

REGULAR MEETING
OCTOBER 6, 2014

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 OCT -2 P 12:39

1. Minutes of the City Council Meeting, SEPTEMBER 22, 2014.
2. PUBLIC HEARING: On the Petition of NGrid and Verizon New England Inc. to install new jointly owned P#9 Simarano Dr. This pole is required to provide service to existing building at 2 Results Way. A three phase overhead primary line will be installed from P#9 to private property P9-70, Order No. 14-1005964.
3. Communication from the Mayor re: Executive Office of Public Safety and Security grant and a U.S. Department of Justice grant in the amounts of \$15,000.00 and \$13,953.00 awarded to the Police Department to help reimburse the city for traffic enforcement patrols and to be used to fund overtime, recertification and supply costs for the Rape Aggression Defense Systems (RAD) program.
4. Communication from the Mayor re: Department of Public Health, Bureau of Substance Abuse Service grant in the amount of \$15,000.00 to be used in part by the Youth Commission to fund a city wide initiative aimed at combatting substance abuse among the city's youth.
5. Communication from City Solicitor Rider re: Executive Session Request, for the purpose of discussing litigation strategy regarding Wireless Special Permit involving two properties on Boston Post Road.
6. Communication from City Solicitor Rider re: GE Healthcare Bio-Sciences Corp.'s TIF, in proper legal form, Order No. 14-1005920A.
7. 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 December 17, 2014 until 5:00 PM, Order No. 14-1005761E.
8. Minutes, Planning Board, September 8, 2014.
9. Minutes, Recreation Commission, May 14, 2014.
10. Minutes, School Council, June 4, 2014.
11. Minutes, Traffic Commission, August 26, 2014.
12. Minutes, Zoning Board of Appeals, August 26th, September 2nd, & September 16, 2014.
13. Communication from Amica, on behalf of David Danehy, 508 Stow Road.
14. CLAIMS:
 - A. Robert Cormier, 127 Raymond Road, pothole or other road defect.
 - B. Thomas Weber, 322 Church Street, other property damage and/or personal injury.

REPORTS OF COMMITTEES:

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.

UNFINISHED BUSINESS:

From Legislative and Legal Affairs Committee

15. **Order No. 14-1005921** – Communication from the Mayor re: Building Department Operations & Proposed Order Amending City Code. **Motion made by Councilor Delano, seconded by Chair, to approve the proposed order amending City Code for Building Department Operations as amended by Chairman Clancy and further amended by Councilor Robey. Carries 3-0.**
16. **Order No. 14-1005924** – Communication from City Solicitor, Donald Rider re: Proposed Acquisition of Indian Hill and Callahan State Park Access Easement. **Motion made by Councilor Delano, seconded by Chair, to approve the proposed acquisition of Indian Hill and Callahan State Park Access Easement. Carries 3-0.**

From Finance Committee

17. **Order No. 14-1005915** – Transfer \$34,000.00 Master Plan for Future Turf Fields. **The Finance Committee voted 4-0-1 (Councilor Elder abstained from participating) to approve the transfer.**
18. **Order No. 14-1005919** – Increase the Demand Fees for Past Due Taxes. **The Finance Committee voted 5 - 0 to authorize the Comptroller to assess a \$15.00 fee for each demand issued by the Collector.**
19. **Order No. 14-1005920** – GE Healthcare Tax Increment Financing (TIF). **The Finance Committee voted 5 - 0 to approve the following:**
 - **The TIF agreement**
 - **Economic Development Incentive Program (EDIP) Local Incentive Only Application**
 - **The City Council Resolution**



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

**Lisa M. Thomas
140 Main St.**

**Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723**

SEPTEMBER 22, 2014

Regular meeting of the City Council held on Monday, SEPTEMBER 22, 2014 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Clancy, Irish, and Landers. Meeting adjourned at 8:16 PM.

ORDERED: That the minutes of the City Council meeting SEPTEMBER 8, 2014, **FILE**; adopted.

ORDERED: That the Board of Health transfer request in the amount of \$3,200.00 which moves funds from Part-time Nurse to Medical Supplies to address an increase in the cost of flu vaccinations, specifically the Quadrivalent (four strain) Vaccine, **APPROVED**; adopted.

| CITY OF MARLBOROUGH BUDGET TRANSFERS - | | | | | | | | | | |
|---|------------|--------------------------------|--------|----------------------|-------------|--|--------|----------------------|------------|--|
| DEPT: | | Board of Health | | | | FISCAL YEAR: | | 2015 | | |
| FROM ACCOUNT: | | | | | TO ACCOUNT: | | | | | |
| Available | | | | | | | | | Available | |
| Balance | Amount | Org Code | Object | Account Description: | Amount | Org Code | Object | Account Description: | Balance | |
| \$25,000.00 | \$3,200.00 | 15120001 | 50391 | Part Time Nurse | \$3,200.00 | 15120005 | 55050 | Medical Supplies | \$7,093.00 | |
| Reason: | | Position vacant until recently | | | | To cover increased cost of flu vaccine | | | | |
| | \$3,200.00 | Total | | | \$3,200.00 | Total | | | | |

ORDERED: Under authority of MGL Chapter 44, Section 53A, the City Council hereby **APPROVES** the Emergency Management Performance Grant awarded to the City of Marlborough in the amount of \$18,435.00 for fiscal years 2013 & 2014 in which the funds will be used towards the purchase of an all-terrain vehicle and 800 MHZ radio with GPS monitoring; adopted.

ORDERED: Be it ordained by the City Council of the City of Marlborough, acting upon a recommendation of the Mayor, that the Code of the City of Marlborough, as amended, be further amended as follows:

- A. Section 7-35, entitled "Duties", is hereby amended by deleting the words "City Solicitor" wherever it appears and inserting in place thereof the words "City Auditor."

Refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: Be it ordained by the City Council of the City of Marlborough, acting upon a recommendation of the Mayor, that the Code of the City of Marlborough (hereinafter, the "City Code"), as amended, be further amended as follows:

- I. Section 67-10, entitled "Comptroller-Treasurer; appointment, term and duties" is hereby amended by deleting paragraph A. in its entirety and inserting in place thereof following:

B. The Mayor shall, subject to confirmation of the City Council, appoint a Comptroller-Treasurer for a term of three years to expire the day following his/her approval by the City Council. The Comptroller-Treasurer will be the Chief Financial Officer of the city and shall perform the duties of the Treasurer as set forth in the General Laws of the Commonwealth of Massachusetts, the Code of the City of Marlborough and shall further comply with all other statutes, regulations and ordinances relative to his/her duties as Comptroller-Treasurer.

- II. Paragraph A. of Section 67-11, entitled "Tax Collector; appointment, terms, and duties", is hereby amended by deleting the word "annually" and inserting in place thereof the words "for a three year term to expire the day following his/her approval by the City Council." Said paragraph A. of Section 67-11 is hereby further amended by deleting the word "He" as it appears in the second sentence and inserting in place thereof the words "The Tax Collector."

Refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Application for Site Plan Approval-Marlborough Hills, 200 Forest St. Parking Expansion, refer to the **URBAN AFFAIRS COMMITTEE AND AUTHORIZE THE COMMITTEE TO DECIDE IF ANY CONDITIONS SHOULD BE IMPOSED BY THE CITY COUNCIL (ACTING IN THE CAPACITY OF SITE PLAN REVIEW) FOR THIS PROJECT IN ADDITION TO WHATEVER REQUIREMENTS ARE REQUIRED BY THE PROFESSIONAL SITE PLAN REVIEW COMMITTEE, ALL OF WHICH WILL BECOME REQUIRED CONDITIONS FOR THIS PROJECT. FURTHERMORE; TO DELEGATE TO THE URBAN AFFAIRS COMMITTEE THE AUTHORITY TO VOTE TO ALLOW THE DEVELOPER TO PROCEED IF THE COMMITTEE JUDGES IT PRUDENT, SUBJECT TO THE CONDITIONS HERETOFORE MENTIONED. A COMMITTEE REPORT OUTLINING THE RESULTS OF THEIR WORK WILL BE REPORTED TO THE CITY COUNCIL, HOWEVER, THIS PROJECT WILL STAY WITHIN THE URBAN AFFAIRS COMMITTEE IN THE EVENT THAT FURTHER REQUESTS OR CHANGES ARISE WHICH REQUIRE A TIMELY RESPONSE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, OCTOBER 6, 2014** as date for a **PUBLIC HEARING** Petition of NGrid and Verizon New England Inc. to install new jointly owned P#9 Simarano Dr. This pole is required to provide service to existing building at 2 Results Way. A three phase overhead primary line will be installed from P#9 to private property P9-70.

Refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Minutes, Planning Board, August 18, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Council on Aging, June 10, 2014, **FILE**; adopted.

ORDERED: That the Minutes, Fort Meadow Commission, July 17, 2014, **FILE**; adopted.

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

A. Fredda Bauer, 7A Pondview Way, Northborough, MA, pothole or other road defect

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

Marlboro City Council Finance Committee
Monday September 15, 2014
In Council Chambers

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

1. **Order No. 14-1005915 – Transfer \$34,000.00 Master Plan for Future Turf Fields.** The Finance Committee reviewed the Mayor's letter dated August 21, 2014 requesting the transfer of \$34,000.00 from Parks and Field Capital account to Capital Outlay DPW Projects for the preliminary master planning and conceptual designs associated with future turf field projects. The funding is made possible through the local option meals tax adopted by the city earlier this year. **The Finance Committee voted 4-0-1 (Councilor Elder abstained from participating) to approve the transfer.**
2. **Order No. 14-1005919 – Increase the Demand Fees for Past Due Taxes.** The Finance Committee reviewed the Mayor's letter dated August 21, 2014 requesting the Comptroller be authorized to increase the demand fees for past due taxes. **The Finance Committee voted 5 - 0 to authorize the Comptroller to assess a \$15.00 fee for each demand issued by the Collector.**
3. **Order No. 14-1005920 – GE Healthcare Tax Increment Financing (TIF).** The Finance Committee reviewed the Mayor's letter August 21, 2014 requesting the approval of the TIF proposal from GE Healthcare. **The Finance Committee voted 5 - 0 to approve the following:**
 - **The TIF agreement**
 - **Economic Development Incentive Program (EDIP) Local Incentive Only Application**
 - **The City Council Resolution**

The Finance Committee adjourned at 8:27 PM.

Reports of Committees continued:

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

Meeting Name: City Council Legislative & Legal Affairs Committee

Date: September 15, 2014

Time: 5:30 PM

Location: City Council Chambers, 2nd Floor, City Hall, 140 Main Street

Agenda Item(s) addressed:

Convened: 5:33 PM

Adjourned: 6:18 PM

Present: Chairman Clancy; Legislative & Legal Affairs Committee Members Councilors Robey and Delano

Also Present: Michael Berry, Executive Aide, Office of the Mayor; City Solicitor Donald Rider; John Ghiloni, Commissioner of Public Works

Order No. 14-1005921 - Communication from the Mayor re: Building Department Operations & Proposed Order Amending City Code. The committee met to discuss amending the city code for Building Department Operations. Michael Berry, Executive Aide to the Mayor, explains the changes reflect terminology utilized in Chapter 143, Section 3 of Massachusetts General Law. Chairman Clancy and Councilor Robey suggested several minor changes to the language in the proposed order. **Motion made by Councilor Delano, seconded by Chair, to approve the proposed order amending city code for Building Department Operations as amended by Chairman Clancy and further amended by Councilor Robey. Carries 3-0.**

Order No. 14-1005923 - The Communication from City Solicitor, Donald Rider re: Proposed Easements to Massachusetts Electric Company for Senior Center. Department of Public Works Commissioner John Ghiloni appeared before the committee to request approval for proposed easements to a Massachusetts Electric Company. Commissioner Ghiloni states this will bring service to the new senior center from an existing pole on Monument Avenue across the street to the property of the senior center where it would be placed underground to the building. The easement is for necessary pole placement and underground conduit. **Motion made by Councilor Delano, seconded by Chair, to approve the proposed easements to the Massachusetts Electric Company for the Senior Center. Carries 3-0. Motion made by Councilor Delano, seconded by Chair, to request a suspension of the rules at the next City Council meeting to approve the request for the proposed easements. Carries 3-0.**

Order No. 14-1005924 - The Communication from City Solicitor, Donald Rider re: Proposed Acquisition of Indian Hill and Callahan State Park Access Easement. City Solicitor Rider explains to the committee this is a decision of whether or not to recommend acceptance of the deed which includes two parcels of land, twenty acres and the eleven thousand square feet, and a ten foot wide easement located near DiCenzo Boulevard. **Motion made by Councilor Delano, seconded by Chair, to approve the proposed acquisition of Indian Hill and Callahan State Park Access Easement. Carries 3-0.**

Motion made by Councilor Delano, seconded by Chair, to adjourn. Carries 3-0.
Adjourned at 6:18 PM.

*Reported by: Chairman Clancy
September 22, 2014*

Suspension of the Rules requested - granted

ORDERED: That the attached Proposed Easement to Massachusetts Electric Company for Senior Center, **APPROVED**; adopted.

ORDERED: That the Appointment of Ryan Wambolt as youth appointee to the Youth Commission for term of one year from date of approval, **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License by Best Buy Stores, LP #820, 769 Donald Lynch Blvd., **APPROVED**; adopted.

ORDERED: That the Application for Renewal of Junk Dealer's License by Best Buy Stores, LP #1966, 601 Donald Lynch Blvd., **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:16 PM.



IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 22, 2014

ORDERED:

That there being no objection thereto set **MONDAY, OCTOBER 6, 2014** as date for a **PUBLIC HEARING** Petition of NGrid and Verizon New England Inc. to install new jointly owned P#9 Simarano Dr. This pole is required to provide service to existing building at 2 Results Way. A three phase overhead primary line will be installed from P#9 to private property P9-70.

Be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER NO. 14-1005964



City of Marlborough

Office of the Mayor

RECEIVED *Arthur G. Vigeant*
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2014 OCT -2
Michael C. Berry
EXECUTIVE AIDE

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

Patricia Bernard
EXECUTIVE SECRETARY

October 2, 2014

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

Re: Police Department Grant Acceptances (2)

Honorable President Pope and Councilors:

Enclosed for your acceptance are two grants that have been awarded to the Marlborough Police Department.

The first grant, in the amount of \$15,000.00, comes from the Massachusetts Executive Office of Public Safety and Security and will be utilized to reimburse the city for traffic enforcement patrols.

The second grant, in the amount of \$13,953.00, is given through the U.S. Department of Justice Office of Justice Programs. The Edward Byrne Justice Assistance Grant (JAG) will be used to fund overtime, recertification, and supply costs for the Police Department's Rape Aggression Defense Systems (RAD) program.

Enclosed is the relevant back up information for your convenience. Please do not hesitate to contact my office with any questions.

Sincerely,


Arthur G. Vigeant
Mayor



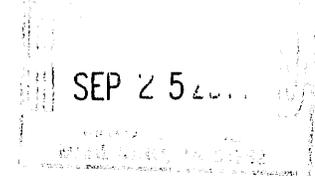
City of Marlborough POLICE DEPARTMENT

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

MARK F. LEONARD
Chief of Police

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

09/18/2014



Dear Mayor Vigeant,

The Marlborough Police Department has been awarded a grant in the amount of \$15,000 from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security. The grant is a reimbursement grant and will be used for high visibility traffic enforcement patrols.

Attached is a copy of the grant approval letter. I am requesting that the grant award be forwarded to the City Council for approval. Should you have any questions, please do not hesitate to call.

Sincerely,

Mark F. Leonard
Chief of Police

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Police Department DATE: 9/18/2014

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Captain Timothy Naze

NAME OF GRANT: Traffic Enforcement and Equipment Grant

GRANTOR: Executive Office of Public Safety Highway Safety Div

GRANT AMOUNT: \$15,000.00

GRANT PERIOD: 10/01/2014-09/4/2015

SCOPE OF GRANT/
ITEMS FUNDED High visibility Traffic Enforcement
Traffic enforcement patrols

IS A POSITION BEING
CREATED: No

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

ARE MATCHING CITY
FUNDS REQUIRED? N/A

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

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

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: ASAP

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

Timothy Naze

From: Phelan, Lindsey (CCJ) <lindsey.phelan@state.ma.us>
Sent: Tuesday, September 23, 2014 8:18 AM
To: Timothy Naze
Subject: RE: Grant approval letter

Dear Captain Naze,

Please accept this message as an approval of Marlborough PD's FFY 2015 Traffic Enforcement grant application. The mobilization dates are as follows:

- First Mobilization Speed and Aggressive Driving
 October 10, 2014 – October 31, 2014
 Reporting Deadline: November 14, 2014

- Second Mobilization Drive Sober or Get Pulled Over
 December 1, 2014 – January 1, 2015
 Reporting Deadline: January 16, 2015

- Third Mobilization Distracted Driving
 April 10, 2015 – May 1, 2015
 Reporting Deadline: May 15, 2015

- Fourth Mobilization Click It or Ticket (CIOT)
 May 18, 2015 – May 31, 2015
 Reporting Deadline: June 12, 2015

- Fifth Mobilization Drive Sober or Get Pulled Over
 August 21, 2015 – September 7, 2015
 Reporting Deadline: September 25, 2015

Marlborough PD is eligible for \$3,000 per mobilization for a total of \$15,000 during FFY 2015. A formal approval letter from the Secretary of Public Safety will follow. Please contact me with any questions or concerns.

Best,

Lindsey Phelan, Program Coordinator
Highway Safety Division
Office of Grants and Research
Executive Office of Public Safety and Security
10 Park Plaza, Suite 3720
Boston, MA 02116
p. (617) 725-3337 f. (617) 725-0260
lindsey.phelan@state.ma.us

From: Timothy Naze [mailto:tnaze@marlborough-ma.gov]
Sent: Monday, September 22, 2014 4:21 PM



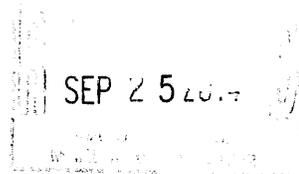
City of Marlborough POLICE DEPARTMENT

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

MARK F. LEONARD
Chief of Police

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

09/18/2014



Dear Mayor Vigeant,

The Marlborough Police Department has been awarded an Edward Byrne Memorial Justice Assistance Grant in the amount of \$13,953 from the Office of Justice Programs of the Department of Justice. The grant is a reimbursement grant and will be used to fund the departments Rape Aggressive Defense Systems (RAD) program. This is a program of realistic self-defense tactics and techniques. Funds are used towards training courses and supplies for the program.

Attached is a copy of the grant approval letter. I am requesting that the grant award be forwarded to the City Council for approval. Should you have any questions, please do not hesitate to call.

Sincerely,

Mark F. Leonard
Chief of Police



Department of Justice
Office of Justice Programs

Bureau of Justice Assistance

Office of Justice Programs

Washington, D.C. 20531

July 22, 2014

The Honorable Arthur Vigeant
City of Marlborough
140 Main Street
Marlborough, MA 01752-3812

Dear Mayor Vigeant:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 14 Edward Byrne Memorial Justice Assistance Grant (JAG) Program: Local in the amount of \$13,953 for City of Marlborough.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Shaketta Cunningham, Program Manager at (202) 514-4493; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Denise O'Donnell".

Denise O'Donnell
Director

Enclosures

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Police Department DATE: 9/18/2014

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Captain Timothy Naze

NAME OF GRANT: BJA FY14 Edward Byrne Memorial Justice Assistance Grant (JAG) program

GRANTOR: Office of Justice Programs of the Department of Justice

GRANT AMOUNT: 13,953

GRANT PERIOD: 10/01/2014 to 09/30/2015

SCOPE OF GRANT/
ITEMS FUNDED Rape Aggressive Defense Systems (RAD) program
Recertification of five (5) instructors
Overtime for instructors to teach four (4) six week courses
Supplies (folders, booklets, pens, and pamphlets for students)

IS A POSITION BEING
CREATED: No

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

ARE MATCHING CITY
FUNDS REQUIRED? No

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

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

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: ASAP

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



City of Marlborough
Office of the Mayor

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Marlborough, Massachusetts 01752
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www.marlborough-ma.gov

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2014 OCT -2
MAYOR
EXECUTIVE AIDE

Arthur G. Vigeant
Michael C. Berry
Patricia Bernard
EXECUTIVE SECRETARY

October 2, 2014

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

Re: Grant Acceptance for Youth Substance Abuse Awareness

Honorable President Pope and Councilors:

Enclosed for your acceptance is a grant in the amount of \$15,000.00 from the Massachusetts Department of Public Health, Bureau of Substance Abuse Services.

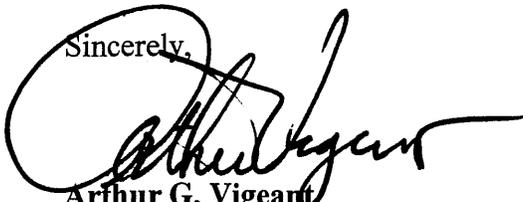
This grant will be used in part by the Marlborough Youth Commission who, for close to two years now, have been hard at work building a foundation for a city wide initiative aimed at combatting substance abuse among the city's youth.

Future utilization of these funds may also involve other departments such as Police and Recreation but will remain focused on drug and alcohol awareness. Expenditures of these funds will be overseen by my office in collaboration with the Youth Commission.

The Youth Commission has several projects planned around this issue. One is a logo contest where students will put their creativity to the test to develop a design that will symbolize this campaign and the working motto of "A Healthy Me is Drug Free." Further down the road, the Youth Commission will look to launch a project where students will create, script and record their own commercials or public service announcements around the dangers of drug and alcohol abuse.

I wish to thank our legislative delegation, specifically Representative Danielle Gregoire and Senator Jamie Eldridge for their work on securing these funds. At this time, I respectfully seek your acceptance of these funds so they may be utilized for their intended purposes.

Sincerely,


Arthur G. Vigeant
Mayor

**CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD**

DEPARTMENT: Mayor's Office DATE: 2-Oct-14

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: Michael Berry

NAME OF GRANT: Youth Drug and Alcohol Awareness

GRANTOR: Mass DPH - Bureau of Substance Abuse Services

GRANT AMOUNT: \$15,000.00

GRANT PERIOD: FY15

SCOPE OF GRANT/
ITEMS FUNDED Funds will be utilized for programming and projects associated with a city-wide initiative around the issue of drug and alcohol awareness. The goal of the Youth Commission is to develop a program that will live on in perpetuity and involve the local business community, nonprofits, and sports teams who are united in ensuring a safe and healthy environment for the youth of Marlborough.

IS A POSITION BEING
CREATED: NO

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? N/A

ARE MATCHING CITY
FUNDS REQUIRED? NO

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:
NO

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

ANY OTHER EXPOSURE TO CITY?
NO

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: No - however we require ability to begin using funds in 6-8 weeks

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



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

Tel: 617-624-5000
Fax: 617-624-5206
www.mass.gov/dph

DEVAL L. PATRICK
GOVERNOR

JOHN W. POLANOWICZ
SECRETARY

CHERYL BARTLETT
COMMISSIONER

September 19, 2014

Michael Berry
Marlborough City Hall
140 Main Street
Marlborough MA 01752

Dear Mr. Berry:

This is to inform you that the Massachusetts Department of Public Health, Bureau of Substance Abuse Services has awarded the City of Marlborough a new contract based upon FY'15 Legislative Earmark language. This contract, INTF2340M04W50070172 is in the amount of \$15,000.00 and will be in effect from October 15, 2014 through June 30, 2015.

This award contains funds from the Substance Abuse and Mental Health Services Administration (SAMHSA) of the Federal government, #4512-9069 (CFDA#93.959). Providers receiving federal grant funds will be considered sub-recipients for federal grant purposes and will be required to comply with applicable federal requirements, including but not limited to sub-recipient audit requirements under OMB Circular A-133.

Please return this contract package as soon as possible. If you have any questions, please contact the Bureau at (617) 624-5146 or the Purchase of Service Office at (617) 624-5800.

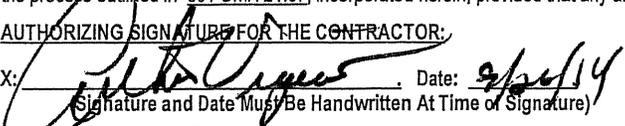
A handwritten signature in cursive script that reads "Charles A. Whiteman (RB)".

Charles A. Whiteman, Director of Administration and Finance
Bureau of Substance Abuse Services

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



This form is jointly issued and published by the Executive Office for Administration and Finance (ANF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors may not require any additional agreements, engagement letters, contract forms or other additional terms as part of this Contract without prior Department approval. Click on hyperlinks for definitions, instructions and legal requirements that are incorporated by reference into this Contract. An electronic copy of this form is available at www.mass.gov/osc under Guidance For Vendors - Forms or www.mass.gov/osd under OSD Forms.

| | |
|---|---|
| CONTRACTOR LEGAL NAME: City Of Marlborough (and d/b/a): | COMMONWEALTH DEPARTMENT NAME: Department Of Public Health MMARS Department Code: DPH |
| Legal Address: (W-9, W-4, T&C): 140 Main St, Marlborough, MA 01752-3812 | Business Mailing Address: 250 Washington Street, Boston, MA 02108 |
| Contract Manager: Michael Berry | Billing Address (if different): |
| E-Mail: mberry@marlborough-ma.gov | Contract Manager: Sokonthea Dao |
| Phone: 508-460-3770 Fax: 508-460-3770 | E-Mail: sokonthea.dao@state.ma.us |
| Contractor Vendor Code: VC6000192111 | Phone: 617-624-6190 Fax: 617-624-5017 |
| Vendor Code Address ID (e.g. "AD001"): AD001. (Note: The Address Id Must be set up for <u>EFT</u> payments.) | MMARS Doc ID(s): INTF2340M04W50070172 RFR/Procurement or Other ID Number: W50070 LEG Exempt |
| <p style="text-align: center;"><u>X</u> NEW CONTRACT</p> PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> <u>Statewide Contract</u> (OSD or an OSD-designated Department) <input type="checkbox"/> <u>Collective Purchase</u> (Attach OSD approval, scope, budget) <input type="checkbox"/> <u>Department Procurement</u> (includes State or Federal grants <u>815 CMR 2.00</u>) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> <u>Emergency Contract</u> (Attach justification for emergency, scope, budget) <input type="checkbox"/> <u>Contract Employee</u> (Attach <u>Employment Status Form</u> , scope, budget) <input checked="" type="checkbox"/> <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification, scope and budget) | <p style="text-align: center;">___ CONTRACT AMENDMENT</p> Enter Current Contract End Date <u>Prior</u> to Amendment: __, 20__ Enter Amendment Amount: \$ ____ (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> <u>Amendment to Scope or Budget</u> (Attach updated scope and budget). <input type="checkbox"/> <u>Interim Contract</u> (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> <u>Contract Employee</u> (Attach any updates to scope or budget) <input type="checkbox"/> <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification and updated scope and budget) |
| The following COMMONWEALTH TERMS AND CONDITIONS (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract. <input checked="" type="checkbox"/> Commonwealth Terms and Conditions ___ Commonwealth Terms and Conditions For Human and Social Services | |
| COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> <u>Rate Contract</u> (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> <u>Maximum Obligation Contract</u> Enter Total Maximum Obligation for total duration of this Contract (or new Total if Contract is being amended). \$ <u>15,000.00</u> | |
| PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through <u>EFT</u> 45 days from invoice receipt. Contractors requesting <u>accelerated</u> payments must identify a PPD as follows: Payment issued within 10 days ___% PPD; Payment issued within 15 days ___% PPD; Payment issued within 20 days ___% PPD; Payment issued within 30 days ___% PPD. If PPD percentages are left blank, identify reason: ___ agree to standard 45 day cycle <input checked="" type="checkbox"/> statutory/legal or Ready Payments (<u>G.L. c. 29, § 23A</u>); ___ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See <u>Prompt Pay Discounts Policy</u> .) | |
| BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) Serv. Purchased In Supp. Of Human and Social Serv. | |
| ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input type="checkbox"/> 1. may be incurred as of the <u>Effective Date</u> (latest signature date below) and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . <input checked="" type="checkbox"/> 2. may be incurred as of <u>10/15, 2014</u> , a date <u>LATER</u> than the <u>Effective Date</u> below and <u>no</u> obligations have been incurred <u>prior</u> to the <u>Effective Date</u> . <input type="checkbox"/> 3. were incurred as of __, 20__, a date <u>PRIOR</u> to the <u>Effective Date</u> below, and the parties agree that payments for any obligations incurred prior to the <u>Effective Date</u> are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations. | |
| CONTRACT END DATE: Contract performance shall terminate as of <u>06/30, 2015</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments. | |
| CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached <u>Contractor Certifications</u> (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable <u>Commonwealth Terms and Conditions</u> , this Standard Contract Form including the <u>Instructions and Contractor Certifications</u> , the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in <u>801 CMR 21.07</u> , incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract. | |
| AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X:  Date: <u>9/26/14</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Arthur G. Vigeant</u> Print Title: <u>Mayor</u> | AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Sharon Dyer</u> Print Title: <u>Director, Purchase of Service Office</u> |

FY: 2015

Amendment # (if Applicable): _____

If Federal Funds, CFDA#

PURCHASE OF SERVICE – ATTACHMENT 1: PROGRAM COVER PAGE

PROGRAM INFORMATION

| | |
|--|---|
| Contractor Name: City Of Marlborough | Department Name: Massachusetts Department of Public Health |
| Program Type: Substance Abuse Legislative Earmarks | Document ID #: INTF2340M04W50070172 |
| Program Name: | UFR Program: |
| Program Address: 140 Main St | MMARS Program Code: 4912 |
| City/State/Zip: Marlborough, MA 017523812 | Other Reference Information (Information Purposes Only): |
| Contact Person: Michael Berry Telephone: 508-460-3770 | Contact Person: Sokonthea Dao Telephone: 617-624-6190 |
| <p>RFR INFORMATION: <input type="checkbox"/> Attached <input type="checkbox"/> RFR Reference #</p> <p><input type="checkbox"/> Legislative exemption <input type="checkbox"/> Emergency <input type="checkbox"/> Collective Purchase <input type="checkbox"/> Interim <input type="checkbox"/> Amendment</p> <p>SCOPE OF SERVICES: <input type="checkbox"/> Bidders Response Attached <input checked="" type="checkbox"/> Description of Services Attached</p> <p>TOTAL ANTICIPATED CONTRACT DURATION: <u>10/15/2014</u> to <u>6/30/2015</u></p> <p>INITIAL DURATION: <u>10/15/2014</u> to <u>6/30/2015</u></p> <p>OPTIONS TO RENEW: *****Refer to RFR for options to renew and for years each option*****</p> | |

FISCAL TERMS

| <p>Price is established through: (Check 1, 2, or 3)</p> <p><input type="checkbox"/> OPTION 1: PRICE AGREEMENT (list price) \$ _____ Rate Regulation (if any) _____</p> <p><input type="checkbox"/> OPTION 2: SUMMARY BUDGET ("T" Lines only) <input type="checkbox"/> Unit Rate <input type="checkbox"/> Cost Reimbursement <input type="checkbox"/> Other _____</p> <p><input checked="" type="checkbox"/> OPTION 3: COMPLETED BUDGET <input checked="" type="checkbox"/> Cost Reimbursement <input type="checkbox"/> Unit Rate <input type="checkbox"/> Other _____</p> | FUNDING SUMMARY | | | | | |
|---|-----------------|--------|--------------------|-------------|--------------|--------|
| | Prior Years | | Current Years | | Future Years | |
| | FY | Amount | FY | Amount | FY | Amount |
| | | | 2015 | \$15,000.00 | | |
| | Total: | | Total: \$15,000.00 | | Total: | |
| Multi Years Total: | | | | | \$15,000.00 | |
| <p>Current Max Obligation: \$ _____ Unit Rate: \$ _____ per _____ # Billable Units: _____</p> | | | | | | |
| <p>Additional Payment or Price Specifications:</p> | | | | | | |

Scope of Services

This Attachment Form must be used. Please check the appropriate box when processing a new contract or a contract amendment.

Contract ID #: City of Marlborough #INTF2340M04W50070172

New Contract*

Identify in detail the scope of services in terms of performance for a new contract. Services provided must be in accordance with the budget and the terms and conditions of the federal grant (if applicable).

For city wide drug and alcohol awareness campaign for the City of Marlborough

Contract Amendment

If choosing amendment you must check off one of the three types below and provide explanation

Increase :

Decrease

Include a clear explanation of what services are being reduced as a result of the funding decrease.

Other

Identify the changes to the scope of services supported by the amendment (No change in Max Obligation).

COMMONWEALTH OF MASSACHUSETTS CONTRACTOR AUTHORIZED SIGNATORY LISTING



CONTRACTOR LEGAL NAME :
CONTRACTOR VENDOR/CUSTOMER CODE:

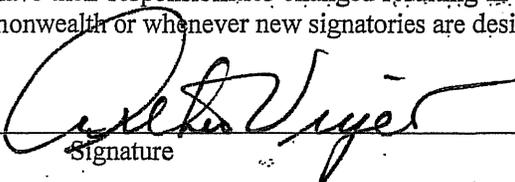
INSTRUCTIONS: Any Contractor (other than a sole-proprietor or an individual contractor) must provide a listing of individuals who are authorized as legal representatives of the Contractor who can sign contracts and other legally binding documents related to the contract on the Contractor's behalf. In addition to this listing, any state department may require additional proof of authority to sign contracts on behalf of the Contractor, or proof of authenticity of signature (a notarized signature that the Department can use to verify that the signature and date that appear on the Contract or other legal document was actually made by the Contractor's authorized signatory, and not by a representative, designee or other individual.)

NOTICE: *Acceptance of any payment under a Contract or Grant shall operate as a waiver of any defense by the Contractor challenging the existence of a valid Contract due to an alleged lack of actual authority to execute the document by the signatory.*

For privacy purposes **DO NOT ATTACH** any documentation containing personal information, such as bank account numbers, social security numbers, driver's licenses, home addresses, social security cards or any other personally identifiable information that you do not want released as part of a public record. The Commonwealth reserves the right to publish the names and titles of authorized signatories of contractors.

| AUTHORIZED SIGNATORY NAME | TITLE |
|---------------------------|-------|
| Arthur G. Vigeant | Mayor |
| | |
| | |
| | |
| | |

I certify that I am the President, Chief Executive Officer, Chief Fiscal Officer, Corporate Clerk or Legal Counsel for the Contractor and as an authorized officer of the Contractor I certify that the names of the individuals identified on this listing are current as of the date of execution below and that these individuals are authorized to sign contracts and other legally binding documents related to contracts with the Commonwealth of Massachusetts on behalf of the Contractor. I understand and agree that the Contractor has a duty to ensure that this listing is immediately updated and communicated to any state department with which the Contractor does business whenever the authorized signatories above retire, are otherwise terminated from the Contractor's employ, have their responsibilities changed resulting in their no longer being authorized to sign contracts with the Commonwealth or whenever new signatories are designated.


Signature

Date: 9/26/14

Title: Mayor

Telephone: 508-460-3770

Fax: 508-460-3698

Email: mayor@marlborough-ma.gov

[Listing can not be accepted without all of this information completed.]

A copy of this listing must be attached to the "record copy" of a contract filed with the department.

COMMONWEALTH OF MASSACHUSETTS CONTRACTOR AUTHORIZED SIGNATORY LISTING



CONTRACTOR LEGAL NAME:
CONTRACTOR VENDOR/CUSTOMER CODE:
CONTRACT #:

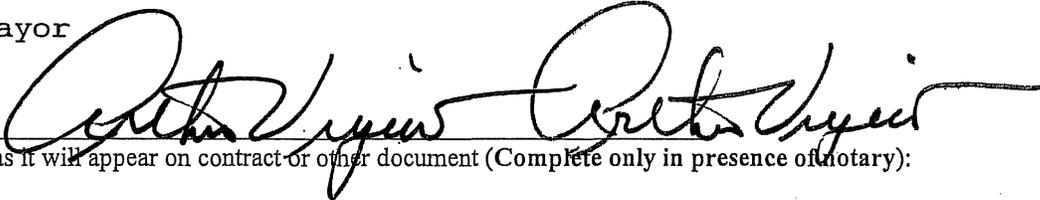
PROOF OF AUTHENTICATION OF SIGNATURE

It is required that Departments obtain authentication of signature for the signatory who submits the Contractor Authorized Listing.

This Section MUST be completed by the Contractor Authorized Signatory in presence of notary.

Signatory's full legal name (print or type): Arthur G. Vigean

Title: Mayor

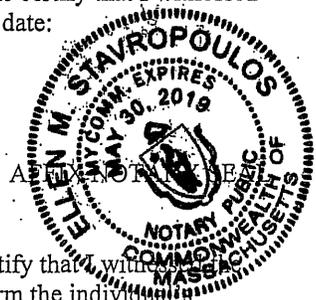
X 
Signature as it will appear on contract or other document (Complete only in presence of notary):

AUTHENTICATED BY NOTARY OR CORPORATE CLERK (PICK ONLY ONE) AS FOLLOWS:

I, Ellen M. Stavropoulos (NOTARY) as a notary public certify that I witnessed the signature of the aforementioned signatory above and I verified the individual's identity on this date:

September 26, 2014

My commission expires on: May 30, 2019



I, _____ (CORPORATE CLERK) certify that I witnessed the signature of the aforementioned signatory above, that I verified the individual's identity and confirm the individual's authority as an authorized signatory for the Contractor on this date:

_____, 20____

AFFIX CORPORATE SEAL

Supplier Diversity Program (SDP) Plan Commitment & Declaration of SDP Partner(s)

(To be submitted with Bid Response)

RFR Document Number: _____

Instructions: Completing all parts of this form is mandatory. Please read instructions in the SDP section of the solicitation. **Complete one form and submit with Bid. An SDP partner must be identified before a contract can be executed. See SDP and SDVOBE Resource information below to assist in partnering with certified businesses.**

Part I Contractor Information (Required)

| | | | |
|---|---------------|---------------|----------------|
| Business Name: | Contact Name: | Phone # () - | Email address: |
| Please note that prime bidders who are SDO-certified must also submit an SDP Plan Form and may not list themselves as an SDP Partner. Check <u>any</u> of the following <i>that are</i> applicable to the Bidder: | | | |
| <input type="checkbox"/> Minority-owned Business Enterprise (MBE); Certification Expiration Date (If applicable): ____/____/____ | | | |
| <input type="checkbox"/> Women-owned Business Enterprise (WBE); Certification Expiration Date (If applicable): ____/____/____ | | | |
| <input type="checkbox"/> Service-Disabled Veteran-owned Business Enterprise (SDVOBE); Certification Expiration Date (If applicable): ____/____/____ | | | |
| Identify Business Opportunities for SDP Partners (Optional): | | | |
| SDP Percentage Committed for Life of Contract: | | _____% | |

Part II Contractor's SDP Partners (Required)(Fill in Applicable Lines; Insert Additional Rows as Needed)

| SDP Partner's Company Name | SDP Partner's Contact Person's Email Address* | Check SDP Partner's Certification(s)** |
|----------------------------|---|---|
| _____ | ____@____.____ | <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOBE |
| _____ | ____@____.____ | <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOBE |
| _____ | ____@____.____ | <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOBE |
| _____ | ____@____.____ | <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOBE |
| _____ | ____@____.____ | <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> SDVOBE |

*The Supplier Diversity Office and contracting Department reserve the right to contact SDP Partners at any time to request that they attest to the amounts reported to have been paid to them by the Contractor.

** SDP Partner Certification Acronyms: MBE = Minority-owned Business Enterprise; WBE = Women-owned Business Enterprise; SDVOBE = Service-Disabled Veteran-owned Business Enterprise.

*** Certification Status can be checked on the [Supplier Diversity Program Webpage](http://www.mass.gov/sdp) (www.mass.gov/sdp).

Supplier Diversity Program (SDP) Resources:

- Resources available to assist Prime Bidders in finding potential **Minority Business Enterprises (MBE)** and **Women Business Enterprises (WBE)** partners can be found on the [Supplier Diversity Program Webpage](http://www.mass.gov/sdp) (www.mass.gov/sdp).
- Resources available to assist Prime Bidders in finding potential **Service-Disabled Veteran-Owned Business Enterprise (SDVOBE)** partners can be found on the [Supplier Diversity Office Webpage](http://www.mass.gov/sdo) (www.mass.gov/sdo).
- The Supplier Diversity Program offers training on the SDP Plan requirements. The dates of upcoming trainings can be found on the [OSD Training & Outreach Webpage](http://www.mass.gov/sdp). In addition, the SDP Webinar can be located on the [Supplier Diversity Program Webpage](http://www.mass.gov/sdp) (www.mass.gov/sdp).
- The Supplier Diversity Business Directory can be found at <https://www.sdo.osd.state.ma.us/BusinessDirectory/BusinessDirectory.aspx>

**UFR
UFR PROGRAM COMPONENT AND TITLE DESCRIPTIONS
UNDER 808 CMR 1.00**

Commonwealth of Massachusetts | Executive Office for Administration & Finance | Operational Services Division
Fiscal Year 2011
Rev. 2011

**BASIC CONCEPTS
PROGRAM REQUIREMENTS**

The terms of the contract program budget govern the selection of the proper program components and titles to be used in the UFR. For example, if the contract program budget indicates that the program is to employ a "Social Worker-LICSW," UFR Title number 124 in category number 1 Direct Care/Program Staff, this position must also be disclosed in the UFR using the same UFR component and title. The program specifications included in the proposal furnished in response to the Request for Proposal (RFP) that was negotiated and incorporated into the contract with the purchasing department must be consistent with the definitions and specifications contained in this document. The UFR title number for a LSW (UFR Title number 126) should be disclosed if a LSW is currently employed in the program rather than the LICSW that was included in the negotiated contract. In most cases it is expected that budgeted and negotiated position should be the same as those disclosed in the UFR.

CREDENTIALS

Direct care/program staff components are defined, in part, in terms of required credentials. It is not relevant to the proper classification of a position that a staff member who currently fills the position possesses a particular credential, unless the RFR or contract requires the credential for that position.

FUNCTION vs. TITLE

Direct care/program staff components are determined by their program function. For example, a licensed physician should be classified as a "Physician" only if the physician provides medical care as outlined in the component definition. If a physician performs the functions of a "Program Director", then that component should be used.

It is the functional definition, not the title, which governs the definition of a particular component and UFR Title. A program's "Residence Director", for example, may be classified as a Program Manager, Program Director, Assistant Program Director, or Supervisor, depending upon the actual functions performed and the scope of responsibility involved. Yet the fact that the titles used in this document coincide with titles customarily used by program staff does not settle the question of proper classification. Again, this document's definitions govern. A particular program position is classified as a "Case Worker/Manager", rather than as a "Counselor", if the required credentials and responsibilities coincide more closely with the definition of "Case Worker".

This document is formatted to establish a hierarchical schedule for the components, e.g. the Program Director would report to the Program Manager, and a Direct Care/ Program Staff I would report to a Direct Care/ Program Staff Supervisor. All direct care or program staff positions which are not specifically defined in this document, such as American Sign Language interpreter, phlebotomist, instructor, resource librarian, medical technician, health education specialist, work procurement specialist, certified occupational therapy assistant, etc., should be classified as "Direct Care/Program Staff I, II or III," as appropriate.

CATEGORY 1: DIRECT CARE / PROGRAM STAFF

Category 1 includes direct care staff/program staff required to provide direct care or deliver other primary program services.
(Components 101-151)

| Code | Description |
|------|--|
| 101 | Program Function Manager: An individual who has overall responsibility for the management, oversight and coordination of a programmatic functional area within or across programs as in the case of "Medical Director", "Residence Director", "Clinical Director", "Education Director", etc. (Compensation for individuals whose primary responsibilities are administrative and cut across several programs should be classified under 410 - "Agency and Program Administration and Support" component.) |
| 102 | Program Director: An individual who has overall responsibility for the daily operation of one or more individual programs. |
| 103 | Assistant Program Director: An individual, who reports directly to the Program Director, acts for the Program Director in his/her absence and functions as an advisor/assistant to the Program Director. |
| 104 | Supervising Professional: A credentialed professional (Physician, Psychiatrist, Social Worker, Nurse, etc.) whose primary responsibility is the supervision of fellow credentialed professionals in the daily performance of their programmatic functions. A professional whose duties chiefly entail supervision of nonprofessionals or paraprofessionals should be classified under 133 - Direct Care/ Program Staff Supervisor. Supervisors assigned to this component may also provide incidental direct client care. |
| 105 | Physician: A Board of Registration in Medicine-licensed or Board-eligible physician (including all medical specialties, e.g., dentist, podiatrist except psychiatry Component 121) with either a MD or DO degree whose primary responsibility is delivery or supervision of health/medical care to program participants. |
| 106 | Physician's Assistant: An individual registered as a physician's assistant by the Department of Public Health and functioning in that capacity. |
| 107 | Registered Nurse - Master's, Nurse Psychiatric Mental Health Specialist, Nurse Practitioner, and Nurse - Midwife.: An individual who possesses a Master's degree in nursing and/or is registered by the Board of Registration in Nursing as a registered nurse and is practicing in an expanded role and functioning in any of the above capacities. |
| 108 | Registered Nurse: An individual who is licensed as a registered nurse by the Board of Registration in Nursing (both BSNs and others), does not possess a Master's degree and is engaged in nursing duties. |
| 109 | Licensed Practical Nurse: A person licensed as a practical nurse by the Board of Registration in Nursing and engaged in nursing duties. |
| 110 | Pharmacist: A person licensed by the Board of Registration in Pharmacy and functioning as a pharmacist. |
| 111 | Occupational Therapist: An individual registered as an occupational therapist by the Board of Registration in Allied Health Professionals and who provides occupational therapy. |

| | |
|-----|---|
| 112 | Physical Therapist: A person registered as a physical therapist by the Board of Registration in Allied Health Professionals and who provides physical therapy. |
| 113 | Speech/Language Pathologist, Audiologist: An individual registered as a Speech/Language Pathologist or as an Audiologist by the Board of Registration in Speech/ Language Pathology and Audiology and who provides speech and hearing therapy. |
| 114 | Dietitian/Nutritionist: An individual registered as a dietitian by the Commission on Dietetic Registration of the American Dietetic Association and providing nutritional counseling, education, supervision of meal/menu preparation, or an individual with a Bachelor's or Master's degree in nutrition who provides nutritional counseling, education, supervision of meal/menu preparation. |
| 115 | Special Education Teacher: A teacher certified in special education by the Massachusetts Department of Education and working in that capacity. |
| 116 | Teacher: A teacher holding teacher certification by the Massachusetts Department of Education in an area other than special education and working in that capacity. |
| 117 | Day Care Director: An individual certified by the Office for Children as a Day Care Director and functioning in that capacity. |
| 118 | Day Care Lead Teacher: An individual certified by the Office for Children as a Day Care Lead Teacher and functioning in that capacity. |
| 119 | Day Care Teacher: An individual certified by the Office for Children as a Day Care Teacher and functioning in that capacity. |
| 120 | Day Care Assistant Teacher/Aide: An individual certified by the Office for Children as a Day Care Assistant Teacher/Aide and functioning in that capacity. |
| 121 | Psychiatrist: An individual licensed to practice medicine, certified or eligible for certification by the American Board of Psychiatry and primarily involved in rendering or directing psychiatric care. |
| 122 | Psychologist - Doctorate: An individual holding a doctoral degree in psychology (including behavioral psychologists and neuropsychologists), or a closely related field, registered as a psychologist by the Board of Registration of Psychologists and primarily engaged in providing diagnostic evaluations, psychological counseling/therapy or development and implementation of behavioral treatment plans. |
| 123 | Clinician (formerly Psychologist - Master's): An individual holding a Master's degree in psychology (including behavioral psychologists) or a closely related field and primarily engaged in providing diagnostic evaluations, psychological counseling or development and implementation of behavioral treatment plans. |
| 124 | Social Worker - LICSW: An individual registered as a Licensed Independent Clinical Social Worker by the Board of Registration of Social Workers and primarily engaged in providing diagnostic evaluations, psychological counseling/therapy or development and implementation of behavioral treatment plans. |
| 125 | Social Worker - LCSW: An individual registered as a Licensed Certified Social Worker by the Board of Registration of Social Workers and providing social work services. |
| 126 | Social Worker - LSW: An individual registered as a Licensed Social Worker by the Board of Registration of Social Workers and providing social work services (including casework/counseling). |
| 127 | Licensed Counselor: An individual with at least a Master's degree in counseling, or a related discipline, who is licensed by the appropriate Board of Registration and who provides counseling services. |
| 128 | Certified Vocational Rehabilitation Counselor: An individual who is certified by the Committee on Accreditation of Rehabilitation Facilities and who provides vocational rehabilitation counseling. |
| 129 | Certified Alcoholism Counselor, Certified Drug Abuse Counselor, Certified Alcoholism/Drug Abuse Counselor: An individual who is registered as either an Alcoholism Counselor, a Drug Abuse Counselor or both by the Massachusetts Board of Substance Abuse Counselor Certification and who provides counseling services for substance abusers. |
| 130 | Counselor: An individual who provides therapeutic or instructive counseling to program clients/service recipients. |
| 131 | Case Worker/Manager - Master's: An individual possessing at least a Master's degree in counseling, or a closely related discipline, who provides casework/case management services including service eligibility determination, service plan development, service coordination, resource development, advocacy, etc. |
| 132 | Case Worker/Manager: An individual who provides casework/case management services, including service eligibility determination, service plan development, service coordination, resource development, advocacy, etc. |
| 133 | Direct Care/Program Staff Supervisor: A staff member whose primary responsibility is the supervision of nonprofessional or paraprofessional direct care/program staff in the performance of their programmatic functions or whose duties involve significant responsibility for program operations or logistics. A supervisor in this component may also perform direct client care. |
| 134 | Direct Care/Program Staff III: Staff, other than those defined above, requiring a doctoral or Master's degree, specific credentials or licensure, significant experience, or specialized skills, who are responsible for the general daily care of program clients/service recipients or for primary program service delivery. This category may also be used to reflect a bilingually (including American Sign Language) or specialized staff requirements necessary to serve the developmental needs of the client(s) for staff otherwise categorized as Direct Care/Program Staff II. |
| 135 | Direct Care/Program Staff II: Staff, other than those defined above, requiring a Bachelor's degree, experience or specific skills, which are responsible for the general daily care of program clients/service recipients or for primary program service delivery. This category may also be used to reflect a bilingually (including American Sign Language) or specialized staff requirements based on the developmental needs of the client(s) for staff otherwise categorized as Direct Care/Program Staff I. |
| 136 | Direct Care/Program Staff I: Staff, other than those defined above, who are responsible for the general daily care of program clients/service recipients or for primary program service delivery. This includes relief employees on payroll. |
| 137 | Program Secretarial, Clerical Staff: Program secretarial and clerical staff required carrying on direct program clerical activities such as program or client record keeping. Accounting/Billing Staff. Staff assigned not assigned to a program but to duties related to functions of administration and overall direction of the agency are included as part of the Agency and Program Administration & Support component (Component 410). |
| 138 | Program Support, Housekeeping, Maintenance, Janitorial, Groundskeeper, Driver, Cook: Program housekeeping, maintenance and janitorial staff, ground keepers, drivers or cooks and staff who carry out direct program activities for client health and safety. Staff assigned to administrative facilities and functions is included in the Agency and Program Administration |

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| | & Support component (Component 410). |
| 139 | Direct Care Overtime Expense: Overtime payroll expense paid to exempt and nonexempt employees pursuant to discretionary overtime policies of the organizations, the U.S. Fair Labor Standards Act of 1938 and the Commonwealth's Minimum Fair Wage Law of MGL Chapter 151. Overtime payment represents the total amount of pay furnished for the time worked after the overtime threshold has been exceeded. Overtime pay is composed of strait time (regular fulltime pay for the time worked after the threshold has been exceeded) plus additional compensation furnished to an individual after the overtime time threshold has been exceeded (Time and ½ (or greater) for nonexempt employees working in excess of 40 hours per week). Discretionary overtime policies of the organizations may provide exempt employees with overtime using a threshold that may be greater or lesser than required for nonexempt employees. |
| 140 | Shift Differential Salary Expense: Salary expense incurred for providing on call services and working late night and early morning shifts. For instance, a nurse that is employed in a program who works full-time in the first shift may be paid less than the same type of nurse working full-time in the third shift. The nurse working in the second or third shift is paid the same full-time salary but receives an additional incentive payment or differential payment for working the third shift because working the third shift is a hardship. Similarly, the nurses noted above might receive payments in addition to their full-time salary and any overtime paid if the nurse agrees to be on call on days off in case the nurse's service is needed for an emergency. |
| 141 | Relief Staff Expense: Payments to an individual to provide direct care services to relieve regular employees of their direct care duties on a temporary basis. Individuals providing temporary direct care services may not be an employee of the Contractor employed to provide the same type of employment services as the relief staff services. This expense is related to individuals not considered to be independent Contractors and/or employees of the organization that are not entitled to receive overtime payments for furnishing direct care services to relieve regular employees of their duties on a temporary basis. Employees are generally entitled to receive overtime payments (not relief payments) if they occupy nonexempt positions and management permits them to work in excess of 40 hours a week to furnish employment services. Individuals not employed by the organization are considered independent Contractors if they were paid more than \$600 during the year the services were furnished to the organization. The organization is required to furnish the independent Contractor noted above with an IRS form 1099MISC. See Title 202 for relief staff services furnished on a contracted basis. |
| 150 | Payroll Taxes: Employer's share of FICA, MUICA, Worker's Compensation Insurance, FUTA (in the case of For-Profit Providers) and other payroll taxes paid by the employer on the direct care/program staff listed in category 1 on the budget. |
| 151 | Fringe Benefits: Life, health and medical insurance, pension and annuity plan contributions, day care, tuition benefits and all other non-salary/wage benefits received by the direct care/program staff listed in category 1 on the budget as compensation for their personal services. |

CATEGORY 2: OTHER DIRECT CARE/PROGRAM RESOURCES

(Components 201 - 216): Category 2 includes resources, other than direct care staff/program staff, required to carry out direct client care or support the delivery of other primary program services.

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| 201 | Direct Care Program Consultants: Individuals possessing specialized experience or expertise in matters of individual service plan design, program design, program management or operation and who are engaged to provide technical assistance on matters of appropriate client care, program design, etc. |
| 202 | Temporary Help: Individuals, in some cases, possessing specialized skills or expertise in client care and treatment, engaged on an "as needed", "on call", "standby" or "specialist" basis, to provide client care or treatment. This component includes contracted relief staff services furnished by individuals or organizations. |
| 203 | Provider Reimbursement/Stipends: Per diem reimbursement to independent individual care givers (not provider agency employees), such as family day care providers, specialized home care providers or foster families, to compensate them for their personal services and/or to defray all or a portion of the costs associated with client care in their homes. |
| 204 | Staff Training: Formal instruction to meet professional continuing education requirements, to satisfy program licensure requirements or to enable direct care staff to acquire and maintain acceptable levels of knowledge, skill and proficiency for the routine performance of their assigned functions. (Note that the staff time devoted to training should be included in the calculation of required direct care staff FTEs. Staff tuition/educational benefits paid, as a condition of employment should be included in "Fringe Benefits" Component 151.) |
| 205 | Staff Mileage/Travel: Direct care staff travel within the normal scope of the staff members' assigned duties. This category includes use of a staff member's own vehicle, as well as public transportation. |
| 206 | Subcontracted Direct Care: Client care or other program services which are a primary and integral part of the total program but which are furnished to the program, under contract, by a separate program of another provider. |
| 207 | Meals: Food, cooking materials, and other resources (other than staff compensation) required for the planning, preparation and serving of meals and snacks to clients and, if programmatically necessary, to staff. |
| 208 | Client Transportation: The resources (other than staff compensation) associated with transportation of clients to, from or among program sites as a routine part of program participation. This component shall include Provider owned vehicles (depreciation and finance charges) or leased vehicles, all associated operating, maintenance, insurance and non-owned auto insurance costs, contracted transportation, etc. |
| 209 | Incidental Health/Medical Care: The resources (other than staff compensation) associated with providing health/medical care on an as needed or emergency basis (including ambulance services) to clients of a program, which is not primarily intended to address the on-going medical needs of program participants. |
| 210 | Medicine/Pharmacy: The resources (other than staff compensation) associated with on-site inventory and administration of medically necessary prescription pharmaceuticals, patent medicines and medical supplies. |
| 211 | Client Personal Allowances: Cash paid to program clients as an incentive to program participation, as part of instruction in money management, to give clients a measure of economic independence, to acquire personal items, or other program purpose. This category includes "indirect" client wages (i.e. "wages" which are not related to the economic value of the client's work product/productivity). |
| 212 | Provision of Material Goods, Services and Benefits: Resources, other than those defined above, associated with provision of material goods or services - such as prosthetic and adaptive devices, nutrition or day care vouchers - to eligible program |

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| | clients/recipients. |
| 213 | Data Processing: Resources (other than staff compensation) associated with the collection, analysis and reporting of data as a program and agency administrative support function, including owned (depreciation and finance charges only) or leased computer hardware and software. These resources should be included in the agency and program administrative support component 410. |
| 214 | Commercial Income Resources: Resources, other than those defined above, such as consumer wages, benefits and taxes, raw materials, production equipment and consumables, freight and transportation, and marketing associated with the use of client labor in the production or assembly of a product or service as a part of the client's program of vocational training/rehabilitation or sheltered employment. |
| 215 | Program Supplies, Materials and Expendable Items of Equipment and Furnishings: Program residential, educational, vocational and recreational supplies and materials and expendable items of equipment and furnishings that are not required to be capitalized and are routinely needed for ongoing direct client care or program service delivery. |
| 216 | Program Support: This component is for direct administrative program support that is associated with a single program(s) and NOT allocated across programs as an indirect cost or identified in component title 410 as other professional fees, office equipment depreciation, professional insurance, and working capital interest or in title 390 as leased office equipment and office furnishing used in a program. This component does not include personnel ; all program personnel must be included in components 101 - 138. Program support is for costs separately identified in a POS program contract budget of Attachment 3 on the line titled Program Support. These costs are intended to meet the specialized and/or non-recurring needs of the program, which may include maintenance, and accreditation fees. This component title may not include resources defined as Non-Reimbursable Costs by regulation 808 CMR 1.05 (Effective 2/1/97 808 CMR 1.05), e.g., certain consultant compensation, current expensing of capital budgets, fund-raising etc. |

CATEGORY 3: OCCUPANCY

| | |
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| 301 | Program Facilities: Owned or leased program facilities and grounds (including rent or mortgage interest and building depreciation). This component may not include the costs of principal or amortization, which is non-reimbursable, costs under 808 CMR 1.00. |
| 390 | Facilities Operation, Maintenance, Equipment and Furnishing: This category includes all resources associated with occupancy; furnishing and maintenance of program facilities, including all utilities (other than telephone), contracted housekeeping, laundry, contracted grounds keeping, routine repair and maintenance, leased office equipment and office furnishings and equipment and routine replacement (depreciation and finance charges only) of capitalized program furnishings and equipment, property and general liability insurance, real estate taxes or payments in lieu of taxes, and all other such resources/expenses. This component does not include the cost of employees on the payroll (see 138 - Program Support Housekeeping, Maintenance, Groundskeeper, Janitorial, Driver, and Cook). |

CATEGORY 4: ADMINISTRATIVE SUPPORT

| | |
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| 410 | <p>Agency and Program Administration and Support: This component is for resources related to administration and support activities that are both directly related to a program (direct costs) and those that are related to the overall direction of the agency. Cost associated with the overall direction of the agency may cross all agency programs and are not directly associated with any one program or a combination of programs but provide indirect benefit to those programs (indirect administration). Costs providing indirect benefit to programs include administrative costs, management and general costs and all resources reasonably necessary for the policy making, management, and administration related to the overall direction of the organization that are separately disclosed in the Statement of Functional Expenses Administration (MNGT. & GEN) column. Indirect administrative costs are also allocated to a program or programs as Admin (M&G) Reporting Center cost on 52E of the Admin (m&g) column of Organization Supplemental Information Schedule A to line 52E of the Program Supplemental Information Schedule B. These indirect Agency Administration costs indirectly benefiting a POS program are included in Attachment 3 of the POS contract budget on the line titled Agency Admin Support Allocation. In addition, this title includes administrative costs directly benefiting a program or programs that are charged to that program or programs as direct costs (ex. program other professional fees, program professional insurance, and program office equipment depreciation and working capital interest). Administrative costs that directly benefit programs are included in Attachment 3 of the POS contract budget on the line titled Other Direct Administrative Costs.</p> <p>Leased office equipment and office furnishings that are used in a program are disclosed in title 390 Facilities Operation, Maintenance, Equipment and Furnishing and included in Attachment 3 of the POS contract budget on the line titled Other Direct Administrative Costs.</p> <p>All other administrative costs that directly benefit a program and meet the specialized needs of the program are contained in title 216 Program Support. Title 216 Program Support costs are included in Attachment 3 of the POS contract budget on the line titled Program Support.</p> <p>Administration and support costs include but are not limited to administrative, clerical and support personnel (use title 137 if clerical and support personnel are assigned to a program), office supplies and materials, leasing or routine replacement (depreciation and financing interest only) of office equipment, telephone, costs related to occupancy of administrative premises, advertising and recruitment, postage, printing and reproduction, administrative and support staff training and travel, officer/director/trustee compensation, parent organization costs, legal, auditing, management consultants and other professional fees, working capital interest, directors and officers insurance, and all other similar or related resources/expenses. The reimbursable price may not include resources defined as Non-Reimbursable Costs by regulation 808 CMR 1.05 (Effective 2/1/97 808 CMR 1.05), e.g., fund-raising or discriminatory benefits. See component title 216 Program Support for related activity.</p> |
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CATEGORY 5:

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| 510 | Not in Use at DPH (DPH only uses cost reimbursement budgets, line 510 is not appropriate). |
|-----|--|



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
CYNTHIA M. VANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR
2014 OCT -2 A 11:43
ELLEN M. STAVROPOULOS
PARALEGAL

October 2, 2014

Patricia Pope
President
Marlborough City Council

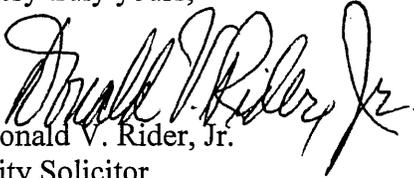
RE: Executive Session Request –
Wireless Special Permit Dispute Involving Two Properties on Boston Post Road

Honorable President Pope and Councilors:

I respectfully request an executive session with the Council on Monday evening for the purpose of discussing litigation strategy in a wireless special permit dispute involving two properties on Boston Post Road. I have enclosed a proposed motion for this request.

Thank you for your attention to this matter.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure (Motion)

MOTION:

It is moved, in conformance with the provision of section 21(a)(3) of Chapter 30A of the General Laws of the Commonwealth, that the Marlborough City Council conduct an executive session for the purpose of discussing litigation strategy in a wireless special permit dispute involving two properties on Boston Post Road, as an open meeting may have a detrimental effect on the litigating position of the City of Marlborough and the City Council, and the chair hereby declares that an open meeting may have that effect.

It is further moved and stated that the City Council will re-convene in open session after the executive session.



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 OCT 1 11:03 AM
CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR
ELLEN M. STAVROPOULOS
PARALEGAL

October 1, 2014

Patricia Pope
President
Marlborough City Council

RE: GE Healthcare Bio-Sciences Corp.'s TIF Proposal
Order No. 14-1005920A

Dear President Pope and Members:

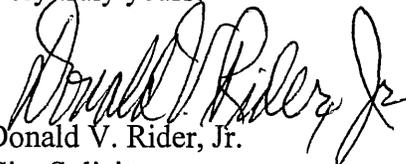
After the Finance Committee had completed its review of the Tax Increment Financing ("TIF") proposal from GE Healthcare Bio-Sciences Corp., it came to my attention that two revisions to the proposed TIF agreement were in order. Enclosed is the agreement revised as follows.

First, consistent with the 7th whereas clause on page 1 of the TIF agreement, Section B.1(d) on page 3 was revised to clarify that the 77 jobs existing as of July 11, 2014 are being relocated from GE's location at 170 Locke Drive in Marlborough to the 200 Forest Street site. In turn, the 110 jobs cited in GE's EDIP application represent those 77 jobs at Locke Drive along with 33 more being relocated from GE's other Massachusetts locations in Westborough and Woburn.

Second, the Schedule of Job Creation on page 4 was revised to properly show the total cumulative number of new permanent full-time jobs being created and maintained over the term of the agreement, rather than simply the number of such jobs being created each year.

So revised, the TIF agreement is ready for your vote of approval. Thank you for your attention to this matter.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure
cc: Arthur G. Vigeant, Mayor

**TAX INCREMENT FINANCING AGREEMENT BETWEEN
THE CITY OF MARLBOROUGH, GE HEALTHCARE BIO-SCIENCES CORP. AND
ATLANTIC-MARLBORO REALTY, LLC**

This **TAX INCREMENT FINANCING AGREEMENT** (the "**TIF Agreement**" or the "**Agreement**") is made by and between the City of Marlborough (the "**City**"), **GE Healthcare Bio-Sciences Corp.** (the "**Company**"), and Atlantic-Marlboro Realty, LLC (the "**Owner**").

WHEREAS, the City is a Massachusetts municipal corporation acting through its City Council and Mayor, having its principal office located at City Hall, 140 Main Street, Marlborough, MA 01752; and

WHEREAS, the Company is a domestic for-profit corporation having its principal U.S. headquarters located at 800 Centennial Boulevard, Piscataway, NJ, and is authorized to do business in Massachusetts; and

WHEREAS, the Owner is the fee owner of the parcel of land located at 200 Forest Street, Marlborough, Massachusetts 01752, as further depicted on Marlborough City Assessor's Map 101, Parcel 2 (the "**Property**"); and

WHEREAS, the Company intends:

- 1) to lease from the Owner a minimum of 160,000 square feet of space of the approximately 537,582 square foot building, located at 200 Forest Street, Marlborough, together with parking facilities and other improvements located thereon (hereinafter, the leased space is defined as the "**Project Area**"); and
- 2) to make improvements to the Project Area in furtherance of constructing a North American corporate headquarters and state-of-the-art research and development facility; and

WHEREAS, the Project Area is to be located within the boundaries of the Framingham-Marlborough Regional Economic Target Area (ETA) (as that term is used in Massachusetts General Laws, Chapter 23A, Section 3D, and referred to below as the "**ETA**"); and

WHEREAS, the Project Area is located within the 200 Forest Street Economic Opportunity Area (EOA) (as that term is used in Massachusetts General Law, Chapter 23A, Section 3E, and referred to below as the "**EOA**"); and

WHEREAS, the Company expects to have based out of the Project Area approximately 77 permanent, full-time jobs presently located in Marlborough, Massachusetts, and beginning on the effective date of this agreement, to create and, over the term of the TIF Agreement, to maintain at the Project Area 220 new, permanent, full-time jobs open to qualified residents of Marlborough and the ETA; and

WHEREAS, the renovations to the Project Area are estimated to result in an initial capital investment by the Company of approximately \$21.0 million in combined soft, real property and personal property costs (the "**Project**"); and

WHEREAS, the Owner shall make additional improvements to the Project Area in accordance with the terms of the lease agreement; and

WHEREAS, the parties to the Agreement are desirous of entering into a TIF Agreement which shall pertain solely to the Project Area and not to any other portion of the Property, and which shall be in accordance with the Massachusetts Economic Development Incentive Program (EDIP) and Chapter 23A of the Massachusetts General Laws; and

WHEREAS, the City strongly supports increased economic development to provide additional jobs for residents of Marlborough and the ETA, to expand business within the City, and to develop a healthy robust economy and stronger tax base; and

WHEREAS, the Project and its related job creation will further the economic development goals and criteria established for the ETA and EOA; and

WHEREAS, by a letter dated August 21, 2014, the Mayor recommended the TIF Agreement to the Marlborough City Council;

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and contingent upon receipt of authorization from the City Council and in accordance with applicable law, the parties hereby agree as follows:

A. THE CITY'S OBLIGATIONS.

1. The City Council approved the provisions of this TIF Agreement on _____, 2014 pursuant to the Resolution attached hereto. The City Council hereby authorizes the Mayor to execute this TIF Agreement on the City's behalf, and to monitor and enforce compliance by the Company and the Owner with this TIF Agreement's terms. The Mayor is authorized to act for and on behalf of the City in proceedings relating to the approval of this Agreement by the Massachusetts Economic Assistance Coordinating Council (the "EACC").
2. A Tax Increment Financing exemption (the "Exemption") for the Project Area is hereby granted to the Company and the Owner by the City in accordance with Chapter 23A, Section 3E; Chapter 40, Section 59; and Chapter 59, Section 5, Cl. Fifty-first, of the Massachusetts General Laws. The Exemption shall be for a period of Ten (10) years (the "Exemption Term"), commencing on July 1, 2015 (the beginning of fiscal year 2016) and ending on June 30, 2025 (the end of fiscal year 2025). The Exemption shall pertain to real property taxes for the Project Area, according to the following schedule:

**PROJECT AREA'S REAL PROPERTY
TAX EXEMPTION SCHEDULE**

| REAL PROPERTY EXEMPTION | |
|--------------------------------|-----------------------------|
| Fiscal Year | Exemption Percentage |
| 2016 | 100% |
| 2017 | 100% |
| 2018 | 90% |

| | |
|------|-----|
| 2019 | 80% |
| 2020 | 70% |
| 2021 | 60% |
| 2022 | 40% |
| 2023 | 35% |
| 2024 | 30% |
| 2025 | 25% |

3. The base valuation for the Project Area shall be the assessed valuation of the Project Area in the base year. The base year is the most recent fiscal year immediately preceding the fiscal year in which the property becomes eligible for the TIF exemption. As provided in 760 C.M.R. 22.05(4)(d), see 402 C.M.R. 2.22, the Project shall become eligible for the Exemption on the July 1st following the date on which the EACC approves the TIF Plan, which is expected to be December 17, 2014. Therefore, the exemption is expected to commence on July 1, 2015, which is the beginning of fiscal year 2016. Accordingly, the base year for this TIF Agreement will be fiscal year 2015. Consequently, the base valuation for the real property pertinent to the Project Area will be determined as of January 1, 2014.
4. The base valuation shall be adjusted annually by an adjustment factor, which reflects increased commercial and industrial property values within the community, as provided in Chapter 40, Section 59 of the Massachusetts General Laws and in 760 C.M.R. 22.05(4)(b), see 402 C.M.R. 2.22. This adjusted base valuation will remain fully taxable (i.e., the Tax Increment Financing Exemption shall not apply to or be calculated with respect to the adjusted base valuation and no portion of the adjusted base valuation shall be eligible for exemption from Chapter 59 property taxation) throughout the term of this TIF Agreement. Only the increased value or "increment" created by improvements will be the amount eligible for exemption from taxation.

B. THE COMPANY'S OBLIGATIONS AND THE OWNER'S OBLIGATIONS.

1. The City is granting the Tax Increment Financing Exemption for the Project Area in consideration of the following commitments:
 - (a) In anticipation of the receipt of the TIF benefits described in this Agreement, the Company agrees that it will lease the Project Area from the Owner and develop the site into a North American corporate headquarters and state-of-the-art research and development facility;
 - (b) As part of leasing the Project Area, the Company agrees that it will make capital improvements which is currently estimated to be approximately \$21.0 million in combined soft, real property and personal property costs, and that it will timely pay all municipal permit fees required in connection with such improvement and investment;
 - (c) The Company and the Owner agree to timely pay all of the taxes owed to the City by the Company and the Owner, respectively, over the term of this TIF Agreement; and
 - (d) The Company agrees to relocate to the Project Area 77 permanent full-time jobs existing as of July 11, 2014 and presently located in Marlborough, Massachusetts; and following July 11, 2014, to hire and, over the term of the Agreement, to maintain a minimum of 220 new permanent full-time employees (as "permanent full-time employee" is defined in

402 C.M.R. 2.03), to be employed at the Project Area ("New Permanent Full-Time Employees"). The following schedule details the Company's schedule of job creation:

| SCHEDULE OF JOB CREATION | |
|---------------------------------|---|
| End of Fiscal Year(s) | Minimum Cumulative New Permanent Full-Time Employee Requirement |
| June 30, 2016 | 120 |
| June 30, 2017 | 220 |
| June 30, 2018 | 220 |
| June 30, 2019 | 220 |
| June 30, 2020 | 220 |
| June 30, 2021 | 220 |
| June 30, 2022 | 220 |
| June 30, 2023 | 220 |
| June 30, 2024 | 220 |
| June 30, 2025 | 220 |

The Company shall work in good faith in accordance with Section B.1(e) below and shall maintain a base employment figure of 77 permanent full-time jobs and create net new 220 full-time jobs to the Commonwealth of Massachusetts over the period starting on July 11, 2014, and maintain said employment job creation, in accordance with the Schedule of Job Creation referenced above, during the life of the Agreement.

- (e) Such New Permanent Full-Time Employees shall be exclusive of the Company's 77 permanent, full-time jobs located throughout Massachusetts as of July 11, 2014 and to be relocated to the Project Area. In meeting its cumulative New Permanent Full-Time Employee commitment above, and consistent with all federal, state and local laws and regulations, the Company may use reasonable efforts to make available application opportunities for the New Permanent Full-Time Employee positions to qualified residents of Marlborough and then the regional ETA. Determination of whether any individual is qualified for any specific job or position shall be in the Company's sole discretion, and nothing herein shall be deemed to create any obligation of the Company to hire any of said residents. The Company will meet its obligation to make such application opportunities available to such residents if, in conjunction with the Mayor's office and the Marlborough Economic Development Corporation, the Company participates in a job fair in Marlborough that is sponsored by the Marlborough Economic Development Corporation for staffing its Project Area.
2. The Company shall submit annual written reports on job creation and maintenance at, job relocation to, and new investments at, the Project Area to the City of Marlborough Board of Assessors and Mayor and to the EACC by the end of December of each calendar year with respect to the immediately preceding fiscal year during which this TIF Agreement is in effect. Reports shall be submitted for fiscal year 2015 and for every fiscal year thereafter falling within the term of this TIF Agreement; thus, the report for fiscal year 2015, ending on June 30, 2015, shall be submitted by the end of December 2015. In addition to information that may be required by the EACC pursuant to 402 C.M.R. 2.14, the annual report shall be comprised of the following information:

- (a) Employment levels at the Project Area at the beginning and end of the reporting period, with a designation of the number of employees that are net new employees as of the effective date of this Agreement and the number of employees that were employed by the Company in Massachusetts prior to the effective date of this Agreement;
- (b) The specific number of ETA and Marlborough residents respectively employed at the Project Area at the beginning and at the end of the reporting period;
- (c) An accounting of the efforts made by the Company to make New Permanent Full-Time Employee positions available to qualified residents of Marlborough and then to the regional ETA;
- (d) A narrative of the reasonable efforts made by the Company to solicit Marlborough businesses, vendors and suppliers to participate in requests for quotations for goods and services to be purchased by the Company as part of the Project, including but not limited to the improvements to the Project Area, as well as the purchase of new machinery and equipment as part of the Project (collectively, "Engage Local Businesses");
- (e) The Company's financial contribution to the City (including property taxes, motor vehicle excise taxes, and water and sewer fees) for the fiscal year; and
- (f) A description of any private investment, including but not limited to donations and/or perpetual maintenance of land for recreational purposes, made by the Company for the benefit of the community during the reporting period.

During the term of this TIF Agreement, the Company and the Owner shall provide the City with any and all information related to the Project Area, including the Company's and the Owner's improvements to the Project Area, which the parties mutually agree should be provided.

3. The Tax Increment Financing Exemption percentage applicable to the tax exemption schedule above will automatically be adjusted downward in any particular fiscal year that the Company does not meet its minimum cumulative New Permanent Full-Time Employee requirements described in the Schedule of Job Creation above. Under this Paragraph 3, the exemption percentage applicable to the exemption schedule above will be adjusted for the fiscal year beginning after the job requirement date, utilizing the following formula:

(Actual Cumulative New Permanent Full-Time Employee Level / Minimum Cumulative New Permanent Full-Time Employee Requirement) x Scheduled Exemption Percentage = Actual Exemption Percentage.

For example, if the actual cumulative New Permanent Full-Time Employee level at the end of FY 2017 is 200 instead of 220, then the real property tax exemption percentage otherwise applicable for FY 2018 would actually be $(200/220) \times 90\%$, or 81.8%.

The exemption percentages applicable to the tax exemption schedule above will, for later fiscal years, revert back to the original exemption schedule if the Company restores the job level based on the minimum cumulative New Permanent Full-Time Employee requirement for that later year. If the Company meets or exceeds its minimum cumulative New Permanent Full-Time Employee requirements, the exemption schedule will not be adjusted.

4. The Company will be in default of its respective obligations under this TIF Agreement if the City reasonably determines that the Company materially fails to meet or comply with any of the requirements specified in Paragraphs 1 or 2 of this Section B or Paragraph 5 or 6 of this Section B below, and the City further reasonably determines that such failure continues or remains uncured for sixty (60) days (or such longer time as the City may deem appropriate under the circumstances) after the date of written notice, provided by the City to the Company, explaining in reasonable detail the grounds for or nature of such failure. Upon the City's determination that any default by the Company has continued or remained uncured for such period after the date of such written notice, the City may take such action as it deems appropriate to enforce the Company's obligations under this TIF Agreement, including but not limited to a request that EACC revoke its certification of the Project for eligibility for a Tax Increment Financing Exemption; any such request would be in addition to the automatic downward adjustment of the exemption schedules, as described in Section B.3 above. Upon any such decertification, the City shall have the right, upon written notice to the Company, to terminate the Tax Incremental Financing Exemption benefits described in Paragraph 2 of Section A, commencing as of the fiscal year in which the City has determined the Company to be in default or, if such benefits have already been received by the Company, for the fiscal year in which the City has determined the Company to be in default, commencing as of the fiscal year immediately following that fiscal year. Any notice required hereunder shall be sent, certified mail, return receipt requested, or delivered in hand, to the Company at the Project Area's street address. Said notice shall be effective upon receipt.

5. If, at any time prior to the expiration of the term on this Agreement, the Company moves from, vacates, abandons, or otherwise fails to maintain operations in the Project Area, the City shall be entitled to be paid back forthwith by the Company a sum equal to a proportionate share of the amount of tax savings that had been received by the Company under this Agreement in the fiscal year immediately prior to the fiscal year when the Company moves from, vacates, abandons, or otherwise fails to maintain operations at the Project Area, according to the following schedule:

COMPANY'S PAY-BACK SCHEDULE

| FY that the Company Moves From, Vacates, Abandons, or Otherwise Fails to Maintain Operations at Project Area | Percentage of Tax Savings from Prior Fiscal Year to be Paid Back to City |
|--|--|
| 2016 | 90% |
| 2017 | 80% |
| 2018 | 70% |
| 2019 | 60% |
| 2020 | 50% |
| 2021 | 40% |
| 2022 | 30% |
| 2023 | 20% |
| 2024 | 10% |
| 2025 | 5% |

Such pay-back amounts shall be paid back by the Company in full within sixty (60) days of a written demand by the City. If payment is not timely made, interest shall accrue at the rate of one percent (1%) per month until such time as full repayment has been made.

The City shall be given sixty (60) days' written notice prior to any Company announcement to the general public (specifically excluding any communications to the Owner or the Company's employees) of a proposed move from, vacation of, abandonment of, or other termination of operations at, the Project Area during the term of this Agreement, unless such notice would be in violation of any law, regulation or contractual obligation of the Company. Said notice shall identify the prospective new tenant, if any; may include information about such prospective new tenant which is not otherwise subject to a confidentiality agreement; and shall be given to: Mayor's Office and to the Board of Assessor's Office, City Hall, 140 Main Street, Marlborough, MA 01752. Said notice will be the confidential information of Company and the City shall not, except as required by law, disclose any information provided by the Company regarding any proposed disposition of the Project Area or any portion thereof by the Company or the Owner.

6. The Company shall use reasonable efforts to Engage Local Businesses to participate in requests for quotations for goods and services to be purchased by the Company as part of the Project, including but not limited to the improvements to the Project Area, as well as the purchase of new machinery and equipment as part of the Project. So long as the Company contacts the Marlborough Economic Development Corporation at the later of: (i) the beginning of the Project, or (ii) within a reasonable amount of time after the Agreement has been executed by all parties, with a description of the qualifications of the local businesses, vendors and suppliers from whom, at that time, the Company is seeking requests for quotations, the Company shall be deemed to have made reasonable efforts to Engage Local Businesses under this Section 6. However, the extent to which the Company shall hire or purchase from local businesses, vendors and suppliers under this Section 6 shall be in Company's sole discretion, and nothing herein shall be deemed to require the Company to hire or purchase from local businesses, vendors and suppliers.

C. OTHER CONSIDERATIONS.

1. Pursuant to 760 C.M.R. 22.05(8)(d), *see* 402 C.M.R. 2.22, this Agreement shall be binding upon the Company and its successors and assigns, and upon the Owner and its successors and assigns, so long as the Project's certification has not been revoked by EACC.
2. This Agreement is subject to M.G.L. Chapter 23A, Sections 3A-3F inclusive; M.G.L. Chapter 40, Section 59; and M.G.L. Chapter 59, Section 5, Cl. Fifty-first.
3. The Owner shall pass along to the Company all real property tax savings resulting from this Agreement.
4. Should any part, term or provision of this Agreement be determined by any court of competent jurisdiction to be illegal or invalid, the validity of the remaining parts, terms, and provisions shall not be affected thereby and said illegal or invalid part, term or provision shall be deemed not to be a part of this Agreement.
5. The effective date of this Agreement shall be December 17, 2014, the (presumptive) date of the Economic Assistance Coordinating Council's approval of the TIF Plan and Zone and TIF Agreement.

6. All notices, reports or other communications required or permitted under this TIF Agreement must be in writing signed by a duly authorized representative of the City, Company, or Owner, or as the case may be, and shall be (i) hand delivered, (ii) delivered by a nationally recognized overnight delivery service, or (iii) mailed by certified or registered mail, return receipt requested, postage prepaid, to the parties at the following addresses or such other addresses as each may have specified to the other by such a notice:

CITY: City of Marlborough
City Hall
Attention: Mayor's Office
140 Main Street
Marlborough, MA 01752

COMPANY: GE Healthcare Bio-Sciences Corp.
Attention: Morgan Norris, President
170 Locke Drive
Marlborough, MA 01752

cc: Tony Kotarski, Property Manager
GE Healthcare Bio-Sciences Corp.
170 Locke Drive
Marlborough, MA 01752

At the start of fiscal year 2016, all communications should be delivered to the Company at the Project Area's street address.

OWNER: Atlantic-Marlboro Realty, LLC
Attention: Joseph Zink, President/CEO
Atlantic Management Corporation
205 Newbury Street
Framingham, MA 01701

WITNESSETH, the execution and delivery of this Agreement by the Company, the Owner and the City as an instrument under seal as of the date last written below by the signatories hereto.

AGREED TO:

GE HEALTHCARE BIO-SCIENCES CORP.

By: _____
Morgan Norris
President
GE Healthcare Bio-Sciences Corp.

Dated: _____, 2014

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On _____, 2014, before me, the undersigned notary public, personally appeared Morgan Norris, as President of GE Healthcare Bio-Sciences Corp., and proved to me through satisfactory evidence of identification, which was _____, that he is the person whose name is signed on the preceding or attached document.

Notary Public
Printed Name: _____
My Commission Expires: _____

ATLANTIC-MARLBORO REALTY, LLC

By: _____
[name]
Manager
Atlantic-Marlboro Realty, LLC

Dated: _____, 2014

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On _____, 2014, before me, the undersigned notary public, personally appeared _____, as manager of Atlantic-Marlboro Realty, LLC, and proved to me through satisfactory evidence of identification, which was _____, that s/he is the person whose name is signed on the preceding or attached document.

Notary Public
Printed Name: _____
My Commission Expires: _____

CITY OF MARLBOROUGH

By: _____
Arthur G. Vigeant
Mayor
City of Marlborough

Dated: _____, 2014

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On _____, 2014, before me, the undersigned notary public, personally appeared Arthur G. Vigeant, as Mayor of the City of Marlborough, and proved to me through satisfactory evidence of identification, which was _____, that he is the person whose name is signed on the preceding or attached document.

Notary Public
Printed Name: _____
My Commission Expires: _____

**CERTIFICATE OF THE SECRETARY OF
GE HEALTHCARE BIO-SCIENCES CORP.**

October __, 2014

The undersigned, Cherylyn Waibel, hereby certifies as follows:

1. The undersigned is the duly elected Secretary of GE Healthcare Bio-Sciences Corp., a Delaware corporation (the "Company").
2. The undersigned hereby certifies that Morgan Norris, President of the Company, is authorized to execute binding agreements on the Company's behalf, including without limitation the Tax Increment Financing Agreement among the City of Marlborough, the Company, and Atlantic-Marlboro Realty, LLC.

The undersigned has executed this certificate as Secretary of the Company as of the date first written above.

Cherylyn Waibel
Secretary

Fletcher Tilton PC
Attorneys at law

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2014 OCT -2 A 9: 55

The Guaranty Building

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

October 2, 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:

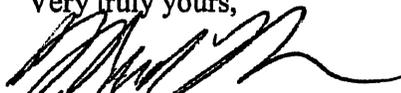
As you are aware from previous correspondence, this office represents Chick-Fil-A, Inc. with regard to the above referenced Application for Special Permit.

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 December 17, 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

Please direct all correspondence to our Worcester office.

Call to Order

September 8, 2014

2014 SEP 23 A 11:06

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

Barbara Fenby, Shawn McCarthy and Brian DuPont were absent.

Also in attendance were Board Secretary Melissa Irish & City Engineer Evan Pilachowski.

1. Meeting Minutes:

A. Regular Meeting August 18, 2014

On a motion made by Ms. Hughes, seconded by Mr. Fay, it was voted to accept and place on file the minutes of the July 21, 2014 regular meeting as amended. Motion carried with Mr. Coveney abstaining.

2. Chair's Business: None

3. Approval Not Required: None

4. Public Hearings: None

5. Pending Sub Division Plans: Updates and Discussion:

A. Engineers Report:

City Engineer Pilachowski reported out to the Board that all information he had to report will be taken up later in the agenda. (Unfinished Business)

6. Preliminary/Open Space Submissions/Limited Development Subdivisions: None

7. Definitive Subdivision Submission: None

8. Signs:

A. Stella's Custom Cakes – 25 Boston Post Rd East (Continued) (October 2, 2014)

Ms. Stella Luberto was in attendance to discuss the request.

In an effort to determine exactly what is attached to the site at 25 Boston Post Rd East the Board is requesting the Code Enforcement Officer visit the site after review of the files to determine the extent of signage at the property both legally and illegally installed. The request is to have the information reported out at the next meeting on September 22, 2014.

Mr. Fay noted his opposition to continuing this item due to the fact that this is clearly a landlord/tenant/code enforcement issue. The Board has no basis in issuing a variance as requested.

On a motion made by Ms. Hughes, seconded by Mr. Coveney this item was tabled until the next meeting. Motion carried with Mr. Fay in Opposition.

9. Unfinished Business:

A. Berlin Farms Update

Mr. Steve Poole Engineer of Record for the project was in attendance to update the Board. Mr. Poole noted that some progress has taken place; the access road has been re-loamed and seeded. The as-built plans have been submitted and reviewed by the Engineering Department. However the detention basin has not been cleaned yet.

The Board will be expecting a report from Mr. Freeman at the next regularly scheduled meeting. September 22, 2014.

On a motion made by Ms. Hughes, seconded by Mr. Coveney the reporting from Mr. Poole was accepted and the matter is continued to the next regularly scheduled meeting. Motion carried.

B. Blackhorse Farms Update

Ms. Hughes read into the record the email communication from City Engineer Pilachowski to FRE Development. City Engineer Pilachowski forwarded to the Board members photos that were taken of the current condition of the Subdivision. Also noted by City Engineer Pilachowski the Engineering Department has not heard from the developer since the email of September 5.

Also in attendance was Ward 1 City Councilor Joseph Delano who is looking to assist a current resident of Blackhorse Farms to get the developer to correct conditions that have been created by the ongoing work.

The information was forwarded to City Engineer Pilachowski to follow up on the complaint.

On a motion made by Ms. Hughes seconded by Mr. Fay the communication was accepted and placed on file.

On a motion made by Ms. Hughes, seconded by Mr. Fay it was voted to table this item and have it appear on the next regularly scheduled meeting agenda on September 22, 2014. Motion carried.

C. Mauro Farms Update

Mr. Fay noted his previously disclosed conflict.

City Engineer Pilachowski noted for the Board that no construction schedule has been received even though there have been numerous requests put forth. There has also been no progress on the items listed on the punch list from Phase I.

It was also of note that a communication has been received by the Engineering Department pertaining to a potentially dangerous situation caused by the removal of a crosswalk on Cook Lane due to the construction and the laying of utilities to the project site. It was reported by City Engineer Pilachowski that in fact the crosswalk is disrupted and there is an ongoing issue involving the water gate that is placed under that crosswalk however the crosswalk should be

repainted as soon as possible.

On a motion made by Mr. Fay seconded by Mr. Coveney it was voted to send a communication to the developer requiring the painting of the cross walk take place As Soon As Possible. By way of notification a copy of this letter will also be forwarded to the Traffic Commission for possible inclusion in an upcoming agenda with potential action to follow. Motion carried.

10. Informal Discussions: None

11. Correspondence:

A. Directions Summer 2014 Issue

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

12. Public Notices of other Cities and Towns:

A. Town of Framingham, Planning Board Public Hearing (2) September 18, 2014

B. Town of Sudbury, Board of Appeals Public Hearing September 8, 2014

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

13. Executive Session

A. Discussion of litigation strategy regarding a proposed subdivision

On a motion made by Mr. Fay, seconded by Ms. Hughes it was voted to: Pursuant to Mass. Gen. Laws c. 30A section 21(a)(3), to enter executive session for the purpose of discussing litigation strategy involving a proposed subdivision, as an open meeting may have detrimental effect on the litigating position of the Planning Board, and the chair so declares; and further moved to adjourn the meeting at the conclusion of the executive session.

Roll Call Vote:

Mr. Fay Yes

Ms. Hughes Yes

Mr. Hodge Yes

Mr. Coveney Yes

The Board entered into executive session at 7:35pm

Adjournment: On a motion made by Mr. Coveney, seconded by Ms. Hughes it was voted to adjourn at 8:21pm. Motion carried.

Respectfully submitted,

Colleen Hughes

/mai



CITY OF MARLBOROUGH RECREATION DEPARTMENT

239 Concord Road
Marlborough, Massachusetts 01752
Tel (508) 624-6925 FAX (508) 624-6940 TTY (508) 460-1619

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COMMISSIONERS
Brenda Calder
Thomas Evangelous
Robert Kays, Chairman
Nancy Klein
Mark Vital
Dennis Zilembo

2014 SEP 18 P 3:28
DIRECTOR
David T. Grasso

PROGRAM MANAGER
Charles Thebado

May 14, 2014

Pursuant to notice duly filed with the City Clerk, a meeting of the Parks and Recreation Commission was held at 4:00pm., at the Recreation Commission Office.

Present were Commission Members: Chairman Kays, Commissioner Calder, Commissioner Evangelous and Commissioner Klein.

Also attending: Recreation Director David Grasso, Recreation Program Manager Chuck Thebado, DPW Commissioner John Ghiloni.

Approval of minutes 03-12-2014

On a motion duly made by Commissioner Klein and seconded by Commissioner Evangelous, it was unanimously:

VOTED: To approve the 03-12-2014 minutes.

Parks Report:

DPW Commissioner John Ghiloni gave the following updated parks report:

- Ward Park : Design stage – 3 million construction to begin by September.
Meeting with neighbors Wednesday, May 21st, at 6pm.
- High School : Tennis Courts will be rehabbed before the next school year begins.
- Stevens: Will purchase lights/old ones will ripped out and put new lights.
Working with Priscilla Ryder regarding a grant for the concession stand, new playground, tennis, trees.
Project will start in September.
- Hildreth: Replacing back field lights.
Scoreboard will be up within couple of months.
- Memorial Beach Project should be completed by Memorial Day.
Brief discussion regarding Memorial Beach Rules and Regulation & Hours.
Commission members will review the sign suggestions and will advise the department with their recommendation.
- Received proposals for MHS, MS, and Ward Park Tennis Courts.
- Memorial Beach Ceremony: Commission will be advised in advance regarding date and time.

The Commission thanked Commissioner Ghiloni for his time and updated parks report.

Recreation Report:

Recreation Director David Grasso and Program Manager Chuck Thebado gave the following updated report:

- April Vacation PSA went great
- Preparing for summer:
 - a. Interviews – position for swim, lifeguard, boat launch.
 - b. Scheduling for Training
 - c. Looking to open by June 14th.
 - d. We need to go over new signage for Memorial Beach.
Brief discussion regarding locking the gate, security cameras, concession stand hours/days?
Also brief discussion regarding appliances needed, and items to sell.
 - e. Who will be responsible for the daily beach maintenance – trash pick up?
 - f. Needham Soccer Tournament next weekend.
 - g. Budget hearing postponed.
 - h. Meeting with Labor Day Parade.
 - i. Training tomorrow last of six sessions.
 - j. Mayor would like to pursue PARC Grant for landfill.

On a motion duly made and seconded, it was unanimously:

VOTED: To apply PARC Grant for landfill.

Recreation Program Manager Thebado informed the Commission the following:

- *PSA registrations are ongoing.
- *Swimming Lessons registrations will start on Thursday, June 5th.
- * Martial Arts Adventure and Summer Horseback Riding Lessons Camps are on our website.
- * Golf Camp is going very well - almost sold out.

The Commission thanked Mr. Grasso and Mr. Thebado for their updated report.

Meeting adjourned at 5:10pm.

Attest to:



Simela Perdikomatis
Senior Clerk/Comm. Secretary

School Council Meeting
June 4, 2014

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2014 OCT -1 A 8:06

Present: Lauren Beishline, Rachel Dass, Sue Gordon, John Grace, Craig Hardimon, Ann Kinslow, Heather Kohn, Marlene Manell, Darren McLaughlin, Cathy Mogavero, Rita Smith, George Whapheim, Gail Yosca Lauren Bieshline

Absent: Lauren Fay, David Friess, Deb McCarthy,
Lynda Layer, Martin Levins,

Debrief from Graduation- What went well and what did not?

Photograph Area- Have the parents leave after they take a picture
Security needs to keep parents moving

Sound- Half way back from the stage had trouble hearing, sides may need more speakers

Flow- (90 minutes) – names were read at a good pace. Read the names that the students said they liked to be called.

Stating the name and then the school, workforce or military

Superintendent suggests:

Bigger stage for dignitary (School Committee; Executive Administration)

Council debated

Cons

Takes away from the students
Marlborough is not a "formal town"

Pro

Colleges do this
Recognized as leaders in the district

Senior Scholarships Awards Nigh- council suggestion – still list on the slide show

All listed Scholarships

Faculty Awards

Formal evening event

Superintendent Suggestion: Historical rationale for separating males & females

Have seniors vote in homeroom

Mix genders? Would it be easier for parents to see? Behavior issues?

Mixing Colors?

Superintendent Suggestions: National Honor Society – different robes? Council votes No

Cords are fine

Different tassels

Tri M and Arts honor students also need to be recognized in pamphlet

Order of the Event- council suggestion

President of Class and Valedictorian should speak before diplomas

The speakers are not heard

Rearrange the speaking so that an adult closes the ceremony

Announce when the singing will start and put the words on the screen

Tell band director when to start and stop because he cannot see.

Principal Suggested Changes for the School Yea 2014-2015

Schedule change-for collaboration

Curriculum department teachers meet

Weekly subject specific meet

Concern is that it will effect students getting help?

General Education Achievement Support Center

For students that are absent due to long term injury, illness or are at risk

Concern is that it will be extra preps for teachers and they will be helping a different subject

No Hats in the classroom allow, however allowed in the hallway

Concern is how to monitor this? At which point of the doorway is the classroom and which point is the hall. Hard to monitor "gray areas"

No ear buds in the hallway, they are a safety issue

August 26, 2014

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2014 OCT -1 A 8:06



**CITY OF MARLBOROUGH
OFFICE OF TRAFFIC COMMISSION
140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752**

Traffic Commission Minutes

The Regular Meeting of the Traffic Commission was held on Tuesday, August 26, 2014 at 10:00 a.m. in the City Council Committee Room, City Hall. Members present: Chairman - Police Chief Mark Leonard, DPW Commissioner John Ghiloni, Fire Chief James Fortin and City Clerk Lisa Thomas. Also present: City Engineer Evan Pilachowski, Assistant City Engineer Tim Collins and local resident from 847 Elm Street. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Tuesday, July 29, 2014.

MOTION was made, seconded, duly VOTED:
TO APPROVE

2-New Business

Chief Leonard requested a motion to suspend the rules and move item 2d) to the top as a local resident is here for this issue. All in favor.

2d) Request for deer crossing warning sign on Elm Street.

This request was made by a resident of lower Elm Street. She was looking for some type of motorist warning sign. Chief Leonard said that we can all collectively agree that we have seen deer in this area. Between the Felton Conservation Area and the Marlborough Fish & Game there is a very large wooded area. Mr. Collins advised that there is nothing in the MUTCD regulating this type of sign. It was also noted that Farm Road has a similar sign.

MOTION was made, seconded, duly VOTED to APPROVE and REFER to the DPW to determine the proper location for the signs and proceed with installation.

2a) Communication from Councilor Irish, re: No parking signs on Harrison Place; weight and dimension restrictions on West Hill Rd.

- 1- **Harrison Place** - Chief Leonard advised that he has not yet gone out to see the issue but does know it is a very short street. Mr. Collins advised that there is no parking allowed on either side of Harrison Place, however, people are parking there. There are (or were) no parking signs with arrows in both directions. They can be swapped out for standard no parking signs indicating no parking this side of street.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to review and advise.

- 2- **West Hill Road** – Chief Leonard advised that this would be considered a truck exclusion. West Hill Road would not meet the warrants for a truck exclusion. Drivers seem to be following their GPS onto these smaller roads. Mr. Collins suggested the possibility of a sign indicating that it was a “Narrow Road”. It was discussed that this could lead to other small roads requesting similar signage.

MOTION was made, seconded, duly VOTED to TABLE for now until ENGINEERING has the opportunity to review further.

2b) Plymouth St. parking restrictions.

This request was submitted by City Engineer Evan Pilachowski. A portion of this road is being reconstructed and they would like to “minimize impact” by reducing the width of the roadway to 18 feet (standard width is 24 feet). He was asking if this would be a problem for emergency vehicles. There are only two homes in this area, very little traffic, and no possibility to expand the roadway. Fire Chief Fortin said he does not have an issue with this as long as there is no parking on either side of the street. Chief Leonard advised that he would put together the regulation. Lisa Thomas advised that this could be advertised on the new webpage, though she would still also advertise it in the paper.

MOTION was made, seconded, duly VOTED to REFER to CHIEF LEONARD to create the regulation and to Lisa Thomas for advertisement.

2c) Tractor trailer traffic on Concord Rd.

A formal request for this issue was sent to Chief Leonard by a local resident. Chief Leonard advised that he has already responded and explained that Concord Road would not meet the warrants for a truck exclusion. For example, there has to be a certain number of trucks that travel the roadway per hour. He also explained that an alternate route would need to be proposed and if it involved another town, i.e. Hudson in this instance, the other town would also need to approve the exclusion. This is unlikely as it would bring more trucks onto their roadways.

MOTION was made, seconded, duly VOTED to ACCEPT and PLACE ON FILE.

3-Old Business**3j) Request for right turn lane at 445 Simarano Dr.**

Chief Leonard prepared the revised regulation to add the Right Turn Only lane at the 445 Simarano Drive entrance and submitted it for a vote.

MOTION was made, seconded, duly VOTED to APPROVE the revised regulation. A copy will be forwarded to Lisa Thomas for advertisement.

3h) Extension of parking restriction on Hosmer St. near Memorial Beach.

It appears that this issue was already resolved. The regulation to extend the no parking restriction on Causeway Street Extension to "all year" was already created, however, the signs still say parking is restricted from June to September. There is nothing to repeal as the regulation is correct. The signs need to be swapped out. Commissioner Ghiloni said the time limit signs are also on Hosmer Street. The issue is that the lot will be open year round and the parking restriction needs to stay in place. Chief Leonard advised that he had focused on Causeway Street Extension and that he will need to go back and see what is actually there in the rest of the area. However, it does not make sense to wait another month when all agree that the time limit should be removed. Chief Leonard advised that he would repeal the existing regulation and replace it with one stating no parking all year round – both sides of Hosmer from Stevens to the Hudson town line.

MOTION was made, seconded, duly VOTED to REFER to CHIEF LEONARD to prepare the proper regulations.

3c) Stop signs on Bigelow Street.

Chief Leonard advised that there may be other options for the solar powered signs we had discussed in the past (as seen in Northboro). He saw another option in Barnstable that looked less expensive. Mr. Pilachowski advised that he had a quote for another style. They were a little over \$3,000 each. The quote for four was \$13,400. This is for materials not installation. He passed out a two page specification sheet for review. Tim Collins said that the big question is the location. Chief Leonard asked who is responsible for figuring out where the most sun is and how much is needed to power them. He will need to get back to his potential funding source with specific information.

MOTION was made, seconded, duly VOTED to REFER to ENGINEERING to provide more specific details.

3f) Communication from Mayor's office, re: Feasibility of making entire length of Hayden Street one-way.

This issue was resolved at the last meeting and should be removed from the Agenda.

3i) Parking issues on Liberty Street.

Tim Collins passed out two photos of the street showing different issues. One shows an embankment which gets much worse when there is snow. The other shows a cement

retaining wall with a car parked on the sidewalk right up against the wall. He noted that people have created their own "off street" parking. He also had a large map showing the number of parking spaces available on each side. One side has 61 spots the other side has 49 spots. People will be upset if you take away "their spots". It was determined that parking would be restricted on one side from Granger up to #78 Liberty Street (@ Ringold Street). Parking will be allowed on one side as long as cars are not parked on the sidewalk. Mr. Collins will determine the number of linear feet involved and provide this information to Chief Leonard so he can create the regulation.

MOTION was made, seconded, duly VOTED to REFER to CHIEF LEONARD to prepare the regulation.

3e) Communication from Kraft Tire & Auto regarding Brigham/Maple/Walker St. intersection.

Commissioner Ghiloni has had a number of discussions with Mr. Kraft and advised him that the reconstruction project for this area is "not going to happen tomorrow". It appears that Mr. Kraft had expected it to come together sooner. All parties are aware of the situation, including Mr. Kraft. There is definitely a plan to make changes but it will not be soon.

MOTION was made, seconded, duly VOTED to REMOVE this item from the Agenda until further notice.

3g) 413-417 South St. blind driveway.

Update: Tim Collins advised that the hidden driveway sign has been installed. This is at least a start.

MOTION was made, seconded, duly VOTED to keep on the Agenda as other options are still being pursued.

3a) Municipal off street parking regulation.

At the last meeting, the Commission was working on updating the regulations for "Municipal off-street parking areas". Councilor Delano noted in the minutes that the Traffic Commission was discussing removing any reference to metered spots. He mentioned to the Chief that the parking meters may be coming back. He also noted that the CDA actually owns the garages. Chief Leonard questioned whether we actually first need a "Grant of Authority" from the CDA in order to regulate certain garages or lots. Commissioner Ghiloni said that the CDA actually has their own separate board with the Mayor as Chair. Chief Leonard advised that in order to make any rules and regulations enforceable we would need a Grant of Authority from the CDA to make it official. Chief Leonard mentioned that he has a meeting on September 4th about Marlborough parking issues. He had assumed that all these lots were city owned. He wants to understand exactly what the CDA is and who they answer to? He may have to run this by the Legal Department (Don Rider). He wants to be sure that we are creating legally enforceable rules and regulations for the city and he wants everyone to be aware of what we are doing.

Commissioner Ghiloni commented that the DPW maintains, plows, stripes etc. all the lots and parking decks.

Tim had another draft of the rules and regulations for off-street parking areas. He tried to clearly separate it into sections with specific tow zones indicated. Chief Leonard advised that we would need to table this issue for now. We were ready to make these changes in the regulations, however, first we need to clarify who controls these areas. He is hoping that things will be clearer after his meeting on the 4th.

MOTION was made, seconded, duly VOTED to TABLE until further information is available on who controls the lots.

3b) High School parking regulations.

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

3d) Traffic Commission rules and regulations update.

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

That there being no further business of the Traffic Commission held on this date, the meeting adjourned at 11:05 am.

Respectfully submitted,

Karen L. Lambert
Records Clerk
Marlborough Police Department

List of documents and other exhibits used at the meeting:

- Meeting Agenda for Tuesday, August 26, 2014 (Including City of Marlborough Meeting Posting.
- Draft copy of minutes from 7/29/14
- E-mail from Councilor Irish to Chief Leonard, dated 7/16/14 re: Harrison Pl / West Hill Road signage.
- E-mail from City Engineer Evan Pilachowski to Chief Leonard, dated 8/11/14, re: Plymouth Street
- E-mail from local resident Ron Ayotte to Chief Leonard, dated 7/29/14, re: Tractor trailer traffic on Concord Road.
- Revised "No Stopping, Standing or Parking" regulation for Causeway Street Extension
- Revised "Required Turns" regulation for the right turn only lane at 445 Simarano Drive entrance.
- Copy of mission statement for City of Marlborough Traffic Commission.

Additional Handouts

- Two photos of Liberty Street from different angles.
- Draft - "Municipal off-street parking areas"
- Specifications for Pole Mounted Radar Speed Monitor – Model LCER11-299 from Lightcast Public Safety.

Zoning Board of Appeals

Mintues

August 26, 2014

RECEIVED
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CITY OF MARLBOROUGH

Members Present: Paul Giunta – Chairman, Theodore Scott, Ralph Loftin – Vice Chairman, Thomas Golden – Clerk and Robert Levin

2014 SEP 30 4:39

7:00 PM 19 Marien Lane - Neeraj Bhatia (ZBA Case # 1429-2014)

Petition: The applicant desires to construct a sunroom 21 ft. vs. the required minimum rear yard setback of 30 ft. In accordance to §650-41 (Table of Lot Area, Yards, and Height of Structures). The lot is located in Zoning District A-3, being Map 43, Parcel 118 of the Assessors' Maps, also known as 19 Marien Lane.

The Board opened the public hearing at 7:00 PM with the reading of the legal ad. The applicant was not present. The Board waited for a few minutes for the applicant to show.

The Board requested their secretary, Susan Brown, to give the applicant a call to see if he will be attending. After making the call to the applicant, Ms. Brown informed the Board that the applicant will not be attending tonight's meeting and that he will not be constructing the proposed sun room due to financial constraints. He also stated to Ms. Brown that he thought his carpenter was going to call to cancel his meeting. But, Ms. Brown stated she did not receive such notice.

Ms. Brown also asked the applicant to provide to the Board some documentation, i.e. e-mail or letter to state his intentions of either "Withdrawing without Prejudice or just to "Withdraw" his petition before the Board. The applicant stated he will do so.

With this information, the Board made a motion to continue the public hearing to Sept. 2nd at 7:30 in order to receive the applicant's written intentions. Motion was second by Thomas Golden.

The Board voted 5-0 to continue the public hearing to Sept. 2nd at 7:30 PM.

7:30 PM 525 Maple St. – NGP Management LLC (ZBA Case #1430-2014)

Petition: The applicant, NGP Management LLC, seeks to raze the existing structures on the property and construct a new 2,615 sq. ft. restaurant with drive-through facilities and parking for 41 vehicles. The project would need relief from a front setback requirement with respect to Mill St. in addition to various landscaping, parking design and driveway design requirements, set forth in the following sections of the

Marlborough Zoning Code: Dimensional: §650-41; Landscaping: §650-47(D)(5)(a), §650-47(D)(5)(b), §650-47(D)(6), §650-47E(1)(a)(3), §650-47(E)(1)(b), §650-47(F)(3), §650-47(G), §650-47(H)(1), §650-47(H)(2)(b), §650-47(1)(2), §650-47(K); Parking: §650-48(C)(5)(a)(3), §650-48(D)(2), §650-48(D)(5); Driveways: §650-49(B)(2)(a), §650-49(B)(2)(b), §650-49(D)(1), and §650-49(D)(6). The property is located in Zoning District CA-Commercial Automotive, at 525 Maple St. (the former registry building), being Map 104, Parcel 37 of the Assessors' Maps.

The applicant is before the Board to construct a Dunkin Donuts at 525 Maple St. (the former Registry of Motor Vehicle site).

Representing the applicant Gus Stavanos were:

- Atty. Bergeron and Brian Falk-Associate of Mirick O'Connell, 100 Front St., Worcester, MA 01608-1477
- George Delegas - Director of Architecture and Planning
 NGP Management, LLC . 3 Pluff Avenue , North Reading, MA 01864
- Mike Scott of Waterman Design Associates, Inc., 31 East Main St. Westborough, MA 01581

Variations sought:

- One dimensional variance – front setback along Mill St.
- All other variance requests concern the design of landscaping.
- Driveway areas

Variance Request

| | Required | Proposing | Deviation |
|--|------------------------|----------------------|----------------------|
| Front yard setback (Minimum required 50 ft.) | Minimum 50 ft. | Mill St. 24 ft. ± | 26 ft. ± |
| LANDSCAPING | | | |
| Maple St. | 10 trees 80 shrubs | 2 trees 40 shrubs | 8 trees 40 shrubs |
| Mill St. | 10 trees 110 shrubs | 3 trees 19 shrubs | 7 trees 91 shrubs |
| Side Planting Area – along the parking lot and Ms. Ippolito and the tip of the lot | 6 trees 42 shrubs | 0 trees 14 shrubs | 6 trees 28 shrubs |

| | Required | Proposing | Deviation |
|---|----------------------|----------------------|--|
| Interior Plantings (required 4 trees and 14 shrubs) | 4 trees 14 shrubs | 2 trees 56 shrubs | 2 trees Shrubs – no deviation |

Plans presented entitled: Existing Conditions Plan, 525 Maple St., dated 7/16/2014; Layout Plan, dated 7/16/2014; Planting Plan dated 7/16/2014; and a Locus Map, dated 7/16/2014, prepared by Waterman Design Associates, Inc.

The Lot in question is abutting one residential home (168 Mill St.) The majority of abutting properties are of business/commercial automotive use.

This is a corner lot – containing 2 front yards and 2 side yards – No rear yard

There was much discussion concerning the number of proposed parking, egresses and the number of landscaping variances requested.

Councilor Roby was present asking questions about the number of variances the applicant is requesting. She also asked questions on behalf of Ms. Ippolito of 168 Mill St. Councilor Roby stated Ms. Ippolito is not opposed to the project. Ms. Ippolito would not like to see another parking lot. Ms. Ippolito would like to a living buffer between her property and the propose Dunkin Donuts. She would also like not to hear the intercom speaker at Dunkin Donuts during the evening hours.

The Chair asked if anyone in the audience wanted to speak in **favor** of the petition:
 Robert Arcieri, 22 Sadie Hutt Lane, Southboro, MA

The Chair asked if anyone in the audience wanted to speak in **opposition** to the petition:

- Atty. Gregg S. Haladyna – representing 181 Mill St. South – Bronx Industries.
 - His clients own Bronx Industries.
 - He stated this is a tough site for the size of the building being proposed.
 - The applicant is requesting 19 variance
 - The hardships stated are not criteria's under Chapter 40A.
 - The applicant is asking too much for the site.
 - Burden on the applicant to show hardship
 - Not an appropriate site for a Dunkin Donuts

Board Member, Ralph Loftin is requesting from the applicant the following:

- To meet with Priscilla Ryder, Conservation Office, about her concerns as noted in her memo dated August 26, 2014. After said meeting, the Board is requesting a letter back to the Board from Priscilla Ryder on the outcome of that meeting
- To meet with Even Pilachowski, City Engineer, about his letter dated August 26, 2014. After said meeting, the Board is requesting a letter back from Mr. Pilachowski to the Board on the outcome of that meeting.
- Continue to meet with Ms. Ippolito to address her concerns, and have the applicant keep the Board informed about those meetings.

A motion was made to continue the public hearing to Sept. 16, 2014 at 7:30 PM in order for the applicant to address the issues as noted on above. The motion was seconded by Ralph Loftin and a vote of 5-0 was taken to continue the public hearing to Sept. 16, 2014 at 7:30 PM.

The meeting was adjourned.

Respectfully submitted,


Paul Giunta - Chairman *ss*

Zoning Board of Appeals
Minutes
September 2, 2014

RECEIVED
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CITY OF MARLBOROUGH
2014 SEP 30 P 1:39

Approval of Minutes - August 19, 2014 - The Board voted 4-0 to accept the minutes as written with minor corrections.

Members Present: Paul Giunta - Chairman, Theodore Scott, Thomas Golden-Clerk and Robert Levine

Public Hearings

7:00 PM 55 Highland St. – Gonzalo Sanchez (Continuation)

Petition: To construct a 15 ft. x 16 ft. attach addition on the side of the existing house which will increase the current non-conforming residential use by greater than the maximum required 30 percent. (Chapter 650 Article VII) The existing lot coverage is 41 percent and the proposed addition will increase Lot Coverage at 45 percent. The property is located in Zoning District Residence B, being Map 56 Parcel 236 of the Assessor's Maps, also known as 55 Highland St.

The Applicant, Gonzalo Sanchez was present.

The hearing was opened with the reading of the legal ad. The Board informed the applicant that there were 4 members present this evening and if he chooses to go forward this evening, he must receive 4 affirmative votes to get the variance. The Board gave the applicant the option to continue to Sept. 23, 2014 when 5 members could be present.

The applicant informed the Board he would like to continue to Sept. 23, 2014.

There was no one in the audience.

A motion was made by Paul Giunta and seconded by Thomas Scott to continue the public hearing to Sept. 23, 2014. The Board voted 4-0 to continue the hearing to Sept. 23, 2014 at 7:00 PM.

7:30 PM 19 Marien Lane –Neeraj Bhatia (Continuation)

Petition: The applicant desires to construct a sunroom 21 ft. vs. the required minimum rear yard setback of 30 ft. In accordance to §650-41 (Table of Lot Area, Yards, and Height of Structures). The lot is

located in Zoning District A-3, being Map 43, Parcel 118 of the Assessors' Maps, also known as 19 Marien Lane.

The Applicant was not present.

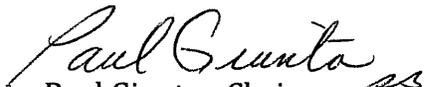
The applicant did provide an e-mail dated August 27, 2014 to Susan Brown, secretary to the Zoning Board of Appeals to "Withdraw Without Prejudice his petition before the Board.

No one was in the audience.

A motion was made by Paul Giunta and seconded by Theodore Scott to allow the applicant to Withdraw Without Prejudice. The Board voted 4-0 to allow the applicant to Withdraw Without Prejudice.

Adjournment

Respectfully submitted,


Paul Giunta - Chairman

Zoning Board of Appeals

Minutes

September 16, 2014

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CITY OF MARLBOROUGH

2014 SEP 30 P 1:39

Approval of Minutes - August 26, 2014, Sept. 2nd and Sept. 16th, 2014.

Members Present: Paul Giunta - Chairman, Theodore Scott, Thomas Golden-Clerk, Ralph Loftin and Robert Levine

Public Hearings

7:00 PM 512 Hemenway St. - Stephen and Durvalina Demers

Petition: The applicant is requesting a road opening permit thru the Dept. of Public Works. The proposal will deviate from Section 650.48(5)(a) of the City of Marlborough Zoning Code states that only one driveway opening is allowed for any parcel with less than 200 ft. of frontage. And Section 650.49.B(2)(a) states that off street parking shall not be permitted in the area between the front lot line and the prescribed minimum front yard setback line. Property is located in Zoning District Residential A-1, being Map 35, Parcel 26 of the Assessors' Maps. Also known as 512 Hemenway St.

Present this evening were the applicants, Stephen and Durvalina Demers.

The Board finds that the abutting lots are similar in shape and size to the lot in questions.

The applicant stated the following:

- They purchased this house in 2011.
- They have gone to the city's engineering department in an attempt to receive a "street opening permit" and this is when they learned they needed a variance.
- Their house is located 25 ft. vs. the 30 ft. minimum required Front Yard Setback for Zoning District A-1. They do not know how this house got built with this deviation.
- They cannot widen the existing driveway because of a power line located to the right, as you face the driveway.
- The applicants are opened to any solutions.
- Coming up Hemenway St. there is a blind corner and it is marked with a 20 miles per hour sign. As stated by the applicant, "regardless of the sign, there are people who will not slow down." As a safety issue, the applicants would like to install this horse shoe style driveway at the front of their house to add more parking spaces for their visitors and as a "safety issue.

- They have an existing 2 car garage with an additional 2 car parking area at the head of the driveway. They could park about 4 cars in the driveway without blocking any vehicles in.
- They own 3 vehicles.
- They have 3 children living at home. They and the children have many friends (some of which are physically challenged) that come to visit. With the drop off and pick up of the friends and relatives, it creates a “safety” issue when visitors park on the street. Exiting from their driveway is dangerous, because of the sight distance onto Hemenway St.
- With their aging parents, it would be nice to have a driveway close to the front of the house for easy access to the house.

Board member, Paul Giunta, stated:

- He did not see any evidence of other homes in the area that have a “horse shoe” shape driveway at the front of their house.
- The applicant will have to consider drainage issues if a variance is granted. One cannot have water runoff into the street.
- With the city’s right of way at the front of their home, the city may in the future widen the street, add sidewalks and curbing.
- The Board does not want to create a domino effect with other lots in the neighborhood requesting his type of driveway.

The Board asked that the applicant prepare a plan done by a land surveyor to show elevation...etc.

Board Member, Theodore Scott stated the following:

- A “hardship” cannot be personal.
- The applicant has to look at their lot concerning, topography, shape and structure(s) on the lot.
- How their lot separates them from their neighboring lots.
- The applicant has to make their case.
- Hardship has to be proven by the applicant.

Board Member, Robert Levine stated that a hardship cannot be an inconvenience.

Hardship as stated by applicant:

- Safety issue with the “blind” corner. A Board member stated that many people have this problem....but does this qualify as a hardship?
- Can’t move the house back to give them more room in the front.
- Can’t widen the existing driveway, because of a utility pole.

The Board asked the applicant the following:

- Re-think your hardship and how you may qualify for a variance.
- Is the hardship relates to the building or land

- Come back with a certified plot plan of the lot in question
- Can vehicles park on the street? Answer-yes.
- Can they extend the existing driveway back a little? Answer-yes.

The Board asked the applicant if they wanted to continue the hearing until such time they can produce a Certified Plot Plan of their lot, to address drainage and to investigate further their criteria(s) for a variance as related to “hardship”.

There was no one in the audience to speak in favor or in opposition to the petition.

The applicants agreed to continue the public hearing.

On a motion by Ralph Loftin and seconded by Theodore Scott, the Board voted 5-0 to continue the public hearing to Oct. 14, 2014 at 7:00 PM

7:30 PM

525 Maple St. – NGP Management LLC

Petition: The applicant, NGP Management LLC, seeks to raze the existing structures on the property and construct a new 2,615 sq. ft. restaurant with drive-through facilities and parking for 41 vehicles. The project would need relief from a front setback requirement with respect to Mill St. in addition to various landscaping, parking design and driveway design requirements, set forth in the following sections of the Marlborough Zoning Code: Dimensional: §650-41; Landscaping: §650-47(D)(5)(a), §650-47(D)(5)(b), §650-47(D)(6), §650-47E(1)(a)(3), §650-47(E)(1)(b), §650-47(F)(3), §650-47(G), §650-47(H)(1), §650-47(H)(2)(b), §650-47(1)(2), §650-47(K); Parking: §650-48(C)(5)(a)(3), §650-48(D)(2), §650-48(D)(5); Driveways: §650-49(B)(2)(a), §650-49(B)(2)(b), §650-49(D)(1), and §650-49(D)(6). The property is located in Zoning District CA-Commercial Automotive, at 525 Maple St. (the former registry building), being Map 104, Parcel 37 of the Assessors’ Maps.

Members present: Paul Giunta-Chairman, Theodore Scott, Ralph Loftin, Thomas Golden and Robert Levin.

Also present this evening was:

- Atty. Bergeron of Mirick O’Connell, 100 Front St., Worcester, MA 01608-1477
- Mike Scott of Waterman Design Associates, Inc., 31 East Main St. Westborough, MA 01581

- Atty. Gregg S. Haladyna – representing 181 Mill St. South – Brox Industries.
- Mr. Scrivanos – prospective buyer of said property.

Mike Scott of Waterman Design Associates presented revised plans to the Board. The revised plans have changes to the landscaping requirements, but no changes to the parking. (copies of the plans and the revised variance request were not made for the Board)

Parking: The 4 employees' parking spaces at the entrance of the site will be roped off for the employees only. The other 4 parking spaces on the lot will be marked as "employee parking spaces only".

Exhibits and Letters:

- Atty. Bergeron presented a letter dated Sept. 16, 2014 to the Zoning Board of Appeals, RE: Variance application of NGP Management LLC
- Letter from Ms. Ippolito, dated Sept. 16, 2014 (read into the file)
- Letter from Engineering Division, Evan Pilachowski, dated Sept. 16, 2014 RE: Variance Application – 525 Maple St. – Dunkin Donuts. (read into the file)
- Memo from Priscilla Ryder, Conservation Officer, dated Sept. 16, 2014 RE: Variance Application: 525 Maple St. (Dunkin Donuts) ZBA Case #1430-2014. (read into the file)

Mr. Scrivanos stated the following:

- The proposed Dunkin Donuts will have their major shift from 4 AM – 1:00 PM. This shift will have the majority of employees (12-14 employees). The parking that is designated for their employees will remain the same as shown on their original plan. These parking spaces will be roped off as "employee" parking spaces only.
- He owns 125 Dunkin Donut stores. He stated that when and if this proposed Dunkin Donut location is approved and up and running, he will close the existing Dunkin Donut store on Maple St.
- Snow will be removed from site during a snow incident of 2 inches or more within 48 hrs.

Atty. Bergeron stated:

- This is an appropriate use of the site. It is in a Commercial Automotive zone. It could certainly be another car lot. This will be a quality use of the site.
- His associate, Atty. Brian Falk has showed Ms. Ippolito, 186 Mill St. the revised plans. Ms. Ippolito will oppose the revised plans.
- The applicant has offered to plant more trees to her site to act as a shield from the site and noise, but she refused. She did not want any plantings on her lot.
- The applicant did not want to do any additional landscaping on their lot as proposed on their revised plans, because it will interfere with their proposed parking and queuing.
- They approximate that Ms. Ippolito's house is some 160 ft.+ to the propose speaker system.

The Board discussed the type of lighting on the site. The applicant stated the lights will not shed outside their lot.

There were some questions regarding #15 of the Building Inspector's denial letter concerning granite or cement curbing. The applicant stated it will be granite on Maple St. and granite or concert inside the lot.

The Board discussed Ms. Ippolito's objections to the "revised" plans in her letter dated Sept. 16, 2014.

Speaking in **opposition**:

- Atty. Gregg S. Haladyna – representing 181 Mill St., South – Brox Industries – stated he is opposed to the variance request.
 - The applicant has not demonstrated any hardship.
 - This lot can be constructed on within the envelope of the lot.
 - Bronx Industries has lots of trucks coming in and out of their site on a daily basis and this proposed Dunkin Donuts will impact their business and property.
 - This is a very difficult site and not an appropriate use as a Dunkin Donuts
 - The Board asked the attorney if they are opposed to the petition. They only stated they do not think the applicant has demonstrated a hardship.

There was no one in the audience to speak in favor of the petition.

Councilor Robey stated:

- She did go speak with Ms. Ippolito to hear her views.
- She also walked the property.
- Councilor Robey did see some over growth on her lot which abuts the proposed Dunkin Donuts and there is a fence in the back which is down.
- Ms. Ippolito loves sitting on her back porch.
- Councilor Robey was concerned that new plantings will not grow fast thus, Ms. Ippolito may not be getting her shielding from lights and sounds as quick as she would like.
- Ms. Ippolito would like to see the existing plantings between her lot and the proposed Dunkin Donuts to remain. The overgrowth will be removed off the Dunkin Donut site.
- The proposal of a 6 ft. fence on top of a wall, with arborvitaes 6 ft. on center planted in the front with some shrubs are being proposed.
- Sound will travel from the speakers, precaution must be taken.
- In speaking with Ms. Ippolito, she will not agree to anything with the applicant.
- It was noted that there is another house on Mill St. Councilor Robey will check the city's records of who owns this house.
- It was mentioned that Bronx Industries does emit an odor and there has been some complaints to the city regarding the odor.

Issues discussed and possible Special Conditions if a variance is granted:

- Lighting should be contained on the site in question.
- Planting of new trees on Ms. Ippolito's lot.
- Speaker will face Mill St.
- Board Member, Ted Scott would like to see the topo of the area. The applicant will have their plans reviewed by the appropriate city departments: city's engineering department, the conservation commission, Site Plan Review Committee, Fire and Police.
- Trash
- Delivery times
- Speaker system – minimum sound dispersion
- Lighting
- Water run off – review by city's engineer
- Where and when deliveries will be made
- Hours of operation

Revised Table of Variance request

Variance Request

| Dimensional | Required | Proposing | Deviation |
|---|----------------------------|---|--|
| Front yard setback (Minimum required 50 ft.) | Minimum 50 ft. | Mill St. 24 ft. ± | 26 ft. ± |
| LANDSCAPING | | | |
| Maple St. | 10 trees 80 shrubs | 2 trees (revised 10 trees) 40 shrubs (revised 43 shrubs) | 8 trees (meets) 40 shrubs (deviation 37) |
| Mill St. | 10 trees 110 shrubs | 3 trees (revised 4 trees) 19 shrubs (revised 29 shrubs) | 7 trees (deviation 6 trees) 91 shrubs (deviation 81 shrubs) |
| Side Planting Area – along the parking lot and Ms. Ippolito (north side) | 6 trees 42 shrubs | 0 trees 14 shrubs (revised 17 shrubs) | 6 trees 28 shrubs (deviation 25 shrubs) |
| Interior Plantings (required 4 trees and 14 shrubs) | 4 trees 14 shrubs | 2 trees (revised 5) 56 shrubs (revised 80) | 2 trees (meets) Shrubs (meets) |

On a motion by Ralph Loftin and seconded by Theodore Scott, the Board voted 5-0 to have the applicant make copies of the “revised” plans that were presented this evening and make copies of the “revised” list of variance request for the Board before the Sept. 23rd continuation meeting.

On a motion by Paul Giunta and seconded by Ralph Loftin, the Board voted 5-0 to “draft” up special conditions for our next meeting on Sept. 23, 2014 at 7:30 PM

[Type text]

On a motion by Paul Giunta and seconded by Ralph Loftin, the Board voted 5-0 to continue the hearing to Sept. 23, 2014.

On a motion by Paul Giunta and seconded by Theodore Scott, the Board voted 5-0, to close the public portion of the hearing.

Adjournment

Respectfully submitted,


Paul Giunta - Chairman



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Providence, RI 02940-9690

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(1-800-592-6422)
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CITY OF MARLBOROUGH

2014 SEP 26 A 10:41

September 23, 2014

City of Marlborough Clerk
140 Main St.
Marlborough, MA 01752

File Number: 60001928901
Date of Loss: 09/21/2014
Owner/ Insured: David F. Danehy
Street: 508 Stow Rd
Town: Marlborough
Type of Loss: Other

To Whom This May Concern:

Please be advised that we insure the above named individual(s). A claim has been made for Damage to Real Property and as the insurer; we are presently in the process of adjusting the loss.

We are mandated to comply with Massachusetts General Laws, Chapter 139 and as such, if there are any present liens on the above property, please notify us within 10 days of receipt of this letter. If we do not hear from you, we will be under no obligation to pay you any portion of this claim.

Sincerely,

Stephen R. Norsek

Stephen R. Norsek AIC
Claims Department
800-592-6422 x21798
SNORSEK@AMICA.COM

CC: LEGAL 9/26/14 *[Signature]*