

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2012 JAN -5 P 5:09

1. Minutes of the City Council Meeting, December 19, 2011.
2. Minutes of the City Council Organizational Meeting, January 2, 2012.
3. Communication from the Mayor re: Fire Department transfer request in the amount of \$34,004.00 which moves funds from 2011 Long Term Debt Interest to Fire-Sick Leave Buy Back to fund unbudgeted benefits associated with an employee's retirement.
4. Communication from the Mayor re: Fire Department transfer requests as follows with details noted in the spreadsheet.

CITY OF MARLBOROUGH BUDGET TRANSFERS									
DEPT: FIRE					FISCAL YEAR: 2012				
FROM ACCOUNT:					TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$1,514,055.76	\$25,000.00	12200001	50450	FIREFIGHTER	\$25,000.00	12200003	51300	OVERTIME	\$65,016.06
	Reason:	Transfer is available due to a retirement							
\$1,514,055.76	\$37,329.07	12200001	50450	FIREFIGHTER	\$37,329.07	12200003	51300	OVERTIME	\$65,016.06
	Reason:	Transfer is available due to 111F payments							
\$156,283.71	\$13,056.75	12200001	50335	DEPUTY CHIEF	\$13,056.75	12200003	51300	OVERTIME	\$65,016.06
	Reason:	Transfer is available due to 111F payments							

5. Communication from the Mayor re: Public Safety and Security grant in the amount of \$6,365.00 awarded to the Fire Department for the Student Awareness Fire Education (S.A.F.E.) program.
6. Communication from the Mayor re: \$220.00 donation to the Marlborough Council on Aging in support of our weekly Blue Plate Special lunch.
7. Communication from the Mayor re: appointments of Donald V. Rider, Jr. as City Solicitor, Michael C. Berry, as Executive Aide to the Mayor, and Patricia Bernard, as Executive Secretary to the Mayor.
8. Communication from the Mayor re: reappointment of Deborah Puleo to the position of Collector effective February 1, 2012 for a period of one year.
9. Communication from the Brona Simon, Executive Director of the Massachusetts Historical Commission re: Communication sent to Attorney Milgram pertinent to the Marlborough Armory, Order No. 11-1003042B.
10. Communication from the Planning Board re: Elm Farm Valley Estates Subdivision Acceptance, Cleversy Dr., Order No. 11-1003095.
11. Application for Special Permit from Sprint for modification of a wireless facility located at 115 Onamog St.
12. Application for Special Permit from Attorney Austin, on behalf of Marlboro Nissan, to modify a portion of its building which includes its showroom, customer service, and offices to add a second story located at 740 Boston Post Rd.
13. Minutes, Planning Board, December 5, 2011.

REPORTS OF COMMITTEES:



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

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

**Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723  
DECEMBER 19, 2011**

Regular meeting of the City Council held on Monday, DECEMBER 19, 2011 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Vigeant, Pope, Levy, Delano, Ferro, Elder, Tunnera, Seymour, Clancy, and Landers. Absent: Ossing. Meeting adjourned at 8:35 PM.

ORDERED: That the minutes of the City Council Meeting DECEMBER 5, 2011, **FILE**; adopted.

ORDERED: That the City Council president recognized Boy Scout Troop 41 for the Citizenship and Community Merit Badges, **FILE**; adopted.

ORDERED: That the Memorial Beach property located at 706 Hosmer Street and shown on the Marlborough Assessor's Maps as Map 7, Parcel 49, as purchased by the city of Marlborough in April of 1953 for general purposes, but excluding a sub-parcel to be created through the Approval Not Required (ANR) process for the sewer pump station currently located on said Parcel 49, is hereby permanently dedicated to recreation purposes under the provisions of M.G.L. c. 45, § 14; and further, that, as so dedicated, said property is hereby placed under the care, custody, management and control of the City of Marlborough Recreation Commission, **APPROVED**; adopted.

ORDERED:

**A RESOLUTION**

**TO APPLY FOR AND ACCEPT GRANT  
FROM THE COMMONWEALTH OF MASSACHUSETTS,  
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS,  
FOR THE RENOVATION AND EXPANSION OF MEMORIAL BEACH**

WHEREAS, Memorial Beach, located at 706 Hosmer Street and shown on the Marlborough Assessor's Maps as Map 7, Parcel 49, is a community-wide asset, and the preservation of and improvements to this facility are a priority of the city of Marlborough, as evidenced by the most recent Open Space and Recreation Plan; and

WHEREAS, except for a sub-parcel to be created through the Approval Not Required (ANR) process for the sewer pump station currently located on said Parcel 49, Memorial Beach has been permanently dedicated to recreation purposes under M.G.L. c. 45, § 14, and is under the care, custody, management and control of the Recreation Commission of the city of Marlborough; and

WHEREAS, Memorial Beach’s ultimate renovation, to be guided by the recently completed Master Plan, will greatly enhance this facility with improved and expanded path systems and accessibility, bath house improvements, new children’s play area and basketball court, parking area reconfiguration, drainage improvements and planting, new picnic areas, floats, accessible beach access and other site improvements to increase and enhance recreation use; and

WHEREAS, the main focus of the Master Plan is to renovate the facility to improve its functionality and appearance, and to expand its use to an all-season recreational facility; and

WHEREAS, the Commonwealth of Massachusetts’ Executive Office of Energy and Environmental Affairs (“EOEEA”) is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Parkland Acquisitions and Renovations for Communities (“PARC”) grant program (301 CMR 5.00); and

WHEREAS, the project cost as outlined in the Master Plan totals \$1,000,000 (One Million Dollars), and the City Council has voted on June 20, 2011 to authorize the bond funding in the amount of up to \$1,000,000 (One Million Dollars);

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

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

**APPROVED;** adopted.

ORDERED: Under authority of MGL, Chapter 44, Section 53A, the City Council hereby **APPROVES** the FFY10 State and Tribal Assistance Grant in the amount of \$291,000.00 awarded to the City of Marlborough which provides reimbursement monies for design and construction of upgrades to the Westerly Wastewater Treatment Facility; adopted.

ORDERED: That the transfer request in the amount of \$3,163.00 which moves funds from Economic Development Special Revenue to Undesignated which will fully reimburse the City for its advance of \$200,000.00 from Undesignated Funds which were transferred prior to the establishment of the Economic Development Special Revenue Fund, **APPROVED;** adopted.

ORDERED: That the transfer request in the amount of \$2,000.00 which moves funds from Professional and Technical to Assistant Building Inspector to provide coverage due to an extended employee leave, **APPROVED;** adopted.

FROM:

Acct. # 12410004-53180	\$2,000.00
Professional and Technical	

TO:

Acct. # 12410001-50260	\$2,000.00
Assistant Building Inspector	

ORDERED: That the transfer request in the amount of \$500.00 which moves funds from Longevity to Longevity necessary to fund longevity payment associated with an employee's contract, **APPROVED**; adopted.

FROM:

Acct. # 11610003-51430 \$500.00  
Longevity

TO:

Acct. # 14920003-51430 \$500.00  
Longevity

ORDERED: That the transfer request in the amount of \$250.00 which moves funds from Longevity to Longevity necessary to fund longevity payment associated with an employee's contract, **APPROVED**; adopted.

FROM:

Acct. # 11610003-51430 \$250.00  
Longevity

TO:

Acct. # 16100003-51430 \$250.00  
Longevity

ORDERED: That the Communication from School Committee Secretary, Joseph Valarioti re: Repair and Renovation School Project in the amount of \$62,434,488.00, **FILE**; adopted.

ORDERED: That the Communication from Central Mass. Mosquito Project re: Tire Recycling Program, **FILE**; adopted.

ORDERED: That the Communication from Central Mass. Mosquito Project re: Notice of Public Meeting to Present and Discuss its Preliminary Budget for FY13, **FILE**; adopted.

ORDERED: That the Communication from the Public Employee Retirement Administration Commission re: Appropriation for FY13, **FILE**; adopted.

ORDERED: That there being no objection thereto set **THE THIRD REGULARLY SCHEDULED MEETING IN 2012** as date for a **PUBLIC HEARING** on the Petition from National Grid to install 2 5" PVC electrical conduits concrete encased from manhole 1-1 to P.30, Robin Hill St., refer to **PUBLIC SERVICES COMMITTEE AND CARRY OVER TO NEXT LEGISLATIVE YEAR**; adopted.

ORDERED: That the Minutes, Planning Board, November 21, **FILE**; adopted.

ORDERED: That the Minutes, Marlborough Cable Trust, November 2009-November 2011, **FILE**; adopted.

ORDERED: That the Minutes, Marlborough Community Development Authority, October 27 & December 8, 2011, **FILE**; adopted.

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

A. Charles Packard, 87 Thomas Dr., other property damage

**Suspension of the Rules requested - granted**

ORDERED: That the portion of the public way identified on a plan entitled, "Plan of Land in Marlborough, Massachusetts, to be licensed to Richard F. and Jane A. Sullivan, 56 Emmett Street for parking, Prepared by: City of Marlborough Department of Public Works, Engineering Division (BWT), Scale: 1" = 20', January 2002," which is attached hereto and incorporated herein by reference, and containing 316.41± square feet, which Order No. 03-9919A declared available for disposition for the sole purpose of parking by the owners of 56 Emmett Street, is herewith approved as a license for the current owners of 56 Emmett Street, Kenneth D. and Kristin L. Regan, Jr., based, however, upon the following conditions:

1. The license shall be on a temporary one-year basis, requiring further City Council approval one year from the date of adoption of this order;
2. The licensees shall utilize the licensed premises for the parking of the vehicle(s) in their household, and they shall not permit the parking of their vehicle(s) on the public way so as to impede snow removal operations conducted by or on behalf of the City of Marlborough;
3. The licensees' use of the portion of the public way approved under this license, each year it is in effect, shall coincide with the period of the City of Marlborough's winter parking ban for that year, and the licensed portion of the public way shall otherwise be available to other neighbors and abutters for parking purposes at other times of the year, especially during the summer months; and
4. The licensees shall indemnify and hold harmless the City of Marlborough from any liability arising as a result of their use of the licensed portion of the public way for parking purposes; adopted.

**Suspension of the Rules requested – granted**

ORDERED: That a petition to the General Court, accompanied by a bill for a special law relating to the city of Marlborough to be filed with an attested copy of this order, be, and hereby is, approved under Clause (1) of Section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:-

**AN ACT  
PROVIDING A SIMPLIFIED PROCEDURE  
FOR THE LAYOUT AND ACCEPTANCE OF CERTAIN WAYS  
IN AND BY THE CITY OF MARLBOROUGH**

**Be it enacted** by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

**SECTION 1.** Notwithstanding the provisions of Chapters 82 and 79 of the General Laws or any other general or special law, the city of Marlborough may employ the procedure hereinafter set out for municipal acceptance of roads constructed within a subdivision in accordance with a definitive plan approved by the planning board of the city of Marlborough. The said board, upon request of either the city council for the city of Marlborough or of a developer, or upon its own initiative, shall prepare a written certification that a subdivision road has been laid out and constructed in accordance with the board's rules and regulations and the approved definitive plan. The said board shall submit to the said city council the board's certification, together with original mylars of an acceptance plan, in required form for recording at the Registry of Deeds, and an as-built plan(s). The cost for preparing acceptance plans and as-built plans, if necessary, shall be paid from any funds which may remain in the subdivision bond of the developer. The said city council shall hold a public hearing, after giving written notice by first-class mail, postage prepaid, to the owner of record of each property abutting the road, as appears from municipal records, and after giving notice by publication in a newspaper of local circulation at least seven days prior to the hearing. The sole purpose of the public hearing shall be to determine whether it is in the public interest to accept the road as a public way. If the said city council determines, after the public hearing, that it is in the public interest to accept the road, it shall so vote, by a two-thirds majority, and cause to be prepared for recording at the Middlesex South District Registry of Deeds an order of acceptance containing said vote. The order of acceptance, together with the original mylar acceptance plan(s), shall be recorded within thirty (30) days following the said vote, and, upon recordation, shall operate to vest in the city of Marlborough, with no additional notice or other action required, the ownership in fee to the road, together with the ownership of all utility, drainage, flowage, and other easements shown for all municipal purposes including but not limited to repair, improvement, reconstruction, removal and replacement, as well as all pipes, structures, and other improvements located therein. No owner of, or holder of any interest in, land abutting a road so accepted or subject to an easement shown on said acceptance plan shall have any claim for compensation against the city on account of said acceptance.

**SECTION 2.** This act shall take effect upon its passage, **CARRY OVER TO NEXT LEGISLATIVE YEAR**; adopted.

**ORDERED:** That the City of Marlborough accepts MGL Chapter 149, Section 33E herewith as amended, an act relative to live organ donation, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE AND CARRY OVER TO NEXT LEGISLATIVE YEAR**; adopted.

Section 33E. (a) An employee of the commonwealth or of a county, or of a city or town that accepts this section, may take a leave of absence of not more than 30 days in a calendar year to serve as an organ donor, without loss of or reduction in pay, without loss of leave to which he is otherwise entitled and without loss of credit for time or service.

(b) If the necessity for leave under this section is foreseeable, the employee shall provide the employer with not less than 7 days' notice before the leave is to begin. If the necessity for leave is not foreseeable, the employee shall provide such notice as is practicable.

(c) An employer may require that a request for leave under this section be supported by a certification issued at such time and in such manner as the attorney general may by regulation require.

(d) The attorney general shall enforce this section, and may obtain injunctive or declaratory relief for this purpose. Violation of this shall be subject to the second paragraph of section 150 and to section 180.

**ORDERED:** That the City of Marlborough maintain its trash pickup system until a new system is approved by the City Council. This will allow the Councilors to discuss amongst themselves and their constituents any possible changes in the trash pickup system, if the Council deems any changes necessary, **CARRY OVER TO NEXT LEGISLATIVE YEAR;** adopted.

**ORDERED:** That the sum of \$7,500,000 (seven million five hundred thousand) dollars be and is hereby appropriated for building renovations.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$7,500,000.

Pursuant to the provisions of Chapter 44, Section 7 (3A) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than twenty (20) years from its date of issue, **APPROVED;** adopted.

**Yea: 10- Nay: 0**

**Yea: Delano, Ferro, Elder, Tunnera, Seymour, Clancy, Landers, Vigeant, Pope & Levy**

**Absent: Ossing**

**Suspension of the Rules requested – granted to allow for modified submission of Excel spreadsheets which are included in the Order.**

ORDERED: That the following transfer requests to fund the newly ratified agreement between the City of Marlborough and the DPW Foremen's Union, **APPROVED**; adopted.

CITY OF MARLBOROUGH --BUDGET TRANSFERS --										
	DEPT:	PUBLIC WORKS				FISCAL YEAR:	2012			
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$516,499	\$14,725	11990006	57820	Reserve for Salaries & Benefits	\$14,733	14001301	50690	Foreman, Streets	\$142,302	
					Reason:	Funding for union contract				
\$516,499	\$338	11990006	57820	Reserve for Salaries & Benefits	\$442	14001303	51310	Overtime, Streets	\$15,711	
					Reason:	Funding for union contract				
\$516,499	\$551	11990006	57820	Reserve for Salaries & Benefits	\$771	14001303	51430	Longevty, Streets	\$2,427	
					Reason:	Funding for union contract				
\$516,499	\$80	11990006	57820	Reserve for Salaries & Benefits	\$80	14001303	51470	Interim Foreman, Streets	\$1,251	
					Reason:	Funding for union contract				
\$516,499	\$345	11990006	57820	Reserve for Salaries & Benefits	\$623	14001303	51920	SLBB, Streets	\$33,911	
					Reason:	Funding for union contract				
				Total:	\$16,649					
CITY OF MARLBOROUGH --BUDGET TRANSFERS --										
	DEPT:	PUBLIC WORKS				FISCAL YEAR:	2012			
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$516,499	\$50	11990006	57820	Reserve for Salaries & Benefits	\$50	14001303	51990	Clothing Allowance, Streets	\$2,679	
					Reason:	Funding for union contract				
\$516,499	\$1,055	11990006	57820	Reserve for Salaries & Benefits	\$1,221	14001203	51390	Overtime S&I	\$94,064	
					Reason:	Funding for union contract				
				Total:	\$1,271					

--BUDGET TRANSFERS --										
	DEPT:	PUBLIC WORKS				FISCAL YEAR:	2012			
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$516,499	\$11,136	11990006	57820	Reserve for Salaries & Benefits	\$11,142	14001501	50690	Foreman, FP&C	\$107,953	
					Reason:	Funding for union contract				
\$516,499	\$293	11990006	57820	Reserve for Salaries & Benefits	\$293	14001503	51310	Overtime, FP&C	\$13,642	
					Reason:	Funding for union contract				
\$516,499	\$400	11990006	57820	Reserve for Salaries & Benefits	\$517	14001503	51430	Longevity, FP&C	\$89	
					Reason:	Funding for union contract				
\$516,499	\$80	11990006	57820	Reserve for Salaries & Benefits	\$80	14001503	51470	Interim Foreman, FP&C	\$2,617	
					Reason:	Funding for union contract				
\$516,499	\$173	11990006	57820	Reserve for Salaries & Benefits	\$299	14001503	51920	SLBB, FP&C	\$13,765	
					Reason:	Funding for union contract				
					Total:	\$12,331				
CITY OF MARLBOROUGH										
--BUDGET TRANSFERS --										
	DEPT:	PUBLIC WORKS				FISCAL YEAR:	2012			
		FROM ACCOUNT:				TO ACCOUNT:				
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance	
\$516,499	\$7,043	11990006	57820	Reserve for Salaries & Benefits	\$14,536	61090001	50690	Foreman, W&S	\$106,727	
					Reason:	Funding for union contract				
\$516,499	\$1,684	11990006	57820	Reserve for Salaries & Benefits	\$1,684	61090003	51310	Overtime, W&S	\$85,576	
					Reason:	Funding for union contract				
\$516,499	\$230	11990006	57820	Reserve for Salaries & Benefits	\$297	61090003	51430	Longevity, W&S	\$3,380	
					Reason:	Funding for union contract				
\$516,499	\$80	11990006	57820	Reserve for Salaries & Benefits	\$80	61090003	51470	Interim Foreman, W&S	\$10,182	
					Reason:	Funding for union contract				
\$516,499	\$173	11990006	57820	Reserve for Salaries & Benefits	\$299	61090003	51920	SLBB, W&S	\$16,172	
					Reason:	Funding for union contract				
					Total:	\$16,896				

**Suspension of the Rules requested – granted to allow the Mayor to address the Council as this was the last meeting by which she held the Office of Mayor; adopted.**

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:35 p.m.



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

**Lisa M. Thomas**

**140 Main St.**

**Marlborough, MA 01752**

**(508) 460-3775 FAX (508) 460-3723**

**JANUARY 2, 2012**

**ORGANIZATIONAL MEETING**

The City Clerk called the meeting to order at 11:40 a.m. Nominations called for the Election of City Council President Pro-Tem of the Marlborough City Council for the term 2012-2013. Councilor Pope nominated Councilor Delano as President Pro-Tem. Councilor Clancy seconded the motion for nomination of Councilor Delano as President Pro-Tem. Councilor Delano received eleven votes for President Pro-Tem. Yea – Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Oram, & Robey.

Councilor Delano called for the Election of the City Council President of the Marlborough City Council for the term 2012-2013. Councilor Clancy nominated Councilor Pope as President. Councilor Ossing seconded the motion for nomination of Councilor Pope as President. Councilor Pope received eleven votes for President. Yea – Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Oram, & Robey.

Councilor Pope called for the Election of the City Council Vice-President of the Marlborough City Council for the term 2012-2013. Councilor Delano nominated Councilor Clancy as Vice-President. Councilor Oram seconded the motion for nomination of Councilor Clancy as Vice-President. Councilor Clancy received eleven votes for Vice-President. Yea – Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Oram, & Robey.

**Motion** made by Councilor Elder to adopt the Rules and Regulations of the Rules Committee from the 2010-2011 term; **CARRIES**.

City Council President Pope announced the next meeting of the City Council to be held on Monday, January 9, 2012 at 8:00 p.m.

**ORDERED:** There being no further business, the regular meeting of the City Council is herewith adjourned at 11:48 a.m.; adopted.



# City of Marlborough

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CITY OF MARLBOROUGH

## Office of the Mayor

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

*Arthur G. Vigeant*  
MAYOR

*Michael C. Berry*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

January 5, 2012

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

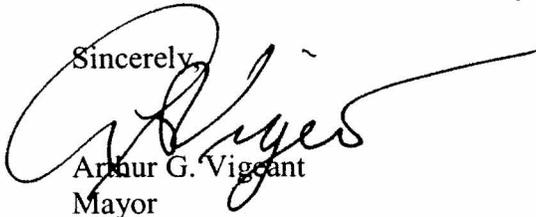
Honorable President Pope and Councilors:

I am submitting for your approval the following transfer request:

- 1) Transfer in the amount of \$34,004.00 moving funds from account number 60075106 (2011 Long Term Debt Interest) to account number 12200003 (Fire – Sick Leave Buy Back).
  - a. The transfer is required to fund unbudgeted benefits associated with an employee's retirement.

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

Sincerely,



Arthur G. Vigeant  
Mayor

TRANSFER REQUEST

FISCAL YEAR: 2012

Available Balance	Amount	FROM ACCOUNT:			Amount	TO ACCOUNT:			Available Balance
		Org Code	Object	Account Description:		Org Code	Object	Account Description:	
<u>\$437,809.00</u>	<u>\$34,004.00</u>	<u>60075106</u>	<u>- 58964</u>	<u>2011 Long Term Debt Interest</u>	<u>\$34,004.00</u>	<u>12200003</u>	<u>- 51920</u>	<u>Fire-Sick Leave Buy Back</u>	<u>\$208,324</u>

Reason: To fund unbudgeted benefits associated with an employees retirement



# City of Marlborough

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

*Arthur G. Vigeant*  
MAYOR

*Michael C. Berry*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

January 4, 2012

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

Honorable President Pope and Councilors:

I am submitting for your approval the following transfer requests:

- 1) Transfer in the amount of \$25,000 moving funds from account number 12200001 (Firefighter) to account number 12200003 (Overtime).
  - a. The transfer is available due to a retirement.
- 2) Transfer in the amount of \$37,329.07 moving funds from account number 12200001 (Firefighter) to account number 12200003 (Overtime).
  - a. The transfer is available due to 111F payments.
- 3) Transfer in the amount of \$13,056.75 moving funds from account number 12200001 (Deputy Chief) to account number 12200003 (Overtime).
  - a. The transfer is available due to 111F payments.

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

Sincerely,



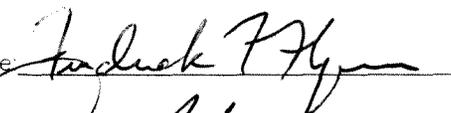
Arthur G. Vigeant  
Mayor

CITY OF MARLBOROUGH  
BUDGET TRANSFERS

DEPT: FIRE

FISCAL YEAR: 2012

Available Balance	FROM ACCOUNT:					TO ACCOUNT:			Available Balance
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	
<u>\$1,514,055.76</u>	<u>\$25,000.00</u>	<u>12200001</u>	<u>50450</u>	<u>FIREFIGHTER</u>	<u>\$25,000.00</u>	<u>12200003</u>	<u>51300</u>	<u>OVERTIME</u>	<u>\$65,016.06</u>
	Reason:	<u>Transfer is available due to a retirement</u>							
<u>\$1,514,055.76</u>	<u>\$37,329.07</u>	<u>12200001</u>	<u>50450</u>	<u>FIREFIGHTER</u>	<u>\$37,329.07</u>	<u>12200003</u>	<u>51300</u>	<u>OVERTIME</u>	<u>\$65,016.06</u>
	Reason:	<u>Transfer is available due to 111F payments</u>							
<u>\$156,283.71</u>	<u>\$13,056.75</u>	<u>12200001</u>	<u>50335</u>	<u>DEPUTY CHIEF</u>	<u>\$13,056.75</u>	<u>12200003</u>	<u>51300</u>	<u>OVERTIME</u>	<u>\$65,016.06</u>
	Reason:	<u>Transfer is available due to 111F payments</u>							
	Reason:								
	Reason:								

Department Head signature: 

Mayor's signature: 



*City of Marlborough*  
RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH  
*Office of the Mayor*

2012 JAN -5 A 11: 140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

*Arthur G. Vigeant*  
MAYOR

*Michael C. Berry*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

January 5, 2012

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

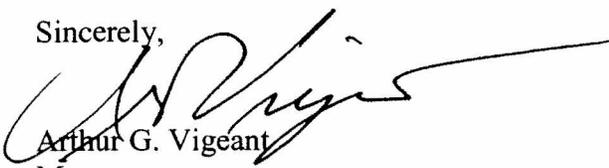
Honorable President Pope and Councilors:

I am pleased to inform you that the Marlborough Fire Department has been awarded a grant in the amount of \$6,365.00 through the Commonwealth of Massachusetts Executive Office of Public Safety and Security. This grant is for the Student Awareness Fire Education (S.A.F.E.) program.

In accordance with Massachusetts General Laws, Chapter 44: Section 53A this grant was applied for and accepted by the Fire Department. In order for it to be expended for its intended purposes, I respectfully request your approval.

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

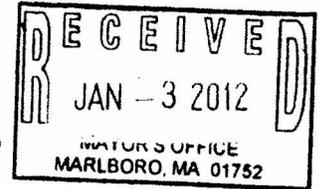
Sincerely,

  
Arthur G. Vigeant  
Mayor



**CITY OF MARLBOROUGH  
FIRE DEPARTMENT**

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



January 3, 2012

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

RE: FY12 S.A.F.E. Grant

Dear Mayor Vigeant,

Attached please find documentation in support of a grant in the amount of \$6,365.00 which has been awarded to the Fire Department through The Commonwealth of Massachusetts Executive Office of Public Safety and Security.

The FY12 S.A.F.E. Grant has been approved for funding and granted to the Marlborough Fire Department in order to provide student awareness of fire education programs as outlined in the application.

In accordance with Massachusetts General Laws, Chapter 44 Section 53A this grant was applied for and accepted by the Fire Department but in order for it to be expended for the purposes of the grant, the Mayor must recommend and the City Council must vote to approve the expenditure.

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

Thank you,

A handwritten signature in cursive script that reads "Fred Flynn".

Fred Flynn  
Acting Fire Chief



DEVAL L. PATRICK  
GOVERNOR

TIMOTHY P. MURRAY  
LT. GOVERNOR

MARY ELIZABETH HEFFERNAN  
SECRETARY

*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*  
*Department of Fire Services*

*P.O. Box 1025 ~ State Road*

*Stow, Massachusetts 01775*

*(978) 567-3100 Fax: (978) 567-3121*

*www.mass.gov/dfs*



STEPHEN D. COAN  
STATE FIRE MARSHAL

December 2011

Dear Chief:

Please find enclosed an executed contract pertaining to your FY 12 Student Awareness Fire Education (S.A.F.E.) grant award.

Please note that the grant period begins the date that the Department of Fire Services (DFS) signed the contract. Accordingly, only expenditures incurred as of the effective date the contract was signed by DFS can be paid from S.A.F.E. grant funds.

Should you have any questions pertaining to your contract, please do not hesitate to contact me at 978-567-3149.

Sincerely,

George Perkins  
Chief Fiscal Officer



The Commonwealth of Massachusetts  
 Executive Office of Public Safety and Security  
 Department of Fire Services



P.O. Box 1025 ~ State Road

Stow, Massachusetts 01775

(978) 567-3100 Fax: (978) 567-3121

STEPHEN D. COAN  
 STATE FIRE MARSHAL

DEVAL L. PATRICK  
 GOVERNOR

TIMOTHY P. MURRAY  
 LT. GOVERNOR

MARY ELIZABETH HEFFERNAN  
 SECRETARY

*Mailed  
 12/17/11  
 DC*

December 2, 2011

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

Dear Acting Chief Flynn:

I am pleased to inform you that your FY 2012 Student Awareness of Fire Education (S.A.F.E.) grant application has been approved for funding. The Marlborough Fire Department has been awarded \$6,365.00 in state funds.

Please return the enclosed *contract form* and the *contract authorization form* (where the municipality says who is authorized to sign contracts on its behalf) to the Department of Fire Services (DFS) to the attention of Fiscal Affairs. Once these documents have been received, DFS will sign the contract and send you a copy. Fire departments may only begin to incur costs upon receipt of the executed contract. Be sure to alert your treasurer and to check with them to ensure receipt of the funds. We expect funds to be electronically distributed in early January.

All grantees are required to submit the FY 2011 year-end report to DFS by December 31, 2011. If there are any unexpended funds, the grantee may apply for a one-time 6-month extension, which will be part of the year-end report form. At the close of the single 6-month extension, all unexpended funds must be returned to the Commonwealth. At this time, any FY 2010 funds remaining after December 31, 2010, or if an extension was received, after June 30, 2011, must be returned to the Commonwealth.

Seventeen years ago, the fire service advocated to the legislature for the creation of the S.A.F.E. Program. Since that time we have reduced average annual child fire deaths by 66%. I thank you for your commitment to the S.A.F.E. Program and for your continuing efforts to the raise a fire safe generation of children. If you have any questions please feel free to contact Jennifer Mieth at (978) 567-3381 or the S.A.F.E. staff at (978) 567-3388.

Sincerely,

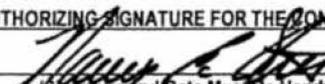
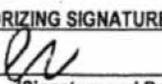
*Stephen D. Coan*

Stephen D. Coan  
 State Fire Marshal

*Administrative Services • Division of Fire Safety  
 Hazardous Materials Response • Massachusetts Firefighting Academy*

**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](http://www.mass.gov/osc) under Guidance For Vendors - Forms or [www.mass.gov/osd](http://www.mass.gov/osd) under OSD Forms.

<b>CONTRACTOR LEGAL NAME:</b> and d/b/a: <u>Marlborough Fire Department</u>	<b>COMMONWEALTH DEPARTMENT NAME:</b> Department of Fire Services <b>MMARS Department Code:</b> DFS
<b>Legal Address: (W-9, W-4,T&amp;C):</b> 215 Maple Street, Marlborough, MA 01752	<b>Business Mailing Address:</b> State Road, P.O. Box 1025, Stow, MA 01775
<b>Contract Manager:</b> Acting Chief Frederick Flynn	<b>Billing Address (if different):</b>
<b>E-Mail:</b> <u>fflynn@marlborough-ma.gov</u>	<b>Contract Manager:</b> Kevin Partridge
<b>Phone:</b> 508-485-2323 <b>Fax:</b> 508-460-3795	<b>E-Mail:</b> <u>Kevin.Partridge@state.ma.us</u>
<b>Contractor Vendor Code:</b> VC6000192111	<b>Phone:</b> 978-567-3179 <b>Fax:</b> 978-567-3121
<b>Vendor Code Address ID (e.g. "AD001"):</b> AD001 Note: The Address ID Must be set up for EFT payments.	<b>MMARS Doc ID(s):</b> CT-DFS-1000-11171100000000001499
<p align="center"><b><u>X</u> NEW CONTRACT</b></p> <b>PROCUREMENT OR EXCEPTION TYPE: (Check one option only)</b> <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 checked="" type="checkbox"/> <u>Department Procurement</u> (includes State or Federal grants 815 CMR 2.00) (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 type="checkbox"/> <u>Legislative/Legal or Other:</u> (Attach authorizing language/justification, scope and budget)	<p align="center"><b>CONTRACT AMENDMENT</b></p> Enter Current Contract End Date <u>Prior</u> to Amendment: _____, 20____ Enter Amendment Amount: \$ _____ (or "no change") <b>AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.)</b> <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 <u>COMMONWEALTH TERMS AND CONDITIONS (T&amp;C)</u> has been executed, filed with CTR and is incorporated by reference into this Contract. <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services	
<b>COMPENSATION: (Check ONE option):</b> 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 <u>new</u> Total if Contract is being amended). \$6,365.00	
<b>PROMPT PAYMENT DISCOUNTS (PPD):</b> 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: <input checked="" type="checkbox"/> agree to standard 45 day cycle ___ statutory/legal or Ready Payments (G.L. c. 29, § 23A); ___ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)	
<b>BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT:</b> (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.) SAFEGRANTFY12. This contract is for grant funds from the Student Awareness of Fire Education (S.A.F.E.) Grant program administered by the Department of Fire Services.	
<b>ANTICIPATED START DATE:</b> (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input checked="" 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 type="checkbox"/> 2. may be incurred as of _____, 20____, 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.	
<b>CONTRACT END DATE:</b> Contract performance shall terminate as of <u>June 30, 2012</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.	
<b>CERTIFICATIONS:</b> Notwithstanding verbal or other representations by the parties, the " <u>Effective Date</u> " 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.	
<b>AUTHORIZING SIGNATURE FOR THE CONTRACTOR:</b> X:  Date: <u>12/18/11</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: _____ Print Title: <u>NANCY E. STEVENS</u> <u>MAYOR</u>	<b>AUTHORIZING SIGNATURE FOR THE COMMONWEALTH:</b> X:  Date: <u>12/21/11</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Kevin Partridge</u> Print Title: <u>CEO</u>

## SCOPE OF WORK – Student Awareness of Fire Education (S.A.F.E.)

This grant is available to Municipalities in order to provide student awareness of fire education programs, which shall include information about the risks caused by smoking.

Amounts received with each award will be specified in both the award letter and on the Commonwealth of Massachusetts - Massachusetts Standard Contract, issued to the jurisdiction. Recipient agrees that funds awarded through grant will be used to supplement but not supplant federal, state or local funds.

Funds received must be expended within 12 months of receipt of the funds. A report of spending of the prior year grant amount must be submitted within 14 months.

If the grantee makes obligations in anticipation of receiving funds under this grant, the grantee does so at their peril and the Commonwealth will be under no obligation to make payments for such performance.



# City of Marlborough

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

## Office of the Mayor

2012 JAN -5 P 3:54

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

*Arthur G. Vigeant*  
MAYOR

*Michael C. Berry*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

January 5, 2012

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

Honorable President Pope and Councilors:

I am submitting for your acceptance the following donation of \$220 to the Marlborough Council on Aging in support of our weekly Blue Plate Special lunch.

We remain grateful for the generosity and efforts of our citizens and community partners who help make this program possible.

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

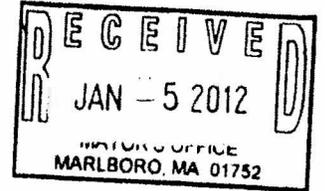
Sincerely,

Arthur G. Vigeant  
Mayor



**City of Marlborough**  
**Council on Aging and Senior Center**

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



January 4, 2012

MEMORANDUM

**To:** Mayor Arthur Vigeant  
**CC:** Diane Smith, Auditor Department  
**From:** Jennifer Claro  
**RE:** Acceptance of \$220.00 donation from Commerce Bank

I am submitting for your approval the following \$220 donation to the Marlborough Council on Aging in support of our weekly Blue Plate Special lunch. This weekly meal provides many seniors with a delicious meal that is partially subsidized by community partners such as Commerce Bank.



**Commerce Bank™**

386 Main Street • Worcester, MA 01608  
0113

PAYABLE THROUGH  
THE BANK OF NEW YORK MELLON  
EVERETT, MA

5-709  
110

207837

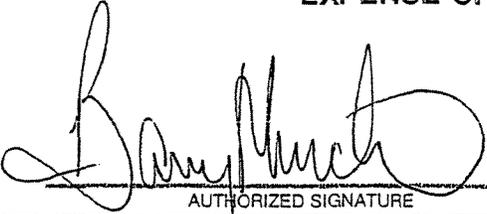
207837 12/13/2011 \$ \$220.00

\*\*\*\*\* TWO HUNDRED TWENTY AND 00/100 Dollars

PAY TO THE ORDER OF

EXPENSE CHECK

City of Marlborough  
Council on Aging and Senior Center  
250 Main Street  
Marlborough, MA 01752

  
AUTHORIZED SIGNATURE

⑈ 207837⑈ ⑆ 011007092⑆ 0140010014727⑈

207837

<u>Date</u>	<u>Item#</u>	<u>Invoice ID</u>	<u>Description</u>	<u>Amount</u>
11/29/2011	1		Blue Plate Lunch Special	220.00

Total Amount: = \$220.00

Commerce Bank

Office Copy - AP Check#: 207837

Dated: 12/13/2011

Paid To - Vendor ID: 275263 / City of Marlborough

<u>Date</u>	<u>Item#</u>	<u>Invoice ID</u>	<u>Description</u>	<u>Amount</u>
11/29/2011	1		Blue Plate Lunch Special	220.00



# City of Marlborough

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

Office of the Mayor

2012 JAN -5 A 11:14  
140 Main Street  
Marlborough, Massachusetts 01752  
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

*Arthur G. Vigeant*  
MAYOR

*Michael C. Berry*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

January 5, 2012

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

Re: Appointments

Honorable President Pope and Councilors:

This is to advise you that I have appointed the following persons to the positions indicated, effective January 2, 2012.

Donald V. Rider, Jr., 296 Littlefield Lane, Marlborough, MA 01752  
- City Solicitor

Michael C. Berry, 224 School Street U:12, Walpole, MA 02081  
- Executive Aide to the Mayor

Patricia Bernard, 6 Pinecrest Drive, Westborough, MA 01581  
-Executive Secretary to the Mayor

I respectfully request that this notice of appointments be formally recorded by the City Council.

Thank you for your attention to this matter.

Very truly yours,

Arthur G. Vigeant  
Mayor



# City of Marlborough

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

## Office of the Mayor

140 Main Street

Marlborough, Massachusetts 01752

2012 JAN - 5 P 3:54  
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

*Arthur G. Vigeant*  
MAYOR

*Michael C. Berry*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

January 5, 2012

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

Honorable President Pope and Councilors:

I am submitting for your approval the reappointment of Deborah Puleo to the position of Collector effective February 1, 2012 for a period of one year.

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

Sincerely,

Arthur G. Vigeant  
Mayor



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

**The Commonwealth of Massachusetts**  
William Francis Galvin, Secretary of the Commonwealth  
Massachusetts Historical Commission

2012 JAN -3 P 5:03

December 30, 2011

Jack P. Milgram, Esq.  
Law Office of Jack Milgram  
One Billings Road, Suite 101  
Quincy, Massachusetts 02171

Dear Attorney Milgram:

This is regarding the Marlborough Armory (Armory). Your client has requested that the Massachusetts Historical Commission (MHC) cancel the restriction against demolition contained in the historic covenant held on the Armory by MHC. In response to that request, MHC requested that your client explore alternatives to demolition. You have notified MHC that your client has explored and considered alternatives to demolition and you take the position that there is no alternative available for the Armory other than demolition. MHC cannot cancel the restriction against demolition of the Armory where possible alternatives to demolition have not been adequately considered or explored.

As you know, MHC approved your client's original rehabilitation plan on September 18, 2008. However, you informed MHC that the special application was denied by the City of Marlborough (City) on October 20, 2008. The October 6, 2008 notice of decision by the City Council notes that the City Council denied the Special Permit due to the fact that the petitioner's various submittals to the Urban Affairs Committee were inconsistent regarding the number of rental units and did not address the concerns of the Urban Affairs Committee. As a result, you take the position that your client has no alternative but demolition of the Armory.

By letter dated August 29, 2011, MHC Legal Counsel informed you that MHC cannot approve demolition where possible alternatives to demolition have not been adequately considered or explored, and requested that your client explore options other than demolition including placing the property on the market. You informed MHC Legal Counsel that the suggested alternatives have been previously considered and explored. You again requested that MHC cancel the restriction against demolition. However, in your correspondence, you failed to effectively demonstrate that the suggested alternatives, or any other alternatives, had been adequately explored.

Jack P. Milgram  
Page Two  
December 30, 2011

In an effort to determine whether alternatives to demolition are available to your client, and given the interest of the Marlborough City Council (City Council) in preserving the Armory, MHC requested comments from the City Council and the Marlborough Historical Commission. As you are aware, the City Council passed a resolution on November 9, 2009, approved by the Mayor on November 18, 2009, to support any and all reasonable efforts to preserve the Armory. In response to MHC's request for comments, the City Council discussed the issue at its October 17, 2011 meeting. On behalf of the City Council, the City Solicitor provided comments regarding the adequacy of the exploration and consideration of alternatives by the property owner by letter dated November 8, 2011 (copy enclosed). The City Council informed MHC that the City Council "strongly opposes demolition of the Armory". The City Council advised MHC that your client has shown "no initiative, intent or interest in moving ahead with any project, besides demolition, since the City Council denied the special permit" on October 20, 2008. Further, the City Council states that the Armory owners have failed to maintain the property, as well as the adjacent property, creating blight in the City.

MHC Legal Counsel had previously suggested that, given the lapse of time since the original application, your client consider resubmitting the original plan as approved by MHC to the City Council. See G. L. c. 40A, § 16 (an application or petition that has been unfavorably acted upon may be resubmitted after a period of two years). You informed MHC Legal Counsel that you and your client had met with the Marlborough Economic Development Corporation (Development Corporation) regarding reconsideration by the City Council and had been informed by the Development Corporation that the City Council would not reconsider its original decision. In its November 8, 2011 letter, the City Council informed MHC that the Development Corporation is not an official entity of the City and any communication with the Development Corporation does not constitute an effort to discuss any proposal with the City. Further, the City has informed MHC that the property owner has the opportunity to resubmit the request for a special permit which addresses the concerns raised by City officials during the original application process. Therefore, I must conclude that the resubmission of the original 2008 rehabilitation plan as approved by MHC is a viable alternative to demolition that must be explored.

Further, the City Building Commissioner developed an analysis of possible uses for the Armory on behalf of the City Council. In that analysis, the City Building Commissioner outlined a number of alternatives available for the Armory other than demolition. The alternatives to demolition as itemized by the City Building Commissioner must be considered and explored. The suggestion has been made by both MHC and the City that the Armory be listed for sale. You have informed MHC that your client listed the Armory for sale for a total period of six months during 2009/2010. However, the City Council states that the sale price for the Armory (and adjacent property at 364 Lincoln

Jack P. Milgram  
Page Three  
December 30, 2011

Street also owned by your client) was excessively high based on fair market value. MHC cannot make a determination regarding fair market value but it is questionable whether the attempt to market the Armory for sale was sufficient.

Both MHC and the City have noted the possible use of the Historic Rehabilitation Tax Credit program that will not be available to the property owner if the Armory is demolished. The City also informed MHC that demolition would result in lose of pre-existing non-conforming use of the Armory and eliminates the flexibility afforded to the City Council as it relates to non-conforming use.

You have stated that your client has previously explored and considered alternatives to demolition. However, MHC disagrees with your position that your client's actions constitute sufficient exploration of alternatives to demolition. There are a number of alternatives to demolition available that must be considered including, but not limited to, those outlined by the City in its November 8, 2011 correspondence and by MHC's Legal Counsel's in her August 29, 2011 letter. As noted by the City, there are alternative options for the Armory available to the property owner which are allowable as of right, as well as by special permit. The City has indicated that City officials are willing to work with the owners in order to explore those alternative options.

You have not demonstrated that your client has adequately considered or explored alternatives to demolition of the Armory. Further, in an effort to ensure the rehabilitation and preservation of the Armory, the City has indicated its willingness to work with the property owner regarding proposed alternatives to demolition. MHC cannot cancel the restriction against demolition where possible alternatives to demolition have not been adequately explored.

Sincerely,



Brona Simon  
Executive Director  
State Historic Preservation Officer  
Massachusetts Historical Commission

xc: Marlborough City Council  
Cynthia M. Panagore Griffin, Assistant City Solicitor  
Marlborough Historical Commission

*City of Marlborough*  
*Commonwealth of Massachusetts*

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2011 DEC 23 A 10:48



December 21, 2011

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

Re: Elm Farm Valley Estates, Cleversy Drive  
Subdivision Acceptance

Dear Mr. Vigeant:

At its meeting on Monday, December 19, 2011, the Planning Board took the following action:

To send a favorable recommendation to the City Council to endorse the Plan known as "Plan of Acceptance of Cleversy Drive and Easements, Marlborough, MA".

Sincerely,

*Barbara L. Fenby*  
Barbara L. Fenby  
Chairperson

Cc: Attorney Norris  
City Solicitor  
City Engineer  
File



# IN CITY COUNCIL

DECEMBER 5, 2011  
Marlborough, Mass., \_\_\_\_\_

## ORDERED:

That the Communication from Michael J. Norris re: Road Acceptance, Cleversy Drive, Elm Farm Valley Estates, be and is herewith **REFER TO LEGAL DEPARTMENT FOR PROPER FORM, PLANNING BOARD, PUBLIC SERVICES COMMITTEE, AND CARRY OVER TO NEXT LEGISLATIVE YEAR.**

ADOPTED

ORDER NO. 11-1003095

CITY OF MARLBOROUGH  
OFFICE OF THE CITY CLERK

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. <sup>2011 DEC 19 P 1:11</sup> Name and address of Petitioner or Applicant:

SPRINT

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

115 Onomog St. Marlborough, MA

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

City of Marlborough

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

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

Article VI Section 200 Paragraph 20 Sub-paragraph C

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

Residence A-3

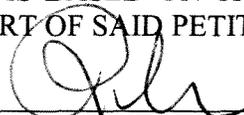
7. Specific reason(s) for seeking Special Permit

Modification of Wireless Facility

See attached Supporting Statement

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

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

 (AGENT)

Signature of Petitioner or Applicant

Address: 27 FULLER RD

WATERTOWN, MA 02472

Telephone No. 617-839-7515

Date: \_\_\_\_\_

CITY OF MARLBOROUGH  
OFFICE OF THE CITY CLERK

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CITY OF MARLBOROUGH

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

2011 DEC 28 P 3:15

1. Name and address of Petitioner or Applicant:  
Nissan Automobiles of Marlborough, Inc.  
740 Boston Post Rd., Marlborough, MA 01752
2. Specific Location of property including Assessor's Plate and Parcel Number.  
740 Boston Post Road Map 61 Parcels 28 and 28A
3. Name and address of owner of land if other than Petitioner or Applicant:  
740-744 Boston Post Road LLC  
740 Boston Post Rd., Marlborough, MA 01752
4. Legal interest of Petitioner or Applicant (~~owner, lessee, prospective owner, etc.~~)
5. Specific Zoning Ordinance under which the Special Permit is sought:  
Article 650 Section 12 Paragraph B Sub-paragraph \_\_\_\_\_
6. Zoning District in which property in question is located:

Business

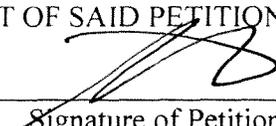
7. Specific reason(s) for seeking Special Permit

Applicant seeks to modify a portion of its building which includes its showroom, customer service, and offices to add a second story.

The increase in size is approximately 1,775 s.f. All work/modifications being performed is within the current building footprint.

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

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

  
\_\_\_\_\_  
Signature of Petitioner or Applicant

Nissan Automobiles of Marlborough, Inc. by its  
Atty. Address: Sandra R. Austin  
Law Office of Sandra Rennie Aust  
24 Bolton St.  
Marlborough, MA 01752

Telephone No. 508-281-2299

Date: \_\_\_\_\_

City Clerk's Office

*City of Marlborough*  
*Commonwealth of Massachusetts*

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CITY OF MARLBOROUGH

2011 DEC 20 A 11: 31



**PLANNING BOARD**

Barbara L. Fenby, Chair  
Colleen M. Hughes, Clerk  
Philip J. Hodge  
Edward F. Coveney  
Clyde L. Johnson  
Sean N. Fay

Carrie Lizotte, Board Secretary

Phone: (508) 460-3769

Fax: (508) 460-3736

Email: CLizotte@marlborough-ma.gov

December 5, 2011  
7:00 PM

The Planning Board for the City of Marlborough met on Monday, December 5, 2011 in Memorial Hall, 3<sup>rd</sup> Floor, City Hall 140 Main Street, Marlborough, MA 01752. Members present: Barbara Fenby, Philip Hodge, Colleen Hughes, Clyde Johnson, and Edward Coveney. Also present: Assistant City Engineer Timothy Collins.

**MINUTES**

*November 21, 2011*

On a motion by Ms. Hughes, seconded by Mr. Hodge, it was duly voted:

To accept and file the meeting minutes.

**CHAIRS BUSINESS**

*Mobile Emergency Signs*

The Chair has written down her concerns regarding the use of the mobile message board. At this time the Board decided to table the discussion until the next meeting. Mr. Hodge will not be in attendance, however he thought it was good "as-is".

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

To table the discussion until the next meeting.

**APPROVAL NOT REQUIRED PLAN**

*Map 21, Parcel 26-1*

*Correspondence from Thomas Dipersio*

Mr. Dipersio is asking for an extension for his ANR Submittal until the next regular scheduled meeting.

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

To **Grant** an extension to the time consideration for the ANR known as Map 21, Parcel 26-1 until the next regular scheduled meeting.

**PUBLIC HEARING**

**SUBDIVISION PROGRESS REPORTS**

***City Engineer Update***

Mr. Collins stated there was no update at this time.

***Berlin Farms (Long Drive)***  
***Subdivision Extension***

Mrs. Lizotte stated she has received an extension request; however the developer needed to date format and sign his request.

**PENDING SUBDIVISION PLANS: Updates and Discussion**

**PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS**

**DEFINITIVE SUBDIVISION SUBMISSIONS**

**SCENIC ROADS**

**SIGNS**

***Political Signs***

With Mr. Fay being absent, the Board decided to table all discussion until the next meeting.

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

To table the discussion until the next meeting.

**INFORMAL DISCUSSION**

**COMMUNICATIONS/CORRESPONDENCE**

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

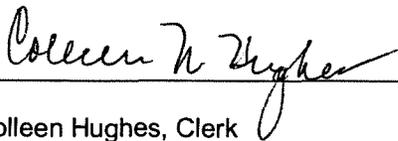
To accept all of the items listed under communications and/or correspondence.

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

To adjourn at 7:15 p.m.

**A TRUE COPY**

**ATTEST:**

  
Colleen Hughes, Clerk