

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2012 SEP -5 P 6:06

1. Minutes of the City Council Meeting, August 27, 2012.
2. CONTINUED PUBLIC HEARING On the Petition from NGrid to relocate existing P. 2, 25' in a NE direction from existing location and installation of a new anchor off of relocated P. 2 on Manning St., Order No. 12-1002151.
 - 2a. E-mail from City Engineer att'd
 - 2b. Engineer's plan att'd
3. CONTINUED PUBLIC HEARING On the Application for Special Permit from Sprint for modification of a wireless facility located at 75 Donald Lynch Blvd, Order No. 12-1005092A.
4. CONTINUED PUBLIC HEARING On the Application for Special Permit from Sprint for modification of a wireless facility located at 860 Boston Post Rd, Order No. 12-1005093A.
5. Communication from the Mayor re: request for an Executive Session for the purposes of discussing litigation strategy on a sewer contract dispute concerning 34 St. Martin Dr.
6. Communication from the Mayor re: City Clerk transfer request in the amount of \$3,000.00 which moves funds from Assistant City Clerk to Sick Leave Buy Back to fund costs associated with the resignation of an employee from the City Clerk's Office.
7. Communication from the Mayor re: Year End Closing Update.
8. Communication from the Mayor re: Reappointment of Sheila Brecken to the Council on Aging for a period of four years to expire on May 2, 2016.
9. Communication from Council President Pope re: Metropolitan Area Planning Council (MAPC) Technical Services for Zoning Overlay.
10. Communication from Attorney Mitrakas, on behalf of Logical Partners, LLC, re: amendment to the Application for Special Permit to construct a three Townhouse Condominium Unit on Map 68, Lot 466, 126 Pleasant St., Order No. 12-1005151.
11. Communication from Metro PCS, LLC, re: request to extend time limitations to install a wireless communication facility onto the existing building located at 98 Pleasant St. to November 27, 2012 until 11:00 PM, Order No. 11-1005112A.
12. Communication from Cumberland Farms re: set of revised plans relative to the redevelopment project located at 412 & 418 Maple St., Order No. 12-1005081B.
13. Communication from Central Mass Mosquito Control Project re: Mosquito Control Update.
14. Minutes, Planning Board, July 23, 2012.
15. Minutes, Council on Aging, August 14, 2012.
16. Minutes, Community Development Authority, July 26, 2012.
17. CLAIMS:
 - A. Tandoori Grill Restaurant, 197-H Boston Post Rd W., other

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Finance Committee

18. **Order No. 12-1005140 – Police Grant for \$14,049.00.** The Finance Committee reviewed the Mayor's letter dated July 23, 2012 requesting the approval of a grant from the US Department of Justice Office for cost's associated with implementing the Rape Aggression Defense System program. **Recommendation of the Finance Committee is to approve the grant 4 - 0.**
19. **Order No. 12-1005119 – Transfer \$51,002.00 for Fire Department Retirement.** The Finance Committee reviewed the Mayor's letter dated July 5, 2012 requesting the approval of a \$51,002.00 transfer from the Fringes account to fund the benefits associated with the retirement of an employee in the Fire Department. **Recommendation of the Finance Committee is to approve the transfer 4 – 0.**

From Personnel Committee

20. **Order No. 12-1005133 - Appointments by Mayor Vigeant of Stephen Zepf to the Youth Commission effective on date of confirmation by City Council for a term of three years and Michael Gibson & Pascal Chenais to the Youth Commission effective on date of confirmation by City Council for a term of two years. Recommendation of the Personnel Committee is approve Michael Gibson and Pascal Chenais 2-0 – Stephen Zepf remains in committee as he was unable to attend.. Seymour was absent.**
21. **Order No. 12-1005135 - Appointment of Jeanne McGeough to the Council on Aging for a term of four years expiring on May 1, 2016. Recommendation of the Personnel Committee is approve 2-0. Seymour was absent.**
22. **Order No. 12-1005090 - Appointment of Richard Collins to the Council on Aging for a term of three years expiring May 1, 2016. Recommendation of the Personnel Committee is approve 2-0. Seymour was absent.**

From City Council

23. **Order No. 12-1004083C - Application for Taxi License, Asia Rowland, d/b/a Marlborough Taxi, 225 Cedar Hill Street, Suite 200. Recommendation of the Public Services Committee is to table until the September 10, 2012 City Council meeting.**



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

**Lisa M. Thomas
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AUGUST 27, 2012

Regular meeting of the City Council held on Monday, AUGUST 27, 2012 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Ossing, Pope, Oram, Robey, Delano, Jenkins, Elder, Tunnera, Seymour, Clancy, and Landers. Meeting adjourned at 8:49 PM.

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

ORDERED: That the **PUBLIC HEARING** set for August 27, 2012 on the Petition from NGrid to relocate existing P. 2, 25' in a NE direction from existing location and installation of a new anchor off of relocated P. 2 on Manning St, Order No. 12-1005121, **CONTINUED UNTIL SEPTEMBER 10, 2012**; adopted.

ORDERED: That the **PUBLIC HEARING** on the Application for Special Permit from Andy Candiello, agent for MetroPCS, to install a wireless communication facility onto the existing building located at 98 Pleasant St., Order No. 12-1005122, all were heard who wish to be heard, hearing recessed at 8:28 p.m.

ORDERED: That the Nonunion Employee Salary transfer request in the amount of \$51,945.15 to fund a 2% cost of living increase for nonunion employees which will be effective from 07/01/12, refer to **FINANCE COMMITTEE**; adopted.

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT		To Account				Salary Increase	Balance FY 13
		ORG	OBJECT	ACCOUNT DISCRIP	ORG CODE	OBJECT	ACCOUNT DISCRIP		
\$ 927,326.00	\$ 51,945.15	11990006	57820	Reserve Salaries	11210001	50010	MAYOR	1,573.62	68,089
						50321	EX AIDE	1,143.84	49,493
					11210002	50590	EX SECY	893.60	39,010
					11330001	50015	COMPTROLLER	1,874.68	81,116
					11330002	50588	PT Mail CLK	144.00	6,434
					11350001	50020	AUDITOR	1,492.46	64,577
					11410001	50160	ASSESSOR	1,380.38	68,220
					11440001	50042	COLLECTOR	1,492.46	63,935
					11110003	50070	CITY COUNCILORS	2,078.80	95,278
					11110002	50350	CITY COU SECY	1,143.84	49,493
					11110003	51430	LONG	57.20	2,860
						51920	SICK LEAVE	44.00	2,200
					11510001	50030	SOLICITOR	1,971.22	85,293
						50172	ASST SOLICITOR	1,595.58	69,039
						50174	PROCURE. OFF.	1,215.68	52,601
						50175	PARALEGAL	813.92	35,217
					11520001	50530	PERS DIRECTOR	1,492.46	64,576
						50532	PER ASST.	980.76	42,435
					11520002	50401	PT SR CLK	425.64	17,814
					11550001	50014	Dir Info Sys	1,013.18	43,839
					11610001	50050	CITY CLK	1,492.78	64,592
					11610002	50290	ASST CITY CLK	1,110.94	55,546
					11920001	50291	DIRECTOR	877.46	37,967
					11920003	51430	LONG	88.76	13,298
						51920	SICK LEAVE	67.50	9,807
					12100001	50140	POLICE CHIEF	2,021.12	87,452
					12100003	51432	LONG	126.32	157,254
						51920	SICK LEAVE	77.74	155,829
						51440	EDUC	505.28	514,962
						51410	FIRST RESP	50.54	48,461
					12200001	50130	FIRE CHIEF	1,827.82	80,868
					12200003	51480	EMT	91.40	203,730
						51440	EDUC	182.78	311,890
						51226	FIRST RESP	36.56	34,750
						51430	Long	91.40	174,146
						51920	SLBB	128.20	180,009
					12410001	50090	BLDG INSP	1,641.64	73,326
						50109	ENVIR. OFFICER	1,372.14	59,371
					12910001	51210	Emg Mgt Dir	139.38	6,388
					14001001	50600	DPW COMM	2,207.86	95,532
						50630	ASST COMM	1,828.18	79,104
					14001003	51430	LONG	201.82	14,740
						51920	SICK LEAVE	155.24	11,502
					14001101	50640	ENGINEER	1,828.18	79,104
					14920001	50110	REC DIRECTOR	1,268.02	54,866
					15120001	50605	SAN/ADMIN	1,298.42	56,181
					15120001	50220	SEALER	255.56	11,057
						50390	NURSE	1,208.82	52,304
						50391	PT NURSE	562.12	23,978
					15120003	51430	LONG	61.46	5,297
						51920	SICK LEAVE	46.50	3,832
					15410001	50190	COA DIR	1,273.60	55,227
					15430001	50080	VET DIR	954.20	41,287
					16100001	50230	LIBRARY DIR	1,432.84	62,264
						50657	REF LIB	914.88	39,586
					16100003	51259	PT REF LIB	1,129.30	49,120
					16100003	51262	Lib Page	561.08	25,121
								51,945.15	

Reason: To fund non union employees cost of living increase of 2%

ORDERED: That the Retiring Employee transfer request in the amount of \$50,904.00 which will move funds from Fringes to Sick Leave and Longevity to fund the cost associated with the retirement of a member of the Marlborough Police Department, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 11990006-51500 \$50,904.00

Fringes

TO:

Acct. # 12100003-51920 \$48,816.00

Sick Leave

Acct. # 12100003-51342 \$2,088.00

Longevity

ORDERED: That the along with the City Council's approval of the FY 13 operating budget, a recommendation of adopting of Section 4, Chapter 73 of the Acts of 1986 which allows for the doubling of all exemptions offered in the City to qualified residents (i.e. Elderly, Blind, Disabled Vets) as provided by Massachusetts law in which the City would absorb any associated costs through the overlay account, **APPROVED**; adopted.

ORDERED: That the resignation of Interim Chief Assessor Dan Brogie, effective September 7, 2012, **FILE**; adopted.

ORDERED: That the Reappointments of Jim Confrey and Brenda Costa to the Council on Aging for a period of four years expiring on May 2, 2016, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the following notification from the City Clerk re: 2012 State Primary Election Call, **FILE**; adopted.

That the City Clerk be and is herewith directed to have proper notices issued notifying the VOTERS of the City of Marlborough that the **STATE PRIMARY ELECTION** will be held in the polling locations as noted below on **SEPTEMBER 6, 2012** as follows: Senator in Congress, Representative in Congress, Councillor, Senator in General Court, Representative in General Court (Thirteen and Fourth Middlesex District), Clerk of Courts, Register of Deeds and Sheriff.

THE POLLS WILL OPEN AT 7:00 A.M. AND WILL CLOSE AT 8:00 P.M.

POLLING LOCATIONS ARE AS FOLLOWS:

WARD ONE: Prec. 1 and 2	Francis J. Kane School, 520 Farm Rd.
WARD TWO: Prec. 1 and 2	Francis J. Kane School, 520 Farm Rd.
WARD THREE: Prec. 1	Masonic Hall, 8 Newton St. (corner of Main/Newton Sts.), rear
WARD THREE: Prec. 2	Raymond J. Richer School, 80 Foley Rd., Room 103
WARD FOUR: Prec. 1 and 2	Boys & Girls Club, 169 Pleasant St.
WARD FIVE: Prec. 1	Senior Center, 250 Main St.
WARD FIVE: Prec. 2	Masonic Hall, 8 Newton St. (corner of Main/Newton Sts.), rear
WARD SIX: Prec. 1 and 2	1LT Charles W. Whitcomb School, 25 Union St., Library
WARD SEVEN: Prec. 1 and 2	Hildreth School Gymnasium, 85 Sawin St.

ORDERED: That the Communication from the City Solicitor re: 93 Framingham Rd., Proposed Conveyance of a Portion of City-Owned Property, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, SEPTEMBER 24, 2012**, as date for a **PUBLIC HEARING** on the Application for Special Permit from T-Mobile for minor upgrades to existing wireless facility at 157 Union St., refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE**; adopted.
Councilors Seymour and Robey abstained

ORDERED: That there being no objection thereto set **MONDAY, OCTOBER 15, 2012**, as date for a **PUBLIC HEARING** on the Application from Attorney Mitrakas, on behalf of Logical Partners, LLC, for Special Permit to construct a three Townhouse Condominium Unit on Map 68, Lot 466, 126 Pleasant St., refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD, AND ADVERTISE**; adopted.
Councilor Tunnera abstained

ORDERED: That there being no objection thereto set **MONDAY, SEPTEMBER 24, 2012**, as date for a **PUBLIC HEARING** on the Application from Attorney Brian Falk, on behalf of 54 Main St. LLC, to install a drive-thru service window which would be part of a new structure on the property for Dunkin Donuts restaurant replacing the existing Dunkin Donuts restaurant, which does not have a drive-thru service window at 54 Main St., refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the Communication from Attorney Beattie re: Public Acceptance of Dufrense Dr., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, OCTOBER 15, 2012**, as date for a **PUBLIC HEARING** on the Application from Attorney Gadbois to amend the Zoning Code of the City of Marlborough Chapter 650 by adding to Article VI section 650-32 RESULTS WAY MIXED USE OVERLAY DISTRICT in accordance with the following proposed change, refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD AND ADVERTISE**; adopted.

ARTICLE VI

§650-32 – RESULTS WAY MIXED USE OVERLAY DISTRICT

A. Purpose and Objectives

The Results Way Mixed Use Overlay District (herein, also a “**RWMUOD**”) allows the application of supplemental land use controls within the boundaries of an certain overlay district, subject to City Council approval, as an alternative to land use controls that exist in the underlying district(s). The establishment goals of the Results Way Mixed Used Overlay District are to enhance land use development and encourage desired growth patterns for the benefit of the public health, safety and welfare, by promoting integrated, pedestrian friendly, mixed use development to allow for the development of housing, retail and workplaces within close proximity of each other consistent with the stated economic development objectives of the City (collectively, herein “Mixed Use Developments” or “MUD”).

For the purposes of this section, the RWMUOD shall be superimposed on the other districts existing at the time that any land in any said underlying district is also included in the RWMUOD. The RWMUOD district is adjacent to Simarano Drive to the west, Forest Street to the north, and Puritan Way and Results Way to the east as indicated on the City Zoning Map and more particularly described in Exhibit "A" annexed hereto and incorporated by reference herein.

For the purposes of the Zoning Ordinance, a "Mixed Use Development" or "MUD" shall include any eligible use set forth in Section D, below, which may be commingled into a single structure or structures with other eligible uses or may be located in separate structures on the site. Accordingly, Mixed Use Developments shall benefit the public health, safety and welfare, through the sharing of parking lots and driveway curb cuts, to minimize the amount of impervious paved parking areas, to reduce traffic congestion, to reduce automobile trips, and accordingly to improve air quality.

B. Authority of Permit Granting Authority

The City Council shall be the Permit Granting Authority for Special Permit and Site Plan Approval in the RWMUOD. In all instances, a development which proceeds under the RWMUOD overlay is subject to Site Plan Approval in accordance §270.2 with the exception that the City Council is the Special Permit Granting Authority for Site Plan approval in the RWMUOD.

The City Council may elect to vary the dimensional and parking requirements of this Section by Special Permit if, in their opinion, such change shall result in a substantially improved project and will not nullify or substantially derogate from the intent or purpose of this section. This authority continues subsequent to occupancy.

C. Exclusivity/Control

All uses and provisions of Article V of the Zoning ordinance relating to the underlying zoning district not otherwise impacted by this Section (§650-32 et. seq.) shall continue to remain in full force and effect provided however that the City Council shall be the Special Permit Granting Authority, if applicable. This Section (§650-32 et. seq.) of the Zoning Ordinance exclusively controls the establishment, development, and design of any MUD undertaken in the RWMUOD and supersedes any other provision of the Zoning Ordinance (except the provision of any other applicable overlay district). In the event of any conflict between the provisions of this Section (§650-32 et. seq.) and any other provision of the Zoning Ordinance, the provisions of this Section shall govern and control.

D. Eligible Uses

Except as specifically set forth below, all uses permitted in the Industrial and Limited Industrial Districts either as of right or by special permit in accordance with §650-17 of the Zoning Ordinance are permitted in the RWMUOD. If a use requires a special permit under §650-17, Table of Use Regulations, such use shall continue to require a special permit under this Section.

- (1) The following additional uses are also permitted BY-RIGHT in the RWMUOD:
- (a) Research and development
 - (b) Medical office and diagnostic medical laboratories appurtenant to offices of physicians and dentists
 - (c) Research and development including, without limitation, laboratories engaged in research, experimental and testing activities including, but not limited to, the fields of biology, chemistry, electronics, engineering, geology, pharmaceuticals, medicine and physics
 - (d) Advanced manufacturing which shall include high technology manufacturing such as, but not limited to, laser technology, robotics, nanotechnology and computer associated design and software development
 - (e) Multifamily dwelling – up to 350 dwelling units within the entire RWMUOD Zoning District including, without limitation, age restricted dwelling units
 - (f) Retail sales and services – up to 75,000sf of gross floor area, up to 10,000sf of gross floor area per establishment
 - (g) Hotels and motels
 - (h) Hotels with conference facilities and commercial uses
 - (i) Car parking lots, garages - “a structure or a group of structures that facilitate the parking of vehicles at ground level, above or below grade and shall include area for the parking vehicles at, above and/or below grade under a building or otherwise integrated into another structure
 - (j) Consumer service establishments
 - (k) Restaurant, café (with or without outside seating and service)
 - (l) Health, sports and fitness clubs (indoor and/or outdoor) and related facilities
 - (m) Self-service laundry
 - (n) Dry Cleaning (pick up and drop off only)
 - (o) Drive through facilities associated with retail (e.g. banks; pharmacies) and food services

- (2) The following additional uses are also permitted BY-SPECIAL PERMIT in the RWMUOD:
 - (a) Multifamily dwelling – more than 350 dwelling units within the entire RWMUOD Zoning District including, without limitation, age restricted dwelling units
- (3) The foregoing Sections notwithstanding, the uses set forth as follows are expressly PROHIBITED in the RWMUOD:
 - (a) Adult Bookstore, video store, paraphernalia store, movie theatre, live entertainment establishment
 - (b) Tattoo and body piercing parlors and shops
 - (c) Dye Works
 - (d) Biosafety Level 4 laboratories, as defined by the United States Center for Disease Control and Prevention

E. Dimensional Requirements

The RWMUOD shall be subject to the dimensional standards in accordance with Article VII of the Marlborough Zoning Ordinance with the following exceptions:

- (1) The RWMUOD shall consist of one or more lots. There is no minimum acreage requirement for a lot to be a part of the Results Way Mixed Use Overlay District.
- (2) Minimum Lot Frontage measurement shall be no less than fifty (50) feet for any lot wholly located within the boundaries of the RWMUOD.
- (3) Minimum Front Yard measurement shall be no less than thirty (30) feet for any lot wholly located within boundaries of a RWMUOD.
- (4) No less than fifteen (15) feet shall separate the structural side wall of any two or more MUD Structures. No less than fifteen (15) feet shall separate any area behind and or between structures, and fire suppression vehicles shall have clear and adequate access to all structures.
- (5) Maximum building height in RWMUOD shall not exceed 80 feet.
- (6) Maximum Lot Coverage shall be calculated on the entire land area of the RWMUOD and not on an individual lot basis, and shall not exceed 60 percent of the total area of the RWMUOD.

F. Parking and Curb Cut Requirements.

Except as otherwise provided in this section, parking and circulation requirements shall conform with the provisions of Section §650-48 and §650-49 of the Zoning Ordinance.

- (1) General - In the RWMUOD adequate off-street parking shall be provided. The City Council and the applicant shall have as a goal for the purposes of defining adequate off-street parking, making the most efficient use of the parking facilities to be provided and minimizing the area of land to be paved for this purpose. In implementing this goal the Board shall consider complimentary or shared use of parking areas by activities having different peak demand times, and the applicant shall locate adjacent uses in such a manner as will facilitate the complementary use of such parking areas. Implementation of such complementary use of parking areas may result in permitted reductions in the parking requirements.
- (2) Parking Locations - Parking may be provided at ground level, underground or in a parking garage. Parking garages can be free standing or as part of buildings dedicated to other permitted uses.
- (3) Parking Spaces for Each Dwelling Unit - There shall be a minimum of 1.5 parking spaces for each dwelling unit.
- (4) Granting of Relief from Parking Regulations - The City Council may waive any of the foregoing requirements or the requirements of Section §650-48 if it makes a finding that to do so will enhance the overall design of the RWMUOD.

G Signage

Except as otherwise provided in this Mixed Use Ordinance, parking and circulation requirements shall conform with the provisions of Chapter 526 of the Marlborough General Code – the Sign Ordinance.

- (1) Granting of Relief from Signage Regulations - The City Council may waive any of the requirements of the Sign Ordinance if it makes a finding that to do so will enhance the overall design of the RWMUOD.

H. Application

An application for a Special Permit or Site Plan approval for a Mixed Use Development in the RWMUOD shall comply with the requirements of Section§650-59 et. seq. of the Zoning Ordinance.

I. Standards for Roadways and Drainage

- (1) Roadways - RWMUOD roadways to be accepted by the [City] as public ways shall be designed and constructed in accordance with the Rules and Regulations for the Subdivision of Land in the City. Private ways within the RWMUOD, to the extent feasible, shall be constructed using the methods and materials prescribed in the Rules and Regulations for the Subdivision of Land in the City, but shall not be required to conform to the dimensional requirements thereof, provided that those private roadways shall be adequate for the intended vehicular and pedestrian traffic and shall be maintained by the owner/developer or an association of owners.
- (2) Storm Water Management System - The RWMUOD shall have a storm water management system designed in accordance with the Rules and Regulations for the Subdivision of Land in the City and the Department of Environmental Protection’s Storm Water Management Guidelines, as amended.

J. Amendments

After approval, the owner/developer may seek amendments to the approved plan. Minor amendments may be made by a majority vote of the City Council. It shall be a finding of the City Council, not subject to dispute by the applicant, whether a requested amendment is deemed to be major or minor. A major amendment shall require the filing of an application pursuant to Section §650-59 of the Zoning Ordinance.

EXHIBIT A

A CERTAIN PARCEL OF LAND SITUATED ON THE SOUTHERLY SIDE OF FOREST STREET, WESTERLY SIDE OF INTERSTATE ROUTE 495 AND THE EASTERLY SIDE OF SIMARANO DRIVE IN THE CITY OF MARLBOROUGH, COUNTY OF MIDDLESEX, COMMONWEALTH OF MASSACHUSETTS, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY CORNER OF THE INTERSECTION OF SIMARANO DRIVE AND FOREST STREET, SAID POINT BEING THE NORTHWESTERLY CORNER OF HEREINAFTER DESCRIBED PARCEL; THENCE

EASTERLY BY A CURVE TO THE RIGHT HAVING A RADIUS OF FIVE HUNDRED SEVENTY AND NO HUNDREDTHS FEET (570.00’), A DISTANCE OF ONE HUNDRED FIFTY AND THIRTY-NINE HUNDREDTHS FEET (150.39’) TO A POINT; THENCE

S 89° 18’ 23” E A DISTANCE OF TWO HUNDRED SIX AND THIRTY-THREE HUNDREDTHS FEET (206.33’) TO A POINT THENCE

EASTERLY BY A CURVE TO THE LEFT HAVING A RADIUS OF ONE THOUSAND THIRTY AND NO HUNDREDTHS FEET (1030.00'), A DISTANCE OF THREE HUNDRED FORTY-THREE AND FORTY-TWO HUNDREDTHS FEET (343.42') TO A POINT; THENCE

N 71° 35' 25" E A DISTANCE OF FOUR HUNDRED FIFTY-SIX AND SIXTY-FOUR HUNDREDTHS FEET (456.64') TO A POINT; THENCE

EASTERLY BY A CURVE TO THE RIGHT HAVING A RADIUS OF FIVE HUNDRED SEVENTY AND NO HUNDREDTHS FEET (570.00'), A DISTANCE OF TWO HUNDRED TEN AND EIGHTY-FOUR HUNDREDTHS FEET (210.84') TO A POINT; THENCE

S 87° 13' 00" E A DISTANCE OF FOUR HUNDRED TWENTY-EIGHT AND NINETY-TWO HUNDREDTHS FEET (428.92') TO A POINT; THENCE

EASTERLY BY A CURVE TO THE LEFT HAVING A RADIUS OF ONE THOUSAND THREE HUNDRED SIXTY-TWO AND NINETY-THREE HUNDREDTHS FEET (1362.93'), A DISTANCE OF FOUR HUNDRED ONE AND FIFTY HUNDREDTHS FEET (401.50') TO A POINT; THENCE

N 75° 54' 18" E A DISTANCE OF THREE HUNDRED EIGHTY-EIGHT AND THIRTY-EIGHT HUNDREDTHS FEET (388.38') TO A POINT IN THE WESTERLY LINE OF INTERSTATE ROUTE 495, THE PREVIOUS EIGHT (8) COURSES BOUNDING ON THE SOUTHERLY LINE OF FOREST STREET; THENCE

SOUTHERLY BY A CURVE TO THE LEFT HAVING A RADIUS OF TEN THOUSAND ONE HUNDRED FIFTY-TWO AND NO HUNDREDTHS FEET (10152.00'), A DISTANCE OF ONE THOUSAND SIXTY-SIX AND NINE HUNDREDTHS FEET (1066.09') BY THE WESTERLY LINE OF INTERSTATE ROUTE 495 TO A POINT; THENCE

S 78° 36' 23" W A DISTANCE OF FIVE HUNDRED THIRTY-EIGHT AND TWENTY-FIVE HUNDREDTHS FEET (538.25') TO A POINT; THENCE

S 27° 49' 51" W A DISTANCE OF ONE HUNDRED TWENTY-THREE AND THIRTY-SIX HUNDREDTHS FEET (123.36') TO A POINT; THENCE

SOUTHERLY BY A CURVE TO THE LEFT HAVING A RADIUS OF ONE THOUSAND ONE HUNDRED AND NO HUNDREDTHS FEET (1100.00'), A DISTANCE OF THREE HUNDRED AND EIGHTY-SIX HUNDREDTHS FEET (300.86') TO A POINT; THENCE

SOUTHEASTERLY BY A CURVE TO THE RIGHT HAVING A RADIUS OF TWO HUNDRED TWENTY-THREE AND NO HUNDREDTHS FEET (223.00'), A DISTANCE OF TWO HUNDRED TWENTY-SEVEN AND NINETY-SIX HUNDREDTHS FEET (227.96') TO A POINT; THENCE

SOUTHERLY BY A CURVE TO THE RIGHT HAVING A RADIUS OF FOUR HUNDRED FIFTY AND NO HUNDREDTHS FEET (450.00'), A DISTANCE OF FOUR HUNDRED EIGHTY-ONE AND SIXTY-EIGHT HUNDREDTHS FEET (481.68') TO A POINT; THENCE

S 42° 06' 53" W A DISTANCE OF ONE HUNDRED ELEVEN AND TWENTY-SIX HUNDREDTHS FEET (111.26') TO A POINT; THENCE

SOUTHERLY BY A CURVE TO THE LEFT HAVING A RADIUS OF FIVE HUNDRED TEN AND NO HUNDREDTHS FEET (510.00'), A DISTANCE OF FIVE HUNDRED SEVENTEEN AND NINETY-TWO HUNDREDTHS FEET (517.92') TO A POINT; THENCE

S 16° 04' 13" E A DISTANCE OF ONE HUNDRED FORTY-NINE AND NINETY-THREE HUNDREDTHS FEET (149.93') TO A POINT; THENCE

S 65° 34' 06" W A DISTANCE OF ONE HUNDRED THIRTY-SEVEN AND FIFTY-THREE HUNDREDTHS FEET (137.53') TO A POINT IN THE EASTERLY LINE OF SIMARANO DRIVE; THENCE

NORTHWESTERLY BY A CURVE TO THE LEFT HAVING A RADIUS OF FIVE HUNDRED THIRTY AND NO HUNDREDTHS FEET (530.00') A DISTANCE OF ONE HUNDRED SIXTY-EIGHT AND TWENTY-TWO HUNDREDTHS FEET (168.22') TO A POINT; THENCE

N 53° 42' 50" W A DISTANCE OF ONE THOUSAND SIX HUNDRED EIGHTY-EIGHT AND NINETY HUNDREDTHS FEET (1688.90') TO A POINT; THENCE

NORTHWESTERLY BY A CURVE TO THE RIGHT HAVING A RADIUS OF SIX HUNDRED FORTY-SEVEN AND NINETY HUNDREDTHS FEET (647.90'), A DISTANCE OF SIX HUNDRED FIFTY-THREE AND TWENTY-FIVE HUNDREDTHS FEET (653.25') TO A POINT; THENCE

N 04° 03' 18" E A DISTANCE OF TWO HUNDRED THIRTY-FIVE AND NINETY-TWO HUNDREDTHS FEET (235.92') TO A POINT; THENCE

NORTHERLY BY A CURVE TO THE LEFT HAVING A RADIUS OF FOUR HUNDRED SEVENTY-SEVEN AND FORTY-NINE HUNDREDTHS FEET (477.49'), A DISTANCE OF ONE HUNDRED FORTY-EIGHT AND SEVENTY-EIGHT HUNDREDTHS FEET (148.78') TO A POINT; THENCE

N 13° 47' 53" W A DISTANCE OF FOUR HUNDRED FORTY-ONE AND TWENTY-THREE HUNDREDTHS FEET (41.23') TO A POINT; THENCE

NORTHEASTERLY BY A CURVE TO THE RIGHT HAVING A RADIUS OF FIFTY AND NO HUNDREDTHS FEET (50.00'), A DISTANCE OF SEVENTY-SEVEN AND NINETY-NINE HUNDREDTHS FEET (77.99') TO THE POINT OF BEGINNING. THE PREVIOUS SEVEN (7) COURSES BOUNDING ON THE SAID EASTERLY LINE OF SIMARANO DRIVE.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS AN AREA OF 109.47 ACRES AND IS MORE PARTICULARLY SHOWN ON A PLAN ENTITLED "COMPILED PLAN OF LAND IN MARLBOROUGH, MASS. & SOUTHBOROUGH, MASS." DATED NOVEMBER 23, 1994; PREPARED BY THE BSC GROUP, INC AND RECORDED WITH MIDDLESEX SOUTH DISTRICT REGISTRY OF DEEDS AS PLAN NO. 1254 OF 1994.

MARLBOROUGH ASSESSOR'S MAP 101 PARCEL 2.

ORDERED: That the Application for Junk Dealer's License, Andrew Spaventa, d/b/a ecoATM, 601 Donald Lynch Blvd., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Application for Livery License, Marc Marlegni, d/b/a Toy Motorsports, LLC, 896 Boston Post Rd. East, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

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

ORDERED: That the Minutes, Council on Aging, June 12, 2012, **FILE**; adopted.

ORDERED: That the Minutes, Community Development Authority, May 31, June 14 & 28, 2012, **FILE**; adopted.

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

Order No. 12-1005140 – Police Grant for \$14,049.00. The Finance Committee reviewed the Mayor's letter dated July 23, 2012 requesting the approval of a grant from the US Department of Justice Office for cost's associated with implementing the Rape Aggression Defense System program. **Recommendation of the Finance Committee is to approve the grant 4 - 0.**

Order No. 12-1005119 – Transfer \$51,002.00 for Fire Department Retirement. The Finance Committee reviewed the Mayor's letter dated July 5, 2012 requesting the approval of a \$51,002.00 transfer from the Fringes account to fund the benefits associated with the retirement of an employee in the Fire Department. **Recommendation of the Finance Committee is to approve the transfer 4 – 0.**

Councilor Tunnera reported the following out of the Personnel Committee:

Order No. 12-1005133 - Appointments by Mayor Vigeant of Stephen Zepf to the Youth Commission effective on date of confirmation by City Council for a term of three years and Michael Gibson & Pascal Chenais to the Youth Commission effective on date of confirmation by City Council for a term of two years. Recommendation of the Personnel Committee is approve Michael Gibson and Pascal Chenais 2-0 – Stephen Zepf remains in committee as he was unable to attend.. Seymour was absent.

Order No. 12-1005135 - Appointment of Jeanne McGeough to the Council on Aging for a term of four years expiring on May 1, 2016. Recommendation of the Personnel Committee is approve 2-0. Seymour was absent.

CITY OF MARLBOROUGH --BUDGET TRANSFERS--									
DEPT:		Gen Government			FISCAL YEAR:	Police			
Available Balance	Amount	FROM ACCOUNT:	Object	Account Description:	Amount	TO ACCOUNT:	Object	Account Description:	Available Balance
		Org Code			2013	Org Code			
					\$7,874	12100003	51920	Sick Leave Buy Back	\$157,204
	Reason:					To Fund Labor Contract			
					\$27,503	12100003	51440	Educational Incentive	\$590,566
	Reason:					To Fund Labor Contract			
					\$4,051	12100003	51342	Longevity	\$178,370
	Reason:					To Fund Labor Contract			
					\$4,946	12100003	51490	Holiday	\$280,000.00
	Reason:					To Fund Labor Contract			
					\$1,425	12100003	51450	Night Shift Diff	\$116,981
	Reason:					To Fund Labor Contract			
					\$161	12100003	51410	First Responder	\$55,645
	Reason:					To Fund Labor Contract			
					Sub Total				\$45,961
					Sub Total Page 1				\$94,175
					Total				\$140,136

Suspension of the rules requested – granted

ORDERED: That the transfer request in the amount of \$36,355.90 which will fund the negotiated benefits for Department of Public Work's Local 888 for fiscal years 2013, 2014, and 2015, **APPROVED**; adopted.

From Account		TO Account							
General Gov't		DPW Various Accounts							
Available	Amount	ORG	OBJECT	Account Disc	Amount	Description	Org	Object	Available
\$ 927,326.00	\$ 36,355.90	11990006	57820	Reserve for Salaries					
					\$ 5,363.20	Foreman	14001301	50690	\$ 252,689.00
					\$ 927.12	Longevity	14001303	51430	\$ 46,356.00
					\$ 669.62	Sick Leave	14001303	51920	\$ 33,481.00
					\$ 209.00	Meals	14001303	51990	\$ 4,025.00
					\$ 4,000.00	Edu Incentive	14001303	51440	\$ 3,600.00
					\$ 756.68	OT	14001303	51310	\$ 32,637.00
					\$ 5,363.20	Foreman	14001501	50690	\$ 256,556.00
					\$ 653.70	Longevity	14001503	51430	\$ 32,685.00
					\$ 103.16	Sick Leave	14001503	51920	\$ 14,309.00
					\$ 27.00	Meals	14001503	51990	\$ 690.00
					\$ 4,000.00	Edu Incentive	14001503	51440	\$ 5,100.00
					\$ 536.00	OT	14001503	51310	\$ 24,252.00
					\$ 4,022.40	Foreman	61090001	50690	\$ 189,516.00
					\$ 1,340.80	Chief Plt Opr	61090001	50780	\$ 63,172.00
					\$ 378.60	Longevity	61090003	51430	\$ 18,292.00
					\$ 742.42	Sick Leave	61090003	51920	\$ 34,543.00
					\$ 215.00	Meals	61090003	51990	\$ 4,140.00
					\$ 4,000.00	Edu Incentive	61090003	51440	\$ 7,000.00
					\$ 3,048.00	OT	61090003	51310	\$ 144,119.00
	Reason: To fund DPW Foreman Labor Contract.				\$ 36,355.90				

Suspension of the rules requested – granted

ORDERED: That the appointment of Deborah Fox as Collector for a term to expire one year from August 27, 2012, **APPROVED**; adopted.

Suspension of the rules requested – granted

ORDERED: That the Appointment of Mr. Michael Mendoza as Building Commissioner effective on date of confirmation by City Council for a term of three years, **APPROVED**; adopted.

At Council President Pope's request to recess at 9:47 PM and return to open meeting at 8:49 PM, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:49 PM.



IN CITY COUNCIL

AUGUST 27, 2012

Marlborough, Mass., _____

ORDERED:

That the **PUBLIC HEARING** set for August 27, 2012 on the Petition from NGrid to relocate existing P. 2, 25' in a NE direction from existing location and installation of a new anchor off of relocated P. 2 on Manning St, Order No. 12-1005121, be and is herewith **CONTINUED UNTIL SEPTEMBER 10, 2012.**

(IN PUBLIC SERVICES COMMITTEE)

ADOPTED

ORDER NO. 12-1005121

Lisa Thomas

From: City Council
Sent: Tuesday, September 04, 2012 6:03 PM
To: Lisa Thomas
Subject: FW: petition for Manning Street marlborough plan #11651617
Attachments: Scan f001.pdf

Lisa,
For the continued NGrid Public Hearing for NGrid, please include the Engineer's email and the attached plan as part of the agenda packet - as a) and b) itemized attachments.
Thanks!
KB

-----Original Message-----

From: Thomas Cullen
Sent: Thursday, August 30, 2012 9:57 AM
To: Angela.Birch@nationalgrid.com; Larson, Dana
Cc: Tim Collins; City Council; Chris LaFreniere; Marcia Josephson; BRUCE.KUT@us.ngrid.com; Marcia Josephson
Subject: RE: petition for Manning Street marlborough plan #11651617

Angela and Dana,

Based on my field meeting with Dana Larson, I have attached a sketch of the proposed location of the new utility pole indicated in the below petition with the City Council. We field located the approximate location of the new pole and guy anchor which is indicated on the attached graphic.

Marlborough's Engineering Division is okay with the attached sketch indicating the location of the proposed pole and the guy anchor. Note that you need to continue the process of the proposed new pole with the City Council.

If you have any additional questions and/or comments, please feel free to contact me.

Thomas E. Cullen, Jr., P.E.
City Engineer

-----Original Message-----

From: Cullen, Thomas
Sent: Wednesday, July 11, 2012 10:15 AM
To: 'Angela.Birch@nationalgrid.com'
Cc: Collins, Tim; City Council; LaFreniere, Chris; Josephson, Marcia
Subject: FW: petition for Manning Street marlborough plan #11651617

Angela,

The mapping that you have provided is very confusing. Please see the attached GIS mapping relative the area which included a graphical representation of the City's water and sewer infrastructure. May I suggest that this information is also depicted on your proposed plan noting that your proposed 25' shift of the pole to the NE may place the pole at the existing hydrant. In the event that any work is required on this hydrant, I would want 8'-10' horizontal clearance around the hydrant (otherwise we would need to you to secure the pole while we worked on the hydrant).

You pole placement should also take into account location (e.g. at/about a property line versus placed at/about a walkway for the property in question).

How will the new pole be guy/anchored (i.e. via an easement on private property)?

Please also note that this proposed petition will need to be reviewed by City Council.

Thomas E. Cullen, Jr., P.E.
City Engineer

-----Original Message-----

From: Birch, Angela A. [<mailto:Angela.Birch@nationalgrid.com>]
Sent: Thursday, June 28, 2012 9:55 AM
To: Cullen, Thomas
Cc: Collins, Tim
Subject: FW: petition for manning street marlborough plan #11651617

-----Original Message-----

From: safetyscans@us.ngrid.com [<mailto:safetyscans@us.ngrid.com>]
Sent: Thursday, June 28, 2012 10:48 AM
To: Birch, Angela A.
Subject:

This E-mail was sent from "RIPRVMF006" (Aficio 2022).

Scan Date: 06.28.2012 09:48:04 (-0500)

Queries to: safetyscans@us.ngrid.com

***** This e-mail and any files transmitted with it, are confidential to National Grid and are intended solely for the use of the individual or entity to whom they are addressed. If you have received this e-mail in error, please reply to this message and let the sender know.



IN CITY COUNCIL

JULY 9, 2012

Marlborough, Mass., _____

ORDERED:

That there being no objection thereto set **MONDAY, SEPTEMBER 10, 2012**, as date for a **CONTINUED PUBLIC HEARING** for the Application for Special Permit from Sprint for modification of a wireless facility located at 75 Donald Lynch Blvd., be and is herewith **ADVERTISE**.

ADOPTED

ORDER NO. 12-1005092A



IN CITY COUNCIL

JULY 9, 2012

Marlborough, Mass., _____

ORDERED:

That there being no objection thereto set **MONDAY, SEPTEMBER 10, 2012**, as date for a **CONTINUED PUBLIC HEARING** for the Application for Special Permit from Sprint for modification of a wireless facility located at 860 Boston Post Rd., be and is herewith **ADVERTISE**.

ADOPTED

ORDER NO. 12-1005093A



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

140 Main Street

2012 SEP -5 P 4: Marlborough, Massachusetts 01752

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

www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

September 5, 2012

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

Re: Executive Session

Honorable President Pope and Councilors:

I respectfully request an Executive Session with the Council for the purposes of discussing litigation strategy on a sewer contract dispute concerning 34 St. Martin Drive. I have enclosed an order pursuant to this item.

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

Sincerely,

Arthur G. Vigeant
Mayor

ORDERED:

It is moved, in conformance with the provisions 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 on a sewer contract dispute concerning 34 St. Martin Drive, as an open meeting may have a detrimental effect on the litigating position of the City of Marlborough, and the chair hereby declares that an open meeting may have that effect. It is further moved and stated that the Marlborough City Council will re-convene in open session after the executive session.



City of Marlborough

Office of the Mayor

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

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

September 5, 2012

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

Re: Transfer Request – City Clerk

Honorable President Pope and Councilors:

I have enclosed for your approval the following transfer request:

- 1) Transfer in the amount of \$3,000.00 from 11610002-50290 (Assistant City Clerk) to 11620003-51920 (Sick leave buyback)

This transfer will fund the costs associated with the resignation of an employee from the City Clerk's office.

Please do not hesitate to contact my office with any questions. Thank you for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor



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

**Lisa M. Thomas
City Clerk**

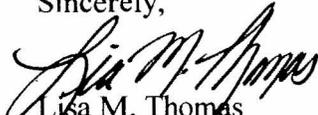
August 31, 2012

Mayor Arthur G. Vigeant
President Patricia Pope
140 Main St.
Marlborough, MA 01752

Dear Mayor and Council President:

I respectfully request approval at the September 10, 2012 City Council meeting for an Intra-departmental transfer of \$3,000.00 from the Assistant City Clerk, Account # 11610002-50290 to Sick Leave Buy Back, Account # 11620003-51920 to cover the cost associated with an employee's resignation. Please see attached spreadsheet. Thank you in advance for your attention to this matter.

Sincerely,


Lisa M. Thomas
City Clerk

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:

City Clerk's Office

DATE: August 31, 2012

FY: 13

Available Balance	FROM ACCOUNT:				TO ACCOUNT:				Available Balance
	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	
<u>\$55,546.40</u>	<u>\$3,000.00</u>	<u>11610002</u>	<u>50290</u>	<u>Assistant City Clerk</u>	<u>\$3,000.00</u>	<u>11620003</u>	<u>51920</u>	<u>Sick Leave Buy Back</u>	<u>\$0</u>
	Reason:	<u>Unused Assistant City Clerk line item</u>			<u>To cover the cost associated with the resignation of an employee</u>				
	Reason:	_____			_____				
	Reason:	_____			_____				
	Reason:	_____			_____				
	Reason:	_____			_____				
	Reason:	_____			_____				

Dept Head signature: _____

Mayor signature: _____

John M. Thomas
[Signature]



City of Marlborough

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Office of the Mayor

2012 SEP - 5 P 4:11 140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610
www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

September 5, 2012

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

Re: Year End Closing

Honorable President Pope and Councilors:

I wish to update you on the end of the year closing for the FY12 finances. I have included in this correspondence a memorandum and timeline from City Auditor Diane Smith which will inform you of all the completed steps and ones yet to be completed that lead up to the setting of the tax rate in early December.

We are working with the Department of Revenue (DOR) on obtaining our free cash certification and anticipate being able to provide that to you in the near future.

Please do not hesitate to contact my office with any questions. Thank you for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor



CITY OF MARLBOROUGH

Office of the City Auditor

140 Main St.

Marlborough, MA 01752

508.460.3774

MEMORANDUM

TO: Mayor Arthur G. Vigeant
FROM: Diane Smith, City Auditor
DATE: September 4, 2012
RE: FY12 End of Year Close Timeline

Attached for your review please find a timeline for the necessary steps to close the FY12 books and submit all required paperwork and reports to the state for free cash certification.

As you will note all reporting of disbursements and receipts through May has been completed and the Treasurer's office is working on cash reconciliation for April.

The remaining steps involved in closing the books will be completed as projected on the timeline and the end of year reports and paperwork will be submitted to the state for certification no later than October 10, 2012. I will be speaking with our representative at the Division of Local Services to let them know of our time frame and our tax rate hearing date so that they will work with us to get free cash certified prior to that date.

If you have any questions please feel free to contact me directly.

Cc: Thomas Abel, Comptroller/Treasurer

FY12 END OF YEAR CLOSE TIMELINE

9/5/2012

			DATE COMPLETED FY2012 EOY
JUNE	29th	Auditor and Collector reconcile receivables thru June 2012	completed
JULY	9th	Final FY12 Invoices submitted to Auditors Office by departments	completed
	12th	Final FY12 Accounts Payable Warrant Processed	completed
	16th	FY12 Open Purchase Order List sent to Depts	completed
	26th	Depts return Open PO List with FY12 Carryforwards	completed
		Auditor reviews carryforwards	completed
AUG	22nd	Final School Accrued Summer payroll posted to ledger	completed
	28th	Treasurer's Office reports FY12 non-check (wire) disbursements and receipts for May 12	completed
		Treasurer's Office reconciles bank statements and Cash balances thru Mar 12	completed
SEPT	4th thru 21st	Treasurer's Office to reconcile bank statements and Cash balances thru June 12	
		Treasurer's Office to report FY12 non-check (wire) disbursements and receipts for June 12	
		Revenue ledger and expenditure ledger closed	
		Auditor reviews/reconciles all general ledger funds/accounts including but not limited to: payroll withholding accounts, due to/from accounts, bond payable accounts, statement of indebtedness w/Treasurer, OFU/OFS.	
	24th thru 28th	General Ledger Closed, reports prepared for State (balance sheet, detail fund balances, cash reconciliation, year end checklist info, undesignated fund balance proof, Collector/Auditor receivable reconciliation report, capital projects detail report, detail trial balance (all funds), Snow & Ice data sheet)	
OCT	1st	Statement of Indebtedness from Treasurer	
		Health Insurance Incurred but not reported from Treasurer	
	10th	Submit all paperwork to State for free cash certification	
		Once paperwork is submitted to the state they may request additional info and approval typically takes 1-2 weeks after the submission date.	
DEC	3rd	Tax Rate Hearing- City Council	



City of Marlborough

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Office of the Mayor

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www.marlborough-ma.gov

Arthur G. Vigeant
MAYOR

Michael C. Berry
EXECUTIVE AIDE

Patricia Bernard
EXECUTIVE SECRETARY

September 5, 2012

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

Re: Reappointment to the Council on Aging

Honorable President Pope and Councilors:

I am pleased to present to you the name of Ms. Sheila Brecken for reappointment to the Council on Aging (COA). Ms. Brecken has been a valued contributor to the COA and I believe that her experience and advocacy will continue to serve our senior population well for years to come.

Ms. Brecken will be reappointed for a period of four years to expire on May 2, 2016.

Please ~~do~~ not hesitate to let me know if you have any questions. Thank you for your consideration.

Sincerely,

Arthur G. Vigeant
Mayor



City of Marlborough

Office of the City Council

140 Main Street

Marlborough, Massachusetts 01752

Tel. (508) 460-3711 Facsimile (508) 460-3710 TDD (508) 460-3610

Email citycouncil@marlborough-ma.gov

Patricia A. Pope
PRESIDENT

Edward J. Clancy
VICE-PRESIDENT

Karen A. Boule
CITY COUNCIL ASSISTANT

RECEIVED
CLERK'S OFFICE
OF MARLBOROUGH
2012 SEP - 5 P 5:52

September 5, 2012

Marlborough City Council
City Hall – 140 Main Street
Marlborough, MA 01752

Dear Councilors:

The Marlborough Economic Development (MEDC) Commission has executed a contract with the Metropolitan Area Planning Council (MAPC) for professional services, and these services are available to the City Council.

MEDC established a budget and account dedicated to urban planning and economic development services for policymakers within the City of Marlborough which MEDC will manage and operate on behalf of the City. The agreement and scope of services provides in part that MAPC will provide technical assistance to the City of Marlborough in the form of review and comments related to Results Way Mixed Use Overlay District.

MAPC will provide planning assistance to the City of Marlborough to review the proposed Results Ways Mixed Use Overlay District zoning ordinance for an approximately 100+ acre property on Forest Street. The project goal is to provide comments to the Marlborough City Council to inform the review and approval process of an overlay ordinance for the area that will promote redevelopment of the site into a mixed use development that meets the City's goals for economic development.

The City Council has set the date of October 15, 2012 for a public hearing on the proposed Zoning Overlay submitted by Attorney Gadbois for Atlantic-Marlboro Realty LLC. MAPC stands ready to address the City Council on the merits of the Zoning Overlay, either at a regular meeting of the City Council or through our committee process at our convenience. If members are interested in taking advantage of this offer, I would suggest either setting a date for an appearance before the body or referral to the Urban Affairs Committee.

Sincerely,

Patricia A. Pope
City Council President

**LAW OFFICES OF
GREGORY G. MITRAKAS**

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2012 SEP -5 P 2:35

297 EAST MAIN STREET (ROUTE 20)
MARLBOROUGH, MASSACHUSETTS 01752-2653
TELEPHONE (508)-481-4544
FACSIMILE (508)-480-8228
www.mitrakaslaw.com

August 30, 2012

Marlboro City Council
140 Main St.
Marlboro, MA 01752

**RE: Special Permit Application, Logical Partners, LLC
126 Pleasant Street, Marlboro, MA**

Dear President and Members:

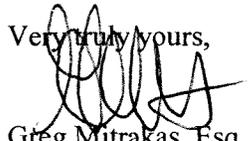
Please accept the attached as a request for an amendment to the Application to City Council for issuance of Special Permit, filed August 8, 2012, as follows:

1. The Special Permit-Summary Impact Statement should be revised to list the number of stories as 2 and not 2.5 as found in par 3 of said Statement

Kindly place this item on your agenda for the next upcoming meeting.

Thank you.

Very truly yours,


Greg Mitrakas, Esq.
gm.ms

**AGREEMENT TO EXTEND
TIME LIMITATIONS**

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Date: August 30, 2012

2012 AUG 31 A 10:24

Order No. # 12-1005122

Application for Special Permit from MetroPCS Massachusetts, LLC

Applicant's Name

for Wireless Communications Facility

Purpose

at 98 Pleasant Street, Marlborough, MA

Location

REFER TO Wireless Sub-Committee
Committee

PUBLIC HEARING: August 27th, 2012
Date of Public Hearing

The decision of the special permit granting authority shall be made within ninety days following the date of such public hearing. The required time limits for a public hearing and said action may be extended by written agreement between the petitioner and the special permit granting authority. A copy of such agreement shall be filed in the office of the City Clerk.

Pursuant to Mass. General Laws, c.40A, s.9, as amended, the required time limits for action by the Marlborough City Council, as it is the special permit granting authority in the above referenced matter, is hereby extended, by agreement, until 11:00 p.m. on November 27, 2012.

By: _____

acting on behalf of, and at the direction of,
the special permit granting authority:

Marlborough City Council

By: 

Andy Candiello - Agent

Acting on behalf of, and at the direction of,
Petitioner:
MetroPCS Massachusetts, LLC



Cumberland Gulf Group of Companies
100 Crossing Boulevard • Framingham, MA 01702
508-270-1400
www.cumberlandgulf.com



Law Department

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

August 30, 2012

2012 AUG 30 A 8:33

Via Hand-Delivery

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

Re: *Cumberland Farms*
Project Location: 412 & 418 Maple Street

Dear Lisa:

Enclosed is a set of revised plans relative to our redevelopment project scheduled before the Urban Affairs Committee on September 10, 2012. Plan sets have been submitted to Karen Boule for the Committee's review and consideration, and she suggested that a copy be provided to you as well.

Please contact me at 508-270-1466 should you have any questions in this regard.
Thank you.

Sincerely,

Kathleen A. Sousa
Land Planning Manager

/Enclosure



Branded Products



Mobil

M E M O

**Central Mass.
Mosquito Control
Project**

www.cmmcp.org

RECEIVED
CITY OF MARLBOROUGH
2012 SEP -5 P 2:35



DATE: Aug. 30, 2012
SUBJECT: Mosquito Control Update
TO: CMMCP Boards of Health
FROM: Timothy Deschamps, Executive Director

What a busy season for CMMCP so far: 51 collections of mosquitoes with West Nile Virus and/or EEE in 25 member cities & towns, many areas with multiple collections – and the season is not over yet. I would like to thank everyone for their assistance in planning our responses; it has been a multi-faceted approach with many city and town departments working together.

The standard residential spraying program will end when cooler night time temperatures predominate (low temps reduce mosquito activity and the effectiveness of the pesticide) – spraying is not allowed until after sunset, and is prohibited at temperatures below 50°F due to label restrictions.

We are entering into the highest risk part of the season, a time where spraying interventions may not always be possible. Please continue to push the message of exercising caution when outside, using repellents and wearing long sleeved shirts and long pants whenever possible. People should also schedule outdoor events to avoid the mosquito's most active time, dawn and dusk. We will continue to monitor mosquitoes throughout September possibly into October. If virus is found in your area, please contact our office and we will determine the appropriate response together. **Risk from mosquito-borne disease may be present even after spraying, and will be present until we have several widespread, killing frosts.**

On our website we post weekly information from our arbovirus surveillance program: <http://www.cmmcp.org/2012vector.htm>. Please feel free to contact me if you have any questions, and you can log on to our website at any time at www.cmmcp.org for additional information.

cc: Member Boards of Selectmen

2012 AUG 29 A 9 20



July 23, 2012
7:00 PM

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

The Planning Board for the City of Marlborough met on Monday, July 23, 2012 in Memorial Hall, 3rd Floor, City Hall 140 Main Street, Marlborough, MA 01752. Members present: Barbara Fenby, Colleen Hughes, Sean Fay, Philip Hodge, Edward Coveney and Clyde Johnson. Also present: Assistant City Engineer Timothy Collins.

MINUTES

July 9, 2012

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

To accept and file the meeting minutes with minor amendments.

APPROVAL NOT REQUIRED PLAN

CHAIRS BUSINESS

Mike Berry, Mayor's Aide

Mayoral Aide Berry appeared to discuss ongoing sign issues. The Board discussed how the sign ordinance differentiates between signs on public property for City-sponsored events versus signs for other civic events or those appearing on private property.

Ms. Hughes stated that a major issue is determining what events are City-sponsored and need only mayoral approval as the term "city sponsored" is not defined.

Mr. Fay explained to Mr. Berry that in order for the Mayor to have authority to approve a sign, two conditions needed to be present. First, the event must be city sponsored. Second, the sign in question must be placed on public property. Mr. Fay stated that the

sign ordinance does not permit the Mayor to approve signs on private property under any circumstances, no matter how desirable the event. Mr. Fay also cited recent examples where limited approval for signs promoting civic events resulted in a proliferation of signs appearing on private property, city streets, hanging from awnings, in close proximity to crosswalks and congested intersections resulting in public safety issues.

Mr. Fay explained to Mr. Berry that signs for civic events, whether or not city-sponsored that appear on private property need to go through the same approval process as any other sign- application to the building department for each sign, and if the application is denied, application for a variance to the Planning Board was required before any signs were erected.

Mr. Berry indicated he would communicate with the Building Department for guidance on future sign requests that come into the Mayor's Office and would also notify business owners to contact the Building Department for specifics on allowed signage.

Ms. Hughes also inquired of Mr. Berry if he had any knowledge of hand held ticketing devices for use by Code Enforcement. Mr. Berry will discuss this with the Mayor. The Chair asked if there was any report from Code Enforcement indicating time or financial savings on use of the hand held devices by other communities. Mrs. Lizotte will ask the Code Enforcement Officer if she was able to gather any information.

APPROVAL NOT REQUIRED PLAN

PUBLIC HEARING

SUBDIVISION PROGRESS REPORTS

City Engineer Update

Mr. Collins stated that he is working with the developer for Wayside Hollow and he is hoping to have this subdivision on the acceptance list by the end of this year.

Blackhorse Farms

Extension Request

The developer submitted correspondence from their representative requesting that the matter be tabled for 30 days to allow Howard Fafard an opportunity to address the Board.

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

To accept and place on file.

Taxes

Mrs. Deborah Fox, City Tax Collector, stated all taxes are current on the subdivision. She mentioned parcel 36-67, which is part of the subdivision, but not owned by the Developer is in default. Mr. Collins explained that the previous Developer still owned the rights to that lot and not the current Developer.

Ms. Hughes and Mr. Fay shared photos with the Board that they took at the site earlier in the day. The photos showed the deterioration of the site, a pile of debris the removal of which was a condition of the prior extension, and the gate to the subdivision still blocking access. The removal of this gate was a part of the condition in the prior extension as well.

With regard to the correspondence from Mr. Fafard requesting another 30 day extension, Mr. Fay stated his objection saying that the Board has been led down the garden path long enough with no action on the part of the developer.

Mr. Fay questioned the developer's representative, Don Seaberg and asked whether the Board's instructions at the last meeting were unclear. He questioned why the gate was not taken down, and why the developer had not produced the requested completion schedule in keeping with the Board's instructions. Mr. Fay stated that Mr. Fafard was always welcome to address the Board that his presence would not change his opinion- that the subdivision infrastructure must be completed and as-built plans be filed with the City Engineer by the end of this construction year or the City rescinded the bond and hired someone else to complete the work, that it would be done this year. Mr. Fay also stated that the Board would be monitoring the progress being made on the completion schedule offered by the developer and if the developer fell behind, he would ask the Board to consider taking action on the Bond.

Ms. Hughes concurred and she expressed her displeasure the developer's inaction and the current condition of the subdivision noting the presence of the gate and deterioration of the site.

City Councilor, Joseph Delano, requested that the Board hold the developer accountable and to seek completion of the project. He stated that the developer has not been a good neighbor and recited instances of promises that had not been kept; including neighboring claims of property damages were ignored.

The chair polled the members of the Board. Mr. Johnson, Mr. Coveney and Mr. Hodge expressed their discontent with the developer's conduct, inaction and the current status of the subdivision and indicated their willingness to take action on the bond now. The chair agreed.

Mr. Rider, City Solicitor, reminded the Board that the existing bond needs to be in the name of the Slocumb Realty, LLC and not its current listed name on the bond.

On motion by Ms. Hughes, seconded by Mr. Coveney, with Mr. Fay opposing, it was duly voted:

To extend the subdivision approval to August 28, 2012 and instruct the developer to submit a completion schedule showing all work completed by the end of this year, start the process of clean up, remove the gate and have the secretary start the paper process of rescinding the bond.

Country Club Estates

Request for release of Subdivision Bond

The developers are asking for a release of their current bond. Mr. Brian Falk of Myrick O'Connell has been closely working the City Solicitor to obtain the necessary easements for the taking on Stow Road. They have 11 of the signatures needed out of 14, with 250 Stow Road was deemed not necessary by the Public Works Commissioner because it contains less than 1 square foot needed. They are striving to obtain consent from the remaining three residents, however if not, the City Solicitor, the City Engineer, Commissioner of Public Works and the Developer have an alternate plan which is the following:

- Make final attempt to obtain signed deeds,
- Toll Brothers will prepare necessary plans to show the extending of Stow Road layout to cover the strip as can be reasonably obtained through signed deeds,
- Toll Brothers will present widen plan to the City Council with the assistance of the City Solicitor,
- Possible ANR plan for endorsement of conveyances to the City.

Ms. Fenby stated that this not a normal practice to return the bond with items left to finish in the subdivision including the acceptance of the subdivision through the City Council. However, she stated the Board will entertain a request of a bond reduction. Mr. Falk prepared a bond request and presented it to the Board.

Mr. Fay questioned why the mortgage issue that was raised the last time the matter was before the board had not been addressed in the current proposal. Mr. Fay stated that the developer is suggesting the property owners in question convey property to the city that is encumbered by a mortgage, which could result in a bank retaking the conveyed property as part of a foreclosure putting the city in the same position it is in now.

Mr. Fay also questioned whether the proposed transfers would result in the triggering of the due on sale clauses in the owner's mortgages. He suggested that the developer explore extinguishing the mortgagee's interest in the properties in question by eminent domain taking. Attorney Falk stated that the banks are on notice of the right of way issue which makes the mortgage issue a non-issue. Mr. Fay disagreed stated that having notice is very different than having title, and that any conveyance by the landowners of

encumbered property would be subject to the encumbrance and ineffective if the mortgage was foreclosed.

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

To continue this discussion until the next meeting, to send the request of a bond reduction request to the City Engineer for his review.

West Ridge Estates
Acceptance of Subdivision

The City Engineer has reviewed the subdivision known as “West Ridge Estates” for acceptance or roadways and easements as requested by the developer. He has reviewed the following documents:

- As-built Plan and Profile of Dufresne Drive (Sheet 1 of 1), for West Ridge Estates Subdivision, dated January 7, 2011 with the latest revision date of January 14, 2011, Noted plans were prepared by Cabco Consult;
- Plan of Acceptance of Dufresne Drive and Municipal Easements (Sheet 1 of 1), dated January 7, 2011, with latest revision date of January 27, 2012, Noted plans were prepared by Cabco Consult;
- The latest legal descriptions.

They are able to provide a favorable recommendation for the acceptance of the following:

- Dufresne Drive as a public way;
- Drainage Easement No. 1 as a municipal easement;
- Drainage Easement No. 2 as a municipal easement;
- Drainage Easement No. 3 as a municipal easement;
- Flowage Easement as a municipal easement;
- Drainage Easement No. 4 as a municipal easement;
- Access Easement as a municipal easement.

He is also suggesting to keep the remaining bond of \$127,000.00 in place until the developer has had full City Council Acceptance and Acceptance plans have been recorded with the South Middlesex Registry of Deeds, Cambridge, MA.

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

To accept and file all correspondence, to accept “Plan of Acceptance Dufresne Drive & Municipal Easement” (Sheets 1 thru 1), dated January 7, 2011 with latest revision date of January 27, 2012; Scale 1”=40’ prepared by Cabco Consult, P.O. Box 14, Clinton, MA 01510.

PENDING SUBDIVISION PLANS: Updates and Discussion

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

SIGNS

UNFINISHED BUSINESS

Master Calendar

Status

Mrs. Lizotte will add more information for review.

INFORMAL DISCUSSION

COMMUNICATIONS/CORRESPONDENCE

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

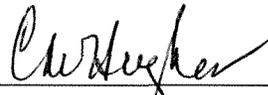
To accept all of the items listed under communications and/or correspondence.

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

To adjourn at 8:00 p.m.

A TRUE COPY

ATTEST:



Colleen Hughes, Clerk

Lisa Thomas

From: Jennifer Claro
Sent: Wednesday, September 05, 2012 3:15 PM
To: Lisa Thomas
Cc: Patricia Bernard; Jennifer Campbell; Korriane Bardsley; Travis Mason; Wilson Chu
Subject: Minutes fro posting from August COA Board Meeting

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

SEP 5 P 3:2

Marlborough Council on Aging Board
Minutes from August 14, 2012 meeting
Location: Mayor's Chambers, City Hall-4th Floor

Attendees: Sheila Brecken, Jennifer Claro, Richard Collins, Jim Confrey, Marie Elwood, Jeanne McGeough

Excused Absence: Rita Connors and Brenda Costa

Meeting was called to order at 8:30 by Board Chairman, Jim Confrey

Minutes from July Board Meeting were approved

The Director reported that BayPath Elder Services, Inc. had additional funds for our Multicultural Outreach Program serving the Latino senior population in Marlborough which were in the process of being approved through the Mayor's office. Also, it was reported that our formula grant from the Executive Office of Elder Affairs was increased by 75 cents per individual over 60 residing in Marlborough. Lastly, the director reported that a temporary part-time position was in the process of being filled.

COATS Report- System is running fine and several new members have been added to the data base.

Jim Confrey, Board Chairman discussed how the by-laws need to be updated, discussed appointment process by Mayor as well as his recent discussion with Mayor Vigeant about the Senior of the Year Dinner, Men's Group and new Senior Center. A committee to review by-laws was discussed but postponed for further discussion until next month's September's Board Meeting.

Party Committee report will be taken up at September Board Meeting
Meeting Adjourned at 9:45 A.M.

Respectfully submitted,

Sheila Brecken
COA Vice Chair filling in for Brenda Costa, Secretary

Marlborough Community Development Authority

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

MINUTES

2012 AUG 31 P 1:25

**Thursday, July 26, 2012
Mayor's Conference Room**

Members Present: Mayor Vigeant, Steve Vigeant, Eric Asman, Lynn Faust, Steve LeDuc, Sally Swartz, Joyce Torelli, Diane Smith

Also Present: Doug Bushman, Anne Marie Blake, Linda Overing of Breezeway Farm Consulting, and Press

Absent: Tom Abel

Mayor called the meeting to order at 8:30 A.M.

The Board approved the minutes of May 31, June 14 and June 28 as amended to include Sally Swartz as a member present.

The Board approved the Housing and CDA bills payable.

Doug Bushman, Housing Director, presented the Housing report which was accepted as presented.

- The last time the GMPI leases renewal was negotiated was 1985. The Board approved Doug to start discussion and to come back with recommendations.
- Doug requested a change order to the overhangs at Liberty Hill Apartments. Joyce, Lynn and Doug to look it over and come back with recommendations.
- A discussion was held about financing options for Bolton St. capital projects. Doug to follow up on financing options.
- Doug is to proceed with a plan and easements for add'l Bolton St. parking request with the school department.
- Doug to look into closing out some accounts and transferring the funds to a local bank.
- The Advocates have requested to attend the August Board meeting.
- The request from the Marlborough Housing Tenant Association for the Board to recognize them as an official LTO was tabled for further information.
- The budget request for Janitorial Equipment was tabled. The Board requested that Rich Conlon come to the next Board meeting to discuss the budget.
- Doug submitted a very detailed report regarding State Public Housing Regionalization. The Board accepted report and instructed Doug to inquire with the local housing authorities if there was any interest in collaboration. .

Linda Overing presented the Breezeway Farm Consulting Report which was accepted as presented.

- Linda discussed that she has been having discussions with Hudson's Community Development Director and she feels that they are receptive to submitting a joint grant application with Marlborough. To be eligible, both grant activities included in the grant should occur in each community. Some of the activities under consideration are a street project where each city

MINUTES OF MEETING

July 26, 2012

Page 2

- would share a construction contractor, shared social services activities or a Sign and Façade program in each town.
- Anne Marie will work with Eric on identifying community volunteers to assist with the door-to-door income surveys.
- A discussion was held on the sale Emmett St. property. After discussion, Joyce Torelli suggested the price be lowered to \$180,000 and that the Mayor have the power to negotiate the sale and sign the appropriate documents. A motion was made and seconded and approved by the Board.
- Anne Marie presented three scenarios to the Board for consideration of the Clinton St. property. The first would be to rehab the property, the second would be to demolish and rebuild with Assabet and the third to demolish and replace with a prefab house. Because the estimate for the prefab was for a single family, Anne Marie was asked to see if she could get an estimate for a 2-family for next month's meeting.

The Financial Manager's report was accepted as presented.

- The Board approved a request by Anne Marie that: *all housing rehab funds returned to the city that are not considered program income according to DHCD guidelines be considered CDA income.*
- A discussion was held on the approval of employee benefits. Steve V. and Lynn had met and recommend that CDA employees all be under the same benefit package. Currently Housing follows the City's benefits with the exception of their Health Insurance which comes from the state. It was voted and approved that CDA staff benefits be changed to follow the same guidelines as the City and Housing. Because Anne Marie was giving up unlimited sick time, the Board voted to give her 20 days of sick time, wipe out her current balance, and give her 3 additional Personal days. Her benefits would then follow the City's guidelines for awards effective July 1, 2012.
- After a discussion of property management, Doug Bushman has agreed that his maintenance staff will maintain our properties with mowing, snow removal and small repairs. Snow removal and mowing does not apply to 223 & 275 Mechanic St. as that is the tenant's responsibility.

Meeting adjourned at 10:33

Anne Marie Blake