

1. Minutes of the City Council Meeting, March 8, 2010.
2. Communication from the Mayor re: Capital Bond Request for FY2010, Order No. 10-1002472.
3. Communication from the Mayor re: Bond Request for the Sudbury Street area Sewer Expansion Project, Order No. 10-1002473.
4. Communication from the Mayor re: reappointments of Edward Clancy and Dennis Demers to the Conservation Commission for three year terms expiring March 5, 2013.
5. Communication from the Mayor re: reappointment of Linda Clark as Registrar of Voters for a term expiring April 1, 2013.
6. Communication from the Director of Public Facilities, John Ghiloni re: Renewal of Lease of Former Bigelow School, Order No. 08-1001774B, X-09-1002135.
7. Petition from Massachusetts Electric Co. and Verizon New England, Inc. to relocate P.22 and p.23 on Forest St. due to a city road widening project.
8. Petition from Massachusetts Electric Co. and Verizon New England, Inc. to install new P.48 45' ± west of existing P.48 and install intermediate P.47-50 120' ± west of existing P.47 for the purpose of moving P.48 out of the proposed future road entrance on Forest St.
9. Petition from Massachusetts Electric Co. and Verizon New England, Inc. to relocate P.35 and 37 3' ± from present location to back of sidewalk due to a city road widening project on Forest St.
10. Communication from John Crowe Associates, Inc. re: Extension of Time for Sewer Connection Permit Boston Scientific Way, Order No. 09-1002136, X-06-1001093, X-04-100564.
11. Minutes, Planning Board, February 22, 2010.
12. Minutes, Traffic Commission, January 26, 2010.
13. CLAIMS:
  - A. Avneet Sawhney, 61 Robert Rd., residential mailbox claim 2(a)
  - B. Paula Oliveira, 10 Hardy Rd., residential mailbox claim 2(b)
  - C. Donna Coffin, 44 Ahlgren Dr., pothole or other road defect
  - D. Paul Bongiorno, 21 Susan Rd., pothole or other road defect
  - E. Baha Javid, 1 Stone Hill Rd., other property damage and/or personal injury

REPORTS OF COMMITTEES:

14. ORDERED: **ARBOR DAY PROCLAMATION**

*WHEREAS*, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

*WHEREAS*, the holiday, called Arbor Day, was first observed with the planting of more than one million trees in the state of Nebraska, and

*WHEREAS*, Arbor Day is now observed through the nation and the world, and

*WHEREAS*, the Commonwealth of Massachusetts celebrates Arbor Day on the last Friday of the month of April, and

*WHEREAS*, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

*WHEREAS*, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, and

*WHEREAS*, trees in the City of Marlborough increase property values, enhance the economic vitality of business areas, and beautify our community.

*NOW, THEREFORE, BE IT RESOLVED* that the Marlborough City Council does hereby proclaim the last Friday of the month of April as Arbor Day in the City of Marlborough, and

*BE IT FURTHER RESOLVED* that the Marlborough City Council does hereby urge all citizens of Marlborough to celebrate Arbor Day by either planting a tree or maintaining existing trees to promote the well-being of this and future generations. ....Submitted by Councilor Seymour

UNFINISHED BUSINESS:

**From Legislative and Legal Affairs Committee**

15. **Order No. 0910-1002396A – Designation of a City Liaison to the Ethics Commission as required under MGL Chapter 268A, Section 29 which was referred back to Committee on February 22, 2010.** The Legislative and Legal Affairs Committee reviewed the letter from the Division of Local Mandates of the State Auditor’s Office to the Town of Westborough dated January 20, 2010 and the letter from the State Auditor to the State Ethics Commission dated January 21, 2010. Further, the Committee reviewed several state statutes pertinent to the Ethics Reform Law. **Recommendation of the Legislative and Legal Affairs Committee is to approve 2-1, the designation of the Personnel Director as the City’s liaison to the State Ethics Commission and to authorize President Vigeant to send a letter to the Ethics Commission in support of the State Auditor’s correspondence dated January 21, 2010 for consideration of proposed changes to the Ethics Reform Law and implementation of the same. Councilor Ossing opposed.**
  
16. **Order No. 10-1002445 – Transfer of a Portion of Municipal Property at the Westerly Wastewater Treatment Plant from Sewerage Purposes to Telecommunication Leasing and Construction Purposes.** The Legislative and Legal Affairs Committee reviewed the letter dated February 4, 2010 from the City Solicitor, and the letter dated February 4, 2010 from Commissioner LaFreniere. The Committee also reviewed a revised version of the language for the order submitted by the Solicitor. **Recommendation of the Legislative and Legal Affairs Committee is to approve 3-0 the orders as provided by the City Solicitor (see below). In summary, this requires two separate votes. The first vote to approve the transfer of the property to the control of the DPW for the purpose of leasing said property to Verizon Wireless for the construction of a cell tower. The second vote to authorize the Mayor to negotiate and enter into a lease with Verizon Wireless.**
  - A. That the City Council of the City of Marlborough, having received the attached determination, page 10-3 of the February 8, 2010 agenda packet, made by the Commissioner of the Department of Public Works (“DPW”) pursuant to MGL c. 40, §15A that a portion of municipal property located in the vicinity of the Westerly Wastewater Treatment Plant at 303 Boundary Street, currently under the DPW’s care, custody, management and control for sewerage purposes, is no longer needed for such sewerage purposes, said portion of property being limited to a 50’ by 50’ compound area along with a 20’ wide access and utility road connecting from Boundary Street and running thereto (“the Property”), all as depicted by Verizon Wireless on plans entitled, “Verizon Wireless, 400 Friberg Parkway, Westborough, MA 01581, Proposed 150’ Monopole and Equipment Shelter with Cable Tray, Marlborough West, 303 Boundary Street, Marlborough, Massachusetts (Middlesex County),” most recently revised on February 23, 2010 and as may be further revised through the special permit process for the water supply protection district, NOW THEREFORE, said Property is hereby transferred, by a two-thirds vote of the City Council, to the DPW’s care, custody, management and control for the municipal purposes of 1) a lease of the Property to Verizon Wireless, its parents, subsidiaries, affiliates, successors and assigns; and 2)

the construction by Verizon Wireless, its parents, subsidiaries, affiliates, successors and assigns, of a telecommunications tower and associated equipment shelter, as well as the access and utility road from Boundary Street.

- B. That the City Council of the City of Marlborough, having voted to transfer the Property from sewerage purposes to the DPW's care, custody, management and control for telecommunications leasing and construction purposes, does hereby declare the Property to be available for disposition by lease pursuant to the provisions of M.G.L. c. 30B, §16(a), and further, does hereby authorize the Mayor, pursuant to MGL c. 40, § 3, to negotiate and enter into a lease with Verizon Wireless, its parents, subsidiaries, affiliates, successors and assigns, regarding the Property.

#### **From Finance Committee**

17. **Order No. 10-1002442 — Transfers \$22,082.00 from Fringes to DPW Streets Sick Leave Buy Back:** The Finance Committee reviewed the Mayor's letter dated February 4, 2010 requesting the transfer of \$22,082.00 from the Fringes account to the DPW Streets sick leave buy back to cover an employee's retirement. **Recommendation of the Finance Committee is to approve 5-0.**
18. **Order No. 10-1002458 — Intra-Department Transfers in the DPW totaling \$57,390.00:** The Finance Committee reviewed the Mayor's letter dated February 13, 2010 requesting four intra-department transfers listed below:
- \$4,000.00 from Water Meter Reader to Water Department Interim Foreman
  - \$390.00 from Water Department Equipment Operator to Water Department Clothing Allowance
  - \$31,000.00 from Sewer Department Senior Chemist to Water Plant
  - \$22,000.00 from Water Department Equipment Operator to Water Plant
- Recommendation of the Finance Committee is to approve 5-0.**

#### **From City Council**

19. **Order No. 10-1002161E - The request by Verizon Wireless, 400 Friberg Prkwy. Westborough, MA, for a Special Permit to install a monopole with a wireless communication facility at 303 boundary St., which is on land owned by the City of Marlborough adjacent to the Westerly Waste Water Treatment Plant.**
- Councilors present: Clancy, Pope  
Other Councilors present: Delano and Vigeant; Also present: City Solicitor Rider  
Applicants present: Atty. James Valeriani, Jeff Benway and Steve Russell
- Councilor Pope entered into the record a communication from Atty. Valeriani which had been sent to members of the Committee and Council. The communication responded to the concerns of the previous Wireless Communications Committee meeting. It was agreed that a temporary easement would be sought NGrid for the driveway access. It was agreed that the plan, as presented, would be subject to Site Plan review approval. Analysis of the Flood Plain elevations were determined to be of no consequence to the project as proposed. Question concerning the burial of the utilities or the allowing of overhead wires entering the Site would be determined by the Site Plan Review Committee. The Mitigation Clause in the Conditions was stricken. The Viewshed Analysis for the new monopole location was entered into

to the record. The coverage map, existing and proposed, for the new location of the monopole was entered into the record. Lengthy discussion was held about the inclusion of the "Reporting Clause" in the conditions. The Applicant agreed that he would confer with his client and would be in communication with Solicitor Rider if there were to be changes. The entire Notice of Decision for Grant of Special Permit was read and minor changes, as determined during the reading, were agreed upon by all parties. **Recommendation of the Wireless Communication Committee is to approve the Permit as amended 2-0.**

20. **Order No. 10-1002488 – Special Election Ward 4 City Council Seat. Recommendation of the City Council is to table until March 22, 2010.**



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK  
Lisa M. Thomas  
140 Main St.  
Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723  
MARCH 8, 2010**

Regular meeting of the City Council held on Monday, MARCH 8, 2010 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Elder, Juairé, Seymour, Clancy and Landers. Meeting adjourned at 9:45 p.m.

**ORDERED:** That the minutes of the City Council Meeting February 22, 2010, **FILE**; adopted.

**ORDERED:** Now being the time set for the **PUBLIC HEARING** on the On the Application for Revised Special Permit from Attorney Gadbois, Sports Management Corp., to amend Special Permit to add a sixth rink, all were heard who wish to be heard, hearing recessed at 9:00 p.m.; adopted.

**Councilors Present: Ossing, Vigeant, Pope, Levy, Delano, Ferro, Elder, Juairé, Seymour, Clancy, & Landers.**

**Councilor Juairé read a disclosure statement.**

**ORDERED:** At President Vigeant's request to recess at 9:00 PM and returned to open meeting at 9:02 PM, **APPROVED**; adopted.

**ORDERED:** That, in order to reduce interest costs, the Treasurer with the approval of the Mayor is authorized to issue refunding bonds pursuant to Chapter 44, Section 21A of the Massachusetts General Laws to refund all or a portion of the outstanding amounts of the City's Municipal Purpose Loan of 1999 Bonds and Municipal Purpose Loan of 2001 Bonds, dated June 15, 1999 and June 15, 2001, respectively; that the refunding bonds shall be issued in an amount not to exceed \$18,000,000, in order to pay principal of, redemption premium, if any, and interest on the bonds to be refunded, and costs of issuance of the refunding bonds; and that the Treasurer is authorized to execute such documents, including, without limitation, a refunding trust agreement or escrow agreement with a bank or trust company, and to take any action as may be necessary or desirable to carry out this transaction. Further, the amount authorized by this loan order shall be reduced by any lump sum grant payment from the Massachusetts School Building Authority, refer to **FINANCE COMMITTEE AND ADVERTISE**; adopted.

**ORDERED:** That the Capital Bond Request for FY2010, refer to **BACK TO MAYOR FOR RECALCULATION & PRIORITIZATION**; adopted.

**ORDERED:** That the Bond request in the amount of \$4,000,000.00 for partial construction of the new sewer services in the Sudbury St. area, refer to **BACK TO MAYOR TO PRIORITIZE WITH THE FORTY-EIGHT STREETS IN THE CAPITAL BOND PACKAGE**; adopted.

**ORDERED:** That the DPW Equipment Bond Authorization in the amount of \$1,236,280.00 to fund much needed equipment for DPW as an alternative to the transfer request of same, cross-reference Order No. 10-1002414, refer to **FINANCE COMMITTEE**; adopted.

12

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 \$1,200,000.00 in excess of available appropriation for snow and ice removal for fiscal year 2010, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the transfer request in the amount of \$92,907.39 which moves funds from Insurance Proceeds Over 20K to Public Facilities Capital Outlay pertinent to damage to the Marlborough High School chillers, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 2700099-48470 \$92,907.39

Insurance Over 20K

TO:

Acct. # 19300006-58467 \$92,907.39

Public Facilities

ORDERED: That the Fire Department transfer request in the amount of \$51,003.96 which moves funds for sick leave buy back associated with an employee's retirement as follows:  
 \$13,790.40 from Fringes to Fire Chief  
 \$13,137.60 from Fringes to SLBB  
 \$12,364.26 from Interest Ban to SLBB  
 \$11,711.70 from Undesignated Fund to SLBB  
 refer to **FINANCE COMMITTEE**; adopted.

TRANSFER REQUEST									
		FROM ACCOUNT				TO ACCOUNT			
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCIP	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCIP	AMOUNT AVAIL
				General Government				Fire	
\$ 154,750.95	\$ 13,790.40	11990006	51500	Fringes	\$ 13,790.40	12200001	50130	Fire Chief	\$ 36,983.72
	\$ 13,137.60	11990006	51500	Fringes	\$ 13,137.60	12200003	51920	Sick Leave BB	\$ 22,039.74
\$ 378,123.00	\$ 12,364.26	17520006	59254	Interest Ban	\$ 12,364.26	12200003	51920	Sick Leave BB	\$ -
\$ 2,569,650.00	\$ 11,711.70	10000	35900	Undesignated Fund	\$ 11,711.70	12200003	51920	Sick Leave BB	\$ -
					\$ 51,003.96				

Reason: To fund benefits associated with employees retirement.

ORDERED: That the transfer request in the amount of \$37,500.00 which moves funds from Undesignated to Open Space Stabilization for the purpose of moving the City's wireless antennae receipts for FY2009, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 10000-35900 \$37,500.00

Undesignated Funds

TO:

Acct. # 83600-32918 \$37,500.00

Stabilization – Open Space

13

**ORDERED:** That the transfer request in the amount of \$12,239.06 which moves funds from Firefighter to Gross OT to fund coverage for an injured employee, refer to **FINANCE COMMITTEE**; adopted.

**FROM:**

Acct. # 12200001-50450  
Firefighter

\$12,239.06

**TO:**

Acct. # 12200003-51300  
Gross Overtime

\$12,239.06

**ORDERED:** That the Weights and Measures transfer request in the amount of \$300.00 which moves funds from Contract Services to Instate Travel to fund the cost of projected travel, refer to **FINANCE COMMITTEE**; adopted.

**FROM:**

Acct. # 12440004-53140  
Contract Services

\$300.00

**TO:**

Acct. # 12440006-57100  
Instate Travel

\$300.00

**ORDERED:** That the DPW transfer request in the amount of \$43,000.00 which moves funds from Undesignated for multiple emergency repair incidents as detailed in the attached documentation, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: PUBLIC WORKS		FISCAL YEAR: 2010								
Available Balance	Amount	FROM ACCOUNT:			Amount	TO ACCOUNT:			Available Balance	
		Org Code	Object	Account Description:		Org Code	Object	Account Description:		
\$2,569,650	\$18,000.00	10000	35900	Undesignated Fund	\$18,000	61090003	51310	Overtime - W & S	\$27,419	
						Emergency incidents have stressed this account to the point where additional funds are needed. Note: This account was heavily impacted by the Bolton St. and Hosmer St. main breaks.				
\$2,569,650	\$3,500.00	10000	35900	Undesignated Fund	\$3,500	60080003	51380	OT W/S Police	\$0	
						Heavy demand placed on account due to numerous main and service leaks. Note: account is used in conjunction with Water Police OT account.				
\$2,569,650	\$10,000.00	10000	35900	Undesignated Fund	\$10,000	61090006	54620	Maint. Trench	\$508	
						Needed to resurface numerous W&S trenches. Extensive water main and service breaks over winter.				
\$2,569,650	\$5,000.00	10000	35900	Undesignated Fund	\$5,000	61090006	55710	Water Maint	\$1,946	
						Extensive number of service/main break repairs				
\$2,569,650	\$1,500.00	10000	35900	Undesignated Fund	\$1,500	61090006	52467	R & M Water	\$1,454	
						Extensive number of service/main break repairs				
\$2,569,650	\$5,000.00	10000	35900	Undesignated Fund	\$5,000	61090006	55750	Water Service Const.	\$110	
						Extensive number of service/main breaks repairs				
Totals	\$43,000.00				\$43,000					

14

ORDERED: That the DPW transfer request in the amount of \$44,450.00 to supplement funding in certain accounts out of other accounts that have anticipated surplus funding as detailed in the attached documentation, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: PUBLIC WORKS:		FROM ACCOUNT:				FISCAL YEAR: 2010				TO ACCOUNT:	
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance		
\$58,882	\$2,200.00	60080001	50890	Sr. Chemist	\$2,200	14001303	51470	Interim Foreman-Streets	\$1,159		
	Reason:	Funds available due to retirement						Higher than expected use of this line item due to early retirement.			
\$232,368	\$2,000.00	61090001	50740	Equipment Operator	\$2,000	14001305	55310	Highway Constr. Mater.-Streets	\$1,752		
	Reason:	Funds available due to Workman's Comp Injuries						Estimated additional funding needed to address post-winter repairs to streets city wide.			
\$58,882	\$1,800.00	60080001	50890	Sr. Chemist	\$1,800	14001305	55310	Highway Constr. Mater.-Streets	\$1,752		
	Reason:	Funds available due to retirement						Estimated additional funding needed to address post-winter repairs to streets city wide.			
\$232,368	\$10,000.00	61090001	50740	Equipment Operator	\$10,000	14001306	55440	Drain Maint.-Streets Streets	\$13,617		
	Reason:	Funds available due to Workman's Comp Injuries						Estimated additional funding needed to address a number of drainage system repairs.			
\$29,096	\$1,500.00	61090001	50680	General Foreman	\$1,500	14001503	51470	Interim Foreman - Forestry, Parks & Cemeteries	\$4,332		
	Reason:	Funds available due to resignation						Higher than expected use of this line item due to extended recuperation from surgery.			
\$77,494	\$10,000.00	14001101	50710	Engin.-Junior Civil Engin.	\$10,000	14001303	51310	Overtime - Streets	\$5,685		
	Reason:	Funds available due to resignation						Projected cost to complete FY-10			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance		
\$232,368	\$3,000.00	61090001	50740	Equipment Operator	\$3,000	14001503	51310	Overtime-Forestry, Parks & Cemeteries	\$2,104		
	Reason:	Funds available due to Workman's Comp Injuries						Projected cost to complete FY-10			
\$58,882	\$2,000.00	60080001	50890	Sr. Chemist	\$2,000	14001503	51310	Overtime-Forestry, Parks & Cemeteries	\$2,104		
	Reason:	Funds available due to retirement						Projected cost to complete FY-10			
\$232,368	\$5,000.00	61090001	50740	Equipment Operator	\$5,000	14001305	55310	Highway Constr. Mater.-Streets	\$1,752		
	Reason:	Funds available due to Workman's Comp Injuries						Repair of roadway deficiencies in various wards			
\$29,096	\$1,200.00	61090001	50680	General Foreman	\$1,200	14001305	55310	Highway Constr. Mater.-Streets	\$1,752		
	Reason:	Funds available due to resignation						Repair of roadway deficiencies in various wards			
\$29,096	\$4,000.00	61090001	50680	General Foreman	\$4,000	61090006	55720	Hydrant Maint.	\$2,124		
	Reason:	Funds available due to resignation						Additional monies needed to maintain hydrants			

15

CITY OF MARLBOROUGH  
BUDGET TRANSFERS -

DEPT: PUBLIC WORKS		FROM ACCOUNT:				FISCAL YEAR: 2010				TO ACCOUNT:	
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance		
\$77,494	\$1,500.00	14001101	50710	Engin.-Junior Civil Engin.	\$1,500	14001103	51310	Engin.-Overtime Regular	\$76		
								Multiple roadway and water replacement contracts will be active Spring 2010 - \$1,500 equates to 34 hours at the inspectors overtime rate			
		Reason: Funds available due to resignation									
\$77,494	\$250.00	14001101	50710	Engin.- Junior Civil Engin.	\$250	14001104	53150	Advertising	\$0		
								Additional funding equates to two (2) newspaper advertisements for roadway and water projects.			
		Reason: Funds available due to resignation									

ORDERED: That the DPW transfer in the amount of \$14,000.00 which moves funds from Undesignated to OT-Forestry, Parks and Cemeteries to meet the projected OT costs for the remainder of FY2010, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 10000-35900 \$14,000.00  
Undesignated Funds

TO:

Acct. # 14001503-51310 \$14,000.00  
Overtime-Forestry, Parks, & Cemeteries

ORDERED: That the Water Conservation Grant awarded to DPW in the amount of \$38,000.00 from the Department of Environmental Protection which provides funding for the purchase of a data-logger as noted in MGL, Chapter 44, Section 53A, funds are to be used for the purposes outlined, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the FY2010 State 911 Department Training Grant awarded to the Police Department in the amount of \$14,574.00 from the Executive Office of Public Safety and Security which provides funding for training expenses as noted in MGL, Chapter 44, Section 53A, funds are to be used for the purposes outlined, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the FY2010 State 911 Department Support and Incentive Program Grant awarded to the Police Department in the amount of \$84,195.00 from the Commonwealth of Massachusetts which provides funding for the purchase of a new fire alarm receiving and alerting system, equipment integration costs and public safety dispatcher salaries as noted in MGL, Chapter 44, Section 53A, funds are to be used for the purposes outlined, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the Traffic Enforcement and Equipment Grant awarded to the Police Department in the amount of \$13,000.00 from the Office of Public Safety and Security for the purpose of traffic enforcement OT as well as the purchase of traffic enforcement equipment as noted in MGL, Chapter 44, Section 53A, funds are to be used for the purposes outlined, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the appointment of George Stein to the Planning Board to serve the remainder of Mr. Hanson's term which expires February 6, 2012, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the Communication from Council President Vigeant re: Special Election - Ward Four Council Seat, **TABLED UNTIL MARCH 22, 2010**; adopted.

ORDERED: That the Communication from City Solicitor, Donald Rider re: Special Permit, Verizon Wireless, 303 Boundary St. in proper legal form, Order No. 09/10-1002161E, be moved to **REPORTS OF COMMITTEE**; adopted.

ORDERED: That the communication from the Planning Board re: amendment to the Sign Ordinance, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That the minutes, Board of Assessors meeting, February 25, 2010, **FILE**; adopted.

ORDERED: That the minutes, Planning Board, January 25 & February 8, 2010, **FILE**; adopted.

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

- A. Frida Silva, 72 Millham St., residential mailbox claim 2(b)
- B. Heather Flaherty, 2 Hayden Ln., Shrewsbury., pothole or other road defect
- C. Carmelo Echevarria, 165 Collins Dr., pothole or other road defect
- D. Sandra DeOliveira, 60 Mosher Ln., additional documentation re: Claim Number M09GL55896
- E. Krishna Ramachandra, 480 Farm Rd., other property damage and/or personal injury

#### Reports of Committees:

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

**Order No. 0910-1002396A – Designation of a City Liaison to the Ethics Commission as required under MGL Chapter 268A, Section 29 which was referred back to Committee on February 22, 2010.** The Legislative and Legal Affairs Committee reviewed the letter from the Division of Local Mandates of the State Auditor's Office to the Town of Westborough dated January 20, 2010 and the letter from the State Auditor to the State Ethics Commission dated January 21, 2010. Further, the Committee reviewed several state statutes pertinent to the Ethics Reform Law. **Recommendation of the Legislative and Legal Affairs Committee is to approve 2-1, the designation of the Personnel Director as the City's liaison to the State Ethics Commission and to authorize President Vigeant to send a letter to the Ethics Commission in support of the State Auditor's correspondence dated January 21, 2010 for consideration of proposed changes to the Ethics Reform Law and implementation of the same. Councilor Ossing opposed.**

**Order No. 10-1002445 – Transfer of a Portion of Municipal Property at the Westerly Wastewater Treatment Plant from Sewerage Purposes to Telecommunication Leasing and Construction Purposes.** The Legislative and Legal Affairs Committee reviewed the letter dated February 4, 2010 from the City Solicitor, and the letter dated February 4, 2010 from Commissioner LaFreniere. The Committee also reviewed a revised version of the language for the order submitted by the Solicitor. **Recommendation of the Legislative and Legal Affairs Committee is to approve 3-0 the orders as provided by the City Solicitor (see below). In summary, this requires two separate votes. The first vote to approve the transfer of the property to the control of the DPW for the purpose of leasing said property to Verizon Wireless for the construction of a cell tower. The second vote to authorize the Mayor to negotiate and enter into a lease with Verizon Wireless.**

1. That the City Council of the City of Marlborough, having received the attached determination, page 10-3 of the February 8, 2010 agenda packet, made by the Commissioner of the Department of Public Works ("DPW") pursuant to MGL c. 40, §15A that a portion of municipal property located in the vicinity of the Westerly Wastewater Treatment Plant at 303 Boundary Street, currently under the DPW's care, custody, management and control for sewerage purposes, is no longer needed for such sewerage purposes, said portion of property being limited to a 50' by 50' compound area along with a 20' wide access and utility road connecting from Boundary Street and running thereto ("the Property"), all as depicted by Verizon Wireless on plans entitled, "Verizon Wireless, 400 Friberg Parkway, Westborough, MA 01581, Proposed 150' Monopole and Equipment Shelter with Cable Tray, Marlborough West, 303 Boundary Street, Marlborough, Massachusetts (Middlesex County)," most recently revised on February 23, 2010 and as may be further revised through the special permit process for the water supply protection district, NOW THEREFORE, said Property is hereby transferred, by a two-thirds vote of the City Council, to the DPW's care, custody, management and control for the municipal purposes of 1) a lease of the Property to Verizon Wireless, its parents, subsidiaries, affiliates, successors and assigns; and 2) the construction by Verizon Wireless, its parents, subsidiaries, affiliates, successors and assigns, of a telecommunications tower and associated equipment shelter, as well as the access and utility road from Boundary Street.
2. That the City Council of the City of Marlborough, having voted to transfer the Property from sewerage purposes to the DPW's care, custody, management and control for telecommunications leasing and construction purposes, does hereby declare the Property to be available for disposition by lease pursuant to the provisions of M.G.L. c. 30B, §16(a), and further, does hereby authorize the Mayor, pursuant to MGL c. 40, § 3, to negotiate and enter into a lease with Verizon Wireless, its parents, subsidiaries, affiliates, successors and assigns, regarding the Property.

Councilor Ossing reported the following out of the Finance Committee:

**Order No. 10-1002442 — Transfers \$22,082.00 from Fringes to DPW Streets Sick Leave Buy Back:** The Finance Committee reviewed the Mayor's letter dated February 4, 2010 requesting the transfer of \$22,082.00 from the Fringes account to the DPW Streets sick leave buy back to cover an employee's retirement. **Recommendation of the Finance Committee is to approve 5-0.**

**Order No. 10-1002458 — Intra-Department Transfers in the DPW totaling \$57,390.00:** The Finance Committee reviewed the Mayor's letter dated February 13, 2010 requesting four intra-department transfers listed below:

- \$4,000.00 from Water Meter Reader to Water Department Interim Foreman
- \$390.00 from Water Department Equipment Operator to Water Department Clothing Allowance
- \$31,000.00 from Sewer Department Senior Chemist to Water Plant
- \$22,000.00 from Water Department Equipment Operator to Water Plant

**Recommendation of the Finance Committee is to approve 5-0.**

18

Councilor Clancy reported the following out of the Wireless Communications Committee:

**Order No. 10-1002161E - The request by Verizon Wireless, 400 Friberg Prkwy. Westborough, MA, for a Special Permit to install a monopole with a wireless communication facility at 303 boundary St., which is on land owned by the City of Marlborough adjacent to the Westerly Waste Water Treatment Plant.**

Councilors present: Clancy, Pope

Other Councilors present: Delano and Vigeant; Also present: City Solicitor Rider

Applicants present: Atty. James Valeriani, Jeff Benway and Steve Russell

Councilor Pope entered into the record a communication from Atty. Valeriani which had been sent to members of the Committee and Council. The communication responded to the concerns of the previous Wireless Communications Committee meeting. It was agreed that a temporary easement would be sought NGrid for the driveway access. It was agreed that the plan, as presented, would be subject to Site Plan review approval. Analysis of the Flood Plain elevations were determined to be of no consequence to the project as proposed. Question concerning the burial of the utilities or the allowing of overhead wires entering the Site would be determined by the Site Plan Review Committee. The Mitigation Clause in the Conditions was stricken. The Viewshed Analysis for the new monopole location was entered into to the record. The coverage map, existing and proposed, for the new location of the monopole was entered into the record. Lengthy discussion was held about the inclusion of the "Reporting Clause" in the conditions. The Applicant agreed that he would confer with his client and would be in communication with Solicitor Rider if there were to be changes. The entire Notice of Decision for Grant of Special Permit was read and minor changes, as determined during the reading, were agreed upon by all parties. **Recommendation of the Wireless Communication Committee is to approve the Permit as amended 2-0. Further, a motion by Councilor Pope to request a "Suspension of the Rules to refer the matter to the City Solicitor to be place in Proper Form" at the 3/8/2010 City Council meeting was made and seconded by the Chair 2-0.**

ORDERED: That the appointment of Mr. Ricky Plummer to the position of Fire Chief, **APPROVED**; adopted.

**Yea: 11 -Nay: 0**

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

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:45 p.m.; adopted.



*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 F. Halimi*  
EXECUTIVE AIDE  
*Katherine M. Kimber*  
EXECUTIVE SECRETARY

March 17, 2010

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

RE: Capital Bond Package

Honorable President Vigeant and Councilors:

As requested at the March 8, 2010 City Council meeting, I am resubmitting for your consideration the attached FY2010 Capital Improvement Plan.

Enclosed is an estimated schedule for the proposed roadway projects as well as a list of streets categorized by their Pavement Condition Index (PCI). Please note, the lower the PCI, the higher the priority for reconstruction. If projects were prioritized solely on the PCI, the majority of projects would fall within three wards. In submitting the attached request, the goal was equitable distribution of projects among the seven wards.

While I understand that this is a large request, the Capital Improvement submittal represents priorities as established by the Capital Team. It was and remains my expectation that during the Finance Committee review process, we will have an open and frank discussion on appropriations for these much needed projects and equipment. Last year we submitted an abbreviated capital request; we believe that we must now address these significant needs within the City.

The Capital Team and I look forward to meeting with the Finance Committee to discuss the attached proposal. Please advise if there is any additional information that is needed in order to facilitate your discussions.

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

Sincerely,

Nancy E. Stevens  
Mayor

Enclosures

22



**CITY OF MARLBOROUGH**  
**CAPITAL BUDGET**  
**FISCAL 2010**

23

**DEPARTMENTAL EQUIPMENT**

**PUBLIC WORKS**

Asphalt Zipper	NEW			109,000
<b>Public Works Equipment Subtotal</b>				<b>109,000</b>

**PUBLIC FACILITIES**

Vehicle	NEW	Ford Ranger	\$	18,000
<b>Public Facilities Equipment Subtotal</b>				<b>\$ 18,000</b>

**POLICE**

Two (2) Unmarked Police Vehicles	Replace	Crown Victoria Sedans (2)	\$	49,000
1999 Ford Taurus	50,100 miles			
2000 Ford Taurus	64,400 miles			
<b>Police Equipment Subtotal</b>				<b>\$ 49,000</b>

**FIRE DEPARTMENT**

	Replace			
1997 Ford Expedition	93,100	Ford Expedition	\$	32,030
1999 Chevrolet Suburban	79,900	Chevrolet 3/4 ton pickup, 4WD, 4 door	\$	31,474
<b>Fire Equipment Subtotal</b>				<b>\$ 63,504</b>

**OTHER**

Code Enforcement	Replace		\$	16,195
1999 Chevy Lumina	75,000	Fusion SE 4 cyl.		
Veterans	Replace		\$	17,695
1995 Ford Crown Victoria	80,000	Fusion SE 6 cyl.		
Information Technology	NEW	Ford Escape	\$	21,994
<b>Other Equipment Subtotal</b>				<b>\$ 55,884</b>

**SCHOOLS**

District V Instructional Technology			\$	150,000
5 - Interactive Whiteboards for High School (\$25,000)				
5 - Interactive Whiteboards for Grades 4-7 School (\$25,000)				
20 - Ceiling-mounted projectors for High School (\$40,000)				
20 - Ceiling-mounted projectors for 4-7 Grades School (\$40,000)				
5 - Ceiling-mounted projectors for Richer School (\$10,000)				
5 - Ceiling-mounted projectors for Kane School (\$10,000)				
<b>Schools Subtotal</b>				<b>\$ 150,000</b>

**44s7(9)Total Five Year Equipment Bond \$ 445,388**

24



CITY OF MARLBOROUGH

IN CITY COUNCIL

Marlborough, MA March 8, 2010

ORDERED:

That the sum of \$445,388 (four hundred forty five thousand three hundred eighty eight) dollars be and is hereby appropriated for departmental equipment.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$ 445,388.

Pursuant to the provisions of Chapter 44, Section 7 (9) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than five (5) years from its date of issue.

25

Streets and Sidewalks

RECONSTRUCTION

Baldwin Ave. (entire length)	\$	190,000
Berkeley Street (entire length)	\$	110,000
Belmont Street (entire length)	\$	11,000
Blossum Lane	\$	250,000
Bolton Street (Main to Union)	\$	840,000
Cortland Drive	\$	105,000
Ellis Ave. (entire length)	\$	75,000
Ferrecchla Drive (entire length)	\$	380,000
First Road (entire length)	\$	100,000
Fontaine Street (entire length)	\$	330,000
Gano Road	\$	120,000
Gates Ave. (entire length)	\$	50,000
Girard Street (entire length)	\$	135,000
Greenwood Street (lower)	\$	120,000
Greendale Street	\$	120,000
Hudson Street (Bolton to Boston Scientific Dr.)	\$	200,000
Kosmas Street (entire length)	\$	470,000
Lodi Road (upper)	\$	140,000
MacQuarrie Drive (entire length)	\$	110,000
Masciarelli Drive (entire length)	\$	95,000
Maple Terrace (entire length)	\$	50,000
McIntosh Drive	\$	75,000
Mountain Ave. (entire length)	\$	60,000
Queens View Road (entire length)	\$	110,000
Raffaele Road (entire length)	\$	300,000
Richard Road (entire length)	\$	215,000
Royce Road	\$	185,000
Russet Lane	\$	90,000
Shawmut Avenue	\$	370,000
Simpson Road (southerly end)	\$	350,000
Summit Ave.	\$	230,000
Sumner Street (entire length)	\$	470,000
Washington Street (remaining portion)	\$	400,000
Wayside Inn Road	\$	350,000
West Hill Road (entire length)	\$	500,000
Wood Road	\$	185,000
	<b>Subtotal</b>	<b>\$ 7,891,000</b>

OVERLAY

Edinboro Street (Maple St. to Church St.)	\$	150,000
	<b>Subtotal</b>	<b>\$ 150,000</b>

PAVING SCHOOLS

Freeman School	\$	100,000
High School (Poirier Drive)	\$	440,000
Middle School	\$	300,000
	<b>Subtotal</b>	<b>\$ 840,000</b>

CRACK SEALING

Various Streets	\$	100,000
	<b>Subtotal</b>	<b>\$ 100,000</b>

26

OTHER STREET CONSTRUCTION

Farm Road (Right-of-Way)	\$	100,000
East Main Street (Right-of-Way)	\$	60,000
Maple Street (Right-of-Way)	\$	145,000
Miles Standish Drainage/Subdrainage (Girard to end-water tank)	\$	145,000
Elm Street over Millham Brook - Culvert Replacement/Extension	\$	150,000
Hemenway Street Extension over Brook - Culvert Replacement	\$	100,000
Old Charter Road - Drainage Improvements	\$	15,000
Brigham Street - Drainage Improvements (#200 to Mill Street)	\$	40,000
Bolton Street Culvert Replacement	\$	150,000
<b>Subtotal</b>	<b>\$</b>	<b>905,000</b>
<b>44s7(5) Total Ten Year Street Bond</b>	<b>\$</b>	<b>9,886,000</b>

SIDEWALK CONSTRUCTION AND REPAIR

Concord Road (Ghiloni Park to Sudbury Street)	\$	900,000
Various Sidewalks	\$	200,000
<b>44s7(6) total Five Year Sidewalk Bond</b>	<b>\$</b>	<b>1,100,000</b>

27



CITY OF MARLBOROUGH

IN CITY COUNCIL

Marlborough, MA March 8, 2010

ORDERED:

That the sum of \$9,886,000 (nine million eight hundred eighty six thousand) dollars be and is hereby appropriated for street construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$9,886,000.

Pursuant to the provisions of Chapter 44, Section 7 (5) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than ten (10) years from its date of issue.

28



CITY OF MARLBOROUGH

IN CITY COUNCIL

Marlborough, MA February 11, 2008

ORDERED:

That the sum of \$1,100,000 (one million one hundred thousand) dollars be and is hereby appropriated for sidewalk construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$1,100,000.

Pursuant to the provisions of Chapter 44, Section 7 (6) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than five (5) years from its date of issue.

**SEWERS**

**SEWER MAINS**

	\$	300,000
Country Lane -Replacement of Pump Station	\$	70,000
Hosmer Street - Replace Generator at Pump Station	\$	435,000
Hosmer Street - Replace Force Main (approx. 2900 LF)	\$	330,000
Bolton Street - Replace Force Main (approx. 2200 LF)	\$	250,000
I & I Investigation for East and West Plant Gravity Sewers	\$	45,000
Sanitary Sewer at Ghiloni Park Building (Parks)		
<b>Subtotal</b>	<b>\$</b>	<b>1,430,000</b>

**EASTERLY WASTEWATER TREATMENT PLANT**

	\$	30,000
Nitrification Return/Waste Pump - Replace	\$	25,000
Secondary Return/Waste Pump - Replace	\$	50,000
Install two in-line Muffin Monsters in Primary Sludge line		
<b>Subtotal</b>	<b>\$</b>	<b>105,000</b>

**44s8(15) Total 30 Year Sewer Bond \$ 1,535,000**

**WATER**

Water Meters	\$	200,000
<b>44s8(7A) Total Ten Year Water Meter Bond</b>	<b>\$</b>	<b>200,000</b>

Replace Lead Services (various locations)	\$	920,000
Replace Plastic Services (Evelina, Bergeron, Ahlgren Area)	\$	500,000
Bolton Street (additional funding required)	\$	506,000
Russell Street (Replace 16" water main; Pleasant to Mechanic)	\$	1,200,000
Route 85 (Replace 6" with 8" water main, phase 2)	\$	200,000
Broad Street (Clean and Line Lincoln to W. Main; Replace lead services)	\$	165,000
Northborough Road West (Remove 6" AC (1000'); Services to 16" Main)	\$	50,000
Hydrant Replacement (various locations-estimated 70 hydrants)	\$	175,000
<b>44s8(5) Total 40 Year Water Bonds</b>	<b>\$</b>	<b>3,716,000</b>

210



CITY OF MARLBOROUGH

IN CITY COUNCIL

Marlborough, MA March 8, 2010

ORDERED:

That the sum of \$1,535,000 (one million five hundred thirty five thousand) dollars be and is hereby appropriated for sewer construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$ 1,535,000.

Pursuant to the provisions of Chapter 44, Section 8 (15) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than thirty (30) years from its date of issue.

211



CITY OF MARLBOROUGH

IN CITY COUNCIL

Marlborough, MA March 8, 2010

ORDERED:

That the sum of \$200,000 (two hundred thousand) dollars be and is hereby appropriated for water meters.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$ 200,000.

Pursuant to the provisions of Chapter 44, Section 8 (7A) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than ten (10) years from its date of issue.

212



CITY OF MARLBOROUGH

IN CITY COUNCIL

Marlborough, MA March 8, 2010

ORDERED:

That the sum of \$3,716,000 (three million seven hundred sixteen thousand) dollars be and is hereby appropriated for water main construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$ 3,716,000.

Pursuant to the provisions of Chapter 44, Section 8 (5) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than thirty (40) years from its date of issue.

RECREATION

Ghiloni Park Improvements	\$ 614,000
Track Paving (\$126,000)	
Driveway (from park entrance to exit) (\$110,000)	
Roadway&Sidewalk (Upper P. Lot South to Fire Station-1500')(\$328,000)	
Walkway (Softball Field to 1/2 of soccer field by track-850LF) (\$50,000)	
 Memorial Beach Improvements	 \$ 250,000
Resurface parking lot (\$75,000)	
Upgrade/resurface walkway (\$10,000)	
Drainage improvements to parking lot (\$30,000)	
Replace fencing (\$100,000)	
Landscaping improvements (\$30,000)	
Picnic area (replace grills and picnic tables, \$5,000)	
 <b>44s7(25) Total 15 Year Recreation Bond</b>	 <b>\$ 864,000</b>

DESIGN

Evergreen Cemetery Expansion Design	\$ 50,000
 <b>Total Cemeteries Design Projects</b>	 <b>\$ 50,000</b>
 Traffic Engineering Services-Downtown Area	 \$ 30,000
 <b>Total Street Design/Engineering</b>	 <b>\$ 30,000</b>
 <b>44s7(22) Total Five Year Design/Architectural</b>	 <b>\$ 80,000</b>

TECHNOLOGY

City	Replace end user machines (25)	\$ 25,000
District w	Network Upgrades	\$ 30,000
	Replace Switches & Wireless Equipment cycle	\$ 25,000
	Replace Servers (6)	\$ 40,000
High Sch	Replace 1 Lab (30)	\$ 30,000
	Install Technology Classrooms Projectors	\$ 20,000
	Replace Teacher Computers (140)	\$ 140,000
ALL	Replace Laptops (20)	\$ 40,000
Administ		
ration		
(City		
and		
School)		
 <b>44S7(28) Total Ten Year Computer Han</b>	 <b>\$ 350,000</b>	

214



CITY OF MARLBOROUGH

IN CITY COUNCIL

Marlborough, MA March 8, 2010

ORDERED:

That the sum of \$864,000 (eight hundred sixty four thousand) dollars be and is hereby appropriated for park reconstruction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$864,000.

Pursuant to the provisions of Chapter 44, Section 7 (25) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than fifteen (15) years from its date of issue.

215



CITY OF MARLBOROUGH

IN CITY COUNCIL

Marlborough, MA March 8, 2010

ORDERED:

That the sum of \$80,000 (eighty thousand) dollars be and is hereby appropriated for engineering and architectural design.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$80,000.

Pursuant to the provisions of Chapter 44, Section 7 (22) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than five (5) years from its date of issue.

2/16



CITY OF MARLBOROUGH

IN CITY COUNCIL

Marlborough, MA March 8, 2010

ORDERED:

That the sum of \$350,000 (three hundred fifty thousand) dollars be and is hereby appropriated for computer hardware.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$ 350,000.

Pursuant to the provisions of Chapter 44, Section 7 (28) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than ten (10) years from its date of issue.

217

**BUILDING RENOVATION**

**DPW**

DPW Site Improvements (Detention Facility, Tanks, Retaining Walls) \$ 600,000

**DPW Subtotal Environmental and Site Upgrades \$ 600,000**

**PUBLIC FACILITIES**

**Masonry**

Freeman \$ 100,000

DPW \$ 300,000

**Roofing**

Library \$ 150,000

**School Equipment**

School Equipment \$ 200,000

**HVAC**

High School \$ 1,000,000

**Emergency Generator**

DPW \$ 30,000

City Hall \$ 150,000

**Doors**

DPW \$ 50,000

**Flooring**

Middle School \$ 200,000

**Walker Building Renovations**

Walker Building Renovations (50% of costs) \$ 200,000

**Subtotal Building Renovation \$ 2,380,000**

**44S7(3A) Total 20 Year Building Renovation Bond \$ 2,980,000**

2/8



CITY OF MARLBOROUGH

IN CITY COUNCIL

Marlborough, MA March 8, 2010

ORDERED:

That the sum of \$2,980,000 (two million nine hundred eighty thousand) dollars be and is hereby appropriated for building renovations.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$2,980,000.

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

219

**EXECUTIVE SUMMARY**

**Total Departmental Request**

Total DPW	\$ 17,226,000
Total Public Facilities	\$ 2,398,000
Total Police	\$ 49,000
Total Fire	\$ 63,504
Total School Equipment	\$ 150,000
Total Recreation	\$ 864,000
Total Vetrans	\$ 17,695
Total Info Systems	\$ 371,994
Total Code Enforcement	\$ 16,195

**Total Capital Request by Department \$ 21,156,388**

Five Year Bonds	\$ 1,625,388
Ten Year Bonds	\$ 10,436,000
Fifteen Year Bonds	\$ 864,000
Twenty Year Bonds	\$ 2,980,000
Thirty Year Bonds	\$ 1,535,000
Forty Year Bonds	\$ 3,716,000

**Total Capital Request by Term \$ 21,156,388**

Within Dept Limit	\$ 15,705,388
Outside Debt Limit	\$ 5,451,000

**Total Capital Request by Debt Limit \$ 21,156,388**

**Bond FY 10 \$21,156,388**

**Projected Payment Schedule @ 5.5%**

Bonding FY 10 FY	5 year	10 Year	15 Year	20 Year	30 Year	40 Year	3716000	\$ 21,156,388.00	PRINC	PMT	Balance	INTEREST	TOTAL PMT
	City	City	City	City	Sewer	Water							
12	\$ 541,796.00	\$ 1,304,500.00	\$ 66,461.54	\$ 165,555.56	\$ 54,821.43	\$ 97,789.47	\$ 2,230,924.00	\$ 21,156,388.00	\$ 1,163,601.34	\$ 3,394,525.34			
13	\$ 541,796.00	\$ 1,304,500.00	\$ 66,461.54	\$ 165,555.56	\$ 54,821.43	\$ 97,789.47	\$ 2,230,924.00	\$ 18,925,464.00	\$ 946,273.20	\$ 3,177,197.20			
14	\$ 541,796.00	\$ 1,304,500.00	\$ 66,461.54	\$ 165,555.56	\$ 54,821.43	\$ 97,789.47	\$ 2,230,924.00	\$ 16,894,540.00	\$ 834,727.00	\$ 3,065,651.00			
15		\$ 1,304,500.00	\$ 66,461.54	\$ 165,555.56	\$ 54,821.43	\$ 97,789.47	\$ 1,689,128.00	\$ 14,463,616.00	\$ 723,180.80	\$ 2,412,308.80			
16		\$ 1,304,500.00	\$ 66,461.54	\$ 165,555.56	\$ 54,821.43	\$ 97,789.47	\$ 1,689,128.00	\$ 12,774,488.00	\$ 638,724.40	\$ 2,327,852.40			
17		\$ 1,304,500.00	\$ 66,461.54	\$ 165,555.56	\$ 54,821.43	\$ 97,789.47	\$ 1,689,128.00	\$ 11,085,359.99	\$ 554,268.00	\$ 2,243,396.00			
18		\$ 1,304,500.00	\$ 66,461.54	\$ 165,555.56	\$ 54,821.43	\$ 97,789.47	\$ 1,689,128.00	\$ 9,396,231.99	\$ 469,811.80	\$ 2,158,939.60			
19		\$ 1,304,500.00	\$ 66,461.54	\$ 165,555.56	\$ 54,821.43	\$ 97,789.47	\$ 1,689,128.00	\$ 7,707,103.99	\$ 385,355.20	\$ 2,074,483.20			
20			\$ 66,461.54	\$ 165,555.56	\$ 54,821.43	\$ 97,789.47	\$ 384,628.00	\$ 6,017,975.99	\$ 300,898.80	\$ 685,526.80			
21			\$ 66,461.54	\$ 165,555.56	\$ 54,821.43	\$ 97,789.47	\$ 384,628.00	\$ 5,633,347.98	\$ 281,667.40	\$ 666,295.40			
22			\$ 66,461.54	\$ 165,555.56	\$ 54,821.43	\$ 97,789.47	\$ 384,628.00	\$ 5,248,719.98	\$ 262,436.00	\$ 647,064.00			
23			\$ 66,461.54	\$ 165,555.56	\$ 54,821.43	\$ 97,789.47	\$ 384,628.00	\$ 4,864,091.98	\$ 243,204.80	\$ 627,832.60			
24			\$ 66,461.54	\$ 165,555.56	\$ 54,821.43	\$ 97,789.47	\$ 384,628.00	\$ 4,479,463.97	\$ 223,973.20	\$ 608,601.20			
25				\$ 165,555.56	\$ 54,821.43	\$ 97,789.47	\$ 318,166.46	\$ 4,094,835.97	\$ 204,741.80	\$ 522,908.26			
26				\$ 165,555.56	\$ 54,821.43	\$ 97,789.47	\$ 318,166.46	\$ 3,776,669.51	\$ 188,833.48	\$ 506,999.94			
27				\$ 165,555.56	\$ 54,821.43	\$ 97,789.47	\$ 318,166.46	\$ 3,458,503.04	\$ 172,925.15	\$ 491,091.61			
28				\$ 165,555.56	\$ 54,821.43	\$ 97,789.47	\$ 318,166.46	\$ 3,140,336.58	\$ 157,016.83	\$ 475,183.29			
29				\$ 165,555.56	\$ 54,821.43	\$ 97,789.47	\$ 318,166.46	\$ 2,822,170.12	\$ 141,108.51	\$ 459,274.97			
30					\$ 54,821.43	\$ 97,789.47	\$ 152,810.90	\$ 2,504,003.66	\$ 125,200.18	\$ 277,811.09			
31					\$ 54,821.43	\$ 97,789.47	\$ 152,810.90	\$ 2,351,392.75	\$ 117,569.64	\$ 270,180.54			
32					\$ 54,821.43	\$ 97,789.47	\$ 152,610.90	\$ 2,198,781.85	\$ 109,939.09	\$ 262,550.00			
33					\$ 54,821.43	\$ 97,789.47	\$ 152,610.90	\$ 2,046,170.95	\$ 102,308.55	\$ 254,919.45			
34					\$ 54,821.43	\$ 97,789.47	\$ 152,810.90	\$ 1,893,560.04	\$ 94,678.00	\$ 247,288.91			
35					\$ 54,821.43	\$ 97,789.47	\$ 152,610.90	\$ 1,740,949.14	\$ 87,047.46	\$ 239,658.36			
36					\$ 54,821.43	\$ 97,789.47	\$ 152,610.90	\$ 1,588,338.24	\$ 79,416.91	\$ 232,027.82			
37					\$ 54,821.43	\$ 97,789.47	\$ 152,610.90	\$ 1,435,727.33	\$ 71,786.37	\$ 224,397.27			
38					\$ 54,821.43	\$ 97,789.47	\$ 152,810.90	\$ 1,283,116.43	\$ 64,155.82	\$ 218,766.73			
39					\$ 54,821.43	\$ 97,789.47	\$ 152,610.90	\$ 1,130,505.53	\$ 56,525.28	\$ 209,136.18			
40						\$ 97,789.47	\$ 97,789.47	\$ 977,894.63	\$ 48,894.73	\$ 146,684.20			
41						\$ 97,789.47	\$ 97,789.47	\$ 880,105.15	\$ 44,005.26	\$ 141,794.73			
42						\$ 97,789.47	\$ 97,789.47	\$ 782,315.68	\$ 39,115.78	\$ 136,905.26			
43						\$ 97,789.47	\$ 97,789.47	\$ 684,526.20	\$ 34,226.31	\$ 132,015.78			
44						\$ 97,789.47	\$ 97,789.47	\$ 586,736.73	\$ 29,336.84	\$ 127,126.31			
45						\$ 97,789.47	\$ 97,789.47	\$ 488,947.26	\$ 24,447.36	\$ 122,236.84			
46						\$ 97,789.47	\$ 97,789.47	\$ 391,157.78	\$ 19,557.89	\$ 117,347.36			
47						\$ 97,789.47	\$ 97,789.47	\$ 293,368.31	\$ 14,668.42	\$ 112,457.89			
48						\$ 97,789.47	\$ 97,789.47	\$ 195,578.64	\$ 9,778.94	\$ 107,568.42			
49						\$ 97,789.47	\$ 97,789.47	\$ 97,789.36	\$ 4,889.47	\$ 102,678.94			

\$ 1,625,388.00 \$ 10,436,000.00 \$ 864,000.02 \$ 2,980,000.08 \$ 1,535,000.02 \$ 3,716,000.00

Totals

\$ 21,156,388.11

\$ 9,070,295.59 \$ 30,226,683.70

## PROPOSED FY 2010 CAPITAL PROJECTS

*2/21*

### ROADWAY RECONSTRUCTION PROJECTS

	PCI	ESTIMATED COSTS	ESTIMATED SCHEDULE
<b>WARD 1</b>			
Wayside Inn Road	77	\$ 350,000	Summer 2012
Wood Road	68	\$ 185,000	Fall 2010
Simpson Road (southerly end)	88	\$ 350,000	Fall 2010
		<b>\$ 885,000</b>	
<b>WARD 2</b>			
Berkeley Street (entire length)	65	\$ 110,000	Spring 2012
Gates Ave. (entire length)	52	\$ 50,000	Spring 2012
Greenwood Street (lower)	74	\$ 120,000	Spring 2012
Greendale Street	86	\$ 120,000	Spring 2012
Royce Road	65	\$ 185,000	Spring 2012
Shawmut Avenue	74	\$ 370,000	Spring 2012
		<b>\$ 955,000</b>	
<b>WARD 3</b>			
Washington Street (remaining portion)	69	\$ 400,000	Spring 2010
Bolton Street (Main to Union)	73	\$ 840,000	Spring 2011
		<b>\$ 1,240,000</b>	
<b>WARD 4</b>			
Belmont Street (entire length)	62	\$ 11,000	Spring 2010
Ferrecchia Drive (entire length)	55	\$ 380,000	Summer 2011
MacQuarrie Drive (entire length)	54	\$ 110,000	Summer 2011
Masciarelli Drive (entire length)	66	\$ 95,000	Summer 2011
Sumner Street (entire length)	65	\$ 470,000	Fall 2010
		<b>\$ 1,066,000</b>	
<b>WARD 5</b>			
Ellis Ave. (entire length)	59	\$ 75,000	Summer 2012
Hudson St (Bolton-Boston Scientific Dr.)	54	\$ 200,000	Summer 2012
Mountain Ave. (entire length)	28	\$ 60,000	Summer 2012
West Hill Road (entire length)	Varies	\$ 500,000	Summer 2012
		<b>\$ 835,000</b>	
<b>WARD 6</b>			
Baldwin Ave. (entire length)	57	\$ 190,000	Fall 2012
Blossum Lane	57	\$ 250,000	Fall 2012
Cortland Drive	53	\$ 105,000	Fall 2012
First Road (entire length)	46	\$ 100,000	Fall 2012
Gano Road	76	\$ 120,000	Fall 2012
Lodi Road (upper)	66	\$ 140,000	Fall 2012
MacIntosh Ave. (?)	75	\$ 75,000	Fall 2012
Russet Lane	51	\$ 90,000	Fall 2012
Summit Ave.	56	\$ 230,000	Fall 2012
		<b>\$ 1,300,000</b>	
<b>WARD 7</b>			
Fontaine Street (entire length)	55	\$ 330,000	Fall 2011
Girard Street (entire length)	54	\$ 135,000	Fall 2011
Kosmas Street (entire length)	63	\$ 470,000	Summer 2011
Maple Terrace (entire length)	33	\$ 50,000	Fall 2011
Queens View Road (entire length)	55	\$ 110,000	Fall 2011
Raffaele Road (entire length)	50	\$ 300,000	Summer 2011
Richard Road (entire length)	54	\$ 215,000	Fall 2011
		<b>\$ 1,610,000</b>	
<b>Subtotal</b>		<b>\$ 7,891,000</b>	

22

OVERLAY

Edinboro Street (Maple St. to Church St.)	\$	150,000	Summer 2010
Subtotal	\$	<u>150,000</u>	

PAVING SCHOOLS

Freeman School	\$	100,000	Summer 2011
High School (Poirier Drive)	\$	440,000	Summer 2010
Middle School	\$	300,000	Summer 2011
Subtotal	\$	<u>840,000</u>	

CRACK SEALING

Various Streets	\$	100,000	Fall 2010
Subtotal	\$	<u>100,000</u>	

SIDEWALK CONSTRUCTION AND REPAIR

Concord Road (Ghiloni Park to Sudbury Street)	\$	900,000	
Various Sidewalks	\$	200,000	Fall 2012
Subtotal	\$	<u>1,100,000</u>	

OTHER STREET CONSTRUCTION

Farm Road (Right-of-Way)	\$	100,000	
East Main Street (Right-of-Way)	\$	60,000	
Maple Street (Right-of-Way)	\$	145,000	
Traffic Engineering Services-Downtown Area	\$	30,000	Fall 2010
Miles Standish Drainage/Subdrainage (Girard to end-water tank)	\$	145,000	Fall 2011
Elm Street over Millham Brook - Culvert Replacement/Extension	\$	150,000	Summer 2012
Hemenway Street Extension over Brook - Culvert Replacement	\$	100,000	Summer 2012
Old Charter Road - Drainage Improvements	\$	15,000	Summer 2010
Brigham Street - Drainage Improvements (#200 to Mill Street)	\$	40,000	Summer 2011
Bolton Street Culvert Replacement	\$	150,000	Fall 2012
Subtotal	\$	<u>935,000</u>	

**Total Street Maintenance & Construction Projects    \$ 11,016,000**

**STREET MAINTENANCE AND CONSTRUCTION PROJECTS**

Road Name	Area (SF)	PCI	Estimated Cost per Area (\$ / SF)	ESTIMATED COST (\$)
MOUNTAIN AVENUE From: PRESTON ST To: DEAD END	2115	28	\$ 6.00	\$ 20,000
MAPLE TERRACE From: COTTING AV To: MAPLE ST	7582	33	\$ 6.00	\$ 50,000
FIRST ROAD (2) From: BIRCH RD To: HILL RD	3619	46	\$ 6.00	\$ 30,000
NORTHBORO ROAD From: BOSTON POST RD To: DEAD END	10450	47	\$ 6.00	\$ 70,000
DONALD LYNCH BLVD From: 368' W OF CITY LINE To: CITY LINE	23902	48	\$ 6.00	\$ 150,000
RAFFAELE ROAD From: HOSMER ST To: CUL DE SAC	50608	50	\$ 6.00	\$ 310,000
RUSSET LANE From: CORTLAND ST To: BALDWIN AV	13923	51	\$ 6.00	\$ 90,000
WINTER AVENUE From: LINCOLN ST To: DEAD END	4719	51	\$ 6.00	\$ 30,000
CONCORD ROAD From: HEMENWAY ST EXT To: TOWNLINE	55874	52	\$ 6.00	\$ 340,000
FREMONT STREET From: PROSPECT ST To: HUDSON ST	30807	52	\$ 6.00	\$ 190,000
GATES AVENUE From: SAWIN ST To: DEAD END	8160	52	\$ 6.00	\$ 50,000
JEFFERSON STREET From: HIGHLAND ST To: HUDSON ST	29511	52	\$ 6.00	\$ 180,000
CORTLAND STREET From: STEVENS ST To: BALSWIN AV	14828	53	\$ 6.00	\$ 90,000
D'AMICO DRIVE From: ELM ST To: CUL DE SAC	21270	53	\$ 6.00	\$ 130,000
SUDBURY STREET From: HANLON DR To: STONEHILL RD	40584	53	\$ 6.00	\$ 250,000

223

**STREET MAINTENANCE AND CONSTRUCTION PROJECTS**

Road Name	Area (SF)	PCI	Estimated Cost per Area (\$ / SF)	ESTIMATED COST (\$)
SUSAN ROAD From: KINGS VIEW RD To: RICHARD DR	16011	53	\$ 6.00	\$ 100,000
WEST HILL ROAD From: 1515' W OF MCDONOUGH DR To: 747' W OF MATHESON DR	17879	53	\$ 6.00	\$ 110,000
BIGELOW STREET From: DONALD LYNCH BLVD To: BERLIN RD	38115	54	\$ 6.00	\$ 230,000
GIRARD STREET From: MILES STANDISH DR To: NAUGLER AVE	22420	54	\$ 6.00	\$ 140,000
HUDSON STREET From: 183' SOF FAIRBANKS BLVD To: 521' W OF BOLTON ST	7120	54	\$ 6.00	\$ 50,000
MACQUARRIE DRIVE From: FERRECCHIA STREET To: CUL DE SAC	16243	54	\$ 6.00	\$ 100,000
RICHARD DRIVE From: 160' N OF LAMERT CIR To: KINGS VIEW RD	14013	54	\$ 6.00	\$ 90,000
TURMAINE STREET From: NAUGLER AV To: MILES STANDISH DR	23028	54	\$ 6.00	\$ 140,000
ELIZABETH ROAD From: TOWNLINE To: DEAD END (S)	6952	55	\$ 6.00	\$ 50,000
FAIRBANKS aka BOSTON SCIENTIFIC WAY From: HUDSON ST To: 703' N OF HUDSON ST	11248	55	\$ 6.00	\$ 70,000
FERRECCHIA DRIVE From: MACQUARRIE DR To: NORTHBORO RD EAST	51566	55	\$ 6.00	\$ 310,000
FONTAINE STREET From: MILES STANDISH DR To: NAUGLER AV	54834	55	\$ 6.00	\$ 330,000
HEMENWAY STREET From: SUDBURY RD To: BELMORE PL	18684	55	\$ 6.00	\$ 120,000
HEMENWAY STREET From: CONCORD RD To: CITY LINE	22838	55	\$ 6.00	\$ 140,000
MINEHAN LANE From: SUDBURY RD To: HANLON DRIVE	40851	55	\$ 6.00	\$ 250,000

*224*

**STREET MAINTENANCE AND CONSTRUCTION PROJECTS**

Road Name	Area (SF)	PCI	Estimated Cost per Area (\$ / SF)	ESTIMATED COST (\$)
PELITIER STREET From: 50' W OF HOUDE ST To: BIGELOW ST	47120	55	\$ 6.00	\$ 290,000
QUEENS VIEW ROAD From: KINGS VIEW RD To: CUL DE SAC	23694	55	\$ 6.00	\$ 150,000
RICHARD DRIVE From: MILES STANDISH DR To: 160' N OF LAMERT CIR	21584	55	\$ 6.00	\$ 130,000
SHEA DRIVE From: BIGELOW ST To: CUL DE SAC	22602	55	\$ 6.00	\$ 140,000
WAKEFIELD ROAD From: LAKESHORE DR To: DEAD END	11050	55	\$ 6.00	\$ 70,000
WEST HILL ROAD From: 458' W OF MCDONOUGH DR To: 711' W OF MCDONOUGH DR	4807	55	\$ 6.00	\$ 30,000
HAYES MEMORIAL From: BARTLETT ST To: BOSTON POST RD	215520	56	\$ 6.00	\$ 1,300,000
JONAS COURT From: SPRING ST To: DEAD END	6187	56	\$ 6.00	\$ 40,000
OLD CHARTER ROAD From: OLD CHARTER ROAD To: STEVENS ST	2040	56	\$ 6.00	\$ 20,000
SIMMONS STREET From: 175' W OF MAURICE DR To: MAURICE DR	6650	56	\$ 6.00	\$ 40,000
SUMMIT AVENUE From: RIDGE RD To: HOSMER ST	30827	56	\$ 6.00	\$ 190,000
WINDMILL DRIVE From: HUDSON ST To: DEAD END	19798	56	\$ 6.00	\$ 120,000
BALDWIN AVENUE From: STEVENS ST To: DEAD END	31395	57	\$ 6.00	\$ 190,000
BLOSSOM LANE From: RIDGE RD To: HOSMER ST	30576	57	\$ 6.00	\$ 190,000
BRIMSMEAD STREET From: MUNROE ST To: BOLTON ST	37725	57	\$ 6.00	\$ 230,000

*225*

**STREET MAINTENANCE AND CONSTRUCTION PROJECTS**

Road Name	Area (SF)	PCI	Estimated Cost per Area (\$ / SF)	ESTIMATED COST (\$)
COURT STREET From: MAIN ST To: GRANGER BLVD	6496	57	\$ 6.00	\$ 40,000
FLAGG ROAD From: BIGELOW ST To: NASHOBA DR	15656	57	\$ 6.00	\$ 100,000
IRVING STREET From: HOWE ST (N) To: HOWE ST (S)	4654	57	\$ 6.00	\$ 30,000
KELLEHER STREET From: CLOVER HILL ST To: GIBBS PL	49400	57	\$ 6.00	\$ 300,000
NORTH BIGELOW ST From: DONALD LYNCH BLVD To: CITY LINE	28405	57	\$ 6.00	\$ 180,000
RYAN COURT From: FRANCIS ST To: LINCOLN ST	4860	57	\$ 6.00	\$ 30,000
SUDBURY STREET From: WAYSIDE INN RD To: 555' N OF WAYSIDE INN RD	13320	57	\$ 6.00	\$ 80,000
BRIARWOOD LANE From: HOSMER ST To: BRIARWOOD LA	3700	58	\$ 6.00	\$ 30,000
BRUCE ROAD From: LAKESHORE DR (N) To: LAKESHORE DR (S)	29592	58	\$ 6.00	\$ 180,000
DAWES ROAD From: MCCABE DR To: SIMPSON RD	9044	58	\$ 6.00	\$ 60,000
HUDSON ST (SB) From: HUDSON ST (N) To: HUDSON ST (S)	8560	58	\$ 6.00	\$ 60,000
PARKER ROAD From: LAKESHORE DR To: ELIZABETH RD	3230	58	\$ 6.00	\$ 20,000
PROSPECT STREET From: LINCOLN ST To: MAIN ST	29601	58	\$ 6.00	\$ 180,000
RAFFAELE ROAD (Y) From: RAFFAELE ROAD To: HOSMER ST	3488	58	\$ 6.00	\$ 30,000
STOW ROAD From: ROBERT RD (N) To: BEAMAN LA	31332	58	\$ 6.00	\$ 190,000

**\$ 8,020,000**

*2/21*

**STREET MAINTENANCE AND CONSTRUCTION PROJECTS**

Road Name	Area (SF)	PCI	Estimated Cost per Area (\$ / SF)	ESTIMATED COST (\$)
SUDBURY STREET From: CARVER ST To: HANLON DR	47187	58	\$ 6.00	\$ 290,000
ELLIS AVENUE From: WINTHROP ST To: DEAD END	7329	59	\$ 6.00	\$ 50,000
BOUNDARY STREET From: 1211' N OF ELM ST To: BOSTON POST RD	21528	60	\$ 6.00	\$ 130,000
GRAND TOTALS:				<b><u>\$ 9,320,000</u></b>

*2/27*



*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*<sup>3</sup>  
MAYOR

*Krista F. Holmi*  
EXECUTIVE AIDE  
*Katherine M. Kimber*  
EXECUTIVE SECRETARY

March 18, 2010

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

RE: Sudbury Street Sewer

Honorable President Vigeant and Councilors:

I am resubmitting for your consideration the bond request for the Sudbury Street area sewer expansion project.

I have spoken with Ward 1 City Councilor Joe Delano regarding this issue and respectfully request the opportunity to discuss the merits of this project with the Finance Committee.

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

Sincerely,

Nancy E. Stevens  
Mayor

Enclosures



*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

March 4, 2010

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

RE: Bond Request

Honorable President Vigeant and Councilors:

I am submitting for your approval a bond request in the amount of \$4,000,000.00 for partial construction of the new sewer services in Sudbury Street area.

As you will recall, in FY07 there was an appropriation of \$200,000.00; in FY08 an additional appropriation of \$556,000.00 was made for the planning and design of new sewer service in the Sudbury Street area. This planning has produced the preferred alternative design for this project. At this point, preliminary costs for the entire project are approximately \$9,943,000.00 for the sewer installation construction costs, including pump stations, and depending on the type of roadway reconstruction (i.e., overlay versus a reclaim program), the costs are between \$1,800,000.00 and \$3,000,000.00. The figures on the roadway portion of the costs could change based on potential drainage and wall issues as well as the desire to widen the roadway.

The plan is to phase the construction with phase 1 costs at \$4,000,000.00. I caution that the estimates given for the total project are in "today" costs, and the longer the entire project takes to complete, the higher the total cost for the project.

In addition, the approximate maintenance and operating costs associated the pump stations, including but not limited to electric costs, gas, alarms, telephone, estimated alarm calls and a contingency for materials (i.e. pumps, generators, etc.) is \$8,696.00, not including staff monitoring.

The Engineering department will be available for your deliberation to answer any questions you have regarding this project.

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

Sincerely,

  
Nancy E. Stevens, Mayor

Enclosure



CITY OF MARLBOROUGH

IN CITY COUNCIL

Marlborough, MA February 26, 2010

ORDERED:

That the sum of \$4,000,000 (four million) dollars be and is hereby appropriated for sewer construction.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$ 4,000,000.

Pursuant to the provisions of Chapter 44, Section 8 (15) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than thirty (30) years from its date of issue.

Cost of a \$4,000,000 30 Year Sewer Bond

BAN	Prncpal	PMT	Int	Total
Year 1	\$ 2,000,000.00		\$ 80,000.00	\$ 80,000.00
2	\$ 4,000,000.00		\$ 160,000.00	\$ 160,000.00
Year				
3	\$ 4,000,000.00	\$ 142,857.14	\$ 160,000.00	\$ 302,857.14
4	\$ 3,857,142.86	\$ 142,857.14	\$ 154,285.71	\$ 297,142.86
5	\$ 3,714,285.71	\$ 142,857.14	\$ 148,571.43	\$ 291,428.57
6	\$ 3,571,428.57	\$ 142,857.14	\$ 142,857.14	\$ 285,714.29
7	\$ 3,428,571.43	\$ 142,857.14	\$ 137,142.86	\$ 280,000.00
8	\$ 3,285,714.29	\$ 142,857.14	\$ 131,428.57	\$ 274,285.71
9	\$ 3,142,857.14	\$ 142,857.14	\$ 125,714.29	\$ 268,571.43
10	\$ 3,000,000.00	\$ 142,857.14	\$ 120,000.00	\$ 262,857.14
11	\$ 2,857,142.86	\$ 142,857.14	\$ 114,285.71	\$ 257,142.86
12	\$ 2,714,285.71	\$ 142,857.14	\$ 108,571.43	\$ 251,428.57
13	\$ 2,571,428.57	\$ 142,857.14	\$ 102,857.14	\$ 245,714.29
14	\$ 2,428,571.43	\$ 142,857.14	\$ 97,142.86	\$ 240,000.00
15	\$ 2,285,714.29	\$ 142,857.14	\$ 91,428.57	\$ 234,285.71
16	\$ 2,142,857.14	\$ 142,857.14	\$ 85,714.29	\$ 228,571.43
17	\$ 2,000,000.00	\$ 142,857.14	\$ 80,000.00	\$ 222,857.14
18	\$ 1,857,142.86	\$ 142,857.14	\$ 74,285.71	\$ 217,142.86
19	\$ 1,714,285.71	\$ 142,857.14	\$ 68,571.43	\$ 211,428.57
20	\$ 1,571,428.57	\$ 142,857.14	\$ 62,857.14	\$ 205,714.29
21	\$ 1,428,571.43	\$ 142,857.14	\$ 57,142.86	\$ 200,000.00
22	\$ 1,285,714.29	\$ 142,857.14	\$ 51,428.57	\$ 194,285.71
23	\$ 1,142,857.14	\$ 142,857.14	\$ 45,714.29	\$ 188,571.43
24	\$ 1,000,000.00	\$ 142,857.14	\$ 40,000.00	\$ 182,857.14
25	\$ 857,142.86	\$ 142,857.14	\$ 34,285.71	\$ 177,142.86
26	\$ 714,285.71	\$ 142,857.14	\$ 28,571.43	\$ 171,428.57
27	\$ 571,428.57	\$ 142,857.14	\$ 22,857.14	\$ 165,714.29
28	\$ 428,571.43	\$ 142,857.14	\$ 17,142.86	\$ 160,000.00
29	\$ 285,714.29	\$ 142,857.14	\$ 11,428.57	\$ 154,285.71
30	\$ 142,857.14	\$ 142,857.14	\$ 5,714.29	\$ 148,571.43
Total		\$ 4,000,000.00	\$ 2,560,000.00	\$ 6,560,000.00

4% Interest is assumed for all payments

34



*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

March 17, 2010

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

RE: Reappointments – Conservation Commission

Honorable President Vigeant and Councilors:

I am submitting for your approval the reappointments of Edward Clancy and Dennis Demers to the Conservation Commission.

Upon approval, Mr. Clancy and Mr. Demers will serve three year terms expiring March 5, 2013.

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

Sincerely,

Nancy E. Stevens  
Mayor



*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*<sup>5</sup>  
MAYOR

*Krista J. Holmi*  
EXECUTIVE AIDE

*Katherine M. Kimber*  
EXECUTIVE SECRETARY

March 17, 2010

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

RE: Reappointment – Registrar of Voters

Honorable President Vigeant and Councilors:

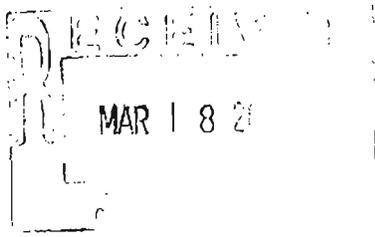
I am submitting for your approval the reappointment of Linda Clark as Registrar of Voters.

Upon approval, Ms. Clark's term will expire April 1, 2013.

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

Sincerely,

Nancy E. Stevens  
Mayor



6,



*City of Marlborough  
Public Facilities Department*

John L. Ghiloni, Director  
Andrew J. White,  
Assistant Director  
85 Sawin Street  
Marlborough, MA 01752  
Phone: 508.460.3521  
Fax: 508.460.3565

March 16, 2010

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

Re: Renewal of Lease of former Bigelow School

Dear President Vigeant and Members,

Pursuant to City Council Order N 08-1001774b, the lease authorized by this order, the approval of the Marlborough School Committee and the terms and conditions of said lease, I am requesting your approval to renew the lease of the former Bigelow School, 57 Orchard Street to the Assabet Valley Collaborative for a period of one year from July 1, 2010 to June 30, 2011.

The agenda item of the School Committee for March 9, 2010 is attached as Item 7I. This was a favorable vote by the School Committee. I have also attached a copy of the renewal.

You approved the initial lease on June 23, 2008 and the first of four renewals on February 23, 2009. Your approval of the renewal will be sincerely appreciated.

Sincerely,

*John L. Ghiloni*  
John L. Ghiloni  
Director

cc: Mayor Nancy E. Stevens

62

ORDERED:

Pursuant to City Council Order No. 08-1001774B authorizing a lease effective July 1, 2008 to the Assabet Valley Collaborative of the former Bigelow School located at 57 Orchard Street, for a one-year term with the option to renew for four additional one-year terms, and the terms and conditions of the original lease, said renewal being the second of four options was approved by the School Committee on March 9, 2010, a copy of which is attached hereto and incorporated herein, said lease is hereby renewed for the one-year term from July 1, 2010 to June 30, 2011 with a three (3%) percent increase in the amount of \$153,985.00 (\$10.30 per square foot), be and is herewith **APPROVED**.

ADOPTED  
In City Council  
Order No. 10-

Approved by Mayor  
Nancy E. Stevens  
Date:

A TRUE COPY  
ATTEST:

City Clerk

**SCHOOL COMMITTEE**  
**AGENDA ITEM SUMMARY**

Agenda Item # 71

63

For School Committee Meeting  
of March 9, 2010

**SUBJECT:**

Bigelow School

Listing of Attachments:

None

---

**BACKGROUND:**

The School Committee voted to lease the Bigelow School to Assabet Valley Collaborative on June 10, 2008 for a term of one year. The terms of the lease also allow for renewal of four additional one- year periods at the sole discretion of the City of Marlborough. The School Committee authorized the first renewal in February of 2009. This is the second request for the renewal of the lease.

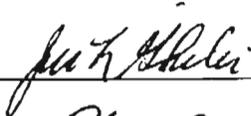
**STATUS:**

The Assabet Valley Collaborative has requested to lease the building for one additional year from July 1, 2010 to June 30, 2011.

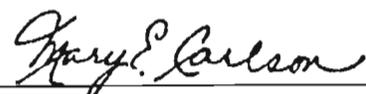
**RECOMMENDATION:**

That the School Committee approve the renewal of the lease to Assabet Valley Collaborative for an additional year beginning on July 1, 2010 and ending on June 30, 2011 with an increase of 3% above the current rate of \$10.00 per square foot.

Approved by Director of Public Facilities:



Recommended by the Superintendent:



64



## IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 23, 2009

**ORDERED:**

Pursuant to City Council Order No. 08-1001774B, the approval of the School Committee which is attached hereto and incorporated herein, and the terms and conditions of the lease to the Assabet Valley Collaborative of the former Bigelow School, 57 Orchard Street, said lease is hereby renewed for a one-year lease from (July 1, 2009 to June 30, 2010) in the amount of \$149,500.00(\$10.00 per square foot), be and is herewith **APPROVED.**

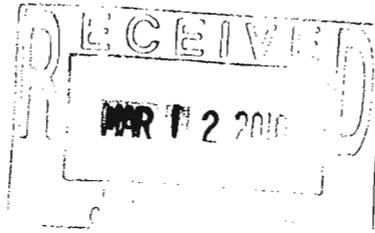
**ADOPTED**  
In City Council  
Order No. 09-1002135

Approved by Mayor  
Nancy E. Stevens  
Date: ~~February~~ 27, 2009

A TRUE COPY  
ATTEST:

City Clerk

nationalgrid



TOWN COPY 71

March 10, 2010

To the City Council  
Marlborough, Massachusetts

Council Members:

Enclosed you will find a petition for P.22 & 23 Forest St.(petition# 8104360-2)

Description: National Grid to relocate JO P.22 & 23 Forest St. due to a city road widening project.

If you have any questions regarding this petition please contact Barbara Romasco 508-482-1252.

Thank you for your attention to this matter.

Respectfully yours,

A handwritten signature in black ink that reads "Kevin Hellmuth". The signature is fluid and cursive.

Kevin Hellmuth  
Manager of Distribution Design  
401-784-7173

KH/br

Enclosures

72

**PETITION FOR JOINT POLE RE-LOCATIONS**

Hopedale, MA 01747

02/11/10

**TOWN COPY**

To the City Council  
of the City of Marlborough, Massachusetts

**MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.**

request permission to relocate poles, wires, cables and fixtures, including anchors, guys and other such necessary sustaining and protecting fixtures, along and across the following public way or ways:-

**Forest St.**

**National Grid to relocate P.22 and P.23 due to a city road widening project.**

Wherefore they ask that they be granted a joint relocation for and permission to erect and maintain poles, wires, cables and fixtures to be placed thereon, together with anchors, guys and other such sustaining and protecting fixtures as they must find necessary, said poles to be located substantially in accordance with the plan filed herewith marked: **Plan No. 8104360-2 Dated: 02/08/2010**

Also for permission to lay and maintain underground cables conduits, wires and necessary equipment in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space for one cross arm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

**MASSACHUSETTS ELECTRIC COMPANY**

*Tom Jellman*  
By: \_\_\_\_\_

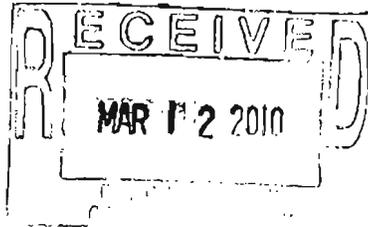
Manager of Distribution Design

**VERIZON NEW ENGLAND, INC.**

*Paul S. Orvedo*  
By: \_\_\_\_\_

Manager, R.O.W.

**nationalgrid**



**TOWN COPY**

81

March 10, 2010

To the City Council  
Marlborough, Massachusetts

Council Members:

Enclosed you will find a petition for new P.48 and new intermediate P.47-50 Forest St.(Petition# 8104360-1)

Description: National Grid to install new P.48 and P.47-50 Forest St. due to a city road widening project.

If you have any questions regarding this petition please contact Barbara Romasco 508-482-1252.

Thank you for your attention to this matter.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Kevin Herbinuth". The signature is fluid and cursive.

Kevin Herbinuth  
Manager of Distribution Design  
401-784-7173

KH/br

Enclosures

245 South Main Street  
Hopedale, MA 01747-1499  
508-482-1000

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

TOWN COPY  
82

Hopedale, MA 01747

February 11, 2010

To the City Council  
of the City of Marlborough, Massachusetts

**MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.**

request permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary to be owned and used in common by your petitioners, in the following public way or ways:

**Forest St.**

**National Grid to install new P.48 45' +/- west of existing P.48 and install a new intermediate P.47-50 120' +/- west of existing P.47 for the purpose of moving P.48 out of the proposed future road entrance.**

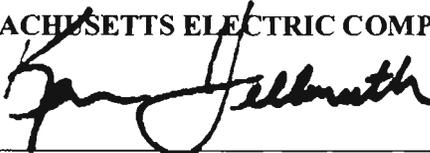
Wherefore they pray that after due notice and hearing as provided by law, it be granted joint or identical locations for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked: **MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.**

Plan No. **8104360-1** Dated: **02/08/2010**

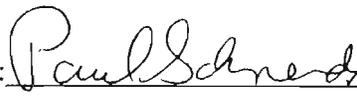
Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space for one cross arm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

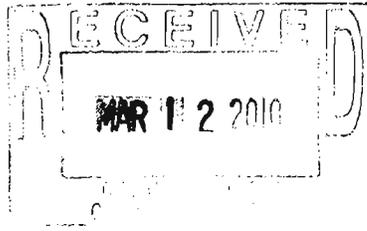
**MASSACHUSETTS ELECTRIC COMPANY**

By:   
Manager of Distribution Design

**VERIZON NEW ENGLAND, INC.**

By:   
Manager, R.O.W.

**nationalgrid**



**TOWN COPY** 91

March 10, 2010

To the City Council  
Marlborough, Massachusetts

Council Members:

Enclosed you will find a petition for Poles 35 and 37 Forest St. (Petition# 8104360)

Description: National Grid to replace and relocate Poles 35 and 37 Forest St. due to a city road widening project.

If you have any questions regarding this petition please contact Barbara Romasco 508-482-1252.

Thank you for your attention to this matter.

Respectfully yours,

A handwritten signature in black ink that reads "Kevin Hellmuth". The signature is written in a cursive style.

Kevin Hellmuth  
Manager of Distribution Design  
401-784-7173

KH/br

Enclosures

PETITION FOR JOINT POLE RE-LOCATIONS

Hopedale, MA 01747

February 11, 2010

To the City Council  
of the City of Marlborough, Massachusetts

**MASSACHUSETTS ELECTRIC COMPANY and VERIZON NEW ENGLAND, INC.**

request permission to relocate poles, wires, cables and fixtures, including anchors, guys and other such necessary sustaining and protecting fixtures, along and across the following public way or ways:-

**Forest St.**

**National Grid to replace and relocate Poles 35 and 37, 3' +/- from present location to back of sidewalk. This is due to a city road widening project.**

Wherefore they ask that they be granted a joint relocation for and permission to erect and maintain poles, wires, cables and fixtures to be placed thereon, together with anchors, guys and other such sustaining and protecting fixtures as they must find necessary, said poles to be located substantially in accordance with the plan filed herewith marked: Plan No. 8104360 Dated: 02/08/2010

Also for permission to lay and maintain underground cables conduits, wires and necessary equipment in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space for one cross arm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

MASSACHUSETTS ELECTRIC COMPANY



By: \_\_\_\_\_  
Manager of Distribution Design

VERIZON NEW ENGLAND, INC.



By: \_\_\_\_\_  
Manager, R.O.W.

# CROWE

JOHN G. CROWE ASSOCIATES, INC.  
Landscape Architecture  
Civil Engineering  
50 Cross Street  
Phone: (781) 756-0001  
jgca@jcrowe.com

Environmental Approvals  
Environmental Planning  
Winchester, MA 01890-1257  
FAX: (781) 756-0007  
www.jcrowe.com

101

March 18, 2010

Mr. Arthur G. Vigeant, President  
Marlborough City Council  
Marlborough City Hall  
140 Main Street  
Marlborough, MA 01752  
Tel: (508) 460-3775; Fax: (508) 460-3723

RE: Sewer Connection Permit  
Boston Scientific Corporation  
55 Fairbanks Boulevard (now Boston Scientific Way) and Sassaville Way  
Marlborough, MA

Ladies and Gentlemen:

On behalf of our client, Boston Scientific Corporation, we respectfully request that the City Council approve an extension of time from June 1, 2010 to December 1, 2011 (18 month extension) for the sewer connection permit for the above referenced property. The sewer connection permit is for a new connection to the existing sewer system for the construction of two new buildings (known as M4 and M5) on the property located at 55 Fairbanks Boulevard (now Boston Scientific Way) and off Sassaville Way in the City of Marlborough. The total expected daily sewage flow from the two proposed buildings is 37,500 GPD.

On June 30, 2004 an Application for a Sewer Connection Permit (with accompanying plans and specifications) was filed with the Marlborough City Council. The permit was approved by the City Council on September 13, 2004 and the application was endorsed by the Marlborough Department of Public Works on October 20, 2004. The Application was then filed with the Commonwealth of Massachusetts Department of Environmental Protection as required by 314 CMR 7.00 et. seq. (at that time). The Commonwealth of Massachusetts Department of Environmental Protection approved the sewer connection permit (#W045553) on June 1, 2005.

The original Marlborough City Council approval of the sewer connection permit contained an 18 month time restriction on the construction of the sewer connection. On February 10, 2006 our firm requested that the time limit for the construction of the sewer connection be extended. On March 27, 2006 the City Council extended the permit time limit for an additional 18 months to September 13, 2007.

On July 20, 2007 our firm requested that the time limit for the construction of the sewer connection be further extended. On September 10, 2007 the City Council extended the permit time limit for an additional 18 months to March 10, 2009.

Mr. Arthur G. Vigeant, President, Marlborough City Council  
RE: Sewer Connection Permit, Boston Scientific Corporation  
55 Fairbanks Boulevard (now Boston Scientific Way) and Sassaville Way, Marlborough, MA  
March 18, 2010, Page 2 of 2

102

On February 6, 2009 our firm requested that the time limit for the construction of the connection of the sewer connection be further extended. On February 23, 2009 the City Council granted an extension of the time limit for construction of the sewer connection to June 1, 2010.

Since purchasing the property in 2004, Boston Scientific Corporation has performed renovation and fit-up work on the existing buildings and has moved various functional groups onto the property. This process is ongoing. Recent corporate events within Boston Scientific and the overall economy will require additional planning for future expansions. Boston Scientific considers the expansion capability of the site extremely important to its future plans and this capability was one of the features that attracted Boston Scientific to the site. Therefore, we respectfully request that the City Council extend the approval of the sewer connection permit for an additional 18 months to December 1, 2011.

Please note that although the State Sewer Connection Permit granted by the Massachusetts Department of Environmental Protection (MADEP) will expire on June 1, 2010, however, an extension of that approval is not necessary. Regulatory changes made to 314 CMR 7.00 et. seq. (effective as of January 2007) no longer require MADEP approval for certain sewer connections (ordinary sanitary sewage such as the sewage from the two proposed office buildings) with daily flows less than 50,000 gallons (the total expected daily sewage flow from the two proposed buildings is 37,500 gallons).

Our firm and our client would be pleased to meet with the City Council at your convenience to review the requested extension and discuss the details of the project. Please advise us of the date and time you wish us to meet with you.

If you have any questions regarding this matter or should you require any additional information, please do not hesitate to call.

Very truly yours,

**JOHN G. CROWE ASSOCIATES, INC.**



William A. Jones

cc: Mr. Ronald M. LaFreniere, P.E., Commissioner of Public Works, Marlborough DPW  
Mr. Doran W. Crouse, Assistant Commissioner of Public Works, Marlborough DPW  
Mr. James Manganello, Boston Scientific Corporation  
Mr. Roy Barker, Boston Scientific Corporation

103



# IN CITY COUNCIL

Marlborough, Mass., FEBRUARY 23, 2009

**ORDERED:**

That the extension of time for a sewer connection permit for Boston Scientific Corporation, 55 Fairbanks Boulevard, to June 1, 2010, be and is herewith **APPROVED**.

ADOPTED  
In City Council  
Order No. 09-1002136  
X-04-100564, 06-1001093

Approved by Mayor  
Nancy E. Stevens  
Date: February 27, 2009

A TRUE COPY  
ATTEST:   
City Clerk

ADOPTED

104



# IN CITY COUNCIL

Marlborough, Mass., SEPTEMBER 10, 2007

## ORDERED:

That the communication from Boston Scientific Corporation requesting extension of time for Sewer Connection Permit, 55 Boston Scientific Way – Mayor to provide sewer extension impact on TIF, be and is herewith **APPROVED**.

ADOPTED  
In City Council  
Order No 06-1001093B  
X 04-100564

Approved by Mayor  
Nancy E. Stevens  
Date: September 14, 2007

A TRUE COPY  
ATTEST: *Lisa M. Thomas*  
City Clerk

105



# IN CITY COUNCIL

Marlborough, Mass., MARCH 27, 2006 20

ORDERED:

That the request of John G. Crowe Associates, Inc., for an extension of time for the sewer connection permit for Boston Scientific Corporation, 55 Fairbanks Boulevard, be and is herewith APPROVED for a period of eighteen months, subject to other conditions previously adopted, as recommended by the Public Services Committee.

ADOPTED  
In City Council  
Order No. 06100-1093A  
Adopted March 27, 2006

Approved by Mayor  
Nancy E. Stevens  
Date: April 3, 2006

A TRUE COPY  
ATTEST: *Jo Ann E. Reynolds*  
City Clerk

106

*✓ Boston Scientific  
Law*



IN CITY COUNCIL

SEPTMBER 13, 2004  
Marlborough, Mass.,

ORDERED:

That the application of Boston Scientific, 55 Fairbanks Blvd for a Sewer Connection Permit be and is herewith APPROVED with the following conditions:

- 1) Permit is for 37,500 gallons per day,
- 2) Permit shall lapse if connection is not made within 18 (eighteen) months after date of final approval,
- 3) If total volume is not needed, surplus will be returned to the City.

ADOPTED  
In City Council  
Order No. 04-100564A  
Adopted September 13, 2004

Approved by Mayor  
Dennis C. Hunt  
Date: September 22, 2004

A TRUE COPY  
ATTEST:

*Jo Ann Reynolds*  
City Clerk



COMMONWEALTH OF MASSACHUSETTS  
 EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 Central Regional Office, 627 Main Street, Worcester, MA 01608

107

MITT ROMNEY  
 Governor

KERRY HEALEY  
 Lieutenant Governor

ELLEN ROY HERZFELDER  
 Secretary

ROBERT W. GOLLEDGE, Jr.  
 Commissioner

RECEIVED  
 JUN - 6 2005  
 JOHN G. CROWE ASSOC.

Robert W. MacIntyre  
 Boston Scientific Place  
 Natick, MA 01760-1537

RE: MARLBOROUGH-BRPWP14-W045553  
 314 CMR 7.00 – Connection with Pump Station  
 Boston Scientific – Final Permit

Dear Mr. MacIntyre:

The Department has completed its review of your application for a sewer connection with pump station to service 500,000 square feet of office and research complex (M4 and M5) off Fairbanks Boulevard in Marlborough. The complex will generate up to 37,500 gpd of wastewater to be discharged through an existing sewer on lot 3 to the municipal sewer system tributary to the City's Easterly WWTF. The public notice was published on January 11, 2005 and a response to the comments was received on May 23, 2005. No comments objecting to the issuance or terms of the permit were received by the Department during the public comment period.

After due public notice, the Department hereby issues the attached final sewer extension permit #W045553. In accordance with 314 CMR 2.08, the permit becomes effective upon issuance. The private ownership requirement has been included as a special condition.

Parties aggrieved by the issuance of this permit are hereby advised of their right to request an Adjudicatory Hearing under the provision of Chapter 30A of the Massachusetts General laws and 314 CMR 1.00 "Rules for the Conduct of Adjudicatory Hearing Proceedings." Unless the person requesting the adjudicatory hearing requests and is granted a stay of the conditions and terms of the permit, the permit shall remain fully effective. If you have any questions you may contact Margo Webber at (508) 767-2738.

Very truly yours,

Robert A. Kimball, P.E.  
 Environmental Engineer V  
 Bureau of Resource Protection

June 1, 2005  
 Date

MARLBOROUGH-W045553-Final Permit

Page 2

Mww045553fp

Enc.

Cc:

Dana Samuelson, DEP-CERO

Doran Crouse  
Marlborough DPW  
135 Neil Street  
Marlborough, MA 01752

William Jones  
John Crowe Associates  
385 Concord Ave, Suite 1  
Belmont, MA 02478

108



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection – Water Pollution Control  
 Sewer Connections/Extensions

DEP Use Only:

109

W045553  
 Permit Number

Marlborough  
 Town

**BRP WP 13, 14, 17, 18, 55**

**Application for Permit for Sewer System Extension  
 or Connection**

**Important:**  
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



The original of the transmittal form and this application, signed by the appropriate municipal official, should be submitted along with one copy to the appropriate Regional Office. The signature of the design engineer or other agent will be accepted only if accompanied by a letter of authorization. A copy of the transmittal form and fee (if applicable) should be submitted to the Boston Office.

If connection is to be made to the MWRA sewerage system, indicate "MWRA" in item 11.

If the project includes sewers, pumping stations, force mains, or siphons, construction plans must be submitted with the application.

If additional space is required to properly answer any questions, please attach additional sheets and refer to the attachments in the space provided.

**A. Applicant Information**

1. Name and Address of Applicant:

Boston Scientific Corporation, c/o Mr. Robert W. MacIntyre, Director, Corporate Facilities

Name

One Boston Scientific Place

Street address

Natick, MA

City/Town

01760-1537

Zip Code

508-650-8000

Telephone Number (include area code and extension)

E-mail address (optional)

2. Name of Sewer System Owner:

City of Marlborough Massachusetts

Name

City of Marlborough Easterly Wastewater Treatment Facility

Municipality or Sewer District

City of Marlborough Department of Public Works

Department

**B. Project Information**

1. Type of Project:     Sewer Extension     Sewer Connection

2. Number of Residences to be served:

N/A

3. Number of Bedrooms:

N/A



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection – Water Pollution Control  
Sewer Connections/Extensions

**BRP WP 13, 14, 17, 18, 55**

Application for Permit for Sewer System Extension  
or Connection

DEP Use Only:

10/10  
W045553  
Permit Number  
Marlborough  
Town

**B. Project Information (Continued)**

4. Other establishments to be served:

- a. Proposed Buildings M4 and M5  
Name  
55 Fairbanks Boulevard, Marlborough, MA  
Address  
Research & Office Buildings  
Type of Establishment  
500,000 s.f. x 75 gal/1000 s.f./day = 37,500 gallons/day  
Design Flow
- b. \_\_\_\_\_  
Name  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Type of Establishment  
\_\_\_\_\_  
Design Flow

5. Design Flow:

Sewage	<u>37,500</u> Gallons per day
Industrial Wastes	<u>Insignificant Quantity</u> Gallons per day
Total	<u>37,500</u> Gallons per day

6. Location, Length, Size and Capacity of Sewers to be Connected to the existing system (attach sketch):

- a. New on site gravity collection sewer from Buildings M4 & M5 to new pump station  
Name of Street  
899 feet total      8" CI/PVC      657 GPM  
Length of Sewer      Size of Sewer      Flow Full Capacity
- b. Sewer Forcemain on site, in Fairbanks Boulevard and on Lot 3 to gravity sewer connection  
Name of Street  
1285 feet      6" CLDI      528 GPM @ 6 FPS Velocity  
Length of Sewer      Size of Sewer      Flow Full Capacity
- c. New gravity sewer connection on Lot 3 from new forcemain to existing gravity sewer on Lot 3  
Name of Street  
81 feet      8" PVC      828 GPM  
Length of Sewer      Size of Sewer      Flow Full Capacity



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection – Water Pollution Control  
Sewer Connections/Extensions

DEP Use Only:

1011

**BRP WP 13, 14, 17, 18, 55**

**Application for Permit for Sewer System Extension or Connection**

W045553  
Permit Number  
Marlborough  
Town

**B. Project Information (Continued)**

7. Location, Length, Size and Capacity of Pumping Stations to be Connected to the existing system:

a. On the 55 Fairbanks Boulevard site 122' north of Bldg. M4 & 207' northeast of Bldg. M5

Pump Station Location

Two (2) independent pumps

Number of Pumps

Twenty (20) Horsepower - 6"

Pump Size

320GPM @ 82.5 FT. TDH

Pump Capacity

b.

Pump Station Location

Number of Pumps

Pump Size

Pump Capacity

8. General Description of Sewers and Pump Stations within the existing sewer system which will transport the flow from the proposed sewer extension or connection to the receiving Wastewater Treatment Facility:

The sanitary sewer from the two proposed Buildings on the 55 Fairbanks Boulevard site will be collected by new gravity sewers and conveyed to a new on-site pump station (with duplex pumps, standby storage and emergency power). The forcemain from the pump station will convey the sewage uphill on site, across Fairbanks Boulevard and across Lot 3 to a new gravity sewer connection at the top of the hill. The new gravity sewer connection will flow on Lot 3 and connect to an existing 8" gravity sewer line. This existing sewer line flows southerly, easterly, southerly, southeasterly and southerly as 8" and 10" pipe across other properties in the Addition Hill Office Park to the existing City of Marlborough sewer which is tributary to the City of Marlborough Easterly Wastewater Treatment Facility.

9. Receiving Wastewater Treatment Facility:

Name City of Marlborough Easterly Wastewater Treatment Facility

Average Daily Flow 3.2 MGD

Million gallons per day

Design Flow 5.5 MGD

Million gallons per day

10. Does the discharge contain any industrial waste?

Yes  No

If yes, list any pollutants which you know or have reason to believe are discharged or may be discharged. For every pollutant you list, please indicate its approximate concentration in the discharge and any analytical data in your possession which will support your statement. Additional wastewater analysis may be required as part of this application.

Pollutant

Concentration

Analytical Data

None in any Significant Amount



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection – Water Pollution Control  
 Sewer Connections/Extensions

DEP Use Only:

10/13

W045553  
 Permit Number

Marlborough  
 Town

**BRP WP 13, 14, 17, 18, 55**

**Application for Permit for Sewer System Extension or Connection**

**B. Project Information (Continued)**

11. Does the discharge contain any industrial waste containing substances or materials which could harm the sewers, wastewater treatment process, or equipment; have an adverse effect on the receiving water; or could otherwise endanger life, limb, public property, or constitute a nuisance?

Yes  No

12. Do the wastewaters receive any pretreatment prior to discharge?

Yes  No

13. List, in descending order of significance, the four (4) digit standard industrial classification (SIC) Codes which best describe the facility producing the discharge in terms of the principal products for services provided. Also, specify each classification in words.

SIC Code	Specify
3841 - Surgical and Medical Instruments and Apparatus	
A.	
B.	
C.	
D.	

14. Is the Proposed Discharge Consistent with Existing Sewer Use Regulations?

Yes  No

15. Is there a site of historic or archeological significance, as defined in regulations of the Massachusetts Historical Commission, 950 CMR 71.00, which is in the area affected by the proposed extension or connection?

Yes  No

16. Does this project require a filing under 301 CMR 11.00, the Massachusetts Environmental Policy Act?

Yes  No

If yes, has a Filing been made?

Yes  No



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection – Water Pollution Control  
 Sewer Connections/Extensions

DEP Use Only:

10/13

**BRP WP 13, 14, 17, 18, 55**

Application for Permit for Sewer System Extension  
 or Connection

W045553  
 Permit Number  
Marlborough  
 Town

**B. Project Information (Continued)**

17. Name and Address of Mass. Registered Professional Engineer Designing Proposed System:

Donald E. Martnage, P.E., P.L.S., c/o Martnage Engineering Associates, Inc.

Name

131 Main Street, 3<sup>rd</sup> Floor

Street

Reading

01887

City/Town

Zip Code

(781) 944-4808

20330

Telephone Number

Mass. P.E. Number

**C. Certification**

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment of knowing violations."

(I will be responsible for publication of public notice of the applicable permit proceedings identified under 314 CMR 2.06(1)(a) through (d).)

Mr. Robert W. MacIntyre

Printed Name of Applicant

Director, Corporate Facilities

Title

Robert W. MacIntyre  
 Signature of Applicant

2/24/05  
 Date Signed

Donald E. Martnage, P.E., P.L.S.

Name of Preparer

President

Title

(781) 944-4808

Phone Number



**D. General Conditions**

1. General Conditions

a. All discharge authorized herein shall be consistent with the terms and conditions of this permit and the approved plans and specifications. The discharge of any wastewater at a level in excess of that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit. Such a violation may result in the imposition of civil and/or criminal penalties as provided for in Section 42 of the State Act.

b. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

(1) Violation of any terms or conditions of the permit;



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection – Water Pollution Control  
Sewer Connections/Extensions

**BRP WP 13, 14, 17, 18, 55**

**Application for Permit for Sewer System Extension  
or Connection**

DEP Use Only:

10/14  
W045553  
Permit Number

Marlborough  
Town

**D. General Conditions (Continued)**

- (2) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; and
  - (3) A change in conditions or the existence of a condition which requires either a temporary or permanent reduction or elimination of the authorized discharge.
- c. In the event of any change in control or ownership of facilities from which the authorized discharges originate, the permittee shall notify the succeeding owner or operator of the existence of this permit by letter, a copy of which shall be forwarded to the Director. Succeeding owners or operators shall be bound by all the conditions of this permit, unless and until a new or modified permit is obtained.
  - d. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges; nor does it authorize or relieve the permittee of any liability for any injury to private property or any invasion of personal rights; nor any infringement of Federal, State, or local laws or regulations; nor does it waive the necessity of obtaining any local assent required by law for the discharge authorized herein.
  - e. The provisions of this permit are severable, and the invalidity of any condition or subdivision thereof shall not make void any other condition or subdivision thereof.
  - f. All information and data provided by an applicant or a permittee identifying the nature and frequency of a discharge shall be available to the public without restriction. All other information (other than effluent data) which may be submitted by an applicant in connection with a permit application shall also be available to the public unless the applicant or permittee is able to demonstrate that the disclosure of such information or particular part thereof to the general public would divulge methods or processes entitled to protection as trade secrets in accordance with the provisions of M.G.L. c.21, s.27(7). Where the applicant or permittee is able to so demonstrate, the Director shall treat the information or the particular part (other than effluent data) as confidential and not release it to any unauthorized person. Such information may be divulged to other officers, employees, or authorized representatives of the Commonwealth or the United States Government concerned with the protection of public water or water supplies.
  - g. Transfer of Permits
    - (1) Any sewer system extension or connection permit authorizing an industrial discharge to a sewer system is only valid for the person to whom it is issued, unless transferred pursuant to 314 CMR 7.13. Such permits shall be automatically transferred to a new permittee if:
      - A. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date; and
      - B. The notice includes a written agreement between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them.
    - (2) Any sewer system extension or connection permit not subject to 314 CMR 7.13(1) automatically transfers to a subsequent owner, operator, or occupant.



Massachusetts Department of Environmental Protection  
 Bureau of Resource Protection – Water Pollution Control  
 Sewer Connections/Extensions  
**BRP WP 13, 14, 17, 18, 55**  
 Application for Permit for Sewer System Extension  
 or Connection

DEP Use Only: 10/15  
W045553  
 Permit Number  
Marlborough  
 Town

**D. General Conditions (continued)**

2. Special Conditions

The pump station will be privately  
operated and maintained by the permittee.

**E. Approval Recommended**

Signature and Title of appropriate Municipal Official:

Mr. Doran Crouse

Printed Name of Official

Assistant Commissioner of Public Works

Title

Doran Crouse

Signature

508 624-6910 x7103

Phone Number

10/20/04

Date Signed

**DEP Use Only**

6-1-05  
 Date Issued  
6-1-05  
 Effective Date of Permit

[Signature]  
 Regional Sewer Permits Coordinator

*City of Marlborough*  
*Commonwealth of Massachusetts*

9 //



**PLANNING BOARD**

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

**PLANNING BOARD MINUTES**  
**February 22, 2010**  
**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, February 22, 2010 in Memorial Hall, 3<sup>rd</sup> floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Steven Kerrigan, Phil Hodge, Edward Coveney and Sean Fay. Also present: City Engineer Thomas Cullen.

**MINUTES**

***Meeting Minutes January 25, 2010***

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

To accept and file the amended minutes of January 25, 2010.

***Meeting Minutes February 22, 2010***

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

To accept and file the minutes of February 8, 2010.

**CHAIRS BUSINESS**

Mrs. Lizotte provided the Subdivision Current Status. Mr. Cullen will review the format and "tweak" what is necessary. Mr. Fay stated that the expiration dates of the members should be added as well.

**APPROVAL NOT REQUIRED PLAN**

***Crowley Drive***  
***ANR Submittal***

Attorney Arthur Bergeron presented an ANR plan depicting the lot reconfiguration of the Assabet Ridge Retirement Community and the Metropark Development on Crowley Drive. This new plan shows three new lots and two new parcels as follows:

- Lot 1B with 286,227 S.F. (6.57 AC)
- Lot 2B with 555,306 S.F. (12.75 AC)
- Lot 2A with 304,531 S.F. (6.99 AC)
- Parcel "A" (94,536 S.F.) to be conveyed from Lot 1B to Lot 2B
- Parcel "B" (2,530 S.F.) to be conveyed from Lot 1B to Lot 2B

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

To accept and refer the proposed plan to the City Engineer for his review and recommendation at the next meeting on Monday, March 8, 2010.

***Crowley Drive***  
*Resign ANR*

Mr. Bergeron verbally requested a resigning of the ANR plan that was approved in October 2009. Mr. Bergeron stated that he could not find the plan and would have another Mylar produced for signature. Once the plan has been reproduced, he will then take the plan to the City Engineer for confirmation it matched the plan signed in October and Mr. Cullen will then send the plan to Mrs. Lizotte for re-signature.

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

To have Mr. Bergeron submit a written request; Mr. Cullen review and confirm plan and Mr. Kerrigan will re-sign once the plan is confirmed.

**PUBLIC HEARING**

**SUBDIVISION PROGRESS REPORTS**

***Update from City Engineer***

Mr. Cullen stated there were no major updates at this time.

***Acre Bridge Estates (Blake Circle)***  
*Subdivision Completion*

Through the City Engineers correspondence from October of 2009, the remaining bond amount is \$31,000.00. Mr. Cullen verbally confirmed the amount and stated the subdivision is complete.

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

To accept and file correspondence from the City Engineer, to reduce the bond from \$31,000.00 to \$0.00 and to change the subdivision status to completed.

***Blackhorse Farms, Cider Mill Estates and West Ridge Estates (Fafard Development)***  
*Correspondence from Attorney Roelofs*

On his client's behalf, Attorney Roelofs responded to the Planning Board's question if the subdivision approvals have "lapsed". Based on Mr. Roelofs interpretation of the City of Marlborough's Subdivision Rules and Regulations he stated that it is his opinion the subdivision approvals have not lapsed. He cited the following in his written correspondence:

- Covenants were executed by the Board and the respective developers in connection with original subdivision approvals.

- Covenants were executed to secure the construction of ways and the installation of municipal services pursuant to M.G.L. c.41, S81U.
- The Covenants provided the construction of the ways and municipal services must be completed within 2 years from the date of approval, unless extended by the Board, and the failure to timely complete the work results in or provides a basis for rescission of the approvals.

He also opines that the three subdivisions have been released from the restrictions that were set forth by the respective covenants by monetary performance bonds. He stated that the developers have posted a bond to secure the construction of the ways and the installation of municipal services. He asserts the Board consented to a release of all the lots from the covenants, the covenants and the 2 year construction deadlines set forth in the covenants no longer apply because of the release of the lots by the performance bond. He argued that a 2 year construction deadline applied to the subdivision under the covenants for the subdivision does not apply and has not applied since the Board's release of all the lots from the covenants.

Mr. Roelofs stated that even the 2 year construction deadline set forth in Section III.B.7 of the City of Marlborough's Subdivisions Rules and Regulations is questionable. He cited that nothing in M.G.: c 41 S 81U or even local rules suggested that the failure to meet the deadline would have any impact on the validity of the subdivision approval. As stated by Mr. Roelofs, the only applicable construction deadline to these subdivisions is the 2-year construction deadline set forth in Section III.B.7.a of the City of Marlborough's Subdivisions Rules and Regulations; whether it applies to his clients or the validity of the underlying subdivision approvals.

Mr. Roelofs did state that his client is currently working with the Building and Engineering Officials to identify the remaining work to be completed as well to prioritize a schedule for the completion of work. Once the efforts have progressed, his clients may be submitting a formal extension review request to the Planning Board.

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

To accept and file the correspondence.

Mr. Cullen told the Planning Board that the meeting on February 18, 2010 was attended by himself, Dick Baldelli, Stephen Reid, Donald Rider, Carrie Lizotte, and Sean Fay and from Fafard Development Harry Mack along with Donald Seaberg. Mr. Cullen stated that he felt the developer understood his points and the developers understood the importance of open communication.

Mr. Rider stated that the two attorneys have not come to a consensus and it was his understanding from the meeting that the developers would submit a request for an extension of the subdivision approval.

Mr. Fay said to Mr. Roelofs that his interpretation of the City of Marlborough's Rules and Regulations is incorrect, that his interpretation of the applicable two year language is too restrictive, and that a developer has an affirmative obligation to request an extension and that there is a significant difference in a developer agreeing to seek an extension voluntarily and a developer acknowledging that there is an affirmative obligation to do so. Mr. Fay also stated that the 2 year reference in the Planning Board's rules and regulations, interpreted properly, is a condition precedent to the sufficiency of the form of security selected by the developer, and the expiration of this two year period without a proper extension, and the developer's apparent unwillingness to acknowledge this affirmative obligation calls the sufficiency of the security into question. Mr. Fay also raised the issue with other members of the Board that if the Board accepts Mr. Roelofs' interpretation of the applicable rules and regulations, whether the Board had an affirmative obligation to take the bond. If the developer does not acknowledge its affirmative

obligations, the public's interest is at risk. Mr. Roelofs stated he was responding to the September 30, 2009 letter sent from the Planning Board.

Mr. Fay then explained that is normal procedure for developers to come and request and extension before the two year expiration date. Mr. Fay stated that if the developer's had come in on schedule as required, many of the recent issues could have been addressed.

Mr. Roelofs stated that his clients are willing to come in to request an extension but not to concede an extension is required. His reasoning was that if his clients submitted a request, the Planning Board denying because of the question of subdivision approvals.

Dr. Fenby stated that she is concerned with Mr. Roelofs opinion that an extension is not necessary and disagreed with his conclusion.

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

To asks the developers, city engineer and the city solicitor to continue efforts to identify an amicable solution; place on the agenda for Monday, March 8, 2010.

**Mauro Farms (Cook Lane)**  
*Extension Request*

Martin Loisel submitted a subdivision completion schedule as well as a request for a two year extension.

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

To table any action until March 8, 2010.

**PENDING SUBDIVISION PLANS: Updates and Discussion**

**PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS**

**DEFINITIVE SUBDIVISION SUBMISSIONS**

**SCENIC ROADS**

**SIGNS**

*City Solicitor Correspondence*  
*Proposed Amendment*

The Planning Board has asked the City Solicitor to review the proposed sign amendment that was originally sent to the City Council in early 2009. However with no action by the Council the propose amendment expired on December 31, 2009. The Planning Board would like to resubmit the amendment to the City Council for their consideration.

The Planning Board would like to further amend to sign ordinance to include the Board as an authority, along with the Building Inspector, to enforce the sign ordinance. After explaining why the board could not be included as an enforcing authority, the City Solicitor presented this draft order for the Planning Board to consider:

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 AMENDING CHAPTER 163, ENTITLED "SIGNS," AS FOLLOWS:

- 1. Section 163-2, entitled "Definitions," is hereby amended by adding thereto a definition for the term, "sign contractor," as follows:

SIGN CONTRACTOR: A person, whether doing business as an individual, a sole proprietor, a partnership, a limited liability partnership, a corporation, a limited liability corporation, or any other form of business entity, and including his or her agents, employees, assigns and subcontractors, who erects, alters or re-locates a sign for or on behalf of an owner.

- 2. Section 163-12, entitled "Administration and Penalties," is hereby amended by adding thereto a new paragraph E, entitled "Penalties for Sign Contractor," as follows:

E. PENALTIES FOR SIGN CONTRACTOR

If the Building Inspector or his/her designee determines that a sign contractor has erected, altered or re-located a sign in violation of § 163-3 of this Chapter 163, then, in addition to the remedies provided for in § 163-12.D above as against the sign owner, the Building Inspector or his/her designee may take the following actions as against the sign contractor:

- 1. The Building Inspector or his/her designee may enforce a violation of § 163-3 committed by a sign contractor by assessing a fine of \$100.00. The fine shall be payable to the City of Marlborough, through the City Clerk's office.
- 2. As a non-criminal alternative to the penalty provided in sub-paragraph 1 above, the Building Inspector or his/her designee may, pursuant to M.G.L. c. 40, § 21D, treat violations of § 163-3 by assessing a non-criminal fine of \$150.00 for a first violation; and (2) a non-criminal fine of \$300.00 for each additional violation of § 163-3. A sign contractor commits a separate offense for each day a violation of § 163-3 continues to exist as solely determined by the Building Inspector or his/her designee.
- 3. In the event that a fine assessed pursuant to sub-paragraphs 1 or 2 above remains unpaid by a sign contractor as of the date when said sign contractor submits any new application for a sign permit, the Building Inspector or his/her designee may deny said application and may continue to so deny for so long as said fine remains unpaid.

- 3. The effective date of these amendments shall be thirty (30) days after their approval.

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

To accept and file correspondence.

Mr. Fay stated that he had received comments from Mr. Reid, the Building Commissioner, stating that that he wanted to review the proposed changes, and additional changes that could improve the sign ordinance with Ms. Savoie, the City Planner. It was discussed that this proposed amendment was intended only to provide code enforcement with an additional enforcement tool and that it was the consensus of the board that an amendment coming from the board should only address issues that are within the Board's usual subject matter.

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

To send the proposed amendment to the sign ordinance to the City Council for their consideration.

**INFORMAL DISCUSSION**

**COMMUNICATIONS/CORRESPONDENCE**

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

To adjourn at 8:18 p.m.

**A TRUE COPY**

ATTEST:

  
\_\_\_\_\_  
Steven Kerrigan, Clerk

121



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

Traffic Commission

The Regular Meeting of the Traffic Commission was held on Tuesday, January 26, 2010 at 10:05 a.m. in City Council Committee Room, City Hall. Members present: Chairman Police Chief Mark Leonard, Vice Chairman – DPW Commissioner Ronald LaFreniere, Fire Chief David Adams, City Clerk Lisa Thomas, City Planner Nancy Savoie, Also present: City Engineer Thomas Cullen, Asst. Civil Engineer Tim Collins, Captain Tim Naze – MPD, Officer Bordie Wicks – MPD, City Councilor Ed Clancy, Heather Hagerty of New England Event Management, Kelly Mahoney of Reach Out for Schools and Private Citizens Dr. and Mrs. Steven Hoffman. Minutes taken by: Karen Lambert, MPD Records Clerk.

**1- Minutes**

The minutes of the Traffic Commission meeting of Tuesday, December 22, 2009.

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

**2-New Business**

**2a. Traffic management plan for “Reach Out for Schools” road race on Donald Lynch Blvd., May 2, 2010.**

Heather Hagerty presented a quick overview of the race along with a detailed “Traffic Management Plan”- dated 1/26/10. She indicated that her employer, New England Event Management (NEEM), has been hired by Reach Out for Schools to organize this year’s race. The plan outlines the course description along with all safety measures they intend to incorporate. Heather said that she has been in touch with Capt. Naze with regard to traffic control and safety. They will be requesting 2 – 3 police details and a lead vehicle with flashing hazard lights (either car or motorcycle). The race is scheduled for Sunday morning, May 2, 2010 at 10:00 am. The Mall opens at 12:00pm. The road will not be closed to regular traffic. Digital Credit Union (DCU) is sponsoring the event. It has been a relatively small race in the past with approximately 100 runners. This year they are hoping to increase to 200 – 225 participants. Heather also requested that the Police provide an “electric sign” one week prior to the race alerting residents and shoppers to possible traffic delays. She also asked if they could borrow cones from the city to create

122

a safe lane for runners on Donald Lynch Blvd. Chief Leonard advised that the Police Dept. does not own an electric sign board but has borrowed one from Hudson and the State in the past. Ron LaFreniere advised that the DPW can consider loaning cones, however, they are "a little dated" and he does not believe we have enough for what NEEM has in mind. It appears that they need at least 200 cones. The Commission went on to further discuss the course itself. Chief Leonard and Commissioner LaFreniere expressed some concerns regarding the intersection of Bigelow and Donald Lynch, as it is an extremely busy area. There was also some concern as to whether there was any big event going on at New England Sports Center that day. Heather stated that she has tried to get in touch with them but has not yet been successful. Further discussion went on about the best way to section off Donald Lynch Blvd. for the safety of the runners. Ron LaFreniere asked if Heather could draw up specific plans (a combination of a map with commentary) with the proposed layout for the runners for him to review. Chief Leonard stated that this certainly all seems manageable and that we would be able to find a way to make it all work. Lastly, the Chief indicated that an insurance rider would also be required. Heather said that USA Track & Field would be providing the insurance binders with the appropriate levels required by the City.

MOTION was made, seconded, duly VOTED to REFER back to Heather at NEEM to draw up the specific plans and forward them to Capt. Naze.

**2c) Communication from Councilor, re: Request for stop signs and "Children" signs at several locations in the Baldwin Ave., Cortland St. area.**

Dr. Hoffman, resident at 68 Baldwin, presented the situation to the Commission. He stated that there are many children living in this neighborhood and that the kids (including his 8 year old son) get together to play outside after school mostly along Cortland Ave. and Mackintosh Rd. The basic problem is not with the volume of traffic but the speed at which vehicles travel. He relayed a situation where his son came close to being hit by a truck as it made a quick turn from Baldwin onto Cortland. He went to Counselor Clancy for assistance and is now requesting a combination of stop signs and signs that indicate "slow - children at play" etc.

Chief Leonard advised that he can certainly understand Dr. Hoffman's concerns; however, there are specific obstacles involved. He explained that stop signs need to be warranted by the MUTCD - based on such factors as volume, accident data, road layout and site line issues. Stop signs are not put into place for speed control and the City has really tried to stick to these requirements. Also, the Commission is not comfortable with "slow children" signs for several reasons: 1) they provide a false sense of security 2) there is no enforcement behind them 3) people tend to ignore them and 4) the makeup of neighborhoods is constantly changing. The Chief also indicated that this is a "closed neighborhood". It is not an area that is used at a "cut through" to get to "feeder roadways". Ron LaFreniere advised that if the issue is actually internal to the subdivision perhaps it would be better handled in a neighborhood association format with Councilor Clancy as leader. It would be better to get to the core issue as to why there is speeding in such a small area.

Chief Leonard suggested posting the speed board there in the spring to highlight the fact that speed is a concern in the neighborhood. It could be placed in a few strategic spots over a period of time. The Chief asked if there was a specific time of day that could be

identified for enforcement purposes. Dr. Hoffman said between 3:00 and 5:30pm on weekdays in the good weather and 11 to 4:00pm on the weekends. Dr. Hoffman feels the situation is "an accident waiting to happen". The Chief suggested placing some directed patrols at these specific times in the good weather.

MOTION was made, seconded, duly VOTED to REFER to the POLICE DEPARTMENT for placement of the speed board and directed patrols as the weather permits.

**2b. Parking restrictions/signage on Lincoln St. @ Cross St.**

Engineering received a request from the DPW for the No Parking Regulations at this location so they could replace the No Parking Signs properly. In checking the regulations, Tim Collins found an "overlap". He presented a memo, dated 1/26/10, along with two diagrams – one showing the existing conditions and one with the proposed conditions. The first diagram shows that several areas are designated as both "no parking" and "1 hour parking" areas. Tim has proposed eliminating the 1 hour parking in the overlapping areas and keeping it as a no parking area. Officer Wicks commented that the current signs say "no parking"; however, customers of Bouvier's Pharmacy often park directly in front of the store. He described how dangerous the roadway is at certain times of the day when vehicles are parked on both sides of Lincoln Street., leaving a width of one lane open in the center. At times, the sun drops directly into the eyes of the driver who now can't see approaching vehicles. There is also a school bus stop here. Officer Wicks called this area "a disaster waiting to happen". He said that there is an existing municipal lot directly across the street which has one handicapped spot, however, the crosswalk needs to be repainted and the lot needs some attention. Ron LaFreniere said that the crosswalk can certainly be repainted in the spring. There was further discussion about necessary improvements to the existing lot across the street. He understands Mr. Bouvier's concerns about eliminating parking in front of the Pharmacy, however, citywide concerns need to be taken into account. Perhaps Engineering could put together a list of possible improvements to the lot.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to put together the appropriate regulations as outlined in Tim's memo of 1/26/10 (i.e. eliminating the 1 hour parking from the overlapping areas), and to REFER to the DPW for crosswalk painting in the Spring.

**2d. Communication from Chris Richard, re: request for blind driveway sign at 494 Pleasant Street.**

Tim Collins had taken photos of this location and presented them to the Commission. The photos show the driveway and you can see that the homeowner's view is blocked when backing out. Tim commented that the driveway is wide enough for a vehicle to turn around. Ron LaFreniere advised that this specific area is a state highway and that we can't do anything in this area without the State's permission. It was also noted that the request for a mirror would involve a National Grid pole. A request would need to be made directly to them. It was suggested that Engineering contact Mr. Richard to refer him to the appropriate parties.

MOTION was made, seconded, duly VOTED to REFER to Engineering to contact Mr. Richard with the necessary information.

124

**2e. 2010 Meeting Schedule**

The upcoming schedule was reviewed and approved by the Commission.

**3-Old Business****3c) High School parking regulations.**

Chief Leonard indicated that he has started working on the appropriate regulations.

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

**3a. Long term oversized vehicle ordinance.**

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

**3b. Municipal off street parking regulation.**

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

**3d. Communication from Kenneth Almeida, re: Four way stop request – Porter Rd. @ Phippen Rd.**

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

**3e. Communication from Jim Joubert, re: Stop signs on Bigelow Street.**

MOTION was made, seconded, duly VOTED:  
To TABLE as traffic counts have not yet been completed.

**3f. Traffic Commission rules and regulations update.**

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

**3g. Communication from Kevin Flynn, re: Grant of Authority to enforce traffic regulations at CDA (Community Development Authority) senior housing locations.**

MOTION was made, seconded, duly VOTED:  
To TABLE for now as Tim is still working on this item.

**3h. Request for a loading zone for “Furnishing Options” at 66 Mechanic Street.**

MOTION was made, seconded, duly VOTED:

125

To REMOVE this item from the agenda.

**3i. Request for stop signs on Weed St. at Court St.**

Tim Collins said that the stop signs on Court Street are actually not regulated. They are technically "illegal" signs because vehicles are stopping on the crosswalk. He said that based on the location of the existing crosswalks, the correct location for the STOP sign on Court Street (southbound traffic) and a proposed STOP sign on Weed Street (eastbound traffic) would be 30 feet from the intersection since MUTCD requires that STOP line be placed 4 feet prior to approaching a crosswalk. The group went on to discuss whether the existing stop signs should be eliminated, if traffic on Court should be notified that Weed Street traffic does not stop or if a 4 way stop should be created. The intersection does not specifically meet the warrants for a 4-way stop, however, Tim read the requirements from the manual and there was a section regarding the "Need to control vehicle/pedestrian conflicts". Ron indicated that a 4 way stop at this location does not seem "outrageous" due to the sightline/visibility situation. The stop signs would look strange because they would be 30 feet from the intersection but they would still cause traffic to stop and proceed slowly through the intersection.

MOTION was made, seconded, duly VOTED to REFER back to ENGINEERING to establish the proper stop sign locations.

**3j) Communication from Amy Loveless, re: van parking spaces in front of Senior Center, 240 Main Street.**

It was determined that this area needs to be formally regulated and voted upon before restriping can be done. Three regulations need to be established 1) van parking 2) change 2 hour parking to 30 minute parking and 3) a handicapped parking spot on Newton St. Tim Collins will forward the map and specifications to the Chief.

MOTION was made, seconded, duly VOTED to REFER to Chief Leonard to prepare the formal regulations.

That there being no further business of the Traffic Commission held on this date, meeting adjourned at 11:30 a.m.

Respectfully submitted,  
Karen L. Lambert - Records Clerk, MPD