

REGULAR MEETING
JANUARY 24, 2011

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 JAN 20 P 5:31

1. Minutes of the City Council Meeting, January 3, 2011.
2. PUBLIC HEARING On the Application of Donald Lynch Realty Trust for amendment to Special Permit 94-560B to increase the number of amusement devices from 26-42 at the New England Sports Center located at 121 Donald Lynch Blvd., Order No. 11-1002790.
3. Communication from the Mayor re: transfer request in the amount of \$200,000.00 which moves funds from Undesignated to Marlboro 2010 to cover the estimated cost of the Economic Development Master Plan.
4. Communication from the Mayor re: Police transfer requests as follows with explanations detailed in the enclosure:
Transfer in the amount of \$44,436.00 moving funds from Stabilization – Public Safety to Police Officers
Transfer in the amount of \$84,208.00 moving funds from Police Officers to Regular Overtime
Transfer in the amount of \$5,000.00 moving funds from Court OT to Holiday Pay
5. Communication from the Mayor re: Legal transfer request in the amount of \$25,000.00 which moves funds from Undesignated to Legal Services to fund a variety of legal services.
6. Communication from the Mayor re: Fire transfer request in the amount of \$30,000.00 which moves funds from Undesignated to Additional Overtime to fund shift coverage and avoid station closures.
7. Communication from the Mayor re: Assessor's transfer request in the amount of \$20,000.00 which moves funds from Overlay Reserve to Personal Property Valuation.
8. Communication from the Mayor re: transfer request in the amount of \$23,000.00 from Undesignated to Capital Outlay for Senior Center Feasibility Study.
9. Communication from the Mayor re: FY2011 Student Awareness Fire Education Grant awarded to the Fire Department in the amount of \$6,515.00 which provides funding for student awareness of fire education programs.
10. Communication from the Mayor re: the City's designation as a Green Community and award of a Grant in the amount of \$217,000.00 for use on energy savings upgrades and initiatives.
11. Communication from the Mayor re: Snow and Ice Removal Expenditure Request to increase deficit appropriation by \$500,000.00, Order No. 10-1002565-3A.
12. Communication from the Mayor re: proposed order to create a Special Revenue account under MGL, C. 98 §29A for deposit of fines collected by the Sealer of Weights and Measures.
13. Communication from the Mayor re: proposed order transferring Care, Custody, Management, and Control of 2.48 Acre Parcel of Land, Map 17, Parcel 10, from the City Council to DPW.
14. Communication from the Mayor re: Human Service Reorganization.
15. Communication from Council President Vigeant re: City Council Meeting schedule and City Council Committee assignments.
16. Communication from Council President Vigeant re: reappointment of Lisa Thomas as City Clerk for a term to expire three years from date of confirmation.
17. Communication from Council President Vigeant re: Proposed Amendments to the Zoning Ordinance pertinent to Sections 650-21 and 650-22 and amendments to three Special Permits for retirement communities.
18. Communication from the City Solicitor re: proposed amendment to Special Permit, 94-560B, for the New England Sports Center located at 121 Donald Lynch Blvd., in proper legal form, Order No. 11-1002790.
19. Communication from the Attorney Beattie re: Public Acceptance of Ewald Ave. and Muir Way in the Forest Grove Subdivision.

20. Application, new Pool Table license, The Lazy Dog, 31 Main St.
21. Minutes, Planning Board, December 6 & 20, 2010.
22. CLAIMS:
 - A. Barbara DiPasquale, 4 Neil St., other property damage
 - B. Bill Katsikas, 57 Neil St., other property damage
 - C. Kimberly Kotsiras, 29 Muir Way, residential mailbox claim 2(b)
 - D. James Corr, 65 Sheffield Terrace, residential mailbox 2(a)

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From City Council

23. **Order No. 10-1002667 – Communication from Councilor Clancy regarding proposed changes to the City Code relative to Junk Dealers.** An email from Councilor Clancy was read into the record as he was unable to attend the meeting. The Committee reviewed the letter dated August 2, 2010 from Councilor Clancy. The Committee also reviewed a revised draft ordinance from the Assistant City Solicitor which incorporated the changes proposed by Councilor Clancy and additional modifications at the request of Chief Leonard. **Recommendation of the Legislative and Legal Affairs Committee is to approve 2-0, as amended, the proposed changes to Chapter 377 of the City Code and to approve 2-0, as amended, the proposed changes to Chapter 315 of the City Code. Motion was made by Councilor Seymour under Suspension of the Rules, to refer to the City Solicitor to put in proper form proposed changes to Chapter 377 and 315 of the City Code and place item on the January 3, 2011 City Council agenda. At the January 3, 2011 City Council meeting, motion was made to advertise proposed changes to the City Code and table until January 24, 2011.**



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
Lisa M. Thomas
140 Main St.
Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723
JANUARY 3, 2011**

Regular meeting of the City Council held on Monday, JANUARY 3, 2011 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Ossing, Vigeant, Pope, Levy, Delano, Ferro, Elder, Tunnera, Seymour, Clancy and Landers. Meeting adjourned at 8:30 p.m.

ORGANIZATION MEETING

The City Clerk called the meeting to order at 8:00 PM. The City Clerk called for the election of the City Council President Pro-Tem for the Year 2011. Councilor Delano nominated Councilor Clancy as President Pro-Tem. Motion was seconded for nomination of Councilor Clancy as President Pro-Tem. Councilor Clancy received eleven votes for President Pro-Tem. Yea – Delano, Ferro, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Vigeant, & Levy.

Councilor Clancy called for the Election of the City Council President of the Marlborough City Council for the Year 2011. Councilor Seymour nominated Councilor Vigeant as President. Motion was seconded for nomination of Councilor Vigeant as President. Councilor Vigeant received eleven votes for President. Yea – Delano, Ferro, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Vigeant, & Levy.

Councilor Vigeant called for the Election of the City Council Vice-President of the Marlborough City Council for the Year 2011. Councilor Clancy nominated Councilor Pope as Vice-President. Motion was seconded for nomination of Councilor Pope as Vice-President. Councilor Pope received eleven votes for Vice-President. Yea – Delano, Ferro, Elder, Tunnera, Seymour, Clancy, Landers, Ossing, Pope, Vigeant, & Levy.

That the City Council accept the Rules from the Year 2010 and carry over to Year 2011, **APPROVED**; adopted.

City Council President Vigeant announced the next meeting of the City Council to be held on Monday, January 24, 2011 at 8:00 p.m.

ORDERED: That the minutes of the City Council Meeting December 20, 2010, **FILE**; adopted.

ORDERED: That the Communication from the City Solicitor re: Special Permit, MetroPCS Massachusetts LLC, 860 Boston Post Rd., in proper legal form, Order No. 10-1002715A, **MOVED TO ITEM 10**; adopted.

- ORDERED: That the Communication from the City Solicitor re: Home Rule Petition pertaining to the increased room occupancy excise from the rate of 4% to the rate of 6%, in proper legal form, Order No. 10-1002762, **MOVED TO ITEM 12**; adopted.
- ORDERED: That the Communication from the Assistant City Solicitor re: changes to the City Code relative to Junk Dealer's License, in proper legal form, Order No. 10-1002667, **MOVED TO ITEM 11**; adopted.
- ORDERED: That the Communication from the DPW Commissioner re: determination that a portion of the former landfill property off Hudson St. is surplus and available for lease, Order No. 10-1002764, **FILE AND REFER TO WIRELESS COMMUNICATIONS COMMITTEE FOR INFORMATIONAL PURPOSES**; adopted.
- ORDERED: That the Communication from Attorney Cipriano re: Street Acceptance-Boivin Dr., Davis Estates, refer to **PUBLIC SERVICES COMMITTEE, PLANNING BOARD AND CITY SOLICITOR TO PUT IN PROPER LEGAL FORM**; adopted.
- ORDERED: That there being no objection thereto set **MONDAY, JANUARY 24, 2011** as date for a **PUBLIC HEARING** on the Application of Donald Lynch Realty Trust for amendment to Special Permit 94-560B to increase the number of amusement devices from 26-42 at the New England Sports Center located at 121 Donald Lynch Blvd., **ADVERTISE AND TABLE UNTIL THE JANUARY 24, 2011 CITY COUNCIL MEETING**; adopted.
- ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.
- A. Amica Insurance, on behalf of Rajesh Kumar, 22 Azalea Ln., other property damage

**DECISION ON A SPECIAL PERMIT
METROPCS MASSACHUSETTS, LLC
CITY COUNCIL ORDER NO. 10/11-1002715B**

Re: 860 Boston Post Road East, Marlborough, MA

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to METROPCS MASSACHUSETTS, LLC, having a usual place of business at 285 Billerica Road, Third Floor, Chelmsford, MA 01824, as provided in the Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The applicant is METROPCS MASSACHUSETTS, LLC, which has a business address of 285 Billerica Road, Third Floor, Chelmsford, MA 01824 (hereinafter "Applicant").
2. Through its Application for a Special Permit (hereinafter "Application"), the Applicant seeks permission to install a wireless communication facility onto the existing wireless communications tower consisting of six (6) wireless communications antennas, along with the supporting equipment cabinets which will be located on the ground adjacent to the existing equipment compound (hereinafter "Proposed WCD Project"), substantially as depicted on a set of plans entitled "BOS0623A BOSTON POST ROAD" 860 Boston Post Road East, Marlborough, MA 01752, Middlesex County," prepared by Dewberry-

3. Goodkind, Inc., 280 Summer Street, 10th floor, Boston, MA 02210, dated 8/27/08, last revised 12/13/10 Revision #6 (hereinafter "Plans").
4. The location of the Proposed WCD Project is 860 Boston Post Road East, Marlborough, MA. The site is more particularly identified on the Assessor's Map of the City of Marlborough as Map 61, Lot 16 (hereinafter "Site"). The owner of record for the Site is the City of Marlborough.
5. The Applicant is a lessee of the Site's owner for purposes of the Application.
6. The Site is zoned Rural Residential (RR) and Business (B). The Proposed WCD is located in the Rural Residential (RR) portion of the Site. Wireless communication devices are allowed by grant of Special Permit in Rural Residential Zoning Districts.
7. The Special Permit is being sought pursuant to Article VI, Section 650-25 and Article VIII, Section 650-59 of the Zoning Code of the City of Marlborough.
8. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the Building Inspector certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
9. The Applicant has complied with all of the applicable rules of the Rules and Regulations.
10. The City of Marlborough City Council held a public hearing on the Proposed WCD Project on November 22, 2010, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
11. The Applicant presented oral testimony and demonstrative evidence at the public hearing, demonstrating that the Proposed WCD Project meets all the applicable Special Permit criteria of Article VI, Section 650-25 and Article VIII, Section 650-59.
12. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCD Project's compliance with the applicable Special Permit criteria.
13. The Council, in reviewing the Application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, applicable to the Proposed WCD Project.

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

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a Special Permit.
- B) The Site is an appropriate location for the Proposed WCD Project and the Proposed WCD Project is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this approval.
- C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 650-25 and Article VIII, Section 650-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its Proposed WCD Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.
- D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant a Special Permit, **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 12:**
- 1) The Proposed WCD Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Application, as amended during the application/hearing process, and in compliance with the conditions of the grant of this Special Permit as well as with the conditions set forth in Chapter 650-25F of the Marlborough Zoning Ordinance.
 - 2) All plans, site evaluations, briefs and other documentation provided by the Applicant as part of the Application are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
 - 3) The Applicant shall comply with all rules, regulations, ordinances and statutes of the City of Marlborough, the Commonwealth of Massachusetts and the Federal Government as they may apply to the construction, maintenance and operation of the Proposed WCD Project.
 - 4) All terms, conditions, requirements, approvals, plans and drawings required hereunder are hereby made a part of and incorporated herein as a condition to the issuance of this Special Permit.
 - 5) Applicant shall minimize the visual impacts of the Proposed WCD Project by screening and/or color coordination as may be depicted on the Plans and other demonstrative evidence submitted as part of the Application.

- 6) Applicant shall pay to the City of Marlborough Open Space Account #100-2410-44515, as mitigation for the alleged impacts caused by the subject of this Permit, the annual sum of One Thousand Five Hundred (\$1,500.00) dollars, the first payment due and payable at the time of the issuance of the building permit hereunder, or within one year of the approval of the Special Permit, whichever is earlier, and the subsequent payments to be due and payable on January 2, or the first business day thereafter, of each calendar year in which the WCD referenced in this Permit is still in operation. Failure to make the payment in a timely manner shall constitute a violation of the Special Permit, and the Applicant shall pay an additional sum of \$500 per quarter or portion thereof after the payment due date that the Applicant has failed to make payment.
- 7) Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the Proposed WCD Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCD Project only in cases of power outages to the Proposed WCD Project and for purposes of routine testing and maintenance. The temporary generator shall be operated in a safe manner and the noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 431 of the City Code.
- 8) No operation of the Proposed WCD Project shall commence until the Applicant has received written approval from the Building Inspector that all the conditions herein have been satisfied.
- 9) Applicant's Proposed WCD Project shall be subject to site plan review, if applicable.
- 10) In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant at its expense shall record this Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed, and before the Applicant has applied to the Building Commissioner Inspector for a building permit concerning the Proposed WCD Project. Applicant shall provide a copy of the recorded Special Permit to the City Council's office and to the City Solicitor's office.

- 11) As soon as practicable but in any event within one (1) month after the date when a certificate of use and occupancy has been issued to the Applicant by the City of Marlborough's Building Inspector for the Proposed WCD Project, Applicant shall submit a written report to the City Council; provided, however, that if the Proposed WCD Project has not yet become operational within the one-month period after said issuance date, then the Applicant must immediately provide the City Council with written notification as to the date when the Proposed WCD Project does become operational and, further, must submit said written report within one (1) month after said operational date. The written report to the City Council shall i) provide measurements as to the actual output of radio frequency energy emitted by the Proposed WCD Project; ii) shall include a professional opinion by a third party certifying that the Proposed WCD Project fully complies with all applicable health and safety standards; and iii) shall provide measurements of the actual output of the total radio frequency energy being emitted by all Wireless Communications Facilities (as defined in Section 650-25 of the Marlborough Zoning Ordinance) then located at the Site. The Applicant agrees to operate its Proposed WCD Project in compliance with all applicable health and safety standards. In the event that there are any changes in or upgrades to the Proposed WCD Project that may increase the actual output of radio frequency energy emitted by the Proposed WCD Project, the Applicant shall submit a letter to the City Council as soon as practicable but in any event within one (1) month after the date of completion of those changes or upgrades. The letter shall i) state what the changes or upgrades are; ii) shall provide measurements specifying how the actual output of radio frequency energy emitted by the Proposed WCD Project has been increased; iii) shall provide measurements of the actual output of all radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site; and iv) shall include a professional opinion by a third party certifying that the Applicant's changes or upgrades have not caused the total radio frequency energy being emitted by all hereinbefore-defined Wireless Communications Facilities then located at the Site to exceed any applicable health and safety standards.
- 12) Subject to final agreement between the City of Marlborough and the Applicant, the Applicant shall execute a lease agreement with the City of Marlborough to be drafted by the City Solicitor, approved by the Chief Procurement Officer and executed by the Mayor, and the Applicant shall provide the necessary insurance and indemnification provisions as required by said lease.

Yea: 11- Nay: 0

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

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 377, ENTITLED "JUNK AND SECOND HAND DEALERS LICENSES," AS FOLLOWS:

Chapter 377 is hereby amended by deleting section 377-1 in its entirety and replacing it with the following:

377-1. License Required; License Revocation.

- A. No person shall be a collector of, dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals, rags or secondhand articles unless licensed by the City Council, which may grant licenses as it may determine.
- B. Said licenses may be revoked, suspended or modified at pleasure by the City Council.
- C. Upon revocation, suspension or modification of such license, the City Clerk shall note the revocation upon the face of the record thereof, and shall give written notice to the licensee as provided under M.G.L. c. 140, § 205, as amended.
- D. A licensee may make a written request for a hearing before the City Council on any such revocation, suspension or modification, which shall be held by the City Council within thirty (30) days, or as soon as practicable thereafter, of the receipt of the request.

Chapter 377 is also hereby amended by changing the duration of time described in section 377-6 from one week to thirty (30) days as follows:

377-6. Retention period prior to resale.

No article purchased or received by a dealer in junk or secondhand articles shall be sold or removed from his or her possession until at least thirty (30) days from the date of purchase or receipt of the same has elapsed.

Chapter 377 is also hereby amended by adding terms concerning violations of section 377-7:

377-7. Required Records to be kept by dealer.

- D. Violations of this section by licensees purchasing or receiving gold, silver or platinum shall be subject to penalties described in M.G.L. 266, § 142A, as amended.

Further, Chapter 377 is also hereby amended by adding the following new section concerning enforcement and penalties:

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377-10. Enforcement; Penalties.

- A. Whoever acts as a collector of, dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals, rags or second hand articles without a license or after notice that his license has been revoked or suspended shall be subject to a fine of \$100.00 per day for each and every day the violation continues after issuance of a Notice of Violation by the Building Inspector of his designee, who may enforce such violation pursuant to the provisions of M.G.L. c. 40, § 21D, as amended.
- B. Whoever violates the provisions of this chapter, other than by operation after revocation or suspension as provided in paragraph A. of this section or as provided in paragraph D. of section 377-7, shall be subject to a fine of \$100.00 per day for each and every day the violation continues after issuance of a Notice of Violation by the Chief of Police or his designee, who may enforce such violation pursuant to the provisions of M.G.L. c. 40, § 21D, as amended. Whoever acts as a collector of, dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals, rags or second hand articles without a license may also be subject to a fine under the provisions of this paragraph.
- C. All fines are payable to the City of Marlborough through the City Clerk's office.

ADVERTISE AND TABLE UNTIL THE JANUARY 24, 2011 CITY COUNCIL MEETING; adopted.

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 315, ENTITLED "ENFORCEMENT," AS FOLLOWS:

Ordinance/Violation (Chapter/Section)	Penalty	Enforcing Agent
(30) Junk And Second Hand Dealer's Licenses, Chapter 377, Section 377-10, Paragraph A	\$100.00	Building Inspector and his designee
(31) Junk And Second Hand Dealer's Licenses, Chapter 377, Section 377-10, Paragraph B.	\$100.00	Chief of Police and his designee

ADVERTISE AND TABLE UNTIL THE JANUARY 24, 2011 CITY COUNCIL MEETING; adopted.

MOTION made by Councilor Ferro to amend Section 6 by changing the contents from "2/3 votes of the City Council" to a "majority vote" – **DOES NOT CARRY**

MOTION made by Councilor Delano to move the question – **CARRIES**

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 ESTABLISHING
A BUSINESS AND ECONOMIC DEVELOPMENT SPECIAL REVENUE FUND
IN 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 section fifty-three of chapter forty-four of the General Laws or any other general or special law to the contrary, the city of Marlborough shall establish in the city treasury a special revenue account to be known as the Business and Economic Development Special Revenue Fund of the city of Marlborough, into which account shall be deposited certain receipts comprising a portion of the total local room occupancy tax received annually by the city under section three A of chapter sixty-four G of the General Laws, as set forth in section 2 herein. The purpose of this act, and of the Business and Economic Development Special Revenue Fund, shall be to promote and to sustain the development of business and the local economy in the city of Marlborough.

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, the amount of the room occupancy excise based on a rate in excess of 4% collected under section three A of chapter sixty-four G of the General Laws by the city of Marlborough shall be credited to the Business and Economic Development Special Revenue Fund, and shall be subject to further appropriation by a majority vote of the city council of the city of Marlborough.

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, the amount of the room occupancy excise based on a rate equal to 4% collected under section three A of chapter sixty-four G of the General Laws by the city of Marlborough for the fiscal year beginning July 1, 2011 and each fiscal year thereafter shall be credited to the General Fund of the city of Marlborough.

SECTION 4. Notwithstanding the provisions of any general or special law to the contrary, any interest accruing on any amount on deposit in the Business and Economic Development Special Revenue Fund shall be credited to the General Fund in the city of Marlborough.

SECTION 5. Nothing in or resulting from this act shall affect amounts distributed in any fiscal year to the city of Marlborough from the Local Aid Fund.

SECTION 6. If the city of Marlborough revokes, by a majority vote of the city council of the city pursuant to section three A of chapter sixty-four G of the General Laws and sections (2)(h) and (2)(i) of 830 Code of Massachusetts Regulations Part 64G.3A.1, its acceptance of the room occupancy excise rate in excess of 4% under section three A of chapter sixty-four G of the General Laws, then the city of Marlborough shall thereupon decide, by a two-thirds vote of the city council of the city, the separate question whether the Business and Economic Development Special Revenue Fund shall cease to have effect in the city. If two-thirds of the city council of the city votes that the Business and Economic Development Special Revenue Fund shall cease to have effect in the city, all unexpended and uncommitted amounts on deposit in the said Fund, as of the date of the vote to revoke the rate in excess of 4%, shall be credited to the General Fund of the city on the first day of the calendar quarter following 30 days after the date of the revocatory vote, pursuant to section (2)(i) of 830 Code of Massachusetts Regulations Part 64G.3A.1; however, if two-thirds of the city council of the city does not vote that the Business and Economic Development Special Revenue Fund shall cease to have effect in the city, the said Fund shall continue to have effect in the city, and all unexpended and uncommitted amounts on deposit in the said Fund, as of the date of the vote to revoke the rate in excess of 4%, shall be subject to further appropriation by a majority vote of the city council of the city of Marlborough.

SECTION 7. The city of Marlborough may amend this act by a two-thirds vote of the city council of the city of Marlborough. Such amendatory vote shall designate a) that the Business and Economic Development Special Revenue Fund shall thereupon cease to have effect in the city of Marlborough; b) that all unexpended and uncommitted amounts on deposit in the Business and Economic Development Special Revenue Fund, as of the date of said amendatory vote, shall forthwith be credited to the General Fund of the city of Marlborough; and c) that the portion of the total room occupancy excise in excess of 4% received annually by the city of Marlborough under section three A of chapter sixty-four G of the General Laws and theretofore credited to the Business and Economic Development Special Revenue Fund, as set forth in section 2 herein, shall thereafter be credited to the General Fund of the city.

SECTION 8. This act shall take effect upon its passage.

APPROVED; adopted.

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



IN CITY COUNCIL

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Marlborough, Mass., _____

JANUARY 3, 2011

ORDERED:

That there being no objection thereto set **MONDAY, JANUARY 24, 2011** as date for a **PUBLIC HEARING** on the Application of Donald Lynch Realty Trust for amendment to Special Permit 94-560B to increase the number of amusement devices from 26-42 at the New England Sports Center located at 121 Donald Lynch Blvd., be and is herewith **ADVERTISE AND TABLE UNTIL THE JANUARY 24, 2011 CITY COUNCIL MEETING.**

ADOPTED

ORDER NO. 11-1002790



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
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

Nancy E. Stevens 3/1
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

January 20, 2011

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

RE: Transfer Request – Marlboro 2010

Honorable President Vigeant and Councilors:

Attached for your approval is the following transfer request:

Transfer in the amount of \$200,000.00 moving funds from account number 1000-35900 (Undesignated Fund) to account number 11210006-53940 (Marlboro 2010).

The funds are necessary to cover the estimated cost of the Economic Development Master Plan as well as additional funding for administrative support. Four proposals for the Economic Development Master Plan have been received and are in the process of being evaluated. Once they have been evaluated and price proposals have been opened, this requested transfer amount may need to be adjusted.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

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TRANSFER REQUEST

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT		TO ACCOUNT			AMOUNT AVAIL	
		ORG C	OBJECT	AMOUNT	ORG CODE	OBJECT		ACCOUNT DESCRIP
		Undesignated Fund			Mayor			
\$ 1,703,389.00	\$ 200,000.00	10000	35900 Undesignated Fund	\$ 200,000.00	11210006	53940 Marlboro 2010	\$ -	

\$ 200,000.00

Reason See Attached request Mayor



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

2011 JAN 20 P 2:41 140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

Nancy E. Stevens 4/1
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

January 20, 2011

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

RE: Transfer Requests – Police

Honorable President Vigeant and Councilors:

Attached herewith are three transfer requests from Chief of Police Mark Leonard. I have respectfully submitted the requests for your approval. Explanations are detailed in the transfer enclosure.

- Transfer in the amount of \$44,436.00 moving funds from account number 83600-32701 (Stabilization – Public Safety) to account number 12100001-50420 (Police Officers)
- Transfer in the amount of \$84,208.00 moving funds from account number 12100001-50420 (Police Officers) to account number 12100003-51310 (Regular Overtime)
- Transfer in the amount of \$5,000.00 moving funds from account number 12100003-51320 (Court OT) to account number 12100003-51490 (Holiday Pay)

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

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City of Marlborough POLICE DEPARTMENT

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

MARK F. LEONARD
Chief of Police



Mayor Stevens,

January 19, 2011

Attached is a budget transfer request to address anticipated budget adjustments needed for the remainder of the fiscal year. The first request is to transfer \$44,436 from the Fairfield mitigation funds to the police officer salary line item to cover some of the salary expenses intended to be funded with these mitigation funds.

The second request is to transfer an available surplus in the police officer salary line item, due to some funding coming out of the worker's compensation funds to pay officers on injury leave, to the regular overtime account. The regular overtime account will be in deficit due to heavy use caused by several injured officers throughout the year, so I am requesting to transfer \$84,208 to this account.

The third transfer request is to cover an anticipated deficit in the holiday pay line item. There are four remaining paid holidays this fiscal year, and depending on the work schedules of officers working those holidays, I anticipate needing approximately \$5,000 to cover this expense. This amount will be available to transfer from the court overtime account, based on current usage in that account.

Should you have any questions regarding these budget transfer requests, please do not hesitate to call.

Sincerely,

Mark F. Leonard
Chief of Police

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1/19/2011

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Police

FISCAL YEAR: 2011

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$174,500	\$44,436.00	83600	32701	Stabilization - Public Safety	\$44,436.00	12100001	50420	Police Officers	\$1,143,473
	Reason:	<u>Funds available from Fairfield mitigation</u>				<u>To fund officer's salaries from Fairfield mitigation</u>			
<u>\$1,143,473</u>	<u>\$84,208.00</u>	<u>12100001</u>	<u>50420</u>	<u>Police Officers</u>	<u>\$84,208</u>	<u>12100003</u>	<u>51310</u>	<u>Regular OT</u>	<u>\$56,792</u>
	Reason:	<u>Several injured officers paid from worker's comp. acct.</u>				<u>Additional OT used due to injured officers</u>			
<u>\$120,503</u>	<u>\$5,000.00</u>	<u>12100003</u>	<u>51320</u>	<u>Court OT</u>	<u>\$5,000</u>	<u>12100003</u>	<u>51490</u>	<u>Holiday Pay</u>	<u>\$93,287</u>
	Reason:	<u>Will have surplus based on average use to date</u>				<u>Account will be short approx. \$5,000 due to holiday schedules</u>			
	Reason:	_____				_____			
	Reason:	_____				_____			

Department Head signature: *Mark Head*



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 JAN 20 P 2:41

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

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

January 20, 2011

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

RE: Transfer Request for Legal Services

Honorable President Vigeant and Councilors:

A transfer is requested at this time to fund the Legal Services account in the Legal Department. As you know, this account is used to fund a variety of legal services, ranging from arbitrators who preside over arbitrations of labor grievances, to outside labor counsel who represent the City at such arbitrations and at collective bargaining negotiations.

Transfer in the amount of \$25,000.00 moving funds from account number 1000-35900 (Undesignated) to account number 11510004-53110 (Legal Services).

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

52

TRANSFER REQUEST

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT		TO ACCOUNT			AMOUNT AVAIL	
		ORG C	OBJECT	AMOUNT	ORG CODE	OBJECT		ACCOUNT DESCRIP
		Undesignated Fund				Legal		
\$ 1,758,389.00	\$ 25,000.00	10000	35900 Undesignated Fund	\$ 25,000.00	11510004	53110 Legal Services	\$ 34,931.74	

\$ 25,000.00

Reason See Attached request from Mayor



City of Marlborough

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Office of the Mayor

2011 JAN 20 P 2:42 140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

Nancy E. Stevens 61
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

January 7, 2011

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

RE: Fire Transfer Request

Honorable President Vigeant and Councilors:

Attached herewith is the following transfer request:

Transfer in the amount of \$30,000.00 moving funds from account number 1000-35900 (Undesignated Fund) to account number 12200003-51300 (Additional Overtime).

The transfer is necessary to fund shift coverage and avoid station closures.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

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TRANSFER REQUEST

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT		TO ACCOUNT			AMOUNT AVAIL
		ORG C	OBJECT	AMOUNT	ORG CODE	OBJECT	
		Undesignated Fund				Fire	
\$ 1,733,389.00	\$ 30,000.00	10000	35900 Undesignated Fund	\$ 30,000.00	12200003	51300 Additional OT	\$ 21,478.22

\$ 30,000.00

Reason See Attached request Mayor



City of Marlborough
Office of the Mayor

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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2011 JAN 20 P 2:12
140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

Nancy E. Stevens 1,
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

January 6, 2011

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

RE: Assessor's Dept. Request for Transfer

Honorable President Vigeant and Councilors:

Attached herewith is the following transfer request for the Assessor's Department:

Transfer in the amount of \$20,000.00 moving funds from account number 10000-32200 (Overlay Reserve) to account number 11410004-57038 (Personal Property Valuation).

As noted in the attached letter from Chief Assessor Tony Trodella, the transfer is necessary to recover funds cut during the FY11 budget process using funds transferred from overlay surplus.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosures



12

City of Marlborough
Office of the Assessors
140 Main Street
Marlborough, Massachusetts 01752
TDD (508) 460-3610
Phone: (508) 460-3779

January 20, 2011

Mayor Nancy Stevens
City of Marlborough

Re: Transfer to Personal Property Line

Mayor Stevens:

On December 1, 2010 at a public meeting the Board of Assessors voted to transfer \$20,000.00 From the FY1998 overlay account into overlay surplus.

I am now requesting a transfer of \$20,000.00 from overlay surplus into line item 57038 (PERSONAL PROPERTY VALUATION).

This transfer is needed to replace the money removed by the Council at budget time with the understanding that it would be replaced in this manner.

Thank you for your attention to this matter.


Anthony R. Trodella
Chairman- Board of Assessors

73

1/6/2011

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Assessor

FISCAL YEAR: 2011

FROM ACCOUNT:

TO ACCOUNT:

Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance		
<u>\$20,000</u>	<u>\$20,000.00</u>	<u>10000</u>	<u>-</u>	<u>32200</u>	<u>Overlay Reserve</u>	<u>\$20,000.00</u>	<u>11410004</u>	<u>-</u>	<u>57038</u>	<u>Personal Property Valuation</u>	<u>\$86,000</u>

Reason: The Personal Property Valuation line was cut \$20,000 by the City Council with the intent to use Overlay Surplus



City of Marlborough

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Office of the Mayor

140 Main Street
Marlborough, Massachusetts 01752
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Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

January 20, 2011

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

RE: Senior Center Feasibility Study

Honorable President Vigeant and Councilors:

In 2002, under the direction of then Mayor William Mauro, the City of Marlborough commissioned a Senior Center Feasibility Study. The study provided a space needs analysis, evaluated available sites and developed building options/cost estimates for a new Senior Center. I believe that we all agree that the current Senior Center facility does not meet the needs of the City. With a new facility, we would be able to provide additional much needed and much wanted services to our senior population.

I am requesting the attached transfer in the amount of \$23,000.00 to update the now eight- year-old study. Once this study is complete, my intention is to send down a request to fund the property acquisition, design and construction of a new Senior Center. We have seen a very favorable bidding climate with our recent projects, and I believe that this is an appropriate time to move forward with this important and much needed project.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

TRANSFER REQUEST

Mayor

FISCAL YEAR: 2011

Available Balance		FROM ACCOUNT:				TO ACCOUNT:				Available Balance
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
<u>\$1,503,389</u>	<u>\$23,000.00</u>	<u>10000</u>	<u>- 35900</u>	<u>Undesignated Fund</u>	<u>\$23,000.00</u>	<u>19300006</u>	<u>- 58467</u>	<u>Capital Outlay-Public Facilities</u>	<u>\$18,000</u>	

Reason: See attached request from Mayor



City of Marlborough

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Office of the Mayor

140 Main Street

2011 JAN 20 P Marlborough, Massachusetts 01752

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

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

January 6, 2011

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

RE: FY 2011 Student Awareness of Fire Education Grant (S.A.F.E.)

Honorable President Vigeant and Councilors:

The Marlborough Fire Department has recently been awarded a grant through the Commonwealth of Massachusetts Executive Office of Public Safety and Security.

The SFY 2011 S.A.F.E. grant in the amount of \$6,515.00 provides funding for student awareness of fire education programs as detailed in the supporting documentation.

As outlined in MGL, Chapter 44, Section 53A, I am recommending that the City Council approve the expenditure of these funds for the purposes outlined. I respectfully request your approval this evening.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosures



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
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

*Nancy E. Stevens*¹⁰¹
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

January 18, 2011

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

RE: Green Community Designation

Honorable President Vigeant and Councilors:

I am writing to inform you that the City of Marlborough has received designation as a "Green Community" by the Executive Office of Energy and Environmental Affairs-Department of Energy Resources. In addition to the designation, the City has been awarded a grant in the amount of \$217,000.00 for use on energy saving upgrades and renewable energy initiatives within the City. In fulfillment of the grant, Conservation Officer Priscilla Ryder and Director of Public Facilities John Ghiloni will be submitting a formal project application to the Green Communities Division by January 21, 2011. Beyond the grant money, Marlborough will receive five solar waste compactors as well as signage acknowledging Marlborough's "Green Community" designation.

I want to thank Priscilla, John, members of the Sustainability Action Taskforce Committee and the Marlborough City Council for your efforts and commitment to the City's ongoing energy reduction practices.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

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COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF
ENERGY AND ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENERGY RESOURCES
100 CAMBRIDGE ST., SUITE 1020
BOSTON, MA 02114
Internet: www.Mass.Gov/DOER
Email: Energy@State.MA.US

Deval L. Patrick
Governor

TELEPHONE
617-626-7300

Timothy P. Murray
Lieutenant Governor

FACSIMILE
617-727-0030
617-727-0093

Ian A. Bowles
Secretary, Executive Office of Energy
and Environmental Affairs

Philip Giudice
Commissioner

December 16, 2010

Mayor Nancy E. Stevens
City of Marlborough
City Hall, 140 Main Street
Marlborough, MA 01752

Dear Mayor Stevens:

Congratulations on the City of Marlborough's designation as a Green Community! This designation is quite an achievement and reflects the hard work and tireless efforts your community has exhibited in meeting the Green Community Grant Program's five criteria. Having met these criteria, the City of Marlborough is now an energy leader in Massachusetts, poised to reduce its energy costs, improve the local environment and implement energy efficiency and renewable energy projects with funding through the Green Communities Grant Program. The purpose of this letter is to confirm your Green Communities designation in writing and provide you with program information and activities that you should be aware of.

Along with this designation the City of Marlborough has been awarded a grant of \$217,125. A formulaic allocation was established due to the number of Green Communities designated and the total amount of grant funds that are available which is \$4,000,000. This formula consisted of a base grant per community of \$125,000, plus an amount adjusted for population/income with an additional \$10,000 for those designated communities that adopted as-of-right

103

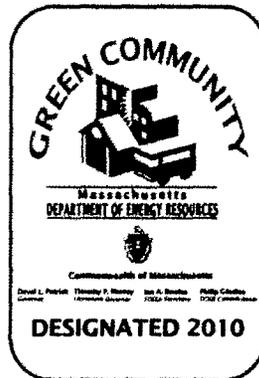
renewable generation. To receive this grant award, the City of Marlborough will be required to submit a project application proposing how these funds will be spent. The Green Communities Division (“Division”) will begin accepting grant applications on December 17th and all grant applications must be received by 5pm on January 21, 2011. The Green Communities’ Grant application with submission instructions is located [here](#).

SOLAR SOLID WASTE COMPACTORS

In addition to the grant funding, Green Communities will be receiving BigBelly solar solid waste compactors (“compactors”). Your Regional Coordinator, Kelly Brown, will be contacting you soon regarding the number you will receive as well as the type of model options available. Your preference regarding the particular model must be provided to your Regional Coordinator no later than 5pm on December 28, 2010.

SIGNS

Each designated Green Community will be receiving four (4) 12” x 18” aluminum signs to be displayed in your community. These signs are in the process of being printed and will be distributed at a future event.



Designated Green Communities that wish to purchase additional signs may do so by contacting any of the following MassCor service representatives listed below. The cost for each additional sign is \$22.94.

Cathleen Ayers
508-850-1072
caayers@doc.state.ma.us

Lynn Gilbode
508-850-1073
lmgilbode@doc.state.ma.us

Debbie Correia
508-850-1071
dacorreia@doc.state.ma.us

CERTIFICATES

Each Green Community will also receive an official certificate for display pronouncing the city or town's designation as a Green Community along with the designation date and the Governor, Lt. Governor, Secretary of Energy and Environmental Affairs and the Department of Energy Resources Commissioner's signatures. The certificates are in the process of being printed and will be distributed at a future event.

PRESS EVENTS

We anticipate requests for local public events to announce Green Communities designations and to announce grant awards. It is important that each community coordinate any public event with the Division and we recommend that public events be scheduled once signs, certificates, grant awards and solar compactors have been received. If the City of Marlborough would like to hold a Green Community designation event, we ask that you contact the Green Communities Deputy Director, Meg Lusardi at (617) 626-7364 or by email at meg.lusardi@state.ma.us.

Again, congratulations on becoming a Green Community. The Division looks forward to working with the City of Marlborough to meet the objectives of the Green Communities Grant Program and to support you in meeting your local energy goals. Thank you for your commitment to a greener energy future for Massachusetts.

Sincerely,



Mark D. Sylvia
Director Green Communities Division

Cc: Priscilla Ryder



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

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

11/

January 20, 2011

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

RE: Snow and Ice Removal Expenditure Request

Honorable President Vigeant and Councilors:

Pursuant to City Council Order No. **10-1002565-3A**, I am requesting further authorization to incur deficit costs in the Department of Public Works Snow and Ice Accounts.

As detailed in the attached correspondence from DPW Commissioner LaFreniere, to date, the City has incurred a total of \$319,624 in snow removal costs with an additional \$621,660 encumbered. Invoicing for the last 2 major storm events remains outstanding.

I hereby request your approval to increase the deficit appropriation by \$500,000 to a total of \$1,000,000 in excess of available appropriation. A modified order indicating this change is attached for your consideration.

For your review, I have included a summary of the sanding and plowing events in the city from December 8, 2010 to January 20, 2011.

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

Sincerely,

Nancy E. Stevens, Mayor

Enclosures



112

CITY OF MARLBOROUGH
Department of Public Works
Office of the Commissioner
135 Neil Street
Marlborough, Massachusetts 01752
(508) 624-6910 Ext. 7200
Facsimile (508) 624-7699 TDD (508) 460-3610

January 20, 2011

Mayor Nancy E. Stevens
City Hall
140 Main Street
Marlborough, MA 01752

RE: SNOW & ICE; ACCOUNT DEFICIT AUTHORIZATION

Pursuant to City Council Order #10-1002565-3A, I hereby request further authorization to incur deficit costs in the department's Snow & Ice account. As you know, during last year's budget review, the city council voted to limit the amount of money that could be spent in deficit beyond the original \$500,000 that was appropriated for snow and ice removal. That amount was also \$500,000.

As shown on the attached spreadsheet, to date we have expended or encumbered a total of \$941,285 in snow removal costs in the 3 accounts covered under Snow & Ice. Given pending requisitions and outstanding invoicing for the last 2 major storm events, we anticipate that we will exhaust the \$58,715 remaining in authorization.

I hereby request an additional \$500,000 be authorized immediately to address our short-term funding needs. I also anticipate that an additional authorization will be required before the end of the year due to the fact that historically, approximately $\frac{3}{4}$ of the city's annual snowfall occurs between January 1st and the end of winter.

Should you have any questions regarding the above, please do not hesitate to contact me.

Sincerely,

Ronald M. LaFreniere, P.E.
Commissioner of Public Works

FISCAL YEAR 2011 SNOW AND ICE SUMMARY

ACCOUNT	FY 11 APPROPRIATION W/TRANSFERS	YEAR TO DATE EXPENDED	YEAR TO DATE OUTSTANDING ENCUMBRANCES	BALANCE
Overtime Snow and Ice (14001203-51390)	\$125,000.00	\$102,927.45	\$0.00	\$22,072.55
Snow Removal 14001206-52960	\$275,015.00	\$202,270.32	\$521,330.15	-\$448,585.47
Snow and Ice Operating Expenses (14001206-57040)	\$100,000.00	\$14,426.54	\$100,330.18	-\$14,756.72
TOTAL	\$500,015.00	\$319,624.31	\$621,660.33	-\$441,269.64

AUTHORIZATIONS

TOTAL FY 11 SNOW AND ICE APPROPRIATION	FY 11 SNOW AND ICE DEFICIT AUTHORIZATION	RECOMMENDED ADDITIONAL DEFICIT AUTHORIZATION
\$500,000.00	Initial: 15-June-10 \$500,000.00	\$500,000.00

113



114

CITY OF MARLBOROUGH
Department of Public Works
Office of the Commissioner
135 Neil Street
Marlborough, Massachusetts 01752
(508) 624-6910 Ext. 7200
Facsimile (508) 624-7699 TDD (508) 460-3610

January 20, 2011

Mayor Nancy E. Stevens
City Hall
140 Main Street
Marlborough, MA 01752

RE: SNOW & ICE; ACCOUNT DEFICIT AUTHORIZATION

Pursuant to City Council Order #10-1002565-3A, I hereby request further authorization to incur deficit costs in the department's Snow & Ice account. As you know, during last year's budget review, the city council voted to limit the amount of money that could be spent in deficit beyond the original \$500,000 that was appropriated for snow and ice removal. That amount was also \$500,000.

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I hereby request an additional \$500,000 be authorized immediately to address our short-term funding needs. I also anticipate that an additional authorization will be required before the end of the year due to the fact that historically, approximately $\frac{3}{4}$ of the city's annual snowfall occurs between January 1st and the end of winter.

Should you have any questions regarding the above, please do not hesitate to contact me.

Sincerely,

Ronald M. LaFreniere, P.E.
Commissioner of Public Works

115

ORDERED:

That pursuant to Chapter 44, section 31D of the General Laws of the Commonwealth of Massachusetts, which authorizes the City to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal, the City Council of the City of Marlborough, upon the recommendation of the Mayor, approves expenditures totaling \$1,000,000 in excess of available appropriation for snow and ice removal for fiscal year 2011.

ADOPTED
In City Council
Order No. 11-

Adopted

Approved by Mayor
Nancy E. Stevens
Date:

A TRUE COPY
ATTEST:

114

Starting Date	Duration	Operation	Measurement In Inches	Action
December 8, 2010	4 hrs	sanding		callman
December 8, 2010	4 hrs	sanding		callman
December 12, 2010	5 hrs	sanding		general
December 14, 2010	4 hrs	sanding		callman
December 14, 2010	4 hrs	sanding		city only
December 20, 2010	4 hrs	sanding		general
December 22, 2010	6 hrs	sanding		general
December 23, 2010	7 hrs	sanding	3	general
December 26, 2010	3.5 hrs	sanding		general
December 26, 2010	5 hrs	plowing	11	general
December 27, 2010	15 hrs	plowing		general
December 27, 2010	2.5 hrs	sanding		general
December 29, 2010	7 hrs	removal		
January 8, 2011	3 hrs	sanding		general
January 8, 1900	3 hrs	sanding	1	general
January 12, 2011	1 hr	sanding		general
January 12, 2011	19 hrs	plowing	17	general
January 12, 2011	4 hrs	sanding		general
January 13, 2011	9 hrs	removal		
January 18, 2011	5 hrs	removal		
January 18, 2011	3 hrs	sanding		general
January 18, 2011	11 hrs	plowing	7.5	general
January 18, 2011	2 hrs	sanding		general
January 19, 2011	3 hrs	sanding		general
January 20, 1900	2 hrs	sanding		city only
Total to date			39.5	



City of Marlborough

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CITY OF MARLBOROUGH
Office of the Mayor

2011 JAN 20 P 2:42
140 Main Street
Marlborough, Massachusetts 01752
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Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

January 20, 2011

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

RE: Proposed Order To Create A Special Revenue Account Under M.G.L. c. 98,
§29A For Deposit Of Fines Collected By The Sealer Of Weights And Measures

Honorable President Vigeant and Councilors:

Enclosed is a proposed order concerning the creation of a special revenue account for the deposit of monies received from fines relating to civil citations issued by the Sealer of Weights and Measure for violations of weights and measures laws.

This account is authorized by section 29A of chapter 98 of the Massachusetts General Laws, also attached, which requires the expenditure of all monies collected for the purpose of enforcement of item pricing and weights and measures laws. In addition, the proposed order requires a majority vote of the City Council before any monies may be expended for said purposes.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

cc: Joseph Mulvey
Diane Smith
Tom Abel

122

ORDERED:

That pursuant to the provisions of section 29A of Chapter 98 of the Massachusetts General Laws, the City Council of the City of Marlborough, upon recommendation of the Mayor, authorizes a special revenue account for the deposit of monies received from fines imposed upon persons issued civil citations by the Sealer of Weights and Measures for violations of weights and measures laws. It is further ordered that:

- (a) Monies in the account may only be expended upon majority vote of the City Council;
- (b) Appropriations from the fund may only be used for the purpose of enforcement of item pricing and weights and measures laws; and
- (c) The effective date of this order is the date of adoption by the City Council.

ADOPTED
In City Council
Order No. 11-
Adopted

Approved by Mayor
Nancy E. Stevens
Date:

A TRUE COPY
ATTEST:

123

Westlaw

M.G.L.A. 98 § 29A

Page 1

C**Effective:[See Text Amendments]**

Massachusetts General Laws Annotated Currentness

Part I. Administration of the Government (Ch. 1-182)

[^] Title XV. Regulation of Trade (Ch. 93-110H) [^] Chapter 98. Weights and Measures (Refs & Annos)

→ § 29A. Civil citation for violation of weights and measures laws; appeal

As an alternative to initiating criminal proceedings for violations of the following weights and measures laws: section 115A of chapter 6; sections 92B, 96, 98, 174A, 176, 177, sections 181 to 183, inclusive, section 184E, sections 295A to 295K, inclusive, sections 299 and 303F of chapter 94; sections 19, 24, 25, 26, 31, 35, 42, 45, 48, 55, and 56A to 56D, inclusive, of chapter 98, any representative authorized by the director of standards and any person authorized under sections 34, 35 or 36 of this chapter may issue a civil citation for violations of said weights and measures laws in the amount of 75 per cent of the maximum criminal fine provided for said violation, to be paid within 21 days of the date of issuance of such citation.

Any person aggrieved by any citation issued pursuant to this section may appeal said citation by filing a notice of appeal with the director of standards within seven days of the receipt of the citation. Any such appellant shall be granted a hearing before a representative of the director of standards in accordance with chapter 30A. The hearing officer may affirm, vacate or modify the citation. Any person aggrieved by a decision of the hearing officer may file an appeal in the superior court pursuant to the provisions of said chapter 30A.

If a person fails to comply with the requirement set forth in any citation issued pursuant to this section, or shall fail to pay any civil penalty provided thereby within 21 days of the date of issuance of such citation, or within 30 days following the decision of the hearing officer if such citation has been appealed, excluding any time during which judicial review of the hearing officer's decision remains pending, the director of the division of standards may apply for a criminal complaint against such person for the violation, or may initiate a civil action in the district court.

All monies collected by a municipality or local consumer aid groups authorized by the director of standards under said civil citations, less any fee owed to the division of standards for contracted enforcement services pursuant to section 35, shall be retained by such municipality or local consumer aid group authorized by the director of standards, and shall be expended for the purposes of enforcement of item pricing and weights and measures laws. All monies collected by the division of standards under said civil citations shall be credited to the general fund.

Any citation issued by a municipality with a population of over 400,000 is exempt from this appellate procedure.

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13,
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

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 JAN 20 P 2:42

January 20, 2011

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

RE: Proposed Order Transferring Care, Custody, Management, And Control Of 2.48
Acre Parcel Of Land From The City Council To The Department Of Public
Works

Honorable President Vigeant and Councilors:

Enclosed is a proposed order concerning the transfer of care, custody, management, and control of the 2.48 acre parcel of land, being a portion of Assessor's map 17, parcel 10, from the City Council to the Department Of Public Works for the purposes for which it was acquired. As you will recall, the City acquired this parcel from Lakeview/Bolton Street Realty LLC of 640 Bolton Street, Marlborough, MA as consideration for a parcel of municipal property located within the adjacent site of the former landfill.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

cc: Ronald LaFreniere
Priscilla Ryder

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ORDERED:

That in accordance with Order No. 07/08/09-1001680A-4 the City Council of the City of Marlborough having accepted and acquired from Lakeview/Bolton Street Realty LLC of 640 Bolton Street, Marlborough, MA the fee simple interest in an approximately 2.48 acre parcel of land (the "Parcel"), being a portion of Assessor's map 17, parcel 10 and further described in a deed recorded in the South Middlesex County Registry of Deeds in Book 55716, Page 54 and in a confirmatory deed recorded at the South Middlesex County Registry of Deeds in Book 56263, Page 494, because of its potential as open space, its potential recreational value to the nearby Assabet River Rail Trail and future public recreational amenities on abutting municipal property at Assessors Map 30, parcel 4D, its scenic views of Fort Meadow Reservoir, and its potential as wildlife habitat, does hereby transfer the care, custody, management, and control of the Parcel for the same purposes to the Department of Public Works.

ADOPTED
In City Council
Order No. 11-
Adopted

Approved By Mayor
Nancy E. Stevens
Date:

A TRUE COPY

ATTEST:



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

2011 JAN 20 P 2:41 140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

Nancy E. Stevens /H
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

January 20, 2011

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

RE: Human Services Reorganization

Honorable President Vigeant and Councilors:

In the attached organizational structure you will find my plans for reorganization of the Human Services Department. This structure is based on the recommendations of the Human Services Task Force. Under the new structure, the Council on Aging (COA), Veteran's Services and the Human Services Department are consolidated into one department under one manager, the Executive Director of Human Services.

The Executive Director of Human Services will oversee all three departments and will serve a dual role as the department manager for the COA. The part-time COA Program Manager will assist the Executive Director with the daily management of COA operations.

I have been working with Public Facilities Director John Ghiloni on consolidating all of the offices to one central location. We have several conceptual ideas and will be working to develop a suitable location for this combined department.

The Executive Director of Human Services will work with Sanitarian Bob Landry to develop a shared nursing schedule to provide supplemental nursing services for the COA.

The current COA nurse funding will be used to finance the part-time COA Program Manager position.

Job descriptions and salary ordinances have been created for the new and revised positions, and the salaries of the Manager of Human Services and the Veterans Agent have been adjusted within the current constraints of the City budget.

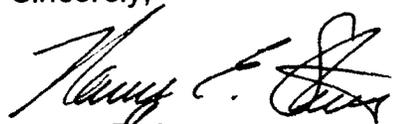
At this time, I am not recommending merging the Board of Health into this organization, but will be exploring this option more extensively with the new Executive Director of Human Services.

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Once again, I would like to thank the Human Services Task Force for their participation in this process.

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

Sincerely,



Nancy E. Stevens
Mayor

Enclosures

EXECUTIVE DIRECTOR OF HUMAN SERVICES

Position Summary:

Position provides the necessary social service programs to meet the needs of the elderly population, veterans and community members who are vulnerable within the City of Marlborough. He/she will be responsible for planning and administering all the operations of the Human Services Department (Council on Aging, Veterans, Human Services). The Executive Director of Human Services will direct strategic planning for the department and will ensure that programs and services are run in accordance with City and Council policy and any applicable legal boundaries.

Supervision:

Supervision Scope: Performs complex and highly responsible duties requiring considerable judgment in planning and supervising department operations and personnel particularly in situations not clearly defined by precedent or established procedures, requiring a complete knowledge of the Human Services' mission and goals; works independently and in combination with others.

Supervision Received: Works under the policy direction of the Mayor, receiving regular guidance, intent, and special directives; assumes responsibility for developing and achieving the department goals and objectives. The position is subject to review and evaluation according to the City's personnel plan.

Supervision Given: Supervises and provides daily instructions, tasks assignment, and/or general guidance to all Human Services' staff and volunteers.

Job Environment:

Work is performed in an office environment. Majority of work is performed in a moderately noisy work environment, with frequent interruptions. Frequently subjected to the stress of other individuals and the volume and/or rapidity with which tasks must be accomplished

Regularly operates a computer, telephones, and other standard office machines.

Interacts frequently with citizens and their family members, social workers, members of the medical community, vendors, outreach workers, case managers, local, state, and federal governmental organizations, and local community organizations. Contacts are in person, by telephone, in writing and involve discussing routine to complex information, requiring significant persuasiveness and resourcefulness to influence the behavior of others. Contacts with clients require considerable perceptiveness and persuasion.

Has access to department personnel records, bid documents, and a wide variety of confidential and personal information about program participants which requires the application of appropriate judgment, discretion and professional protocols.

Errors in judgment may result in significant delay or loss of services to the City's residents, possible injury to clients and volunteer work force, monetary loss, and have legal repercussions.

Essential Functions:

(The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.)

Interviews, hires and trains staff, volunteers, and students. Provides job instruction and direction. Occasionally required to work evening and/or weekend hours.

Performs research and identifies potential new sources of revenue for Human Services; prepares grant applications for federal, state, and private for profit and non-profit organizations. Manages all grant-funded activity.

Plans, prepares and oversees the department budget and related fiscal issues. Maintains personnel files on all department employees.

Supervises the content and production of the COA newspaper column, news releases, Resource Guide, and schedules of activities. Supervises the preparation of department public relations information for the media. Maintains numerous current resource files.

Makes presentations to groups and organizations regarding Human Services functions and activities. Ensures visibility through a variety of outlets to enhance the Human Services' image as a resource to community residents, organizations, and other City departments.

Performs direct counseling and crisis intervention with clients by phone and in person, often on an emergency basis. Communicates with clients' families, club officers, agencies and other organizations regarding referrals and the need for information and counseling.

Attends committee meetings; compiles and reports program statistics, suggests innovative projects, drafts annual budget for review, drafts policies and procedures for Human Services, advises and updates appropriate parties on department operations, grant applications, staff, and the status of a variety of programs.

Performs an ongoing evaluation of the human services being funded by the City. Constantly assesses the quality and effectiveness of programs.

Other Functions:

Communicates and collaborates with other Human Services organizations, legislators, and local organizations to plan, prepare and recommend programs, legislation changes, etc. to better meet the needs of the community.

Represents the City of Marlborough on appropriate outside boards and committees of organizations whose functions coincide with, or relate to Human Services.

Recommended Minimum Qualifications:

Master's Degree in social work or other related field; five years of high level experience in the field of aging or human services, two of which will have been in a supervisory position; or any equivalent combination of education and experience.

Knowledge, Ability and Skill-

Knowledge: Thorough knowledge of the federal and state services and local resources available to Human Services organizations. Working knowledge of federal and state regulations pertaining to Humans Services organizations. Knowledge of grant writing techniques.

Ability: Ability to remain calm, concentrate and perform all responsibilities in a competent manner at all times. Able to communicate effectively and efficiently verbally and in writing at all times. Ability to delegate responsibility and work well with subordinates. Ability to maintain detailed and extensive records and to prepare reports from same. Ability to deal tactfully, patiently and appropriately with all clients. Ability to maintain and respect the confidentiality of clients. Ability to work effectively under time constraints to meet deadlines.

Skill: Compassion for the all clients. Excellent public relations and communication skills.

Physical and Mental Requirements:

A high level of recurring intellectual effort is required to maintain a current knowledge of the resources available to the department as well as to manage the operations of the department. Employee is frequently required to walk, stand, sit, talk, and hear; uses hands to finger, handle, feel or operate objects, tools, or controls, and reach with hands and arms as in physically picking up files, papers and other common office objects. Employee must occasionally lift and/or move objects weighing up to 10 pounds such as a briefcase, books, supplies, etc. Employee must possess the ability to operate a keyboard at a moderate speed. Vision and hearing at or correctable to normal ranges.

MANAGER OF HUMAN SERVICES

Position Purpose:

Position performs administrative and professional work assisting the Marlborough community in its ability to utilize current federal, state, and local resources to address issues affecting the quality of life of its' citizens. Employee provides information, referral services to social service agencies in the City, advocacy, and follow-up to residents. The Manager of Human Services is responsible for maintaining and improving the efficiency and effectiveness of all areas under his/her direction and control.

Supervision:

Supervision Scope: Performs varied and highly responsible duties in managing the activities of the department. Incumbent is required to work independently in formulating decisions regarding policies, procedures, operations and plans at the municipal-wide level. Participates in department planning under the guidance of the Executive Director of Human Services.

Supervision Received: Works under the direction of the Executive Director of Human Services. Employee receives occasional guidance, intent, and special directives; shares responsibility for developing and achieving the department goals and objectives. The position is subject to review and evaluation according to the City's personnel plan.

Supervision Given: None.

Job Environment:

Work is performed under typical office conditions; frequently required to work evening and/or weekend hours; incumbent occasionally required to attend evening meetings.

Operates microcomputers using standard office automation applications, calculator, telephone, copier, facsimile machine and all other standard office equipment; operates an automobile to perform client visits.

Makes regular contacts with a wide variety of service agencies and programs; makes constant contacts with residents, many of whom are in crisis, requiring considerable discretion, resourcefulness and persuasiveness to achieve desired objectives.

Has access to an extensive amount of sensitive and confidential information, the disclosure of which may cause very poor public relations and be very damaging to the reputation of the department and the City, as well as seriously harmful to residents who use the services of the department.

Essential Job Functions:

(The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.)

Performs referral services to residents in need; interviews residents; performs referral to appropriate human service agency; performs related record keeping; performs advocacy on behalf of the resident; participates in case conferences; and performs follow-up. Maintains extensive human service directories.

Establishes new programs as needed; identifies gaps in the human service system and works to fill them.

Promotes community awareness and education on local, state, and federal levels. Attends meetings of local, state, and federal organizations and agencies to promote issues relevant to Marlborough. Presents on weekly local television program to inform residents of available services. May be required to speak at corporations, conventions, health fairs, etc., to promote department activities.

Performs crisis intervention. Works with individuals and families during crisis. Arranges for emergency assistance and provides referral to appropriate agency.

Assists with the coordination and networking among human service agencies, City government, the public school system, and the public and private sectors to facilitate the utilization of existing services, to broaden the base of human service delivery, to assess the overlapping and gaps that occur, and to establish new programs.

Cultivates volunteers to assist with programs.

Performs similar or related work as required, directed or as situation dictates.

Education, Training and Experience:

Bachelor's Degree in related field; and three to five years of experience in the human services field, of which some experience has been in a management capacity; or any equivalent combination of education and experience.

Special Requirements:

Possession of a motor vehicle operator's license is required.

Knowledge, Ability and Skill.

Knowledge: Considerable knowledge of the needs of the young, elderly, families, and the homeless people and the service programs available to meet their needs. Thorough knowledge of federal, state and local laws, ordinances, regulations and policies relating to human services programs. Must develop and leverage a network of Human Services contacts to serve the needs of the young, elderly, families and the homeless.

Ability: Ability to interact in a positive and effective manner with people at all levels. Ability to communicate clearly and concisely, in writing and orally. Ability to maintain accurate and detailed records. Ability to prepare and analyze comprehensive reports. Ability to carry out assigned projects to their completion. Ability to efficiently and effectively administer a human services referral system.

Skill: Empathy in dealing with people in crisis situations. Skill in the use of personal computers, particularly word processing and spreadsheet applications.

Physical and Mental Requirements:

Intellectual and mental acuity to perform conceptual and detailed technical work. Recurring intellectual effort is required to maintain a current knowledge of applicable laws, principals, and rules and regulations. Employee is frequently required to walk, stand, sit, talk, and hear; uses hands to finger, handle, feel or operate objects, tools, or controls, and reach with hands and arms as in physically picking up files, papers and other common office objects. Employee must occasionally lift and/or move objects weighing up to 10 pounds such as a briefcase, books, supplies, etc. Employee must possess the ability to operate a keyboard at a moderate speed. Vision and hearing at or correctable to normal ranges.

COUNCIL ON AGING PROGRAM MANAGER

Position Summary:

At the general direction of the Executive Director of Human Services, the Council on Aging (COA) Program Manager is responsible for the planning, implementation and oversight of COA programs. As a member of the COA management team, the Program Manager will assist as requested, with day to day operational issues and tasks required to run the senior center.

Essential Functions:

(The essential functions or duties listed below are intended only as illustration of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.)

- Develop programs, activities, classes, workshops and trips to address identified client needs.
- Oversee the daily operations of the senior center in the absence of the Executive Director
- Monitor program budgets
- Manage participant information for all activities
- Work with the Friends of Marlborough Seniors to facilitate, coordinate and supervise fund raising and solicitation events
- Work closely with the Volunteer Coordinator to assure adequate volunteers for all programs, activities and events
- Develop and maintain an annual satisfaction survey to determine what activities to offer which will best meet the social, recreational, fitness and health needs of seniors.
- Manage program services through external vendors where required
- Participate in grant writing and monitor grant plans
- Participate in meetings with community partners
- Lead /participate in internal and external committee initiatives
- Provide monthly feedback to the COA regarding the changing needs of seniors and develop suggestions for meeting those needs.

14/10

Education and Experience:

Must possess a Bachelor's Degree in a related field; two years of supervisory experience; at least five years of work experience in the area of services to senior citizens; or any equivalent combination of education and experience.

Knowledge, Skills and Abilities:

Extensive knowledge of federal and state laws, policies and regulations pertaining to seniors; ability to assess information and evaluate programs; knowledge of budgeting; ability to accomplish work objectives with minimal resources. Must exercise sound judgment in developing, applying and interpreting program policies and procedures. Excellent organizational and communication skills both written and verbal. Knowledge of Microsoft Word, Publisher and Access.

COA Program Manager

1411

VETERANS AGENT

Position Summary:

Position assists and advises veterans, their dependents and beneficiaries regarding their entitled benefits under state and federal law, ensures that accurate records are maintained, and ensures that applicants receive valid information and sound advice. Veterans' Agent is responsible for maintaining and improving upon the efficiency and effectiveness of all areas under his/her control.

Supervision:

Supervision Scope: Performs varied and responsible duties requiring a high level of initiative and independent judgment in the administration and execution of department services and the administration of benefits and other assistance services to veterans and their dependents. Duties require strict adherence to state and federal laws. Participates in department planning under the guidance of the Executive Director of Human Services.

Supervision Received: Works under the direction of the Executive Director of Human Services and in accordance with Massachusetts General Laws, and Rules and Regulations of the United States Veterans' Administration. Incumbent functions independently referring specific problems to supervisor only where clarification or interpretation of City policy or procedure is required. The position is subject to review and evaluation according to the City's personnel plan.

Supervision Given: None

Job Environment:

Administrative work is performed in a quiet office environment with frequent interruptions; may be required to transport veterans to Veteran's Administration facilities for medical care.

Regularly operates a computer, telephones, copier, facsimile machine, and other standard office machines; occasionally operates an automobile.

Interacts constantly with veterans, the general public, other municipal departments, as well as local, state and federal agencies and organizations involved with veterans. Contacts are made in person, via telephone, and in writing, requiring patience, tact, and discretion. Contacts also require a moderate level of persuasiveness and resourcefulness to influence the behavior of others.

Has access to department-related confidential and/or sensitive information about veterans including financial and medical records, the disclosure of which would cause a significant breach of trust and seriously damage the reputation of the department.

Errors in judgment could result in financial hardship, confusion, legal repercussions, and reduced standards of service to the City's veterans who use the services of the department.

14/12

Essential Job Functions:

(The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.)

Interviews applicants and processes applications for Chapter 115 benefits including financial aid, medical benefits, etc. Gathers supporting documents, reports, and statements. Conducts investigations to verify accuracy. Ensures that applications conform to applicable state laws and are accurate. Processes claims for Veterans Administration compensation and pensions, educational benefits, tax exemptions, annuities, etc.

Ensures that veterans, their widows and dependents needs are being met and that the City's interests and the state's rules and regulations are being complied with. Monitors all cases in progress; maintains necessary correspondence and closes cases as appropriate.

Ensures proper veterans burials as required by law and ensures proper identification, maintenance and decoration of graves.

Assists veterans in obtaining military records, discharges, and medals which were awarded but not received by the individuals. Assists veterans who have clouded discharges in receiving upgrades when warranted. Assists families in obtaining records relating to the death of veterans who were killed in action.

Implements appropriate hospitalization/health care arrangements for veterans in need of specialized services.

Provides assistance to local veterans' organizations and groups in events and ceremonies honoring the services of veterans and plays an active role in these events.

Other Job Functions:

Prepares and/or oversees the preparation of a variety of reports and records. Attends Veterans Administration meetings to maintain current knowledge of all applicable laws, rules and regulations regarding veterans.

In conjunction with the Executive Director of Human Services, lobbies the City Council in favor of veterans' issues. Lobbies the State House on behalf of veterans and their issues.

Performs similar or related work as required, directed or as situation dictates.

Education, Training and Experience:

Bachelor's degree in business administration or social services; five years of experience in social welfare or related work; experience in veterans benefits administration highly desirable; or any equivalent combination of education and experience.

14
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Special Requirements:

Possession of a valid motor vehicle operator's license is required.

Incumbent must be an honorably discharged United States veteran (with wartime service).

Knowledge: Thorough knowledge of state and federal laws pertaining to veterans and their dependents. Working knowledge of the methods and principals of veterans benefits assistance, case work, administration, and available resources. Must develop and leverage a network of contacts within Veterans organizations.

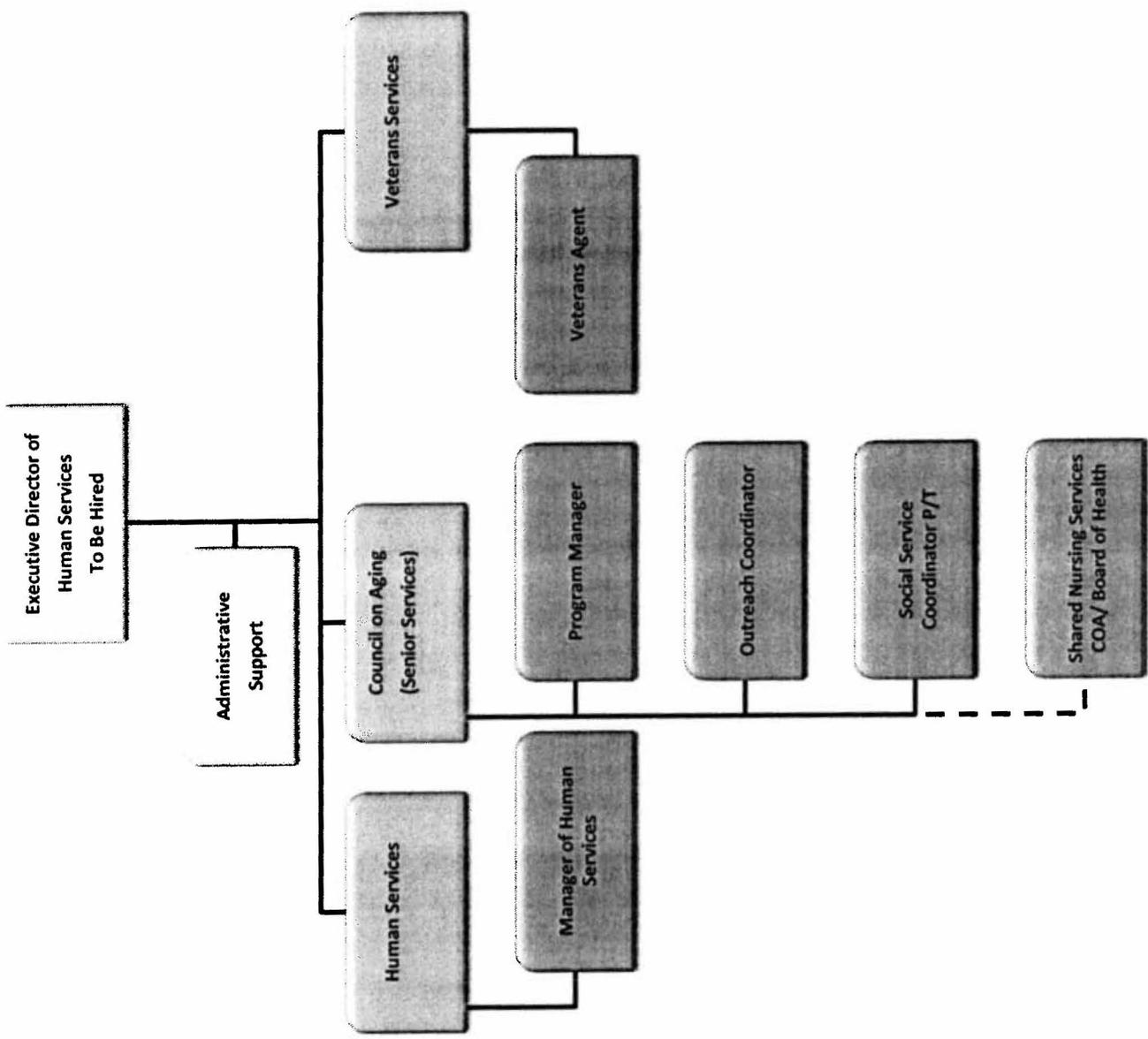
Ability: Ability to remain calm, concentrate and perform all responsibilities in a competent manner at all times. Able to communicate effectively and efficiently verbally and in writing at all times. Ability to work effectively under time constraints to meet deadlines. Ability to supervise and coordinate and to establish and maintain effective working relationships with employees, veterans, officials and the general public. Ability to plan, negotiate, and assume leadership in relations with community and governmental agencies, and in establishing and coordinating programs for veterans. Ability to treat individuals with dignity, fairness, sensitivity, and compassion.

Skill: Skill in using the above mentioned tools and equipment.

Physical and Mental Requirements.

Recurring intellectual effort is required to maintain a current knowledge of applicable laws, principals, and resources. Employee is frequently required to walk, stand, sit, talk, and hear; uses hands to finger, handle, feel or operate objects, tools, or controls, and reach with hands and arms as required. Occasionally lift and/or move objects weighing up to 10 pounds such as a briefcase, books, supplies, etc. Employee must possess the ability to operate a keyboard at a moderate speed. Vision and hearing at or correctable to normal ranges.

14/14



**City of Marlborough
Marlborough, Massachusetts 01752**

IN CITY COUNCIL

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY ADDING TO CHAPTER 32, COMPENSATION SCHEDULE, THE FOLLOWING:

TITLE	EFFECTIVE DATE	MIN 1ST SIX MONTHS	STEP 1 2ND SIX MONTHS	STEP 2 NEXT 12 MONTHS	MAX
Executive Director Human Services	2/1/2011	\$ 63,122.57	\$ 65,646.80	\$ 68,274.80	\$ 71,006.16

14
15

**City of Marlborough
Marlborough, Massachusetts 01752**

IN CITY COUNCIL

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT
THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED
BY ADDING TO CHAPTER 32, COMPENSATION SCHEDULE, THE FOLLOWING:

TITLE	EFFECTIVE DATE	MIN 1ST SIX MONTHS	STEP 1 2ND SIX MONTHS	STEP 2 NEXT 12 MONTHS	MAX
Manager Human Services	2/1/2011	\$ 50,239.98	\$ 52,249.58	\$ 54,339.56	\$ 56,513.14

14
16

**City of Marlborough
Marlborough, Massachusetts 01752**

IN CITY COUNCIL

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY ADDING TO CHAPTER 32, COMPENSATION SCHEDULE, THE FOLLOWING:

TITLE	EFFECTIVE DATE	MIN 1ST SIX MONTHS	STEP 1 2ND SIX MONTHS	STEP 2 NEXT 12 MONTHS	MAX
Part Time COA Program Manager	2/1/2011				\$ 25,000.00

6/14/11

**City of Marlborough
Marlborough, Massachusetts 01752**

IN CITY COUNCIL

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY ADDING TO CHAPTER 32, COMPENSATION SCHEDULE, THE FOLLOWING:

TITLE	EFFECTIVE DATE	MIN 1ST SIX MONTHS	STEP 1 2ND SIX MONTHS	STEP 2 NEXT 12 MONTHS	MAX
Veterans Agent	2/1/2011	\$ 44,803	\$ 46,595	\$ 48,459	\$ 50,397

14
8/18



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

Arthur G. Vigeant 15
PRESIDENT

Patricia "Trish" Pepe
VICE-PRESIDENT

Karen A. Boule
CITY COUNCIL ASSISTANT

January 20, 2011

Marlborough City Council
City Hall
Marlborough, MA 01752

Dear Members of the City Council:

I hereby submit for your information the City Council regular meeting schedule and the City Council Committee Assignments.

I look forward to working with all of you for a successful legislative year.

Sincerely,

Arthur G. Vigeant
Arthur G. Vigeant
City Council President

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CITY COUNCIL REGULAR MEETING SCHEDULE - 2011

January 3

January 24

February 14

February 28

March 14

March 28

April 11

April 25

May 9

May 23

June 6

June 20

July 18

August 1

August 29

September 12

September 26

October 3

October 17

November 7

November 21

December 5 - Classification Public Hearing

December 19

[Additional meetings may be added as necessary to accommodate required public hearings]

CITY COUNCIL COMMITTEES

2011

Arthur G. Vigeant, President
Patricia "Trish" Pope, Vice President

FINANCE

Michael H. Ossing
Paul R. Ferro
Joseph Delano
Robert M. Seymour
Patricia "Trish" Pope

URBAN AFFAIRS & HOUSING

Steven L. Levy
Edward J. Clancy
Matt Elder
Donald R. Landers
Robert J. Tunnera

PUBLIC SERVICES

Edward J. Clancy
Donald R. Landers
Robert J. Tunnera

HUMAN SERVICES

Matt Elder
Steven L. Levy
Paul R. Ferro

LEGISLATIVE & LEGAL AFFAIRS

Robert M. Seymour
Michael H. Ossing
Steven L. Levy

VETERANS' AFFAIRS

Paul R. Ferro
Matt Elder
Robert J. Tunnera

AFFORDABLE HOUSING

*Combined with
Urban Affairs in 2008*

OPERATIONS & OVERSIGHT

Paul R. Ferro
Joseph Delano
Matt Elder

WIRELESS COMMUNICATIONS

Edward J. Clancy
Patricia "Trish" Pope
Donald R. Landers

OPEN SPACE

Patricia "Trish" Pope
Robert M. Seymour
Edward J. Clancy

PUBLIC SAFETY

Donald R. Landers
Joseph Delano
Michael H. Ossing

PERSONNEL

Joseph Delano
Patricia "Trish" Pope
Robert J. Tunnera

RULES COMMITTEE

Arthur G. Vigeant
Patricia "Trish" Pope
Edward J. Clancy

FIRST PERSON NAMED SHALL SERVE AS CHAIRMAN
The **second** person named denotes vice-chair. The President or Vice-President may serve as an ex-officio member of any of the above Committees to form the required quorum.



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

Arthur G. Vigeant / 6
PRESIDENT

Patricia "Trish" Pope
VICE-PRESIDENT

Karen A. Boule
CITY COUNCIL ASSISTANT

January 24, 2011

Marlborough City Council
City Hall
Marlborough, MA 01752

Dear Members of the City Council:

I hereby re-appoint, subject to your confirmation, Lisa M. Thomas as City Clerk for a term to expire three years from the date of confirmation.

Ms. Thomas has worked with due diligence to promote electronic conversion of the City Clerk's Office. Today, municipal documents are readily available and at the disposal of employees via the City Clerk's docushare link, and residents can view the full City Council agenda packet at their leisure. Gone are the days when councilors, representatives of the media and residents flocked to the Clerk's Office to obtain their hard copy of the packet on Friday mornings.

Ms. Thomas is anxious to make other advancements that will streamline the work of her staff and assist the public in obtaining and filing vital records. I am pleased to submit her re-appointment for your consideration.

Sincerely,

Arthur G. Vigeant
Arthur G. Vigeant
City Council President

AV/kb



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

Arthur G. Vigeant / 1,
PRESIDENT

Patricia "Trish" Pope
VICE-PRESIDENT

Karen A. Boule
CITY COUNCIL ASSISTANT

January 20, 2011

Marlborough City Council
City Hall
Marlborough, MA

Dear Members of the City Council:

I enclose for the City Council's consideration a proposed amendment to the Zoning Ordinance of the City of Marlborough. The proposed amendment seeks to amend section 650-21 (entitled "Retirement Community Residence Districts") as well as section 650-22 (entitled "Retirement Community Overlay Districts"). Specifically, the proposed amendment would, among other things, eliminate the current requirement that at least 66% of the living area in each unit in retirement communities be located on the first floor.

Also enclosed is a proposed order that would eliminate the 66% requirement from three special permits previously approved by the Council for retirement communities in Marlborough.

Thank you for your attention to this matter.

Very truly yours,

Arthur G. Vigeant
City Council President

Enclosures

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City Council

From: Rider, Donald
Sent: Thursday, January 20, 2011 3:43 PM
To: City Council
Cc: Reid, Steve; Legal
Subject: Proposed Zoning Amendments re. Retirement Communities
Attachments: Proposed order - amendments to retirement community ordinances.docx; Proposed order - application of retirement community amendments to existing special permits.docx; Proposed cover letter.docx

Karen-

Attached for inclusion on the Council's agenda are a proposed order to amend the zoning ordinance regarding retirement communities, a proposed order for the application of the amendments to existing retirement communities, and a proposed cover letter to be signed by President Vigeant. Let me know if I can assist with these items.

Massachusetts law says that amendments to statutes dealing with property - here, the city's zoning ordinance - generally have prospective effect, unless a contrary intent is clearly shown. This rule is meant to protect holders of vested property rights. The amendments being proposed here would not disturb any vested property rights, at least not in the negative sense that MGL c. 40A, § 6 is meant to protect against with a zoning freeze. Instead, the proposed amendments are more liberal or lenient than the current zoning ordinance. This is because the amendments, going forward, would entitle people who own the individual units to build living space in the basement or on the second floor of their units, whereas currently they are required to have 66% of the unit's living space located on the first floor.

Thanks.

-Don

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 650-21, ENTITLED "RETIREMENT COMMUNITY RESIDENCE DISTRICTS," AND CHAPTER 650-22, ENTITLED "RETIREMENT COMMUNITY RESIDENCE DISTRICTS OVERLAY DISTRICTS," AS FOLLOWS:

1. Section 650-21, entitled "Retirement Community Residence Districts," is hereby amended:
 - a. by amending subsection C(3) thereof, by deleting the second sentence thereof, which heretofore read "At least 66% of the living area in each unit shall be located on the first floor."
 - b. by amending subsection C(8) thereof, by amending the second sentence thereof, by adding after the word "provide" the following words:-- at least.
2. Section 650-22, entitled "Retirement Community Overlay Districts," is hereby amended:
 - a. by amending subsection C thereof, entitled "Permitted uses":
 - i. by amending the introduction thereof, by striking out in the sixth line thereof the following words:-- "and such additional multifamily housing units segregated onto a separate portion of the site, referred to herein as an 'ancillary residential community,' as the City Council deems appropriate,".
 - ii. by amending subsection (3) thereof, by deleting the second sentence thereof, which heretofore read "At least 66% of the living area in each unit shall be located on the first floor."
 - iii. by amending subsection (8) thereof, by amending the second sentence thereof, by adding after the word "provide" the following words:-- at least.
 - iv. by amending subsection (14) thereof, by striking out said subsection in its entirety, including sub-subsections (a) through (f), which heretofore read:

“(14) The following site development provisions shall apply to any ancillary residential community which is approved in conjunction with the granting

of a special permit for the construction of a retirement community:

(a) Each building in an ancillary residential community shall face either upon an existing street or upon a public or private way constructed within said ancillary residential community and shall have a minimum front yard of no less than 10 feet from the edge of the paved way to the closest point of the structure. Each building, whether principal or accessory, shall be at least 50 feet from any other building by air line distance between the nearest points of the building.

(b) No dwelling unit shall contain less than 800 square feet of floor space exclusive of halls and stairs, and no room shall contain less than 120 square feet.

(c) No part of any building in any ancillary residential community shall be less than 30 feet from any lot line, less than 50 feet from any street, or less than 80 feet from the nearest structure in a retirement community.

(d) All site landscaping shall be designed so as to provide a clear sense of separation between the ancillary residential community and a retirement community. Landscape design preference shall be given to the maintenance of existing trees and ground cover. The development of large lawn areas shall be minimized.

(e) The City Council may, as a condition of any special permit which includes an ancillary residential community, require that the land area on which the ancillary residential community is located be permanently maintained as one undivided lot or, within a condominium, as one undivided condominium unit, or require such other legal mechanism as will, in the opinion of the City Council, assure that the said ancillary residential community will not be subdivided or its ownership further condominiumized, that said ancillary residential community will remain as rental

housing, and that ownership of said ancillary residential community will remain consolidated.

(f) The total number of units in an ancillary residential facility shall not exceed 30% of the combined total of retirement community and ancillary apartment units.”

v. by amending subsection (15) thereof, by amending the introduction thereof, by striking out in the first line thereof the following words:-- “and which does not include any ancillary residential community”.

3. The effective date of these amendments shall be the date on which they are voted upon by the city council.

ADOPTED

In City Council
Order No. 11-
Adopted

Approved by Mayor
Nancy E. Stevens
Date:

A TRUE COPY
ATTEST:

ORDERED:

That, as a result of the City Council's approval of Order No. 11-100___, the following special permits previously approved by the City Council, in its capacity as special permit granting authority, shall each be modified in the following respects:

- 1) Special Permit issued to Brigham Development Corp., 38 Brigham Street, Marlborough, MA for development and operation of land at 388 Boston Post Road East into a "Retirement Village" of condominiums, Order No. 97-7158B, adopted September 8, 1997. The second sentence in condition number 7 thereof, which sentence had read "At least 66% (sixty six percent) of the living area in each unit shall be located on the first floor," shall be stricken and shall have no legal effect as of the effective date of Order No. 11-100___;
- 2) Special Permit issued to Brigham Development Corp. and Williams Village, LLC, 38 Brigham Street, Marlborough, MA to construct a retirement community, Order No. 99-7967B, adopted April 5, 1999. The second sentence in condition number 7 thereof, which sentence had read "At least 66% (sixty six percent) of the living area in each unit shall be located on the first floor," shall be stricken and shall have no legal effect as of the effective date of Order No. 11-100___; and
- 3) Special Permit issued to Metro Park Corp., 929 Boston Post Road East, Marlborough, MA to construct a retirement community, Order No. 03-10022, adopted September 8, 2003, as amended by a Revised Special Permit issued to Toll MA Land Partnership, 250 Gibraltar Road, Horsham, PA to construct 69 townhouse residential retirement community units, Order No. 09-1002151C, approved June 22, 2009. The second sentence in condition number 7 thereof, which sentence had read "At least 66% (sixty-six percent) of the living area in each unit shall be located on the first floor," shall be stricken and shall have no legal effect as of the effective date of Order No. 11-100___.

IT IS FURTHER ORDERED that this order be recorded in the Middlesex South District Registry of Deeds.

ADOPTED

In City Council
Order No. 11-
Adopted

Approved by Mayor
Nancy E. Stevens
Date:

A TRUE COPY
ATTEST:



City of Marlborough
Legal Department

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

18,
DONALD V. RIDER, JR.
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

DENISE M. LINDBERG
PARALEGAL

January 20, 2011

Arthur Vigeant
President
Marlborough City Council

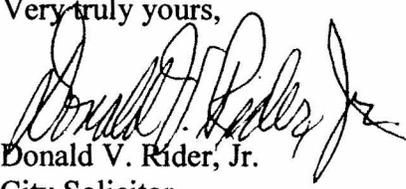
RE: Proposed Amendment to Special Permit
New England Sports Center – 121 Donald Lynch Boulevard

Dear President Vigeant and Members:

Pursuant to Chapter 650-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed findings on the application submitted by Quad Rink Limited Partnership/New England Sports Management, General Partner to amend a special permit that had been issued by the Council in 1994 (Order No. 94-5460B), and amended in 2004 ((Order No. 04-100359B) and again amended in 2010 (Order No. 10-1002448B). The proposed amendment would allow the number of entertainment devices on the premises to be increased in number from 26 to 42.

I have enclosed a copy of the decision. It anticipates in paragraph 10 of the Procedural Findings that the testimony to be given at next Monday night's hearing really will be given at that hearing. With that caveat in mind, I certify that the decision is in proper legal form.

Very truly yours,


Donald V. Rider, Jr.
City Solicitor

Enclosure

cc: David Gadbois, Esquire

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IN CITY COUNCIL

ORDERED: Marlborough, Mass., _____ 2011

**DECISION ON AN APPLICATION TO AMEND
SPECIAL PERMIT # 10-1002448B**

The City Council of the City of Marlborough hereby Grants the Application for Amendment to Special Permit # 94-5460B as previously amended by City Council Order # 04-100359 and City Council Order # 10-1002448B to Quad Rink Limited Partnership/New England Sports Management Corporation, General Partner, 84 South Street, Carlisle, MA 01741 and H. Larue Renfroe, Trustee of Donald Lynch Boulevard Realty Trust u/d/t dated December 23, 1994 recorded in the Middlesex South District Registry of Deeds in Book 25093 Page 467, both having a place of business at 84 South Street, Carlisle, MA 01741 as provided in the Decision and subject to the following Procedural Findings, Findings of Facts and Conditions:

PROCEDURAL FINDINGS

1. New England Sports Management Corporation, General Partner of Quad Rink Limited Partnership, and H. Larue Renfroe, Trustee of Donald Lynch Boulevard Realty Trust u/d/t dated December 23, 1994 each having a place of business at 84 South Street, Carlisle, MA 01741 are hereinafter collectively referred to as the "Applicant."
2. H. Larue Renfroe, Trustee of Donald Lynch Boulevard Realty Trust, is the owner of property located at 121 Donald Lynch Boulevard (hereinafter referred to as the "Site"), as well as certain contiguous land in the Town of Hudson. Said property is further described in a deed recorded in the Middlesex South District Registry of Deeds in Book 24458 Page 324.
3. The Applicant, on or about December 24, 2010, filed with the City Clerk of the City of Marlborough an Application for Amendment to Special Permit # 10-1002448B, herein referred to as the "Application."

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4. On May 23, 1994 the City Council granted the Applicant a Special Permit to construct a multi-sport facility consisting of up to four major activity areas. The activity areas are known as “rinks.” Notice of Grant of Special Permit # 94-5460B, herein after referred to as “Special Permit” is recorded in the Middlesex South District Registry of Deeds in Book 25042 Page 572. Said Special Permit was amended on May 10, 2004 by City Council Order No. 04-100359 notice of which was recorded in the said Registry of Deeds in Book 43009 Page 25 and further amended by City Council Order No. 10-1002448B notice of which was recorded in said Registry of Deeds in Book 54646 Page 143. (collectively the Project)
5. The Application is authorized under the provisions of Chapter 650 (Zoning) of the Code of the City of Marlborough, Article V Section 650-17 Table of Uses and 18 Conditions for Uses A (23) Recreation Centers. The reason for the Application is to amend the Special Permit to allow under Special Permit # 94-5460B Paragraph 4 condition (q) Amusement Devices 42 amusement devices in the areas located on the second floor of the Sports Center.
6. The Application filed with the City Clerk on December 24, 2010 consisted of the following: (a) Application Fee in the amount of \$250.00; (b) 3 (three) original copies of the Application for Amendment to Special Permit # 94-5460B; (c) Certification of Delivery of copies of application to City of Marlborough Departments and Office of the City Council; (d) Certification of Payment of Municipal Taxes; (e) Application outlining the project; (f) Special Permit Application Certification by Planning Department; (g) Certified copies of Abutters’ Lists for the City of Marlborough and the Town of Hudson; (h) Special Permit-Summary Impact Statement; (collectively the “Documents”). Twelve sets of Documents were delivered to the City Council and one set each to the Police Chief, the Fire Chief, the City Planner, the Building Inspector, the City Engineer and the Conservation Officer, all in accordance with Chapter 650, Article VII Section 200-59 of the Zoning Code of the City of Marlborough. The documents are incorporated herein and become part of this Decision.
7. The Applicant filed with the Application a Certificate of Completeness of Application on a form signed by the Building Inspector for the City of Marlborough, on behalf of the City Planner for the City of Marlborough, as having complied with the provisions of Chapter 650 (Zoning Code) Article VII Section 650-59, C. (7) (a), (b), and (c).
8. In accordance with the Rules and Regulations of the City Council and Massachusetts General Laws Chapter 40A Sections 9 and 11, the City Council established January 24, 2011 at 8:00 PM as a date and time for a public hearing on the Application, caused a notice of said hearing and the date thereof to be advertised on January 10, 2011 and January 17, 2011 in the Metrowest Daily News and caused said notice to be mailed to those entitled thereto. Proof of advertisement and mailing has been submitted to the City Clerk to be placed with the Application documents.

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9. The Marlborough City Council held a public hearing on the Application on January 24, 2011 at 8:00 PM in accordance with the published notice, (the Public Hearing). The hearing was opened and closed on said date.
 10. The Applicant explained to the City Council that the additional amusement devices will serve the public interest; that the adding of the machines will provide entertainment for both users and spectators of the New England Sports Center; that it will occupy idle time of athletes and spectators during a time when there is no event, which the athlete is participating in or the spectator has an interest in; and that with sixteen years of history, management has determined that there is a clear need for the amusements to occupy time of the public while in the facility and waiting for an event to take place. The Applicant explained that the additional amusement devices will not attract more people to the facility. Members of the public had the opportunity to testify at the public hearing.

**BASED UPON THE ABOVE THE CITY COUNCIL OF THE CITY OF
MARLBOROUGH MAKES THE FOLLOWING FINDINGS AND CONDITIONS:**

- A. The City Council finds that it may amend Special Permits #94-5460B, 04-100359B and # 10-1002448B subject to terms and conditions as it deems necessary and reasonable to protect the citizens of the City of Marlborough.
- B. The City Council finds the Application for Amendment to Special Permit does not derogate from the intent or purpose of the Zoning Ordinance of the City of Marlborough or Massachusetts General Laws Chapter 40A, et. seq.
- C. The City Council finds that the proposed use of the Site for the Project is an appropriate use and is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough.
- D. The Applicant has complied with all the procedural rules and regulations of the City Council of the City of Marlborough, Chapter 650 (Zoning Code) of the City of Marlborough and Massachusetts General Laws Chapter 40A Sections 9 and 11.

GRANT OF AMENDMENT TO SPECIAL PERMIT

The City Council of the City of Marlborough pursuant to its authority under Chapter 650 (Zoning Code) of the Code of the City of Marlborough and Massachusetts General Laws Chapter 40A, GRANTS to the Applicant an Amendment to Special Permits # 94-5460B, # 04-100359B and # 10-1002448B to add sixteen (16) amusement devices for a total of forty-two (42) amusement devices allowed to be used on the premises, subject to the following conditions:

- 1. Special Permit No. 94-5460B is amended by deleting in its entirety from its Findings and Conditions Paragraph 4, condition (q), and inserting in place thereof the following:

(q) Amusement Devices. The Applicant may provide for the public's use, up to forty-two (42) amusement devices in the areas designated as Game Room, Snack Bar Area and Family Area. All video games shall be located on the second floor of the building. Other amusement devices, such as pool tables, foos-ball, ping-pong, shuffle Board, hockey, basketball and similar type amusement games may be located in the Snack Bar and Family Areas. The Applicant may not provide more than four pool tables.

- 2. Special Permit # 10-1002448B is amended by adding the following new condition to GRANT OF AMENDMENT TO SPECIAL PERMIT paragraph F:

22. The Applicant shall hire a company to perform an inside grid study of radio communications at a cost of no more than \$500.00. Following the study, Applicant will work with the City to implement procedures to provide better radio communications with City public safety departments.

- 3. The Special Permit # 94-5460B, # 04-100359B and # 10-1002448B are hereby affirmed, are deemed to be in full force and effect, and apply to the Project without change or modification, except as provided for in the Application, and other conditions herein stated.
- 4. Unless modified by the provisions hereof, all conditions outlined in Special Permit No. 94-5460B recorded in the Middlesex South District Registry of Deeds in Book 25042 Page 572, Special Permit No. 04-100359B recorded in said registry of deeds in Book 43009 Page 25 and Special Permit No. 10-1002448B shall apply to the Project.
- 5. In accordance with the provisions of Mass. Gen. Laws c. 40A, § 11, the Applicant at its expense shall record this Amendment to Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed. Upon said recording, Applicant shall forthwith provide a copy of the recorded Special Permit to the City Council's office and to the City Solicitor's office.

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Yea Votes: ____ - Nay Votes: ____ - Absent: ____ - Abstain Votes: ____

Yea:

Nay:

Absent:

Abstain:

ADOPTED
In City Council
Order No. 11-1002790

A TRUE COPY

ATTEST: _____
City Clerk

RECEIVED
 CITY CLERK'S OFFICE
 CITY OF MARLBOROUGH
 2011 JAN 19 A 11:51
PAUL J. BEATTIE
ATTORNEY
120 QUARRY DRIVE - 2ND FLOOR
MILFORD, MA 01757
(508) 881-1600
(508) 478-4041 (FAX)

January 19, 2011

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

Re: Public Acceptance of Streets in the Forest Grove Subdivision, Marlborough, MA
 Pursuant to Massachusetts General Laws, Chapter 41.

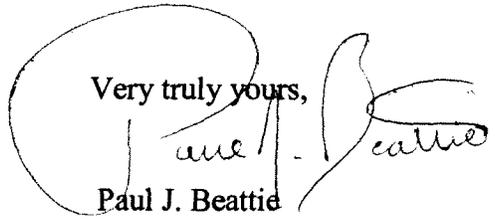
Dear Ms. Thomas:

Please be advised I am an attorney licensed to practice in the Commonwealth of Massachusetts and represent Richard E. Terrill, Trustee of Forest Grove Realty Trust, the fee owner of the streets and owner of the appurtenant easements rights at the Forest Grove subdivision in Marlborough.

Forest Grove Realty Trust hereby requests that the City Council of the City of Marlborough place on its Agenda at its next regularly scheduled meeting my client's request for acceptance of Ewald Avenue, Muir Way and easements related thereto by the City. To this end, I have enclosed:

1. The November 16, 2010 Letter from the Marlborough Planning Board recommending acceptance of the streets.
2. Copies of plans showing streets, easements, and open space.
3. A proposed Quitclaim Deed for the streets and easements.

Please provide with advance notice of any public discussions of this matter by your Council and contact me should you have any questions on this submission.

Very truly yours,

 Paul J. Beattie

Enc.

(marlboroughcityclerkcoverforestgrove)



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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 JAN 11 P 3:40

**Lisa M. Thomas
City Clerk**

MARLBOROUGH, MA

DATE: JANUARY 11, 2011

To the City Council:

Owner Name: Matthew Leduc

Residential Address: 68 Washington St Marlboro

Telephone Number: 774-249-3188

Business Name: The Lazy Dog

Business Address: 31 Main St.

Business Telephone Number: 508-229-2254

Owner Signature: Matthew Leduc

The above-signed Matthew Leduc respectfully requests that he/she be granted a 1 pool table license license.

In City Council

21,

City of Marlborough
Commonwealth of Massachusetts

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 JAN 11 A 11:53



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

PLANNING BOARD MINUTES
December 6, 2010
7:00 PM

The Planning Board for the City of Marlborough met on Monday, December 6, 2010 in Memorial Hall, 3rd floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Colleen Hughes, Clerk, Philip Hodge, Clyde Johnson, Edward Coveney and Sean Fay. Also present: City Engineer Thomas Cullen.

MINUTES

Meeting Minutes November 22, 2010

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

To accept and file the minutes of November 22, 2010 with minor revisions.

CHAIRS BUSINESS

Proposed Amendments to Sign Ordinance
City Solicitor

The City Solicitor discussed his correspondence to the Board concerning proposed changes to the City's Sign Ordinance. The Building Commissioner is proposing minor amendments to the Sign Ordinance that he considers important because of common confusions related to specific provisions. Most of the Building Commissioner's requested revisions were changes to word usage for consistency, grammar for clarity, improved definitions, and clarification of terms. The City Solicitor also stated that the proposed amendments include most, if not all of the Planning Board's requested enhancements to the ordinance's enforcement provisions.

Mr. Fay asked the City Solicitor if the proposed amendments would allow the Building Commissioner to deny a sign application filed by a developer that had outstanding and unpaid fines for the unlicensed installation of a sign. It was clear that the proposed change allowed the Commissioner to deny an application filed by an owner with a sign that had been installed without proper permits. The original intent of the Planning Board's proposed change was to give the Commissioner the discretion to deny permits to contractors if fines were unpaid.

Mr. Rider stated that he can amend this section of the ordinance to include the request of the Planning Board when the ordinance goes out to committee.

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

To accept and file correspondence, to provide a representative for committee meetings if requested by the Committee.

**Proposed Home Rule Petition
City Solicitor**

The City Solicitor sent to the City Council, with a copy to the Planning Board, a proposed home rule petition providing for a simplified procedure for City Council acceptance of subdivision roads as public ways. Mr. Rider proposes the procedure primarily to help deal with city roads which are being treated as public ways but for which the existing formal acceptance procedures have never been completed. He is asking the City Council for expedited consideration, if possible, in order to meet the Legislature's January filing deadline.

Mr. Rider asked the Planning Board to send a letter to the City Council with the Board's recommendation on the proposed petition.

Councilor Clancy stated that he has some concerns regarding the process. With about 100 Streets in the City that are not accepted, if public hearings were required, the expenses of holding these hearings including the cost of the mailings could be staggering. He stated the City does not have the resources to cover the costs.

Councilor Delano asked if it would be possible to group streets for consideration on a neighborhood or subdivision basis in order to minimize the time and expense.

Ms. Hughes stated that in theory the proposed procedure sounds like a terrific idea, however she expressed concern about the cost factor, including filing fees, advertising fees and as-built plans.

Mr. Cullen stated from an engineering standpoint that the concept is a great idea; however the City Council will have to weigh in on the idea and decide if it's truly feasible.

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

To accept and file the correspondence; to send a favorable recommendation to the City Council to approve filing the petition with modifications to allow the approval vote be by simple majority and to retain the requirement of a public hearing while specifically allow grouping of streets for hearing purposes where appropriate.

APPROVAL NOT REQUIRED PLAN

PUBLIC HEARING

SUBDIVISION PROGRESS REPORTS

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

To move up the agenda item 5C.

***Blackhorse Farms (Slocumb Lane)
Attorney Roelofs Correspondence***

The Planning Board voted at their last meeting to send a letter to the developer notifying the developer that the Board intended to take action on the developer's extension request at the meeting on December 6, 2010.

The attorney for the developer, Jeffrey Roelofs, sent correspondence in support of the developer's extension request. Mr. Roelofs stated in his letter that that the remaining work was properly bonded, that all recommended actions have been completed. Mr. Roelofs stated his position that there was no reason for the Board to deny the request.

Mr. Roelofs referred to his letter to the Board dated February 22, 2010, where he stated his position that subdivision approval itself would remain valid even if a construction deadline was not extended. He also stated his contention that the passage of Governor Patrick's Permit Extension Act (Section 173 of Senate Bill 2882) would automatically extend any permit by 2 years of any construction deadline. Mr. Roelofs stated his belief that this subdivision would fall within the parameters of the Act. The Board, upon referring to the dates in question, came to the opposite conclusion.

The City Solicitor stated that after several months of exchanges between the developer and the City Engineer's office, the Board was in a position to consider the developer's request.

Mr. Donald Seaberg, project engineer for Benchmark Engineering, stated that all work has been completed at the request of the City Engineer and the dates were given to him early in the day. Mr. Seaberg stated that the gate had been taken down allowing for access to the end of the roadway and that erosion controls were being monitored and maintained.

Mr. Cullen stated that he did receive the requested information and was satisfied with the information that was provided by the developer.

Mr. Fay stated that he is opposed to the extension and stated his position that the Board should take further action to protect its interests. In particular, Mr. Fay cited the inconsistency in Mr. Seaberg's representations with what can be observed on the site. Mr. Fay was concerned with the inaction on the subdivision and the likelihood that this will continue for years to come, the potential for deterioration of the roadway, visual evidence that the erosion controls are not being properly maintained or monitored, nuisance conditions that impact public health and safety in the subdivision. Mr. Fay asked Mr. Cullen if the remaining bond would cover the necessary work if the bond were to be revoked today. Mr. Cullen stated that there was enough to cover the roadwork if needed.

Councilor Delano stated that the developer has not been a good neighbor to the residents who have purchased the house that was built in the subdivision, and is concerned that the conditions will remain unsatisfactory for the foreseeable future.

Ms. Fenby asked for the Board for their thoughts of granting the extension of the subdivision. Ms. Hughes asked if it was possible for the Board to approve a shorter extension instead of extending the subdivision by two years. Mr. Hodge stated that 6 months has already past since they asked for the extension, and questioned whether an 18 month extension would benefit the developer. Mr. Hodge stated that an extension of 1 year from the request date would benefit all parties showing good faith on the part of the Board and the developer.

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

To grant an extension of the subdivision until May 10, 2011.

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

To move up agenda item 5D.

2/4

Shorter Street

Correspondence from Attorney Norris

Mr. Norris represents the current owner of the subdivision. He is asking for the Board to release the bond monies and authorize the issuance of a permanent occupancy to the current homeowner of the premises.

At an early meeting held by the Public Services Committee, the matter of the easement was discussed. Councilor Clancy stated that there is not enough room for a standard turn around. At the original time of acceptance, the Planning Board had asked both the Fire Chief and the Police Chief if this was acceptable.

Mr. Cullen stated that he would like to review the file and as-built.

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

To accept and file correspondence, to refer the information to the City Engineer for his review, and to refer to both the police and fire for their opinion on the no turnaround street. .

Update from City Engineer

Mr. Cullen stated that the mylars are in review for Fiddlehead, Water's Edge is being reviewed by the Assistant Engineer and Davis Estates is ready for acceptance and will be placed on the next agenda. Mr. Cullen also stated that he has spoken to the project manager of the Mauro Farm subdivision and they should be forthcoming to establish a bond for lot releases.

Elm Farm Valley (Cleversy Drive)

Correspondence on easement descriptions

At the last meeting the Planning Board members voted to have Mr. Fay and Mr. Hodge draft correspondence to the current homeowners regarding the error in the description of easements. The correspondence reads as follows:

"The developer of the above-referenced sub-division has made the Planning Board aware of a minor error in the description of an easement that encumbers your property. The original subdivision plan that was approved by the Planning Board, part of the public record that affects the title to your land, clearly labels this easement as a water and sewer easement. A simple clerical error on a later recorded plan labels this easement as a "Sewer Easement." Copies of the relevant pages of both plans are enclosed for your reference.

This letter serves as notice of the nature and extent of the City of Marlborough's interest in your land, and the City's right to enter upon your land to access, maintain, and repair water and sewer lines. From the time the subdivision was approved, the City of Marlborough had the right to enter your property to inspect, maintain and repair water and sewer lines without exception. This notice does not constitute an expansion of the City's rights in your land, but simply a clarification of what was in the public record, and what you knew or should have known at the time you purchased your property.

The Board has instructed the developer to prepare and record a Confirmatory plan that labels the right of way in a manner that is consistent with the easement that was approved by the Planning Board when the subdivision was approved. A copy of this plan is also enclosed for your reference.

Should you have any questions, or if you would prefer that a separate easement specific to your property alone be recorded as an alternative, kindly contact the City Solicitor, Donald V. Rider at

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508-460-3771. If you do not act by January 15, 2011, the actions outlined above will be completed and the matter will be concluded. "

The City Solicitor stated that he liked this approach by the Board since neither he nor the City Engineer was able to achieve the consent of the homeowners. He asked if the Board members if he could review this prior to the mailing. Once he reviews, he will then send it to the Chair for her approval, and Mrs. Lizotte will send out the mailings.

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

To refer the easement descriptions mailings to the City Solicitor for his review; after his review mail out the correspondence to current homeowners via certified mail.

PENDING SUBDIVISION PLANS: Updates and Discussion

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

SCENIC ROADS

SIGNS

Target
605 Boston Post Road East
Request for Variance

Attorney Arthur Bergeron has requested to postpone this matter until the next meeting, December 21, 2010.

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

To accept and file the correspondence, to postpone the request until the next meeting.

INFORMAL DISCUSSION

COMMUNICATIONS/CORRESPONDENCE

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

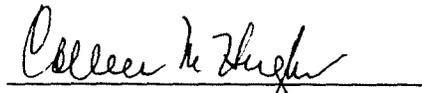
To accept all of the items listed under communications and/or correspondence.

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

To adjourn at 8:19 p.m.

A TRUE COPY

ATTEST:



Colleen Hughes, Clerk

2/6

City of Marlborough
Commonwealth of Massachusetts

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2011 JAN 11 A 11:53



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

PLANNING BOARD MINUTES
December 20, 2010
7:00 PM

The Planning Board for the City of Marlborough met on Monday, December 20, 2010 in Memorial Hall, 3rd floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Colleen Hughes, Clerk, Philip Hodge, Clyde Johnson, Edward Coveney and Sean Fay. Also present: Assistant City Engineer Richard Baldelli.

MINUTES

Meeting Minutes December 6, 2010

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

To table the meeting minutes until the next meeting.

CHAIRS BUSINESS

APPROVAL NOT REQUIRED PLAN

PUBLIC HEARING

SUBDIVISION PROGRESS REPORTS

Update from City Engineer

Berlin Farms (Long Drive)
Correspondence from City Engineer

Mr. Baldelli, the Assistant City Engineer, sent correspondence to the Developer stating that he has made the following observations regarding the subdivision:

- Detention basin entrance still requires remedial work so that it complies with the proposed subdivision plans;
- Also required to install fencing around the detention basin as shown on the approved plans;
- Plant roadside trees per Planning Board requirements;

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- Required As-built plans, Acceptance Plans and Legal Descriptions;
- Install the required street light for residents as stated in the most recent construction schedule, which is past due.

Mr. Baldelli's correspondence also stated that his department along with the Planning Board has made several attempts for him update his completion schedule and subdivision approval. He suggested to Mr. Freeman that he should attend the next Planning Board Meeting.

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

To accept and file the correspondence.

Correspondence from Developer

In the correspondence from Mr. Freeman, he has stated the following:

- He has contacted National Grid for the street lights, two week install for light pole;
- The trees according to the plan are completed;
- Detention basin fencing and clean up will be performed in the spring;
- Will supply As-Builts and acceptance plans in the spring.

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

To accept and file the correspondence; to extend the subdivision approval until January 24, 2011 with the understanding the developer will provide an extensive subdivision completion schedule.

Country Club Estates (Stow Road)

Correspondence from City Solicitor

At the request of Attorney Bergeron, he verbally asked to postpone this matter citing a few things have not been "ironed out".

On a motion by Mr. Fay, second by Mr. Coveney, it was duly voted:

To table this matter to the next meeting.

Davis Estates (Boivin Drive)

Correspondence from City Engineer, Subdivision Acceptance

Mr. Cullen is recommending to the Planning Board to accept the Davis Estates Subdivision. In his correspondence, he outlined the following:

- As-built Plan and Profile of Boivin Drive (Sheets 1 thru 2), for Davis Estates Subdivision, dates November 4, 2004 with the latest revision date of August 8, 2010. Note that the plans were prepared by Guerriere and Halnon inc. Engineering and Land Surveyors, 333 West Street, Milford, MA 01757;
- Plan of Acceptance of Boivin Drive and Municipal Easements (Sheet 1 thru 1) and Easements, dated October 30, 2009 with the latest revision date of December 3, 2010.
- The Latest Legal Descriptions

Mr. Cullen noted that all outstanding issues have been completed, namely the 30 roadside trees, installation of the fencing around detention basins and delivery of the four complete lamp posts to the DPW. A complete review has been performed by the Engineering Division and the work has been completed in accordance to the Planning Board's Rules and Regulations. Mr. Cullen stated

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that the remaining bond monies of \$149,000.00 should remain in effect until such time of the City Council accepting all roads and the Acceptance Plan and Municipal Easements have been recorded at the South Middlesex Registry of Deeds South District.

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

To accept and file the letter from City Engineer Thomas Cullen.

Correspondence from Robert Valchious

Mr. Valchuis hand delivered correspondence asking the Planning Board to reduce the maintenance bond to 10% of the original value of the subdivision which would be \$85,000. He stated that he has complied with all requests and that believes that this is a reasonable request.

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

To accept and file correspondence.

Street Acceptance

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

To endorse and accept Mr. Cullen's recommendation that the subdivision known as "Davis Estates, As-built plot plan dated November 4, 2004 with revised date of August 8, 2010 drawn by: "Guerriere and Halnon, Inc."

Bond Reduction

Mr. Baldelli stated that he previously spoken with the City Engineer and a bond reduction to \$110, 000.00 was reasonable. He also stated he had no issue with the reducing the bond to \$85,000.00. Mr. Hodge stated that he had no issue considering all requests have been made in a timely manner and the subdivision was clearly a model subdivision.

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

To reduce the bond amount to \$85,000.00, which will remain in place until accepted by the City Council and all streets and easements have been registered.

Deerfield Village Subdivision (Pebbles Way)

Correspondence from Assistant City Solicitor

The Assistant City Solicitor has provided a copy of the Order of Acceptance and the copy of receipts from the Middlesex Registry of Deeds as proof the City has accepted Pebbles Way and its associated easements and open space. All items have been recorded and receipts have been provided.

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

To accept and file the correspondence.

Correspondence from Developer

Mr. Giardina is asking for the release of the remaining bond monies for his accepted subdivision. The remaining amount is \$11,401.00

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

To accept and file the correspondence, to reduce the bond from \$11,401.00 to \$0.00 and to change the subdivision status to completed.

Fahey Street

Correspondence from Assistant City Solicitor

The Assistant City Solicitor copied the Planning Board in the Order of Acceptance for the Fahey Street Subdivision. In the documents copies of the deed and plan were attached for the City Council to approve.

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

To accept and file the correspondence.

Fiddlehead Subdivision (Perry Lane)

Correspondence from City Engineer, Subdivision Acceptance

Mr. Cullen has reviewed the following documents for the Fiddlehead subdivision and has summarized the following:

- Fiddlehead Subdivision As-Built Plan Perry Lane (Sheet 1 of 1), dated March 6, 2006 with the latest revision date of March 23, 2010 and stamped by Susan Sullivan, P.E. and Scott Hayes, P.E. December 7, 2010. The plan was prepared by Inland Survey, Inc. of Stow, MA;
- Acceptance Plan of Perry Lane and Municipal Easements (Sheet 1 thru 1) dated March 23, 2010 and stamped by Susan Sullivan, P.E. on December 7, 2010, Scale 1"=30'. The plan was prepared by Inland Survey, Inc. of Stow, MA;
- The latest Legal Descriptions.

Mr. Cullen also included the copy of the deed that transfers ownership of the Open Space parcel of Land: From Ronald J. Doran, Trustee of High Ground Realty Trust to the Conservation Commission of the City of Marlborough. This parcel consists of 11.102 acres of land and has been recorded in the South Middlesex Registry of Deeds, Book 25347, Page 305 and also attached is the Council Order No. 94-5752A which received the gift of real estate for conservation purposes.

Mr. Cullen also stated the Planning Board voted to rescind the bond in the amount of \$124,194.87 on June 25, 2007 and had the City complete the necessary work to finish the subdivision. The remaining amount of the bond to date is \$96,195.62. Mr. Cullen recommends keeping the bond monies until such time of the acceptance recording with the Middlesex Registry of Deeds South District, minus a \$1,000.00 for crack sealing at random areas on Perry Lane and any legal fees borne by the City associated with the approval process.

There were several easements that have been identified on the "Acceptance Plan of Perry Lane and Municipal Easement" which were summarized in his correspondence. The status of the subdivision has been reviewed by the Engineering Division and it has been determined that the work has now been completed in accordance with the Planning Board's Rules and Regulations. He stated that the Planning Board or the developer (or the subdivision's legal council) should take the necessary with the City Council to have Perry Lane including easements accepted by the City Council.

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

2/10

To accept and file correspondence, to have the legal department review the easements prior to the acceptance.

Mauro Farm (Cook Lane)
Request for Bond Issuance

Martin Loiselle Jr., of Capital Properties, is requesting a bond amount to be established for the releasing of lots for the Mauro Farm Subdivision.

The Planning Board is also considering releasing the lots on an as needed basis, and not the whole subdivision at the same time. Mr. Baldelli stated he will review with the developer.

Councilor Clancy had some concerns about the runoff during the winter months. Mr. Baldelli stated the developer is not exactly sure if they are working through the winter months or will hold off until the spring season. He will report back when he has more information.

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

To accept and file the correspondence, to refer the bond request to the City Engineer for their review.

Shorter Street
Correspondence from Fire Chief

The Fire Chief, Ricky Plummer, responded via email that the he has no concern with the street not having a cul-de-sac.

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

To accept and place on file.

Correspondence from Police Chief

The Police Chief, Mark Leonard, responded to the Planning Board request that he has no issue with the width of the street.

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

To accept and place on file.

Attorney Norris stated that he was expecting the subdivision to be released this evening. Mr. Baldelli stated that he just received the As-builts earlier in the day and has not had a chance to review. Also, Mr. Norris reported that Tim Collins, from the Engineering, spoke to the Building Commissioner regarding the driveway grades. Mrs. Lizotte had no confirmation from Building Commissioner Reid regarding this. She will ask Mr. Reid when he returns from vacation if there is an issue on the driveway grades.

Mr. Fay stepped out of the room due to conflict of interest.

Sterling Woods (Wyman Lane, Peltier Street, Brazeau Circle)
Request of Subdivision Acceptance

Mr. Farooq Ansari, developer for the subdivision, is requesting the acceptance review of his subdivision.

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

2/11

To accept and place on file, to refer to the City Engineer for his review.

Water's Edge (Worster Drive)
Correspondence from City Collector

The City Collector, Deborah Puleo, informed the Planning Board that the developer owes the City of Marlborough approximately \$24, 343.93 in property taxes and that they should be paid prior to the Planning Board taking action.

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

To accept and file correspondence, to notify Mr. Ansari stating the Planning Board cannot take any action on his subdivisions until all taxes are paid to the present date.

Mr. Fay returned back to the room.

PENDING SUBDIVISION PLANS: Updates and Discussion

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

SCENIC ROADS

SIGNS

This Item was addressed prior to 5C on a motion by Mr. Hodge, seconded by Mr. Coveney.

Target
605 Boston Post Road East
Request for Variance

Attorney Bergeron presented his case for a variance request for the new Target store located at 605 Boston Post Road East. He stated in his correspondence that his clients are only asking for an additional 27 Sq Ft which would complement the neighboring businesses (the Home Depot). He also stated that the uniqueness stems from the topography of the site; the building is set back from road to provide parking to the site and would be invisible to those potential customers traveling east.

The question regarding if the flatwall sign is technically a roof sign since a portion of the logo will be higher than the roof line. Mr. Bergeron argued that the sign is part of a flatwall sign with about 16 inches sticking about the roof line however it is anchored as part of the proposed flatwall sign.

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

To accept and file correspondence.

Councilor Vigeant asked the Planning Board to please consider the variance because of the great opportunity it will provide for the surrounding businesses. He and Councilor Delano shared common interest in marketing the City of Marlborough to continue building the Target site when it sat dormant for a year.

2/12

Councilor Delano stated that he is the Ward Councilor across the street from the new Target. He stated that the business will provide the economic boom for the easterly side of Marlborough. He also asked for the Planning Board to consider the variance.

Councilor Ferro stated that he typically gets negative feedback from his constituents because they fear of the traffic, he stated in Target's case they are excited for the store to open. He also stated that the surrounding business also benefit with the store.

Councilor Clancy stated that is was only a portion of the circle was above the roof. This store can help attract the business that is lacking on the east side of the City.

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

To **GRANT** Variance request of signage to 186 Sq Ft of Flatwall Signage, including a portion of the sign above the roof line.

The Planning Board granted this variance for the unique topography grades and the economic effects that the store will has on the Community.

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 Mr. Coveney, it was duly voted:

To adjourn at 8:00 p.m.

A TRUE COPY

ATTEST:



Colleen Hughes, Clerk