

REGULAR MEETING
JANUARY 11, 2010

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:

1. Minutes of the City Council Meeting, December 21, 2009.
2. Minutes of the Organizational Meeting, January 4, 2010.
3. CONTINUED PUBLIC HEARING: On the Application for Special Permit from Donald Conn, on behalf of Jam Enterprises LLC, for a drive-thru window at a drive-in Sonic Restaurant on Boston Post Rd., Map 89, Lot 77 (Order No. 09-1002361A).
4. Communication from the Mayor re: Spending Freeze.
5. Communication from the Mayor re: Snow and Ice Removal Expenditure Request.
6. Communication from the Mayor re: DPW Equipment Request in the amount of \$1,236,280.00.
7. Communication from the Mayor re: appointments of the following individuals to the positions indicated effective January 4, 2010:
Donald V. Rider, Jr. – City Solicitor
Krista I. Holmi – Executive Aide to the Mayor
Katherine M. Kimber – Executive Secretary to the Mayor
8. Application for Special Permit from MetroPCS Massachusetts, LLC for proposed installation of a Telecommunications Facility onto the existing utility pole at Donald Lynch Blvd., adjacent to the existing power sub-station.
9. Minutes, Planning Board, December 7, 2009.
10. CLAIMS:
Robert McGreevy, 342 Trailside Way, Ashland, pothole or other road defect
Nancy Ribot, 231 Elm St., other property damage



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
Lisa M. Thomas
140 Main St.
Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723
December 21, 2009**

Regular meeting of the City Council held on Monday, December 21, 2009 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Schafer, Juaira, Seymour, Clancy and Landers. Meeting adjourned at 9:52 p.m.

ORDERED: That the minutes of the City Council Meeting December 7, 2009, **FILE**; adopted.

ORDERED: Now being the time set for the **CONTINUED PUBLIC HEARING** on the Application for Special Permit from Donald Conn, on behalf of Jam Enterprises LLC, for a drive-thru window at a drive-in Sonic Restaurant, Map 89, Lot 77, **CONTINUED UNTIL JANUARY 11, 2010**; adopted.

ORDERED: It is moved, in conformance with the provisions of § 23B(3) of Chapter 39 of the General Laws of the Commonwealth, that the Marlborough City Council conduct an executive session for the purpose of discussing strategy with respect to collective bargaining and/or litigation, as an open meeting may have a detrimental effect on the collective bargaining and/or litigating position of the City of Marlborough. It is further moved and stated that the Marlborough City Council will re-convene in open session after the executive session, **APPROVED and returned to open meeting at 8:40 p.m.**; adopted.

Yea: 11 -Nay: 0

Yea: Delano, Ferro, Schafer, Juaira, Seymour, Clancy, Landers, Ossing, Pope, Vigeant & Levy

ORDERED: That the communication from the Mayor regarding a brief update on the Westerly Wastewater Treatment Plant upgrade, **FILE**; adopted.

ORDERED: That the designation of a City liaison to the Ethics Commission, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE AND TO CARRY ITEM OVER TO THE 2010 LEGISLATIVE YEAR**; adopted.

ORDERED: That the following transfer requests from the DPW Department necessary to fund the Repair/Maintenance Supply account, **APPROVED**; adopted.

FROM:

Acct. # 14001403-50745 \$24,000.00
Motor Equipment Repairman

TO:

Acct. # 14001406-54810 \$24,000.00
Repair/Maintenance Supplies

FROM:

Acct. # 14001403-51430 \$1,700.00
Longevity

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TO:
 Acct. # 14001406-54810 \$1,700.00
 Repair/Maintenance Supplies
 FROM:
 Acct. # 14001403-51440 \$900.00
 Educational Incentive
 TO:
 Acct. # 14001406-54810 \$900.00
 Repair/Maintenance Supplies
 FROM:
 Acct. # 14001403-51920 \$1,900.00
 Sick Leave Buy Back
 TO:
 Acct. # 14001406-54810 \$1,900.00
 Repair/Maintenance Supplies
 FROM:
 Acct. # 14001301-50690 \$3,500.00
 Foreman
 TO:
 Acct. # 14001406-54810 \$3,500.00
 Repair/Maintenance Supplies
 FROM:
 Acct. # 14001303-51440 \$1,000.00
 Educational Incentive
 TO:
 Acct. # 14001406-54810 \$1,000.00
 Repair/Maintenance Supplies

ORDERED: That the transfer request in the amount of \$5,000.00 to move funds from Undesignated to City Clerk's Advertising account due to an increased demand for advertisements, **APPROVED**; adopted.

FROM:
 Acct. # 10000-35900 \$5,000.00
 Undesignated Fund
 TO:
 Acct. # 11610004-53150 \$5,000.00
 Advertising

ORDERED: That the transfer request totaling in \$1,230.00 which moves funds from Fringes to Longevity associated with employee longevity payments, **REFER BACK TO MAYOR WITH COMPLETE LIST OF LONGEVITY PAYMENTS**; adopted.

FROM:
 Acct. # 11990006-51500 \$1,230.00
 Fringes
 TO:
 Acct. # 116100003-51430 \$640.00
 Longevity
 TO:
 Acct. # 15120003-51430 \$590.00
 Longevity

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ORDERED: That the transfer request in the amount of \$722.70 which moves funds from Sewer Service Longevity to West Plant Sick Leave Buy Back associated with an employee who became eligible during this fiscal year, **APPROVED**; adopted.

FROM:

Acct. # 60080003-51430 \$722.70

Sewer Service Longevity

TO:

Acct. # 60085003-51920 \$722.70

West Plant Sick Leave Buy Back

ORDERED: That the transfer request in the amount of \$23,080.00 which moves funds from Fringes to two Sick Leave Buy Back accounts associated with the retirement of two employees, **APPROVED**; approved.

FROM:

Acct. # 11990006-51500 \$23,080.75

Sewer Service Longevity

TO:

Acct. # 60080003-51920 \$999.26

Sick Leave Buy Back

Acct. # 61090003-51920 \$22,081.49

Sick Leave Buy Back

ORDERED: That the transfer request in the amount of \$3,000.00 which moves funds from Water Service Fund-Longevity to Water Service Fund-Sick Leave Buy Back associated with the retirement of an employee, **APPROVED**; approved.

FROM:

Acct. # 61090003-51430 \$3,000.00

Water Service Fund- Longevity

TO:

Acct. # 610900030-51920 \$3,000.00

Water Service Fund-Sick Leave Buy Back

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

CITY OF MARLBOROUGH
OFFICE OF CITY CLERK

That the City Clerk be and is herewith directed to have proper notices issued notifying the VOTERS of the City of Marlborough that the **SPECIAL STATE ELECTION** will be held in the polling locations as noted below on **JANUARY 19, 2010** as follows: Senator in Congress.

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

POLLING LOCATIONS ARE AS FOLLOWS:

WARD ONE: Prec. 1 and 2	Francis J. Kane School, 520 Farm Rd.
WARD TWO: Prec. 1 and 2	Francis J. Kane School, 520 Farm Rd.
WARD THREE: Prec. 1	Masonic Hall, 8 Newton St., corner of Main/Newton Sts., rear
WARD THREE: Prec. 2	Raymond J. Richer School, 80 Foley Rd., cafeteria
WARD FOUR: Prec. 1 and 2	Boys & Girls Club, 169 Pleasant St.
WARD FIVE: Prec. 1	Senior Center, 250 Main St.
WARD FIVE: Prec. 2	Masonic Hall, 8 Newton St., corner of Main/Newton Sts., rear

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- ORDERED: That the minutes, Planning Board, November 23, 2009, **FILE**; adopted.
- ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.
- A. Mike Saliga, 69 White Pond Rd., Hudson, pothole or other road defect
 - B. Joseph Tunnera, 209 Blanchette Dr., pothole or other road defect
 - C. Christopher Nordstrom, 182 Blanchette Dr., pothole or other road defect
 - D. Caroline McDonald, 10 Stone Hill Rd., pothole or other road defect
 - E. Sharon Judd, 112 Liberty St., other property damage
 - F. Sandra DeOliveira, 60 Mosher Ln., pothole or other road defect
 - G. Robert Bickford, 46 Maurice Dr., other property damage
 - H. Chris O'Brien, 29 Slocumb Ln., residential mailbox claim (2b)

Suspension of Rules requested – granted

ORDERED: That the City Council accept and place on file the October 15, 2009 letter from Commissioner Ronald LaFreniere of the Department of Public Works declaring a portion of municipal property, identified as parcel 148 on Map 82 of the Assessors Maps (the "Parcel"), and more specifically described as a strip of land located on Maple Street beneath which is situated a municipal sewer line, and containing approximately 0.1118 acres, more or less, to be surplus, and further, pursuant to Section Fifteen A of Chapter Forty of the Massachusetts General Laws the City Council hereby transfers the care, custody, management, and control of the Parcel from the Department of Public Works to the City Council for the purpose of disposition with reservation of a permanent sewer easement, **APPROVED**; adopted.

Yea: 11 -Nay: 0

Yea: Delano, Ferro, Schafer, Juairé, Seymour, Clancy, Landers, Ossing, Pope, Vigeant & Levy

Suspension of Rules requested – granted

ORDERED: That the City Council hereby determines that a certain portion of municipal property, pursuant to Section Fifteen A of Chapter Forty of the Massachusetts General Laws, as identified in Order No, 09-1002357C is declared available for disposition by sale to Dennis P. and Carolyn M. Kennedy, with reservation of a permanent sewer easement which is hereby transferred to the care, custody, management, and control of the Department of Public Works.

FURTHER ORDERED:

It is FURTHER ORDERED: that the Mayor is authorized to sell the parcel for the minimum price of four thousand eight hundred seventy-two (\$4,872.00) dollars in "as is" condition subject to reservation of a permanent sewer easement, be and is herewith **APPROVED**; adopted.

Yea: 11 -Nay: 0

Yea: Delano, Ferro, Schafer, Juairé, Seymour, Clancy, Landers, Ossing, Pope, Vigeant & Levy

Suspension of Rules requested – granted

ORDERED: That the acquisition from Stephen M. Fitzpatrick, Trustee of Fitzpatrick Family Investment Trust, of the Utility Easement recited in the said Trust's easement deed to the City of Marlborough executed on October 1, 2009 and recorded at the Middlesex South District Registry of Deeds at Book 53650, Page 534, as attached hereto, be and hereby is approved; and

That the acquisition from Stephen M. Fitzpatrick, Trustee of Fitzpatrick Family Investment Trust, of the Sidewalk Easement (Area A and Area B) recited in the said Trust's easement deed to the City of Marlborough executed on October 1, 2009 and recorded at the Middlesex South District Registry of Deeds at Book 53650, Page 537, as attached hereto, be and herewith **APPROVED**; adopted.

Yea: 11 -Nay: 0

Yea: Delano, Ferro, Schafer, Juairé, Seymour, Clancy, Landers, Ossing, Pope, Vigeant & Levy

Suspension of the Rules requested – granted

ORDERED: That the Department of Public Works be authorized to plow and remove snow from the following way, in accordance with the provisions of Massachusetts General Law Chapter 40, Section 6-C, provided, that said way be of such construction and condition that, in the opinion of the Commissioner of Public Works, said plowing can be safely and conveniently accomplished **APPROVED**; adopted.

Boivin Drive – Davis Estates Subdivision, off Farm Road

ORDERED: That the City of Marlborough make a determination of its ability to plow all sidewalks in which it is an owner of any building or lot of land bordering on any street, lane, court, square or public place within the City where there is a sidewalk within 12 hours after snow ceases to fall in the daytime, and before 12:00 noon, if it ceases to fall in the nighttime, in strict accordance with the provisions on City Ordinances prior to enforcement against any private resident for failure to perform such snow and ice removable **REFER TO MAYOR AND DPW COMMISSIONER FOR CONSIDERATION IN ADDITION TO CONSULTING WITH THE CODE ENFORCEMENT OFFICER**; adopted.

Suspension of the Rules requested-granted

MOTION made by Councilor Ferro to remove Order No. 08-1002070A, reappointment of Tom Abel as Comptroller from the table, **DOES NOT CARRY AFTER PRESIDENT VIGEANT'S REQUEST TO RECESS AT 9:07 PM AND RETURN TO OPEN MEETING AT 9:16 PM.**; adopted.

Councilor Seymour abstained

Yea: 4-Nay: 6

Yea: Delano, Ferro, Schafer, & Levy

Nay: Juairé, Clancy, Landers, Ossing, Pope, Vigeant

ORDERED: That the budget transfer requests in the amount of \$9,215.69 from Firefighter to Gross Overtime and \$699.60 from Fire Lieutenant to Gross Overtime for the purpose of

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funding OT for the Fire Department for the rest of this fiscal year, **APPROVED**; adopted.

MOTION made by Councilor Juaire to reinstate \$30,000.00 transfer from Undesignated Fund to Gross Overtime – **DOES NOT CARRY**

FROM:

Acct. # 12200001-50450 \$9,215.69

Firefighter

TO:

Acct. # 12200003-51300 \$9,215.69

Gross OT

FROM:

Acct. # 12200001-50810 \$699.60

Fire Lieutenant

TO:

Acct. # 12200003-51300 \$699.60

Gross OT

ORDERED: That the budget transfer request in the amount of \$1,620.00 from Engr.-Jr. Civil Engr. to Sick Leave Buy Back due to an employee’s resignation, **APPROVED**; adopted.

FROM:

Acct. # 14001101-50710 \$1,620.00

Engineer-Junior Civil Engineer

TO:

Acct. # 14001103-51920 \$1,620.00

Sick Leave Buy Back

ORDERED: That the budget transfer request in the amount of \$5,000.00 from Undesignated Fund to High School Library for monies received from condition 12B of Special Permit, Valvoline-214 Boston Post Rd. East, Order No. 05-100872C, **APPROVED**; adopted.

FROM:

Acct. # 10000-35900 \$5,000.00

Undesignated Fund

TO:

Acct. # 19300006-55975 \$5,000.00

High School Library

ORDERED: That budget transfer request in the amount of \$600.00 from Undesignated Fund to Advertising for the purpose of advertising delinquent taxes, **APPROVED**; adopted.

FROM:

Acct. # 10000-35900 \$600.00

Undesignated Fund

TO:

Acct. # 11440004-53150 \$600.00

Advertising

ORDERED: That budget transfer request in the amount of \$1,000,000.00 from Undesignated Fund to Other Post Employment Benefits (OPEB) Stabilization account to allow the City to put aside funds to offset the first several years of payments to the OPEB Trust Fund that will be established in 2012, **APPROVED**; adopted.

FROM:

Acct. # 10000-35900 \$1,000,000.00

Undesignated Fund

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TO:

Acct. # 836000-32726

\$1,000,000.00

Other Post Employment Benefits (OPEB) Stabilization

Councilor Pope requested to be recorded in opposition.

ORDERED: That government employers are required to implement Governmental Accounting Standards Board (GASB) 43 and 45, which is an accounting of obligations for post employment benefits not related to pensions (OPEB) which must be disclosed on the City's financial statements and must contain: an actuarially-determined liability, assumptions used to determine liability, what benefits are offered, which employees are eligible, and the number of employees covered. Further, that the implementation date for GASB 43 and 45 varies according to the FY1999 annual revenues of the governmental unit and Marlborough must begin reporting its OPEB with the publication of our FY2009 financial statements, **CARRY ITEM OVER TO THE 2010 LEGISLATIVE YEAR;** adopted.

ORDERED: That the review of the Personnel Director's Salary, **FILE;** adopted.

ORDERED: That the request from Old Marlborough Inc. to make a presentation on a "Public Art Program" for the Downtown/Central Business Area, **CARRY ITEM OVER TO THE 2010 LEGISLATIVE YEAR;** adopted.

ORDERED: WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that DANJOU DRIVE be accepted as a public way
From DANJOU DRIVE To Terminus
and the associated easements be accepted as municipal easements as shown on plans thereof and as hereinafter described:

DESCRIPTION

Plan entitled "PLAN OF ACCEPTANCE OF DANJOU DRIVE AND EASEMENTS IN MARLBOROUGH, MASSACHUSETTS, ROBERT J. PARENTE, P.L.S., 15 HICKORY ROAD, SOUTHBOROUGH, MA 01772, DATE: OCT. 14, 2004, LATEST REV. DATE: OCT. 14, 2009, SCALE: 1" = 40'," RECORDED HEREWITH IN THE MIDDLESEX SOUTH REGISTRY OF DEEDS PLAN BOOK ____ AS PLAN ____ OF _____;

Title to the roadway known as DANJOU DRIVE and title to all of the easements, including sewer, flowage, drainage, sidewalk, and sight easements, as shown on said plan has been granted to the City of Marlborough in a Quitclaim Deed from Niel Fossile and Geraldine Fossile, Trustees of Crystal Ridge Realty Trust, P.O. Box 676, Marlborough, MA, said deed to be recorded herewith at the Middlesex County South Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

DANJOU DRIVE be accepted as a public way and its associated easements be accepted as municipal easements in the City of Marlborough; adopted.

Quitclaim Deed

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We, Niel Fossile and Geraldine Fossile, Trustees of Crystal Ridge Realty Trust u/d/t dated November 13, 1995, recorded with the Middlesex South Registry of Deeds in Book 25881 Page 141

of Marlborough, Middlesex County, Massachusetts

for consideration paid and in full consideration of ONE DOLLAR (\$1.00) and 00/100

hereby grant, sell, transfer and deliver unto the **City of Marlborough**, a municipal corporation having a principal address of City Hall, 140 Main Street, Marlborough, MA,

with Quitclaim covenants, all right, title and interest of Grantor in and to the fee in that certain subdivision roadway, known as Danjou Drive, together with perpetual easements including sidewalk easement(s), sight easement(s), sewer easement(s), drainage easement(s), flowage easement(s), and all water and drain pipes, manholes, conduits and all appurtenances thereto, that are now or hereafter constructed or installed in, through or under the land herein shown on "Plan of Acceptance of Danjou Drive and Easements in Marlborough, Massachusetts, Robert J. Parente, P.L.S., 15 Hickory Road, Southborough, MA 01772, Date: Oct 14, 2004, Latest Rev. Date: October 14, 2009, Scale: 1" = 40'," recorded herewith in the Middlesex South Registry of Deeds Plan Book ____ as Plan ____ of _____ bounded and described as follows:

Said area of Danjou Drive contains 48,007 square feet as shown on said plan.

Beginning at the southwesterly corner of Danjou Drive at a stone bound with a drill hole on the northerly sideline of Farm Road at land of Joseph & Laura Bovaconti and at a point of curvature,

thence running by land of Bovaconti and a curve to the left having a radius of 31.83 feet and a length of 57.20 feet to a stone bound with a drill hole at a point of curvature,

thence running by land of Bovaconti and a curve to the left having a radius of 127.67 feet and a length of 90.71 feet to a stone bound with a drill hole,

thence running by land of Bovaconti N55-00-00W 77.00 feet to a point at land of Sanjay & Bina Ahuja,

thence running by land of Ahuja N28-45-30E 3.00 feet to a stone bound with a drill hole at a point of curvature,

thence running by Ahuja, land of John & Eleanor Ryan and land of Jerry Wortzman and a curve to the right having a radius of 1,025.00 feet and a length of 414.40 feet to a stone bound with a drill hole at land of Alberto & Maria Ferreira,

thence running by land of Ferreira and land of Virender & Mimi Katech N31-50-09W 132.80 feet to a stone bound with a drill hole at a point of curvature,

thence running by land of Katech and a curve to the left having a radius of 30.00 feet and a length of 24.38 feet to a stone bound with a drill hole at a point of curvature,

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thence running by land of Katech, land of Paul & Jennifer Weibel and land of David & Yamyle Krajl and a curve to the right having a radius of 50.00 feet and a length of 238.36 feet to a stone bound with a drill hole at a point of curvature,

thence running by land of Krajl and a curve to the left having a radius of 30.00 feet and a length of 24.38 to a stone bound with a drill hole,

thence running by land of Krajl and land of Janice Hynes S31-50-09E 132.80 feet to a stone bound with a drill hole at a point of curvature,

thence running by land of Hynes, land of Lewis & Debra Rosenthal, land of Kevin Luz Santos and land of Wayne & Christine Gillis and a curve to the left having a radius of 975.00 feet and a length of 394.18 feet to a stone bound with a drill hole,

thence running by land of Gillis and a curve to the right having a radius of 180.69 feet and length of 146.80 feet to a stone bound with a drill hole at a point of curvature,

thence running by land of Gillis and a curve to the left having a radius of 30.00 feet and a length of 46.70 feet to a stone bound with a drill hole at a point on the northerly sideline of Farm Road,

thence running by the northerly sideline of Farm Road S82-24-50W 57.32 feet to a point,

thence running by the northerly sideline of Farm Road S88-41-34W 58.36 feet to a stone bound with a drill hole at the point and place of beginning.

Together with the following easements:

Drainage Easement "A"

Beginning at the southeasterly corner of the easement at a stone bound with a drill hole on the westerly sideline of Danjou Drive,

thence running by Danjou Drive S28-45-30W 60.02 feet to a point at land of Joseph & Laura Bovaconti,

thence running by land of Bovaconti and land of Patrick & Charlene Orsborne and the wall N80-14-52W 42.18 feet to a point,

thence running by land of Orsborne and land of Theodore & Dorothy Van Lingen and the wall N75-32-55W 175.60 feet to a point,

thence running by land of Van Lingen and the wall N72-18-35W 107.63 feet to a point at land of Jerry Wortzman,

thence running by land of Wortzman N33-00-00W 60.00 feet to a point,

thence running by land of Wortzman N57-00-00E 30.00 feet to a point,

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thence running by land of Wortzman N20-38-26E 37.25 feet to a point,

thence running by land of Wortzman and land of John & Eleanor Ryan S33-00-00E 108.07 feet to a point,

thence running by land of Ryan S72-18-35E 47.96 feet to a point,

thence running by land of Ryan and land of Sanjay & Binu Ahuja S75-32-55E 175.46 feet to a point,

thence running by land of Ahuja N49-00-54E 51.56 feet to a point of curvature on the westerly sideline of Danjou Drive,

thence running by the westerly sideline of Danjou Drive and a curve to the left having a radius of 1,025.00 feet and a length of 30.00 feet to a stone bound with a drill hole at the point and place of beginning.

Drainage Easement "B"

Beginning at the southeasterly corner of the easement at a point on the westerly sideline of Danjou Drive and at land of Jerry Wortzman,

thence running by land of Wortzman S58-09-51W 114.42 feet to a point,

thence running by land of Wortzman S00-00-00W 43.31 feet to a point,

thence running by land of Wortzman N90-00-00W 30.00 feet to a point,

thence running by land of Wortzman and land of Alberto & Maria Ferreira N00-00-00W 60.00 feet to a point,

thence running by land of Ferreira N58-10-09E 131.00 feet to a point on the westerly sideline of Danjou Drive,

thence running by the westerly sideline of Danjou Drive S31-50-09E 15.00 feet to a stone bound with a drill hole at a point of curvature,

thence running by the westerly sideline of Danjou Drive and a curve to the left having a radius of 1,025.00 feet and a length of 15.00 feet to the point and place of beginning.

Sidewalk Easement (Lot 9)

Beginning at the southerly end of the easement at a stone bound with a drill hole on the westerly sideline of Danjou Drive and at land of Virender & Mimi Katech,

thence running by land of Katech N60-27-15W 34.25 feet to an iron rod at a point of curvature on the westerly sideline of Danjou Drive,

thence running by the westerly sideline of Danjou Drive and a curve to the left having a radius of 50.00 feet and a length of 10.88 feet to a stone bound with a drill at a point of curvature,

thence running by the westerly sideline of Danjou Drive and a curve to the right having a radius of 30.00 feet and a length of 24.38 feet to a stone bound with a drill hole at the point and place of beginning.

Sidewalk Easement (Lot 4)

Beginning at the southerly end of the easement at a stone bound with a drill hole at a point of curvature on the westerly sideline of Danjou Drive;

thence running by the westerly sideline of Danjou Drive and a curve to the right having a radius of 30.00 feet and a length of 24.38 feet to a stone bound with a drill hole at a point of curvature,

thence running by the westerly sideline of Danjou Drive and a curve to the left having a radius of 50.00 feet and a length of 17.47 feet to an iron rod at land of David & Yamyle Krajil,

thence running by land of Krajil S02-56-32E 40.83 feet to a stone bound with a drill hole at the point and place of beginning.

Sewer Easement (Lot 11)

Beginning at the southwesterly corner of the easement at a point on the northerly sideline of Farm Road and at land of Wayne and Christine Gillis,

thence running by land of Gillis N67-25-49W 132.04 feet to a point,

thence running by land of Gillis N64-53-36W 65.38 feet to a point,

thence running by land of Gillis S77-00-00W 41.17 feet to a stone bound with a drill hole at a point on the easterly sideline of Danjou Drive,

thence running by the easterly sideline of Danjou Drive N55-00-00W 40.37 feet to a point at land of Wayne & Christine Gillis,

thence running by land of Gillis N77-00-00E 78.50 feet to a point at land of Paul J. Banacos,

thence running by land of Banacos S64-53-36E 74.45 feet to a point,

thence running by land of Banacos S67-25-49E 129.98 feet to a point on the northerly sideline of Farm Road,

thence running by the northerly sideline of Farm Road S18-38-47W 30.07 feet to the point and place of beginning.

Line of Sight Easement (Lot 11)

Beginning at the southwesterly end of the easement at a point on the easterly sideline of Danjou Drive and at land of Wayne & Christine Gillis,

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thence running by land of Gillis N54-49-52E 175.30 feet to a point at land of Paul J. Banacos on the northerly sideline of Farm Road,

thence running by a curve to the right having a radius of 274.00 feet and a length of 164.24 feet to a stone bound with a drill hole at a point of curvature on the easterly sideline of Danjou Drive,

thence running by the easterly sideline of Danjou Drive and a curve to the right having a radius of 30.00 feet and a length of 22.30 feet to the point and place of beginning.

Flowage Easement (Lot 7)

Beginning at the southwesterly corner of the easement and land owned by Jerry Wortzman at a point on the wall and at land of Alberto & Maria Ferreira,

thence running by land of Ferreira N20-38-36E 170.05 feet to a point,

thence running by other land of Jerry Wortzman S50-23-10E 104.12 feet to a point,

thence running by other land of Wortzman S19-21-53E 36.14 feet to a point at land of John & Eleanor Ryan,

thence running by land of Ryan S20-38-26W 101.11 feet to a point on the wall at land of Joseph & Dorothy Magliozzi,

thence running by the wall and land of Magliozzi N71-59-36W 98.95 feet to a point,

thence running by the wall and land of Magliozzo N76-24-28W 23.00 feet to the point and place of beginning.

Together with all of the right to construct, inspect, repair, renew, replace, operate, and forever maintain sidewalks, curbs, water mains, storm drains, and sanitary sewers, with any manholes, pipes, conduits and other appurtenances thereto, and to do all acts incidental thereto in, through and over said land.

Being a portion of the premises conveyed to the Grantor in that certain Deed dated December 8, 1995, recorded with the Middlesex South Registry of Deeds in Book 25881, Page 146.

The undersigned hereby certifies as follows:

1. That said Declaration of Trust and Schedule of Beneficial Interest remains in full force and effect and has not been modified or amended;
2. That we are the duly named and appointed Trustees of said Trust;
3. None of the Beneficiaries of the Trust are minors;
4. That the Trustees have been directed and authorized by the Beneficiaries to execute and deliver this Deed.

Councilor Schafer requested to be recorded in opposition.

ORDERED: WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience and necessity require that BLAKE CIRCLE be accepted as a public way

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From BLAKE CIRCLE To Terminus

and the appurtenant easements be accepted as municipal easements as shown on a plan thereof and as hereinafter described:

DESCRIPTION

Plan entitled, "Street Acceptance Plan and Easements of Blake Circle, Marlborough, MA (Middlesex County)," scale 1" = 20', dated September 8, 2008, revised July 16, 2009, prepared by Inland Survey, Inc., dba Zanca Land Surveying, 16 Gleasondale Road, Suite 1-2, Stow, Massachusetts 01775, recorded with the Middlesex South District Registry of Deeds as Plan _____ of 20__, and attached hereto;

Title to the roadway known as BLAKE CIRCLE, and title to the municipal drainage easement denoted as "Drain Easement" as shown on said plan as well as to the flowage easement denoted as "Municipal Flowage Rights" as shown on said plan, has been granted to the City of Marlborough in a quitclaim deed from SMC Realty Trust, u/d/t dated March 27, 1992, by Stephen J. Garofalo and Elizabeth T. Garofalo, as Trustees of said Trust, said deed to be recorded herewith at the Middlesex County (Southern District) Registry of Deeds.

IT IS THEREFORE ORDERED THAT:

BLAKE CIRCLE be accepted as a public way and its appurtenant easements be accepted as municipal easements in the City of Marlborough; adopted.

QUITCLAIM DEED

SMC Realty Trust, u/d/t dated March 27, 1992, and recorded with the Middlesex County (Southern District) Registry of Deeds in Book 21891, Page 587, by Stephen J. Garofalo and Elizabeth T. Garofalo, as Trustees,

In consideration of less than one hundred (\$100.00) dollars

Grants to the City of Marlborough, a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts and having its usual place of business at 140 Main Street, Marlborough, Massachusetts

With Quitclaim Covenants

The parcel of land in said Marlborough, Middlesex County, Massachusetts, known as Blake Circle, together with an appurtenant municipal drainage easement and an appurtenant municipal flowage easement, all as described in the legal description attached hereto as "Exhibit A." Said Blake Circle and appurtenant easements are as shown on a plan entitled, "Street Acceptance Plan and Easements of Blake Circle, Marlborough, MA (Middlesex County)," scale 1" = 20', dated

September 8, 2008, revised July 16, 2009, prepared by Inland Survey, Inc., dba Zanca Land Surveying, 16 Gleasondale Road, Suite 1-2, Stow, Massachusetts 01775, recorded with the Middlesex County (Southern District) Registry of Deeds as Plan _____ of 20__.

Said appurtenant municipal drainage easement shall include the right to install, maintain, repair and reconstruct municipal utilities in the area denoted as "Drain Easement" as shown on the above-referenced plan.

Said appurtenant municipal flowage easement shall include the right to install, maintain, repair and reconstruct municipal utilities in the area denoted as "Municipal Flowage Rights" as shown on the above-referenced plan.

For Grantor's title, see deed dated April 12, 2002 and recorded on April 16, 2002 with the Middlesex County (Southern District) Registry of Deeds in Book 35273, Page 271.

The undersigned do hereby certify as follows: a) They are the duly authorized Trustees of the above-referenced Trust, and the above-referenced Trust allows reliance on the facts stated in this certification; b) They have full power and authority and further are duly authorized by the terms of said Trust, and have been directed by all beneficiaries to execute and deliver, on behalf of the Trust, this Quitclaim Deed to the City of Marlborough; c) The above-referenced Trust is in full force and effect and has not been altered, amended, revoked, or terminated, and no beneficiary is a minor or corporation; and d) There are no amendments, appointments, or resignations to this Trust.

EXHIBIT A

BLAKE CIRCLE

Legal Description

Beginning at a granite bound with drill hole on the northeast side of Cook Lane at Blake Circle thence running by the northeast side of Cook Lane by a curve to the right having a radius of 880.00' a length of 102.98' to a spike set in sidewalk;
Thence running by a curve to the left having a radius of 25.00' a length of 40.73' to a granite bound with drill hole;
Thence running N18°-16'-10"E a distance of 123.49' to a spike set in bit drive;
Thence by a curve to the right having a radius of 175.00' a length of 55.67' to a granite bound with drill hole;
Thence running N36°-29'-45"E a distance of 235.00' to a granite bound with drill hole;
Thence running by a curve to the right having a radius of 50.00' a length of 221.13' to a granite bound with drill hole;
Thence running by a curve to the left having a radius of 20.00' a length of 25.62' to a granite bound with drill hole;
Thence running S36°-29'-45"W a distance of 167.92' to a granite bound with drill hole;
Thence running by a curve to the left having a radius of 125.00' a length of 39.76' to a spike in bit drive;
Thence running S18°-16'-10"W a distance of 123.49' to a granite bound with drill hole;
Thence running by a curve to the left having a radius of 25.00' a length of 40.73' to the point of beginning.

Said Blake Circle contains 27,870± sq. ft. and is denoted as "Blake Circle (Public – 50' Wide)" as shown on a plan entitled, "Street Acceptance Plan and Easements of Blake Circle, Marlborough, MA (Middlesex County)," scale 1" = 20', dated September 8, 2008, revised July 16, 2009, prepared by Inland Survey, Inc., dba Zanca Land Surveying, 16 Gleasondale Road, Suite 1-2, Stow, Massachusetts 01775.

MUNICIPAL DRAINAGE EASEMENT

Legal Description

Beginning at a granite bound with drill hole at Lot D and running N18°-16'-10"E a distance of 30.00' to a granite bound with drill hole;
Thence running S71°-43'-50"E a distance of 112.30' to a granite bound with drill hole;
Thence running S03°-08'-55"E a distance of 26.35' to a granite bound with drill hole;
Thence running S56°-58'-48"E a distance of 32.13' to a granite bound with drill hole on the northerly side of Farm Road;
Thence running S33°-01'-12"W a distance of 34.25' to a stone bound with drill hole;
Thence running by a curve to the right having a radius of 55.54' a length of 43.95' to a granite bound with drill hole;
Thence running N02°-23'-38"W a distance of 74.63' to a granite bound with drill hole;
Thence running N71°-43'-50"W a distance of 91.92' to the point of beginning.

Said municipal drainage easement contains 6,167± sq. ft. and is denoted as "Drain Easement" as shown on a plan entitled, "Street Acceptance Plan and Easements of Blake Circle, Marlborough, MA (Middlesex County)," scale 1" = 20', dated September 8, 2008, revised July 16, 2009, prepared by Inland Survey, Inc., dba Zanca Land Surveying, 16 Gleasondale Road, Suite 1-2, Stow, Massachusetts 01775.

MUNICIPAL FLOWAGE EASEMENT

Legal Description

Beginning at a granite bound with drill hole running N33°-06'-18"E a distance of 88.15' to a granite bound with drill hole;
Thence running N79°-12'-36"E a distance of 13.06' to a granite bound with drill hole;
Thence running S57°-08'-04"E a distance of 38.29' to a granite bound with drill hole;
Thence running S39°-44'-50"E a distance of 30.31' to a granite bound with drill hole;
Thence running S55°-01'-10"E a distance of 17.72' to a granite bound with drill hole on the northerly side of Farm Road;
Thence running by the northerly side of Farm Road by a curve to the left having a radius of 1051.93' a length of 35.99' to a stone bound with drill hole;
Thence running still by the northerly side of Farm Road S33°-01'-12"W a distance of 60.83' to a granite bound with drill hole;
Thence running N56°-58'-48"W a distance of 32.13' to a granite bound with drill hole;
Thence running N03°-08'-55"W a distance of 26.35' to a granite bound with drill hole;
Thence running N71°-43'-50"W a distance of 47.80' to the point of beginning.

Said municipal flowage easement contains 8,789± sq. ft. and is denoted as "Municipal Flowage Rights" as shown on a plan entitled, "Street Acceptance Plan and Easements of Blake Circle, Marlborough, MA (Middlesex County)," scale 1" = 20', dated September 8, 2008, revised July 16, 2009, prepared by Inland Survey, Inc., dba Zanca Land Surveying, 16 Gleasondale Road, Suite 1-2, Stow, Massachusetts 01775.

ORDERED: That the Application for Junk Dealer's License by Gerald Dumais, d/b/a Dumais and Sons at 67 Mechanic Street, **APPROVED**; adopted.

ORDERED: That the Application for Junk Dealer's License by Sylvia Jahns at 461 South Street, **APPROVED WITH FOLLOWING CONDITIONS AS RECOMMENDED BY THE BUILDING INSPECTOR**; adopted.

1. **No license shall issue until Applicant has verified compliance with handicapped access with the Building Department to be attached to said license;**
2. **No license shall issue until Applicant has submitted proof of a valid occupancy permit to be attached to said license;**
3. **There shall be no outdoor storage of merchandise, wares, inventory or items for sale;**
4. **All signage shall comply with the City of Marlborough Sign Ordinance without variance.**

ORDERED: That a Proclamation was given to Councilor Schafer, who did not seek re-election as City Councilor, recognizing his years of dedicated service and an honorable mention of Larry Foti, former Clerk of Committees, who has retired **FILE**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:50 p.m.; adopted.

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**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

Lisa M. Thomas

140 Main St.

Marlborough, MA 01752

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

JANUARY 4, 2010

ORGANIZATIONAL MEETING

The City Clerk called the meeting to order at 11:03 a.m. Nominations called for the Election of City Council President Pro-Tem of the Marlborough City Council for the term 2010-2011. Councilor Ossing nominated Councilor Ferro as President Pro-Tem. Councilor Delano seconded the motion for nomination of Councilor Ferro as President Pro-Tem. Councilor Ferro received eleven votes for President Pro-Tem. Yea – Delano, Ferro, Elder, Juairé, Seymour, Clancy, Landers, Ossing, Pope, Vigeant, & Levy.

Councilor Ferro called for the Election of the City Council President of the Marlborough City Council for the term 2010-2011. Councilor Seymour nominated Councilor Vigeant as President. Councilor Delano seconded the motion for nomination of Councilor Vigeant as President. Councilor Vigeant received eleven votes for President. Yea – Delano, Ferro, Elder, Juairé, 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 term 2010-2011. Councilor Ferro nominated Councilor Pope as Vice-President. Councilor Juairé seconded the motion for nomination of Councilor Pope as Vice-President. Councilor Pope received eleven votes for Vice-President. Yea – Delano, Ferro, Elder, Juairé, Seymour, Clancy, Landers, Ossing, Pope, Vigeant, & Levy.

City Council President Vigeant announced the next meeting of the City Council to be held on Monday, January 11, 2010 at 8:00 p.m.

Suspension of the Rules requested – granted; adopted.

ORDERED: That the City Council conform to the Rules and Regulations of the Rules Committee from the 2008-2009 term, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 11:13 a.m.; adopted.



IN CITY COUNCIL

DECEMBER 21, 2009

Marlborough, Mass., _____

ORDERED:

Now being the time set for the CONTINUED PUBLIC HEARING on the Application for Special Permit from Donald Conn, on behalf of Jam Enterprises LLC, for a drive-thru window at a drive-in Sonic Restaurant, Map 89, Lot77, be and is herewith CONTINUED UNTIL JANUARY 11, 2010.

(IN URBAN AFFAIRS COMMITTEE)

ADOPTED

ORDER NO. 08-1002361A



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. Kimber
EXECUTIVE SECRETARY

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January 7, 2010

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

RE: Spending Freeze

Honorable President Vigeant and Councilors:

As you are aware, at the mid-point of each fiscal year I have instituted a spending freeze. This gives Department Heads an opportunity to analyze their individual budgets and determine if there are any anticipated shortfalls or surpluses.

Attached is the memo sent to Department Heads outlining a spending freeze effective January 8, 2010. Once all departments have completed their analysis, I will review the information with my finance team and lift the freeze.

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

140 Main St.
Marlborough, MA 01752
508.460.3774

MEMORANDUM

TO: Department Heads
FROM: Tom Abel
DATE: January 5, 2010
RE: Temporary Spending Freeze

Effective January 8th, the Mayor is imposing a temporary discretionary spending freeze. This is to allow department heads to review their accounts in the general, water and sewer funds (Funds 100, 600 and 610). The spending freeze will be lifted when the review is completed for all departments.

All salary, wage, contractual and prior obligations will continue to be processed for payment during this temporary hold. We are asking departments to refrain from making purchases of new items during the temporary hold. If you have any questions regarding whether a purchase can be made or what is considered discretionary/non-discretionary, please contact the City Auditor or City Treasurer for clarification.

We are asking each department head to immediately review your budgetary accounts (Funds 100, 600 and 610) and let us know whether your account balances are sufficiently funded thru June 30th, are projected to be short of funds (with an estimate of what is needed to fund those accounts through June 30th), or you are anticipating a surplus balance in the account (with an estimate of what the surplus in the account will be).

If you need information on any of your accounts please contact the Auditing Department for assistance.

All reports should be sent to Tom Abel, the Mayor and the Auditor by January 22nd.

Please remember that you are responsible for ensuring the resolution of any deficits in your budget.

Regards,

Tom Abel



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

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Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimber
EXECUTIVE SECRETARY

January 7, 2010

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. 09-1002197-2A, 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, it is anticipated that current expenditures, pending requisitions, increases to existing requisitions and predicted snowfall will exhaust the remaining balance of the current deficit authorization. This evening, I hereby respectfully request your approval to increase the deficit appropriation by \$500,000.00 to a total of \$1,000,000.00. A modified order indicating this change is attached for your consideration.

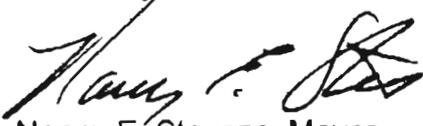
For your review, I have included a summary of the sanding and plowing events in the city from December 5 to January 3. While variable based on actual conditions, the Department of Public Works has provided the following cost estimate of sanding and plowing events:

Sanding - \$75,000.00 - \$100,000 per event
Plowing- \$150,000.00 - \$250,000.00 per event

As you can see, a single event such as that experienced on January 3rd could easily expend the currently authorized balance of \$223,000.00. Please be further advised that due to the unpredictable nature of winter and spring storms, an additional deficit authorization will likely be required before the end of this fiscal year.

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

Sincerely,


Nancy E. Stevens, Mayor

Enclosures

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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 6, 2010

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

RE: SNOW & ICE; ACCOUNT DEFICIT AUTHORIZATION

Pursuant to City Council Order #09-1002197-2A, 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 incurred a total of \$777,000 in snow removal costs in the 3 accounts covered under Snow & Ice. Given pending requisitions, increases to existing requisitions, and the predicted snow at the end of this week, we anticipate that we will exhaust the remaining balance in the deficit authorization.

I hereby request that 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 ¾ 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

RM
 1-6-09

FISCAL YEAR 2010 SNOW AND ICE SUMMARY

ACCOUNT	FY 10 APPROPRIATION W/TRANSFERS	YEAR TO DATE OUTSTANDING ENCUMBRANCES	YEAR TO DATE EXPENDED	BALANCE
Snow and Ice Operating Expenses (14001206-57040)	\$100,000.00	\$115,239.61	\$44,158.73	-\$59,398.34
Overtime Snow and Ice (14001203-51390)	\$125,000.00	\$0.00	\$101,132.03	\$23,867.97
Snow Removal 14001206-52960	\$275,000.00	\$282,481.75	\$233,841.83	-\$241,323.58

3 YEAR EXPENDITURE HISTORY - JANUARY 1ST THROUGH JUNE 30TH

ACCOUNT	FY 07 EXPENDITURES Jan 1-June 30	FY 08 EXPENDITURES Jan 1-June 30	FY 09 EXPENDITURES Jan 1-June 30	3 YEAR AVERAGE
Snow and Ice Operating Expenses (14001206-57040)	\$20,347.92	\$146,329.63	\$40,779.20	\$69,152.25
Overtime Snow and Ice (14001203-51390)	\$153,512.60	\$225,373.83	\$345,819.70	\$241,568.71
Snow Removal 14001206-52960	\$407,734.80	\$1,551,738.07	\$1,590,386.74	\$1,183,286.54
TOTAL ACCOUNT EXPENDITURES	\$581,595.32	\$1,923,441.53	\$1,976,985.64	\$1,494,007.50

AUTHORIZATIONS

TOTAL FY 10 SNOW AND ICE APPROPRIATION	\$500,000.00	FY 10 SNOW AND ICE DEFICIT AUTHORIZATION	\$500,000.00	RECOMMENDED ADDITIONAL DEFICIT AUTHORIZATION	\$500,000.00
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January 7, 2010

MEMO

TO: Mayor Nancy E. Stevens

FROM: Ron LaFreniere,
Commissioner of Public Works

RE: FY10 Snow & Ice Operations; rental equipment

In response to your request regarding vehicles/equipment the department is currently leasing for the FY10 Snow & Ice operations, below please find a list of this equipment.

F-250 pickup truck w/plow	-	\$1,900/month (4-month lease)
F-800 w/plow and sander	-	\$3,800/month (4-month lease)
3 CY front-end loader w/plow (2)	-	\$3,570/month (4-month lease)

Each snow season, the department typically leases the 2 front end loaders. For this particular season, we are also leasing the pickup truck to replace vehicle #13, a street division foreman's vehicle and the F-800 to replace #41, a 6-wheel dump truck in the Streets Division. Both these vehicles have been taken off the road because they have been deemed unsafe and not roadworthy as determined by the superintendent of fleet maintenance.

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Starting Date	Duration	Operation	Measurement
December 5, 2009	6:30pm-4:30am	Sanding	3"
December 9, 2009	5:00am-7:00am	Sanding	
December 9, 2009	7:00am-3:30pm	Plowing	6.5"
December 14, 2009	2:00am-4:00am	Sanding	
December 19, 2009	2:20am	Spot sanding	
December 20, 2009	1:00am-3:30am	Sanding	
December 20, 2009	3:30am-4:00pm	Plowing	9.5"
December 20, 2009	4:00pm-7:30pm	Sanding	
December 21, 2010	7pm	Spot sanding	
December 26, 2009	4:30am-8:00am	Sanding	
December 28, 2010	2:38am	Spot sanding	
December 28, 2009	5:30pm-8:30pm	Sanding	
December 31, 2009	11:am-5:00pm	Sanding	2"
December 31, 2010	6:15pm	Spot sanding	
January 2, 2010	1:00am-5:30am	Sanding	
January 2, 2010	5:30am-12:00pm	Plowing	5"
January 2, 2010	12:00pm-2:30pm	Sanding	
January 2, 2010	5:30pm-10:30pm	Sanding	
January 3, 2010	3:30am-1:00pm	Plowing	2"
January 3, 2010	1:00pm-4:00pm	Sanding	

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 of \$1,000,000.00 in excess of available appropriation for snow and ice removal for fiscal year 2010.

ADOPTED
In City Council
Order No. 09-

Adopted

Approved by Mayor
Nancy E. Stevens
Date:

A TRUE COPY
ATTEST:



City of Marlborough
Office of the Mayor

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

Nancy E. Stevens 61
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. Kimbex
EXECUTIVE SECRETARY

January 7, 2010

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

RE: DPW Equipment Request

Honorable President Vigeant and Councilors:

In early December, I instructed the Department of Public Works to prepare a capital equipment request including specific replacement or upgrade rationale for each requested asset. As detailed in the attached correspondence from DPW Commissioner LaFreniere, I have received an equipment request from the Department of Public Works in the amount of \$1,236,280.00.

While exceeding my stated limit of \$1,000,000.00, after a thorough review of the requests and after consultation with my finance team, Comptroller Tom Abel and City Auditor Diane Smith, we concur that the stated request in the amount of \$1,236,280.00 is justified.

For your review, I have attached a ten-year summary of equipment appropriations and pieces ordered as well as a detailed list of the capital equipment requested including financials. Additionally, please find an attached transfer request in the amount of \$1,236,280.00 moving funds from Account Number 1000-35900 (Undesignated Fund) to Account number 19300006-58731(DPW Equipment). I respectfully request your approval of these essential department assets.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosures



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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 6, 2010

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

RE: EQUIPMENT REQUEST

In response to your e-mail dated December 8, 2009, attached herewith is this department's recommended FY10 capital equipment program. In difference to the \$1.0M limit you established for developing this program, we ask that you consider an additional \$236,280 in expenditures to cover the minimum pieces of equipment and truck beds we recommend be replaced.

As you know, with the exception of 1 piece of sidewalk snow removal equipment, our department has had NO equipment replaced 4 out of the last 6 fiscal years and in that entire 6-year period, only 15 pieces replaced overall. The consequence of this is that vehicles, which should have been retired as part of our regular vehicle replacement program, are well beyond their life expectancy given the type of work the equipment regularly performs. This in turn has created premature funding shortfalls in our vehicle repair and maintenance accounts as evidenced by the transfer requests to these accounts which were recently approved by the city council.

As you will note in the attached, most of the information requested in your e-mail has been provided with the following exceptions:

- Repair history of vehicles to be replaced:
We have provided a one-year history of repairs on the equipment we hope to replace with the exception of those pieces which have been off the road for more than a year due to safety considerations or are simply beyond repair.

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- Fuel consumption information for replacement vehicles:
I am told there is no EPA estimated mileage information associated with vehicles having a Gross Vehicle Weight (GVW) of 8,500 lbs. or more. Each vehicle we have requested has a GVW greater than 8,500 lbs. with the exception of the Ford Ranger and utility vehicle. The estimates for the Ranger are 14 MPG City and 18 MPG Highway and for the utility vehicle, 29 MPG City and 27 MPG Highway.

- Rationale for upgrading vehicles:
There are 2 pieces of equipment we recommend be upgraded; Truck #23 and the Bobcat® loader #210. My staff will be prepared to discuss this in committee but the rationale for the upgrades is that this equipment is used for sanding/loading during winter months and paving during the construction season. The heavier suspension systems (greater GVW rating) for the F-450 versus the F-350, 763 versus 553, make them better suited for this type of work from the standpoints of loading, operational efficiencies, and life expectancy.

- Grant programs available for energy efficient vehicles;
As you know, our department has made several grant applications to acquire energy efficient vehicles and to retro-fit some of our existing fleet with fuel efficient devices. It is now our understanding that the manufacturers of hybrid and other energy efficient vehicles will not certify the use of these vehicles for plowing and other operations common in our industry. As engineering design and testing continues in this area, we will continue to explore opportunities for grants but for now, these types of vehicles appear not to be a viable option for the majority of our operations.

Finally, there may be some possibilities to purchase fuel alternative vehicles to replace vehicles #61 and #65 which are not part of our snow removal and paving operations.

Please get back to me if you have any questions regarding the above.

Sincerely,



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

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**DPW Equipment Purchases
FY99 through FY09**

<u>Fiscal year</u>	<u>Appropriation</u>	<u>Number of equipment pieces purchased</u>
1999	\$350,000*	11
2000	\$445,000	8
2001	\$542,000	9
2002	\$20,000	1
2003	\$880,000	11
2004	\$0	-
2005	\$543,000	5
2006	\$0	-
2007	\$569,000	10 (inc. 1 sign machine)
2008	\$120,848	1
2009	\$0	-
		Total: 56 (inc. 1 sign machine)

*These funds were provided through the sale of tax title property.

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DEPARTMENT EQUIPMENT

Equip. Number	Description	Odometer or hours (*)	Add / Replace / Transfer / Other	New Description	Cost
<u>STREETS</u>					
13	1997 F-250 3/4 ton pickup	141,120	Replace	Ford F-250 w/4 wheel drive & plow	\$ 31,000
22	1984 5 ton vibratory roller	1134*	Replace	5 ton vibratory roller	\$ 39,000
23	1995 F-350 1-Ton 4-wheel drive dump with plow	110,000	Replace	Upgrade - F-450 (1-ton) w/4-wheel drive, plow, & sander	\$ 62,000
41	1991 Kodiak dump sander with plow	101,330	Replace	6-Wheeler Dump with sander, plow & scraper	\$ 184,000
42	1993 F-800 dump with sander, plow and wing-plow	66,243	Replace	6-Wheeler dump with sander, plow and wing-plow	\$ 196,000
43	1988 Michigan L-70 front end loader	8146*	Replace	Front end loader	\$ 152,000
				Subtotal	\$ 664,000
<u>WATER / WASTEWATER</u>					
55	1992 F-800 dump truck w/plow	110,320	Replace	6-Wheeler w/plow	\$ 140,000
61	1993 E-150 Van	92,500	Replace	Utility Vehicle	\$ 28,200
62	1999 JCB 214 4x4 backhoe	8047*	Replace	4x4 Backhoe	\$ 80,000
65	1998 Ford Ranger pick up (meter truck)	188,252	Replace	Ford Ranger pickup	\$ 22,000
67	1997 F-250 pickup (service truck)	195,547	Replace	Upgrade -F 350 pickup	\$ 33,000
				Subtotal	\$ 303,200
<u>FORESTRY, PARKS, & CEMETERIES</u>					
210	1995 553 Bobcat	2373*	Replace	763 Bobcat with plow, snow bucket, (regular bucket & broom)	\$ 58,000
211	2000 580 Toro (16' cut)	2980*	Replace	1-16' Toro gang mower	\$ 97,000
				Subtotal	\$ 155,000
<u>ENGINEERING</u>					
84	88 GMC pickup 1/2 ton	138,987	Replace	F-250 w/4-wheel drive & plow (used during snow operations)	\$ 31,000
				Subtotal	\$ 31,000
<u>OTHER EQUIPMENT</u>					
3	2000 Sterling L8500 dump w/sander	64,300	Replace	Replace all season body (only)	\$ 35,540
5	2000 Sterling L8500 dump w/sander	54,809	Replace	Replace all season body (only)	\$ 35,540
45	1999 F-450 body replacement - bucket truck	52,094	Replace	Replace utility body (only)	\$ 12,000
				Subtotal	\$ 83,080
				Total Department	\$ 1,236,280

- NOTES:**
- Fuel Consumption -**
Vehicles weighing over 8,500 lbs Gross Vehicle Weight (GVW) have no EPA estimated fuel mileage published. The fuel consumption depends on the type and use of the truck. Ranger Pickup 14mpg city and 18mpg highway. Utility vehicle (hybrid) 29mpg city, 27mpg highway. F-250 = 9,000lbs GVW, F-450=16,000 lbs GVW, 6 Wheeler and larger = 42,000 lbs GVW
 - Grant Programs -**
While they make hybrid trucks for hauling materials, these trucks are not compatible for plowing, sanding and pavement work which they would be required to do during our snow and ice operations. Please note still in testing and engineering stages for snow plowing operations. Compressed Natural Gas (CNG) vehicles are available, however the fuel is not readily available and it is very costly to construct and/or build our own fueling station.
 - Delivery Time -**
Pick up trucks 6 to 8 weeks (from date
F-350/F450 3 to 4 months (from date ordered)
6 Wheelers chassis build 4-5 months (from date of order), shipping 6 to 8 weeks- [start to finish ~ 10 to 11 months]

TRANSFER REQUEST

FROM ACCOUNT		TO ACCOUNT						
AVAILABLE BALANCE	AMOUNT	ORG C/OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
\$ 2,569,650.00	\$ 1,236,280.00	10000	35900 Undesignated Fund	\$ 1,236,280.00	19300006	58731 DPW Equipment	Capital Outlay DPW Equipment	\$ 7,250.82

\$ 1,236,280.00

Reason See Attached request from Department Head and Mayor

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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. Kimber
EXECUTIVE SECRETARY

January 6, 2010

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

RE: Staff Appointments

Honorable President Vigeant and Councilors:

This is to advise you that I have appointed the following persons to the positions indicated, effective January 4, 2010.

Donald V. Rider, Jr. - City Solicitor
Krista I. Holmi - Executive Aide to the Mayor
Katherine M. Kimber - Executive Secretary to the Mayor

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

Sincerely,

Nancy E. Stevens
Mayor

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**CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK**

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

MetroPCS Massachusetts, LLC

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

Donald Lynch Blvd. (power sub-station property)

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

New England Power Company (National Grid)

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

5. Specific Zoning Ordinance under which the Special Permit is sought: Wireless Communications
Article V Section 20 Paragraph N/A Sub-paragraph Wireless Communications

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

Limited Industrial (LI)

7. Specific reason(s) for seeking Special Permit

MetroPCS seeks approval for a special permit to install a telecommunications
facility onto an existing utility pole structure on Donald Lynch Blvd. MetroPCS
proposes to install three (3) wireless communications antennas onto the existing
utility pole along with the associated wires and ground equipment. See attached
project narrative for additional details.

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

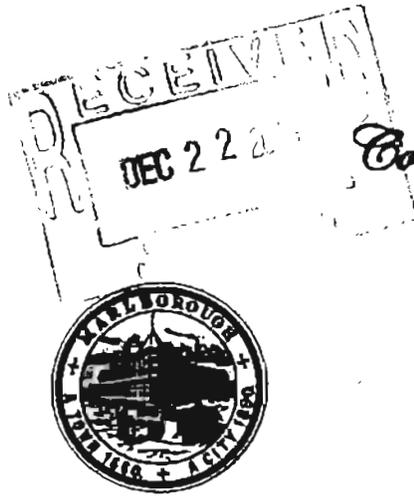
PETITION IS HEREBY MADE FOR THE ISSUANCE OF A SPECIAL PERMIT BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH AND IS BASED ON THE WITHIN PETITION OR APPLICATION AS FILED HERewith AND MADE PART OF SAID PETITION.

Greg Conall - Agent
Signature of Petitioner or Applicant

Address: 285 Billerica Rd, Third Floor
Chelmsford, MA 01824

Telephone No. 978-244-7200

Date: _____



City of Marlborough
Commonwealth of Massachusetts

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PLANNING BOARD

Barbara L. Fenby, Chair
Steve Kerrigan, Clerk
Philip J. Hodge
Edward F. Coveney
Clyde L. Johnson
Robert Hanson
Sean N. Fay

PLANNING BOARD MINUTES
December 7, 2009
7:00 PM

Carrie Lizotte, Board Secretary
Phone: (508) 460-3769
Fax: (508) 460-3736
Email: CLizotte@marlborough-ma.gov

The Planning Board for the City of Marlborough met on Monday, December 7, 2009 in Memorial Hall, 3rd floor, City Hall, Marlborough, MA 01752. Members present: Phillip Hodge, Edward Coveney, Clyde Johnson, Robert Hanson and Sean Fay. Also present: City Engineer Thomas Cullen.

MINUTES

Meeting Minutes November 23, 2009

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

To accept and file the Meeting Minutes of November 23, 2009 with amendments.

(Mr. Hodge was not able to vote since he was not in attendance at the previous meeting)

CHAIRS BUSINESS

APPROVAL NOT REQUIRED PLAN

PUBLIC HEARING

SUBDIVISION PROGRESS REPORTS

Update from City Engineer

Mr. Cullen was able to provide a verbal report:

- Forest Grove is moving forward
- Water Edge is almost to the point of a favorable recommendation from his office
- Fiddlehead, he has obtained the original civil engineers to complete the as-builds
- Two Subdivisions (Acre Bridge and Crystal Ridge) are before the City Council for approval
- Indian Hill, Developer has assessed perform repairs as requested

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Blackhorse Farms (Slocumb Lane)
Cider Mill Estates (Goodwin Drive)
West Ridge Estates (Dufrense Drive)
Correspondence from City Solicitor

At the last Planning Board meeting, Mr. Rider, provided correspondence to the Board regarding their ability to rescind the lots for each subdivision. The Board felt Mr. Rider's previous response to their question was unanswered. They posed the following questions to the City Solicitor, whether there was a statutory or other publication that would preclude the board from rescinding lot releases and whether there was any specific statutory authority for rescinding lot releases.

Mr. Rider's written response to the both answers is no.

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

To accept and file the correspondence.

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

To table this discussion until the next meeting.

PENDING SUBDIVISION PLANS: Updates and Discussion

Marlborough Elms (289 & 401 Elm Street)

Mr. Stephen Campbell is requesting another 6 month extension. He is still addressing the status modifications as requested by the Engineering Department and that the changes are not too significant.

Mr. Fay asked Mr. Cullen if there was enough of a change to warrant a new public hearing. Mr. Cullen stated that he still has not seen any revised plans. He asked if the Planning Board was considering an extension to have the proponent give a status update.

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

To accept and file correspondence, to GRANT a 6 month extension (May 7, 2010) and have a status update given by the Developer's Engineer within 2 months of today.

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

SCENIC ROADS

SIGNS

INFORMAL DISCUSSION

COMMUNICATIONS/CORRESPONDENCE

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

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

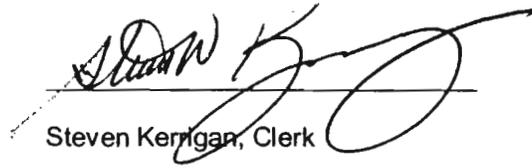
On a motion by Mr. Johnson, seconded by Mr. Hanson, it was duly voted:

To adjourn at 7:21 p.m.

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A TRUE COPY

ATTEST:



Steven Kerrigan, Clerk