

REGULAR MEETING
DECEMBER 3, 2007

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:

1. Minutes, City Council Meeting, November 19, 2007.
2. PUBLIC HEARING: with Board of Assessors, establish the percentages of tax levy for each property classification for FY2008.
3. Communication from the Mayor re: finalization by the Commonwealth of the City's FY2008 tax levy.
4. Communication from the Mayor re: transfer request in the amount of \$1,000,000.00.
5. Communication from the Mayor re: transfer request in the amount of \$45,000.00.
6. Communication from the Mayor re: transfer request in the amount of \$137,467.00.
7. Communication from the City Solicitor re: an Alternative Order of Taking by Eminent Domain Concerning Land Owned by Hillside School on Robin Hill St.
8. Communication from the Planning Board re: recommendation of a Zoning change of Map 62, Parcel 1 from "Rural Residential" to contiguous "Business" zone".
9. Communication from Jack Milgram, requesting to withdraw the Special Permit of Ming Wang to convert the former State Armory Building located at 358-364 Lincoln St. into twelve residential condominiums.
10. Communication from Robert Norton, 68 Whitewood Rd., Milford, MA re: complaint of civil fine pertinent to the sign ordinance.
11. Minutes, Planning Board, November 5, 2007.
12. Minutes, Traffic Commission, October 23, 2007.
13. CLAIMS:
Edson Sousa, PO Box 375, vehicle damage.

REPORTS OF COMMITTEES:



CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
Lisa M. Thomas
140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
(508)460-3775 FAX (508)624-6504
NOVEMBER 19, 2007

Regular meeting of the City Council held on Monday November 19, 2007 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Katz, Ferro, Juairé, Schafer, Webster, Clancy and Towle. Meeting adjourned at 8:20 p.m.

ORDERED: Minutes, City Council meeting, NOVEMBER 5, 2007, **FILE**; adopted.
ORDERED: Now being the time set for the **PUBLIC HEARING** on the petition of **MASS ELECTRIC** to install 1-3" PVC conduit from existing transformer 7 to existing secondary manhole 7E on Evelina Dr., all were heard who wish to be heard, hearing adjourned at 8:03 p.m., **IN PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: Now being the time set for the **PUBLIC HEARING** on the application of **NSTAR** to install 250' of 2.00' plastic main as a system improvement to supply South St. in Marlborough from 401 South St. easterly to 417 South St., all were heard who wish to be heard, hearing adjourned at 8:06 p.m., **IN PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the following budget transfer in the amount of \$10,500.00 which would shift funds from Undesignated Funds to Temporary Clerical Help, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 100-35900 \$10,500.00
Undesignated Fund

TO:

Acct. # 11210002-50586 \$10,500.00
Temporary Clerical Help

ORDERED: That the following budget transfer in the amount of \$56,450.00 which would move funds from Fringes to Hazmat Pay and Clothing refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 11990006-5150 \$56,450.00
Fringes

TO:

Acct. # 12200003-51412 \$50,500.00
Hazmat Pay

Acct # 12200003-51940 \$5,950.00
Clothing

Total \$56,450.00

(Councilor Juairé abstained)

ORDERED: That the following transfer of \$39,850.24 per the City's annual payment agreement with Ward Mountain LLC, **APPROVE**; adopted.

FROM:

Acct. # 83600-11520 \$39,850.24

Open Space Stabilization

TO:

Acct. # 19300006-58170 \$39,850.24

Open Space Acquisition

(Councilor Katz abstained)

ORDERED: That the communication from Councilor Maura Navin Webster re: letter of resignation effective January 6, 2007, **FILE**; adopted.

ORDERED: That agenda #8, communication from the Planning Board re: Zoning amendment Chapter 200-17 "Table of Uses" be accepted and filed with Order No. 07-1001677, **APPROVE**; adopted.

ORDERED: That the communication from PERAC re: appropriation for Fiscal Year 2009, **FILE**; adopted.

ORDERED: That the Communication from Linda Fossile, Secretary of Crystal Ridge Realty Trust, request the Planning Board acceptance of Danjou Dr. as a public way, refer to **PLANNING BOARD**; adopted.

ORDERED: That the Communication from Linda Fossile, Secretary of Crystal Ridge Realty Trust, request the Planning Board acceptance of Cleversy Dr. as a public way, refer to **PLANNING BOARD**; adopted.

ORDERED: That the Communication from Linda Fossile, Secretary of Crystal Ridge Realty Trust, request the Planning Board acceptance of Balcom Rd. and Miele Rd. as a public way, refer to **PLANNING BOARD**; adopted.

ORDERED: That the communication from the Commonwealth of Massachusetts, Department of Public Utilities, re: Notice of Filing and Public Hearing pertaining to a Petition of NSTAR of a long term natural gas firm transportation agreement, **FILE**; adopted.

ORDERED: That the communication from Richard Murphy re: reasonable gas service prices, **FILE**; adopted.

ORDERED: That the communication from Raymond M^cCabe, Jr. re: requests made to the City Solicitor to provide answers to questions that have been asked pertaining to Order No. 98-7579 - Eminent Domain for Beaman Lane, refer to **CITY SOLICITOR**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, DECEMBER 17, 2007** as date for a **PUBLIC HEARING** on Petition of National Grid to install new pole #21-50 and relocate pole #21 on Maple St., refer to **DPW ENGINEERING to provide comments to the City Council prior to the hearing, & PUBLIC SERVICES COMMITTEE**.

ORDERED: That the Minutes, Planning Board, October 15 and October 29, 2007, **FILE**; adopted.

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

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Suspension of the Rules requested – granted.

ORDERED: That the application of NSTAR to install 250' of 2.00' plastic main as a system improvement to supply South St. in Marlborough from 401 South St. easterly to 417 South St. **TABLED**; adopted.

Suspension of the Rules requested – granted.

ORDERED: That the petition of MASS ELECTRIC to install 1-3" PVC conduit from existing transformer 7 to existing manhole 7E on Evelina Dr. **APPROVE AS FOLLOWS**: Subject to final approval by the DPW Engineering and subject to the conditions set forth in the DPW road opening permit; adopted.

Suspension of the Rules requested – granted.

ORDERED: That, the City Council of the City of Marlborough **APPROVE** pursuant to § 5 of chapter 40a of the general laws, having submitted for its own consideration changes in the Zoning Ordinance of the City of Marlborough, as amended, to further amend chapter 200, article v, section 200-16, now ordains that the zoning ordinance of the city of Marlborough, as amended, be further amended by adding thereto, as follows: Section 200-16, entitled "Table of Uses, General," is hereby amended by adding at the end of said Section the following language:

- All uses not noted in Section 200-17, entitled "Table of Uses," shall be deemed prohibited, except where so to deem would interfere with or annul any other City of Marlborough ordinance, rule, regulation or permit.

First Reading, Suspended; Second Reading, Adopted; Passage to Enroll, Adopted; Passage to Ordain, Adopted. No objection to passage in one evening, **APPROVE**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned 8:20 p.m.

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Public Hearing – 2008 Tax Levy

LEGAL NOTICE
CITY OF MARLBOROUGH
OFFICE OF CITY CLERK

Notice is given that the City Council of the City of Marlborough will hold a **Joint Tax Classification Public Hearing** with the Board of Assessors on Monday, December 3, 2007 at 8:00 p.m. in Council Chambers, 2nd Floor, City Hall, 140 Main Street, Marlborough, MA to determine the percentage of the local tax levy to be borne by each class of property for Fiscal Year 2008. Massachusetts General Laws Chapter 40, Section 56 sets forth the procedures and responsibilities under the law.

Per Order of: City Council President, Arthur G. Vigeant

Please publish in the MWDN on Monday, November 19, 2007.

Please bill:

**Marlborough City Clerk, 140 Main Street, Main Floor, City Hall,
Marlborough, MA 01752 – please send tear sheets.**



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

31
Nancy E. Stevens
MAYOR

Karen A. Nitty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

November 28, 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:

To provide for the finalization by the Commonwealth of the City's FY2008 tax levy, I am submitting the following recommendations from the Board of Assessors for your approval.

- An eight percent (8%) residential tax exemption for owner-occupied homes (submitted by Mayor)
- Residential property FY08 levy of 54.7301%
- Open Space FY08 levy of .0078%
- Commercial/Industrial/Personal property FY08 levy of 45.2621%

To provide for a reduction in the FY2008 tax levy, I am submitting two budget transfer requests. The first one in the amount of \$1,000,000 would move money from Account No. 100-35900 (Undesignated Funds). The second submittal would transfer \$55,345.03 from Account No. 27000-33020 (Sale of Graves), \$180,452 from Account No. 61000-31200 (Aquifer Protection) and \$19,893.62 from Account No. 27000-33080 (Traffic Enforcement).

City Assessor Trodella and Comptroller Abel will be present at the December 3rd to respond to any Council inquiries. Your prompt review and vote would provide the necessary timeframe for preparation of the City's tax request to the Commonwealth.

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

Sincerely,

Nancy E. Stevens
Mayor

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TRANSFER REQUEST

Office of the Mayor

FROM ACCOUNT		TO ACCOUNT						
AVAILABLE BALANCE	AMOUNT	ORG OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
\$ 5,036,062.00	\$ 1,000,000.00	100	35900 Undesignated Fund	\$ 1,000,000.00		To Reduce FY 08 Tax Levy		

Reason: Free Cash used to reduce FY 08 tax levy

CITY OF MARLBOROUGH
TRANSFER REQUEST

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		FROM ACCOUNT			TO ACCOUNT				
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DISCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DISCRIP	AMOUNT AVAIL
55,345.00	55,345.03	27000	33020	Sale of Graves	55,345.03	To Reduce	FY08 Tax Levy		
360,904.00	180,452.00	61000	31200	Aquifer Protection	180,452.00	To Reduce	FY08 Tax Levy		
19,893.62	19,893.62	27000	33080	Traffic Enforcement	19,893.62	To Reduce	FY08 Tax Levy		
	255,690.65				255,690.65				

Reason:

Reason: Other funds used to reduce FY08 Tax Levy

CITY OF MARLBOROUGH

CLASSIFICATION HEARING

Allocation of Local Tax Levy

Fiscal 2008

December 3, 2007

MARLBOROUGH BOARD OF ASSESSORS

**Anthony R. Trodella
Anthony C. Arruda Jr.
Daniel C. Brogie**

Information

One of the City Council's responsibilities is to annually determine the percentage of the local tax levy to be borne by each class of property. This responsibility and procedure are described in chapter 40, Section 56 of the Massachusetts General Laws.

The Council's decision is based on technical data provided by the Board of Assessors' data and recommendations. Examples included herein assume adoption by the City Council of the classification as presented by the Board of Assessors.

State law and the regulations of the state Department of Revenue define certain parameters for the City Council's decision. Those parameters are complex, and form the basis of the Board of Assessors' report to the Mayor and the Council.

Beyond those parameters, the Council's decision has policy ramifications that can only be weighed by the elected officials of our community.

It must be understood that the rates and percentages are made final only after the Department of Revenue reviews and certifies our submission on the recap sheet. 2008 values as well as NEW GROWTH amounts have been certified by the Dept of Revenue.

Definitions

The following are definitions of terms frequently used in the discussion of the tax rate.

Levy: The levy is the actual amount to be raised by taxes. The levy amount is determined by the budget. The total amount of the approved budget less all revenues from other sources is the amount of the levy.

Levy Ceiling: The levy ceiling is 2.5 percent of the full value of the city. This is sometimes referred to as the "Chapter 797 levy"; in reference to the state law that defines it.

Levy Limit: Also referred to as the "allowable levy", this is calculated by adding 2.5 percent of the previous fiscal year's levy limit plus the new growth revenue of the present fiscal year to the last year's levy limit. To exceed the levy limit requires an override of Proposition 2½.

Excess Levy Capacity: The excess levy capacity is the difference between the levy and the levy limit.

The following chart is an illustration of these terms as applied to fiscal 2007.

FISCAL 2008 LEVY LIMIT	
FY 07 LEVY LIMIT	\$84,655,918
2.5% of FY07 Levy Limit	\$2,116,398
FY 08 Growth	\$2,612,295
FY 08 Levy Limit	\$ 89,384,611
FY 08 Levy	\$79,753,096*
Excess Levy Capacity	\$9,631,514

***THIS INCLUDES OFFSETTING THE TAX LEVY WITH \$1,000,000 FROM FREE CASH.**

The task before the City Council is to vote on the PERCENTAGE OF LEVY to be borne by the different classes of properties, as prescribed by Chapter 40, Section 56 of the Massachusetts General Laws. While the vote technically is not to set a tax rate or rates, the rates fall out as merely a mathematical calculation based on those percentages. We have provided information on what the tax rate would be for the recommended classification. The Department of Revenue actually sets the rate by certifying all the information submitted to them on the Re-cap sheet.

Although it is never used in any of the calculations, it is interesting to note that the "hypothetical, average" single family home is assessed at \$356,542 for Fy 08. This is down from \$362,397 for fiscal 2007.

Dividing the total value of all single-family homes by the number of single-family properties derives this value. This is a decrease of approximately 2% from fiscal 2007. Individual tax bills will increase or decrease at varying levels. **NOT NECESSARILY AT -2%.**

It is important to recognize that this increase is never uniform across all types of residential properties. There will be variations based on market activity within these property types. As an example, Small Condominiums decrease at a greater rate than larger homes due to the fact that buyers purchased these properties in 2006 for prices that decreased at a higher rate than the detached more expensive homes.

These varying assessment levels also result in increases or decreases in actual tax bills that vary accordingly.

RECOMMENDATIONS

The key elements that were considered and are included in the criteria that lead to the recommendation being made by the Board of Assessors are as follows:

1. The recommendation by the Mayor of an 8% Residential exemption in the amount of \$26,049 for owner-occupied, residential properties. Dividing the value of all residential properties by the number of residential properties and taking 8% of that value derives this amount.

This Residential Exemption does not influence the Residential/CIP shift at all but results in an inequitable percentage of taxes saved between assessment levels of owner occupied residential homes.

The effect is that the higher valued homes subsidize the taxes paid by the lower valued homes.

Marlborough is one of 13 communities that offer a residential exemption.

2. A lowering of a split in the CIP factor to 1.58 for the Residential/CIP tax structure so that the City of Marlborough will continue to spread the cost of running the City as equitably as possible between both residential and commercial/industrial tax payers and meet its commitment made in years past that when times are good, the shift will be adjusted. The Board feels that this will continue to boost the recovery of commercial/industrial values while sending an important signal that Marlborough is a competitive place to do business and wants to encourage both residential and non-residential growth.

This will have a resulting positive impact of holding the tax burden for all classes at a reasonable and equitable level.

3. Supporting the Mayor's recommendation to apply \$1,000,000 of "free cash" to the tax levy. This appears to be a reasonable way of allowing the tax payers to benefit from the results of good fiscal management provided by the Administration and the City Council while maintaining a well positioned plan for the future.

It is important to note that although the CIP properties account for only 28.6469% of the total assessed values in the City, they pay 45.2621% of the tax levy.

Based on these parameters being in place as part of the total package, the Board of Assessors recommends that residential properties bear 54.7301%; open space properties bear .0078%, and industrial/commercial/personal property bear 45.2621% of the TAX LEVY. This results in a very slight increase in the percentage of the levy paid by the residential tax payers over last year's percentages and results in the desired effect of benefiting the residential population while still allowing the CIP taxpayer to be competitive.

It must be noted that this year's MEASURE and LIST concentrated on the single family homes. The correction of data continues to results in an accurate evaluation of those properties which leads to more accurate assessments for all properties so as to benefit the residential and commercial/industrial taxpayer and add a continuing high level of NEW GROWTH.

The chart below summarizes the Board's specific recommendations and their impact on the tax rate.

IT IS TO BE NOTED THAT THE TAX RATE WILL BE SET BY THE DEPARTMENT OF REVENUE WHEN THE RE-CAP FINANCIAL AND VALUATION INFORMATION IS APPROVED.

Class	Assessed Value	Total Levy	Levy Percent	Tax Rate per Thousand
Residential	3,656,987,094	43,648,949	54.7301	12.72 (+1%)
Open Space	522,900	6,220	00.0078	11.90 (+2.18%)
CIP	1,468,421,421	36,097,927	45.2621	24.58 (-1.72%)
Total	5,125,931,380	79,753,096	100	

CIP LEVY % SEPARATION

COMMERCIAL % = 24.8501

INDUSTRIAL % = 14.5548

PERSONAL % = 5.8572

By way of example, please note that under this recommendation the tax bill on the HYPOTHETICAL, AVERAGE SINGLE FAMILY HOME would be \$4204. An increase of \$26.00 (+.62%) the tax bill on the AVERAGE COMMERCIAL PROPERTY (\$1,456,361 assessed value) would be \$35,797, a decrease of \$699 (-1.9%). The AVERAGE INDUSTRIAL PROPERTY (\$1,759,236 assessed value) would have a tax bill of \$43,242 for an increase of \$558 (+1.3%).

If there was no rate shift the tax rate would be \$15.56 per \$1000 of value. This would translate into an average tax bill of \$5,142 (\$938 difference)

ONCE AGAIN, PLEASE NOTE THAT INDIVIDUAL BILLS WILL VARY DUE TO CHANGES IN ASSESSMENT LEVELS AND THESE EXAMPLES DO NOT CLAIM UNIFORMITY AMONGST ALL TAX BILLS.



City of Marlborough
Office of the Mayor

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Nancy E. Stevens
MAYOR

Karen H. Kistly
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

41

November 28, 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 this evening the first in a series of transfers with the attached budget transfer request in the amount of \$1,000,000 which will move funds from Account No. 100-35900 (Undesignated Funds) to Account No. 836000-11515 (Stabilization). This process will continue to build up the balance in our monetary reserves.

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 OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
\$ 3,898,595.00	\$ 1,000,000.00	100	35900 Undesignated Fund	\$ 1,000,000.00	836000	11515	Stabilization	\$ 3,301,950.00

Reason: See request from Mayor



City of Marlborough
Office of the Mayor

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Nancy E. Stevens
MAYOR

Karen A. Kistly
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

November 28, 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 for your approval is a budget transfer request in the amount of \$45,000 which will move monies from Account No. 12200001-50450 (Firefighter salary) to Account No. 12200003-51300 (Firefighter Regular OT). This transfer is required in order to cover the untimely absences for firefighters over the course of the first quarter of FY08 when the department experienced the absence of six firefighters due to injury and one out on family leave which resulted in an anomaly in the overtime cost line item.

This situation could not have been anticipated and, therefore, was not budgeted but can be partially covered by this transfer. If all remains consistent with the original budget projections for the remainder of this fiscal year, this transfer will sufficiently address the requirements necessary to cover the deficit in this account.

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

Sincerely,

Nancy E. Stevens
Mayor

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TRANSFER REQUEST

FIRE

FROM ACCOUNT		TO ACCOUNT	
AMOUNT	ORG CODE	AMOUNT	ORG CODE
\$ 45,000.00	12200001	\$ 45,000.00	12200003
	50450		51300
	FIREFIGHTER		OT
AVAILABLE BALANCE			
\$ 1,615,900.00			
			AMOUNT AVAIL
			\$ 36,641.58

Reason: To fund OT account in the Fire Department



City of Marlborough
Office of the Mayor

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61
Nancy E. Stevens
MAYOR

Karen H. Kistly
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

November 28, 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 herewith is a transfer request in the amount of \$137,467 which is required for the purpose of settling a legal case as outlined in the attached letter from Solicitor Rider. These funds will be transferred from Account No. 100-35900 (Undesignated Funds) to Account No. 115100006-57600 (Claims & Judgments).

The total amount of the settlement is \$210,000 with the remainder of the funding coming from other Legal accounts – Claims & Judgments and Other Interest.

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

Sincerely,

Nancy E. Stevens
Mayor

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TRANSFER REQUEST

Legal Department

FROM ACCOUNT		TO ACCOUNT						
AVAILABLE BALANCE	AMOUNT	ORG · OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
\$ 4,036,062.00	\$ 137,467.00	100	35900 Undesignated Fund	\$ 137,467.00	11510006	57600	Claims & Judge	\$ 39,525.00

Reason: To pay judgement given in case MICV 1997-00521



City of Marlborough
Legal Department

140 MAIN STREET

MARLBOROUGH, MASSACHUSETTS 01752

TEL. (508) 460-3771 FACSIMILE (508) 460-3698 TDD (508) 460-3610

LEGAL@MARLBOROUGH-MA.GOV

DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

KATHERINE M. KIMBER
PARALEGAL

November 28, 2007

Nancy E. Stevens
Mayor
City of Marlborough

RE: Payment in Beaman Lane Lawsuit

Dear Mayor Stevens:

This is to advise you that a sum of \$210,000 is needed to pay for the judgment in the Beaman Lane lawsuit. As you are aware, this lawsuit stems from tree clearing and excavation work begun in January 1997 by the City of Marlborough in preparation for the installation of a water main along what became a disputed portion of Beaman Lane. This was followed by an eminent domain easement taking ordered by the City Council in August 1997, then clarified as a fee simple taking in an April 1998 order. A decision on the eminent domain damages was issued after a jury-waived trial in June 2002. After a jury trial in May 2003, a verdict was rendered for single damages on the claim that the City had trespassed on private land in order to clear the trees. Those single damages on the tree trespass claim were then trebled by the trial judge in October 2003. These decisions led to a judgment being issued in December 2003. Later that month, the City appealed from the portion of the judgment pertaining to the tree trespass. In particular, the City argued that the 7 plaintiffs did not own the land to the centerline of Beaman Lane, contending that a 1965 Council order to discontinue Beaman Lane as a public way had been invalid. In August 2006, the Appeals Court denied the City's appeal. The 7 plaintiffs then filed a post-appeal motion requesting pre-judgment interest on the trebled tree trespass damages. In mid-October 2007, the lower court denied their request. The time for the plaintiffs to have appealed that denial passed in mid-November 2007. Thus, the Beaman Lane lawsuit has come to an end, and, as indicated above, a sum of \$210,000 is needed to pay for the judgment.

I am available to discuss this with you further. Thank you for your attention to this matter.

Very truly yours,

Donald V. Rider, Jr.
City Solicitor



City of Marlborough
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Nancy E. Stevens
MAYOR

Karen A. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

November 29, 2007

Arthur Vigeant
President
Marlborough City Council

RE: Order In The Alternative (Order To Accept A Donation Of Land and alternatively, Order Of Taking By Eminent Domain) Concerning Land Owned By Hillside School on Robin Hill Street

Dear President Vigeant and Members:

Enclosed herewith please find an Order proposing alternative courses of action - an Order To Accept A Donation Of Land or an Order Of Taking By Eminent Domain (including a Plan of Proposed Land Acquisition) - concerning a certain strip of land more fully described in this letter and in the proposed Order(s).

As you are aware, Mass.Highway is facilitating the reconstruction of the Robin Hill Street and Boundary Street bridges, including the extension of municipal utilities. While this work will be funded by the state, the City is obligated to acquire the necessary right of way under the terms of the reconstruction program. A portion of land the City must acquire, consisting of approximately 2,577 SF, is owned by the Hillside School and located on Robin Hill Street.

It is my understanding that the Board of Trustees of the Hillside School will be meeting in the near future, and it is my hope that they will discuss the City's need to acquire this portion of land. Due to an upcoming deadline for state funding, the City Council must take action during the month of December 2007. Bearing this deadline in mind, I request that you schedule a meeting of the Legislative and Legal Affairs Committee during the week of December 10, 2007. By that time the Hillside School's intentions may be clear, and the Legislative and Legal Affairs Committee will be able to evaluate and act on the appropriate alternative Order before the end of December 2007.

In closing, although the City has been successful in obtaining Mass.Highway funding for this project, project funding is at risk if the City fails to fulfill its obligation to acquire the necessary right of way on Robin Hill Street. This work is important to public safety and common convenience. As always, I am available to answer any questions that you may have concerning the attached.

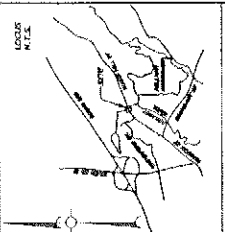
Sincerely,



Nancy E. Stevens
Mayor

Attch: Order in the alternative (Order To Accept A
Donation Of Land and an Order Of Taking By
Eminent Domain (including a Plan of Proposed Land
Acquisition)

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LOOK N.E.

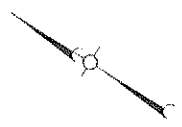
I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ARE THE LINES DIVIDING EXISTING OWNERSHIPS AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT THE DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

I HEREBY CERTIFY THAT THIS PLAN CONFORMS WITH THE REGULATIONS OF THE REGISTERED SURVEY DISTRICT REGISTER OF DEEDS.

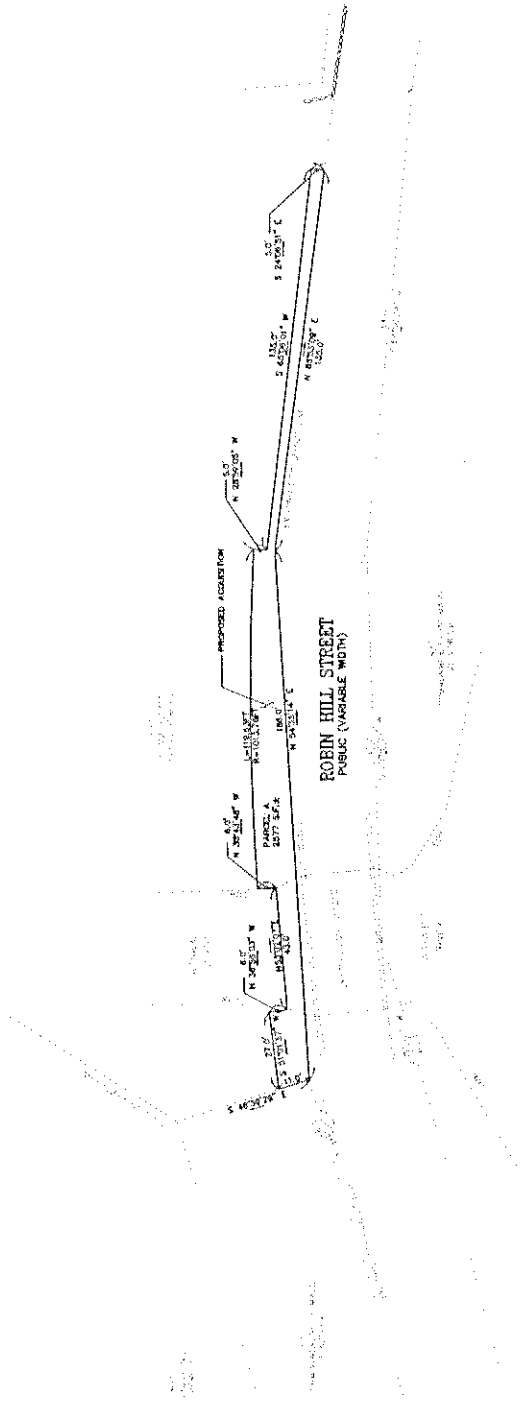
PAUL J. SHARON R.S. 274036 DATE: OCTOBER 23, 2007

ASSESSORS REFERENCE MAP 52 PARCEL 1
GEO REFERENCE: GEO BOOK 312 PG. 339 GEO BOOK 1429 PG. 37 ZONING CLASSIFICATION: LIMITED INDUSTRIAL U

PLAN OF PROPOSED LAND ACQUISITION IN MARLBOROUGH, MASSACHUSETTS
PREPARED BY: CITY OF MARLBOROUGH DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION
SCALE 1"=20' DATE: OCTOBER 23, 2007 SHEET 1 OF 1



RESERVED FOR ROBTARY USE



PARCEL	OWNER	RELEASE SURV.	PROPOSED ACQUISITION	AREA
1				2077 S.F.

ORDERED:

Acceptance Of A Donation of Land

That the City of Marlborough does hereby accept the donation of a certain parcel of land and waters under the land located off Robin Hill Street containing approximately 2,577 square feet, more or less, being a portion of Parcel 1, Map 52 on the Assessor's Map, located on the northwesterly side of Robin Hill Street and being shown as Parcel A on a plan entitled, "Plan Of Proposed Land Acquisition In Marlborough, Massachusetts; Prepared By: City of Marlborough, Department of Public Works, Engineering Division; Scale 1"=20'; Date: October 23, 2007" to be used in the reconstruction of the Robin Hill Street bridge and roadway project, from the Hillside School, Inc..

ADOPTED
In City Council
Order No. 07-
Adopted

Approved By Mayor
Nancy E. Stevens
Date:

A TRUE COPY
ATTEST:

In the event that the Hillside School does not donate the parcel of land to the City of Marlborough as provided above, the City Council hereby decrees and orders as follows:

ORDERED:

Eminent Domain Order of Taking

WHEREAS, the City Council of the City of Marlborough has determined that the public welfare, safety, and common convenience require that a certain strip of land, and land under the waters of the Assabet River, located on Robin Hill Street as more particularly described herein be taken for the purpose of constructing and maintaining improvements to Robin Hill Street and the Robin Hill Street

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bridge, and for other municipal purposes including the extension and maintenance of municipal utilities, and that the taking by eminent domain is reasonable and necessary to carry out the aforementioned purposes; and,

WHEREAS, in order to promote the public welfare, safety, common convenience, and necessity, it is necessary to take by Eminent Domain all the right, title and fee simple interest in the land as described herein; and,

WHEREAS, all preliminary requirements of Massachusetts General Laws Chapter 79 having been complied with;

NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Marlborough, acting in accordance with the power and authority conferred by the City Charter, Division 1, Section 30, Massachusetts General Laws, Chapter 79 and every power and authority thereto enabling, and in the exercise of the power and authority conferred by said laws, does hereby take by Eminent Domain the fee simple interest and any other rights and interests in the following described land, land under the waters, and all trees and other vegetation thereon.

DESCRIPTION OF LAND TAKEN

A certain strip of land, and land under the waters of the Assabet River, located on the northwesterly side of Robin Hill Street in Marlborough, Middlesex County, Massachusetts and being shown as Parcel A on a plan entitled, "Plan Of Proposed Land Acquisition In Marlborough, Massachusetts; Prepared By: City of Marlborough, Department of Public Works, Engineering Division; Scale 1"=20'; Date: October 23, 2007" said Plan to be recorded with the Middlesex South District Registry of Deeds together with an attested copy of this Order. Meaning and intending to take and taking by Eminent Domain the fee simple interest, shown as Parcel A as described in the aforementioned plan, which is a portion of the land as described in the deed recorded at the Middlesex South District Registry of Deeds in Book 5120, Page 339 and Book 14206, Page 517.

OWNERS: Hillside School, Inc.
404 Robin Hill Street
Marlborough, MA 01752

The land, and land under the waters of the Assabet River, consisting of Parcel A as referred to in the description above is also shown on the City of Marlborough Assessors Map as a portion of Parcel 1 on Map 52. The total land area being taken consists of 2,577 ± square feet.

AWARDS

The City Council hereby makes the following awards for damages for the owner or owners of record:

<u>OWNER</u>	<u>MARLBOROUGH ASSESSORS MAP/PARCEL</u>	<u>AREA</u>	<u>AWARD</u>
Hillside School, Inc.	Portion of Map 52, Parcel 1	2,577±SF	\$9,0000

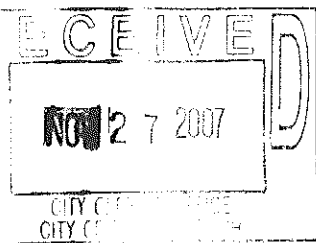
ADOPTED
In City Council
Order No. 07-
Adopted

Approved By Mayor
Nancy E. Stevens
Date:

A TRUE COPY
ATTEST:

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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

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

November 20, 2007

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

RE: Zoning Change
Map 62 Parcel 1

Dear Mr. Vigeant:

At its regular meeting on November 19, 2007, the Planning Board took the following action:

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

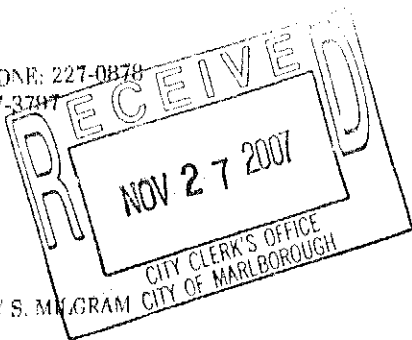
To send to correspondence to the City Council to **recommend** the change in zoning of Map 62 Parcel 1 from "Rural Residence" zone to a contiguous "Business" Zone.

Sincerely,

Barbara L. Fenby
Chairperson

Cc: City Clerk
City Solicitor
Zoning Officer
Arthur Bergeron
File

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SYDNEY S. MILGRAM

LAW OFFICES OF
JACK P. MILGRAM
52 ENGLAND STREET
BOSTON, MA 02111
jackp.milgram@verizon.net

November 21, 2007

BY FAX: 1-508-460-3710
Office of the City Council
City of Marlborough
City Hall
140 Main Street
Marlborough, MA. 01752

RE: Application for Special Permit
Ming Wang
358-364 Lincoln Street
Marlborough, MA. 01752

Dear Sir/Madam:

As you are aware, this office represents Mr. Ming Wang.


Request is hereby made that my client be allowed to withdraw his application for special permit, without prejudice. The reason for this request is that it is my understanding that the City Council will be meeting for the last time this year on December 17, 2007, and it does not appear that this project will be ready for a vote by said date.

It would be my client's intention to reappear before the City Council in January, 2008.

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

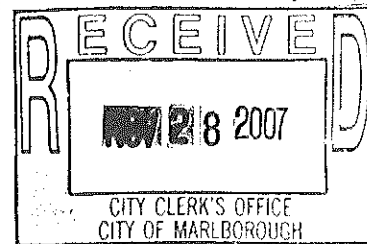
Thank you for your courtesy and cooperation.

Very truly yours,


Jack P. Milgram

JPM/jpm

Robert Norton
68 Whitewood Road
Milford, Massachusetts 01757



November 24, 2007

City Clerk Town of Marlborough
140 Main Street City Hall
Marlborough, MA 01752

Dear Sir/Madam,

I am enclosing payment under duress based on the threat by the clerk magistrate at the hearing that a criminal complaint would issue for nonpayment of this civil fine. You should be aware that I was not allowed to confront my accusers, or even question the town representatives and get answers at this "hearing". It is my firm belief, and I have provided the federal case law to this effect to your town counsel, that the ordinance in question is completely unconstitutional and unlawfully suppresses free speech (1st amendment) and redress against government (5th amendment) among other things. Under the law of supremacy no state may make any law that denies constitutional rights to its citizens. Therefore this ordinance is null and void and unenforceable.

I understand how things like this can get by given the complexity of law today. However, once the error has been pointed out to the town, as was done on both the date of this incident and on 11/8/07 at the Marlboro courthouse the police and town officials become personally liable (See: US 42 1983, 1985 and other federal statutes) for "acting under color of law" for continued violations of constitutional and civil rights.

I am with "the good guys" here. Due process, redress against government and other fundamental constitutional rights are at issue here. This particular cause (divorce reform) is only one of many causes seeking to use the methods of "the old town square" to educate and address clear problems. Any ordinance limiting free speech to just politicians is clearly unlawful and obviously an imbalance our forefathers, in their wisdom, declared to be unlawful. The city has the right to regulate commercial messages but not political free speech issues. Your proposed new ordinances are even more abusive of civil rights. What about people against certain politicians, policies and other issues? On what basis is a time limit/window set to have free speech? How can government edit free speech and expect to be held responsible to the people? This is a foundational principal that provides a check and balance for "We the people" against government intrusion etc. Marlborough would seem to be on the forefront of returning to the practices of old England that caused the American Revolution.

I will seek to be heard on this matter by the city council to address this oversight in your legal review process and change this ordinance and/or policy. If this law is not changed I will be pursuing a federal civil rights lawsuit against the city on behalf of multiple plaintiffs and/or organizations for \$5,000,000 or more in damages.

I was expecting to be contacted by your city attorney Donald Rider on this matter. I left a message for him on 11/8/07 and have not had a return call.

Very sincerely,

Robert Norton

CC: Court Magistrate Marlboro courthouse, Donald Rider, Marlborough City Council
Lisa Thomas, City Clerk (please copy to all city council members)

Enclosure: Check for \$50 signed under duress based on the threat of issuing a criminal complaint for nonpayment in a civil matter without proper due process of law

CC: Lisa Thomas + Karen Borile

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CITY OF MARLBOROUGH NOTICE OF VIOLATION OF CITY ORDINANCE, RULE OR REGULATION

DATE OF THIS NOTICE 10/06/07	DATE OF BIRTH OF VIOLATOR 08/15/60
NAME OF VIOLATOR Robert S. Norton	
ADDRESS OF VIOLATOR 68 White wood Rd	
CITY, STATE, ZIP CODE Marlboro, MA 01757	
MV OPERATOR LICENSE NUMBER	MV MA REGISTRATION NUMBER

VIOLATION CHAPTER 163 SECTION 7.4

DESCRIPTION OF VIOLATION: Sign Ordinance Violation

TIME AND DATE OF VIOLATION 12:40 (A.M.) (P.M.) ON 10/06 2007	
LOCATION OF VIOLATION AT Elm St Marlboro	
SIGNATURE OF ENFORCING PERSON D. [Signature]	ENFORCING DEPARTMENT Marlboro PD

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

X [Signature]

Unable to obtain signature of violator - Date Mailed THE NONCRIMINAL PENALTY FOR THIS VIOLATION IS \$ 50

YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER: Either option (1) or option (2) will operate as a final disposition, with no resulting criminal record. (1) You may choose to pay the above penalty, either by appearing in person or through a duly authorized agent, or by mailing a check, money order or postal note WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

City Clerk
140 Main St/City Hall
Marlborough, MA 01752

(2) If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

Clerk-Magistrate
Marlborough District Court
Williams Street
Marlborough, MA 01752
Attn: 210 Noncriminal Hearings

(3) If you fail to pay the above penalty or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay any penalty determined at the hearing to be due, a criminal complaint may be issued against you.

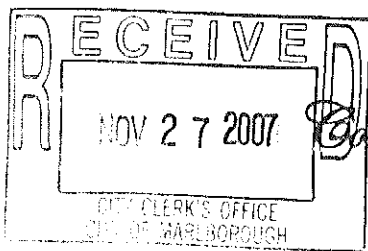
I HEREBY ELECT THE FIRST OPTION above, and enclose payment in the amount of \$ I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

Signature _____

APPROVED BY THE CHIEF JUSTICE OF THE DISTRICT COURT DEPARTMENT PURSUANT TO G.L. c. 40, § 21D.

06264

VIOLATION COPY



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
November 5, 2007
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, November 5, 2007 in Memorial Hall, 3rd floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Chairperson, Steve Kerrigan, Clerk, Philip Hodge, Edward Coveney, Clyde Johnson, Robert Hanson, and Sean Fay. Also present: City Engineer Thomas Cullen.

MINUTES

Meeting Minutes October 29, 2007

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

To accept and file the meeting minutes of October 29, 2007 with noted changes.

CHAIR'S BUSINESS

APPROVAL NOT REQUIRED PLAN

259 Hosmer Street

Mr. Timothy Collins, of the City Engineers office, recommended to the Planning Board to endorse the ANR plan.

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

To accept and endorse a plan of land believed to be Approval Not Required of Neil and Geraldine Fossile, Orchard Estate Realty Trust of P.O. Box 676, Marlborough, MA 01752. Name of Engineer: Thomas Land Surveyors, 265 Washington Street, Hudson, MA 01749. Deed of property recorded in South Middlesex Registry of Deeds book 50230, page 461. Location and description of property: Three lots located on the Easterly side of Hosmer Street, North of Spoonhill Avenue and South of Applewood Drive property shown on Assessors map 45, parcels 69 and 70; map 32 parcel 142.

PUBLIC HEARING

**Zoning Amendment
Chapter 200-16
7:30 PM**

The Planning Board of the City of Marlborough held a public hearing on Monday, November 5, 2007 at 7:30 p.m. regarding amending the Marlborough Zoning Ordinance Chapter 200-16. Members present: Chairperson Barbara L. Fenby, Clerk Steve Kerrigan, Edward Coveney, Robert Hanson, Clyde Johnson and Sean Fay. Also present: City Engineer Tom Cullen.

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

Mr. Kerrigan read the advertisement into record.

**PLANNING BOARD
PUBLIC HEARING NOTICE**

Notice is hereby given that the Planning Board of the City of Marlborough will hold a public hearing on Monday, November 5, 2007 at 7:30 P.M., at Memorial Hall, City Hall, 140 Main Street, Marlborough, MA on a proposed amendment to the Code of the City of Marlborough, Chapter 200, Zoning, as described below:

That, Pursuant to Section 5 of Chapter 40 A of the General Laws, the City Council of the City of Marlborough, having submitted for its own consideration changes in the zoning ordinance of the City of Marlborough, as amended, to further amend Chapter 200, Article V, section 200-16, now ordains that the zoning ordinance of the City of Marlborough, as amended by adding thereto, as follows:

Section 200-16, entitled "Table of Uses, General," is hereby amended by adding at the end of said Section the following language:

- All uses not noted in Section 200-17, entitled "Table of Uses," shall be deemed prohibited, except where so to deem would interfere with or annul any other City of Marlborough ordinance, rule, regulation or permit.

A copy of Chapter 200 and the proposed amendment material are available for review in the Office of the City Clerk, City Hall, 140 Main Street, Marlborough, MA.

Per order of the City Council
#07-100-1677

City Council President, Arthur Vigeant, made the proposal to the Board. Mr. Vigeant stated that with Marlborough being a possible casino site designated by the current governor it is necessary to make this change to avoid any possibility of any future developments that may "squeak" by with the current ordinance Mr. Vigeant is also asking for the decision tonight for a possible vote in tonight's City Council meeting.

In Favor

No one spoke in favor of the change.

In Opposition

No one spoke in Opposition.

Mr. Kerrigan stated that this was pretty straight forward.

Mr. Hodge asked Mr. Vigeant why were they not specific addressing gambling related enterprises? Mr. Vigeant stated that since the whole state is just in the beginning stages of considering casinos that it was difficult to draft precise language. The Casino Developers would have to obtain a change to the zoning ordinance to allow this use and then they would have to go through the special permit process.

The public hearing was closed at 7:35pm.

On a motion by Mr. Hanson, seconded by Mr. Fay, with Ms. Fenby, Mr. Hodge and Mr. Johnson opposing it was duly voted:

To **recommend** adding following language to the current Zoning Ordinance Chapter 200-16:

"All uses not noted in Section 200-17, entitled "Table of Uses," shall be deemed prohibited, except where so to deem would interfere with or annul any other City of Marlborough ordinance, rule, regulation or permit."

SUBDIVISION PROGRESS REPORTS

Update from City Engineer

Mr. Cullen presented a detailed list of all the subdivisions that were still active and at what current stage the subdivisions status. The Board had several questions regarding Mr. Kerrigan's concerning for Orchard Estates and the Miele Road icing that has happened in the past. Mr. Cullen stated that the sub-drains are now in place and it should not happen this upcoming winter.

O'Leary's Landing (Joseph North Road)

Road acceptance and reduction of bond

Mr. C. Brad Bumpus, the developer, is asking the board to consider reducing his bond and to accept the subdivision.

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

To accept correspondence and refer the correspondence to the City Engineer for his recommendation at the next Planning Board Meeting.

The Residences of Oak Crest (Graves Lane)

The attorney for the developer has submitted a tri-party agreement for the Boards approval.

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

To accept and file correspondence and to refer the draft of the tri-party performance bond to the Legal Department for their approval with the caveat that the bond proposal in a draft only in case the legal department want to wait until the final document.

PENDING SUBDIVISION PLANS: Updates and Discussions

Berlin Farms (Long Drive)

Mr. Cullen updated the Planning Board about his meeting with the site engineer, Steve Poole. He stated that there are changes in the detention ponds and they will have to come back to the board for approval once the changes are reflected in the plans.

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

SCENIC ROADS

Dorothy Magliozzi (30 Farm Road)

Correspondence from Chris White

At the previous meeting on Monday, October 29, 2007, the Planning Board asked Mr. White to review the reviewed the condition of stone wall. Mr. White stated that after review the stone wall is in fact on private property and after reviewing the City's Scenic Roads Ordinance is not clearly applicable. He thinks the Board should request the resident to use the existing stones and reconstruct the wall in its current location to enhance the aesthetic character of the road.

Correspondence from Ronald LaFreniere

Mr. LaFreniere sent correspondence to the Board stating the scenic road act has no applicability to stone walls or trees on private property, that it only deals with the subject of repair, maintenance, reconstruction or paving work related to the roadway according to the MGL Chapter 40, section 15C. He stated that if the owner of the property intends to reconstruct a stone wall on private property, they should obtain the necessary site plan approval.

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

To accept and file correspondence, and to ask the City Solicitor whether or not the Planning Board has the authority to prohibit a property owner from removing or disturbing a stone wall that is not within the City's right of way under the City's Scenic Road Ordinance, MGL Chapter 40, §15C, or any other statutory or regulatory authority.

SIGNS

INFORMAL DISCUSSION

Limited Development Subdivision

At this time this is no further update.

Abutters Literature

At this time no further communication from the City Solicitor.

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

To send correspondence to the City Solicitor asking when the Planning Board may see any further information on the Limited Development Subdivisions and the Abutters Literature.

COMMUNICATIONS/CORRESPONDENCE

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

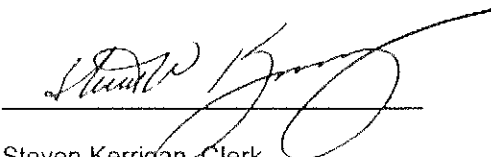
To accept all of the items listed under communications and/or correspondence.

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

To adjourn at 7:40 p.m.

A TRUE COPY

ATTEST:



Steven Kerrigan, Clerk



**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, October 23, 2007 at 10:05 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 and Timothy Collins, Engineering Division.

1- Minutes

That the minutes of the Traffic Commission meeting of September 25, 2007.

MOTION was made, seconded, duly VOTED:

To APPROVE.

2-New Business

2A. Request from Mayor Steven: handicap parking on Main St..

MOTION was made, seconded, duly VOTED to refer to Police Chief to draft a letter outlining reason why there should be no more additional handicap parking:

To APPROVE .

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

3J. Communication from Mayor Stevens, re: Traffic signal at Pleasant St. fire station.

MOTION was made, seconded, duly VOTED:

To TABLE.

2B. No parking restriction – Robin Hill St.

MOTION was made, seconded, duly VOTED to refer to Police Chief and Engineering to identify areas for posting the appropriate signage:

To APPROVE.

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2C. Request for "blind driveway" sign at 64 Fitchburg St.
MOTION was made, seconded, duly VOTED to contact resident to inform him that overgrowth is an issue and to discuss options with the resident:

To APPROVE.

2D. Communication from Councilor Ferro, re: Request for "not a thru street" sign on Madison Ave.

MOTION was made, seconded, duly VOTED to refer to DPW for installation of an advisory sign:

To APPROVE.

2E. Communication from Councilor Schafer, re: Emmett St. Parking restriction.

MOTION was made, seconded, duly VOTED:

To TABLE.

3-Old Business

3A. Donald Lynch Blvd. speed study.

MOTION was made, seconded, duly VOTED to sign off on Speed Regulation #7883 in which DPW will post warning signs and speed signs at their discretion:

To APPROVE.

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 ACCEPT and FILE.

3E. Parking issues on Washington St. near DEC.

MOTION was made, seconded, duly VOTED:

To ACCEPT and FILE.

3F. Marlborough High School parking plan – crosswalk regulation.

MOTION was made, seconded, duly VOTED:

To ADVERTISE – (Advertised in MetroWest, November 30, 2007)

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See following Legal Notice

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 VIII, Section 60.1: "Crosswalk locations".

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

s. 60.1 of the Rules and Regulations of the Traffic Commission is hereby amended by ADDING to said schedule the following:

<u>Crosswalk On</u>	<u>Crossroad</u>	<u>Direction of Pedestrian Travel</u>	<u>Linear Feet</u>
LaFreniere Drive	LaFreniere Drive entrance to MHS	East/West	24'6"
LaFreniere Drive at rear entrance to MHS from student parking lot		East/West	47'
Student parking lot at rear (east) of Marlborough High School	Westernmost lane of student parking lot	East/West	76'6"

3G. Advance green arrow request on Rt. 20@ Boundary St.
MOTION was made, seconded, duly VOTED:

To ACCEPT and FILE and forward e-mail from Mass Highway to Councilor Juaire.

3H. Municipal off street parking regulation.
MOTION was made, seconded, duly VOTED:

To TABLE.

3I. Communication from Patty Babcock, re: signage request on Muir Way.
MOTION was made, seconded, duly VOTED:

To ACCEPT and FILE.

3K. Request for warning signage on Liberty St. for school bus stop.

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

3L. Parking issue on Short St.

MOTION was made, seconded, duly VOTED to refer to DPW for installation of signage:
To TABLE.

3M. Request for blind driveway sign at #10 Greenwood St. & speed limit signage on Edinboro St.

MOTION was made, seconded, duly VOTED:
To ACCEPT and FILE.

That there being no further business of the Traffic Commission held on this date adjourned at 11:40 p.m.

Respectfully submitted,
Lisa M. Thomas, City Clerk