDAY, OCTOBER 15, 2007** as date for a **PUBLIC HEARING** on the communication from Attorney Arthur B. Bergeron, on behalf of 890 Post Rd LLC. which owns the real property shown on assessors Map 62 Parcels 1 and 24. All of parcel 24 and part of Parcel 1 are located in a Business zone. Pursuant to General Laws Chapter 40A sec. 5, the client is requesting that the Zoning Ordinance be amended by:

- 1) adding to Section 200-17 a new Business Use, entitled "New Motor Vehicle Sales and Service (41)" to be allowed by Special permit in a Business Zone, and
- 2) adding to Sec. 200-18 a new Subsection 41, to read as follows;

"(41) New Motor Vehicle Dealership Sales and Service

New motor vehicle sales, and related service and used vehicle sales, by an entity which has a valid dealership agreement to sell vehicles on behalf of a known manufacturer of new motor vehicles, provided that said dealership shall, as a condition of operation, be appropriately licensed by the Marlborough License Commission pursuant to Mass General Laws."

Because the client's land would be affected by this change, the client is entitled to request it pursuant to General Laws Chapter 340A sec. 5, be and is herewith refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD AND ADVERTISE.**

ADOPTED

ORDER NO. 07-1001667



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

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Nancy E. Stevens
MAYOR

Karen H. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

October 10, 2007

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

Honorable President Vigeant and Councilors:

I am submitting herewith the following budget transfer in the amount of \$115,000.00 moving money from Account No. 83600-11515 (Stabilization) to Account No. 19300006-58514 (DPW Projects). This transfer is required for the Hemenway sidewalk project which has exceeded budget estimates.

Based upon the bid process experienced earlier this year, an estimate had been developed relative to the cost of this capital project; however, the lowest bid received was \$104,000 above said estimate. In order to provide for further contingencies, this shortfall has been increased to the \$115,000 transfer figure requested.

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

Sincerely,

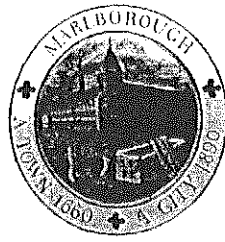
Nancy E. Stevens
Mayor

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TRANSFER REQUEST

FROM ACCOUNT		TO ACCOUNT							
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DISCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DISCRIP	AMOUNT AVAIL
\$3,301,950.92	\$ 115,000.00	83600	11515	Stabilization	\$ 115,000.00	19300006	58514	DPW Projects	\$ -

Reason: See attached transfer request.



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

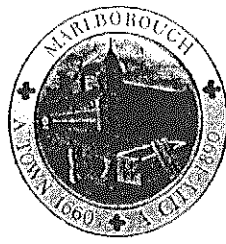
TO: MAYOR NANCY E. STEVENS
FROM: RONALD M. LAFRENIERE,
COMMISSIONER OF PUBLIC WORKS
DATED: OCTOBER 10, 2007
RE: HEMENWAY STREET SIDEWALK

Bids have been advertised and received for the construction of a new sidewalk on Hemenway Street between its intersections with Wilson Street and Littlefield Lane. Current funding for this project is from two sources; stabilization funds earmarked for this purpose in the amount of \$51,000 and an FY07 capital bond item in the amount of \$80,000. The total project funding to date is \$131,000.

As noted above bids were opened for this project late in September. The low bid in the amount of \$234,962 far exceeds the approved project funding. Engineering estimates for the project were right in line with the low bid that we received, however our expectations were that the favorable bidding climate we experienced earlier in the year would result in bids more in line with the limited funds already approved for this project. Unfortunately that did not happen.

A bid award for this project now depends on approval of additional funds in the amount of \$103,962, however in order to cover contingencies on this project, I ask that you and the council consider the approval of \$115,000 in additional funding.

With limited time remaining to award this contract and to complete construction this year, your immediate consideration of this request would be greatly appreciated.



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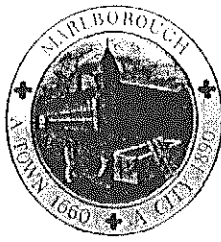
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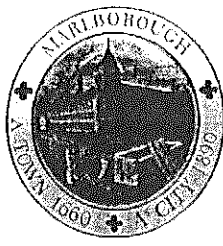
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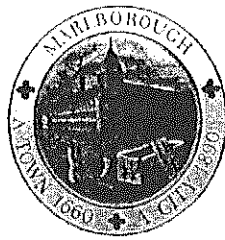
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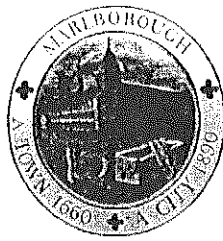
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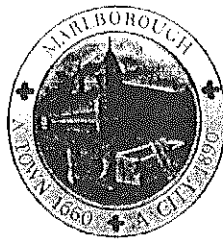
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As noted above bids were opened for this project late in September. The low bid in the amount of \$234,962 far exceeds the approved project funding. Engineering estimates for the project were right in line with the low bid that we received, however our expectations were that the favorable bidding climate we experienced earlier in the year would result in bids more in line with the limited funds already approved for this project. Unfortunately that did not happen.

A bid award for this project now depends on approval of additional funds in the amount of \$103,962, however in order to cover contingencies on this project, I ask that you and the council consider the approval of \$115,000 in additional funding.

With limited time remaining to award this contract and to complete construction this year, your immediate consideration of this request would be greatly appreciated.



8/10

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

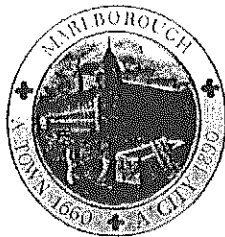
TO: MAYOR NANCY E. STEVENS
FROM: RONALD M. LAFRENIERE,
COMMISSIONER OF PUBLIC WORKS
DATED: OCTOBER 10, 2007
RE: HEMENWAY STREET SIDEWALK

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811

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

TO: MAYOR NANCY E. STEVENS

FROM: RONALD M. LAFRENIERE,
COMMISSIONER OF PUBLIC WORKS

DATED: OCTOBER 10, 2007

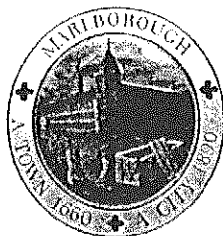
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812

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

TO: MAYOR NANCY E. STEVENS
FROM: RONALD M. LAFRENIERE,
COMMISSIONER OF PUBLIC WORKS
DATED: OCTOBER 10, 2007
RE: HEMENWAY STREET SIDEWALK

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City of Marlborough
Office of the Mayor

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

9/1
Nancy E. Stevens
MAYOR

Karen A. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

October 10, 2007

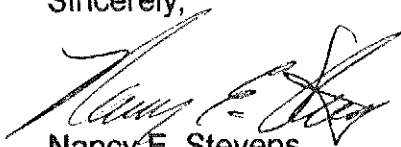
Council President Arthur G. Vigeant
Marlborough City Council
Marlborough City Hall -2nd Floor
140 Main Street
Marlborough, MA 01752

Honorable President Vigeant and Councilors:

Attached please find a budget transfer request in the amount of \$1,230.00 moving funds from Account No. 14001101-50710 (Junior Civil Engineer) to Account No. 14001103-51310 (Overtime Regular). This transfer is required to provide funding for overtime payroll relative to evening and weekend inspections of DPW roadway and parking lot reconstruction work.

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

Sincerely,


Nancy E. Stevens
Mayor

CITY OF MARLBOROUGH
BUDGET TRANSFER REQUEST

DEPT: Department of Public Works

DATE: _____

10/10/2007

FY: 08

FROM ACCOUNT:

Amount _____ Fund _____ Object _____ Account Description: _____
 \$1,230.00 14001101 50710 Junior Civil Engineer
 Reason: Funds available due vacancy in Engineering.

TO ACCOUNT:

Fund _____ Object _____ Account Description: _____
 14001103 51310 Engineering - Overtime-Regular
Transfer needed to cover overtime costs for nighttime and weekend
inspectional services for DPW's FY07 Roadway and Parking Lot
Reconstructions.

Amount _____ Fund _____ Object _____ Account Description: _____

 Reason: _____

Fund _____ Object _____ Account Description: _____

Amount _____ Fund _____ Object _____ Account Description: _____

 Reason: _____

Fund _____ Object _____ Account Description: _____

Amount _____ Fund _____ Object _____ Account Description: _____

 Reason: _____

Fund _____ Object _____ Account Description: _____

Department Head Signature: _____

Mayor Signature: _____

[Handwritten signatures and initials]
 10/10/07
 93



City of Marlborough
Office of the Mayor

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

101
Nancy E. Stevens
MAYOR

Karen H. Kirby
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

October 10, 2007

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

Honorable President Vigeant and Councilors:

I am submitting for your approval the attached budget transfer totaling \$15,200.00 which breaks down as follows: \$3,200 moving from Account No. 11990006-57820 (Reserve for Salaries) to Account No. 11920003-51940 (Clothing) and \$12,000.00 from Account No. 11920001-50560 (Custodian) to Account No. 11920001-51300 (Overtime).

The additional funding for clothing is the result of the contract for same coming after the FY08 budget submittal. While the Public Facilities FY08 budget had only \$8,800 approved for Overtime, I am requesting a \$12,000 transfer to cover the existing condition of the loss of two salaried employees since July – one due to resignation and a second out on injury.

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

Sincerely,

Nancy E. Stevens
Mayor

102

TRANSFER REQUEST

FROM ACCOUNT				TO ACCOUNT					
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DISCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DISCRIP	AMOUNT AVAIL
			Building Maintenance				Building Maintenance		
\$ 706,682.00	\$ 3,200.00	11990006	57820	Resv. For Salaries	\$ 3,200.00	11920003	51940	Clothing	\$ (3,200.00)
\$ 81,390.35	\$ 12,000.00	11920001	50560	Custodian	\$ 12,000.00	11920001	51300	Overtime	\$ 2,220.88
	\$ 15,200.00			Total	\$ 15,200.00				

Reason: See attached transfer request.

Just this



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

111
Nancy E. Stevens
MAYOR

Karen H. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

September 27, 2007

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


Honorable President Vigeant and Councilors:

As an addendum to my submittal dated July 18, 2007, Item #9 on Council meeting agenda for July 23rd, I am forwarding for your approval the attached revision to the Council on Aging's recently received formula grant. The original grant amount of \$34,430 has been increased to \$35,523 due to a per elder allotment increase.

In order to keep the acceptance of this grant moving forward, I would respectfully request your approval of the funding difference of \$1093 for the Council on Aging.

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

Sincerely,


Nancy E. Stevens
Mayor



IN CITY COUNCIL

Council on Aging 1/2

Marlborough, Mass., JULY 23, 2007

ORDERED:

That the Council on Aging has been awarded the Marlborough Council on Aging Formula Grant for FY08 from the State of Massachusetts. The Council on Aging of Marlborough has been appropriated a grant in the amount of \$34,430.00 for the fiscal year FY08 as a supplement to our City Budget, be and is herewith **APPROVED**.

(Councilor Levy abstained)

ADOPTED
In City Council
Order No. 07-1001626

Approved by Mayor
Nancy E. Stevens
Date: July 26, 2007

A TRUE COPY
ATTEST:

City Clerk



113

City of Marlborough

Council on Aging and Senior Center

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

September 28, 2007

Hon. Mayor Nancy E. Stevens
250 Main Street
Marlborough, MA 01752

Mayor Stevens,

Attached is information regarding an increase in funding available under Elder Affairs Grants to Council on Aging (COAs) in Fiscal Year 2008. The increase provides \$6.50 per elder based on the community's 60 and older population as determined by the latest available figures from the U.S. Bureau of the Census.

The Marlborough Council on Aging will receive \$1093.00 which is to be amended to the "Training" (board/staff) line on the FY08 Formula Grant. This increase will enable the COA to provide vital training to its staff regarding current practice with elders and skill training for services and classes.

Thank you for your consideration in this matter.

Sincerely,

Amy Loveless
Executive Director
Marlborough Council on Aging

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CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: Council on Aging DATE: 28-Sep-07

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Amy Loveless, Executive Director

NAME OF GRANT: Formula Grant FY08

GRANTOR: Elder Affairs ~ State

GRANT AMOUNT: \$1093.00 (Increase)

GRANT PERIOD: FY08

SCOPE OF GRANT/
ITEMS FUNDED Training (staff)

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?

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: ASAP

**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**

11/7

Executive Office of Elder Affairs

1 Ashburton Place, 5th Fl.
Boston, MA 02108-1518

MARLBOROUGH
Name of Community

Contact Person: AMY LOVELESS, EXEC. DIRECTOR
Daytime Tel.: (508) 465-6492 Email: aloveless@marlborough-ma.gov
COA Mailing Address: 250 MAIN ST., MARLBOROUGH, MA 01752

ATTACHMENT A: Council on Aging Formula Grant REVISED APPLICATION

Use Activities # R1, R2, etc., for each activity that did **not** appear in your original Formula Grant application; identify/itemize each associated expense on Attachment B. Note the objective/s for each activity and the unduplicated number of people to be served annually at "Undup. Count".

If all activities (regardless of changes in dollar amounts) are identical to those in your original application, print/state the words "NO CHANGE" at Activity R1.

Activity R1: TRAINING(S) (FOR STAFF)

Objective a: EDUCATE STAFF AS TO CURRENT CONTINUUM OF GERIATRIC PRACTICES RELATED TO Undup. Count

Objective b: ENHANCE SKILL BASE TO ^{TO B RESPONSIBILITIES} MEET CLINICAL ISSUES & SERVICES NEEDS OF Undup. Count

Objective c: INCREASE FITNESS CLASSES THROUGH ^{SENIORS} TRAINING IN NEW & ADVANCED AREAS Undup. Count
OF EXPERTISE

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

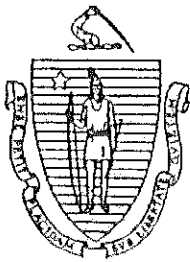
Elder Affairs reserves the right to modify the purposes and/or proposed expenditures of this application prior to execution of the final grant agreement. The amount of this award may be modified subject to appropriation by the General Court.

AMY LOVELESS (x) A Loveless 9/26/07
(PRINT) Director/Coordinator (signature) (date)

_____ (x) _____
(PRINT) Chairperson (signature) (date)

Nancy Stevens (x) Nancy E. Stevens 9/26/07
(PRINT, NOTE) Chair, Board of Selectmen; (signature) (date)
Town Manager / Administrator;

Executive Secretary / Administrator; Mayor; other: _____
(see reverse to list additional activities)



118

The Commonwealth of Massachusetts
Executive Office of Elder Affairs
One Ashburton Place, Boston, MA 02108

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

ELEANOR SHEA-DELANEY
Acting Secretary

Tel: (617) 727-7750
Fax: (617) 727-9368
TTY/TTD 1-800-872-0166
www.mass.gov/elder

EOEA-IM-07-11

INFORMATION MEMORANDUM

TO: Councils on Aging

INFO: Aging Services Access Points
Area Agencies on Aging

FROM: Carole Malone, Director of Program Coordination
Emmett Schmarsow, Director of Councils on Aging Program

DATE: September 5, 2007

RE: Increase in Fiscal Year 2008 Formula Grant Funding for Councils on Aging

Purpose:

This Information Memorandum contains information and instructions regarding an increase in funding available under Elder Affairs' Formula Grants to Councils on Aging (COAs) in Fiscal Year 2008. This program will provide up to \$6.50 per elder based on the community's 60 and older population as determined by the latest available figures from the U.S. Bureau of the Census. All COAs, regardless of size, are eligible to receive at least \$3,300 in total. Attachment D cites the available amount for your COA.

Background and Program Implications:

This revised Formula Grant application notifies COAs of additional funds available for purposes that were announced in EOEA-PI-07-07 on April 17, 2007.

Required Action:

Required materials must be postmarked to Elder Affairs, 1 Ashburton Place, 5th Floor, Boston, MA 02108, ATT: COA Formula Grants by October 1, 2007. Faxes will not be accepted.

1274



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

121
Nancy E. Stevens
MAYOR

Karen A. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

October 10, 2007

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

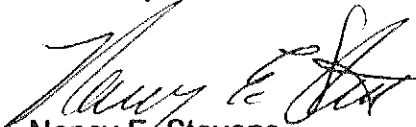
Honorable President Vigeant and Councilors:

Tricia Richard joined the Marlborough Fire Department last month filling a position vacated through retirement.

This was a lateral transfer after four years of service on another community's fire department. At the request of Fire Adams and taking into consideration the fact that Ms. Richard was fully trained, required no probationary period, and was able to step into service immediately which reduced overtime costs, I am requesting the maximum salary step commensurate with her experience and overall length of service.

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

Sincerely,


Nancy E. Stevens
Mayor



122

City of Marlborough

FIRE DEPARTMENT

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

October 1, 2007

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

RE: Salary Adjustment

Ms. Tricia Richard was hired in early September to fill the position of a retiring firefighter. Ms. Richard comes to the Department as a lateral transfer from another civil service fire department previously having completed all necessary fire academy training and has four years experience as a firefighter/paramedic.

By hiring Tricia, the Department avoided the usual 6 to 12 month process of training an employee with the Massachusetts Fire Academy thereby lessening overtime costs associated with short staffing during that time.

Contractually, firefighters receive salary increases in three increments reaching maximum the step over a two-year period. Ms. Richard has exceeded that timeframe working as a firefighter for the past four years. She requires no additional training to perform her duties, and requires no probationary period, as would a new hire. She is currently paid as a first step entry-level firefighter.

Therefore, I would request that Tricia be acknowledged for her experience and brought up to an equal salary level as other firefighters of similar experience and time in position.

I respectfully urge your consideration of this request.

Sincerely,

David Adams
Fire Chief

10/10/2007
15:04 TA

CITY OF MARLBOROUGH
SALARY TABLE

07/01/2007 CFIR FIREFIGHTR CAPT
Change was made by 3.0000%
No Dollar amount used.

EFF. DATE	GROUP/BU	GRADE/ RANK	DESCRIPTION	PAY BASIS	FREQUENCY	CALC	PERIODS DAY	HRS/ DAY	DAYS/ PERIOD	HRS/ YEAR	DAYS/ YEAR	
07/01/2007	CFIR	FIREFIGHTR CAPT	CAPTAIN	A ANNUAL	W WEEKLY	11	52.0000	8.40	42.00	5.00	2184.00	260.00
		STEP/LEVEL	HOURLY RATE	DAILY RATE	PERIOD SALARY				ANNUAL SALARY			
		00	29.3905	246.8808	1,234.40				64,189.00			

07/01/2007 CFIR FIREFIGHTR DCHF
Change was made by 3.0000%
No Dollar amount used.

EFF. DATE	GROUP/BU	GRADE/ RANK	DESCRIPTION	PAY BASIS	FREQUENCY	CALC	PERIODS DAY	HRS/ DAY	DAYS/ PERIOD	HRS/ YEAR	DAYS/ YEAR	
07/01/2007	CFIR	FIREFIGHTR DCHF	DEPUTY CHIEF	A ANNUAL	W WEEKLY	11	52.0000	8.40	42.00	5.00	2184.00	260.00
		STEP/LEVEL	HOURLY RATE	DAILY RATE	PERIOD SALARY				ANNUAL SALARY			
		00	33.2133	278.9923	1,394.96				72,538.00			

07/01/2007 CFIR FIREFIGHTR FFTR
Change was made by 3.0000%
No Dollar amount used.

EFF. DATE	GROUP/BU	GRADE/ RANK	DESCRIPTION	PAY BASIS	FREQUENCY	CALC	PERIODS DAY	HRS/ DAY	DAYS/ PERIOD	HRS/ YEAR	DAYS/ YEAR	
07/01/2007	CFIR	FIREFIGHTR FFTR	FIREFIGHTER	A ANNUAL	W WEEKLY	11	52.0000	8.40	42.00	5.00	2184.00	260.00
		STEP/LEVEL	HOURLY RATE	DAILY RATE	PERIOD SALARY				ANNUAL SALARY			
		00	18.8483	158.3269	791.63				41,165.00			
		01	19.2321	161.5500	807.75				42,003.00			
		02	21.4190	179.9192	899.60				46,779.00			
		03	23.3498	196.1385	980.69				50,996.00			

07/01/2007 CFIR FIREFIGHTR LINT
Change was made by 3.0000%
No Dollar amount used.

EFF. DATE	GROUP/BU	GRADE/ RANK	DESCRIPTION	PAY BASIS	FREQUENCY	CALC	PERIODS DAY	HRS/ DAY	DAYS/ PERIOD	HRS/ YEAR	DAYS/ YEAR	
07/01/2007	CFIR	FIREFIGHTR LINT	LIEUTENANT	A ANNUAL	W WEEKLY	11	52.0000	8.40	42.00	5.00	2184.00	260.00
		STEP/LEVEL	HOURLY RATE	DAILY RATE	PERIOD SALARY				ANNUAL SALARY			
		00	26.6940	224.2308	1,121.15				58,300.00			

** END OF REPORT - GENERATED BY TOM ABEL **

123



City of Marlborough
Office of the Mayor

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

13,
Nancy E. Stevens
MAYOR

Karen H. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

September 27, 2007

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

Honorable President Vigeant and Councilors:

This letter serves to inform you that Officer Richard R. Gaudette and Officer Ronald J. Ney have been promoted to the position of Police Sergeant. They will be filling two positions vacated through the promotions of Michael Amoros and Thomas Bryant to Lieutenant.

Officers Gaudette and Ney, both members of the Marlborough Police Department since 1989, each have a Bachelor's degree in Criminal Justice. Further, these promotions will be effective September 30, 2007.

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

Sincerely,

Nancy E. Stevens
Mayor

132



City of Marlborough POLICE DEPARTMENT

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

September 25, 2007

RE: Appointment of Sergeants

Dear Mayor Stevens:

Following interviews with all candidates on the current list for promotion to Police Sergeant, I recommend the appointment of Officer Richard R. Gaudette and Officer Ronald J. Ney to the position of Police Sergeant. There are currently two vacant Sergeant positions, created by the recent promotions of Michael Amoros and Thomas Bryant to Lieutenant. I recommend the promotions take effect on September 30, 2007. They are the top two candidates on the current promotional list for sergeant.

Officer Gaudette has been a Marlborough police officer since 1989, serving in the patrol division and the community services division. He has a Bachelor's Degree in Criminal Justice, and has attended numerous training programs in specialized areas of law enforcement.

Officer Ney has been a Marlborough police officer since 1989, serving in the patrol division, narcotics unit, traffic enforcement unit, and is a field training officer for new recruits. He has a Bachelor's Degree in Criminal Justice, and has attended numerous training programs in specialized areas of law enforcement.

Officer Gaudette and Officer Ney have both demonstrated a genuine concern for the safety and welfare of the residents of this community and the officers of this department, and they are fully capable of properly performing the duties of a Police Sergeant.

Sincerely,

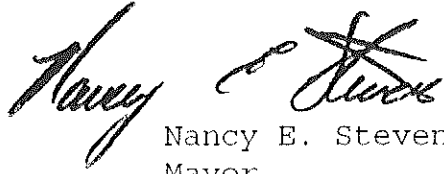
Mark F. Leonard
Chief of Police

cc: Personnel; City Council

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I am available to discuss this matter at your convenience.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Nancy E. Stevens".

Nancy E. Stevens
Mayor

Enclosure

143



Commonwealth of Massachusetts
DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT

Deval L. Patrick, Governor ♦ Timothy P. Murray, Lt. Governor ♦ Tina Brooks, Undersecretary

October 11, 2007

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

Dear Mayor Stevens:

I want to thank you, your staff, and the representatives of the Marlborough Community Development Authority for taking the initiative to meet Tuesday. The meeting allowed for a forthright discussion of strategies for responding to the disallowed and questioned costs outlined in DHCD's letter of October 1, 2007 letter regarding the City's CDBG-funded FY 2001, FY 2002 and FY 2003 housing rehabilitation program. This letter serves to capture the highlights of that discussion.

It is DHCD's understanding that the City of Marlborough will propose a timeline for responding to each of the following items identified in DHCD's review of the P.L. Jones & Associates special accounting report:

1. Ten (10) cases (#223, 231, 208, 233, 235H, 245, 249, 274, 285H and 261) had been disallowed because *"Initial property inspection reports were not on file, therefore, the condition of the property prior to assistance and property code violations were not documented."*

Marlborough will engage a housing/building inspector to conduct on-site inspections of these properties. Marlborough will provide DHCD with itemized reports for each property describing the work that was undertaken, the work that was performed to correct property code violations and the costs associated with such work. These costs must be supported by invoices, and verified by signatures from both the inspector and the homeowner. These cases represent \$224,493.56 in costs.

2. Twenty-five (25) cases had been questioned because the, *"Scope of work cannot be determined to correct property code violations. Code violations not identified in inspection report"* (see accountant report pages 12 through 15, procedure #2, row 2) or where initial inspection reports were not on file.

Marlborough will engage a housing/building inspector to conduct on-site inspections of these properties. Marlborough will provide DHCD with itemized reports for each property describing the work that was undertaken, the work that was performed to correct property code violations and the costs associated with such work. These costs must be supported by invoices, and verified by signatures from both the inspector and the homeowner. These cases represent \$814,108.40 in costs.



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3. Thirty-nine (39) cases had been questioned because "No homeowner reports approving progress on project prior to release of payment to contractor. Homeowner not a dual signatory on contractor payments" (see accountant report pages 12 through 15, procedure #4, row 5). Ten (10) of these cases are already noted as disallowed in # 1 above and twenty-five (25) are noted as pending documentation in item #2 above. The remaining four include: # 186, 211, 210H and 221.

Marlborough will contact each homeowner and obtain signatures certifying that the rehabilitation work, as billed by contractors, was completed. These cases represent \$191,706 in costs.

I would like to take this opportunity to remind you that case #203, a finding of non-compliance with 24 CFR 570.489 (h) 92), and 24 CFR 85.63 (3), *Assistance provided to an employee of the Marlborough Community Development Office without properly addressing conflict of interest*, remains in the status described in DHCD's letter of October 1st. The corrective action proposed by the City in its December 28, 2006 letter to DHCD (attachment E of the accountant's report) needs to be implemented. Marlborough must provide a report to DHCD that describes the status of progress as proposed. This case represents \$36,012 in questioned costs.

In response to the City's request, and with the understandings expressed in this letter, DHCD hereby grants an extension to the deadline under which the City of Marlborough may request a hearing. The deadline for filing a request for a hearing shall be ten (10) days after the City's receipt of DHCD's response to the actions outlined above.

Lastly DHCD will need to hire consultants to assist the City with the inspections noted above. Presuming the cost will fall below \$25,000 this can be accomplished by seeking price quotes from at least three vendors. Guidance is available in the Chapter 30B manual found on the state inspector general's web site. CDBG Program staff at DHCD can assist with identifying potential consultants.

DHCD acknowledges Tuesday's meeting as an important step in advancing the timely resolution of these issues. It served to reinforce the commitment of all in attendance to meeting Marlborough's community development needs.

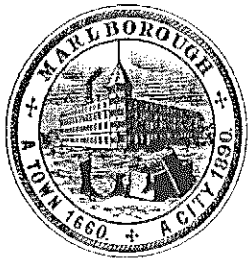
Sincerely,



Sandra L. Hawes

Associate Director
Division of Community Services

CC: Robert D. Shumeyko, U.S. Dept. of HUD
Representative Stephen P. LeDuc
Senator Pamela P. Resor
Christopher Philbin, Office of U.S. Representative James P. McGovern
Thomas J. Able, City of Marlborough
Diane Sullivan, City of Marlborough



City of Marlborough
Legal Department

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

101
DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

KATHERINE M. KIMBER
PARALEGAL

October 11, 2007

Arthur Vigeant
President
Marlborough City Council

RE: Confirmatory Vote on Fire Station

Dear President Vigeant and Members:

As you know, the City Council voted on July 23, 2007 to approve WRT Management Corp. ("WRT")'s proposal for the purchase of the former fire station located at 91 Main Street to WRT Management. A statutory prerequisite for that vote took place on December 7, 1998, when then-Chief Kyle provided the then-Council with written notice of his determination that the fire station was no longer needed for fire department purposes. In turn, that determination was followed by the Council's 1998 vote to transfer the care, custody, management and control of Parcel 24 from the Fire Department to the City Council for its disposition as general municipal property. Both the determination made by Chief Kyle, as well as the vote taken by the Council in 1998, needed to take place prior to this Council's July 23, 2007 vote approving WRT's proposal for the purchase of Map 70, Parcel 24.

When the 1998 determination and vote took place, it was likely assumed that the former fire station's entire property at 91 Main Street consisted of 20,953 square feet and no more, given that this is what the Marlborough Assessor Map showed in 1998. The City acquired that 20,953 square feet in a 1908 deed. However, in 1869, the Town of Marlborough also acquired a small parcel of land, adjacent to the (eventual) 1908 parcel, "for the use of the Town in placing a Fire Engine house thereon and for no other purpose." The additional square footage associated with the 1869 parcel has not been added onto the 20,953 square feet area recited as Parcel 24 on the Assessors Map; in other words, Parcel 24 should consist of more than 20,953 square feet. In short, it appears that the 1869 parcel has lost its identity


in relation to the 1908 parcel, at least for purposes of the City's assessing records on Parcel 24 - an understandable occurrence, given that the City's assessing records were apparently themselves lost in the City Hall fire of Christmas 1904.

For your reference, I have enclosed a copy of a plan from 1888 showing the 1869 parcel, as well as a copy of the 1960 Assessors Map showing Parcel 24. A title search commissioned by the Legal Department confirms that Parcel 24 does, in fact, consist of a combination of both the 1869 parcel and the 1908 parcel.

Accordingly, since the Council's vote in 1998 was likely based on only the 1908 parcel and not on the 1869 parcel as well, a confirmatory vote in 2007 is advisable. Enclosed is a letter from Chief Adams notifying the Council that the overall (1869 plus 1908) parcel is no longer needed for fire department purposes. In turn, the Council will need to take two votes. First, the Council will need a two-thirds majority vote to transfer the care, custody, management and control of the overall (1869 plus 1908) parcel from the Fire Department to the Council for its disposition as general municipal property. Secondly, the Council will then need a simple majority vote to authorize the Mayor to execute the deed for the overall (1869 plus 1908) parcel to WRT. A proposed two-part order is enclosed.

Thank you for your attention to this matter.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

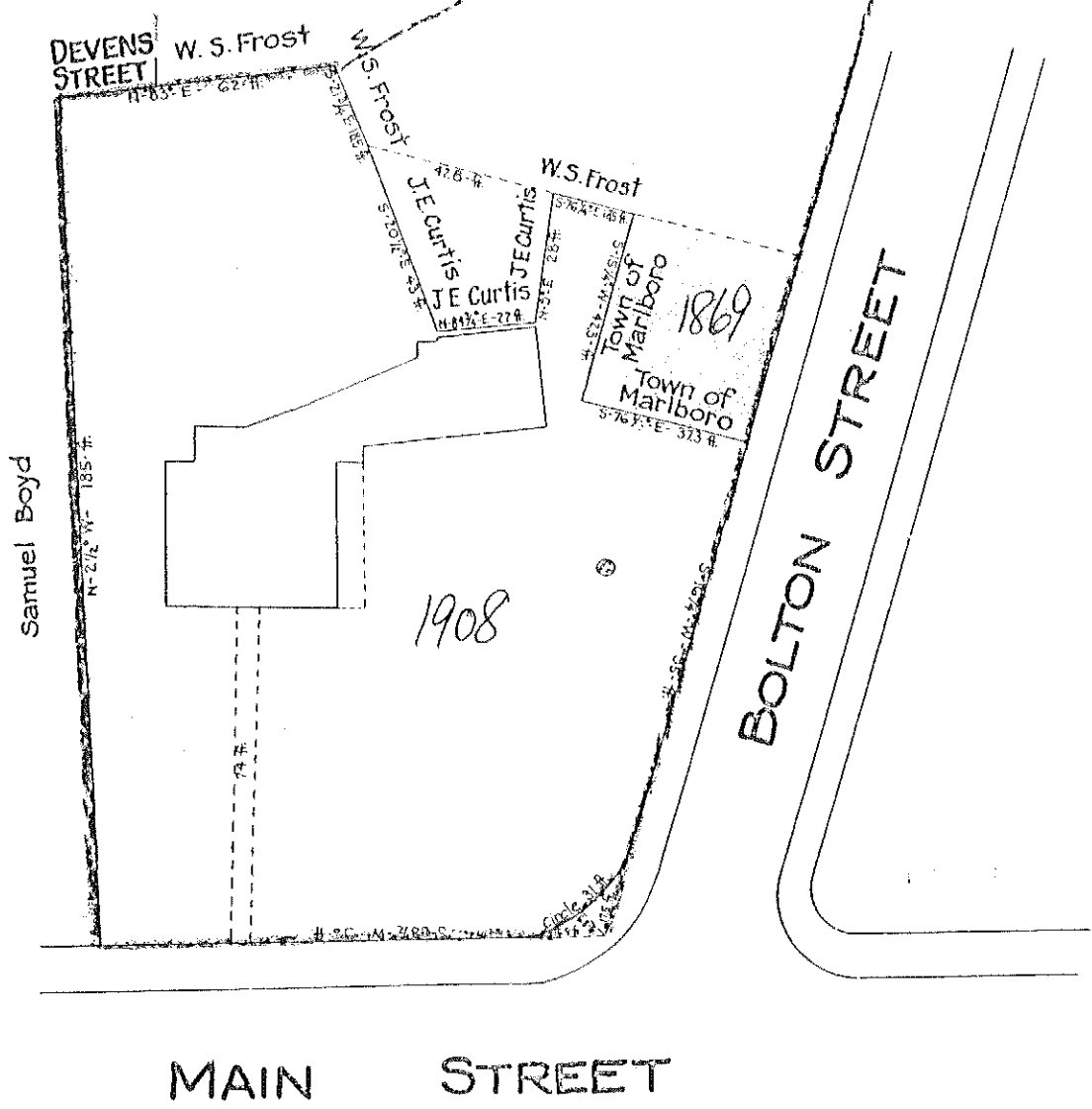
Enclosures

cc: Nancy E. Stevens, Mayor

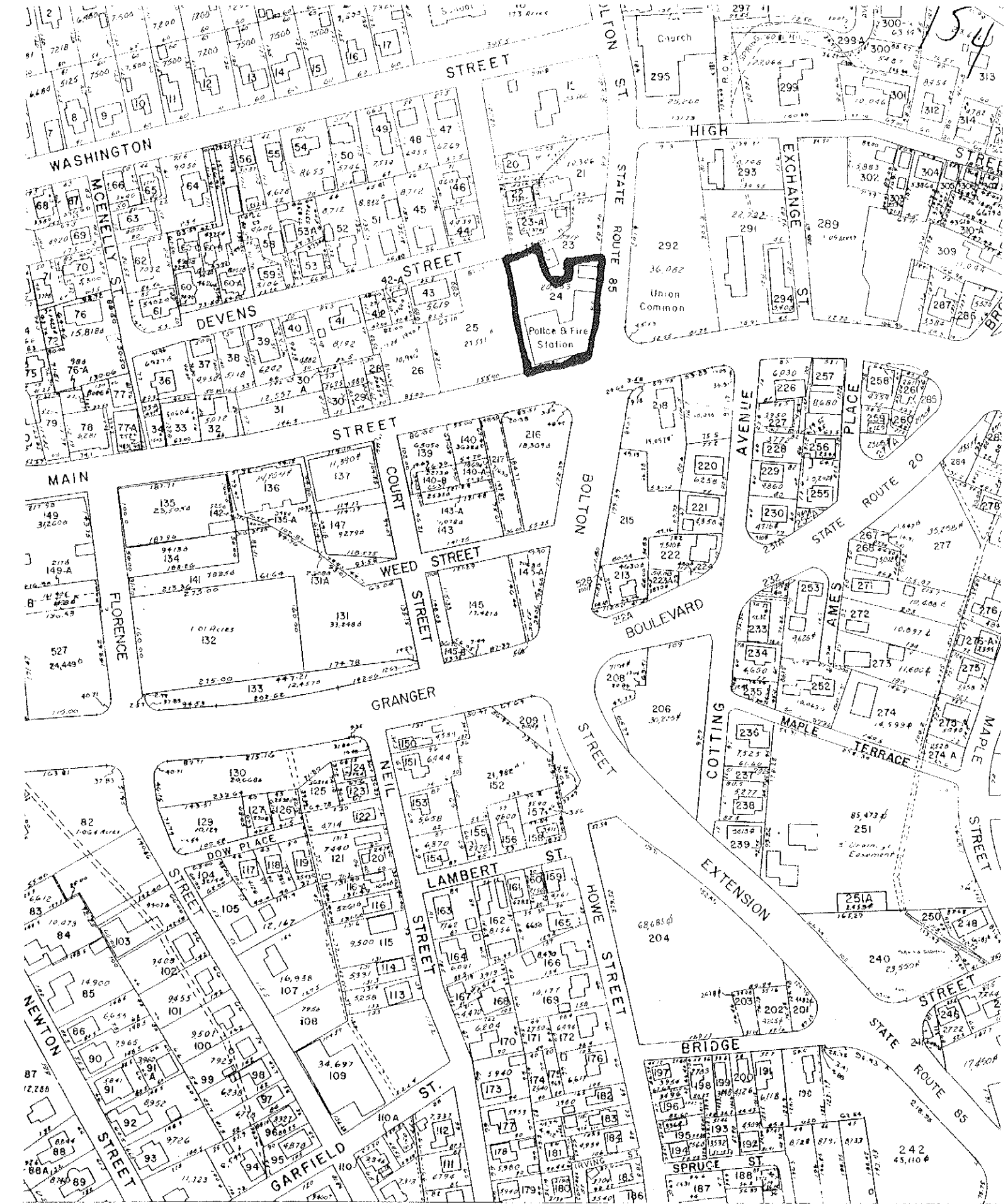
57-17
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Land of
The heirs of
Mrs Lavinia Gale
in
MARLBORO MASS
CONTAINING 20,953 FEET
Surveyed October 3^d 1888
by Henry Morse
Scale-10-ft. to inch

(Original on file.)
(Scale of this plan: 1 in. = 30 ft.)



MIDDLESEX REGISTRY OF DEEDS, SO. DIST.
CAMBRIDGE, MASS.
COPY OF PLAN
Recorded DEC 19, 1888 at 11.20 a. M.
In Plan Book 57 Plan 17
Attest *William B. Bailey* Register



SEE SHEET 82 4 489 500

IMPLIED BY PHOTOGRAMMETRIC METHODS
 DORE SURVEY & MAPPING CORPORATION

SCALE 1:1,200

TE OF PHOTOGRAPHY NOVEMBER 20, 1960
 NTROL BY MASSACHUSETTS GEODETIC SURVEY AND M.S.M.M. CORP. 1927 NAD





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City of Marlborough

FIRE DEPARTMENT

215 Maple Street, Marlborough, Massachusetts 01752

Business (508) 460-6986 Facsimile (508) 460-3795

October 11, 2007

Arthur Vigeant
President
Marlborough City Council

RE: Determination as to Fire Station at 91 Main Street

Dear President Vigeant and Members:

Please accept this communication of my determination that the land and building formerly used as the Marlborough Fire Station, located at 91 Main Street, is no longer needed by the Marlborough Fire Department. The Fire Department considers this property to have been surplus since its replacement by the Central Fire Station at 215 Maple Street.

Thank you for your attention to this matter.

Very truly yours,

David Adams

Chief

Marlborough Fire Department

cc: Nancy E. Stevens, Mayor

ORDERED:

That the City Council of the City of Marlborough, having received the attached notification from the Chief of the Marlborough Fire Department that municipal property previously purchased by the City, consisting of a deed to the Town of Marlborough dated January 3, 1869, recorded with the South Middlesex Registry of Deeds, Book 1063, Page 137, and deed to the City of Marlborough dated April 23, 1908, recorded with the South Middlesex Registry of Deeds, Book 3362, Page 359 ("the Property"), identified and described on a plan, to be recorded in the South Middlesex District Registry, is no longer needed for Fire Department purposes, the City Council, by two-thirds vote pursuant to Mass. Gen. Laws c. 40, § 15A, hereby transfers the care, custody, management and control of the Property to itself for the purpose of disposition by sale.

ADOPTED

In City Council

Order No. 07-

Adopted

Approved By Mayor

Nancy E. Stevens

Date:

A TRUE COPY

ATTEST:

ORDERED:

That the City Council of the City of Marlborough, having transferred to itself the care, custody, management and control of the Property, as described in Order No. 07-___, for the purpose of disposition by sale, hereby declares, pursuant to Mass. Gen. Laws c. 30B, § 16(a), that the Property is available for disposition by sale, and that said sale is subject to the following restrictions and terms, which shall run with the Property and shall be expressly included in any lease pertaining to said Property:

1) In the event that a restaurant, any entity serving alcoholic beverages of any kind to the public, and/or any entity providing entertainment of any kind to the public, is operating at the premises, then:

a) the serving of said alcoholic beverages, and the providing of said entertainment, shall be prohibited at said premises after 12:00 midnight on any day when said premises is open for operation;

b) appropriate ventilation shall be installed so as, in the opinion of the Marlborough Board of Health, to minimize any restaurant odors at neighboring properties to the greatest extent possible on any day when said restaurant is open for operation.

2) The exterior façade of the existing building, including brickwork, original lighting, entry-way doors (including garage bay doors) and windows, shall be retained as identical as possible to the building's finished condition as previously proposed by Grantor. Any exterior changes proposed by Grantee shall be subject to review and written approval by the Mayor of the City of Marlborough or by the Mayor's authorized designee. Grantee acknowledges that Grantee is aware that the building is within the Marlborough Center Historic District, a historic district on the National Register of Historic Places.

The Property is also subject to the agreement of the Grantee not to request from the City of Marlborough a Tax Increment Financing (TIF) agreement for the premises; and also to Grantee's conveyance of an appropriate easement(s).

And, further, that the City Council sets the price to be paid pursuant to a determination of value attached hereto to be

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\$850,000.00, and thus authorizes the Mayor, by simple majority vote pursuant to Mass. Gen. Laws c. 40, § 3, to execute the deed of the Property to WRT Management Corp., subject to the above restrictions and terms.

ADOPTED
In City Council
Order No. 07-
Adopted

Approved By Mayor
Nancy E. Stevens
Date:

A TRUE COPY
ATTEST:



CITY OF MARLBOROUGH
OFFICE OF CITY CLERK

That the City Clerk be and is herewith directed to have proper notices issued notifying the VOTERS of the City of Marlborough that the **BIENNIAL MUNICIPAL ELECTION** will be held in the polling locations as noted below on **NOVEMBER 6, 2007** as follows:

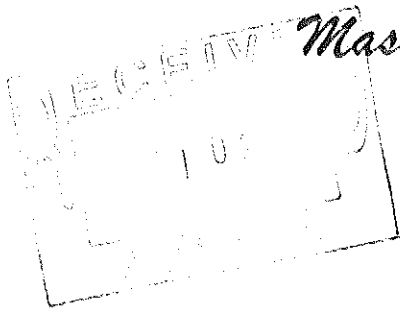
Mayor, four City Councilors-at-Large, Ward Councilors, three School Committee members and Assabet Valley Regional Vocational High School Representative.

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, 208 Main St (corner of Main/Newton Sts), |
| WARD THREE: Prec. 2 | Raymond J. Richer School, 80 Foley Rd, |
| 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, 208 Main St (corner of Main/Newton Sts), |
| WARD SIX: Prec. 1 and 2 | Marl borough Middle (Intermediate) School, 25 Union St, Library |
| WARD SEVEN: Prec. 1 and 2 | Hildreth School Gymnasium, 85 Sawin St |

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Massachusetts State Lottery Commission

*60 Columbian Street
Braintree, Massachusetts 02184-1738*

*Tel: (781) 849-5555
Fax: (781) 849-5546
TTY: (781) 849-5678*

*TIMOTHY P. CAHILL
Treasurer and Receiver General*

*MARK J. CAVANAGH
Executive Director*

October 10, 2007

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

Dear Sir/Madam:

In accordance with Massachusetts General Laws, chapter 10, section 27A, (as amended on 5/20/96), you are hereby notified that an application for a Keno license has been received by the Massachusetts State Lottery Commission, (MSLC) from:

Marlborough Fish & Game Club
1 Muddy Lane
Marlborough, MA. 01752

If the city/town objects to the issuance of the Keno license, it must claim its right to a Hearing before the MSLC within twenty-one (21) days of receipt of this letter.

In accordance with section 27A (b), the objection of the city or town must be "as a result of an official action" taken by said city or town regarding the Keno applicant. In order to be fair and apply the same criteria to all cities, towns, and applicants, the MSLC defines and "official action" to be one in which the applicant appeared, or was given the opportunity to appear, before the licensing authority to discuss the issue at the local level in an open hearing or meeting prior to the Hearing at the MSLC.

Please address your written objection to Charles McIntyre, General Counsel, Massachusetts State Lottery Commission, 60 Columbian Street, Braintree, MA 02184.

Very Truly Yours,

Arthur Buckley

Arthur Buckley
Supervisor, New Agent Licensing
CERTIFIED MAIL 7005 1820 0006 3753 5590



Supporting the 351 Cities and Towns of Massachusetts
Visit our Web Site: www.masslottery.com





**CITY OF MARLBOROUGH
OFFICE OF TRAFFIC COMMISSION
140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
Lisa M. Thomas
City Clerk**

Traffic Commission

The Regular Meeting of the Traffic Commission was held on Tuesday, August 28, 2007 at 10:04 a.m. in City Council Committee Room, City Hall. Members present: Chairman Police Chief Mark Leonard, Vice Chairman-DPW Commissioner Ronald LaFreniere, Fire Chief David Adams, City Planner Al Lima and City Clerk Lisa M. Thomas. Also present: City Engineer Thomas Cullen, Timothy Collins, Engineering Division.

1- Minutes

That the minutes of the Traffic Commission meeting of July 24, 2007.

MOTION was made, seconded, duly VOTED:

To APPROVE .

2-New Business

2B. Communication from Councilor Juair, re: request for an advance green arrow on Rt. 20 @ Boundary St. & parking concerns on Bond St. near Lincoln St.

MOTION was made, seconded, duly VOTED to refer advance green arrow request to Engineering and follow-up with Mass Highway and to explore what site plan conditions are associated with the Allora Restaurant. Chief Leonard will speak with the Mayor and Mr. Ferro of Allora Restaurant:

To APPROVE .

2A. Communication from Mayor Stevens re: request for parking restrictions near St. Mary's & speed limit signage on Laviolette St.

MOTION was made, seconded, duly VOTED to refer to DPW to paint curbage and enforce parking restrictions near St. Mary's and place a speed board on Laviolette St. for approximately one week:

To APPROVE.

Motion: was made, seconded, and duly VOTED to move item 3M-Communication from Mayor Stevens, re: traffic signal at Pleasant St. Fire Station.

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3M. Communication from Mayor Stevens, re: Traffic signal at Pleasant St. fire station.
MOTION was made, seconded, duly VOTED:
To TABLE.

2C. Request for additional 25MPH signage on Lincoln St. near Ryan Ct.
MOTION was made, seconded, duly VOTED to refer to Police Department for Enforcement:
To APPROVE.

2D. Special speed regulations from MassHighway on Donald Lynch Blvd. & Parmenter St.
MOTION was made, seconded, duly VOTED to refer to Engineering for further clarification with the District 3 or the Boston Office:
To APPROVE.

2E. Municipal off street parking regulations – change reg. to reflect practice of all day parking unless otherwise restricted.
MOTION was made, seconded, duly VOTED to refer to the Police Chief to submit a draft of Article VI, Section 33:
To APPROVE.

3-Old Business

3A. Donald Lynch Blvd. speed study.
MOTION was made, seconded, duly VOTED:
To TABLE.

3B. Long term oversized vehicle ordinance.
MOTION was made, seconded, duly VOTED:
To TABLE.

3C. Windsor St. municipal parking lot regulation.
MOTION was made, seconded, duly VOTED:
To TABLE.

3D. Communication from Councilor Schafer, re: Truck exclusion on Brigham St.
MOTION was made, seconded, duly VOTED:
To TABLE.

3E. Parking issues on Washington St. near DEC.
MOTION was made, seconded, duly VOTED:
To TABLE.

3F. Communication from Councilor Clancy, re: Fowler St. traffic issue.
MOTION was made, seconded, duly VOTED to refer to DPW for possible additional signage or relocating signage:
To APPROVE.

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3G. Communication from Doreen Howes re: signage at Prospect St. @ Cashman St. MOTION was made, seconded, duly VOTED to have DPW place a STOP sign on Prospect St. facing southbound traffic as recommended by Engineering:
To APPROVE and put in proper form.

3H. Request to restrict parking on D'Angelo Dr. and St. Martin Dr. MOTION was made, seconded, duly VOTED to have DPW install NO PARKING signs on entire lengths of D'Angelo Dr. and St. Martin Dr.:
To APPROVE and put in proper form.

3I. Marlborough High School parking plan. MOTION was made, seconded, duly VOTED:
To ADVERTISE – (Advertised in MetroWest, September 19, 2007)

See following 8 Legal Notices

EMERGENCY PREAMBLE

Whereas the delayed implementation of this regulation/these regulations would be contrary to the intended purpose of such regulation/regulations, namely the improvement of public and traffic safety, this Emergency Preamble is hereby attached and such regulation/regulations shall take effect immediately upon adoption by the Traffic Commission.

A regulation to amend the Rules and Regulations of the Traffic Commission of the City of Marlborough, thereof entitled, VEHICLES AND TRAFFIC, Article VII, Section 49, Schedule V: "One-Way Streets";

BE IT ENACTED BY THE TRAFFIC COMMISSION OF THE CITY OF MARLBOROUGH AS FOLLOWS:

s. 49 of the Rules and Regulations of the Traffic Commission of the City of Marlborough is hereby amended by adding to said schedule the following:

<u>STREET</u>	<u>DIRECTION OF TRAVEL</u>	<u>LIMITS</u>
LaFreniere Drive	South	From Poirier Drive to southerly parking lot entrance

EMERGENCY PREAMBLE

Whereas the delayed implementation of this regulation/these regulations would be contrary to the intended purpose of such regulation/regulations, namely the improvement of public and traffic safety, this Emergency Preamble is hereby attached and such regulation/regulations shall take effect immediately upon adoption by the Traffic Commission.

A regulation to amend the Rules and Regulations of the Traffic Commission of the City of Marlborough, thereof entitled, VEHICLES AND TRAFFIC, Article VII, Section 49, Schedule V: "Onc-Way Streets";

BE IT ENACTED BY THE TRAFFIC COMMISSION OF THE CITY OF MARLBOROUGH AS FOLLOWS:

s. 49 of the Rules and Regulations of the Traffic Commission of the City of Marlborough is hereby amended by adding to said schedule the following:

<u>STREET</u>	<u>DIRECTION OF TRAVEL</u>	<u>LIMITS</u>
LaFreniere Drive student parking lot, directly behind (east) Marlborough High School building	North	Entire parking lot (2 lanes)

EMERGENCY PREAMBLE

Whereas the delayed implementation of this regulation/these regulations would be contrary to the intended purpose of such regulation/regulations, namely the improvement of public and traffic safety, this Emergency Preamble is hereby attached and such regulation/regulations shall take effect immediately upon adoption by the Traffic Commission.

A regulation to amend the Rules and Regulations of the Traffic Commission of the City of Marlborough, as amended, thereof entitled VEHICLES AND TRAFFIC, Article VII, Section 47, Schedule III: "Required Turns".

BE IT ENACTED BY THE TRAFFIC COMMISSION OF THE CITY OF MARLBOROUGH AS FOLLOWS:

s. 47 of the Rules and Regulations of the Traffic Commission is hereby amended by ADDING to said schedule the following:

<u>NAME OF STREET</u>	<u>DIRECTION OF TRAVEL</u>	<u>REQUIRED TURN</u>	<u>AT INTERSECTION OF</u>
LaFreniere Drive	South	Left	Left lane, at southerly parking lot entrance

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EMERGENCY PREAMBLE

Whereas the delayed implementation of this regulation/these regulations would be contrary to the intended purpose of such regulation/regulations, namely the improvement of public and traffic safety, this Emergency Preamble is hereby attached and such regulation/regulations shall take effect immediately upon adoption by the Traffic Commission.

A regulation to amend the Rules and Regulations of the Traffic Commission of the City of Marlborough, as amended, thereof entitled VEHICLES AND TRAFFIC, Article VII, Section 53.1, Schedule IX: "No Stopping, Standing or Parking"

BE IT ENACTED BY THE TRAFFIC COMMISSION OF THE CITY OF MARLBOROUGH AS FOLLOWS:

s. 53.1 of the Rules and Regulations of the Traffic Commission is hereby amended by ADDING to said schedule the following:

<u>STREET</u>	<u>HOURS</u>	<u>SIDE</u>	<u>LIMITS</u>
LaFreniere Drive	All	East	Entire length

EMERGENCY PREAMBLE

Whereas the delayed implementation of this regulation/these regulations would be contrary to the intended purpose of such regulation/regulations, namely the improvement of public and traffic safety, this Emergency Preamble is hereby attached and such regulation/regulations shall take effect immediately upon adoption by the Traffic Commission.

A regulation to amend the Rules and Regulations of the Traffic Commission of the City of Marlborough, as amended, thereof entitled VEHICLES AND TRAFFIC, Article VII, Section 53.1, Schedule IX: "No Stopping, Standing, or Parking"

BE IT ENACTED BY THE TRAFFIC COMMISSION OF THE CITY OF MARLBOROUGH AS FOLLOWS:

s. 53.1 of the Rules and Regulations of the Traffic Commission is hereby amended by ADDING to said schedule the following:

<u>STREET</u>	<u>HOURS</u>	<u>SIDE</u>	<u>LIMITS</u>
LaFreniere Drive	All	West	Student Drop-Off Only beginning 130 feet south of Poirier Drive and continuing for 260 feet

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EMERGENCY PREAMBLE

Whereas the delayed implementation of this regulation/these regulations would be contrary to the intended purpose of such regulation/regulations, namely the improvement of public and traffic safety, this Emergency Preamble is hereby attached and such regulation/regulations shall take effect immediately upon adoption by the Traffic Commission.

A regulation to amend the Rules and Regulations of the Traffic Commission of the City of Marlborough, as amended, thereof entitled VEHICLES AND TRAFFIC, Article VII, Section 53.1 , Schedule IX: "No Stopping, Standing, or Parking"

BE IT ENACTED BY THE TRAFFIC COMMISSION OF THE CITY OF MARLBOROUGH AS FOLLOWS:

s. 53.1 of the Rules and Regulations of the Traffic Commission is hereby amended by ADDING to said schedule the following:

<u>STREET</u>	<u>HOURS</u>	<u>SIDE</u>	<u>LIMITS</u>
LaFreniere Drive	All	West	From 420 feet south of Poirier Drive to Stevens St.

EMERGENCY PREAMBLE

Whereas the delayed implementation of this regulation/these regulations would be contrary to the intended purpose of such regulation/regulations, namely the improvement of public and traffic safety, this Emergency Preamble is hereby attached and such regulation/regulations shall take effect immediately upon adoption by the Traffic Commission.

A regulation to amend the Rules and Regulations of the Traffic Commission of the City of Marlborough, as amended, thereof entitled VEHICLES AND TRAFFIC, Article VII, Section 50, Schedule VI: "Stop Intersections"

BE IT ENACTED BY THE TRAFFIC COMMISSION OF THE CITY OF MARLBOROUGH AS FOLLOWS:

s. 50 of the Rules and Regulations of the Traffic Commission is hereby amended by ADDING to said schedule the following:

<u>STOP SIGN ON</u>	<u>DIRECTION OF TRAVEL</u>	<u>AT INTERSECTION OF</u>
LaFreniere Drive	South	Stevens Street

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EMERGENCY PREAMBLE

Whereas the delayed implementation of this regulation/these regulations would be contrary to the intended purpose of such regulation/regulations, namely the improvement of public and traffic safety, this Emergency Preamble is hereby attached and such regulation/regulations shall take effect immediately upon adoption by the Traffic Commission.

A regulation to amend the Rules and Regulations of the Traffic Commission of the City of Marlborough, as amended, thereof entitled VEHICLES AND TRAFFIC, Article VII, Section 50, Schedule VI: "Stop Intersections"

BE IT ENACTED BY THE TRAFFIC COMMISSION OF THE CITY OF MARLBOROUGH AS FOLLOWS:

s. 50 of the Rules and Regulations of the Traffic Commission is hereby amended by ADDING to said schedule the following:

<u>STOP SIGN ON</u>	<u>DIRECTION OF TRAVEL</u>	<u>AT INTERSECTION OF</u>
Northwest corner of student parking lot, directly behind (east) Marlborough High School	West	Poirier Dr. & LaFreniere Dr.

3J. Communication from Doreen Howes, re: parking Issues on Huntington Ave.; Rt. 20 traffic concerns.

MOTION was made, seconded, duly VOTED to accept and place on file:
To APPROVE.

3K. Communication from Patty Babcock, re: signage request on Muir Way.

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

That there being no further business of the Traffic Commission held on this date adjourned at 12:35 p.m.

Respectfully submitted,
Lisa M. Thomas, City Clerk