

***\*\*Presentation of 2014 City Scholarship Awards\*\****

1. Minutes of the City Council Meeting, MAY 19, 2014, Order No. 14-1005838.
2. Minutes of the City Council Meeting, JUNE 2, 2014.
3. Recognition of New Firefighter Recruits.
4. PUBLIC HEARING: On the Application for Special Permit from Robert Stauber of Gensler, on behalf of Bank of America, to modify existing bank drive-thru from the existing condition of 1 ATM lane 1 VAT drive-up teller lane and 1 by-pass lane to 2 ATM lanes and 1 by-pass lane, 223 East Main St., Order No. 14-1005785.
5. PUBLIC HEARING: On the Application for Special Permit from Michael Almada of TRM, on behalf of TMobile to modify antennas at existing wireless communication facility at 860 Boston Post Rd., Order No. 14-1005820.
6. PUBLIC HEARING: On the Application for Special Permit from Michael Almada of TRM, on behalf of TMobile to modify antennas at existing wireless communication facility at 460 Boston Post Rd., Order No. 14-1005821.
7. PUBLIC HEARING: On the Petition of Teleport Communications America, LLC to install one four inch PVC conduit at an approximate depth of forty-eight inches, from existing Verizon manhole #608 on Donald Lynch Blvd., to the property line of the Mall at Solomon Pond, LLC; a distance of approximately twenty feet, Order No. 14-1005822.
8. PUBLIC HEARING: On the Petition of Teleport Communications America, LLC to install two four inch PVC conduits at an approximate depth of forty-eight inches, from existing Verizon manhole at 200 Donald Lynch Blvd., to utility pole #69 on Bigelow St.; a distance of approximately seven hundred twenty seven feet, Order No. 14-1005823.
9. Communication from the Mayor re: Amended language for Renewal of Revolving Accounts per Finance Committee.
10. Communication from the Mayor re: Gift Acceptance in the amount of \$1,000.00 from David Balducci to the City Scholarship Fund.
11. Communication from the Mayor re: Appointment of Renee Perdicaro to the Cultural Council for a three year term.
12. Communication from City Solicitor Rider re: T-Mobile Special Permit, 75 Donald Lynch Boulevard, in proper legal form, Order No. 14-1005760A.
13. Communication from Mark Donahue of Fletcher Tilton on behalf of Chick-Fil-A, Inc., re: to extend time limitations on application for Special Permit, to construct and operate an approximate 4,876 square foot single story building with drive-thru service restaurant at 230 Boston Post Road West, to September 9, 2014 until 5:00 PM, Order No. 14-1005761B.
14. Communication from NStar re: request to reschedule Public Hearing on the Petition to install 105' of 4" plastic gas main as a system improvement to 31 Wellington St., Order No. 14-1005848.

**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.**

15. Minutes, Fort Meadow Commission, September 19, 2013.
16. Minutes, Board of Health, April 1, 2014.
17. Minutes, License Board, April 30, 2014.
18. Minutes, Planning Board, May 19, 2014.
19. CLAIMS:
  - A. David Benway, 25 Flagg Road, other property damage and/or personal injury

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

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

**MAY 19, 2014**

Regular meeting of the City Council held on Monday, MAY 19, 2014 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Pope, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy and Landers. Absent: Oram. Meeting adjourned at 9:23 PM.

Presentation of Youth Service Awards to following recipients: Joseph Ciolino, Paige Lariviere, Alysha McGovern, Jaelyn Kassoy, Sydney Teele & Christina Furtado.

**ORDERED:** That the minutes of the City Council meeting MAY 5, 2014, **FILE**; adopted.

**ORDERED:** That the **PUBLIC HEARING** On the Application for Special Permit from Mark Donahue of Fletcher Tilton on behalf of Chick-Fil-A, Inc. to construct and operate an approximate 4,876 square foot single story building with drive-thru service restaurant at 230 Boston Post Rd. West, all were heard who wish to be heard, hearing recessed at 8:34 PM, adopted.

**Councilors Present: Pope, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy & Landers. Absent: Oram.**

**ORDERED:** That the **PUBLIC HEARING** On the Proposed FY15 Municipal Operating Budget as submitted by Mayor Vigeant in the amount of \$137,433,613.00 for review and appropriation in which this spending plan reflects an increase of 3.98% over the approved Fiscal Year 2014 budget, all were heard who wish to be heard, hearing recessed at 8:38 PM; adopted.

**Councilors Present: Pope, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy & Landers. Absent: Oram.**

**ORDERED:** That the Snow and Ice transfer request in the amount of \$1,640,000.00 which moves funds from Undesignated to Overtime-Snow & Ice, Snow Removal and Operating Expenses, refer to **FINANCE COMMITTEE**; adopted.

DEPT:		DPW				FISCAL YEAR:		2014			
Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance	
Amount	Org Code	Object	Account Description:		Amount	Org Code	Object	Account Description:			
\$4,851,941.00	\$1,640,000.00	10000	35900	Undesignated Fund	\$265,000.00	14001203	51390	Overtime-Snow & Ice		-\$264,378.63	
	Reason:	To fund the snow & ice deficit for FY14									
					\$734,000.00	14001206	52960	Snow Removal		-\$733,769.51	
	Reason:										
					\$641,000.00	14001206	57040	Operating Expenses		-\$632,509.13	
	\$1,640,000.00	Total			\$1,640,000.00	Total					

**ORDERED:** That the Year-end Intra-Departmental transfer requests as noted on the attached spreadsheets to cover remaining expenses and balance accounts for FY14, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT: Police								FISCAL YEAR: FY 2014	
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$15,049.87	\$5,475.00	12100003	51920	Sick Leave BuyBack	\$5,475.00	12100001	50140	Police Chief Salary	\$14,154.32
Reason:		Money available for transfer				Money needed to pay retro pay and new contract			
	\$5,475.00	Total			\$5,475.00	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT: FIRE								FISCAL YEAR: FY14	
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$18,161.84	\$98.07	12200003	51430	LONGEVITY	\$98.07	12200003	51450	NIGHT SHIFT DIFFERENTIAL	\$9,058.89
Reason:		Transfer is available due to retirements				Funds needed to complete FY14			
	\$98.07	Total			\$98.07	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT: Police								FY: 2014	
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$15,049	\$2,500.00	12100003	51920	Sick Leave Buy-Back	\$2,500.00	12100003	51490	Holiday	\$27,432
Reason:		Account will have surplus - fewer ofcs. buying back				Will need additional amount for last holiday of yr.			
\$15,049	\$1,000.00	12100003	51920	Sick Leave Buy-Back	\$1,000	12100006	55882	Meals for Prisoners	\$563
Reason:		Account will have surplus - fewer ofcs. buying back				More long term prisoners than expected			
	\$3,500.00	Total			\$3,500.00	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS –									
DEPT:	Public Facilities			DATE:	5/12/2014	FY:	2014		
		FROM ACCOUNT:				TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$4,830	\$1,105.00	11920003	51430	Longevity	\$1,105.00	11920001	50292	Bldg Maint Craftsman	\$25,989
	Reason:	Funds available				To cover salaries thru year end			
\$29,596	\$8,500.00	11920003	50560	Custodian	\$8,500.00	11920006	53999	Other Services	\$7
	Reason:	Unfilled position				Renovations at DPW			
\$2,027	\$2,000.00	11920006	52250	Heating oil	\$2,000.00	11920006	53999	Other Services	\$7
	Reason:	Decrease in use				Renovations at DPW			
\$39,901	\$20,000.00	11920006	52200	Natural Gas	\$20,000.00	11920006	53999	Other Services	\$7
	Reason:	Decrease in cost per therm				Renovations at DPW			
\$48,840	\$15,000.00	11920006	53420	Telephone Services	\$15,000.00	11920005	54310	Building Repairs	\$2
	Reason:	Decrease in verizon data lines				Renovations at Walker Building			
	\$46,605.00	Total			\$46,605.00	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS –									
DEPT:	Department of Public Works					FISCAL YEAR:	2014		
		FROM ACCOUNT:				TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$55,612	\$425	60085006	55980	West WWTF	\$425	60080003	51470	Interim Foreman	\$24
	Reason:	Surplus anticipated				Anticipated cost to cover Chemist position scheduled time off.			
\$55,612	\$2,000	60085006	55980	West WWTF	\$2,000	60085006	52463	Rep/Maint. Westerly Plant	\$920
	Reason:	Surplus anticipated				Anticipated cost to cover supplies for maintenance.			
\$55,612	\$4,000	60085006	55980	West WWTF	\$4,000	60085006	54340	Maint. Machinery	\$603
	Reason:	Surplus anticipated				Anticipated cost to cover supplies for preventive maintenance.			
\$44,700	\$24,700	60080004	53110	Legal Services	\$24,700	60080006	55660	Pumping Station Main.	\$564
	Reason:	Anticipated surplus				Anticipated cost for repair/maint. at Hosmer Street Pump Station because of pump failure.			
\$44,700	\$20,000	60080004	53110	Legal Services	\$20,000	61090006	54620	Maintenance-Trenches	\$14,515
	Reason:	Anticipated surplus				Anticipated cost to permanently repair water trenches due to high number of winter water breaks.			
	\$51,125	Total			\$51,125	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:					FISCAL YEAR:				
Available Balance	Amount	FROM ACCOUNT: Org Code	Object	Account Description:	Amount	TO ACCOUNT: Org Code	Object	Account Description:	Available Balance
\$77,794	\$77,794	61090006	52320	Water-MMRA	\$77,794	61090006	55740	Water Meters	\$0
	Reason:	Anticipated surplus				Replacement for stopped residential meters.			
\$137,956	\$57,000	61090001	50740	Equipment Operalbrs	\$57,000	61090006	54620	Maintenance-Trenches	\$14,515
	Reason:	Surplus due to vacancies.				Anticipated cost to permanently repair water trenches due to high number of winter water breaks.			
\$1,402	\$1,402	61090003	51920	Sick Leave BuyBack	\$1,402	61090006	54620	Maintenance-Trenches	\$14,515
	Reason:	Anticipated surplus				Anticipated cost to permanently repair water trenches due to high number of winter water breaks.			
\$1,590	\$340	61090003	51940	Clothing Allowance	\$340	61090006	54620	Maintenance-Trenches	\$14,515
	Reason:					Anticipated cost to permanently repair water trenches due to high number of winter water breaks.			
\$800	\$800	61090004	53174	Contract Services/Lab Testing	\$800	61090006	54620	Maintenance-Trenches	\$14,515
	Reason:					Anticipated cost to permanently repair water trenches due to high number of winter water breaks.			
	\$137,336	Total			\$137,336	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:					FISCAL YEAR:				
Available Balance	Amount	FROM ACCOUNT: Org Code	Object	Account Description:	Amount	TO ACCOUNT: Org Code	Object	Account Description:	Available Balance
\$3,600	\$3,600	61090006	54280	Water Billings	\$3,600	60080006	55660	Pumping Station Main.	\$564
	Reason:	Anticipated surplus				Anticipated cost to cover required repair/maintenance at several sewer pump stations.			
\$800	\$800	60080003	51440	Educational Incentives	\$800	60080006	55660	Pumping Station Main.	\$564
	Reason:	Anticipated surplus				Anticipated cost to cover required repair/maintenance at several sewer pump stations.			
\$14,489	\$7,000	60080001	50580	Assistant Chemist	\$7,000	60080006	55660	Pumping Station Main.	\$564
	Reason:	Anticipated surplus				Anticipated cost to cover required repair/maintenance at several sewer pump stations.			
\$350	\$350	61090003	51440	Educational Incentives	\$350	61090003	51990	Meal Allowances	\$0
	Reason:	Anticipated surplus				100% expended due to high volume of water breaks over winter.			
\$30,000	\$30,000	61090006	55700	Water Treatment Plant	\$30,000	60080006	55660	Pumping Station Main.	\$564
	Reason:	Anticipated surplus				Anticipated cost to cover required repair/maintenance at several sewer pump stations.			
	\$41,750	Total			\$41,750	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS –									
DEPT:					FISCAL YEAR:				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$610.00	\$610	60081003	51430	Longevity	\$610	60081006	52464	Repair/Maintain East Plant	\$26,688
		Reason: Anticipated surplus				Anticipated cost to cover end of year			
\$2,800.00	\$2,800	60081003	51440	Educational Incentive	\$2,800	60081006	52464	Repair/Maintain East Plant	\$26,688
		Reason: Anticipated surplus				Anticipated cost to cover end of year			
\$492.00	\$492	60081003	51920	Sick Leave Buyback	\$492	60081006	52464	Repair/Maintain East Plant	\$26,688
		Reason: Anticipated surplus				Anticipated cost to cover end of year			
\$1,265.00	\$1,000	60081003	51940	Clothing Allowance	\$1,000	60081006	52464	Repair/Maintain East Plant	\$26,688
		Reason: Anticipated surplus				Anticipated cost to cover end of year			
\$5,000.00	\$3,000	60081004	53174	Contract Services/Lab Testing	\$3,000	60085005	55014	Lab/Testing Supplies	\$2,305
		Reason: Anticipated surplus				Anticipated cost to cover end of year.			
	\$7,902	Total			\$7,902	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS –									
DEPT:					FISCAL YEAR:				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$26,953.00	\$500	14001101	50640	City Engineer	\$500	14001101	50700	Senior Engineer	\$14,078
		Reason: Money available due to previous vacancy				Anticipated cost to cover remainder of FY14			
\$14,590.00	\$250	60080001	50580	Assistant Chemist	\$250	60081001	50910	Head Treatment Operator	\$10,448
		Reason: Money available due to previous vacancy				Anticipated cost to cover remainder of FY14			
\$14,590.00	\$200	60080001	50580	Assistant Chemist	\$200	60085001	50910	Head Treatment Operator	\$10,455
		Reason: Money available due to previous vacancy				Anticipated cost to cover remainder of FY14			
	\$950	Total			\$950	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS –									
DEPT: Board of Health					FISCAL YEAR: FY 2014				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$6,341.50	\$3,500.00	15120001	50391	P/T Nurse	\$3,500.00	15120006	53180	Prof/ Tech. Services	\$1,927.52
		Reason: Funds available due to retirement				Funds will pay for contract health inspections through June			
	\$3,500.00	Total			\$3,500.00	Total			

ORDERED: That the Public Facilities transfer request in the amount of \$230,000.00 to and from various accounts as noted on the attached spreadsheet to cover unanticipated expenses in an electrical utility line item, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --										
DEPT:	Public Facilities			DATE:	5/12/2014	FY:	2014			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$50,467	\$30,000.00	60086006	52935	Solid Waste Disposal	\$30,000.00	11920006	52120	Electricity	\$204,107	
	Reason:	Transfer to pay from correct account				Transfer to charge to correct account				
\$124,109	\$50,000.00	14001303	50740	Streets Equip Operator	\$200,000.00	11920006	52120	Electricity	\$204,107	
	Reason:	Surplus due to vacancies				Transfer to cover underfunded costs				
\$168,371	\$90,000.00	14001503	50740	Forestry Equip Operator						
	Reason:	Surplus due to vacancies								
\$198,239	\$60,000.00	11990006	51500	Fringes						
	Reason:	Money available for transfer								
	\$230,000.00	Total			\$230,000.00	Total				

ORDERED: That the Mayor re: transfer request in the amount of \$32,500.00 which moves funds from Undesignated to Open Space Stabilization to move funds received in FY13 from wireless antenna receipts to the Open Space Stabilization account, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:				FISCAL YEAR:	2014				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$4,851,941.00	\$32,500.00	10000	35900	Undesignated Fund	\$32,500.00	83600	32918	Stabilization-Open Space	\$820,642.22
	Reason:	To transfer annual wireless antennae payments received by the City in fiscal year 2013 to Open Space Stabilization							
	\$32,500.00	Total			\$32,500.00	Total			

ORDERED: That the Mayor's Office transfer request in the amount of \$850.00 which moves funds from Reserve for Salaries & Benefits to Executive Secretary to fund a step increase that was not factored in to the FY14 budget, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:	Mayor			FISCAL YEAR:	FY 2014				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$521,561.00	\$850.00	11990006	57820	Reserve for Salaries & Ben.	\$850.00	11210002	50590	Exec Secretary	\$6,380.29
	Reason:	Money available for transfer				Money needed to cover step increase for FY 14			
	\$850.00	Total			\$850.00	Total			

ORDERED: That the City Council for the City of Marlborough, having voted on September 10, 1934 to accept a deed to acquire, for public playground purposes, land now known as Stevens Park, located at 20 Martin Street, Marlborough Massachusetts, and shown on the Marlborough Assessor's Maps as Map 68, Parcel 5, which deed was recorded on October 16, 1934 at the Middlesex South District Registry of Deeds in Book 5870, Page 33, does hereby vote, by a two-thirds vote of all its members pursuant to M.G.L. c. 40, § 15A, to transfer the care, custody, management and control of Stevens Park to the Parks and Recreation Commission for park purposes, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: **A RESOLUTION  
TO APPLY FOR AND ACCEPT A GRANT  
FROM THE COMMONWEALTH OF MASSACHUSETTS,  
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS,  
FOR THE RENOVATION OF STEVENS PARK**

WHEREAS, the City Council for the City of Marlborough voted on September 10, 1934 to accept a deed to acquire, for public playground purposes, land now known as Stevens Park, located at 20 Martin Street, Marlborough Massachusetts, and shown on the Marlborough Assessor's Maps as Map 68, Parcel 5, which deed was recorded on October 16, 1934 at the Middlesex South District Registry of Deeds in Book 5870, Page 33; and

WHEREAS, by vote of the City Council on \_\_\_\_\_, 2014, the care, custody, management and control of Stevens Park has been transferred to the Parks and Recreation Commission for park purposes, thereby permanently dedicating Stevens Park for park purposes;

WHEREAS, Stevens Park is a community-wide asset, and the preservation of and improvements to this facility are a priority of the city of Marlborough, as evidenced by the most recent Open Space and Recreation Plan; and

WHEREAS, Stevens Park's renovation will greatly enhance this facility with improved playground equipment, trees, benches, picnic tables, water bubbler, fencing, and a pavillion; and

WHEREAS, the main focus of this renovation is to upgrade the facility to improve its functionality and appearance; and

WHEREAS, the Commonwealth of Massachusetts' Executive Office of Energy and Environmental Affairs ("EOEEA") is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Our Common Backyards grant program; and

WHEREAS, the project cost as outlined in the application totals \$611,000 (six hundred eleven thousand dollars), with the balance of the funding being provided from the Sligo Antenna Revolving account that was approved by the City Council. The total funding is available from the FY 2014 account and the FY 2015 account.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. That the Mayor be, and hereby is, authorized to apply for and to accept an Our Common Backyard grant from EOEEA; and
2. That the Mayor be, and hereby is, authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of the Our Common Backyard grant, which is to be administered by the Recreation Commission; and
3. That this Resolution shall take effect upon its passage.

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Grant Acceptance in the amount of \$45,451.00 from the Massachusetts Department of Transportation (MassDOT) to the Marlborough Council on Aging to cover approximately 80% of the cost to purchase an eight passenger handicapped accessible vehicle, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Ezra M. Cutting Trust awarded to the City of Marlborough in the amount of 6,000.00 to sustain the City's partnership with the Rivers Edge Arts Alliance to support performances that are part of the "Family Fun Festivals" that will provide quality entertainment for families in the Marlborough-Hudson region; adopted.

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 2015, 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) the Mayor shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and

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

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Communication from Assistant City Solicitor Panagore-Griffin re: Site Plan Review for a hotel within the Results Way Mixed Use Overlay District, in proper legal form, Order No. 14-1005727A, **MOVED TO ITEM 31**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JUNE 16, 2014** as date for a **PUBLIC HEARING** on the Application for Special Permit from Michael Almada of TRM, on behalf of TMobile to modify antennas at existing wireless communication facility at 860 Boston Post Rd., refer to **WIRELESS COMMUNICATIONS AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JUNE 16, 2014** as date for a **PUBLIC HEARING** on the Application for Special Permit from Michael Almada of TRM, on behalf of TMobile to modify antennas at existing wireless communication facility at 460 Boston Post Rd., refer to **WIRELESS COMMUNICATIONS AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JUNE 16, 2014** as date for a **PUBLIC HEARING** on the Petition of Teleport Communications America, LLC to install one four inch PVC conduit at an approximate depth of forty-eight inches, from existing Verizon manhole #608 on Donald Lynch Blvd., to the property line of the Mall at Solomon Pond, LLC; a distance of approximately twenty feet, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JUNE 16, 2014** as date for a **PUBLIC HEARING** on the Petition of Teleport Communications America, LLC to install two four inch PVC conduits at an approximate depth of forty-eight inches, from existing Verizon manhole at 200 Donald Lynch Blvd., to utility pole #69 on Bigelow St.; a distance of approximately seven hundred twenty seven feet, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Application for Renewal of Second Hand Article's License, Gerald Dumais d/b/a Dumais & Sons, 67 Mechanic St., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from Central Mass. Mosquito Control Project re: Environmental Merit Award for 2014, **FILE**; adopted.

ORDERED: That the Minutes, Conservation Commission, April 3, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, March 25, 2014, **FILE**; adopted.

ORDERED: That the Minutes, License Board, March 26, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Board of Health, February 11, 2014; adopted.

ORDERED: That the Minutes, Planning Board, April 28, 2014; adopted.

ORDERED: That the Community Development Authority, April 24; adopted.

ORDERED: That the Council on Aging, April 10, 2014; adopted.

ORDERED: That the Communication from Hanover Insurance Group, on behalf of Steven Hibbard, 8 Cusella Dr., refer to **LEGAL DEPARTMENT**; adopted.

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

- A. Anton Teodorescu, 9 Woodcock Lane, other property damage and/or personal injury
- B. Michael Guidotti, 11 Lark Dr., Hudson, pothole of other road defect claim

## Reports of Committees:

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

Convened: 5:17 PM

Recessed: 5:35 PM

Present: Chairman Landers; Public Services Committee Members Councilors Clancy and Irish

- 1) **Order No. 14-1005743 - Application for Renewal of Junk Dealer License, Roman Kimyagarov, Arthur & Sons Shoe Repair, 107 Main Street.** Police Chief Leonard has approved the CORI report for Roman Kimyagarov and has no objection to the renewal of his Junk Dealer License. Mr. Kimyagarov is in his third year of business as a purchaser of gold or silver jewelry and coins such as broken jewelry, estate jewelry, silver coins, silver dollars or half-dollars. He offers a price based on the current market value of gold or silver. **Recommendation of the Public Services Committee is to approve a Junk Dealer License to Roman Kimyagarov, Arthur & Sons Shoe Repair. Motion made by Councilor Clancy, seconded by Councilor Irish, to approve the application. Carries 3-0.**
- 2) **Order No. 14-1005762 - Application for Renewal of Junk Dealer / Second Hand Article Dealer License by Theresa Denoncourt Smith, Hint of Class Consignment, 72A-B Hosmer Street.** Police Chief Leonard has approved the CORI report for Theresa Denoncourt Smith and has no objection to the renewal of her Junk Dealer/Second Hand Article Dealer License. Ms. Denoncourt Smith has been in business for six months and sells men's and women's clothing, costume jewelry, furniture such as wood tables and chairs, gift wares, lamps and dishware however no couches or bedding. **Recommendation of the Public Services Committee is to approve a Junk Dealer / Second Hand Article Dealer License to Theresa Denoncourt Smith, Hint of Class Consignment. Motion made by Councilor Clancy, seconded by Councilor Irish, to approve the application. Carries 3-0.**
- 3) **Order No. 14-1005669 x 13-1005591 - Junk Dealer Application Renewal, Jean Rabelo, Post Road Used Auto Parts of Marlborough, Inc., 785 Boston Post Road.** Police Chief Leonard has approved the CORI report for Jean Rabelo and has no objection to the renewal of her Junk Dealer License. Post Road Used Auto Parts is an automotive recycler who takes in cars from auctions and charity donations. They remove all usable parts and sell them and every other remaining part is removed from the cars and recycled including batteries and tires. **Recommendation of the Public Services Committee is to approve a Junk Dealer License to Jean Rabelo, Post Road Used Auto Parts. Motion made by Councilor Clancy, seconded by Councilor Irish, to approve the application. Carries 3-0.**

Motion made by Councilor Irish, seconded by the Chair, to recess the meeting and reconvene Wednesday, May 7<sup>th</sup> @ 5:15 PM. **Carries 3-0.**

Reconvened: 5:15 PM

Adjourned: 5:59 PM

Present: Chairman Landers; Public Services Committee Members Councilors Clancy and Irish

Motion made by Councilor Clancy to reconvene the meeting, seconded by the Chair. **Carries 3-0.**

## Reports of Committees cont'd:

- 4) **Order No. 14-1005763 - Application for Renewal of Junk Dealer License by Tony Bitar, Hannoush Jewelers, 601 Donald Lynch Blvd.** Police Chief Leonard has approved the CORI report for Tony Bitar and has no objection to the renewal of his Junk Dealer License. Hannoush Jewelers purchases second hand gold from customers at a fair competitive price as a convenience to their customers. They only purchase gold or platinum jewelry, and coins for their gold value, not a collector's value. **Recommendation of the Public Services Committee is to approve a Junk Dealer License to Tony Bitar, Hannoush Jewelers. Motion made by Councilor Clancy, seconded by Councilor Irish, to approve the application. Carries 3-0.**
- 5) **Order No. 14-1005764 - Application for Renewal of Junk Dealer/Second Hand Article Dealer License by Mary Giorgi, Giorgi's Consignment Boutique, 266 Main Street.** Police Chief Leonard has approved the CORI report for Mary Giorgi and has no objection to the renewal of her Junk Dealer/Second Hand Article Dealer License. Ms. Giorgi has been in business for just over a year and sells high end women's clothing on consignment. She only accepts current season merchandise and no more than two years past the current style. She has a sixty day consignment period, at the end of the consignment period, it is the consignor's responsibility to contact the store to arrange pick-up of their unsold merchandise. If not retrieved in a timely manner, the items are donated. **Recommendation of the Public Services Committee is to approve a Junk Dealer/Second Hand Article Dealer License Mary Giorgi, Giorgi's Consignment Boutique. Motion made by Councilor Clancy, seconded by Councilor Irish, to approve the application. Carries 3-0.**
- 6) **Order No. 14-1005786 - Application for Renewal of Junk Dealer License by Robert Høglund, CFO TVI, Inc., d/b/a Savers, 222A East Main Street.** Police Chief Leonard has approved the CORI report for Gary Zardas of Savers and has no objection to the renewal of their Junk Dealer License. Savers sells second hand merchandise, mostly clothing, also bedding and stuffed animals but no mattresses. They obtain their merchandise from two sources; they buy in bulk from any nationally recognized 503C charity and consumer donations at their drop off centers. They participate in a State licensed merchandise sterilization program and are also working with the City of Marlborough to have one of the first programs to monitor and prevent infestations of bed bugs. **Recommendation of the Public Services Committee is to approve a Junk Dealer License to TVI, Inc., d/b/a Savers. Motion made by Councilor Clancy, seconded by Councilor Irish, to approve the application. Carries 3-0.**
- 7) **Order No. 14-1005787 - Application for Renewal of Junk Dealer's License, Michael Komapovsky, d/b/a Aaurus Art Gallery, 305 Lincoln Street.** Police Chief Leonard has approved the CORI report for Michael Komapovsky and has no objection to the renewal of his Junk Dealer License. Mr. Komapovsky is a licensed auctioneer and his main business is online auctions powered by auction engines. **Recommendation of the Public Services Committee is to approve a Junk Dealer License to Michael Komapovsky, d/b/a Aaurus Art Gallery. Motion made by Councilor Clancy, seconded by Chair, to approve the application. Carries 3-0.**

Motion made by Councilor Clancy, seconded by Councilor Irish, to adjourn.

## Reports of Committees cont'd:

Councilor Ossing reported the following out of the Finance Committee:

Present: Chairman Ossing; Finance Committee members Councilors Robey, Oram (Present for Agenda items 3-7), Elder, and Irish. Councilors Pope (Present for Agenda item #7), Landers and Delano were also in attendance. The meeting convened at 6:03 PM.

1. **Order No. 14-1005736 – Transfer \$75,000.00 from the Undesignated Fund Account to Building Department Contract Services.** The Finance Committee reviewed the Mayor's letter dated March 20, 2014 requesting the transfer of \$75,000.00 from the Undesignated Fund Account to the Building Department Contract Services Account to supplement the Building Department inspectional services for the Avalon Bay project. **The Finance Committee voted 4 – 0 to approve the transfer.**
2. **Order No. 14-1005755 – Transfer \$152,246.17 from Firefighter Salary Account to Cover Three Retirements and Overtime.** The Finance Committee reviewed the Mayor's letter dated April 3, 2014 requesting transfers from the Firefighter Salary Account in the amount of \$152,246.17 to fund three firefighter retirements (\$82,246.17) and overtime (\$70,000.00). The Fire Chief recommended that the overtime transfer be reduced by \$20,000. **The Finance Committee voted 4 – 0 to approve the following transfers:**
  - \$82,246.17 from Firefighter salaries to sick leave buy back
  - \$50,000.00 from Firefighter salaries to overtime
3. **Order No. 14-1005776 – Transfer \$295,000.00 from the Reserve for Salaries Account to Fund Medicare Insurance and Workers Compensation Insurance.** The Finance Committee reviewed the Mayor's letter dated April 25, 2014 requesting three transfers from the Reserve for Salaries Account to the following accounts:
  - \$35,000.00 to Medicare Insurance – Schools
  - \$125,000.00 to Medicare Insurance – City
  - \$135,000 to Workers Compensation InsuranceThe Medicare accounts require the transfers to cover anticipated expenses directly linked to the cost of living and salary step increases. The workers compensation transfer is necessary to fund anticipated claims running higher than projected. **The Finance Committee voted 5 – 0 to approve the three transfers.**
4. **Order No. 14-1005777 – Transfer \$52,000.00 from DPW Accounts to Fund Hydrant Flushing Overtime and Sweeper Repairs.** The Finance Committee reviewed the Mayor's letter dated April 25, 2014 requesting two transfers internal to the DPW department to fund the following:
  - \$30,000.00 to fund overtime for hydrant flushing
  - \$22,000.00 to fund major repairs to a 12 year old street sweeper**The Finance Committee voted 5 – 0 to approve the transfers.**
5. **Order No. 14-1005778 – Gift of \$30,000.00 from Atlantic Management Simarano Grant.** The Finance Committee reviewed the Mayor's letter dated April 25, 2014 requesting the acceptance of a \$30,000.00 gift from Atlantic Management to support the Simarano Drive upgrade project. **The Finance Committee voted 5 – 0 to Accept the Gift.**

Reports of Committees cont'd:

**6. Order No. 14-1005780 – Bond for \$6,000,000.00 to Upgrade the Millham Water Treatment Plant.** The Finance Committee reviewed the Mayor's letter dated April 25, 2014 requesting the approval of a \$6,000,000.00 bond to upgrade the Millham Water Treatment Plant. The bond is required to fund upgrades to the plant due to newly enacted water regulations. **The Finance Committee voted 5 – 0 approve the following:**

- **Report out bond order with no recommendation to put in front of the City Council for a vote at the June 2, 2014 meeting.**
- **Mayor to provide order with duration of loan in a format for advertising at the May 19, 2014 City Council meeting.**
- **The Finance Committee agreed to support suspending the rules at the May 19, 2014 City Council meeting to recommend the advertising of the bond. (Bond was advertised on May 22, 2014).**

**7. Order No.14-1005781 – SanDisk Corporation Tax Increment Financing (TIF).** The Finance Committee reviewed the Mayor's letter dated April 25, 2014 requesting the approval of the TIF proposal from SanDisk Corporation.

**The Finance Committee voted 5 - 0 to approve the following:**

- **The economic opportunity area**
- **The TIF plan and zone**
- **The TIF agreement**
- **Economic Development Incentive Program (EDIP) Preliminary Application**
- **The City Council Resolution**

The Finance Committee agreed to support suspending the rules at the May 19, 2014 City Council meeting to have the Solicitor place in proper format to support a City Council vote at the June 2, 2014 City Council meeting.

The FINANCE COMMITTEE adjourned at 8:15 PM.

**Suspension of the Rules requested – granted**

**ORDERED:** That the Draft TIF Proposal between City of Marlborough and SanDisk Corporation, refer to **CITY SOLICITOR TO PLACE IN PROPER LEGAL FORM AND PLACE ON JUNE 2, 2014 AGENDA;** adopted.

**Suspension of the Rules requested – granted**

**ORDERED:** Ordered: that \$6,000,000 is appropriated for the purpose of financing the construction of improvements to the Millham Water Treatment Plant including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that to meet this appropriation the Treasurer with the approval of the Mayor and the (Auditor, Finance Committee or other appropriate local body or official) is authorized to borrow \$6,000,000 and issue bonds or notes therefore under (Chapter 44 of the General Laws or insert reference to other applicable general or special law governing the issuance of local bonds) and/or Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor and the (Auditor, Finance Committee or other appropriate local body or official) determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as most recently amended by St. 1998, c.78; that the Treasurer with the approval of the Mayor [and the (Auditor, Finance Committee or other appropriate local body or official)] is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C, as

most recently amended by St. 1998, c.78; and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project, **ORDERED ADVERTISED AND PLACE ON JUNE 2, 2014 AGENDA;** adopted.

**Suspension of the Rules requested – granted**

**ORDERED:** That the Legal Department transfer request in the amount of \$73,800.00 which moves funds from and to various accounts as noted on the spreadsheet to fund higher than anticipated outside legal expenses, **APPROVED;** adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS --									
DEPT:		Legal				FISCAL YEAR:		2014	
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$4,851,941.00	\$70,000.00	10000	35900	Undesignated Fund	\$70,000.00	11510004	53110	Legal Services	\$37,573.35
		Reason:				Legal expenses running higher than anticipated			
\$12,844.82	\$500.00	11510006	57600	Claims & Judgements	\$500.00	11510006	53880	Registry of Deeds	\$725.00
		Reason: Fewer claims than anticipated				Fund account through end of fiscal year			
\$12,844.82	\$800.00	11510006	57600	Claims & Judgements	\$800.00	11510006	57100	Instate Travel	\$58.00
		Reason: Fewer claims than anticipated				Fund account through end of fiscal year			
\$12,844.82	\$2,500.00	11510006	57600	Claims & Judgements	\$2,500.00	11510006	57350	Lawbook Updates	\$1,330.00
		Reason: Fewer claims than anticipated				Fund account through end of fiscal year			
	\$73,800.00	Total			\$73,800.00	Total			

**Suspension of the Rules requested – granted**

**ORDERED:** That the FY15 budget of \$137,086,523.00 which represents a 3.71% increase from the FY14 budget or an increase of \$4,904,195.00, **APPROVED;** adopted.

**ORDERED:** That the Mayor provides the status of the 2013 Tax Increment Finance (TIF) reports. Include copies of the reports, dates reports submitted, and remaining duration of the TIFs by June 30, 2014, refer to the **MAYOR AND REPORT BACK TO CITY COUNCIL BY THE END OF JUNE;** adopted.

**ORDERED:** That the City Council Operations and Oversight Committee be charged with the review of any departmental function which may not have been reviewed as a result of the streamlined approval of Mayor Vigeant’s FY2015 Municipal Budget. The Operations and Oversight Committee, after posting and proper notification to the Mayor and appropriate department manager(s), will undertake a collaborative review of any city department requested by individual City Councilors. This will allow for Councilors to ask any questions they may have regarding operations and/or finances, and for the public to be informed on said operations and finances. It has often been suggested during finance meetings that another forum would be more appropriate for City Councilors to ask questions not directly related to finance and this would provide a proper forum for such, refer to **OPERATIONS AND OVERSIGHT COMMITTEE;** adopted.

ORDERED:

**Site Plan Permit # \_\_\_\_\_**  
**Site Plan Approval with Conditions**

**Applicant:** CSM Corporation, 500 Washington Ave., Ste. 3000, Minneapolis, MN 55415

**Property Owner:** Atlantic-Marlboro Realty LLC, 205 Newbury Street, Framingham, MA 01701

**Location:** 170 Forest Street (the "Site") being Lot 1C shown on an ANR plan entitled: "Plan of Land in Marlborough, Massachusetts (Middlesex County); Scale: 1" = 60'; April 16, 2014, Revised May 2, 2014; The BSC Group, Inc., 33 Waldo Street, Worcester, Massachusetts; Owned By: Atlantic-Marlboro Realty LLC"

**Zoning District:** Limited Industrial (LI) underlying district and Results Way Mixed Use Overlay District (RWMUOD)

**The following Site Plan Approval Final Conditions are based on the plans entitled:**

"Hilton Garden Inn Marlborough, Hills, Marlborough, MA, Dated March 6, 2014, Revised April 15, 2014" with a list of drawings as follows: C-101 Existing Conditions Plan, C-111 Site Preparation & Erosion Control Plan, C-121 Layout & Materials Plan, C-141 Grading & Utilities Plan, C-151 Planting Plan, C-311 Profiles, C-501 Details I, C-502 Details II, C-503 Details III, C-504 Details IV, and ES110 Site Plan Foot Candle Calculations (collectively, the "Plans").

#### **SITE PLAN APPROVAL FINAL CONDITIONS**

1. Construction of the Site shall be in conformance with the above referenced Plans, said Plans being incorporated herein by reference, and with the provisions of Chapter 270 of the Code of the City of Marlborough.
2. Four additional inspection ports shall be included in each of the subsurface detention area stormtech chambers for better inspection. These shall be located in the main chamber area in addition to those shown in the isolator rows.

#### **Preconstruction meeting:**

3. Prior to construction, a preconstruction meeting shall be held on-site with the Building Inspector, City Engineer, Conservation Officer, and site contractor responsible for the work. At the preconstruction meeting, said participants will review the Plans and conditions, exchange contact information including emergency contact numbers, and inspect erosion controls.
4. Prior to construction, the Applicant and the site contractor will provide to the Chief of Police a map showing the defined haul routes for the large amounts of materials to be removed from, or added to, the site. The Chief of Police will determine what, if any, details or restrictions will be placed on said haul routes.

**Stormwater:**

5. During construction, the site contractor and the person responsible for the Stormwater Pollution Prevention Plan and the NPDES general permit shall also be responsible for reporting (by e-mail) on a weekly basis to the Conservation Officer and the City Engineer, which reports will summarize the work that has been completed and compliance of the project with the site preparation and erosion control plan (sheet C-111 of the Plans). The weekly reports shall begin as soon as the work begins on the Site.
6. The Applicant, property owner, and site contractor shall be responsible for notifying the Conservation Officer in an expeditious manner if any visible siltation to the existing drainage system, and ultimately the wetlands, occurs. Immediate measures shall be taken to control the siltation source and to restore any impacted areas.
7. Prior to requesting the Certificate of Occupancy, the Applicant or its agent shall clean the detention basin, and all drainage pipes and catch basins, of accumulated sediment and debris. The underground detention areas shall also be inspected, and if necessary, cleaned. A site meeting with the Conservation Officer to inspect these structures is required before the Conservation Officer will provide a final signoff.
8. Prior to the issuance of the Certificate of Occupancy, the Applicant shall provide to the City Engineer and the Conservation Officer the final Stormwater Management Maintenance Plan, as outlined in the project's drainage report. The name, address and phone number of the contact person who will be in charge of authorizing the annual maintenance shall be provided to the Conservation Officer.
9. By June 1<sup>st</sup> of each year, an annual maintenance report shall be provided to the City Engineer and the Conservation Officer, which report shall describe the maintenance and operation procedures, as outlined in the Stormwater Management Maintenance Plan, that have been accomplished for that year. This reporting requirement will begin after the issuance of the Certificate of Occupancy.

**Landscaping:**

10. All modifications to approved C-151 Planting Plan which concern changes to the kind, size and placement of plant material shall receive the prior written approval of the Conservation Officer and shall be considered a minor change.
11. Prior to the final signoff, the Conservation Officer shall confirm by a site visit that the planting has been installed according to the approved landscaping plans, including C-151 Planting Plan, C-501 Details I and C-503 Details III, or according to a revision of said landscaping plans previously approved by the Conservation Officer.
12. Following 18 months of the final signoff of the site work by the Conservation Officer, the Property Owner shall replace any plant material that has died or is dying with a species of the same kind and size.
13. Any large rocks or boulders encountered while excavating the site shall be properly disposed of off-site.

14. At the time of planting and thereafter, mulch shall be placed so that it is not in contact with the trunk of newly planted trees and shrubs, as shown in the details on the C-151 Planting Plan.
15. At all times, landscaping will be properly maintained, replaced if necessary, and kept in good condition and in compliance with the C-151 Planting Plan.

**Building Permit issuance and review:**

16. Prior to the issuance of a Building Permit for the building to be located on the Site, Applicant shall pay to the City of Marlborough, in addition of any permit fees or costs, thirty thousand (\$30,000.00) for the purpose of the Building Inspector engaging the services of a third party consultant to review the building permit application, review reports and associated reviews incidental to the building permit, and to conduct inspections of the work performed under the building permit to include, but not limited to, inspection and review of fire blocking and fire stopping penetrations throughout the building, and to report findings to the Building Inspector.

**Prior to issuance of Certificate of Occupancy:**

17. An as-built plan must be submitted to the City Engineer for review prior to issuance of a final Certificate of Occupancy or a temporary Certificate of Occupancy. The as-built plan shall be prepared in accordance with the As-Built Plan Standards established by the City Engineer, which standards may be found on the City's website.
18. Work as provided for on the approved Plans shall be carried into effect and completed within three (3) years following the date of issuance of the Building Permit, unless the City Council, in writing, has granted an extension of time for completion of the work.
19. The City Council hereby retains jurisdiction over all signage of the project (pursuant to Section 650-33(H) (1) of the Code of the City of Marlborough) to the extent such signage requires a sign permit under the Sign Ordinance. The final design, material, dimensions, content and location of all such signage, including any freestanding entry signs and the project's internal signage, shall be subject to further review and sign permit approval from the City Council.

**Extended Stay:**

20. Except as provided herein, occupancy of the hotel shall be limited to temporary and short term occupancy, ordinarily and customarily associated with hotel use. Extended stay may be permitted beyond thirty days with approval of the Building Inspector. Such approval shall be granted only when an occupant has a verifiable employment contract or agreement coincident with the length of stay requested. Extended stay is permitted where the unit is rented by a business entity for use of its employees (customarily referred to as a Corporate Unit), so long as the occupant is an employee or guest of the business entity.

**General Provisions:**

- Construction Control: Due to the size of the building, the construction of the building is governed by the Construction Control provisions of the Massachusetts State Building Code, as amended.
- Use of crushed stone: Crushed stone shall be placed around the perimeter of the building to reduce exposure to fire due to lit smoking material.
- Proposed monument sign: As presented to the City Council, the proposed monument sign conforms to the Sign Ordinance of the City of Marlborough without variance and shall be externally lit.
- Minor changes: The City Council delegates to the Building Inspector the authority to approve minor changes to the approved Plans.
- Enforcement: The City Council designates the Building Inspector as the enforcing authority for violations of this permit.
- Parking Areas: (i) Parking areas will be swept, as necessary; and (ii) Pursuant to the provisions of M.G.L c.90, § 18, the Applicant shall submit a written request and grant of authority to the Marlborough Traffic Commission to promulgate legally enforceable rules and regulations for the control of on-site traffic and parking. The Applicant shall be responsible for providing, installing and maintaining all signage and/or markings required by the Marlborough Traffic Commission. Such signage and/or markings shall meet the standards of the Manual on Uniform Traffic Control Devices.
- Local Job Fair: In order to promote local jobs for local residences, the Applicant shall hold a Local Job Fair and shall give preference, where practical and reasonable, to the residents of the City of Marlborough.
- Prohibition of Cell Towers: Except for the sole benefit of the public safety departments, the school district, the public works department, and other departments of the City of Marlborough with the approval of the City Council, no wireless communication tower or device is permitted on the Site outside the building.
- Address on signage: Signage for the Site shall include the entire address, which is 170 Forest Street.

**Yea: 10 – Nay: 0**

**Yea: Delano, Page, Elder, Tunnera, Irish, Clancy, Landers, Pope, Ossing, & Robey**

**Absent: Oram**

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:24 PM.



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

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

**JUNE 2, 2014**

Regular meeting of the City Council held on Monday, JUNE 2, 2014 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy and Landers. Meeting adjourned at 8:30 PM.

ORDERED: That the minutes of the City Council meeting MAY 19, 2014, **TABLED**; adopted.

ORDERED: That the **PUBLIC HEARING** On the Proposed Zoning Ordinance, Medical Marijuana Treatment Centers, Order No. 13/14-1005247E, all were heard who wish to be heard, hearing recessed at 8:02 PM.

**Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy & Landers.**

ORDERED: That the Free Cash transfer requests in the amount of \$1,000,000.00 each which moves funds from Undesignated to Stabilization-OPEB and Undesignated Stabilization to strengthen the City's financial foundation through proactive investments to the OPEB and for an upcoming short term capital request, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS -									
DEPT:		Mayor				FISCAL YEAR:		2014	
FROM ACCOUNT:					TO ACCOUNT:				
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available
Balance									Balance
\$3,034,441.00	\$1,000,000.00	10000	35900	Undesignated Fund	\$1,000,000.00	83600	32925	Undesignated Stabilization	\$7,240,668.34
Reason:		To increase undesignated stabilization funds							
\$1,000,000.00	Total				\$1,000,000.00	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS -									
DEPT:		Mayor			FISCAL YEAR:		2014		
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$3,034,441.00	\$1,000,000.00	10000	35900	Undesignated Fund	\$1,000,000.00	83600	32726	Stabilization-OPEB	\$4,000,000.00
Reason:		Partial funding of OPEB							
\$1,000,000.00	Total				\$1,000,000.00	Total			

**ORDERED:** That the Marlborough Economic Development Corporation (MEDC) transfer request in the amount of \$513,915.00 which moves funds from Economic Development to MEDC Funding to fully fund their FY2015 operations, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS -									
DEPT:		Mayor			FISCAL YEAR:		2014		
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$687,196.72	\$513,915.00	27000099	42440	Economic Development	\$513,915.00	11740006	53950	MEDC Funding	\$0.00
Reason:		To allow the MEDC to continue it's work in promoting the economic development of the City for FY15							
\$513,915.00	Total				\$513,915.00	Total			

ORDERED: That the Comp Time Payouts as noted on the attached spreadsheets, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS -										
	DEPT:	Various					FISCAL YEAR:	2014		
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$521,561.00	\$31,649.00	11990006	57820	Reserve for salaries	\$332.00	89000	17915	Retirement-Clerk	\$0.00	
	Reason:	Comp Time Payoff				\$343.00	11520001	50532	Personnel Assistant	\$3,925.23
					\$101.00	11520002	50775	Personnel-Sr Clerk	\$3,286.99	
					\$446.00	14001001	50630	DPW-Asst Commissioner	\$7,317.67	
					\$1,983.00	14001101	50660	Asst City Engineer	\$6,590.87	
					\$654.00	14001101	50700	Grade 2 Engineer	\$7,862.81	
					\$513.00	14001101	50710	Jr Civil Engineer	\$15,731.08	
					\$2,728.00	14001301	50660	Streets-Asst City Eng	\$6,590.85	
					\$4,032.00	14001301	50690	Streets-Foreman	\$21,462.64	
					\$18,582.00	14001303	50740	Streets-Equip Operators	\$100,593.85	
					\$149.00	14001303	50790	Streets-Dispatcher	\$3,399.78	
					\$1,302.00	14001403	50745	Fleet-Motor Repairmen	\$12,495.96	
					\$14.00	14001403	50760	Fleet-Working Foreman	\$4,362.16	
					\$470.00	14001501	50690	Parks-Foreman	\$43,270.71	
	\$31,649.00	Total			\$31,649.00	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS -										
	DEPT:	Various				FISCAL YEAR:	2014			
		FROM ACCOUNT:					TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$521,561.00	\$56,214.00	11990006	57820	Reserve for salaries	\$11,752.00	14001503	50740	Parks-Equip Operators	\$143,828.56	
	Reason:	Comp Time Payoff			\$6,072.00	15120001	50390	BOH-Nurse	\$4,838.10	
					\$3,113.00	60080001	50570	Sewer-Chemist	\$5,837.98	
					\$169.00	60081001	50750	ETP-Equip Operators	\$4,165.32	
					\$11,628.00	60081001	50850	ETP-Tr Plt Operators	\$25,233.16	
					\$567.00	60081001	50910	ETP-Head Operator	\$5,909.63	
					\$26.00	60085001	50750	WTP-Equip Operators	\$5,186.07	
					\$5,555.00	60085001	50850	WTP-Tr Plt Operators	\$23,150.18	
					\$908.00	60085001	50910	WTP-Head Operator	\$5,916.89	
					\$1,354.00	61090001	50460	Water Meter Reader	\$4,165.32	
					\$6,471.00	61090001	50690	Water-Foreman	\$18,439.13	
					\$5,849.00	61090001	50740	Water-Equip Operators	\$107,105.32	
					\$2,750.00	61090001	50780	Chief Pumping Station	\$5,365.66	
	\$56,214.00	Total			\$56,214.00	Total				

CITY OF MARLBOROUGH BUDGET TRANSFERS -										
	DEPT:	Various				FISCAL YEAR:	2014			
		FROM ACCOUNT:					TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$521,561.00	\$55,599.00	11990006	57820	Reserve for salaries	\$27,075.00	14920001	50166	Recreation-Prog Mgr	\$4,273.12	
	Reason:	MMEA - Comp Time Payoff			\$11,461.00	11330002	50062	Treasurer-Finance Asst	\$14,081.10	
					\$7,048.00	14001002	50520	DPW-Principal Clerk	\$3,719.16	
					\$3,484.00	61090002	50520	Water-Principal Clerk	\$3,719.16	
					\$3,333.00	12410002	50770	Bldg-Senior Clerk	\$13,230.14	
					\$2,209.00	12410001	50370	Bldg-Plumbing Inspec	\$4,983.03	
					\$493.00	14001002	50550	DPW-Head Clerk	\$4,184.55	
					\$232.00	16100003	50860	Library-FTT Clerk	\$2,319.94	
					\$146.00	15120002	50770	BOH-Senior Clerk	\$3,180.47	
					\$118.00	16100001	50471	Library-Yound Adult Libr	\$3,753.12	
	\$55,599.00	Total			\$55,599.00	Total				

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 2015, 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 Commissioner of Public Facilities shall be the only officer authorized to approve expenditures from the same; and
- (d) the Commissioner of Public Facilities shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (e) no provisions of this order shall be changed unless approved by the Mayor and City Council.

Refer to **FINANCE COMMITTEE**; adopted.

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 2015 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) the Commissioner of Public Works shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (e) no provisions of this order shall be changed unless approved by the Mayor and City Council.

Refer to **FINANCE COMMITTEE**; adopted.

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Dow Chemical Company Gift awarded to the City of Marlborough in the amount of \$1,000.00 to be utilized for general purposes associated with maintaining and beautifying the City.

**Councilor Clancy abstained**

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 2015, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Appointments of Ryan Wambolt and Santiago Vergas as youth appointees to the Youth Commission for terms of one year from date of approval, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Communication from City Solicitor Rider re: SanDisk TIF, in proper legal form, **MOVED TO ITEM 36**; adopted.

ORDERED: That the Communication from Paul DiTuillo re: Lacombe Street Extension Acceptance, refer to **PUBLIC SERVICES COMMITTEE, PLANNING BOARD AND CITY SOLICITOR**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JULY 7, 2014** as date for a **PUBLIC HEARING** on the Petition from NStar to install 105' of 4" plastic gas main as a system improvement to 31 Wellington St., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JULY 7, 2014** as date for a **PUBLIC HEARING** on the Petition of NGrid and Verizon to propose installation of new joint owned stub pole #55-84 on public property. Pole will be set approximately 42' from existing joint owned pole #33. NGrid proposes installation of new joint owned anchor to be set in back of new Pole 55-84 to help support stub pole. Pole 55 currently has tree guy attached from Pole 55 to tree at 479 Hosmer St. that is to be removed. Customer requested to remove the tree guy, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JULY 7, 2014** as date for a **PUBLIC HEARING** on the Petition of NGrid and Verizon to relocate Pole 1, 2, 3, 4, and 12 on Simarano Dr. to accommodate City of Marlborough widening project, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JULY 7, 2014** as date for a **PUBLIC HEARING** Petition of NGrid and Verizon to relocate Pole 22 and install new guy P21-84 to accommodate City of Marlborough widening project, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from Central Mass. Mosquito Control Project re: Investigation of Resident Complaints during May and June, **FILE**; adopted.

ORDERED: That the Communication from Central Mass. Mosquito Control Project Treatment of Areas where Mosquito Larvae are found, **FILE**; adopted.

ORDERED: That the Minutes, Recreation Commission, March 12, 2014, **FILE**; adopted.  
**Councilor Oram abstained**

ORDERED: That the Minutes, Board of Assessors, April 9, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, April 30, 2014, **FILE**; adopted.

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

- A. Downtown Marlborough LLC, 17 Weed St., other property damage and/or personal injury

There were no reports of Committee.

ORDERED: That the Application for Renewal of Junk Dealer's License, Roman Kimyagarov, Arthur & Sons Shoe Repair, 107 Main St., **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Secondhand Article Dealer's License, Theresa Denoncourt Smith, Hint of Class Consignment, 72A-B Hosmer St., **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer License, Jean Rabelo, Post Road Used Auto Parts of Marlborough, Inc., 785 Boston Post Road, **APPROVED**; adopted.

ORDERED: That the Application for for Renewal of Junk Dealer's License, Tony Bitar, Hannoush Jewelers, 601 Donald Lynch Blvd., **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Secondhand Article License, Mary Giorgi, Giorgi's Consignment Boutique, 266 Main St., **APPROVED**; adopted.

**MOTION** made by Councilor Delano to table – DOES NOT CARRY

ORDERED: That the Application for Renewal of Junk Dealer's License by Robert Hoglund, CFO TVI, Inc. d/b/a Savers, 222A East Main St., **APPROVED**; adopted.

**Councilors Delano, Elder and Pope requested to be recorded in opposition.**

ORDERED: That the Application for Renewal of Junk Dealer's License, Michael Komapovsky, d/b/a Aaurus Art Gallery, 305 Lincoln St., **APPROVED**; adopted.

ORDERED: That the Building Department transfer request in the amount of \$75,000.00 which moves funds from Undesignated to Contract Services pertinent to mitigation funds for AvalonBay, **APPROVED**; adopted.

FROM:

Acct. # 10000-35900

\$75,000.00

Undesignated Fund

TO:

Acct. # 12410004-53140

\$75,000.00

Contract Services

ORDERED: That the Fire Department transfer request in the amount of \$132,246.17 of which \$82,246.17 is necessary for retirements and remaining balance will fund necessary OT associated with absences, **APPROVED**; adopted.

FROM:

Acct. # 12200001-50450 \$132,246.17  
 Firefighter

TO:

Acct. # 12200003-51920 \$82,246.17  
 Sick Leave Buy Back  
 Acct. # 12200003-51300 \$50,000.00  
 Overtime

ORDERED: That the Comptroller's Office transfer request in the amount of \$295,000.00 which moves funds from Salary & Benefits Reserve to Medicare Ins.-School, Medicare Ins.-City and Workers Comp. Ins. for the purpose of covering anticipated expenses linked to cost of living or step increases in salary, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS -										
DEPT:		Comptroller				FISCAL YEAR:		FY 2014		
Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:			
\$521,561.00	\$35,000.00	11990006	57820	Reserve for Salaries & Ben.	\$35,000.00	13100003	51753	Medicare Ins - School	\$119,651.10	
	Reason:	Money available for transfer				Money needed to pay medicare insurance				
\$521,561.00	\$125,000.00	11990006	57820	Reserve for Salaries & Ben.	\$125,000.00	11980006	51752	Medicare Ins - City	\$14,812.11	
	Reason:	Money available for transfer				Money needed to pay medicare insurance				
\$521,561.00	\$135,000.00	11990006	57820	Reserve for Salaries & Ben.	\$135,000.00	11960006	51710	Worker's Comp. Ins.	\$388,851.59	
	Reason:	Money available for transfer				Money needed to pay estimated claims				
	\$295,000.00	Total			\$295,000.00	Total				

ORDERED: That the DPW transfer requests in the amounts of \$30,000.00 and \$22,000.00 which moves funds from and to various accounts noted on the attached spreadsheets to fund OT costs for the purpose of flushing valves and hydrants and funding major repairs to a street sweeper, **APPROVED**; adopted.

CITY OF MARLBOROUGH BUDGET TRANSFERS -									
DEPT: Department of Public Works					FISCAL YEAR: 2014				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$27,388.12	\$25,000	60081006	52464	Rep./Maint. Easterly Plant	\$25,000	61090003	51310	Water Overtime-Reg.	\$25,829
Reason: Money available from East Plant Budget to transfer to Water Overtime Account.					No money is available for overtime hydrant flushing. Flushing will cost over \$ 28,000.00. Overtime remaining is needed for rest of FY 14				
\$8,213.11	\$5,000	60081006	52420	Rep./Maint. Machinery	\$ 5,000.00	61090003	51310	Water Overtime-Reg.	\$25,829
Reason: Money available from East Plant Budget to transfer to Water Overtime Account.					No money is available for overtime hydrant flushing. Flushing will cost over \$ 28,000.00. Overtime remaining is needed for rest of FY 14.				
	\$30,000	Total			\$30,000	Total			

CITY OF MARLBOROUGH BUDGET TRANSFERS -									
DEPT: Department of Public Works					FISCAL YEAR: 2014				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$100,076	\$22,000	14001406	54830	Fuel and Lubricants	\$22,000	14001406	54810	Rep/Maintenance Sup.-Veh.	\$4,752
Reason: Surplus anticipated due to fluxuating fuel cost this fiscal year					Anticipated cost for major repairs associated with sweeper #19				
	\$22,000	Total			\$22,000	Total			

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Atlantic Management Gift awarded to the City of Marlborough in the amount of \$30,000.00 pertinent to "Simarano Drive all Access Road Project"; adopted.

ORDERED: Ordered: That \$6,000,000 (six million and 00/100 dollars) is appropriated for the purpose of financing upgrades and improvements to the Millham Water Treatment Plant including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that to meet this appropriation the Comptroller/Treasurer with the approval of the Mayor is authorized to borrow \$6,000,000 and issue bonds or notes therefor under Chapter 44, Section 8 of the General Laws and/or Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that such bonds or notes shall be general obligations of the City unless the Comptroller/Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that the Comptroller/Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust (the "Trust") established pursuant to Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project, **APPROVED**; adopted.

**Yea: 11- Nay: 0**

**Yea: Delano, Page, Elder, Tunnera, Irish, Clancy, Landers, Ossing, Pope, Oram, & Robey**

ORDERED: That the SanDisk Corporation TIF proposal, consisting of the following 5 documents, attached hereto, **APPROVED**; adopted.

1. The Council Resolution
2. The Economic Opportunity Area (EOA) Designation Application
3. Tax Increment Financing Plan & Zone
4. Tax Financing Agreement between City of Marlborough, SanDisk Corporation and BGI Holings III, LLC
5. Economic Development Incentive Program (EDIP) Application

**Yea: 11- Nay: 0**

**Yea: Delano, Page, Elder, Tunnera, Irish, Clancy, Landers, Ossing, Pope, Oram, & Robey**

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:30 PM.



# IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ APRIL 28, 2014

## ORDERED:

That there being no objection thereto set **MONDAY, June 16, 2014** as date for a **PUBLIC HEARING** Application for Special Permit from Robert Stauber of Gensler, on behalf of Bank of America, to modify existing bank drive-thru from the existing condition of 1 ATM lane 1 VAT drive-up teller lane and 1 by-pass lane to 2 ATM lanes and 1 by-pass lane, 223 East Main St., be and is herewith refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE.**

**Councilor Delano abstained**

**Ninety days after public hearing is 09/14/14 which falls on a Sunday, therefore 09/15/14 would be considered the 90<sup>th</sup> day.**

ADOPTED

ORDER NO. 14-1005785



# IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_

MAY 19, 2014

## ORDERED:

That there being no objection thereto set **MONDAY, JUNE 16, 2014** as date for a **PUBLIC HEARING** on the Application for Special Permit from Michael Almada of TRM, on behalf of TMobile to modify antennas at existing wireless communication facility at 860 Boston Post Rd., be and is herewith refer to **WIRELESS COMMUNICATIONS AND ADVERTISE**.

**Ninety days after public hearing is 09/14/14 which falls on a Sunday, therefore 09/15/14 would be considered the 90<sup>th</sup> day.**

ADOPTED

ORDER NO. 14-1005820





# IN CITY COUNCIL

Marlborough, Mass., MAY 19, 2014

## ORDERED:

That there being no objection thereto set **Monday, JUNE 16, 2014** as date for a **PUBLIC HEARING** on the Petition of Teleport Communications America, LLC to install one four inch PVC conduit at an approximate depth of forty-eight inches, from existing Verizon manhole #608 on Donald Lynch Blvd., to the property line of the Mall at Solomon Pond, LLC; a distance of approximately twenty feet, be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 14-1005822



# IN CITY COUNCIL

Marlborough, Mass.,

MAY 19, 2014

## ORDERED:

That there being no objection thereto set **Monday, JUNE 16, 2014** as date for a **PUBLIC HEARING** on the Petition of Teleport Communications America, LLC to install two four inch PVC conduits at an approximate depth of forty-eight inches, from existing Verizon manhole at 200 Donald Lynch Blvd., to utility pole #69 on Bigelow St.; a distance of approximately seven hundred twenty seven feet, be and is herewith refer to **PUBLIC SERVICES COMMITTEE.**

ADOPTED

ORDER NO. 14-1005823



*City of Marlborough*  
*Office of the Mayor*

RECEIVED *Arthur G. Vigeant*  
CITY CLERK'S OFFICE MAYOR  
CITY OF MARLBOROUGH  
2014 JUN 12 A 10:51  
*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](http://www.marlborough-ma.gov)

*Patricia Bernard*  
EXECUTIVE SECRETARY

June 12, 2014

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

**Re: Renewal of Revolving Accounts**

Honorable President Pope and Councilors:

Enclosed are the updated versions of the Sligo Hill, Public Safety, and Parks & Recreation revolving accounts that reflect the requested changes.

Upon further review of the Public Safety Revolving Account, it was determined after legal research that a spending limit does need to be put in place. As such, my recommended amount is not to exceed \$50,000.00. Enclosed for your reference is a corresponding email from City Solicitor Donald Rider.

Thank you for your assistance and please let me know if you have any additional questions.

Sincerely,

**Arthur G. Vigeant**  
Mayor

## Mayor

---

**From:** Donald Rider  
**Sent:** Wednesday, June 11, 2014 11:35 AM  
**To:** Mayor; Diane Smith  
**Cc:** Cynthia Panagore Griffin  
**Subject:** FW: Public Safety Training Revolving Fund

Email below should read § 53E½.

---

**From:** Donald Rider  
**Sent:** Wednesday, June 11, 2014 11:30 AM  
**To:** Mayor; Diane Smith  
**Cc:** Cynthia Panagore Griffin  
**Subject:** Public Safety Training Revolving Fund

Mayor and Diane-

I spoke this morning with Atty. Patricia Hunt of DOR's Municipal Finance Law unit. I asked her if MGL c. 44, § 53½ allows a city or town, as part of the annual authorization of a revolving fund, to specify that expenditures from a revolving fund 'shall not be made in excess of the balance of the fund.'

She said no. She stated that § 53½ does require that a sum certain be specified. She said that the reason for this is that § 53½ prohibits revolving funds from being used by cities and towns as a way on end-running tax levy limits under Prop 2½:

- 1) by prohibiting any single board / department / officer from expending "in any one fiscal year from all revolving funds under its direct control more than one percent of the amount raised by taxation by the city or town in the most recent fiscal year for which a tax rate has been certified," and
- 2) by prohibiting all the revolving funds in a city or town from exceeding "ten percent of the amount raised by taxation by the city or town in the most recent fiscal year for which a tax rate has been certified."

Therefore, since 1% and 10% of the City's FY15 tax levy are obviously sums certain, you will need to use a dollar number to specify the "limit on the total amount which may be expended from" the City's public safety training revolving fund in FY15.

Thanks.

-Don

## **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 2015, 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 fifty thousand dollars shall be expended during Fiscal Year 2015, unless otherwise authorized by 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. 14-**  
**Adopted**

**Approved by Mayor**  
**Arthur G. Vigeant**  
**Date:**

**A TRUE COPY**  
**ATTEST:**

## **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 2015 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 one hundred and fifty thousand dollars shall be expended during Fiscal Year 2015, unless otherwise authorized by the City Council and Mayor; and

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

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

### **ADOPTED**

**In City Council**

**Order No. 14 -**

**Adopted**

**Approved by Mayor**

**Arthur G. Vigeant**

**Date:**

**A TRUE COPY**

**ATTEST:**

## **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 2015, re-authorize the revolving fund utilized by the Department of Public Works. 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 Department of Public Works, 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 Commissioner of Public Works shall be the only officer authorized to approve expenditures from the same; and

(d) no more than one hundred and fifty thousand dollars shall be expended during Fiscal Year 2015, 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.14-  
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  
[www.marlborough-ma.gov](http://www.marlborough-ma.gov)

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
2014 JUN 12 A 10 56

*Arthur G. Vigeant*  
MAYOR  
*Michael C. Berry*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

June 12, 2014

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

**Re: Gift Recognition**

Honorable President Pope and Councilors:

The City of Marlborough Scholarship Fund recently received a check in the amount of \$1,000.00 from David Balducci, owner of the McDonald's Restaurant on Route 20 West.

As we see, read and hear about all too frequently, the cost of a college education and the debt it places on our students is unfathomable. Our city's scholarship program is a small way our community can collectively help some of our outstanding students keep up with rising tuitions and fees.

The Scholarship fund is something that is near and dear to many of us and I am enormously grateful for this unsolicited display of generosity.

I ask that you join me in recognizing Mr. Balducci and his team at McDonald's for stepping up to the plate and supporting the academic pursuits of our local college students.

Sincerely,

**Arthur G. Vigeant**  
Mayor

WBMA INC.

10399

VENDOR Vendor: City of Marlborough Scholarship Fund

CUSTOMER Account No.

CK. NO. 10399

INVOICE NO.	DATE	STORE	DISCOUNT	NET AMOUNT
Scholarship 2014	6/4/2014	11688		1000.00
<i>McDonald's Scholarship Fund</i>				

INVOICE NO.	DATE	STORE	DISCOUNT	NET AMOUNT

CHECK DATE: 6/6/2014

CHECK TOTALS: 0.00 1000.00

FOR SECURITY PURPOSES, THE BORDER OF THIS DOCUMENT CONTAINS MICROPRINTING



WBMA INC.  
P.O. BOX 902  
SPENCER, MA 01562

SPENCER SAVINGS BANK  
SPENCER, MA 01562

53-7159/2113

10399

CUSTOMER ACCOUNT NUMBER

CHECK NUMBER	CHECK DATE	AMOUNT
10399	6/6/2014	\$1,000.00

PAY One Thousand Dollars and No Cents

City of Marlborough Scholarship Fund  
140 Main St, 4th Floor  
Marlborough, MA 01752

NOT VALID AFTER 90 DAYS

*David Ballman*

AUTHORIZED SIGNATURE

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

⑈010399⑈ ⑆211371599⑆ 1023921827⑈

WZ173852-12-06

TO THE ORDER OF

Security features included. Details on back.



*City of Marlborough*  
*Office of the Mayor*

RECEIVED *Arthur G. Vigeant*  
CITY CLERK'S OFFICE MAYOR  
CITY OF MARLBOROUGH  
2014 JUN 12 A 10:51  
*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](http://www.marlborough-ma.gov)

*Patricia Bernard*  
EXECUTIVE SECRETARY

June 12, 2014

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

**Re: Cultural Council Appointment**

Honorable President Pope and Councilors:

I am pleased to submit for your approval the appointment of Renee Perdicaro to the Marlborough Cultural Council for a term of three years to expire from the date of City Council approval.

Ms. Perdicaro is active in the community as both a member of the Junior Women's Club and as a parent of Richer Elementary and Marlborough High School students. She is eager to contribute more to our community and will no doubt be a welcome addition to the Cultural Council.

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

Sincerely,

**Arthur G. Vigeant**  
**Mayor**



**City of Marlborough  
Legal Department**

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

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
DONALD V. RIDER, JR.  
CITY SOLICITOR  
2014 JUN 12 4:51 PM  
CYNTHIA M. PANAGORE GRIFFIN  
ASSISTANT CITY SOLICITOR  
ELLEN M. STAVROPOULOS  
PARALEGAL

June 12, 2014

Patricia Pope  
President  
Marlborough City Council

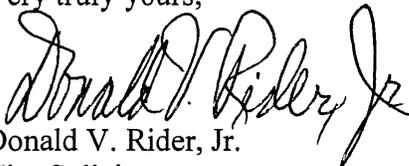
RE: Order No. 14-1005760  
Application to Modify Special Permit  
T-Mobile  
75 Donald Lynch Boulevard

Dear President Pope and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, as well as to the recommendation made by the Wireless Communications Committee at its June 11, 2014 meeting, I provide this letter as to the legal form of the City Council's proposed decision on the application submitted by T-Mobile to modify its existing special permit at 75 Donald Lynch Boulevard. The application is to replace nine (9) panel antennas currently located on the existing wireless communication facility with six newer models. Applicant also seeks to add one (1) fiber optic cable (1" O.D.), fiber jumpers and a hybrid cable to the existing wireless communication facility.

I have enclosed a copy of the proposed decision. I certify that that decision is in proper legal form.

Very truly yours,

  
Donald V. Rider, Jr.  
City Solicitor

Enclosure  
cc: Amber Debole

**DECISION ON AN APPLICATION TO MODIFY  
SPECIAL PERMIT**

**T-MOBILE NORTHEAST LLC (OMNIPOINT HOLDINGS, INC.)**

Re: 75 Donald Lynch Boulevard

The City Council of the City of Marlborough hereby GRANTS the application to modify Special Permit No. 98-7378 submitted by T-Mobile Northeast LLC, having its principal place of business at 12920 SE 38th Street, Bellevue, WA 98006, as provided in this Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The applicant is T-Mobile Northeast LLC, with its principal office located at 12920 SE 38<sup>th</sup> Street, Bellevue, WA 98006 (the "Applicant").
2. Previously, the City Council granted to Omnipoint Holdings, Inc., Division of VoiceStream Wireless, Inc., a special permit to locate and operate a wireless communications facility located at 75 Donald Lynch Boulevard, Marlborough, MA (the "Original Special Permit"). In 2006, Omnipoint Holdings, Inc. converted into a limited liability company named T-Mobile Northeast LLC. The Original Special Permit is recorded at the Middlesex South District Registry of Deeds at Book 28457, Page 265.
3. Through its Application for a Special Permit to Modify an Existing Wireless Communication Facility (the "Application"), the Applicant seeks permission to allow replacement of nine (9) panel antennas currently located on the existing wireless communication facility with six newer models. Applicant also seeks to add one (1) fiber optic cable (1" O.D.), fiber jumpers and a hybrid cable to the existing wireless communication facility (the "Proposed WCF Project"), all substantially as depicted on a set of plans entitled "Site Name: BO139/75 Lynch Blvd. (ATT), Site Number: 4DE5139A, 75 Donald Lynch Boulevard, Marlboro, MA 01752," by AEG Advanced Engineering Group, PC, 500 North Broadway, East Providence, RI 02914, dated 2/3/14 and revised 2/26/14, a copy of which was provided in the Application (the "Plans").
4. The location for the proposed modification of the Original Special Permit is 75 Donald Lynch Boulevard in Marlborough, further described as Marlborough Assessors Map 13, Parcel 2 (the "Site"). The Site is owned by Albert D. Bombard. The Applicant is a licensee of AT&T at the Site.
5. The Proposed WCF Project is located in the Limited Industrial Zoning District. Wireless communication devices are allowed by grant of special permit in the Limited Industrial Zoning District.

6. The modification of the Original Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
7. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Building Inspector, on behalf of the City Planner, certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
8. The Applicant has complied with all of the applicable rules of the Rules and Regulations.
9. The City of Marlborough City Council held a public hearing on the Proposed WCF Project on May 5, 2014, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCF Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59.
11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCF Project's compliance with the applicable Special Permit criteria.
12. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCF Project.

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

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a Special Permit.
- B) The Site is an appropriate location for the Proposed WCF Project and the Proposed WCF Project is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this approval.
- C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCF

Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.

D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a modification of the Original Special Permit (the "Modified Special Permit"), **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 10:**

- 1) The Proposed WCF Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Application, as amended during the application/hearing process, and in compliance with the conditions of the grant of this Modified Special Permit, as well as with the conditions set forth in Chapter 650-25F of the Marlborough Zoning Ordinance.
- 2) All plans, photo renderings, site evaluations, briefs and other documentation provided by Applicant as part of the Application, as amended, are herein incorporated and become a part of this Modified Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
- 3) Applicant agrees to all rules, regulations, ordinances and statutes of the City of Marlborough, the Commonwealth of Massachusetts and the Federal Government as they may apply to the construction, maintenance and operation of the Applicant's existing WCF.
- 4) The issuance of this Modified Special Permit is further subject to Site Plan Review in accordance with the City of Marlborough's Ordinance, prior to the issuance of an actual building permit. Any additional changes, alterations, modifications or amendments, as required by Site Plan Review, shall be further approved by using a building permit application so long as the changes or modifications fall within the scope of section 6409, and subject to Site Plan Review. No occupancy permit shall be issued until the Applicant complies with all such further conditions, if any.
- 5) Applicant shall minimize the visual impacts of the Proposed WCF Project by screening and/or color coordination as may be depicted on the Plans and other demonstrative evidence submitted as part of the Application.
- 6) The Applicant agrees to and shall pay to the City of Marlborough Open Space Account #100-2410-44515 an annual payment of One thousand five hundred dollars (\$1,500), the first payment to be due and payable at the time of the issuance of the Building Permit hereunder, and the subsequent payments to be due and payable on or immediately after January 2 of each calendar year in which the WCF referred to in this Special Permit is still in operation. Applicant shall pay an additional sum of \$500 per quarter or portion thereof after the payment due date that the Applicant has failed to make payment.

- 7) Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the Proposed WCF Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCF Project only in cases of power outages to the Proposed WCF Project and for purposes of routine testing and maintenance. The temporary generator shall be operated in a safe manner and the noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 431 of the City Code. Batteries used in operation of the facility shall be disposed of off-site at the expense of the Applicant. If any liquid or hazardous material is used by Applicant in conjunction with the temporary generator, Applicant must employ a secondary containment system.
  
- 8) As soon as practicable but in any event within one (1) month after the date when a certificate of use and occupancy has been issued to the Applicant by the City of Marlborough's Building Inspector for the Proposed WCF Project, Applicant shall submit a written report to the City Council; provided, however, that if the Proposed WCF Project has not yet become operational within the one-month period after said issuance date, then the Applicant must immediately provide the City Council with written notification as to the date when the Proposed WCF Project does become operational and, further, must submit said written report within one (1) month after said operational date. The written report to the City Council shall i) provide measurements as to the actual output of radio frequency energy emitted by the Proposed WCF Project; ii) shall include a professional opinion by a qualified third party certifying that the Proposed WCF Project fully complies with all applicable health and safety standards; and iii) shall provide measurements of the actual output of the total radio frequency energy being emitted by all Wireless Communications Facilities (as defined in Section 650-25 of the Marlborough Zoning Ordinance) then located at the Site. The Applicant agrees to and shall operate its Proposed WCF Project in compliance with all applicable health and safety standards. In the event that there are any changes in or upgrades to the Proposed WCF Project that may increase the actual output of radio frequency energy emitted by the Proposed WCF Project, the Applicant shall submit a letter to the City Council as soon as practicable but in any event within one (1) month after the date of completion of those changes or upgrades. The letter shall i) state what the changes or upgrades are; ii) shall provide measurements specifying how the actual output of radio frequency energy emitted by the Proposed WCF Project has been increased; iii) shall provide measurements of the actual output of all radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site; and iv) shall include a professional opinion by a qualified third party certifying that the Applicant's changes or upgrades have not caused the total radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site to exceed any applicable health and safety standards.

- 9) In accordance with the provisions of M.G.L. 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, and before the Applicant has applied to the Building Inspector for a building permit concerning the Proposed WCF Project. Applicant shall provide a copy of the recorded Modified Special Permit to the Building Inspector's office when the Applicant applies for the building permit, as well as a copy to the City Council's office and to the City Solicitor's office.
- 10) All conditions set forth in the Original Special Permit shall apply to this Modified Special Permit.

**Fletcher Tilton** PC  
Attorneys at law

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CITY OF MARLBOROUGH  
2014 JUN -9 P 4:55

**The Guaranty Building**  
370 Main Street, 12th Floor  
Worcester, MA 01608-1779  
TEL 508.459.8000  
FAX 508.459.8300

June 6, 2014

**The Meadows**  
161 Worcester Road, Suite 501  
Framingham, MA 01701-5315  
TEL 508.532.3500  
FAX 508.532.3100

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

**Cape Cod**  
171 Main Street  
Hyannis, MA 02601  
TEL 508.815.2500  
FAX 508.459.8300

RE: Chick-Fil-A, Inc.  
Application for Special Permit  
230 Boston Post Road West  
Order Number 14-1005761A

FletcherTilton.com

Dear President Pope and Members of the Council:

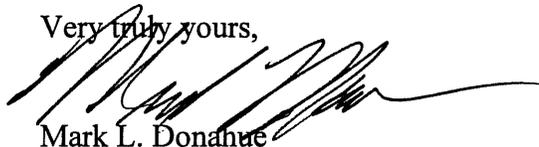
As you are aware from previous correspondence, this office represents Chick-Fil-A, Inc. with regard to the above referenced Application for Special Permit.

On behalf of the Applicant, this correspondence shall serve as the agreement of the Applicant to extend the time limit for action by the Marlborough City Council on the above referenced Special Permit Application by agreement, until 5:00 p.m. on September 9, 2014.

We look forward to the opportunity to present additional materials to the Urban Affairs Committee and to have subsequent discussions with the City Council.

Should there be any questions, please do not hesitate to contact me.

Very truly yours,



Mark L. Donahue

MLD/mmp

**Direct Line: (508) 459-8029**  
**Direct Fax: (508) 459-8329**  
**E-Mail: [mdonahue@fletchertilton.com](mailto:mdonahue@fletchertilton.com)**

**Please direct all correspondence to our Worcester office.**



One NSTAR Way  
Westwood, Massachusetts 02090

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CITY OF MARLBOROUGH

2014 JUN -6 A 11:05

June 5, 2014

Ms. Lisa M. Thomas  
City Clerk  
City Hall  
140 Main Street  
Marlborough, MA 01752

Marlborough City Council:

NStar Gas is requesting that the Public Hearing for the Petition for a system improvement to 31 Wellington Street, Marlborough be postponed from July 7, 2014 to July 21, 2014 due to scheduling conflicts.

Respectfully,

A handwritten signature in cursive script, appearing to read "Chris Howard".

Chris Howard  
Supervisor, Planning & Scheduling  
NStar Gas  
157 Cordaville Road  
Southboro, MA 01772

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2014 JUN -3 1:59



**CITY OF MARLBOROUGH**  
Marlborough, Massachusetts 01752

## Fort Meadow Commission



**TOWN OF HUDSON**  
Hudson, Massachusetts 01749

### September 19, 2013 Fort Meadow Commission Meeting Minutes

7:04 PM - Meeting called to order in the Hudson Town Hall.

**In attendance:**

- Marlborough Commissioner Thomson, DelGenio and Agent Gould
- Hudson Commissioner Kaczmarek and Agent Pelletier
- 4 Residents

**Minutes:**

- Minutes from August 15, 2013 and July 18, 2013 meetings reviewed and approved by Commissioners Thomson and DelGenio and Kaczmarek. July minutes had been tabled n August.
- Weed Control
  - Weed control was carried out on Wednesday, July 17
  - Effectiveness survey was carried out and a report is due at a future date. Retreatment might need to be addressed
- Drawdown
  - The Commission requested a drawdown and it was approved by both municipalities,
  - It will begin October 15 and the gate will be closed by March 1<sup>st</sup> if Ice conditions are favorable
- Pontoon boat towing by the rear ladder
  - Resident was called before the commission and safety issues were discussed. Dragging from the ladder and exceeding headway speed after sunset
- Dock
  - The Commission will remove the Hixson Boat Launch dock in Early November
- Accident from July 4, 2013
  - Investigation is still active and FMC will table any further action until results are made public
- Lake Rules
  - Open discussion was held about the rules and state laws
  - Action to speak to Recreation Director Dave Grasso about the launch log and other attendants responsibilities
- Jetski
  - Discussion was held, banning jetskis was suggested.
- Buoys
  - New anchors are Commissioner Thomson house
- Launch key requests
  - One resident requested a key to the Hixson Boat launch

7:40: PM - Meeting adjourned

2013 Remaining Meeting Schedule (all meetings at 7:00 PM) - None

MARLBOROUGH BOARD OF HEALTH MEETING APRIL 1, 2014

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2014 JUN -5 A 7:53

There was a meeting of the Marlborough Board of Health on Tuesday, April 1, 2014, City Hall, 3rd floor, Memorial Hall. There was no meeting in March, lack of quorum.

Attending were: John Rowe, Chairman; John Curran, M.D., Member; James Griffin, Member; Robert Landry, Sanitarian; Nancy Cleary, Public Health Nurse; Linda Goodwin, Secretary.

NEW BUSINESS:

- 1: DISCUSS TOBACCO CONTROL REGULATIONS WITH D.J. WILSON  
TOBACCO CONTROL DIRECTOR/PUBLIC HEALTH LIASION – MA  
MUNICIPAL ASSOCIATION

DJ Wilson discussed with the Board ongoing changes with Tobacco Regulations. What other cities/towns are doing: age restrictions, fee increase for tobacco permits, discussed what is being challenged by the tobacco industry, etc. He also brought several items that are actually being sold right now in stores and are especially geared towards kids, flavored cigars, flavored blunt wraps, etc. Discussed regulations, public hearings, etc.

DJ Wilson: Thank you for having me and I will send Bob Landry a draft of tobacco regulations used by other cities/towns for your review. Then we can meet or discuss how the Board wants to move forward. If you have any questions or concerns please call me any time.

Board thanked DJ Wilson for the informative presentation. We will review regulations and decided how we wish to proceed.

- 2: PART TIME PUBLIC HEALTH NURSE VACANCY

Bob Landry: Board discussed briefly, and will discuss at budget meeting. I previously presented information to Mayor showing how important this part time position is, and why it needs to remain in place. Dr. Curran hopes to be able to meet with Bob for the budget meeting to discuss this vital position.

3: TYPES & REASONS FOR INSPECTIONS

Bob Landry: Today I received a request from Mike Berry, Mayor's Aide for a list of all the types of inspections the BOH does and what laws govern such inspections. Bob Landry presented a copy of this list to Board members. Deirdre O'Connor and I worked on listing each type of inspections we do, and such laws governing these inspections. I have an appointment with the Mayor on Friday, April 4 to discuss our budget for next fiscal year.

4 : FOOD ESTABLISHMENT: UPDATE ON JAKE'S RESTAURANT

Bob Landry: Discussed with Board ongoing issues at Jake's Restaurant, discussed several inspection reports along with photos. After reviewing such reports and viewing photos Board wants owner ordered to hire an outside consultant immediately, within the next week or close establishment until he can obtain such consultant. A contract must be with a reputable company, and must be in place for at least 3 months. Consultant reports must be sent to the BOH office.

OLD BUSINESS:

1: MINUTES – MEETING – FEBRUARY, 2014

Motion made to accept and place on file. Motion carried 3-0

2: SANITARIAN'S REPORT – FEBRUARY/MARCH, 2014

Discussed several ongoing issues on both monthly reports.  
Motion made to accept and place on file. Motion carried 3-0

3: ASSISTANT SANITARIAN'S REPORT – FEBRUARY/MARCH, 2014

Bob Landry: reviewed and discussed with Board reports for February & March. Biggest concern was issue with Jake's Restaurant which was discussed earlier. Motion made to approve both reports and place on file.  
Motion carried 3-0

PAGE 3

- 4: PUBLIC HEALTH NURSE REPORT – FEBRUARY/MARCH, 2014  
Nancy Cleary discussed both reports, updated Board on office visits, and home visits, etc. Motion made to accept both reports and place on file.  
Motion carried 3-0

MOTION MADE TO ADJOURN: 7:30 pm

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Rowe". The signature is written in a cursive style with a large initial "J".

John Rowe, Chairman

**MINUTES OF THE LICENSE BOARD MEETING HELD APRIL 30, 2014**

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CITY OF MARLBOROUGH

There was a regular monthly meeting of the License Board held on Wednesday, April 30, 2014 at 7:30 pm, City Hall, 3rd floor, Memorial Hall.

2014 JUN -5 A 7:53

Attending were: Walter Bonin, Chairman; Gregory Mitrakas, Member; Linda Goodwin, Secretary.

Meeting was called to order by Walter Bonin, Chairman at 7:30 pm.

NEW BUSINESS:

- 1: MASONIC CORP – CATERING BY TASTY HOME COOKING - 6 - ALL ALCOHOL ONE DAY PERMITS

Ed Walsh presented 6 ALL alcohol one day permit applications. Motion made to approve by Gregory Mitrakas, seconded by Walter Bonin. Motion carried 2-0

- 2: ITAM – OUTDOOR PAVILLION – 3 – ONE DAY ALL ALCOHOL PERMITS

John Manning presented- 3 - ALL alcohol one day permits applications for outdoor pavilion at ITAM. Motion made to approve by Gregory Mitrakas, seconded by Walter Bonin. Motion carried 2-0

- 3: MARLBORO MOOSE – OUTDOOR PAVILLION – 9 – ONE DAY ALL ALCOHOL PERMITS

Nancy Roynane presented – 9 – ALL alcohol one day permit applications for outdoor pavilion at Moose Lodge. Motion made to approve by Gregory Mitrakas, seconded by Walter Bonin. Motion carried 2-0

- 4: VIN BIN – 91 MAIN STREET – SEASONAL ONE DAY PERMIT W/MEDC – 91 MAIN STREET – FRONT OF PROPERTY (RICK LOMBARDI MANAGER; AND MARY SCOTT, MANAGER)

Rick Lombardi present with application for a seasonal one day permit application. This is the same type of seasonal application that they had last year. Portion of proceeds goes towards MEDC for Main Street Restaurant Association. Half of the season Rick Lombardi is the Manager

on record, and the second half of the season Mary Scott is the Manager on record. Serving will be on Friday evenings, Saturday evenings, and Sunday afternoons. Last year we tried it on Thursday's in conjunction with the summer concert series, but we did not draw many on Thursdays. So this year we will try doing Friday, Saturday's and Sunday afternoons. People like to sit out outside on a nice sunny day. We are constantly trying to think of ways to rejuvenate Main Street. The dates will be (1) 5/23/14 thru 7/28/14; (2) 8/1/14 thru 10/5/14.

Motion made by Gregory Mitrakas, seconded by Walter Bonin. Motion carried 2-0

5: STRANGE BREW – 1 – ONE DAY BEER/WINE PERMIT - TASTING

Brian Powers present with application. This is an annual event, National Brewing Day the first Saturday in June. We will hold a demonstration & tasting set up on the side of our business, area will be roped off, someone is checking id's etc. at the entrance. We had the same event last year with no issues; we expect no issues again this year. Very low keyed, just getting people interested in how it's done. Motion made to approve by Gregory Mitrakas, seconded by Walter Bonin. Motion carried 2-0

6: HORSESHOE PUB – 1 – ONE DAY BEER/WINE – SOLOMON POND MALL EVENT

This is a mall event, and is for Mother's Day. They rope off an area: serve appetizers, wine, etc. Mother's shop, then have a treat, etc. Motion made to approve by Gregory Mitrakas, seconded by Walter Bonin. Motion carried 2-0.

7: BEST WESTERN TRADE CENTER – OUTDOORS - 1 – BEER/WINE – ONE DAY

Arthur Correa Food Manager present for Best Western. We have rented the Trade Center to Bosh Security & part of their program is they want to have a tent outside with truck exhibit, and an acoustic guitar player from 3-5 pm. We will have personnel out there to make sure things run smoothly with no issues. The remainder of the event will be indoors. I have provided an insurance rider for the event, which includes the outdoor portion of the event too. Motion made to approve by Gregory Mitrakas, seconded by Walter Bonin. Motion carried 2-0.

8: MARLBOROUGH HISTORICAL SOCIETY – BEST WESTERN – BREWFEST –  
1- BEER/WINE ONE DAY PERMIT

Bob Kane, Vice President of the Historical Society, present with Janet Litch, President of the Historical Society. The Tasting and the Brewfest will be run separately this year. The Chamber of Commerce will be taking over the Tasting. I do not believe there will be an event this year because it is the anniversary of the Chamber and they have several events planned. The Brewfest will be a fundraiser to benefit the Historical Society. The Historical Society needs to raise a serious amount of money to fix this property; our previous lease had huge restrictions and would not for any renovations. The property has been recently purchased by MHQ who is very receptive to altering the terms of the lease and will allow us to do the renovations that are really needed. We have been approved for a State grant that will match the funds we raise to restore this location. We are very excited about this. The Brewfest will be held in two sessions, one in the afternoon and one in the evening. There will be up to 50 brewers; at the Tasting we had about 25 brewers at 3 different locations up and down Main Street. There will be 5 sections, 2-3 police officers. Everyone will be TIPS trained, volunteers will be in place, and we will provide an insurance rider closer to the event. We anticipate no issues, same as the last several years, no events, and no issues. Motion made to approve by Gregory Mitrakas, seconded by Walter Bonin. Motion carried 2-0

9: OLIVE GARDEN – CHANGE OF MANAGER – DAWN BELLEROSE

Dawn Bellerose unable to attend meeting. Board reviewed paperwork, all was in order. Motion made to approve by Gregory Mitrakas, seconded by Walter Bonin. Motion carried 2-0

10: LTR: RE: ROUTINE REFRESH – 99 RESTAURANT – BOSTON POST ROAD  
–WEST – ALSO: TEMPORARY ENTERTAINMENT LICENSE FOR GRAND  
RE-OPENING

Kerri McMahon, present as manager. We will be closing for a week to refresh both indoors and outdoors. No added seats, no real changes, fresh paint, in and out. We would also like to apply for a one day temporary entertainment license. Basically soft background music. We

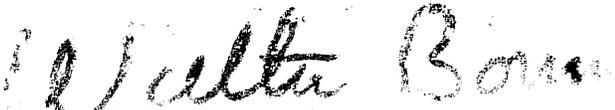
will be inviting officials from the City and would like to extend an invitation to the Board. Motion made to accept letter regarding closure for one week for refresh, and temporary live entertainment license for grand opening. Motion made to approve by Gregory Mitrakas, seconded by Walter Bonin. Motion carried 2-0

OLD BUSINESS:

- 1 : MINUTES PREVIOUS MEETING – MARCH, 2014  
Motion made to accept and place on file. Motion carried 2-0
- 2: NOTICE ABCC: MASS FILING FOR 99 RESTAURANT  
Motion made to accept notice and place on file. Motion carried 2-0
- 3: NOTICE LOTTERY – WESTENDER  
Motion made to accept notice and place on file. Motion carried 2-0
- 4: FYI – CODE ENFORCEMENT RE: 55 TELLER STREET  
Motion made to accept communication and place on file. Motion carried 2-0

MOTION MADE TO ADJOURN: 8:30 PM

Respectfully submitted,

  
Walter Bonin, Chairman

**MARLBOROUGH PLANNING BOARD  
MARLBOROUGH, MA 01752**

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
May 19 2014 4:30  
2014 JUN -5 P 4:30

**Call to Order**

The Meeting of the Marlborough Planning Board was called to order at 7:00pm in Memorial Hall, 3<sup>rd</sup> Floor City Hall 140 Main Street, Marlborough, MA. Members present included Sean Fay, Colleen Hughes, Philip Hodge & Brian DuPont.

Shawn McCarthy, Barbara Fenby & Edward Coveney were absent.

Also in attendance was Board Secretary Melissa Irish, Assistant City Engineer Timothy Collins & City Engineer Evan Pilachowski.

**1. Meeting Minutes:**

**A. Regular Meeting May 5, 2014**

On a motion made by Mr. Fay, seconded by Ms. Hughes it was voted to table the minutes of the May 5, 2014 meeting until the next meeting. Motion carried.

On a motion made by Mr. Fay seconded by Ms. Hughes item 9A was moved up in the agenda.

**9. Unfinished Business:**

**A. Berlin Farms possible action by Board**

Mr. Steve Poole Engineer for the Berlin Farms project was in attendance to discuss the current status of the Berlin Farms Subdivision. Mr. Poole acknowledged that the work was behind schedule, noting that a new surveyor has been brought on board to hopefully expedite the final plans and get them to the Engineering Department.

Mr. Hodge noted that progress is happening however at a very slow pace. Mr. Collins noted to Mr. Poole that there is some grading work that must still happen. The Board instructed Mr. Poole that he or a representative should be in contact with the Board either in person or in writing for every meeting until this subdivision is completed.

On a motion made by Ms. Hughes seconded by Mr. Fay it was voted to table this item and have it appear on the June 2, 2014 agenda. Motion carried.

On a motion made by Mr. Fay, seconded by Ms. Hughes item 5A was moved up in the agenda.

**5. Pending Sub Division Plans: Updates and Discussion:**

**A. Engineer's Report**

Mr. Ghiloni DPW Commissioner opened the Engineers report by introducing both himself and Mr. Pilachowski to the Board. Mr. Ghiloni has recently assumed the position, prior he was the Director of Public Facilities for the City. Mr. Pilachowski has as well assumed the position of City Engineer on a full time basis. Mr. Pilachowski was the City Engineer for Rutland, VT prior to accepting the position here. The Board welcomed both gentlemen.

**2. Chair's Business:**

**A. Proposed Zoning Amendment Medical Marijuana Treatment Centers**

Ms. Hughes read the notice of the proposed zoning amendment into the record.

On a motion made by Ms. Hughes, seconded by Mr. DuPont to accept the correspondence and place it on file as well as set a public hearing date for June 16, 2014. Motion carried.

### **3. Approval Not Required:**

#### **A. Decision 637/661 Sudbury Street (Ravenswood Properties) (May 27, 2014)**

Ms. Hughes read the favorable recommendation from the Engineering Department into the record.

On a motion made by Mr. Fay, seconded by Mr. DuPont it was voted to accept and endorse the plan of land believed to be Approval Not Required, Titled: Plan of Land in Marlborough, Massachusetts, Site Address: 637 Sudbury Street, Prepared for: Ravenswood Properties, 637 Sudbury Street, Marlborough, Massachusetts, Prepared By: Hancock Associates, 227 Chelmsford Street, Chelmsford, MA 01824. Motion carried.

#### **B. Decision Boston Scientific 100 Boston Scientific Way (May 27, 2014)**

Ms. Hughes read the favorable recommendation from the Engineering Department into the record.

On a motion made by Mr. DuPont, seconded by Ms. Hughes it was voted to accept and endorse the plan of land believed to be Approval Not Required, Titled: ANR – Boston Scientific: Map 30 Parcel 19 and Map 43 Parcel 3, Prepared for: Boston Scientific Corporation, Boston Scientific Way, Marlborough, Massachusetts Prepared By: Kelly Engineering Group, 0 Campanelli Drive, Braintree, MA 02184. Motion carried.

### **4. Public Hearings: None**

### **5. Pending Sub Division Plans: Updates and Discussion:**

#### **A. Engineers Report**

This item was moved up in the agenda.

#### **B. Covenant Walker Brook Estates**

On a motion made by Mr. Fay, seconded by Mr. DuPont it was voted to waive the reading of the document and refer it to the Legal Department for review. Motion carried.

#### **C. Quitclaim Deed LaCombe Business Park**

Ms. Hughes read the Engineering Department recommendation into the record.

On a motion made by Mr. Fay, seconded by Mr. DuPont the correspondence was accepted and placed on file. Motion carried.

#### **D. Request for extension Mauro Farms**

Mr. Fay noted his previously disclosed conflict for the record.

Ms. Hughes read the request for extension into the record. Ms. Hughes also read a late communication from the developer into the record; the developer contends that the extension request is not required due to the Permit Extension Act that would in his opinion keep the Subdivision valid until June 1, 2018.

On a motion made by Mr. Fay, seconded by Mr. DuPont a 5 minute recess was called at 7:35pm. The meeting reconvened at 7:40pm.

Solicitor Rider presented to the Board a Memorandum that was written in 2012 the memorandum was in regards to “Automatic Extensions to Permits Involving Land Use or Development.”

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to refer to the Legal Department a request for Clarification of the Permit Extension Act specifically in relation to the conclusion assumed by the developer as noted in the late communication. Motion carried.

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to request a completion schedule from the developer, from the Tax Collector a certificate of good standing, as well as information from the Code Enforcement Officer regarding any issues or complaints generating from the subdivision. Motion carried.

This item is to appear on the next regularly scheduled meeting agenda (June 2, 2014)

**6. Preliminary/Open Space Submissions/Limited Development Subdivisions:**

**A. Certificate of Vote – Findings Hudson Street**

Ms. Hughes read the request from Attorney Austin into the record.

On a motion made by Mr. Fay, seconded by Ms. Hughes it was voted to refer the Certificate of Vote – findings to the Legal Department for review and proper legal form. Motion carried.

This item is to appear on the next regularly scheduled meeting agenda (June 2, 2014)

**7. Definitive Subdivision Submission: None**

**8. Signs: None**

**9. Unfinished Business:**

**A. Berlin Farms possible action by Board**

This item was moved up in the agenda.

**10. Informal Discussions: None**

**11. Correspondence: None**

**12. Public Notices of other Cities and Towns:**

**A. Town of Sudbury Board of Appeals, Notice of Decision (4)**

**B. Town of Sudbury Zoning Board of Appeals, Public Hearing June 2, 2014**

**C. Town of Framingham Planning Board, Public Hearing May 29, 2014**

On a motion made by Ms. Hughes, seconded by Mr. Dupont it was voted to accept the notices A-C and place on file. Motion carried.

**Adjournment:** On a motion made by Mr. DuPont, seconded by Ms. Hughes it was voted to adjourn at 8:17pm. Motion carried.

Respectfully submitted,

Colleen Hughes

/mai