

REGULAR MEETING
MAY 21, 2012

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2012 MAY 17 P 2:38

Presentation of 2012 City Scholarship Awards

1. Minutes of the City Council Meeting, May 7, 2012.
2. PUBLIC HEARING On the FY13 Municipal Operating Budget as submitted by Mayor Vigeant in the amount of \$127,009,055.00 in which this spending plan reflects an overall increase of 2.84% over the approved Fiscal Year 2012 budget.
3. Communication from the Mayor re: OPEB transfer request in the amount of \$1,000,000.00 which moves funds from Undesignated to Stabilization-OPEB to meet this unfunded obligation.
4. Communication from the Mayor re: DPW transfer request in the amount of \$148,000.00 which moves funds from Undesignated to Snow Removal to fund the snow and ice deficit for the remainder of FY12.
5. Communication from the Mayor re: Year-end Intra-department transfer requests as detailed on the attached spreadsheets to cover remaining expenses and balance FY12 accounts.
6. Communication from the Mayor re: Police Department transfer request in the amount of \$29,693.43 which moves funds from Fringes to the following accounts: Police Officers, Sick Leave, Clothing and Longevity.
7. Communication from the Mayor re: City Council transfer request in the amount of \$4,400.00 which moves funds from Investigative Services to Temporary Clerical Help.
8. Communication from the Mayor re: Year-end Inter-department transfer request as detailed on the attached spreadsheet to cover remaining expenses and balance FY12 accounts.
9. Communication from the Mayor re: Bond Refinancing.
10. Communication from the Mayor re: Deficit Spending for Snow and Ice Account.
11. Communication from the Mayor re: Commonwealth of Massachusetts Executive Office of Health and Human Services, Department of Public Health grant awarded to the Fire Department in the amount of \$2,000.00, to further train and enhance the department's readiness during public emergencies.
12. Communication from the Mayor re: Renewal of Bigelow School Lease.
13. Communication from the Mayor re: Renewal of the Sligo Water Tank Revolving Fund.
14. Communication from the Mayor re: Renewal of Parks and Recreation Revolving Fund.
15. Communication from the Mayor re: Renewal of Public Safety Revolving Fund.
16. Communication from the Mayor re: Retirement of Building Commissioner, Stephen Reid.
17. Application for Special Permit from Cumberland Farms Inc., 412 & 418 Maple St. and Walker St. to construct a convenience store with gasoline sales on the subject parcels.
18. Communication from Cumberland Farms Inc. in connection with the proposed construction of a convenience store and gasoline service station at 412 & 418 Maple St. and Walker St. to operate a 24-hour facility.
19. Application for Fuel Storage License, Cumberland Farms Inc., 412 & 418 Maple St.
20. CLAIMS:
 - A. Ernest Brennan, 66A Thayer Rd., Apt 1, Belmont , MA 02478, pothole or other road defect claim

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

21. **Order No. 12-1005026 – Transfer \$10,501.05 from Undesignated Funds to Assistant Building Inspector.** The Finance Committee reviewed the Mayor's letter dated April 5, 2012 requesting the approval of a \$10,501.05 transfer from the Undesignated Fund to the Assistant Building Inspector account. **Recommendation of the Finance Committee is to approve 4-0.**
22. **Order No. 12-1005025 – Transfer \$58,741.60 from Fringes to Cover Police Retirement.** The finance committee reviewed the Mayor's letter dated April 5, 2012 requesting the approval of a \$58,741.60 transfer from the Fringes account to the Police Sergeant, Sick Leave and Clothing accounts to cover the retirement of an employee. **Recommendation of the Finance Committee is to approve 4-0.**
23. **Order No. 12-1005023 – Transfer \$165,000.00 from Undesignated Funds to Workers Compensation.** The Finance Committee reviewed the Mayor's letter dated April 5, 2012 requesting the approval of a \$165,000.00 transfer from the Undesignated Funds to the Workers Compensation account. **Recommendation of the Finance Committee is to approve 4-0.**
24. **Order No. 12-1005029 – Assabet Valley Repair and Renovations.** The Finance Committee reviewed the Mayor's letter dated April 5, 2012 requesting the approval of an Order authorizing the City of Marlborough approve the \$62,434,488.00 borrowing for Assabet Valley Vocational School District for the purpose of paying costs of repairs and renovations at the Assabet Valley Regional Technical High School. **Recommendation of the Finance Committee is to approve the Order in the Mayor's letter 4-0.**
25. **Order No. 12-1005008 – Transfer \$200,000.00 from Economic Development to MEDC Funding.** The Finance Committee reviewed the Mayor's letter dated March 22, 2012 requesting the approval of a \$200,000.00 transfer from the Economic Development to the MEDC Funding. **Recommendation of the Finance Committee is to approve 4-0.**

From Legislative and Legal Affairs Committee

26. **Order No. 11/12-1004018 -** That the City of Marlborough accept MGL Chapter 149, Section 33E, an Act relative to Live Organ Donation – said Act would permit an employee of the City to take a leave of absence of not more than 30 days in a calendar year to serve as an organ donor, without loss of or reduction in pay, without loss of leave to which he is otherwise entitled and without loss of credit for time or service. The Committee reviewed the language of the order proposed by former Councilor Paul Ferro. **Recommendation of the Legislative and Legal Affairs Committee is to approve 3-0.**



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
Lisa M. Thomas
140 Main St.
Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723**

MAY 7, 2012

Regular meeting of the City Council held on Monday, MAY 7, 2012 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Ossing, Pope, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, and Landers. Meeting adjourned at 9:03 PM.

ORDERED: That the Minutes of the City Council Meeting, APRIL 23, 2012, **FILE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, MAY 21, 2012** as date for a **PUBLIC HEARING** for the proposed FY13 budget as submitted by Mayor Vigeant in the amount of \$127,009,055.00 for review and appropriation in which this spending plan reflects an increase of 2.84% over the approved Fiscal Year 2012 budget, refer to **FINANCE COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the Legal Department transfer request in the amounts of \$150.00 and \$300.00 which moves funds from Registry of Deeds to Office Supplies/Expenses and from Registry of Deeds to Instate Travel to fund office supplies and instate travel, **APPROVED**; adopted.

FROM:

Acct. # 11510006-53880 \$150.00

Registry of Deeds

Acct. # 11510006-53880 \$300.00

Registry of Deeds

TO:

Acct. # 11510005-54220 \$150.00

Office Supplies/Expenses

Acct. # 11510006-57100 \$300.00

Instate Travel

ORDERED: That the two DPW transfer requests in the amounts of \$3,000.00 and \$3,000.00 which moves funds from Assistant Commissioner to Overtime-W/S Police, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 60080001-50630 \$3,000.00

Assistant Commissioner

Acct. # 60080001-50630 \$3,000.00

Assistant Commissioner

TO:

Acct. # 60080003-51380 \$3,000.00

Overtime-W/S Police

Acct. # 61090003-51380 \$3,000.00

Overtime-W/S Police

ORDERED: That the Fire Department transfer request in the amount of \$20,000.00 which moves funds from Undesignated to Call Fire Overtime to replenish funds that were substantially depleted due to the fire that occurred at Lake Williams Condominiums on April 23, 2012, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 10000-35900	\$20,000.00
Undesignated Fund	

TO:

Acct. # 12200003-51328	\$20,000.00
Call Fire Overtime	

ORDERED: That the Building Department/Inspections transfer request in the amount of \$325.00 which moves funds from Office Supplies to Board Secretary, **APPROVED**; adopted.

FROM:

Acct. # 12410005-54420	\$325.00
Office Supplies	

TO:

Acct. # 12410002-51050	\$325.00
Board Secretary	

ORDERED: That the Appointment of Robert Page to the Zoning Board of Appeals with term to expire May 5, 2017 and William King to remain as Alternate Member with term to expire May 5, 2014, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JUNE 4, 2012** as date for a **PUBLIC HEARING** on the application for a Massachusetts Cultural Council District Designation offered through the Massachusetts Cultural Council, refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the Application to modify Special Permit from Marlborough Savings Bank, 81 Granger Blvd., **MOVED TO ITEM 19**; adopted.

Councilor Delano abstained

ORDERED: That the Special Permit from Xcellerex Inc, 150-170 Locke Dr. in proper legal form, **MOVED TO REPORTS OF COMMITTEES**; adopted.

Councilor Clancy abstained

ORDERED: That the Communication from David Mohler, Chairman of the Boston Region Metropolitan Planning Organization regarding the Assabet River Rail Trail-FY2013-16 Transportation Improvement Program, refer to **SENATOR ELDRIDGE**; adopted.

ORDERED: That the Minutes, Board of Assessors, May 6 & 27, 2011, August 18, 2011, September 15, 2011, October 5, 2011, November 9, 2011, January 17, 2012 and March 8, 2012, **FILE**; adopted.

ORDERED: That the Minutes, Council on Aging, April 10, 2012, **FILE**; adopted.

ORDERED: That the Minutes, Marlborough High School, April 4, 2012, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, March 27, 2012, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, April 9, 2012, **FILE**; adopted.

ORDERED: That the Notice of Casualty Loss to Building, 47 McNeil Circle, refer to the **LEGAL DEPARTMENT**; adopted.

ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.
A. Geraldo daSilva, 22 Winter St., other property damage

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

Present: Chairman Ossing; Finance Committee members Councilors Seymour, Delano and Jenkins. Councilors Pope, Clancy, Landers, Elder, Tunnera and Robey were also in attendance. The meeting convened at 7:01 PM.

Order No. 12-1005026 – Transfer \$10,501.05 from Undesignated Funds to Assistant Building Inspector. The Finance Committee reviewed the Mayor's letter dated April 5, 2012 requesting the approval of a \$10,501.05 transfer from the Undesignated Fund to the Assistant Building Inspector account. **Recommendation of the Finance Committee is to approve 4-0.**

Order No. 12-1005025 – Transfer \$58,741.60 from Fringes to Cover Police Retirement. The finance committee reviewed the Mayor's letter dated April 5, 2012 requesting the approval of a \$58,741.60 transfer from the Fringes account to the Police Sergeant, Sick Leave and Clothing accounts to cover the retirement of an employee. **Recommendation of the Finance Committee is to approve 4-0.**

Order No.12-1005023 – Transfer \$165,000.00 from Undesignated Funds to Workers Compensation. The Finance Committee reviewed the Mayor's letter dated April 5, 2012 requesting the approval of a \$165,000.00 transfer from the Undesignated Funds to the Workers Compensation account. **Recommendation of the Finance Committee is to approve 4-0.**

Order No. 12-1005029 – Assabet Valley Repair and Renovations. The Finance Committee reviewed the Mayor's letter dated April 5, 2012 requesting the approval of an Order authorizing the City of Marlboro approve the \$62,434,488.00 borrowing for Assabet Valley Vocational School District for the purpose of paying costs of repairs and renovations at the Assabet Valley Regional Technical High School. **Recommendation of the Finance Committee is to approve the Order in the Mayor's letter 4-0.**

Order No. 12-1005008 – Transfer \$200,000.00 from Economic Development to MEDC Funding. The Finance Committee reviewed the Mayor's letter dated March 22, 2012 requesting the approval of a \$200,000.00 transfer from the Economic Development to the MEDC Funding. **Recommendation of the Finance Committee is to approve 4-0.**

Councilor Seymour reported the following out of the Legislative and Legal Affairs Committee:

Present: Chairman Seymour and Committee Members Delano and Robey. Councilors Pope and Landers were also in attendance. Meeting called to order at 6:18pm.

The Legislative and Legal Affairs Committee met and discussed the following order:

Order No. 11/12-1004018 - That the City of Marlborough accept MGL Chapter 149, Section 33E, an Act relative to Live Organ Donation – said Act would permit an employee of the City to take a leave of absence of not more than 30 days in a calendar year to serve as an organ donor, without loss of or reduction in pay, without loss of leave to which he is otherwise entitled and without loss of credit for time or service. The Committee reviewed the language of the order proposed by former Councilor Paul Ferro. **Recommendation of the Legislative and Legal Affairs Committee is to approve 3-0.**

Suspension of the Rules requested – granted

ORDERED: That the DPW transfer request for funding of Marlborough Public Works Equipment Operators Association (MPWEOA) Contract as itemized on the attached spreadsheets, **APPROVED**; adopted.

CITY OF MARLBOROUGH --BUDGET TRANSFERS--								
DEPT:	PUBLIC WORKS			FISCAL YEAR:		2012		
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$23,812	11990006	57820	Reserve for Salaries & Benefits	\$23,812	14001303	50740	Equipment Operators (Sts.)	\$184,174
Reason: Funding needed for DPW Laborers MOA								
\$6,117	11990006	57820	Reserve for Salaries & Benefits	\$6,117	14001303	50790	Dispatcher	\$8,756
Reason: Funding needed for DPW Laborers MOA								
\$1,642	11990006	57820	Reserve for Salaries & Benefits	\$1,642	14001303	51310	Overtime - Regular	\$11,365
Reason: Funding needed for DPW Laborers MOA								
\$1,018	11990006	57820	Reserve for Salaries & Benefits	\$1,018	14001303	51430	Longevity Pay	\$2,438
Reason: Funding needed for DPW Laborers MOA								
\$238	11990006	57820	Reserve for Salaries & Benefits	\$238	14001303	51470	Interim Foreman	\$0
Reason: Funding needed for DPW Laborers MOA								
\$6,663	11990006	57820	Reserve for Salaries & Benefits	\$6,663	14001303	51920	Sick Leave Buyback	\$6,662
Reason: Funding needed for DPW Laborers MOA								
\$9,592	11990006	57820	Reserve for Salaries & Benefits	\$9,592	14001403	50745	Motor Equipment Repairman	\$33,278
Reason: Funding needed for DPW Laborers MOA								
\$2,318	11990006	57820	Reserve for Salaries & Benefits	\$2,318	14001403	50760	Working Foreman	\$11,970
Reason: Funding needed for DPW Laborers MOA								
\$140	11990006	57820	Reserve for Salaries & Benefits	\$140	14001403	51310	Overtime - Regular	978
Reason: Funding needed for DPW Laborers MOA								

CITY OF MARLBOROUGH --BUDGET TRANSFERS --									
DEPT:		PUBLIC WORKS				FISCAL YEAR:		2012	
Available Balance	Amount	FROM ACCOUNT:		Account Description:	Amount	TO ACCOUNT:		Account Description:	Available Balance
		Org Code	Object			Org Code	Object		
\$416,172	\$139	11990006	57820	Reserve for Salaries & Benefits	\$139	14001403	51470	Interim Foreman	\$0
	Reason:	Funding needed for DPW Laborers MOA							
\$416,172	\$28,851	11990006	57820	Reserve for Salaries & Benefits	\$28,851	14001503	50740	Equipment Operators (FP&C)	\$172,452
	Reason:	Funding needed for DPW Laborers MOA							
\$416,172	\$1,050	11990006	57820	Reserve for Salaries & Benefits	\$1,050	14001503	51310	Overtime - Regular	\$8,570
	Reason:	Funding needed for DPW Laborers MOA							
\$416,172	\$406	11990006	57820	Reserve for Salaries & Benefits	\$406	14001503	51430	Longevity Pay	\$0
	Reason:	Funding needed for DPW Laborers MOA							
\$416,172	\$692	11990006	57820	Reserve for Salaries & Benefits	\$692	14001503	51470	Interim Foreman	\$0
	Reason:	Funding needed for DPW Laborers MOA							
\$416,172	\$406	11990006	57820	Reserve for Salaries & Benefits	\$406	14001503	51920	Sick Leave Buyback	\$2,875
	Reason:	Funding needed for DPW Laborers MOA							
Available Balance	Amount	FROM ACCOUNT:		Account Description:	Amount	TO ACCOUNT:		Account Description:	Available Balance
		Org Code	Object			Org Code	Object		
\$416,172	\$1,466	11990006	57820	Reserve for Salaries & Benefits	\$1,466	60081001	50750	Equipment Operator (EP)	\$12,950
	Reason:	Funding needed for DPW Laborers MOA							
\$416,172	\$4	11990006	57820	Reserve for Salaries & Benefits	\$4	60081003	51310	Overtime	\$5,046
	Reason:	Funding needed for DPW Laborers MOA							
\$416,172	\$2,990	11990006	57820	Reserve for Salaries & Benefits	\$2,990	60085001	50750	Equipment Operator (WP)	\$11,426
	Reason:	Funding needed for DPW Laborers MOA							
\$416,172	\$21	11990006	57820	Reserve for Salaries & Benefits	\$21	60085003	51310	Overtime	\$3,065
	Reason:	Funding needed for DPW Laborers MOA							
\$416,172	\$149	11990006	57820	Reserve for Salaries & Benefits	\$149	60085003	51430	Longevity Pay	\$2,783
	Reason:	Funding needed for DPW Laborers MOA							
\$416,172	\$2,990	11990006	57820	Reserve for Salaries & Benefits	\$2,990	61090001	50460	Water Meter Readers	\$11,426
	Reason:	Funding needed for DPW Laborers MOA							
\$416,172	\$23,196	11990006	57820	Reserve for Salaries & Benefits	\$23,196	61090001	50740	Equipment Operator (W)	\$174,021
	Reason:	Funding needed for DPW Laborers MOA							
\$416,172	\$4,720	11990006	57820	Reserve for Salaries & Benefits	\$4,720	61090003	51310	Overtime - Regular	\$39,910
	Reason:	Funding needed for DPW Laborers MOA							
\$416,172	\$569	11990006	57820	Reserve for Salaries & Benefits	\$569	61090003	51430	Longevity Pay	\$3,395
	Reason:	Funding needed for DPW Laborers MOA							
CITY OF MARLBOROUGH --BUDGET TRANSFERS --									
DEPT:		PUBLIC WORKS				FISCAL YEAR:		2012	
Available Balance	Amount	FROM ACCOUNT:		Account Description:	Amount	TO ACCOUNT:		Account Description:	Available Balance
		Org Code	Object			Org Code	Object		
\$416,172	\$17	11990006	57820	Reserve for Salaries & Benefits	\$17	61090003	51470	Interim Foreman	\$4,540
	Reason:	Funding needed for DPW Laborers MOA							
\$416,172	\$542	11990006	57820	Reserve for Salaries & Benefits	\$542	61090003	51920	Sick Leave Buyback	\$1,296
	Reason:	Funding needed for DPW Laborers MOA							
\$416,172	\$8,720	11990006	57820	Reserve for Salaries & Benefits	\$8,720	14001203	51390	S&I Overtime	-\$6,078
	Reason:	Funding needed for DPW Laborers MOA							

Suspension of the Rules requested – granted

ORDERED: That the City Council's opinion of FY 2013 Line Item Budget presentation, **NOT APPROVED**; adopted.

Suspension of the Rules requested – granted

ORDERED: That the Fire Department transfer request in the amount of \$99,468.14 which moves funds as itemized on the attached spreadsheet to fund the remaining balance of the recently signed contract with the International Association of Firefighters Local 1714, AFL-CIO for Fiscal years 2010, 2011, and 2012, **APPROVED**; adopted.

From Account					TO Account				
General Gov't					FIRE DEPARTMENT				
Available	Amount	ORG	OBJECT	Account Disc	Amount	Description	Org	Object	Available
\$ 177,849.36	\$ 49,381.00	11990006	57820	Reserve for Salaries					
\$ 245,553.00	\$ 50,105.14	11990006	51500	Fringe	\$ 5,184.53	Dpty Chiefs	12200001	50335	89498
					\$ 56,481.57	Firefighter	12200001	50450	751808
					\$ 3,386.11	Fire Capitan	12200001	50800	54570
					\$ 10,645.03	Fire Lieutenan	12200001	50810	118226
					\$ 793.18	First Respond	12200003	51226	12390
					\$ 4,854.59	Fire OT	12200003	51300	72684
					\$ 450.28	Fire OT Veh	12200003	51324	4836
					\$ 1,532.20	Fire Call OT	12200003	51328	20194
					\$ 1,542.47	Longevity	12200003	51430	21376
					\$ 1,276.48	Educ Inct	12200003	51440	67464
					\$ 1,260.59	Night Shift	12200003	51450	18045
					\$ 604.32	EMT	12200003	51480	30788
					\$ 3,130.99	Holiday	12200003	51490	116106
					\$ 8,325.80	Sick Leave	12200003	51920	6642
	\$ 99,486.14				\$ 99,468.14				

Reason: To fund Firefighters Labor Contract.

Suspension of the Rules requested – granted

ORDERED: That the City Council of the City of Marlborough hereby authorizes the Chief Procurement Officer to issue a Notice of Award to MetroPCS Massachusetts LLC located at 285 Billerica Road – Third Floor, Chelmsford, MA 01824, in the amount of \$31,200.00 for the first year of the lease, increasing annually by three (3%) on each anniversary of the rent commencement date, subject to the approval of the Acting Fire Chief as to the proposal and location on the bell/hose tower at the Pleasant Street Fire Station site and the approval of a Special Permit by the City Council pursuant to the applicable Articles and Sections of the Marlborough Zoning Ordinance; and it is **FURTHERED ORDERED**: that the Mayor is hereby authorized to negotiate a lease with MetroPCS, subject to MetroPCS obtaining all necessary permits and licenses, for the placement of antennas attached to the bell/hose tower along with equipment cabinets and associated equipment to be installed within an approved area of the Pleasant Street Fire Station building, located at 98 Pleasant Street, Marlborough, MA 01752, shown on Assessors' Map 68, Parcel 174. Said municipal property has been declared available for disposition by City Council Order No. 11-1003070-2A, **APPROVED**; adopted.

Suspension of the Rules requested – granted

ORDERED: That the Operating Rules adopted at the organizational meeting on January 2, 2012 be changed to reflect Council Rule #1 and #2 to promote the effective operation of the City Council in the conduct of its business as follows:

Rule #1

Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.

Rules #2

Any message, ordinance, resolution, vote, or other measure submitted for consideration by the City Council shall be filed with the City Clerk electronically with one (1) hard copy delivered to the Office of the City Clerk on Thursday by 12 Noon preceding the City Council meeting. The City Clerk shall publish the agenda online no later than forty-eight (48) hours prior to the City Council meeting in compliance with the Open Meeting Law. All Communications, including Special Permits shall be in Times New Roman font, size 12 and justified.

APPROVED; adopted.

XCELLEREX, INC.**SPECIAL PERMIT (WATER SUPPLY PROTECTION DISTRICT)
FINDINGS OF FACT AND CONDITIONS****DECISION ON A SPECIAL PERMIT
CITY COUNCIL ORDER NO. 12-1005011B**

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to Xcellerex, Inc., its successors and assigns, to continue the existing operation of a manufacturing, research and development facility in Zone B of the Water Supply Protection District, as provided in this Decision and subject to the following Findings of Facts and Conditions.

EVIDENCE

- 1) Xcellerex, Inc. is a Delaware corporation having a business address of 170 Locke Drive, Marlborough, MA 01752, and is hereinafter referred to as "Applicant."
- 2) Applicant is the lessee of three industrial buildings located at 150-170 Locke Drive, Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 53, Parcel 86 (the "Site"). The Site is entirely located in the Limited Industrial District and is also entirely located in Zone B of the Water Supply Protection District, which is an overlay zoning district.
- 3) The Site is owned in fee simple by U.S. REIF 111 Locke Drive Massachusetts, LLC.

- 4) For more than eight years, the Site has been used by Applicant as a manufacturing, research and development facility. In conjunction with Applicant's use, toxic or hazardous materials, as that term is defined in § 650-24.C of the Marlborough Zoning Ordinance, are manufactured, used, stored and disposed of on the Site.
- 5) Applicant's use of the Site as a manufacturing, research and development facility is permitted by right in the Limited Industrial District, pursuant to § 650-17 and § 650-18 of the Marlborough Zoning Ordinance.
- 6) Applicant recently became aware that a Special Permit is required for Applicant's use of the Site under §§ 650-24.E(2)(c) and (d) of the Marlborough Zoning Ordinance.
- 7) Between January 30, 2012, and March 20, 2012, Applicant participated with the City in an informal preapplication review under § 650-24.G(1) and § 650-59.C(1)(a) of the Marlborough Zoning Ordinance. During the informal preapplication review, Applicant extensively communicated with the City's Conservation Officer, the Fire Department and the Department of Public Works. Further, Applicant has submitted for review a complete listing of the 365 chemicals used at the Site (the "Chemical List") and a draft of Applicant's Hazardous Materials Contingency Plan (the "Contingency Plan"). City officials provided comments to the documents which were incorporated therein by Applicant.
- 8) On March 20, 2012, Applicant was informed by City officials that no further edits needed to be made to the Chemical List or the Contingency Plan, and that the preapplication review process had been completed.
- 9) The Applicant, on or about March 22, 2012, filed with the City Clerk of the City of Marlborough an application for a special permit (the "Application") under the provisions of § 650-24 and pursuant to the procedures specified in § 650-59 of the Marlborough Zoning Ordinance.
- 10) In connection with the Application, Applicant filed a Summary Impact Statement, certified list of abutters, and filing fee, and had previously filed twenty-one (21) copies of the Site Plan.
- 11) In connection with the Application, Applicant submitted the Chemical List and its Contingency Plan, both as amended through the preapplication review.
- 12) The Site Plan was certified by the Building Commissioner for the City of Marlborough, on behalf of the City Planner for the City of Marlborough, as having complied with Rule 5, items A through J of the Rules and Regulations promulgated by the City Council for the issuance of a special permit.
- 13) Pursuant to the Rules and Regulations of the City Council and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for a public hearing for the Application and the City Clerk caused to be advertised said date in the Metrowest Daily News and sent notice of said hearing to abutters entitled to notice under law.

- 14) The Marlborough City Council, pursuant to MGL c. 40A, held a public hearing on April 23, 2012, concerning the said Application. The hearing was opened and closed at that meeting.
- 15) Applicant's attorney and representatives of the Applicant presented testimony at the public hearing detailing the Application and describing Applicant's operations on the Site.
- 16) At the public hearing four members of the public spoke in favor of the Application. One member of the public asked questions about the Application. No members of the public spoke against the Application.
- 17) Following the public hearing, the Urban Affairs Committee of the City Council met on May 1, 2012, to consider the Application. Applicant provided additional information and responded to questions regarding appropriate permit conditions, and reported on conversations with representatives of relevant City departments.

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

- A. The City Council finds that Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council as they pertain to the Application.
- B. The City Council finds that the continued use of the Site, subject to the conditions imposed below, will be in harmony with the general purposes and intent of the Zoning Ordinance, in that it will have no significant negative impact upon abutters. The continued use of the Site, subject to the conditions imposed below, will not be in conflict with the public health, safety, convenience and welfare and will not be detrimental or offensive. The City Council further finds that, subject to the permit conditions enumerated herein, the continued use of the Site will not have an adverse impact on the Marlborough water supply.
- C. The City Council, pursuant to its authority under MGL c. 40A, § 9 and under Chapter 650 of the Marlborough City Code, GRANTS the Applicant a special permit to maintain and operate a manufacturing, research and development facility on the Site (the "Special Permit"), SUBJECT TO THE FOLLOWING CONDITIONS:
 - 1) Compliance with Local, State, Federal and International Laws. The Applicant, its successors and assigns shall comply with all rules, regulations and ordinances of the City of Marlborough; the Commonwealth of Massachusetts, including but not limited to the Department of Environmental Protection; the Federal Government, including but not limited to the U.S. Environmental Protection Agency, the U.S. Food and Drug Administration, and the National Institutes of Health; and the European Union, including but not limited to the European Medicines Agency, insofar as all such rules, regulations and ordinances apply to the maintenance and operation of Applicant's facility, including but not limited to any and all reporting requirements.

- 2) Incorporation of Plans and Drawings. All terms, conditions, requirements, approvals, plans, drawings and other documentation, including the Chemical List and the Contingency Plan, provided by the Applicant as part of the Application, and as amended during the application/hearing process before the City Council, are herein incorporated into and become part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
- 3) Toxic or Hazardous Materials. Applicant, its successors and assigns shall comply with all regulations and other directives promulgated by the City of Marlborough; the Commonwealth of Massachusetts, including but not limited to the Department of Environmental Protection; the Federal Government, including but not limited to the U.S. Environmental Protection Agency, the U.S. Food and Drug Administration, and the National Institutes of Health; and the European Union, including but not limited to the European Medicines Agency, relative to the on-Site manufacture, use, storage and disposal of toxic or hazardous materials, including but not limited to such materials as defined in § 650-24.C of the Marlborough Zoning Ordinance.
- 4) Hazardous Materials Contingency Plan and Chemical List. Upon City Clerk certification that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, the Applicant shall immediately distribute to the Fire Chief, the Commissioner of Public Works and the Conservation Officer a copy of the Contingency Plan, which was submitted with the Application and amended through the preapplication process, and an updated copy of the Chemical List, which was submitted with the Application and amended through the preapplication process, said Chemical List being a list of each chemical stored at the Site, the typical quantity on hand, the typical order quantity, and the maximum quantity on hand at any one time. Thereafter, Applicant, its successors and assigns shall provide an updated copy of the Contingency Plan and of the Chemical List to said Fire Chief, Commissioner of Public Works and Conservation Officer on or before January 31 of every calendar year. If, at any time, there is a change in the names or contact information of the Xcellerex employees or agents listed in the Contingency Plan, or those of its successors or assigns, Applicant, its successor and assigns, shall notify in writing said Fire Chief, Commissioner of Public Works and Conservation Officer within thirty days of the date of said change.
- 5) Permits. Applicant shall continue to maintain all necessary permits from the Fire Department for the storage of combustible or flammable materials pursuant to 527 CMR 14.03.
- 6) Recordation. In accordance with the provisions of MGL c. 40A, § 11, Applicant, its successor and assigns shall at its expense record this Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed. Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council's office and to the City Solicitor's office.

Yea: 10- Nay: 0

Yea: Delano, Jenkins, Elder, Tunnera, Seymour, Landers, Ossing, Pope, Oram & Robey

Abstained: Clancy

DECISION ON AN APPLICATION TO MODIFY A SPECIAL PERMIT

**MARLBOROUGH SAVINGS BANK
81 GRANGER BOULEVARD
MARLBOROUGH, MA**

CITY COUNCIL ORDER NO. 12-1004081C

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 09-1002152C submitted by Marlborough Savings Bank, 81 Granger Boulevard, Marlborough, Massachusetts, as provided in this Decision and subject to the following Evidence, Findings of Fact, and Conditions.

EVIDENCE

1. Marlborough Savings Bank is hereinafter referred to as "Applicant."
2. Applicant is the lessee of the premises known and numbered as 81 Granger Boulevard, Marlborough, Massachusetts, as further described on Marlborough Assessor's Map 70, Parcel 152 (hereinafter the "Site"), and maintains a stand-alone bank facility with drive-through ATM and teller services. The Site's owner is Stephen M. Fitzpatrick, Trustee of Fitzgerald Family Investment Trust, u/d/t December 4, 2007 and recorded with the Middlesex South District Registry of Deeds in Book 50587, Page 296.
3. The Applicant, by and through its attorney, Sem Aykanian, Esq., has filed with the City Clerk of the City of Marlborough an application for a modification of a special permit (hereinafter, the "Application"), to wit, A Notice of Decision Grant of Special Permit issued by the City Council for the City of Marlborough dated June 22, 2009 by Council Order No. 09-1002152C (hereinafter, the "Original Special Permit"). In the Application, the Applicant seeks to extend the hours of operation of both the drive-through teller as well as the drive-through ATM.
4. The Site is located in a Business zone as determined by the Zoning Map of the City of Marlborough.
5. In connection with the Application to modify the Original Special Permit, the Applicant has submitted a certified list of abutters, all appropriate filing fees, and provided copies of the Application to all appropriate parties in accordance with Rules and Regulations promulgated by the City Council for the issuance of a special permit.
6. The Application was certified by the Building Inspector for the City of Marlborough, acting for and on behalf of the City Planner for the City of Marlborough, as having complied with Rule 4, items (a) through (m) of the Rules and Regulations promulgated by the City Council for the issuance of a special permit.

7. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for public hearing on the application to modify the Original Special Permit, and the City Clerk for the City of Marlborough caused notice of the same to be advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.

8. The Marlborough City Council, pursuant to Mass. Gen. Laws c. 40A, held a public hearing on the Application on March 26, 2012.

9. The Applicant presented testimony at the public hearing detailing the Application, and describing the projected impact of the extended hours upon municipal services, the neighborhood, and traffic.

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

A. The City Council finds that the Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council, Chapter 650 (Zoning Code) of the City of Marlborough, and Mass. Gen. Laws c. 40A, §§ 9 and 11, as they pertain to modification of the Original Special Permit.

B. The City Council finds that the proposed modified use of the Site does not derogate from the intent or purpose of the Zoning Ordinance of the City of Marlborough or Mass. Gen. Laws c. 40A.

C. The City Council finds that the proposed modified use of the Site is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided below.

D. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough, hereby GRANTS the Applicant the modification of the Original Special Permit to extend the hours of operation of both the drive-through ATM as well as the drive-through teller (hereinafter, the "Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 4**, which conditions shall be binding on Applicant, its successors and/or assigns:

1. The Original Special Permit (No. 09-1002152C) is hereby affirmed, is deemed to be in full force and effect, and applies to the Site without change or modification, except as provided for herein.
2. Condition 19 of the Original Special Permit shall be deleted in its entirety, and in place thereof the following shall be inserted:
 19. (a) The hours of operation of the drive-through teller at the Site shall not exceed the following times: Monday through Saturday, 8:00 AM to 8:00 PM; Sunday, 8:00 AM to 6:00 PM.

(b) The hours of operation of the drive-through ATM at the Site shall be 24 hours per day, seven days per week.

3. In accordance with the provisions of Mass. Gen. Laws c. 40A, § 11, the Applicant at its expense shall record this Modified Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Modified Special Permit has elapsed with no appeal having been filed. Upon said recording, Applicant shall forthwith provide a copy of the recorded Modified Special Permit to the City Council's office and to the City Solicitor's office.
4. As per the Permit Site Plan and the Project Narrative submitted in 2009 by Applicant as part of its application for the Original Special Permit, all of Applicant's employees shall use only the parking spaces provided at either of the City of Marlborough's municipal parking garages located on Granger Boulevard, and Applicant's employees shall refrain from using municipal ground-level parking spaces that are more suited to high turn-over patrons of other downtown businesses. Notwithstanding the foregoing, the Applicant may use the 3 parking spaces on the southerly side of the premises (at the southwest corner thereof) for its employees.

Yea: 10- Nay: 0

Yea: Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Oram & Robey

Abstained: Delano

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:03 PM.



IN CITY COUNCIL

Marlborough, Mass., _____ MAY 7, 2012

ORDERED:

That there being no objection thereto set **MONDAY, MAY 21, 2012** as date for a **PUBLIC HEARING** for the proposed FY13 budget as submitted by Mayor Vigeant in the amount of \$127,009,055.00 for review and appropriation in which this spending plan reflects an increase of 2.84% over the approved Fiscal Year 2012 budget, be and is herewith refer to **FINANCE COMMITTEE AND ADVERTISE**.

ADOPTED

ORDER NO. 12-1005050



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

www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2012 MAY 17 AM 11:57

May 17, 2012

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Transfer Request – OPEB

Honorable President Pope and Councilors:

I am submitting for your approval the following transfer request to partially fund the city's Other Post-Employment Liability (OPEB):

- 1) Transfer in the amount of \$1,000,000.00 from 10000-35900 (Undesignated Funds) to 83600-32726 (Stabilization - OPEB).

Cities and towns across the Commonwealth are struggling with how to meet these unfunded obligations and I believe this appropriation represents a significant step towards addressing our future needs.

Sincerely,

Arthur G. Vigeant
Mayor

TRANSFER REQUEST

FISCAL YEAR: 2012

Available Balance	Amount	FROM ACCOUNT:			Amount	TO ACCOUNT:			Available Balance
		Org Code	Object	Account Description:		Org Code	Object	Account Description:	
<u>\$2,724,079.95</u>	<u>\$1,000,000.00</u>	<u>10000</u>	<u>- 35900</u>	<u>Undesignated Fund</u>	<u>\$1,000,000.00</u>	<u>83600</u>	<u>- 32726</u>	<u>Stabilization - OPEB</u>	<u>\$1,000,000</u>

Reason: Partial OPEB funding



City of Marlborough
Office of the Mayor

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Marlborough, Massachusetts 01752
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www.marlborough-ma.gov

Arthur G. Vigeant
RECEIVED MAYOR
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Michael C. Berry
EXECUTIVE AIDE
2012 MAY 17 A 11:57
Patricia Bernard
EXECUTIVE SECRETARY

May 17, 2012

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Transfer Request – DPW

Honorable President Pope and Councilors:

I am submitting for your approval the following transfer request for the Department of Public Works:

- 1) Transfer in the amount of \$148,000.00 from 1000-35900 (Undesignated Funds) to 14001206-52960 (Snow Removal).

This transfer is necessary to fund the snow and ice deficit for the remainder of FY12. For your edification, I have enclosed is a spreadsheet summarizing the expenditures so far this year.

Sincerely,

Arthur G. Vigeant
Mayor

TRANSFER REQUEST

DEPT: DPW

FISCAL YEAR: 2012

Available Balance	Amount	FROM ACCOUNT:			Amount	TO ACCOUNT:			Available Balance		
		Org Code	Object	Account Description:		Org Code	Object	Account Description:			
<u>\$2,724,079.95</u>	<u>\$148,000.00</u>	<u>10000</u>	<u>-</u>	<u>35900</u>	<u>Undesignated Fund</u>	<u>\$148,000.00</u>	<u>14001206</u>	<u>-</u>	<u>52960</u>	<u>Snow Removal</u>	<u>-\$147,279</u>

Reason: To fund the snow & ice deficit for FY12

AS OF 5/14/12

FOR 2012 99

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENC/REQ	AVAILABLE BUDGET	PCT USED

100 GENERAL FUND							

4000 DEPARTMENT OF PUBLIC WORKS							

0120 STREETS-SNOW & ICE							

14001203 51390 OVERTIME-SNOW & ICE	125,000	9,941.00	134,941.00	132,298.65	.00	2,642.35	98.0%
14001206 52960 SNOW REMOVAL	275,000	2,887.32	277,887.32	466,994.56	.00	-189,107.24	168.1%
14001206 57040 OPERATING EXPENSES	100,000	.00	100,000.00	60,813.66	.00	39,186.34	60.8%
TOTAL STREETS-SNOW & ICE	500,000	12,828.32	512,828.32	660,106.87	.00	-147,278.55	128.7%
TOTAL DEPARTMENT OF PUBLIC WOR	500,000	12,828.32	512,828.32	660,106.87	.00	-147,278.55	128.7%
TOTAL GENERAL FUND	500,000	12,828.32	512,828.32	660,106.87	.00	-147,278.55	128.7%
TOTAL EXPENSES	500,000	12,828.32	512,828.32	660,106.87	.00	-147,278.55	
GRAND TOTAL	500,000	12,828.32	512,828.32	660,106.87	.00	-147,278.55	128.7%

** END OF REPORT - Generated by Diane Smith **



City of Marlborough

Arthur G. Vigeant
MAYOR

Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE
MAY 17 2012

Michael C. Berry
EXECUTIVE AIDE

140 Main Street

Marlborough, Massachusetts 01752

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

www.marlborough-ma.gov

Patricia Bernard
EXECUTIVE SECRETARY

May 17, 2012

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Year-end Intra-department transfer requests

Honorable President Pope and Councilors:

I am presenting before you several intra-department transfer requests that are needed to cover remaining expenses and balance our accounts for FY12. Enclosed are the pertinent transfer sheets from department heads further detailing their requests.

Thank you in advance for your cooperation. Please let me know if you have any questions.

Sincerely,

Arthur G. Vigeant
Mayor

CITY OF MARLBOROUGH
--BUDGET TRANSFERS --

DEPT: Comptroller
FROM ACCOUNT:

FISCAL YEAR: 2012
TO ACCOUNT:

CITY OF MARLBOROUGH
--BUDGET TRANSFERS --

DEPT: Comptroller
FROM ACCOUNT:

FISCAL YEAR: 2012
TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$5,000</u>	<u>\$2,000</u>	<u>61019904</u>	<u>53110</u>	<u>Legal Services</u>	<u>\$2,000</u>	<u>61019906</u>	<u>53460</u>	<u>Postage</u>	<u>\$623</u>
	Reason:	<u>Funds available due to reduced bonding in the water dept .</u>				<u>Funds needed for final bill for FY 12 mailings</u>			
<u>\$5,000</u>	<u>\$2,000</u>	<u>61019904</u>	<u>53110</u>	<u>Legal Services</u>	<u>\$2,000</u>	<u>61019904</u>	<u>53080</u>	<u>Audit Services</u>	<u>\$0</u>
	Reason:	<u>Funds available due to reduced bonding in the water dept .</u>				<u>Funds needed to fund extra work associated with audit</u>			
<u>\$30,000</u>	<u>\$2,000</u>	<u>60019906</u>	<u>58890</u>	<u>Bond Issue Expense</u>	<u>\$2,000</u>	<u>60019906</u>	<u>53460</u>	<u>Postage</u>	<u>38</u>
	Reason:	<u>Funds available due to reduced bonding in the Sewer dept .</u>				<u>Funds needed for final bills for FY 12 mailings</u>			
<u>\$30,000</u>	<u>\$2,000</u>	<u>60019906</u>	<u>58890</u>	<u>Bond Issue Expense</u>	<u>\$2,000</u>	<u>60019904</u>	<u>53080</u>	<u>Audit Services</u>	<u>\$0</u>
	Reason:	<u>Funds available due to reduced bonding in the Sewer dept .</u>				<u>Funds needed to fund extra work associated with audit</u>			
	Reason:								

Department Head signature:

Date:


5/14/12

CITY OF MARLBOROUGH
 --BUDGET TRANSFERS--

DEPT: Comptroller

FISCAL YEAR: 2012

Available Balance	Amount	FROM ACCOUNT: Org Code	Object	Account Description:	Amount	TO ACCOUNT: Org Code	Object	Account Description:	Available Balance
<u>\$40,000</u>	<u>\$10,000</u>	<u>17520006</u>	<u>59253</u>	<u>Other Interest</u>	<u>\$10,000</u>	<u>11330006</u>	<u>53460</u>	<u>Postage</u>	<u>\$6,774</u>
	Reason:	<u>Funds available due to smaller refunds .</u>				<u>Funds needed for final bill for FY 12 mailings</u>			
<u>\$40,000</u>	<u>\$1,500</u>	<u>17520006</u>	<u>59253</u>	<u>Other Interest</u>	<u>\$1,500</u>	<u>11330005</u>	<u>54220</u>	<u>Office Supplies</u>	<u>\$522</u>
	Reason:	<u>Funds available due to smaller refunds .</u>				<u>Funds needed to purchase envelopes</u>			
<u>\$40,000</u>	<u>\$3,000</u>	<u>17520006</u>	<u>59253</u>	<u>Other Interest</u>	<u>\$3,000</u>	<u>13102006</u>	<u>53080</u>	<u>Audit Services</u>	<u>\$0</u>
	Reason:	<u>Funds available due to smaller refunds .</u>				<u>Funds needed to fund extra work associated with audit</u>			
	Reason:								
	Reason:								
	Reason:								
	Reason:								
	Reason:								<u>\$962</u>
	Reason:								

Department Head signature:



Date:

5/14/12

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Police

DATE: 14-May-12

FY: 2012

FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$33,064</u>	<u>\$8,500.00</u>	<u>12100003</u>	<u>51450</u>	<u>Night Shift Differential</u>	<u>\$8,500.00</u>	<u>12100003</u>	<u>51490</u>	<u>Holiday</u>	<u>\$19,773</u>
	Reason:	<u>Surplus due to shift changes due to retirements</u>				<u>Holiday cost avgs. higher than anticipated</u>			
<u>\$7,687</u>	<u>\$900.00</u>	<u>12100006</u>	<u>57380</u>	<u>Conference and Training</u>	<u>\$900</u>	<u>12100004</u>	<u>52820</u>	<u>Paging/Telephone</u>	<u>\$47</u>
	Reason:	<u>Able to use some alternate sources for some training</u>				<u>Increases in paging costs</u>			
	Reason:								
	Reason:	<u>Same</u>							
	Reason:								

Dept Head signature: 

Mayor signature: _____

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Public Facilities

DATE: 14-May-12

FY: 2012

Available Balance	Amount	FROM ACCOUNT:			Amount	TO ACCOUNT:			Available Balance
		Org Code	Object	Account Description:		Org Code	Object	Account Description:	
<u>\$45,591</u>	<u>\$15,000.00</u>	<u>11920006</u>	<u>52200</u>	<u>Natural gas</u>	<u>\$15,000.00</u>	<u>11920006</u>	<u>53420</u>	<u>Telephone services</u>	<u>\$26,917</u>
	Reason:	<u>Less gas consumption due to temperatures</u>				<u>Funds required for transfer of service/equipment</u>			
	Reason:	_____				_____			
	Reason:	_____				_____			
	Reason:	_____				_____			
	Reason:	_____				_____			
	Reason:	_____				_____			
	Reason:	_____				_____			

Dept Head signature: *John K. Wheeler*
 Mayor signature: _____

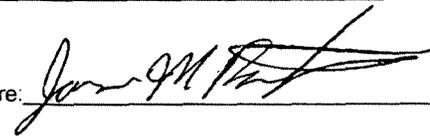
CITY OF MARLBOROUGH
BUDGET TRANSFERS

DEPT: FIRE

FISCAL YEAR: 2012

Available Balance	FROM ACCOUNT:				TO ACCOUNT:				Available Balance
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	
<u>\$81,652.57</u>	<u>\$25,000.00</u>	<u>12200003</u>	<u>51490</u>	<u>HOLIDAY PAY</u>	<u>\$25,000.00</u>	<u>12200003</u>	<u>51300</u>	<u>OVERTIME</u>	<u>\$40,323.46</u>
	Reason:	<u>Balance available due to unfilled positions, retirements, leave of absence & resignation</u>							
<u>\$60,182.18</u>	<u>\$25,000.00</u>	<u>12200003</u>	<u>51440</u>	<u>EDUCATIONAL</u>	<u>\$25,000.00</u>	<u>12200003</u>	<u>51300</u>	<u>OVERTIME</u>	<u>\$40,323.46</u>
	Reason:	<u>Balance available due to unfilled positions, retirements & fewer than expected obtained college credits</u>							
	Reason:	_____							
	Reason:	_____							
	Reason:	_____							

Department Head signature: _____

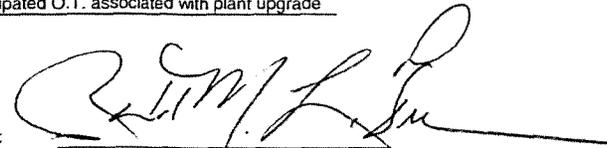


Mayor's signature: _____

CITY OF MARLBOROUGH
 --BUDGET TRANSFERS --

DEPT: PUBLIC WORKS		FISCAL YEAR: 2012							
FROM ACCOUNT:				TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$11,006</u>	<u>\$500</u>	<u>14001101</u>	<u>50705</u>	<u>Assistant Civil Engineer</u>	<u>\$500</u>	<u>14001506</u>	<u>52500</u>	<u>Rep/Maint Equipment</u>	<u>\$61</u>
	Reason:	<u>Money available due to previous vacancy</u>				<u>Funds needed for small engine parts and repairs</u>			
<u>\$29,514</u>	<u>\$3,000</u>	<u>14001101</u>	<u>50710</u>	<u>Junior Civil Engineer</u>	<u>\$3,000</u>	<u>14001506</u>	<u>54650</u>	<u>Maint. Business Distr</u>	<u>\$873</u>
	Reason:	<u>Money available due to previous vacancy</u>				<u>Funds needed to address recent price increase per state bid</u>			
<u>\$11,807</u>	<u>\$2,400</u>	<u>60081001</u>	<u>50910</u>	<u>Head Treatment Plant (East)</u>	<u>\$2,400</u>	<u>60081001</u>	<u>50850</u>	<u>Sewer Tr Pit Operator (East)</u>	<u>\$8,189</u>
	Reason:	<u>Money available due to WC case</u>				<u>Funds needed to cover retroactive increases associated with CBA</u>			
<u>\$11,807</u>	<u>\$2,400</u>	<u>60081001</u>	<u>50910</u>	<u>Head Treatment Plant (East)</u>	<u>\$2,400</u>	<u>60085001</u>	<u>50910</u>	<u>Head Treatment Plant (West)</u>	<u>\$8,721</u>
	Reason:	<u>Money available due to WC case</u>				<u>Funds needed to cover retroactive increases associated with CBA</u>			
<u>\$1,265</u>	<u>\$500</u>	<u>60081003</u>	<u>51940</u>	<u>Clothing Allowance</u>	<u>\$500</u>	<u>60081003</u>	<u>51310</u>	<u>Overtime-regular (East)</u>	<u>\$3,009</u>
	Reason:	<u>Money available due to WC case</u>				<u>Anticipated funds needed to complete FY 12</u>			
<u>\$135,934</u>	<u>\$200</u>	<u>14001303</u>	<u>50740</u>	<u>Equipment Operators</u>	<u>\$200</u>	<u>60081003</u>	<u>51310</u>	<u>Overtime-regular (East)</u>	<u>\$2,594</u>
	Reason:	<u>Money available due to WC case</u>				<u>Anticipated funds needed to complete FY 12</u>			
<u>\$135,934</u>	<u>\$900</u>	<u>14001303</u>	<u>50740</u>	<u>Equipment Operators</u>	<u>\$900</u>	<u>60085003</u>	<u>51315</u>	<u>W Plant Construction</u>	<u>\$962</u>
	Reason:	<u>Money available due to WC case</u>				<u>Anticipated O.T. associated with plant upgrade</u>			

Department Head signature:



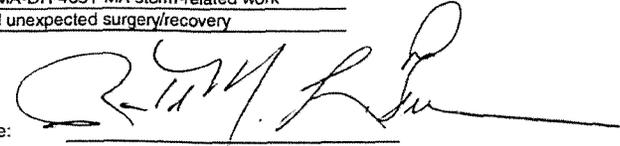
Date:

5/14/12

CITY OF MARLBOROUGH
--BUDGET TRANSFERS --

DEPT:	PUBLIC WORKS				FISCAL YEAR:	2012			
	FROM ACCOUNT:					TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$87,092</u>	<u>\$34,100</u>	<u>60085001</u>	<u>50850</u>	<u>Sewer Tr. Plt. Operator (West)</u>	<u>\$34,100</u>	<u>60085006</u>	<u>55980</u>	<u>West Waste Water Treat</u>	<u>\$3,123</u>
	Reason:	<u>Money available due to WC case</u>				<u>Funds needed due to increase in chemical costs</u>			
<u>\$87,092</u>	<u>\$25,000</u>	<u>60085001</u>	<u>50850</u>	<u>Sewer Tr. Plt. Operator (West)</u>	<u>\$25,000</u>	<u>61090006</u>	<u>54620</u>	<u>Maintenance-Trench</u>	<u>\$244</u>
	Reason:	<u>Money available due to WC case</u>				<u>Funds needed to perform roadway repairs associated with emergency leaks/breaks</u>			
<u>\$14,597</u>	<u>\$7,000</u>	<u>60080001</u>	<u>50630</u>	<u>Assistant Commissioner</u>	<u>\$7,000</u>	<u>61090006</u>	<u>54620</u>	<u>Maintenance-Trench</u>	<u>\$244</u>
	Reason:	<u>Money available due to retirement</u>				<u>Funds needed to perform roadway repairs associated with emergency leaks/breaks</u>			
<u>\$124,725</u>	<u>\$6,900</u>	<u>61090001</u>	<u>50740</u>	<u>Equipment Operators (W&S)</u>	<u>\$6,900</u>	<u>60085006</u>	<u>55980</u>	<u>West Waste Water Treat</u>	<u>\$3,123</u>
	Reason:	<u>Money available due to WC case</u>				<u>Funds needed due to increase in chemical costs</u>			
<u>\$124,725</u>	<u>\$800</u>	<u>61090001</u>	<u>50740</u>	<u>Equipment Operators (W&S)</u>	<u>\$800</u>	<u>61090003</u>	<u>51990</u>	<u>Meal Allowance</u>	<u>\$22</u>
	Reason:	<u>Money available due to WC case</u>				<u>Funds needed to fulfill contract obligation associated with emergency operations</u>			
<u>\$30,496</u>	<u>\$2,440</u>	<u>61090001</u>	<u>50690</u>	<u>Foreman (W&S)</u>	<u>\$2,440</u>	<u>14001503</u>	<u>51470</u>	<u>Interim Foreman</u>	<u>\$836</u>
	Reason:	<u>Money available due to previous transfer</u>				<u>Anticipated funds needed to complete FEMA-DR-4051-MA storm-related work and unexpected surgery/recovery</u>			

Department Head signature:



Date:

5/14/12

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: **Mayor**

FISCAL YEAR: **FY2012**

FROM ACCOUNT:

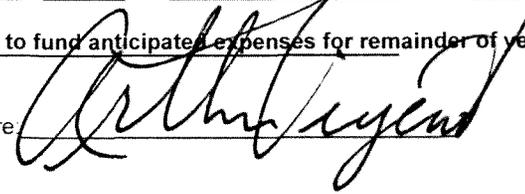
TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
<u>\$11,748</u>	<u>\$2,000.00</u>	<u>11210006</u>	<u>57200</u>	<u>Out of State Travel</u>	<u>\$2,000.00</u>	<u>11210005</u>	<u>54230</u>	<u>Mayor's Expenses</u>	<u>\$1,326</u>

Reason: No out of state travel this year

Needed to fund anticipated expenses for remainder of year

Department Head signature





City of Marlborough
Office of the Mayor

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

Arthur G. Vigeant
MAYOR
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Michael C. Berry
EXECUTIVE AIDE
2012 MAY 17 A 11:57
Patricia Bernard
EXECUTIVE SECRETARY

May 17, 2012

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Transfer Request – Police Department

Honorable President Pope and Councilors:

I am submitting for your approval the following transfer request to fund the benefits associated with the retirement of an employee:

- 1) Transfer the total amount of \$29,693.43 from 11990006-51500 (Fringes) to the following accounts:
 - a. The amount of \$5,557.11 to 12100001-50420 (Police Officers)
 - b. The amount of \$23,262.00 to 12100003-51920 (Sick Leave)
 - c. The amount of \$659.00 to 12100003-51940 (Clothing)
 - d. The amount of \$215.32 to 12100003-51342 (Longevity)

Please do not hesitate to contact me with any questions.

Sincerely,

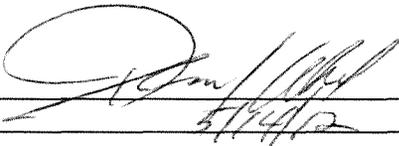
Arthur G. Vigeant
Mayor

TRANSFER REQUEST

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT		TO ACCOUNT				AMOUNT AVAIL	
		ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	
				General Government				Police	
\$ 195,448.05	\$ 29,693.43	11990006	51500	Fringes	\$ 5,557.11	12100001	50420	Police Officers	\$ 376,780.00
					\$ 23,262.00	12100003	51920	Sick Leave	\$ 1,212.71
					\$ 659.00	12100003	51940	Clothing	\$ 28,798.71
					\$ 215.32	12100003	51342	Longevity	\$ 27,126.21
					\$ 29,693.43				

Reason: To fund benefits associated with employees retirement.

Department Head Signature
Date



Retirement



City of Marlborough

Office of the Mayor

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

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CITY CLERK'S
OFFICE
2012 MAY 17 A 11:56

May 17, 2012

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Transfer Request – City Council

Honorable President Pope and Councilors:

I am submitting for your approval the following transfer request for the City Council:

- 1) Transfer in the amount of \$4,400.00 from 11110005-55825 (Investigative Services) to 11110002-50586 (Temporary Clerical Help)

This transfer is needed to supplement any additional staff time or personnel related expenses that may be required by the City Council to operate their office.

Sincerely,

Arthur G. Vigeant
Mayor

TRANSFER REQUEST

City Council

FISCAL YEAR: 2012

Available Balance	FROM ACCOUNT:			TO ACCOUNT:			Available Balance				
	Amount	Org Code	Object	Account Description:	Amount	Org Code		Object	Account Description:		
<u>\$10,000.00</u>	<u>\$4,400.00</u>	<u>11110005</u>	<u>-</u>	<u>55825</u>	<u>Investigative Services</u>	<u>\$4,400.00</u>	<u>11110002</u>	<u>-</u>	<u>50586</u>	<u>Temporary Clerical Help</u>	<u>\$0</u>

Reason: Services not needed for FY12

Reason: Office coverage for four weeks

Dept Head Signature: Patricia Pope



City of Marlborough

Office of the Mayor

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Arthur G. Vigeant
MAYOR

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CITY OF MARLBOROUGH

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

2012 MAY 17 A 11:56

May 17, 2012

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Year-end Inter-department transfer requests

Honorable President Pope and Councilors:

I am presenting before you several inter-department transfer requests that are needed to cover remaining expenses and balance our accounts for FY12. Enclosed is the pertinent transfer sheet detailing this request.

Thank you in advance for your cooperation. Please let me know if you have any questions.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough

Office of the Mayor

Arthur G. Vigeant
MAYOR

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Michael C. Berry
EXECUTIVE AIDE

140 Main Street

Marlborough, Massachusetts 01752

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

www.marlborough-ma.gov

2012 MAY 17 A 11:57

Patricia Bernard
EXECUTIVE SECRETARY

May 17, 2012

Patricia Pope, President
Marlborough City Council
City Hall, 140 Main Street
Marlborough, MA 01752

RE: Bond Refinancing

Honorable President Pope and Councilors:

The City has an opportunity to reduce the interest rate and lower the overall borrowed amount of two General Obligation Bonds dated June 15, 2002 and June 15, 2003. This would be done by refunding the bonds and reissuing a bond to cover the new borrowed amount. The current 2002 bond amount would be reduced by \$2,495,000 of prepaid Massachusetts School Building Authority funds. The interest rates of the 2002 and 2003 bonds would be reduced from an average of 4.3% to approximately 3.2%. The combination of reducing the interest rate and lowering the bond amount results in a projected overall savings of approximately \$599,000 dollars over the life of the bonds (see attachment Refunding Savings by Purpose).

I am requesting that you approve the attached refunding loan order that authorizes the Treasurer to proceed with the refunding of these two bonds. To expedite the approval process, I am seeking to have the City Council authorize the advertisement of the bond concurrent with the Finance Committee meeting. I am sure you are aware that interest rates and the availability of MSBA funds fluctuate. Therefore, the sooner we refund these bonds, the sooner our savings will be realized.

I have enclosed for you a draft order for this request. As always, please feel free to call with any questions or concerns. Thank you for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor

Scenario 1 - Total Net Savings

City of Marlborough, Massachusetts
 General Obligation Bonds Dated: June 19, 2012
 Current Refunding of June 15, 2002 & Advance Refunding of June 15, 2003 with New Money Bonds

Refunding Savings by Purpose (1)

Fiscal Year	2002 Net Savings (1)		2003 Net Savings (1)			City's Total Net Refunding Savings
	School Construction (I)	Water Construction (O)	Sewer (I)	School (I)	Parks (I)	
6/30/2012	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
6/30/2013	38,439.58	1,632.33	3,621.50	96.83	33.00	43,823.24
6/30/2014	36,328.80	1,275.00	8,609.00	439.05	-	46,651.85
6/30/2015	32,203.80	1,095.00	15,774.00	341.55	945.00	50,359.35
6/30/2016	28,148.80	900.00	13,199.00	244.05	860.00	43,351.85
6/30/2017	17,148.80	840.00	13,984.00	289.05	930.00	33,191.85
6/30/2018	5,898.80	765.00	15,769.00	334.05	-	22,766.85
6/30/2019	(5,351.20)	840.00	18,650.00	553.05	-	14,691.85
6/30/2020	(17,226.20)	877.50	21,150.00	740.55	-	5,541.85
6/30/2021	(29,101.20)	5,765.00	25,927.52	706.81	-	3,298.13
6/30/2022	256,637.50	6,352.50	27,150.00	1,560.00	-	291,700.00
6/30/2023	-	-	43,750.00	-	-	43,750.00
	\$ 363,127.48	\$ 20,342.33	\$ 207,584.02	\$ 5,305.02	\$ 2,768.00	\$ 599,126.85

(1) Reflects use of MSBA lump sum to call 2002 school bonds and reduction in remaining annual MSBA grant payments for the 2003 school bonds as savings will need to be shared with the State.



CITY OF MARLBOROUGH

IN CITY COUNCIL

Marlborough, MA May 21, 2012

ORDERED:

That, in order to reduce interest costs, the Treasurer, with the approval of the Mayor, is authorized to issue refunding bonds pursuant to Chapter 44, Section 21A of the Massachusetts General Laws, or pursuant to any other enabling authority, to refund all or any portion of the outstanding amounts of the City's General Obligation Bond dated June 15, 2002 and June 15, 2003; that the refunding bonds authorized under this order shall be issued in an amount not to exceed \$6,000,000, in order to pay principal, redemption premium and interest on the bonds of the City to be refunded, and costs of issuance of the refunding bonds; and that the Treasurer is authorized to execute such documents as may be necessary or desirable to carry out this transaction, including one or more refunding trust agreements with a bank or trust company.



City of Marlborough

Office of the Mayor

Arthur G. Vigeant
MAYOR

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Michael C. Berry
EXECUTIVE AIDE

140 Main Street

2012 MAY 17 A 11:57

Marlborough, Massachusetts 01752

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

Patricia Bernard
EXECUTIVE SECRETARY

www.marlborough-ma.gov

May 17, 2012

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Deficit Spending for Snow and Ice Account

Honorable President Pope and Councilors:

I have attached an order authorizing the city to incur liability and make expenditures for FY13 in excess of the approved appropriation for the purposes of snow and ice removal. This is done annually in many municipalities as allowed by M.G.L. Chapter 44, section 31D. I appreciate your attention on this matter.

Please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant
Mayor

ORDERED:

That pursuant to Chapter 44, section 31D of the General Laws of the Commonwealth of Massachusetts, which authorizes the City to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal, the City Council of the City of Marlborough, upon the recommendation of the Mayor, approves expenditures in excess of available appropriation for snow and ice removal for fiscal year 2013.

ADOPTED
In City Council
Order No. 12-

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough

Office of the Mayor

140 Main Street

Marlborough, Massachusetts 01752

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

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Arthur G. Vigeant
MAYOR

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Michael C. Berry
EXECUTIVE AIDE

2012 MAY 17 A 11:57

Patricia Bernard
EXECUTIVE SECRETARY

May 17, 2012

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Grant Acceptance – Fire Department

Honorable President Pope and Councilors:

The Marlborough Fire Department has been awarded a grant in the amount of \$2,000.00 through the Commonwealth of Massachusetts Executive Office of Health & Human Services (EOHHS) Department of Public Health.

This grant will be utilized to further train and enhance our department's readiness as a contributing member of the Massachusetts Decontamination Unit during times of public emergency.

I respectfully ask your approval of this expenditure for the purposes outlined above. I have enclosed for you back up documentation from the Fire Department as well as the Department of Public Health. Please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant
Mayor



**CITY OF MARLBOROUGH
FIRE DEPARTMENT**

215 Maple Street, Marlborough, MA 01752
Business (508) 624-6986 Facsimile (508) 460-3795

May 5, 2012

The Honorable Arthur G. Vigeant, Mayor
City of Marlborough
140 Main Street
Marlborough, Ma. 01752

Re: FY12 Mass Decontamination Unit

Dear Mayor Vigeant,

Attached please find documentation in support of the grant in the amount of \$2,000.00 which has been awarded to the Fire Department through the Commonwealth of Massachusetts Executive Office of Health and Human Services Department of Public Health. In accordance with Massachusetts General Laws, Chapter 44 Section 53A, this grant was applied for and accepted by the Fire Department.

The intent of the grant is to facilitate the field deployment, training and operational readiness of the MDU to enhance protection of local hospitals during any public health emergency situations.

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

Sincerely,

A handwritten signature in black ink, appearing to read "James M. Fortin". The signature is fluid and cursive, with a large, sweeping flourish at the end.

James M. Fortin
Acting Fire Chief

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: FIRE DATE: 5/4/2012

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: James M. Fortin, Acting Fire Chief

NAME OF GRANT: FY12 MASS DECONTAMINATION UNIT GRANT

GRANTOR: Commonwealth of Massachusetts

GRANT AMOUNT: \$2,000.00

GRANT PERIOD: 12 months

SCOPE OF GRANT/ To ensure effective deployment and implementation of Mass Decontamination Unit to an area hospital and elsewhere in a community in the event of an emergency.

ITEMS FUNDED Maintenance, repair, restocking of equipment and joint exercises with hospital personnel throughout the year.

IS A POSITION BEING CREATED: No

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

ARE MATCHING CITY FUNDS REQUIRED? No

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

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

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: 6/30/2012

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



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

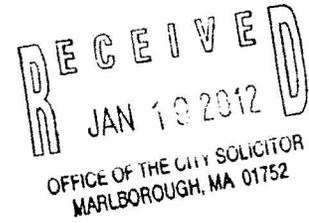
DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

JUDYANN BIGBY, MD
SECRETARY

JOHN AUERBACH
COMMISSIONER

January 19, 2012



Chief Frederick F. Flynn
Marlborough Fire Department
215 Maple Street
Marlborough, MA 01752

Dear Fire Chief Flynn:

The enclosed documents are presented for your participation in receipt of contracted grant funds as awarded to the Massachusetts Department of Public Health (MDPH) from the federal Health and Human Services Department, Office of the Assistant Secretary of Preparedness and Response (ASPR), for the FFY2011 program of hospital preparedness.

The purpose of the funding is to ensure that the Mass Decontamination Units (MDU) assigned to your department will be maintained in a state of readiness in the event of an emergency. All 72 fire departments in the Commonwealth that have been assigned the decontamination units have been requested to participate. We request your continued participation in collaborating with the specified hospital(s) in your region, to ensure timely availability of mass decontamination response.

For this ninth allocation of funding, there are five tasks to be completed, and these tasks are outlined in the enclosed Scope of Services which details the work to be performed under this contractual agreement. Upon approval of the contractual agreement by the Department of Public Health, payment will be made in full, and expended for tasks completed prior to June 30, 2012.

You will note a change in the contractual agreement presented to you this year, which are unlike prior year's agreements. The duration is expressed as being effective through June 30, 2016, yet these funds provided currently are for a single year and must be liquidated by June 30, 2012. Future allocation of funding and the rate that will be paid to your department will be subject to award/appropriation of funding from ASPR to MDPH for this same purpose. For future allocation, you will be notified via letter in lieu of the standard contractual agreement documents, thus eliminating the need for further contractual agreement signing for your receipt of future funding for this purpose.

Funding that is made available to DPH from ASPR/HPP will support the field deployment and effective implementation of the decontamination units assigned to fire departments as "hospital protection units" as well as those assigned as "fire district" units. The enclosed contractual agreement will provide

additional needed resources to fire departments in each community. Your fire department for this ninth year, will receive \$2,000 for each Mass Decontamination Unit (MDU) assigned to you, by committing to the completion of five tasks by June 30, 2012.

The Authorized Signatory's signature is required on the enclosed contractual agreement documents and will engage your department to complete the tasks identified, and allow payment to be made.

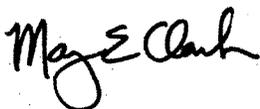
The following is a list of the enclosed documents:

1. Commonwealth of Massachusetts Standard Contractual Form: *signature and actual date signed required;*
2. Contract Form Instructions: enclosed as reference only;
3. Contractor Authorized Signatory Listing: You must prepare a new contractor authorized signatory listing for the person or persons authorized to engage your department in contractual agreements – *preparation of document and signature required;*
4. Commonwealth of Massachusetts Invoice, Form PV Payment Voucher: *signature required;*
5. Commonwealth of Massachusetts Terms and Conditions: enclosed as reference only, a signed copy is on file from previous agreement(s) executed with the Commonwealth;
6. Other Required Terms, Procurement Exceptions - additional terms for services that are procured via waiver, as these services have been procured and via Waiver #21916;
7. Scope of Services: outlines performance requirements for receipt of this ninth allocation of MDPH/ASPR HPP funds: enclosed as reference;
8. Fiscal Conditions/Budget: identifies the planned costs to be incurred and expended by June 30, 2012;
9. Reporting Requirements: outlines requirement to report actual expenditures accomplished and submit report by September 30, 2012;
10. Notice of Intent and Waiver of Competitive Procurement #21916: enclosed as reference;
11. Allocation Plan for this year's award by fire department and number of MDU.

Please sign and return the enclosed documents in their entirety to the attention of Kristen Heffernan, Contract Manager, ASPR Hospital Preparedness Program, 250 Washington Street, 1st Floor, Boston, MA 02108, no later than **February 3, 2012**. Upon receipt, approval will be sought, and payment in full will occur. There are strict deadlines that must be met for this allocation of funding and therefore, your compliance with the return deadline is requested. If you have any questions or require additional information relative to this paperwork to allocate the ninth allocation of funding, please contact Kristen Heffernan via e-mail: Kristen.Heffernan@state.ma.us or via telephone: (617) 624-5083. Programmatic questions may be directed to Thomas O'Connell, Massachusetts Department of Fire Services via email Thomas.OConnell@state.ma.us or (978) 567-3158.

Thank you for your continued participation in this important initiative.

Sincerely,



Mary E. Clark, JD, MPH
Director, Emergency Preparedness Bureau
Massachusetts Department of Public Health

Attachments (11)

MASS DECONTAMINATION UNIT SCOPE OF SERVICES

Section 1: Mass Decontamination Unit (MDU) Deployment Support

This agreement is made by and between the Commonwealth of Massachusetts Department of Public Health (MDPH) and the participating Fire Department to facilitate the deployment, training and operational readiness of Mass Decontamination Units. This agreement will address certain requirements of the Assistant Secretary for Preparedness and Response (ASPR) Hospital Preparedness Program Cooperative Agreement as awarded to MDPH.

Funding under this agreement is subject to appropriation by U.S. Health and Human Services, Office of the Assistant Secretary for Preparedness and Response (ASPR), Hospital Preparedness Program Cooperative Agreement. These funds are granted to the MDPH under CFDA: 93.889 and grant number: 5 U3REPO90238-03-00. The terms and conditions for this funding award to MDPH apply to the participating Fire Department, as a contracted party to MDPH, and pursuant to the ASPR grant.

Mass Decontamination Units assigned to acute care hospitals, terms and tasks required to be completed by the fire department will be carried out in conjunction with the assigned partnering hospital. For Fire Department-District MDU assignments, terms and tasks required to be completed by the fire department will be carried out in conjunction with the acute care hospital or healthcare partners within their response jurisdiction..

Section 2: Scope of Work

In response to the need for mass decontamination capability (in the event patients would present to emergency departments of acute care hospitals in the Commonwealth), the Department of Public Health is making available for the ninth year, funding to support effective field deployment of the MDUs. This funding provides resources to each Fire Department which has been assigned an MDU(s) to enhance protection of hospitals in the event of an emergent situation. Each party (fire department and hospital, engaged under separate agreement) will be required to achieve specific tasks in order to qualify for receipt of the funds. Hospitals have also been provided financing and directed to participate in this initiative. For the ninth year, five (5) specific tasks have been identified and are required to be completed.

The period of performance for the scope of work outlined in the provisions of this Agreement shall become effective upon a fully executed contract agreement, planned to become effectuated February 23, 2012, and will remain in effect through to June 30, 2016, however these rate agreement funds for year one must be liquidated by June 30, 2012.

The total amount eligible per this initial agreement is \$2,000 for each MDU assigned to the participating fire department, for completion of the necessary tasks to facilitate the deployment and operational readiness of the MDU.

Funding allocations provided per this agreement require collaboration between fire departments and hospitals. Tasks include development of written agreements relative to MDU deployment, MDU storage location, method of deployment, restocking and plans for use; and will require collaboration

between hospital and fire to develop and sign a written agreement to perform at-hospital decontamination. The Department expects that fire departments will retain and maintain the required written agreements between the hospital and the fire department, and will review them annually with their respective hospital partners.

This year's MOA will require continuation of five activities.

- Review and maintain a signed written MDU deployment and training agreement between healthcare partners and Fire Department;
- Participate in collaborative training hospital or other healthcare partners and fire service personnel in the plan for MDU use;
- Ensure sufficient hospital and fire staff are trained to set-up and use the MDU;
- Conduct at least one MDU operational exercise with the hospital and fire department and participate in the periodic the Statewide Mass Decontamination Response System plan communication drills;
- Maintain and re-supply the MDU in accordance with the written MDU agreement.

Section 4: Disbursement of Funds

Application for Funds: The following information, with the exception of item numbered 5 below, must be submitted to MDPH by **February 3, 2012**:

1. The enclosed contractual agreement documents, signed by the authorized signatory, indicating commitment to actively participate in the completion of tasks;
2. Contractual agreement signature indicates acceptance of terms, including those stated within this Scope of Work. The Fire Department will provide MDPH with periodic reports regarding frequency and types of MDU use; and will provide a final report on expenditures made with funding received under this contract;
3. Funds will be allocated in accordance with the ASPR grant guidance and will be governed under the Commonwealth's Terms and Conditions for contractual agreements;
4. Municipal Fire Departments will maintain complete and accurate business records relevant to the activities financed; and shall allow MDPH to review with reasonable advance notice all relevant records necessary to verify and document planned and actual expenditures and activities related to this agreement. Accurate segregated records of expenditures and activities should be maintained;
5. Fire Departments will expend the grant funding within the duration of the contractual agreement and submit a report of actual expenditures relative to this agreement not later than September 30, 2012; and
6. Substantial noncompliance with the terms of this agreement as determined by MDPH may necessitate repayment of funds received and/or ineligibility for future funds, provided that MDPH shall provide 30 days advance written notice of non-compliance and reasonable time for the Fire Department to become compliant.

The Department of Public Health/ASPR Hospital Preparedness Program appreciates the participation of municipal fire services in achievement of the goal of MDU deployment and training.



City of Marlborough

Arthur G. Vigeant
MAYOR

Office of the Mayor

RECEIVED
CITY CLERK'S OFFICE

Michael C. Berry
EXECUTIVE AIDE

140 Main Street

2012 MAY 17 A 11:57

Marlborough, Massachusetts 01752

Patricia Bernard
EXECUTIVE SECRETARY

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

www.marlborough-ma.gov

May 17, 2012

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Renewal of Bigelow School Lease

Honorable President Pope and Councilors:

The lease of the former Bigelow School to the Assabet Valley Collaborative is one that requires annual renewal by the City Council as approved by the Marlborough School Committee. I respectfully request your authorization for renewal for a period of one additional year which would conclude on June 30, 2013. I have enclosed for you a draft order as well as supplementary information provided by Facilities Director John Ghiloni regarding this request.

Please do not hesitate to contact me with any questions.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough
Public Facilities Department

John L. Ghiloni, Director
Andrew J. White,
Assistant Director
85 Sawin Street
Marlborough, MA 01752
Phone: 508.460.3521
Fax: 508.460.3565

May 15, 2012

Mayor Arthur G. Vigeant
City Hall
140 Main Street
Marlborough, MA 01752

Re: Renewal of Lease of former Bigelow School

Dear Mayor Vigeant:

Pursuant to City Council Order N 08-1001774B, the Council authorized the lease of the former Bigelow School to the Assabet Valley Collaborative as approved by the Marlborough School Committee. I am requesting approval to renew the lease of the former Bigelow School located at 57 Orchard Street to the Assabet Valley Collaborative for a period of one year from July 1, 2012 to June 30, 2013 in accordance with the terms and conditions of the Lease.

Please note that the initial lease was approved by the council on June 23, 2008 and this renewal is the fourth and final renewal options provided for under the lease terms.

The agenda item of the School Committee for action on May 22, 2012 is attached.

If you have any questions or require additional information, please let me know.

Sincerely,

John L. Ghiloni
Director

Attachments (1)

ORDERED:

Pursuant to City Council Order No. 08-1001774B authorizing a lease effective July 1, 2008 to the Assabet Valley Collaborative of the former Bigelow School located at 57 Orchard Street, for a one-year term with the option to renew for four additional one-year terms, and the terms and conditions of the original lease, said renewal being the fourth of four options was approved by the School Committee on May 22, 2012, a copy of which is attached hereto and incorporated herein, said lease is hereby renewed for the one-year term from July 1, 2012 to June 30, 2013 in the amount of \$153,985.00 (\$10.30 per square foot), be and is herewith **APPROVED**.

ADOPTED
In City Council
Order No. 12-

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

City Clerk

SCHOOL COMMITTEE

Agenda Item # _____

AGENDA ITEM SUMMARY

**For School Committee Meeting
Of May 22, 2012**

SUBJECT:

Bigelow School

Listing of Attachments:

None

BACKGROUND:

The School Committee voted to lease the Bigelow School to Assabet Valley Collaborative on June 10, 2008 for a term of one year. The terms of the lease also allow for renewal of four additional one- year periods at the sole discretion of the City of Marlborough. The School Committee authorized the first renewal in February of 2009, the second renewal in March of 2010 and the third renewal in May of 2011. This is the fourth and final request for the renewal under the current agreement.

STATUS:

The Assabet Valley Collaborative has requested to lease the building for one additional year from July 1, 2012 to June 30, 2013.

RECOMMENDATION:

That the School Committee approves the renewal of the lease to Assabet Valley Collaborative for an additional year beginning on July 1, 2012 and ending on June 30, 2013 at the current rate of \$10.30 per square foot.

Approved by Director of Public Facilities:  _____

Recommended by the Superintendent: _____



City of Marlborough

Office of the Mayor

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Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

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CITY OF MARLBOROUGH
2012 MAY 17 A 11:57

May 17, 2012

Patricia Pope, President
Marlborough City Council
City Hall, 140 Main Street
Marlborough, MA 01752

RE: Renewal of the Sligo Water Tank Revolving Fund

Honorable President Pope and Councilors:

Since 1996, your body has authorized revolving funds for the Public Facilities and Public Works departments to utilize income from telecommunications companies to maintain and improve adjacent neighborhood parks and property.

I am submitting for your approval the renewal of the revolving fund for the Sligo Water Tank site off Arnold Street. Revolving funds contain more controls and safeguards than those imposed on regular accounts, including annual reauthorization, statutory caps and limits on annual expenditures.

To be effective in Fiscal Year 2013, state law generally requires approval before the new fiscal year begins. The enclosed order, if approved, will accomplish that goal and is submitted to you for your consideration.

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

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

cc: Public Facilities Director, Solicitor



City of Marlborough
Public Facilities Department

85 SAWIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
TEL. (508) 460-3521 FACSIMILE (508) 460-3565

JOHN L. GHILONI
DIRECTOR

ANDREW J. WHITE
ASSISTANT DIRECTOR

To: Mayor Arthur G. Vigeant

From: John L. Ghiloni

Date: May 15, 2012

Re: Sligo Water Tank Revolving Fund

The Revenue and Expenditures for the Sligo Water Tank Revolving Tank for Fiscal Year 2012 are as follows:

Balance as of July 1, 2012	\$ 131,779.67
Revenue	<u>109,850.53</u> \$ 241,630.20
Expenditures	<u>460.00</u>
Balance	\$ 241,170.20

Sligo Water Tank Revolving Fund

ORDERED:

That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2013, re-authorize the revolving fund utilized by the Public Facilities Department. It is further ordered that:

(a) departmental receipts credited to the fund shall be limited to lease payments and fees due the City from owners of antennae and related telecommunications equipment on property that is maintained by, or assigned or transferred to be maintained by, the Public Facilities Department, unless otherwise directed by the General Laws; and

(b) expenditures from said fund shall be limited to the maintenance and related expenses for Sligo Hill and Stevens Park; and

(c) the Director of Public Facilities shall be the only officer authorized to approve expenditures from the same; and

(d) no more than three hundred thousand dollars shall be expended during Fiscal Year 2013, unless otherwise authorized by the City Council and Mayor; and

(e) the Director of Public Facilities shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and

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

ADOPTED
In City Council
Order No.12-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough

Office of the Mayor

140 Main Street

Marlborough, Massachusetts 01752

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

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Arthur G. Vigeant
MAYOR

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CITY OF MARLBOROUGH

Michael C. Berry
EXECUTIVE AIDE

2012 MAY 17 A 11:57

Patricia Bernard
EXECUTIVE SECRETARY

May 17, 2012

Patricia Pope, President
Marlborough City Council
City Hall, 140 Main Street
Marlborough, MA 01752

RE: Renewal of Parks and Recreation Revolving Fund

Honorable President Pope and Councilors:

I am submitting for your approval the reauthorization of the Parks and Recreation revolving account. This account was created in FY2011 by the consolidation of the Fairmount and Easterly Treatment Plant revolving accounts.

As you are aware, state law requires that revolving accounts be reauthorized prior to the start of the new fiscal year. If the reauthorization does not occur, all funds within the revolving account will roll over into the general fund as of July 1, 2012.

Per Council order 10-1002613, I have included a year-end financial report submitted by Public Works Commissioner Ronald LaFreniere as well as a draft order for reauthorization.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

cc: Public Facilities Director, Solicitor

May 15, 2012

Memorandum

To: Michael Ossing, Chairman
Marlborough City Council, Finance Committee

From: Ron LaFreniere,
Commissioner of Public Works

Re: Parks and Recreation Revolving Account; 26244401-52415

Pursuant to the provisions of Council Order No. 10-1002613, the revolving account established by this order had income and expenditures as shown below.

Balance as of July 1, 2011:	\$ 210,397.84
Funds received between July 1, 2010 and May 19, 2011:	\$ 113,035.88
Funds expended between July 1, 2010 and May 19, 2011:	(\$ 27,663.76)
Funds encumbered between July 1, 2010 and May 19, 2011	(\$ 15,000.00)
Balance:	\$ 280,769.96

EXPENDITURE SUMMARY

Portable skating rink	\$ 9,713.76
Ward Park Master Plan	\$ 15,000.00
Electrical repairs to pool	\$ 2,950.00
Total:	\$ 27,663.76

Parks and Recreation Revolving Fund

ORDERED:

That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does hereby authorize a revolving fund during fiscal year 2013 for park and recreational facility maintenance and improvement purposes to be administered through the Department of Public Works. It is further ordered that:

- (a) departmental receipts credited to the fund, unless otherwise directed by the General Laws, shall be limited to: 1) payments, fees and/or rental income due the City from owners of antennae and related telecommunications equipment located or co-located at the wireless communications facility situated on property under the care, custody, management and control of the Department of Public Works at the Easterly Wastewater Treatment Plant at 860 Boston Post Road in Marlborough or any land adjacent thereto; and 2) lease payments and fees due the City from owners of antennae and related telecommunications equipment located on Fairmount Hill; and
- (b) that expenditures from said fund shall be limited to the maintenance and improvement of municipal parks and municipal recreational facilities; and
- (c) that the Commissioner of Public Works shall be the only officer authorized to approve expenditures from the fund; and
- (d) no more than \$50,000.00 shall be expended during fiscal year 2013, unless otherwise authorized by the City Council and Mayor; and
- (e) the Commissioner of Public Works shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (f) no provisions of this order shall be changed unless approved by the Mayor and City Council.

ADOPTED
In City Council
Order No. 12-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough
Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610
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Arthur G. Vigeant
RECEIVED MAYOR
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Michael C. Berry
EXECUTIVE AIDE
2012 MAY 17 A 11:57
Patricia Bernard
EXECUTIVE SECRETARY

May 17, 2012

Patricia Pope, President
Marlborough City Council
City Hall, 140 Main Street
Marlborough, MA 01752

RE: Renewal of Public Safety Revolving Fund

Honorable President Pope and Councilors:

Last year your body authorized a revolving fund for emergency dispatch fees from Patriot Ambulance's contract with the City to be utilized by the City for public safety training.

Tonight I am asking you to renew that revolving fund. As you are aware, revolving funds contain more controls and safeguards than those imposed on regular accounts, including annual reauthorization, statutory caps, and limits on annual expenditures.

To be effective in fiscal year 2013, state law generally requires approval before the new fiscal year begins. The enclosed order, if approved, will accomplish that goal and is submitted to you for your consideration. As always, if you have any questions or concerns about this issue, please feel free to contact me anytime.

Sincerely,

Arthur G. Vigeant
Mayor

Enclosure

cc: Solicitor



CITY OF MARLBOROUGH

Office of the City Auditor

140 Main St.

Marlborough, MA 01752

May 9, 2012

MEMORANDUM

TO: Mayor Arthur G. Vigeant
FROM: Diane Smith, City Auditor
RE: Public Safety Training Revolving Account

The income and expenditures of the Public Safety Training Revolving account are as follows:

Beginning balance as of July 1, 2011	\$47,667.62
Funds received to date	37,500.00
Expenditures to date-	
Wet Suit Training	(354.69)
Fire Investigation Training	(1,999.54)
Public Fire & Life Safety Training	(353.04)
Encumbrances -	
Taser Training	(18,600.00)
Balance as of May 9, 2012	<u>\$63,860.35</u>

Public Safety Revolving Fund

ORDERED:

That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2013, re-authorize a revolving fund to be utilized by the Mayor. It is further ordered that:

- (a) receipts credited to the fund shall be limited to an emergency dispatch fee due the City pursuant to its contract with Patriot Ambulance, unless otherwise directed by the General Laws; and
- (b) expenditures from said fund shall be limited to public safety training; and
- (c) the Mayor shall be the only officer authorized to approve expenditures from the same; and
- (d) no more than forty-five thousand dollars shall be expended during Fiscal Year 2013, unless otherwise authorized by the City Council and Mayor; and
- (e) the Mayor shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (f) no provisions of this order shall be changed unless approved by the Mayor and City Council.

ADOPTED
In City Council
Order No. 12-
Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:



City of Marlborough

Office of the Mayor

140 Main Street

Marlborough, Massachusetts 01752

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

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Arthur G. Vigeant
MAYOR

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CITY OF MARLBOROUGH

Michael C. Berry
EXECUTIVE AIDE

2012 MAY 17 A 11:57

Patricia Bernard
EXECUTIVE SECRETARY

May 17, 2012

City Council President Patricia Pope
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Re: Retirement

Honorable President Pope and Councilors:

I wish to inform you that Stephen Reid, our city's longtime Building Commissioner, has informed me of his intention to resign at the end of this fiscal year. Steve has been a dedicated employee and I know that you will join me in expressing our sincere gratitude to him for his service and wish him the very best as he embarks on a new chapter in his life.

I have instructed Personnel Director David Brumby to begin making preparations to advertise the position of Building Commissioner so that we can ensure a smooth departmental transition.

Sincerely,

Arthur G. Vigeant
Mayor

Mayor

From: Reid, Steve
Sent: Monday, May 14, 2012 4:47 PM
To: Mayor
Cc: Berry, Michael
Subject: Reid

Mayor:

After careful consideration and deliberation, I provide you my intent to retire my position as Building Commissioner for the City of Marlborough, effective on or about June 29, 2012. This decision allows me the opportunity to address much needed family, personal and lifestyle matters that would otherwise be compromised by remaining on the job on a permanent basis. I will meet with Margaret Shea later in the week to confirm the obligations.

The challenges and responsibilities that have been provided to me over the years were substantial and I appreciate the confidence and support that you and past city officials have offered. Working together has made Marlborough a much better place.

I have some personal obligations and appointments scheduled over the next two months that will use some of my benefit time but I will make myself available to aggressively continue with the workload in process and assist in the transition as you choose.

Stephen F. Reid

*Building Commissioner
City of Marlborough
140 Main Street
Marlborough, MA 01752*

Voice 508-460-3725
Fax 508-460-3736
Mobile 508-726-1083
www.marlborough-ma.gov



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**CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK**

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2012 MAY 16 P 1:43

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

Cumberland Farms, Inc.;

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

418 Maple Street, 412 Maple Street, Walker Street (Map 93, Lots 68, 66A, 67C)

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

Scout Properties LLC, 418 Maple Street, Marlborough, MA

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

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

Article X Section 650-17 ~~Paragraph~~ Subparagraph Attachment 1 - Table of Uses

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

CA

7. Specific reason(s) for seeking Special Permit

Applicant proposes the construction of a convenience store with gasoline sales on the subject parcels.

Gasoline filling stations require a Special Permit of the City Council. A summary of the proposed project is attached.

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

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

Legal Representation:

Philip C. Lombardo, Esq.
41 North Road
Bedford, MA 01730
Tel: 781-538-6894

Cumberland Farms, Inc.

By: Kathleen A. Sousa

Signature of Petitioner or Applicant
Kathleen A. Sousa, Land Planning Manager

Address: 100 Crossing Boulevard

Framingham, MA 01702

Telephone No. 508-270-1466

Date: _____

LIST OF NAMES AND ADDRESS OF ABUTTERS
AS REQUESTED ON THE APPLICATION FOR SPECIAL PERMIT OF:

Cumberland Farms, Inc.

(Name of Petitioner)

FOR THE ISSUANCE OF SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH UNDER CHAPTER 650, ZONING, OF THE CODE OF THE CITY OF MARLBOROUGH.

(Abutters as defined in §650-59, Section 4H, **Powers and Procedure of Special-Permit Granting Authorities**)

SPECIAL PERMIT-SUMMARY IMPACT STATEMENT

Applicant's Name: Cumberland Farms, Inc. Address: 100 Crossing Blvd., Framingham, MA 01702

Project Name: Cumberland Farms Address: 412-418 Maple Street/Walker Street

1. PROPOSED USE: (describe) Convenience store with gasoline sales

2. EXPANSION OR NEW: New

3. SIZE: floor area sq. ft. 3072 sf 1st floor 3072 sf all floors 3072 sf
buildings one # stories one lot area (s.f.) 33,133 sf

4. LOT COVERAGE: 67.3% %Landscaped area: 32.7% %

5. POPULATION ON SITE: Number of people expected on site at anytime:
Normal: 16 Peak period: 22

6. TRAFFIC:

(A) Number of vehicles parked on site:

During regular hours: 10 Peak period: 14

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

Gas deliveries: 2-3 times/week; Cumberland Farms: grocery twice/week; milk/bread: 1/week; independent vendors: 1/week; dumpster: 1/week

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? LED area light poles with shields (5): .2FC over the property line

8. NOISE:

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

No anticipated increase

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. No major sources of noise generation

9. AIR: What sources of potential air pollution will exist at the development? None

10. WATER AND SEWER: Describe any unusual generation of waste. None

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

***Attach additional sheets if necessary**



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CITY OF MARLBOROUGH

2012 MAY 16 P 1:42

**CITY OF MARLBOROUGH
MARLBOROUGH, MASSACHUSETTS 01752**

City Hall
140 Main St.
Marlborough, Massachusetts 01752

Voice (508) 460-3775 Facsimile (508) 460-3723 TTD (508) 460-3610

President and Members City Council

Date: May 16, 2012

**SPECIAL PERMIT APPLICATION
CERTIFICATION BY PLANNING DEPARTMENT**

Project Name: Cumberland Farms, Inc.

Project Use Summary: Convenience store with gasoline sales

Project Street Address: 412 & 418 Maple Street/Walker Street

Plate: 936 Parcel: 66A, 67C, 68

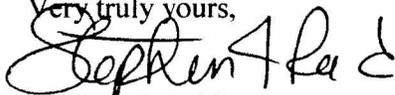
Applicant/Developer Name: Cumberland Farms, Inc.

Plan Date: 4/27/12 Revision Date: 5/14/12

Dear President and Members:

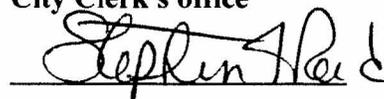
In accordance with the City Council's Rules for Special Permit Applications, I hereby certify that the Site Plan filed with the City Clerk has been reviewed by the Building Department within the limits of work shown on the plan, and that said plan meets all prior referenced informational requirements of Section 7; that the plan conforms in all aspects to City Code and to these Rules and Regulations, and that any necessary zoning variances have been already granted by the Marlborough Zoning Board of Appeals, and any applicable appeal period concerning said variances have run.

Very truly yours,


Stephen F. Reid

Building Commissioner

**Application Fee to submit to
City Clerk's office**

 - \$500. -

CITY COUNCIL

CITY OF MARLBOROUGH

SUPPLEMENT TO SPECIAL PERMIT APPLICATION OF CUMBERLAND FARMS, INC.

Subject parcels:

418 Maple Street; Map 93, Lot 68 (.49 acre)
412 Maple Street; Map 93, Lot 66A (.21 acre)
Walker Street; Map 93, Lot 67C (.08 acre)

Proposed Project:

The Applicant, Cumberland Farms, Inc., ("Cumberland") is the prospective purchaser of the above-referenced property on which existing buildings will be removed paving the way for a new convenience store and gas operation. On April 24, 2012, the Zoning Board of Appeals granted required variances for the proposed project.

Cumberland now seeks a special permit for a gasoline service station use pursuant to Section 650-17, of the Zoning Ordinance, *Table of Use Regulations*.

Proposed improvements associated with the convenience store and gasoline station uses include the following:

- Acquisition of referenced parcels
- Construction of a 3072 s.f. colonial-style convenience store
- Install four fuel dispensers (one of which will offer diesel fuel option)
- Install canopy over the gas islands containing lighting and fire suppression
- Install 2-20,000 gal. dual-compartment, double-wall Fiberglass underground storage tanks
- Installation of a *Red Box* video rental unit outside the convenience store
- Pedestrian access provided from the store to Walker Street
- Construct sidewalks abutting parcel on Maple Street/Route 85, and on Walker Street, as shown on Site Plan
- Installation of bollards at parking spaces in front of the store
- Provide two dumpsters w/screened enclosure
- Installation of an air tower
- Provide landscaping
- LED area lights
- Snow storage area provided
- Install freestanding identification and fuel price sign
- Curb cuts modifications on Route 85 and on Walker Street

December 5, 2011

City of Marlborough
140 Main Street
Marlborough, MA 01752

**RE: Applications of Cumberland Farms, Inc.
418 Maple Street; Map 93, Lot 68 (.49 acre)
412 Maple Street; Map 93, Lot 66A (.21 acre)
Walker Street; Map 93, Lot 67C (.08 acre)**

Dear Sir or Madam:

Scot Properties, LLC is the current owner of the properties referenced above. The undersigned hereby confirms the owner's consent to the filing and processing of the applications, etc., by Cumberland Farms, Inc., and its agents.

Very truly yours,

Scot Properties, LLC

By: *Tom Halpin*

Title: *President, owner.*

cc: Cumberland Farms, Inc.



May 14, 2012

Cumberland Gulf Group of Companies

100 Crossing Boulevard • Framingham, MA 01702

508-270-1400

www.cumberlandgulf.com



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CITY OF MARLBOROUGH

Law Department

2012 MAY 15 P 1:58

Marlborough City Council
140 Main Street
Marlborough, MA 01752

RE: Cumberland Farms, Inc.
Proposed Gasoline Station and Convenience Store at 412 Maple Street,
418 Maple Street and Walker Street
*Request for Exemption from City Ordinance Chapter 342
Gasoline Station Hours of Operation*

Dear Council Members:

In connection with the proposed construction of a convenience store and gasoline service station at 412 Maple Street, 418 Maple Street and Walker Street, Cumberland Farms, Inc. hereby requests an Exception from the limitation of hours of operation of a gasoline station pursuant to Chapter 342-2 of the City Ordinance. Cumberland Farms proposes to operate a 24-hour operation at this new facility.

The proposed facility has been granted variances by the Zoning Board of Appeals and is before this Honorable Council regarding a request for a special permit to operate a gasoline station and a request for underground storage of fuel.

Respectfully,

Kathleen A. Sousa
Land Planning Manager



Branded Products





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CITY OF MARLBOROUGH

2012 MAY 15 P 2:02

**City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT**

**Lisa M. Thomas
City Clerk**

FUEL STORAGE WORKSHEET TO BE COMPLETED BY APPLICANT

Company Name: Cumberland Farms, Inc.

Company Telephone Number: 508-270-1400

Officer's Name: Diane M. Boissonneault, Assistant Corporate Secretary

Officer's Telephone Number: 508-270-1499

Location of Land: 412 & 418 Maple Street

Map & Parcel Number: Map 93, Parcels 66A, 67C, 68

Nearest Cross St.: Walker Street

Owner of Land: Cumberland Farms, Inc. (prospective owner)*

Owner's Address: 100 Crossing Boulevard, Framingham, MA 01702

Number of buildings or other structures to which this application applies:

One

Occupancy or use of such buildings:

Convenience store with gasoline sales

Total capacity of tanks in gallons - Above Ground: _____ Underground: 40,000 gal.

Kind of fluid to be stored in tanks: 32,000 gal gasoline and 8,000 diesel

*Owner's Authorization attached



FP-2A
(Rev. 04-2010)

The Commonwealth of Massachusetts

City/Town of Marlborough

Application For License

Massachusetts General Law, Chapter 148 § 13

New License Amended License

GIS Coordinates	

LAT	

LONG.	

License Number	

Application is hereby made in accordance with the provisions of Chapter 148 of the General Laws of Massachusetts for a license to store flammables, combustibles or explosives on land in buildings or structures herein described.

Location of Land: 412 & 418 Maple Street Map 936, Parcels 66A, 67C & 68
Number, Street and Assessor's Map and Parcel ID

Attach a plot plan of the property indicating the location of property lines and all buildings or structures.

Owner of Land: Cumberland Farms, Inc.

Address of Land Owner: 100 Crossing Boulevard, Framingham, MA 01702

Use and Occupancy of Buildings and Structures: Convenience store with gasoline sales

If this is an application for amendment of an existing license, indicate date of original license and any subsequent amendments

N/A

Attach a copy of the current license

Flammable and Combustible Liquids Flammable Gases and Solids

Complete this section for the storage of flammable and combustible liquids, solids, and gases; see 527 CMR 14; Attach additional pages if needed. All tanks and containers are considered full for the purposes of licensing and permitting.

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, Cubic feet	CONTAINER UST, AST, IBC, drums
Gasoline	IB	20,000	gal.	UST
Gasoline*	IB	12,000	gal.	UST
Diesel*	II	8,000	gal.	UST

*20,000 gal. compartment tank (one of 12,000 gal. and one of 8,000 gal.)

Total quantity of all flammable liquids to be stored: 32,000 gal.

Total quantity of all combustible liquids to be stored: 8,000 gal.

Total quantity of all flammable gases to be stored: _____

Total quantity of all flammable solids to be stored: _____

LP-gas (Complete this section for the storage of LP-gas or propane)

Indicate the maximum quantity of LP-gas to be stored and the sizes and capacities of all storage containers. (See 527 CMR 6)

❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: _____

List sizes and capacities of all aboveground containers used for storage: _____

❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: _____

List sizes and capacities of all underground containers used for storage: _____

Total aggregate quantity of all LP-gas to be stored: _____

Fireworks (Complete this section for the storage of fireworks)

Indicate classes of fireworks to be stored and maximum quantity of each class. (See 527 CMR 2)

❖ Maximum amount (in pounds) of Class 1.3G: _____ Type/class of magazine used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4G: _____ Type/class of magazine used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4: _____ Type/class of magazine used for storage: _____

Total aggregate quantity of all classes of fireworks to be stored: _____

Explosives (Complete this section for the storage of explosives)

Indicate classes of explosive to be stored and maximum quantity of each class. (See 527 CMR 13)

❖ Maximum amount (in pounds) of Class 1.1: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.2: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.3: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.4: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.5: _____ Number of magazines used for storage: _____

❖ Maximum amount (in pounds) of Class 1.6: _____ Number of magazines used for storage: _____

I, Kathleen A. Sousa, Land Planning Mgr of Cumberland Farms, Inc. hereby attest that I am authorized to make this application. I acknowledge that the information contained herein is accurate and complete to the best of my knowledge and belief. I acknowledge that all materials stored pursuant to any license granted hereunder must be stored or kept in accordance with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts Chapter 148, and the Massachusetts Fire Code (527 CMR). I further acknowledge that the storage of any material specified in any license granted hereunder may not exceed the maximum quantity specified by the license.

Cumberland Farms, Inc.

Signature By: Kathleen Sousa Date _____ Name Kathleen A. Sousa, Land Planning Mgr
Kathleen A. Sousa

Fire Department Use Only

I, JAMES M FORTIN, Head of the MARLBOROUGH Fire Department endorse this application with my

Approval Disapproval

[Signature]
Signature of Head of the Fire Department

Date

Recommendations: _____