

REGULAR MEETING
JULY 26, 2010

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2010 JUL 22 P 6: 22

1. Minutes of the City Council Meeting, June 28, 2010.
2. PUBLIC HEARING: On the Application for Wireless Special Permit from Attorney Valeriani, on behalf of Verizon Wireless, to construct a Wireless Communications Facility at 303 Boundary St. as it is located within the Water Supply District, Order No. 10-1002624.
3. PUBLIC HEARING: On the Application for Application for Wireless Special Permit from Attorney Valeriani, on behalf of Verizon Wireless, to permit, construct, operate and maintain a Wireless Communication Facility consisting of a 130' antenna-monopole-tower at 800 Bolton St., Order No. 10-1002623.
4. Communication from the Mayor re: FY2011 Supplemental Budget Reduction Request in the amount of \$1,161,759.00.
5. Communication from the Mayor re: Rescinding Bond associated with Council Order 04-100540.
6. Communication from the Mayor re: a transfer request in the amount of \$27,098.49 which moves funds from Fringes to Head Clerk associated with an employee's retirement.
7. Communication from the Mayor re: transfer request in the amount of \$2,000.00 which moves funds from Library Director to Professional and Technical Services to fund part-time temporary help during the search for a new Library Director.
8. Communication from the Mayor re: Extension of Temporary Appointment of Director for the Council on Aging.
9. Communication from the Mayor re: reappointment of Walter Bonin to the License Commission for a six-year term from date of approval.
10. Communication from the Comptroller re: Summary of Moody's Bond Rating.
11. Communication from the Comptroller re: Refinancing of Two General Obligation Bonds dated June 15, 1999 and June 15, 2001.
12. Communication from the Comptroller re. Notification from the Massachusetts Water Pollution Abatement Trust pertinent to selling \$4,103,500.00 worth of bonds.
13. Communication from the Comptroller re: competitive bids from note underwriters on June 8, 2010 for a \$7,874,957.00 one year bond anticipation note.
14. Communication from the Chief Procurement Officer re: Request for Proposal for Wireless Telecommunication Leasing Project at 115 Onamog St.
15. Communication from the Planning Board re: Proposed Zoning Map Change for Map 78, Parcels 12, 38 & 39 and Map 89, Parcel 77, Order No. 10-1002512A.
16. Application for Special Permit from Attorney Bergeron on behalf of Crosspoint Associates, seeking a 24 hour drive-thru window in connection with a banking institution at 133 East Main St.
17. Application for amended Special Permit from Attorney Gadbois on behalf of Fore Kicks II Inc., seeking the following changes:
 - To be competitive with similar recreation centers within the market area;
 - To attract state and national events;
 - To attract larger regional clients;
 - To accommodate clients who desire to hold fund raising events for its teams;
 - To accommodate clients who desire to hold private parties for its teams;
 - To attract adult teams to participate in adult leagues;
 - To accommodate families who desire to hold private functions such as birthday parties, Christmas parties, bat mitzvahs and similar type private events.

18. Application for Special Permit from MetroPCS Massachusetts LLC, to install a telecommunications facility onto an existing building at 157 Union St.
19. Application for Special Permit from Clear Wireless LLC, to modify wireless communication facility at 115/109 Onamog St.
20. Communication from Andy Candiello on behalf of MetroPCS Massachusetts LLC, re: request to extend time limitations to install a telecommunications facility onto existing pole at 257 Donald Lynch Blvd. to December 22, 2010 at 11:00 PM, Order No. 10-1002416C.
21. Petition from National Grid to install new P.5 and relocate P.4 on Madison St.
22. Communication from Patriot Ambulance re: EMS Education.
23. Communication from Alex Pitocchelli re: Marlborough Youth Lacrosse Fundraiser.
24. Communication from Central Massachusetts Mosquito Control Project re: investigating resident's complaints on June 30, July 8, 14, 21, 28, August 4, 11, 18, 25 and September 1.
25. Minutes, Traffic Commission, May 25, 2010.
26. Minutes, Planning Board, June 7, 2010.
27. Minutes, Board of Assessors, April 14, and July 13, 2010.
28. CLAIMS:
 - A. Nicole Alger, 90 Grove St., pothole or other road defect

REPORTS OF COMMITTEES:

29. ORDERED: That all municipal vehicles be marked with the official city seal and numbered on the back for identification purposes..... Submitted by Councilor Pope

UNFINISHED BUSINESS:

From Personnel Committee

30. **Order No.10-1002434A - Reappointment of Dianne Plummer to the City Scholarship Committee for a term expiring three years from date of confirmation. Recommendation of the Personnel Committee is to approve the reappointment of Dianne Plummer to the City Scholarship Committee for a term of three years from the date of confirmation 2-0 with Councilor Juaire absent.**
31. **Order No.10-1002495 - Reappointments of Edward Clancy and Dennis Demers to the Conservation Commission for three years expiring March 5, 2013. Recommendation of the Personnel Committee is to approve the reappointments of Edward Clancy and Dennis Demers to the Conservation Commission for a term of three years expiring March 5, 2013 2-0 with Councilor Juaire absent.**
32. **Order No.10-1002496 - Reappointment of Linda Clark as Registrar of Voters for a term expiring April 1, 2013. Recommendation of the Personnel Committee is to approve the reappointment of Linda Clark as Registrar of Voters for a term expiring April 1, 2013 2-0 with Councilor Juaire absent.**



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

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

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

JUNE 28, 2010

Regular meeting of the City Council held on Monday, JUNE 28, 2010 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Elder, Juare, Seymour, Clancy, and Landers. Meeting adjourned at 9:35 p.m.

ORDERED: That the minutes of the City Council Meeting June 14, 2010, **FILE**; adopted.

ORDERED: That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does hereby authorize a revolving fund during fiscal year 2011 for park and recreational facility maintenance and improvement purposes to be administered through the Department of Public Works. It is further ordered that:

(a) departmental receipts credited to the fund, unless otherwise directed by the General Laws, shall be limited to: 1) payments, fees and/or rental income due the City from owners of antennae and related telecommunications equipment located or co-located at the wireless communications facility situated on property under the care, custody, management and control of the Department of Public Works at the Easterly Wastewater Treatment Plant at 860 Boston Post Road in Marlborough or any land adjacent thereto; and 2) lease payments and fees due the City from owners of antennae and related telecommunications equipment located on Fairmount Hill; and

(b) that expenditures from said fund shall be limited to the maintenance and improvement of municipal parks and municipal recreational facilities; and

(c) that the Commissioner of Public Works shall be the only officer authorized to approve expenditures from the fund; and

(d) no more than \$50,000.00 shall be expended during fiscal year 2011, unless otherwise authorized by the City Council and Mayor; and

(e) the Commissioner of Public Works shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and

(f) no provisions of this order shall be changed unless approved by the Mayor and City Council, **APPROVED**; adopted.

ORDERED: That the transfer requests in the amount of \$29,501.90 which moves funds from East WWTP Antennae Lease to Park and Recreational Antennae Lease and \$124,170.13 from Fairmount Hill Antennae Lease to Park and Recreational Antennae Lease in anticipation of establishing the new Parks and Recreational Facilities revolving account, **APPROVED**; adopted.

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FROM:

Acct. # 26213601-52415 \$29,501.90
East WWTP Antennae Lease

Acct. # 26240001-52415 \$124,170.13
Fairmount Hill Antennae Lease

TO:

Acct. # 26244401-52415 \$153,672.03
Parks and Recreation Antennae Lease

ORDERED: That the transfer request in the amount of \$500,000.00 which moves funds from Undesignated to IS Equipment to allow necessary upgrades, **DENIED**; adopted.

FROM:

Acct. # 10000-35900 \$500,000.00
Undesignated Fund

TO:

Acct. # 19300006-58618 \$500,000.00
IS Equipment

ORDERED: That the transfer request in the amount of \$3,400.00 which moves funds from Equipment Operators to Overtime-Regular to meet the City's payroll obligation for emergency services rendered, **APPROVED**; adopted.

FROM:

Acct. # 61090001-50740 \$3,400.00
Equipment Operators

TO:

Acct. # 61090003-51310 \$3,400.00
OT Regular

ORDERED: That the reappointments of Diane Halper, Larry Wenzell, Cheryl Desautels, Jackie DiBuono and Ruth Crowell & appointment of Joan Toohey to the Arts Lottery Council with a three year term upon approval, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That the appointment of Edward Hutchinson to the Community Development Authority with a three year term upon approval, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY ADDING TO SECTION 7-13 OF CHAPTER 7 OF ARTICLE II THE FOLLOWING NEW PARAGRAPHS:

Any written claim presented to the City of Marlborough alleging that a residential mailbox has been damaged by the operation of a snow plow shall be granted upon written confirmation provided by the Department of Public Works to the Legal Department that City of Marlborough snow plow operations were in effect during the date when, and on the street where, the claimed mailbox damage occurred; provided, however, that such claim must be accompanied both by an auto-dated photograph(s) of the damaged mailbox as well as by a paid receipt showing the actual cost of the mailbox's repair or replacement; and provided,

further, the maximum amount of reimbursement shall be set at Seventy-Five and 00/100 (\$75.00) Dollars, except that in the absence of such photograph(s) and/or such paid receipt, the maximum amount of reimbursement shall be set at Thirty and 00/100 (\$30.00) Dollars. This paragraph shall be applicable to only those mailbox claims accruing on or after November 1, 2010.

The foregoing amendment to Section 7-13 of Chapter 7 of Article II of the Code of the City of Marlborough, as amended, shall expire on June 30, 2011 unless prior to expiration the City Council determines it is appropriate to extend this amendment beyond June 30, 2011, **APPROVED**; adopted.

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

CITY OF MARLBOROUGH
OFFICE OF CITY CLERK

That the City Clerk be and is herewith directed to have proper notices issued notifying the VOTERS of the City of Marlborough that the **SPECIAL MUNICIPAL WARD FOUR ELECTION** will be held in the polling locations as noted below on **TUESDAY, JULY 13, 2010**.

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

POLLING LOCATIONS ARE AS FOLLOWS:

WARD FOUR: Prec. 1 Boys and Girls Club, 169 Pleasant Street

WARD FOUR: Prec. 2 Boys and Girls Club, 169 Pleasant Street

ORDERED: That the Junk Dealer's License for Bernard Novitch d/b/a Collector's Paradise at 771 Boston Post Rd. East, **REVOKED**; adopted.

ORDERED: That the Junk Dealer's License for Steven Weener d/b/a Thritboro for 344 Boston Post Rd. East, refer to **PUBLIC SERVICE COMMITTEE**; adopted.

ORDERED: That the Public Facilities Director be, and hereby is, authorized to issue a Notice of Award of a contract to the lowest eligible bidder in the amount of \$818,000.00 for the completion of the Sligo Tower Rehabilitation Project; and, further, that the Mayor be, and hereby is, authorized to negotiate and sign said contract, **MOVED TO REPORTS OF COMMITTEES**; adopted.

ORDERED: That the communication from Christopher White re: Disclosure of Financial Interest by Special Municipal Employee and Approval, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JULY 26, 2010** as date for a **PUBLIC HEARING** on the Application for Wireless Special Permit from Attorney Valeriani, on behalf of Verizon Wireless, to permit, construct, operate and maintain a Wireless Communication Facility consisting of a 130' antenna-monopole-tower at 800 Bolton St., refer to **WIRELESS COMMUNICATION COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JULY 26, 2010** as date for a **PUBLIC HEARING** on the Application for Wireless Special Permit from Attorney Valeriani, on behalf of Verizon Wireless, to construct a Wireless Communications Facility at 303 Boundary St. as it is located within the Water Supply District, refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

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ORDERED: That the Communication from Attorney Bergeron, on behalf of Moss Development, requesting to withdraw without prejudice amendment to Chapter 650 of the Code of the City of Marlborough, by adding, in the Table of Lot Area and Yard Requirements for Open Space Development that is part of section 650-28.E(3), after the words "Lot area (square feet)", a Note to read as follows:

"For Open Space Developments of more than 50 acres, the required Lot area may be reduced by as much as 50%, but not below 8,000 square feet per lot, provided that, in that case, the Common Open Space required pursuant to Sec. 650-28.F(6) shall be not less than 50% of the total site.", Order No. 10-1002515A, be **WITHDRAWN WITHOUT PREJUDICE, APPROVED**; adopted.

ORDERED: That the communication from Central Massachusetts Mosquito Control Project re: annual Report 2009, **FILE**; adopted.

ORDERED: That the following **CLAIMS**, be and is herewith refer to the **LEGAL DEPARTMENT**; adopted.

A. Thomas Baldelli, 250 Stevens St., other property damage

B. Mr. & Mrs. Nowakowski, 30 Fowler St., residential mailbox claim

Reports of Committees:

Councilor Delano reported the following out of the Personnel Committee:

Order No.10-1002434A - Reappointment of Dianne Plummer to the City Scholarship Committee for a term expiring three years from date of confirmation. Recommendation of the Personnel Committee is to approve the reappointment of Dianne Plummer to the City Scholarship Committee for a term of three years from the date of confirmation 2-0 with Councilor Juaire absent.

Order No.10-1002495 - Reappointments of Edward Clancy and Dennis Demers to the Conservation Commission for three years expiring March 5, 2013. Recommendation of the Personnel Committee is to approve the reappointments of Edward Clancy and Dennis Demers to the Conservation Commission for a term of three years expiring March 5, 2013 2-0 with Councilor Juaire absent.

Order No.10-1002496 - Reappointment of Linda Clark as Registrar of Voters for a term expiring April 1, 2013. Recommendation of the Personnel Committee is to approve the reappointment of Linda Clark as Registrar of Voters for a term expiring April 1, 2013 2-0 with Councilor Juaire absent.

Suspension of the Rules requested - granted

ORDERED: That the following transfer requests totaling \$18,000 necessary to fund emergency callouts associated with recent water main breaks; **APPROVED**; adopted.

FROM:

Acct. # 61090001-50740

\$14,000.00

Equipment Operators

Acct. # 61090003-51430 Longevity	\$1,000.00
Acct. # 61090003-51920 Sick Leave Buy Back	\$3,000.00
TO: Acct. # 61090003-51310 Overtime Regular	\$14,000.00
Acct. # 61090003-51310 Overtime Regular	\$ 1,000.00
Acct. # 61090003-51310 Overtime Regular	\$ 3,000.00

Suspension of the Rules requested – granted

ORDERED: That the transfer request in the amount of \$687.85 which moves funds from Undesignated to Sick Leave associated with an employee's termination, **APPROVED**; adopted.

FROM:

Acct. # 10000-35900 Undesignated Fund	\$687.85
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TO:

Acct. # 11740003-51920 Sick Leave	\$687.85
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Suspension of the Rules requested – granted TO REMOVE ITEM FROM THE REPORTS OF THE FINANCE COMMITTEE WITH NO RECOMMENDATION.

Suspension of the Rules requested – granted TO ADDRESS ITEM WHICH HAS BEEN REMOVED FROM THE REPORTS OF THE FINANCE COMMITTEE.

ORDERED: That pursuant to the provisions of § 53E1/2 of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2011, reauthorize a revolving fund to be utilized by the Mayor. It is further ordered that:

- A. receipts credited to the fund shall be limited to an emergency dispatch fee due the City pursuant to its contract with Patriot Ambulance, unless otherwise directed by the General Laws; and
- B. that expenditures from said fund shall be limited to public safety training; and
- C. that the Mayor shall be the only officer authorized to approve expenditures from the same; and
- D. no more than forty-five thousand dollars shall be expended during Fiscal Year 2011, unless otherwise authorized by the City Council and Mayor; and
- E. the Mayor shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- F. no provisions of this order shall be changed unless approved by the Mayor and City Council, **APPROVED**; adopted.

Councilor Ferro requested to be recorded in opposition.

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Suspension of the Rules Requested – granted

ORDERED: That pursuant to the provisions of § 53E^{1/2} of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2011, re-authorize the revolving fund utilized by the Public Facilities Department. It is further ordered that:

- A. departmental receipts credited to the fund shall be limited to lease payments and fees due the City from owners of antennae and related telecommunications equipment on property that is maintained by, or assigned or transferred to be maintained by, the Public Facilities Department, unless otherwise directed by the General Laws; and
- B. expenditures from said fund shall be limited to the maintenance and related expenses for Sligo Hill and Stevens Park; and
- C. the Director of Public Facilities shall be the only officer authorized to approve expenditures from the same; and
- D. no more than three hundred thousand dollars shall be expended during Fiscal Year 2011, unless otherwise authorized by the City Council and Mayor; and
- E. the Director of Public Facilities shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- F. no provisions of this order shall be changed unless approved by the Mayor and City Council , **APPROVED**; adopted.

Suspension of the Rules requested – granted TO INCLUDE THE \$9,800.00 DPW TRANSFER REQUEST AS PART OF THE APPROVAL FOR THIS ORDER.

ORDERED: That the following various year-end intra-departmental transfer requests necessary to balance FY10 accounts, **APPROVED**; adopted.

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Library		FISCAL YEAR: 2010							
		FROM ACCOUNT:				TO ACCOUNT:			
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$427.25	\$169.00	16100001	50471	YOUNG ADULT LIBRARIAN	\$169.00	16100003	51920	SICK LEAVE BUY BACK	\$821
Reason:	YOUNG ADULT LIBRARIAN HAS RESIGNED. NO ACTIVITY IS EXPECTED IN THIS ACCOUNT FOR THE REST OF THE FISCAL YEAR.				EXTRA FUNDING REQUIRED TO PAY EARNED SICK LEAVE FOR AN EMPLOYEE WHO HAS JUST RESIGNED.				

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CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:		PUBLIC WORKS				FISCAL YEAR:		2010	
Available Balance	Amount	FROM ACCOUNT:		Account Description:	Amount	TO ACCOUNT:		Account Description:	Available Balance
		Org Code	Object			Org Code	Object		
\$5,765	\$1,000.00	60085006	54340	WWTP - Maintain Machinery	\$1,000.00	60085003	51310	WWTP - Overtime	\$2,570
								Anticipated amount needed for emergency callouts	
\$400	\$200.00	60081003	51940	EWTP - Clothing Allowance	\$200	60081003	51310	EWTP - Overtime	\$2,594
								Anticipated amount needed for emergency callouts	
\$14,328	\$8,600.00	61090001	50460	Water meter reader	\$8,600	61090003	51310	Water - Overtime	\$5,165

CITY OF MARLBOROUGH
BUDGET TRANSFERS
MONTH OF MAY 2010

DEPT: FIRE		FISCAL YEAR:		2010					
Available Balance	Amount	FROM ACCOUNT:		Account Description:	Amount	TO ACCOUNT:		Account Description:	Available Balance
		Org Code	Object			Org Code	Object		
14,816.53	\$474.00	12200001	50130	FIRE CHIEF	\$474.00	12200001	50335	DEPUTY CHIEF	34,344.00
				Reason: Balance available due to new hire at a lower rate				Reason: deficit due to employee working as Acting Chief	
14,816.53	\$406.90	12200001	50130	FIRE CHIEF	\$406.90	12200001	50810	FIRE LIEUTENANT	55,889.60
				Reason: Balance available due to new hire at a lower rate				Reason: anticipated deficit based on FY09 payroll	
14,816.53	\$514.97	12200001	50130	FIRE CHIEF	\$514.97	12200003	51226	FIRST RESPONDER	\$3,174.55
				Reason: Balance available due to new hire at a lower rate				Reason: account not properly funded	
14,816.53	\$52.82	12200001	50130	FIRE CHIEF	\$52.82	12200003	51430	LONGEVITY	\$5,609.74
				Reason: Balance available due to new hire at a lower rate				Reason: account not properly funded	
14,816.53	\$2,794.03	12200001	50130	FIRE CHIEF	\$2,794.03	12200003	51450	NIGHT SHIFT	\$2,794.03
				Reason: Balance available due to new hire at a lower rate				Reason: account not properly funded	

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CITY OF MARLBOROUGH
BUDGET TRANSFERS
MONTH OF MAY 2010

DEPT: FIRE		FISCAL YEAR: 2010							
FROM ACCOUNT:				TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
14,816.53	\$710.23	12200001	50130	FIRE CHIEF	\$710.23	12200003	51300	GROSS OVERTIME	\$469.46
Reason: Balance available due to new hire at a lower rate				Reason: anticipated deficit based on FY09 payroll					
3521.63	\$3,266.63	12200003	51440	EDUCATION INCENTIVE	\$3,266.63	12200003	51300	GROSS OVERTIME	\$469.46
Reason: anticipated increased educational credits did not occur				Reason: anticipated deficit based on FY09 payroll					
8,370.42	\$8,370.42	12200003	51480	EMT	\$8,370.42	12200003	51300	GROSS OVERTIME	\$469.46
Reason: anticipated new EMT's not certified				Reason: anticipated deficit based on FY09 payroll					
9,477.43	\$9,477.43	12200003	51490	HOLIDAY	\$9,477.43	12200003	51300	GROSS OVERTIME	\$469.46
Reason: estimated surplus based on one remaining FY10 holiday				Reason: anticipated deficit based on FY09 payroll					
366,405.84	\$5,915.54	12200001	50450	FIREFIGHTER	\$5,915.54	12200003	51300	GROSS OVERTIME	\$469.46
Reason: unused salaries due to employees out on IOU				Reason: replenish overtime used for coverage of IOU					

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT:		FISCAL YEAR:						
FROM ACCOUNT:				TO ACCOUNT:				
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$368.00	11510006	53880	Registry of Deeds	\$368.00	11510006	57100	Instate Travel	\$132
Reason: Fewer recordings than expected				Reason: More in-state travel than expected				

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Inspectional Services 2410		FISCAL YEAR: 10							
FROM ACCOUNT:				TO ACCOUNT:					
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$375	\$285.00	12410003	51430	Longevity	\$285.00	12410002	51050	Board Secretary	\$58
Reason: Excess available in acct				Reason: Coverage remainder of Planning Board and Zoning Board meetings					
\$3,261	\$250.00	12410004	53180	Professional & Tech Services	\$250	12410002	51050	Board Secretary	\$58
Reason: Excess available in acct				Reason: Coverage remainder of Planning Board and Zoning Board meetings					

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Suspension of the Rules requested – granted to allow the Mayor to speak and to introduce an Order pertinent to the Main St. Fire which occurred on June 26, 2010.

ORDERED: That the transfer request in the amount of \$80,000.00 which moves funds from Undesignated to Main St. Fire (special account for expenses associated with June 26, 2010 Main St. fire) in order to meet immediate expenses associated with same, be and is herewith **APPROVED AND REQUEST THAT THE AUDITOR SUBMIT TO CITY COUNCIL AN ITEMIZED LIST OF EXPENSES/COSTS ON A WEEKLY BASIS PERTINENT TO THIS FIRE**; adopted.

ORDERED: At President Vigeant's request to recess at 9:15 PM and returned to open meeting at 9:23 PM, **APPROVED**; adopted.

ORDERED: The Library transfer requests in the amount of \$4,000.00 as follows to meet payroll requirements for part-time library clerks:
\$2,000.00 from Pages to Part-time Library Clerks,
\$2,000.00 from Full-time Library Clerk to Part-time Library Clerks, **APPROVED**; adopted.

FROM:

Acct. # 16100003-51262 \$2,000.00

Pages

Acct. # 16100003-50860 \$2,000.00

Full-time Library Clerk

TO:

Acct. # 16100003-51261 \$2,000.00

Part-time Library Clerks

Acct. # 16100003-51261 \$2,000.00

Part-time Library Clerks

ORDERED: That the following various year-end inter-departmental transfer requests necessary to balance FY10 accounts, **APPROVED**; adopted.

CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Council on Aging

FISCAL YEAR: 2010

Available Balance	FROM ACCOUNT:				Amount	TO ACCOUNT:			Available Balance	
	Amount	Org Code	Object	Account Description:		Org Code	Object	Account Description:		
\$9,628.79	\$2,913.00	11210002	50590	Executive Secretary	\$1,913.00	15410001	50190	Director of Ederly Affairs	\$1,980.37	
	Reason:	Available funds due to no step increases in FY10					Funds needed for vacation buy-out due to employee's departure			
					\$1,000.00	15410003	51920	Sick Leave Buy Back	\$0.00	
	Reason:						Due to employee upon departure			

1/1

TRANSFER REQUEST

		FROM ACCOUNT			TO ACCOUNT			
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT AVAIL
		Interest on Ban			School Support			
\$ 55,000.00	\$ 23,152.00	13860006	59254	Int BAN	\$ 23,152.00	13100003	51753 Medicare Insurance	\$ 53,207.51
	\$ 4,127.00	13860006	59254	Int BAN	\$ 4,127.00	13100003	57406 Life Insurance	\$ 3,227.58
	\$ 27,279.00				\$ 27,279.00			

Reason: To fund shortfall in budgeted items

TRANSFER REQUEST

		FROM ACCOUNT			TO ACCOUNT			
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT AVAIL
		Interest on Ban			Unemployment			
\$ 55,000.00	\$ 4,624.00	13860006	59254	Int BAN	\$ 4,624.00	11970006	51730 Unemployment	\$ 2,620.00

Reason: To fund shortfall in budgeted item

TRANSFER REQUEST

		FROM ACCOUNT			TO ACCOUNT			
AVAILABLE BALANCE	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT AVAIL
		Interest on Ban			Comptroller			
\$ 55,000.00	\$ 11,500.00	13860006	59254	Int BAN	\$ 11,500.00	11330006	53460 Postage	\$ 2,649.00

Councilor Delano requested to be recorded in opposition.

ORDERED: That the transfer request in the amount of \$13,896.00 which moves funds from Fringes to Sick Leave Buy Back to fund benefits associated with an employee's retirement, **APPROVED**; adopted.

FROM:

Acct. # 11990006-51500 \$13,896.00
Fringes

TO:

Acct. # 14001303-51920 \$13,896.00
Sick Leave Buy Back

1/13

ORDERED: That the transfer request in the amount of \$7,500.00 which moves funds from Junior Civil Engineer to Foreman to fund benefits associated with an employee's retirement, **APPROVED**; adopted.

FROM:

Acct. # 14001101-50710

\$7,500.00

Junior Civil Engineer

TO:

Acct. # 14001301-50690

\$7,500.00

Foreman

ORDERED: That, pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during Fiscal Year 2011, authorize the establishment of a revolving fund to be utilized by the Department of Public Works. It is further ordered that:

(a) departmental receipts credited to the fund shall be limited to payments, fees and/or rental income due the City from owners of antennae and related telecommunications equipment located or co-located at the wireless communications facility ("WCF") situated on property under the care, custody, management and control of the Department of Public Works at the Easterly Wastewater Treatment Plant ("EWTP") at 860 Boston Post Road in Marlborough or any land adjacent thereto and unless otherwise directed by the General Laws; and

(b) expenditures from said fund shall be limited to the maintenance and improvement of municipal parks and playgrounds; and,

(c) the Commissioner of Public Works shall be the only officer authorized to approve expenditures from the fund; and,

(d) no more than \$75,000.00 shall be expended during Fiscal Year 2011, unless otherwise authorized by the City Council and Mayor; and,

(e) priority for expenditure of said payments, fees and/or rental income from the WCF at the EWTP shall, through Fiscal Year 2011, be utilized for the maintenance and improvement of Byrne Field; and,

(f) the Commissioner of Public Works shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and,

(g) no provisions of this order shall be changed unless approved by the Mayor and City Council, **DENIED**; adopted.

ORDERED: That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does hereby re-authorize a revolving fund during fiscal year 2011 for parks and playground improvement purposes to be administered through the Department of Public Works. It is further ordered that:

(a) departmental receipts credited to the fund shall be limited to lease payments and fees due the City from owners of antennae and related telecommunications equipment located on Fairmount Hill; and

~~(b) expenditures from said fund shall be limited to the maintenance and improvement of neighborhood parks and playgrounds, and that priority for such expenditures shall, through fiscal year 2011, be utilized for the maintenance and improvement of Artemus Ward Park; and~~

1/14

- (c) the Commissioner of Public Works shall be the only officer authorized to approve expenditures from the fund; and
- (d) no more than \$100,000.00 shall be expended during fiscal year 2011, unless otherwise authorized by the City Council and Mayor; and
- (e) the Commissioner of Public Works shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (f) no provisions of this order shall be changed unless approved by the Mayor and City Council, **DENIED**; adopted.

ORDERED: That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does hereby re-authorize a revolving fund during fiscal year 2011 for Geographical Information System (GIS) purposes to be administered by the Department of Public Works. It is further ordered that:

- (a) departmental receipts credited to the fund shall be limited to payments and fees due the City from those who purchase data and related copy-written material that has been created by the City of Marlborough Geographical Information System, unless otherwise directed by the General Laws; and
- (b) expenditures from said fund shall be limited to the maintenance, improvement and related expenses for the maintenance and improvement of the City of Marlborough Geographical Information System; and
- (c) the Commissioner of Public Works shall be the only officer authorized to approve expenditures from the fund; and
- (d) no more than \$10,000.00 shall be expended during fiscal year 2011, unless otherwise authorized by the City Council and Mayor; and
- (e) the Commissioner of Public Works shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (f) no provisions of this order shall be changed unless approved by the Mayor and City Council, **DENIED AND RETURN THE BALANCE OF \$2,467.02 TO THE GENERAL FUND**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:35 p.m.; adopted.



IN CITY COUNCIL

2

JUNE 28, 2010

Marlborough, Mass., _____

ORDERED:

That there being no objection thereto set **MONDAY, JULY 26, 2010** as date for a **PUBLIC HEARING** on the Application for Wireless Special Permit from Attorney Valeriani, on behalf of Verizon Wireless, to construct a Wireless Communications Facility at 303 Boundary St. as it is located within the Water Supply District, be and is herewith refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER 10-1002624



IN CITY COUNCIL

3

JUNE 28, 2010

Marlborough, Mass., _____

ORDERED:

That there being no objection thereto set **MONDAY, JULY 26, 2010** as date for a **PUBLIC HEARING** on the Application for Wireless Special Permit from Attorney Valeriani, on behalf of Verizon Wireless, to permit, construct, operate and maintain a Wireless Communication Facility consisting of a 130' antenna-monopole-tower at 800 Bolton St., be and is herewith refer to **WIRELESS COMMUNICATION COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER 10-1002623



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. Halmit 4
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

July 22, 2010

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

RE: Supplemental Budget Reduction Request

Honorable President Vigeant and Councilors:

I am submitting herewith a FY2011 Supplemental Budget Order requesting a reduction in the amount of \$1,161,759.00.

This past June, the city refunded the 1999 and 2001 General Obligation Bonds associated with school construction. Up until this fiscal year, principal and interest payments for the 1999 bond were paid partially by an annual state grant in the amount of \$1,161,759.00 and partially from city funds. You may recall that the General Obligation Refunding Bonds were sold subsequent to the FY11 budget submittal. Therefore, as required, the 2011 budget includes the 1999 debt service payment.

To ensure that we do not add to the tax levy, I am requesting that City Council approve the reduction of the 1999 debt service payments previously approved in the 2011 budget.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

4
2



CITY OF MARLBOROUGH
IN CITY COUNCIL

FISCAL YEAR 2011 SUPPLEMENTARY BUDGET

REASON FOR PROPOSED EXPENDITURES

To Reduce the FY 99 Debt Service by the School
Construction Aid provided by State Grant

ORDERED:

That the following sum, designated as City appropriations, is hereby reduced as a supplementary budget in the City of Marlborough: one million one hundred sixty one thousand seven hundred fifty nine dollars (\$1,161,759).

This sum is to be removed from the budgetary line items as defined below:

Account Number	Description	Amount
13800006-59948	1999 Multi Purpose	- \$ 792,000
13850006-58948	1999 Multi Purp Int	- \$ 369,759
Total		- \$ 1,161,759



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. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

July 21, 2010

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

RE: Rescind Bond associated with Council Order 04-100540

Honorable President Vigeant and Councilors:

I respectfully request that Council rescind the bond associated with the purchasing of land known as Frye land. The funds associated with order number 04-100540 are no longer necessary.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

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ORDERED:

That City Council Order number 04-100540 authorizing the appropriation of \$495,000 dollars for the purpose of purchasing land known as Frye Land through the issuance of Bonds is hereby rescinded.



City of Marlborough
Office of the Mayor

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

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

July 21, 2010

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

RE: Transfer Request Retirement Benefits - Clerk's Office

Honorable President Vigeant and Councilors:

I am submitting herewith the following transfer request:

Transfer in the amount of \$27,098.49 moving funds from Account No. 11990006-51500 (Fringes) to Account No. 11620002-50550 (Head Clerk).

The transfer is necessary to pay budgeted expenses associated with an employee's retirement. As always, please feel free to contact me with any questions or concerns.

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

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TRANSFER REQUEST

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	TO ACCOUNT	AMOUNT	ORG CODE	OBJECT ACCOUNT DESCRIP	AMOUNT AVAIL
\$ 80,000.00	\$ 27,098.49	11990006	51500	Fringes	27,098.49	11620002	50550	Head Clerk	\$ 46,148.00
				General Government				Election	
						\$ 27,098.49			

Reason: To fund benefits associated with employees retirement.



City of Marlborough
Office of the Mayor

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

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

July 20, 2010

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

RE: Transfer Request – Library

Honorable President Vigeant and Councilors:

I am submitting herewith the following transfer request:

Transfer in the amount of \$2,000.00 moving funds from Account No. 16100001-50230 (Library Director) to Account No. 16100004-53180 (Professional & Technical Services).

The transfer is necessary to fund part-time temporary help during the search for a new Library Director. As always, please feel free to contact me with any questions or concerns.

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

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CITY OF MARLBOROUGH
BUDGET TRANSFERS --

DEPT: Library

FISCAL YEAR: 2011

FROM ACCOUNT:

TO ACCOUNT:

Available Balance

Available Balance

Amount

Amount

Org Code Object

Account Description:

\$66,282.00

\$2,000.00

16100001

50230

Library Director

\$2,000.00

16100004

53180

Prof & Tech Services

\$0

Reason: Library Director has resigned and position will be unfilled for the near future

Funding needed to hire part-time temporary help during the search for a new Director.

Reason:

Reason:

Reason:

Department Head signature:

Mayor's signature:

John G. ...



City of Marlborough
Office of the Mayor

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

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

July 22, 2010

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

RE: Extension to Temporary Appointment to Director, Council on Aging

Honorable President Vigeant and Councilors:

As you are aware, during the search for a new Council on Aging (COA) Director, Jack Gracey has been serving as Acting Director. I have requested that Mr. Gracey continue in this temporary position up to an additional 60 days.

The COA Director position has been advertised, resumes have been initially reviewed and a search committee team is ready to begin screening and interviewing candidates. It is my expectation to submit a recommendation for your consideration for the August 23 or September 13 City Council meeting.

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
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

July 21, 2010

Arthur G. Vigeant, President
Marlborough City Council
Marlborough City Hall – 2nd Floor
140 Main Street
Marlborough, MA 01752

RE: License Commission-Reappointment

Honorable President Vigeant and Councilors:

I am submitting for your approval the reappointment of Walter Bonin to the License Commission. Mr. Bonin's appointment is for a six-year term from the date of approval.

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

Sincerely,

Nancy E. Stevens
Mayor



RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2010 JUL 21 P 4: 32

10

CITY OF MARLBOROUGH
OFFICE OF THE COMPTROLLER/TREASURER
140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
VOICE (508) 460-3731 FACSIMILE (508) 481-5180 TDD (508) 460-3610

July 26, 2010

President and Members
Marlborough City Council

RE: Summary of Moody's Bond Rating

Dear President and Members:

This is to notify you that Moody's has changed its rating scale to a new Global rating scale. This change has resulted in a change of Marlborough's bond rating from a Aa3 to an Aa2 rating. An Aa2 rating is higher.

Yours truly,

Thomas J. Abel
Comptroller/Treasurer



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CITY OF MARLBOROUGH

2010 JUL 21 P 4 32

CITY OF MARLBOROUGH
OFFICE OF THE COMPTROLLER/TREASURER
140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
VOICE (508) 460-3731 FACSIMILE (508) 481-5180 TDD (508) 460-3610

July 26, 2010

President and Members
Marlborough City Council

Dear President and Members,

This is to notify you that, on June 15, 2010, the City of Marlborough successfully refinanced two General Obligation Bonds dated June 15, 1999 and June 15, 2001. The city reduced the principal amount of these bonds from \$16,154,789 with an average interest rate of 5% to a principal amount of \$ 6,540,000 with an average interest rate of 2.30%. The principal reduction was due to an advanced payment of \$9.6 million dollars of school construction assistance funds from the state. Marlborough received six bids on the bonds from major investment firms with Hutchinson, Shockey, Early & Co. submitting the winning bid with an average interest rate of 2.320%. Over the life, of the bond the refunding has a gross savings of \$12,691,519 and a net savings of \$3,076,731 (present value \$1,668,840) after subtracting the state assistance funds.

Prior to the sale, Standard & Poor's and Moody's reviewed the city's bond offering, conducted interviews with me and affirmed the City of Marlborough's bond ratings of AA+ and Aa2 respectively.

In affirming Marlborough's bond rating of AA+ with a stable outlook; Standard and Poor's made specific reference to the following:

- 1) The stable local economy with a sound commercial and retail base coupled with access to a broad employment base;
- 2) Favorable unemployment averages and strong income levels;

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- 3) Very strong market value and significant unused levy capacity;
- 4) Very strong reserves.

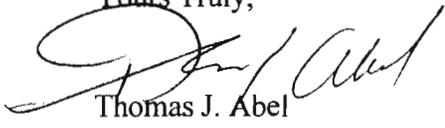
In affirming Marlborough's bond rating of Aa2, Moody's made specific reference to the following:

- 1) Marlborough's healthy financial position;
- 2) Excess levy capacity and sizable reserves;
- 3) Sizeable tax base supported by healthy commercial base;
- 4) Low debt position.

Both agencies cited Marlborough's above average wealth and income and favorable debt position as positive credit factors.

Marlborough received six bids from major financial institutions located in five different states. This type of interest and activity in our bonds in the current economic climate continues to demonstrate the desirability of our bond issues and the bond market access Marlborough enjoys.

Yours Truly,



Thomas J. Abel
Comptroller/Treasurer



12,
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CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2010 JUL 21 P 4: 32

CITY OF MARLBOROUGH
OFFICE OF THE COMPTROLLER/TREASURER
140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
VOICE (508) 460-3731 FACSIMILE (508) 481-5180 TDD (508) 460-3610

July 26, 2010

President and Members
Marlborough City Council

Dear President and Members,

This is to notify you that, on June 20, 2010 the City of Marlborough was notified that the Massachusetts Water Pollution Abatement Trust would be selling \$4,103,500 worth of bonds on or about July 8, 2010 (see attachment A). The 4.1 million dollar bond is associated with the 33.7 million dollar Westerly Waste Water Treatment Plant upgrade bond. On January 27, 2010, the MWPAT had told the city it would be selling 22 million dollars worth of bonds and we were to budget for payments to begin in FY 11 (see attachment B). The FY 11 budget was submitted and approved with a payment of \$445,304 interest and \$878,006 principal for the 22 million dollar bond. It now appears that the amount required to pay the MWPAT bond payment for FY11 is \$21,348. This results in \$1,301,962 in excess funding for the WWTP bond in the FY 11 budget.

Yours Truly,

Thomas J. Abel
Comptroller/Treasurer



CWS-08-05
122

MASSACHUSETTS WATER POLLUTION ABATEMENT TRUST

January 27, 2010

Mr. Tom Abel, Comptroller/Treasurer
Marlborough City Hall
140 Main St.
Marlborough, MA 01752

Loan Agreement - Letter of Instructions

At a recent meeting of the Board of Trustees of the Massachusetts Water Pollution Abatement Trust, the Loan(s) from the Trust to your local governmental unit described in the enclosed Loan Agreement(s) were approved. I am pleased to inform you that your Loan has been granted federal stimulus funding in the form of forgiveness of all or a portion of the principal of your Loan.

As a subrecipient of federal stimulus funding under the American Recovery and Reinvestment Act of 2009 (ARRA), you, the Borrower, and your associated Projects are subject to certain restrictions and requirements of the ARRA.

**THE TRUST'S DEADLINE TO RECEIVE ALL SIGNED
AND COMPLETED DOCUMENTS IS FEBRUARY 5TH.**

In order to continue the process of your Loan(s), please perform the following steps regarding the enclosed documents.

Project Regulatory Agreement(s) - Four (4) copies enclosed for each Project to be financed or refinanced by loans.

- Please review agreement. Note the "Special Conditions ARRA" in Exhibit C.
- Please sign all copies and return three (3) copies to the undersigned

Loan Agreement(s) - Three (3) copies enclosed for each loan.

- Please review the agreement. Note the "Additional Covenants and Conditions" in Schedule B.
- An estimate of the amount of your principal forgiveness is shown in Schedule C - Preliminary Structuring Analysis.
- Please sign all copies and return two (2) copies to the undersigned

Other Notable Changes

To assist us with meeting our accountability and transparency requirements under the ARRA, you must:

A

No. 1

United States of America

\$24,004,412

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CITY OF MARLBOROUGH, MASSACHUSETTS
INTERIM LOAN NOTE

PRINCIPAL AMOUNT: Twenty-Four Million Four Thousand Four Hundred Forty-Two and 00/100 Dollars (\$24,004,412)

MATURITY DATE: December 31, 2010

INTEREST RATE: 0.25 percent per annum

LOAN ORDER

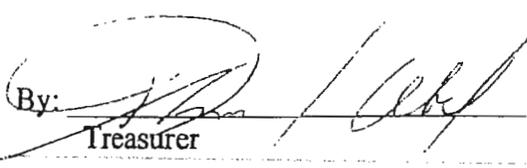
CITY OF MARLBOROUGH, MASSACHUSETTS (the "Issuer"), for value received, promises to pay to the Massachusetts Water Pollution Abatement Trust (the "Trust"), upon presentation and surrender hereof, the Principal Amount specified above, or such lesser amount as shall have been advanced from time to time to the Issuer on account of this note in accordance with the Loan Agreement hereinafter referred to, on the Maturity Date specified above or, if earlier or later, the Closing Date determined in accordance with the Loan Agreement, at the principal corporate trust office of U.S. Bank National Association, in the City of Boston, Massachusetts, with interest meanwhile at the Interest Rate specified above on the outstanding amount of advances made on account of this note payable at maturity. The date and amount of each advance made on account of this note shall be endorsed on the Schedule of Advances on the reverse hereof by an authorized officer of the Trust. Interest on each advance shall accrue from the date of such advance calculated on the basis of the actual days elapsed and a 365/366-day year.

This note is issued pursuant to Chapter 29C and Chapter 44 of the Massachusetts General Laws, as amended, for the purpose of financing costs of a water pollution abatement project in anticipation of the proceeds of the issuance and sale of local government obligations by the Issuer to the Trust under and pursuant to Loan Agreement No. CWS-08-25 dated as of December 16, 2009 between the Trust and the Issuer (the "Loan Agreement"). This note is a general obligation of the Issuer, and the full faith and credit of the Issuer are pledged to the payment of the principal of and interest on this note.

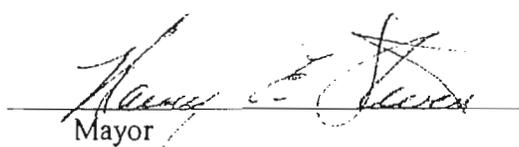
Dated: February __, 2010

CITY OF MARLBOROUGH, MASSACHUSETTS

(Seal)

By: 
Treasurer

Countersigned:


Mayor

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Massachusetts Water Pollution Abatement Trust
 Water Pollution Abatement and Drinking Water Revenue Bonds
 ARRA Principal Forgiveness Program
 Preliminary Structuring Analysis

DRAFT

Loan Term (in Years) 20
 Loan Amount \$24,004,442
 ARRA Principal Forgiveness Estimate** \$2,208,409
 Amount to be Repaid \$21,796,033
 Loan Rate 2.0%

Exhibit A

BORROWER Mariborough
 LOAN NUMBER CWS-09-25

Initial Loan Obligation: 24,004,442.00

Date	Schedule of Loan Repayments*			Administrative Fee (0.15%)	Loan Origination Fee (\$7.5/1000)	Total Due	Annual Loan DS
	Principal	Interest	Total				
31-Dec-09							
15-Jul-10	878,005.20	236,123.69	1,114,128.90	16,347.03	163,470.25	1,293,946.17	
15-Jan-11		209,180.28	209,180.28	15,688.52		224,868.80	1,323,309.18
15-Jul-11	914,089.51	209,180.28	1,123,269.79	15,688.52		1,138,958.31	
15-Jan-12		200,039.39	200,039.39	15,002.95		215,042.34	1,323,309.18
15-Jul-12	932,555.97	200,039.39	1,132,595.35	15,002.95		1,147,598.31	
15-Jan-13		190,713.83	190,713.83	14,303.54		205,017.36	1,323,309.18
15-Jul-13	651,395.48	190,713.83	1,142,109.31	14,303.54		1,156,412.85	
15-Jan-14		181,198.87	181,198.87	13,589.99		194,788.86	1,323,309.18
15-Jul-14	870,815.59	181,198.87	1,151,814.46	13,589.99		1,165,404.45	
15-Jan-15		171,493.72	171,493.72	12,862.03		184,355.74	1,323,309.18
15-Jul-15	990,223.98	171,493.72	1,161,717.70	12,862.03		1,174,579.73	
15-Jan-16		161,591.48	161,591.48	12,119.38		173,710.84	1,323,309.18
15-Jul-16	1,010,228.51	161,591.48	1,171,819.99	12,119.38		1,183,939.35	
15-Jan-17		151,489.19	151,489.19	11,381.89		162,870.98	1,323,309.18
15-Jul-17	1,030,637.17	151,489.19	1,182,126.36	11,381.89		1,193,488.05	
15-Jan-18		141,182.82	141,182.82	10,588.71		151,771.53	1,323,309.18
15-Jul-18	1,051,458.12	141,182.82	1,192,640.94	10,588.71		1,203,229.65	
15-Jan-19		130,868.24	130,868.24	9,800.12		140,668.36	1,323,309.18
15-Jul-19	1,072,899.70	130,868.24	1,203,767.94	9,800.12		1,213,168.08	
15-Jan-20		119,941.24	119,941.24	8,995.59		128,936.83	1,323,309.18
15-Jul-20	1,094,370.40	119,941.24	1,214,311.64	8,995.59		1,223,307.24	
15-Jan-21		108,997.54	108,997.54	8,174.82		117,172.35	1,323,309.18
15-Jul-21	1,116,478.89	108,997.54	1,225,476.43	8,174.82		1,233,651.25	
15-Jan-22		97,832.75	97,832.75	7,337.48		105,170.20	1,323,309.18
15-Jul-22	1,139,034.02	97,832.75	1,236,866.77	7,337.48		1,244,204.23	
15-Jan-23		86,442.41	86,442.41	6,483.18		92,925.59	1,323,309.18
15-Jul-23	1,162,044.81	86,442.41	1,248,487.22	6,483.18		1,254,970.40	
15-Jan-24		74,821.98	74,821.98	5,611.85		80,433.81	1,323,309.18
15-Jul-24	1,185,520.47	74,821.98	1,260,342.42	5,611.85		1,265,954.07	
15-Jan-25		62,988.75	62,988.75	4,722.51		67,711.26	1,323,309.18
15-Jul-25	1,208,470.37	62,988.75	1,271,459.12	4,722.51		1,276,181.63	
15-Jan-26		50,872.05	50,872.05	3,815.40		54,687.45	1,323,309.18
15-Jul-26	1,233,804.12	50,872.05	1,284,676.17	3,815.40		1,288,491.57	
15-Jan-27		38,533.01	38,533.01	2,889.98		41,422.99	1,323,309.18
15-Jul-27	1,258,831.47	38,533.01	1,297,364.48	2,889.98		1,300,254.46	
15-Jan-28		25,944.70	25,944.70	1,945.85		27,890.55	1,323,309.18
15-Jul-28	1,284,282.41	25,944.70	1,310,227.11	1,945.85		1,312,172.96	
15-Jan-29		13,102.07	13,102.07	982.68		14,084.73	1,323,309.18
15-Jul-29	1,310,207.11	13,102.07	1,323,309.18	982.68		1,324,291.84	
15-Jan-30							1,323,309.18
15-Jul-30							
15-Jan-31							
15-Jul-31							
15-Jan-32							
15-Jul-32							
15-Jan-33							
15-Jul-33							
15-Jan-34							
15-Jul-34							
15-Jan-35							
15-Jul-35							
15-Jan-36							
15-Jul-36							
15-Jan-37							
15-Jul-37							
15-Jan-38							
15-Jul-38							
15-Jan-39							
15-Jul-39							
15-Jan-40							
15-Jul-40							
	21,796,033	4,870,150.26	26,666,183.60	348,889.02	163,470.25	26,978,552.88	26,468,183.60

* Notwithstanding the schedule of Loan Repayments set forth above, until the Loan is refinanced with proceeds of bonds to be issued by the Trust interest shall accrue at the Discount Rate set forth in the Loan Agreement only on that portion of the Loan that has been disbursed to or for the account of the Borrower, payable on the date of such refinancing. Thereafter, Loan Repayments shall be payable on the Loan in accordance.

** This project may qualify for principal forgiveness pursuant to the American Recovery and Reinvestment Act (ARRA). To qualify, all requirements of ARRA must be met by February 17, 2010. Principal forgiveness shown on this schedule is an estimate, and is not a guarantee.

Drew Budget two parts in F111??



MASSACHUSETTS WATER POLLUTION ABATEMENT TRUST

125 |

June 20, 2010

Mr. Tom Abel, Comptroller/Treasurer
Marlborough City Hall
140 Main St.
Marlborough, MA 01752

Loan Closing Instructions

Dear Mr. Abel,

The Massachusetts Water Pollution Abatement Trust expects to fund the following Loan(s) to your local governmental unit on July 8, 2010 in accordance with the Loan Agreement(s) between the Trust and your community.

<u>Loan No.</u>	<u>Initial Loan Obligation</u>	<u>Loan Term</u>
CWS-08-25	\$4,013,500	20

Attached to this letter is your final Schedule(s) of Loan Repayments, Administrative Fees and Origination Fees for your Loan(s). As provided in Section 4 of the Loan Agreement(s), the final Schedule of Loan Repayments will be attached to the Loan Agreement(s) as Schedule C thereto in substitution for the pro-forma table previously furnished to you.

All Loans will be closed in escrow prior to July 8, 2010, the date of the Bond Closing. Accordingly, **not later than July 2, 2010** each of the following instruments and certificates, and interim loan interest payments, if any, must be delivered to the Trust; 3 Center Plaza, Suite 430 / Boston, MA 02108.

1. Local Governmental Obligation(s). The original, executed (and sealed) Local Governmental Obligation(s), in principal amount equal to the Initial

B

Massachusetts Water Pollution Abatement Trust
 Water Pollution Abatement and Drinking Water Revenue Bonds
 State Revolving Fund Bonds

SCHEDULE C

124

Series 1f

Marlborough
CWS-08-25

Preliminary Structuring Analysis

Loan Interest Rate	2.00%
ARRA Principal Forgiveness*	2,813,483
Total Loan Amount	4,013,500

Schedule of Loan Repayments

Initial Loan Obligation: \$1,200,037.00

Date	Schedule of Loan Repayments			Admin. Fee 0.00075	Loan Origination Fee	Total Due
	Principal	Interest	Total			
08-Jul-10						
15-Jan-11	\$0.00	\$12,467.05	\$12,467.05	\$900.03	7,980.25	\$21,347.33
15-Jul-11	49,290.00	12,000.37	61,290.37	900.03		62,190.40
15-Jan-12	0.00	11,507.47	11,507.47	863.08		12,370.53
15-Jul-12	60,288.00	11,507.47	81,793.47	863.08		82,656.53
15-Jan-13	0.00	11,004.81	11,004.81	825.35		11,829.86
15-Jul-13	51,302.00	11,004.81	62,306.81	825.35		63,131.96
15-Jan-14	0.00	10,491.59	10,491.59	788.87		11,278.46
15-Jul-14	52,338.00	10,491.59	62,829.59	788.87		63,618.46
15-Jan-15	0.00	9,988.21	9,988.21	747.82		10,715.83
15-Jul-15	53,386.00	9,988.21	63,384.21	747.82		64,111.83
15-Jan-16	0.00	9,434.25	9,434.25	707.57		10,141.82
15-Jul-16	54,474.00	9,434.25	63,908.25	707.57		64,615.82
15-Jan-17	0.00	8,889.51	8,889.51	668.71		9,558.22
15-Jul-17	55,575.00	8,889.51	64,464.51	668.71		65,131.22
15-Jan-18	0.00	8,333.78	8,333.78	625.03		8,958.79
15-Jul-18	66,898.00	8,333.78	65,031.78	625.03		65,656.79
15-Jan-19	0.00	7,788.78	7,788.78	582.51		8,349.29
15-Jul-19	57,843.00	7,788.78	65,608.78	582.51		66,192.29
15-Jan-20	0.00	7,188.35	7,188.35	539.13		7,727.48
15-Jul-20	59,011.00	7,188.35	66,199.35	539.13		66,738.48
15-Jan-21	0.00	6,588.24	6,588.24	494.87		7,093.11
15-Jul-21	60,204.00	6,588.24	66,802.24	494.87		67,297.11
15-Jan-22	0.00	5,988.20	5,988.20	449.72		6,445.92
15-Jul-22	81,420.00	5,988.20	87,418.20	449.72		87,865.92
15-Jan-23	0.00	5,382.00	5,382.00	403.65		5,785.65
15-Jul-23	62,861.00	5,382.00	68,043.00	403.65		68,446.65
15-Jan-24	0.00	4,755.39	4,755.39	358.65		5,112.04
15-Jul-24	63,927.00	4,755.39	68,682.39	358.65		69,039.04
15-Jan-25	0.00	4,118.12	4,118.12	308.71		4,424.83
15-Jul-25	65,218.00	4,118.12	69,334.12	308.71		69,642.83
15-Jan-26	0.00	3,483.84	3,483.84	258.80		3,723.74
15-Jul-26	66,538.00	3,483.84	69,999.84	258.80		70,258.74
15-Jan-27	0.00	2,798.58	2,798.58	208.89		3,008.47
15-Jul-27	87,880.00	2,798.58	70,678.58	208.89		70,888.47
15-Jan-28	0.00	2,119.78	2,119.78	158.98		2,278.78
15-Jul-28	69,251.00	2,119.78	71,370.78	158.98		71,529.78
15-Jan-29	0.00	1,427.27	1,427.27	107.05		1,534.32
15-Jul-29	70,850.00	1,427.27	72,077.27	107.05		72,184.32
15-Jan-30	0.00	720.77	720.77	54.08		774.83
15-Jul-30	72,077.00	720.77	72,797.77	54.08		72,851.83
15-Jan-31	0.00	0.00	0.00	0.00		0.00
15-Jul-31	0.00	0.00	0.00	0.00		0.00
15-Jan-32	0.00	0.00	0.00	0.00		0.00
15-Jul-32	0.00	0.00	0.00	0.00		0.00
15-Jan-33	0.00	0.00	0.00	0.00		0.00
15-Jul-33	0.00	0.00	0.00	0.00		0.00
15-Jan-34	0.00	0.00	0.00	0.00		0.00
15-Jul-34	0.00	0.00	0.00	0.00		0.00
15-Jan-35	0.00	0.00	0.00	0.00		0.00
15-Jul-35	0.00	0.00	0.00	0.00		0.00
15-Jan-36	0.00	0.00	0.00	0.00		0.00
15-Jul-36	0.00	0.00	0.00	0.00		0.00
15-Jan-37	0.00	0.00	0.00	0.00		0.00
15-Jul-37	0.00	0.00	0.00	0.00		0.00
15-Jan-38	0.00	0.00	0.00	0.00		0.00
15-Jul-38	0.00	0.00	0.00	0.00		0.00
15-Jan-39	0.00	0.00	0.00	0.00		0.00
15-Jul-39	0.00	0.00	0.00	0.00		0.00
15-Jan-40	0.00	0.00	0.00	0.00		0.00
15-Jul-40	0.00	0.00	0.00	0.00		0.00
15-Jan-41	0.00	0.00	0.00	0.00		0.00
15-Jul-41	0.00	0.00	0.00	0.00		0.00
	\$1,200,037.00	\$298,393.06	\$1,498,430.08	\$20,094.52	\$7,980.25	\$1,496,504.83

*This Project may qualify for principal forgiveness under the American Recovery and Reinvestment Act of 2009 ("ARRA") upon issuance of a Project Completion Certificate. To qualify for principal forgiveness, the Borrower must comply with the requirements of ARRA listed on Schedule B of this Loan Agreement.

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2010 JUL 21 P 4: 32



CITY OF MARLBOROUGH
OFFICE OF THE COMPTROLLER/TREASURER
140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
VOICE (508) 460-3731 FACSIMILE (508) 481-5180 TDD (508) 460-3610

July 26, 2010

President and Members
Marlborough City Council

Dear President and Members,

This is to notify you that the City of Marlborough received competitive bids from note underwriters on Tuesday, June 8, for a \$7,874,958 one year bond anticipation note. Wells Fargo Bank provided the lowest of the eight bids received on the notes with a net interest rate of **point** four, five, three, three percent (.4533%). As you know, proceeds of the notes will be used to finance school equipment, departmental equipment, street construction, sewer and drainage construction, water construction, and other various capital projects.

Prior to the sale, Standard & Poor's and Moody's Investor Service, two municipal credit rating agencies, assigned the notes ratings of SP1+ and MIG1, the highest short-term ratings attainable.

Marlborough continues to attract numerous bids on its notes and continues to enjoy a very favorable rating.

Yours Truly,


Thomas J. Abel
Comptroller/Treasurer



City of Marlborough
Legal Department

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

DONALD V. RIDER, JR. 141
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER
CHIEF PROCUREMENT OFFICER

DENISE M. LINDBERG
PARALEGAL

July 22, 2010

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

**RE: Request for Proposals for Wireless Telecommunications Leasing Project
At Fairmount Hill Water Tank, 115 Onamog Street
Assessors' Map 81, Parcel 238**

President and Members:

Proposals were due for the above-referenced tower site on July 22, 2010. The City received one proposal from Clear Wireless LLC, a Nevada Limited Liability Company ("Clearwire") located at 4400 Carillon Point, Kirkland, WA 98033, in the amount of \$25,000.00 for the first year of the lease, increasing annually by three (3%) on each anniversary of the Rent Commencement Date. The value of the lease is \$464,973.06 over the fifteen-year term. The initial term of the lease is five (5) years with the option to extend for two additional five (5)-year terms.

I seek your approval to issue a Notice of Award subject to the Commissioner of Public Works' evaluation and approval of Clearwire's proposal for the placement of antennas on the water tank along with associated wires and ground equipment at the Fairmount Hill Water Tank site.

Sincerely,

Beverly J. Sleeper
Chief Procurement Officer

/b

Attachment (1) – Proposed Order

Cc: Nancy E. Stevens, Mayor
Donald V. Rider, Jr., City Solicitor
Ronald M. LaFreniere, Commissioner

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ORDERED: That the City Council of the City of Marlborough hereby authorizes the Chief Procurement Officer to issue a Notice of Award to Clear Wireless LLC, a Nevada Limited Liability Company ("Clearwire") located at 4400 Carillon Point, Kirkland, WA 98033, in the amount of \$25,000.00 for the first year of the lease, increasing annually by three (3%) on each anniversary of the Rent Commencement Date, subject to the approval of the Commissioner of Public Works as to the proposal and the location on the tower at the site, and the approval of a Special Permit by the City Council pursuant to the applicable Articles and Sections of the Marlborough Zoning Ordinance; and it is FURTHERED ORDERED: that, if and when a Special Permit is approved, the Mayor is then authorized to negotiate a lease, subject to obtaining all necessary permits and licenses, with Clearwire for the placement of antennas on the water tank along with associated wires and ground equipment at the Fairmount Hill Water Tank site, located at 115 Onamog Street, Marlborough, MA 01752, shown on Assessors' Map 81, Parcel 238. Said municipal property has been declared available for disposition by City Council Order No. 01-9384.

ADOPTED
In City Council
Order No.
Adopted:

Approved by Mayor
Nancy E. Stevens
Date:

A True Copy,
ATTEST:

City of Marlborough
Commonwealth of Massachusetts

15

SUL 2



PLANNING BOARD

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

July 12, 2010

Carrie Lizotte, Board Secretary

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

Phone: (508) 460-3769

Fax: (508) 460-3736

Email: CLizotte@marlborough-ma.gov

RE: Proposed Zone Map Change
Map 78, Parcels 12, 38 & 39
Map 89, Parcel 77

Dear Mr. Vigeant:

At its regular meeting on June 28, 2010, the Planning Board took the following action:

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

To send a favorable recommendation to the City Council, as amended, be further amended by amending the Zoning Map established by Chapter 650 Zoning Article III Establishment of Districts Section 650-8 "Boundaries Established; Zoning Map". Said map is amended by extending the Business District shown on the City of Marlborough Massachusetts Zoning Map by including in said Business District all of Map 78 Parcels 12 and 38, except that the portion of Parcels 12 and 38 which is located within fifty (50') feet of Glen Street shall remain in the Limited Industrial District, all of Map 78 Parcel 39 and all of Map 89 Parcel 77 of the City of Marlborough Massachusetts Assessor's Map; provided, however, that Section 650-9.F of the City Code, which otherwise would extend the regulations for the Business District portion of Parcels 12 and 38 into the fifty-foot Limited Industrial portion of Parcels 12 and 38, shall not be applicable to said fifty-foot portion.

Sincerely,

Barbara L. Fenby
Chairperson

Cc: David Gadbois
City Clerk
File
City Solicitor

16

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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

2010 JUL 21 P 3:51

1. Name and address of Petitioner or Applicant:
Crosspoint Associates, Inc., 217 West Central St., Natick, MA 01760

2. Specific Location of property including Assessor's Plate and Parcel Number.
133 East Main Street; Map 57, Lot 190

3. Name and address of owner of land if other than Petitioner or Applicant:
South Middlesex Non-Profit Housing Corporation
300 Howard Street, Framingham, MA 01702

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

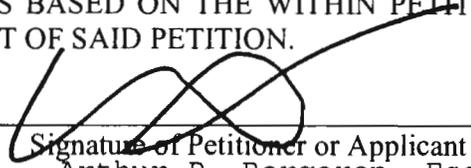
5. Specific Zoning Ordinance under which the Special Permit is sought:
Article V Section 200 Paragraph 17 Sub-paragraph B

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

7. Specific reason(s) for seeking Special Permit
24-hour drive-through window in connection with a banking institution.

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

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


Signature of Petitioner or Applicant
Arthur P. Bergeron, Esq.
Address: Mirick O'Connell
100 Front Street
Worcester, MA 01608-1477

Date: 7/21/10
City Clerk's Office

Telephone No. (508) 791-8500
(Attorney for Crosspoint Associates, Inc.)

CITY OF MARLBOROUGH
OFFICE OF CITY CLERK

17

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:
Fore Kicks II, Inc. 190 Rolling Meadow Drive, Holliston, MA 01746

2. Specific location of property including Assessor's Plate & Parcel Number
219 Forest Street, Assessor's Map 90 Parcel # 2 and 2C

3. Name & address of owner of land, if other than petitioner or applicant:
**Fore Kicks II Limited Partnership 190 Rolling Meadow Drive
Holliston, MA 01746**

4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.)
Operating company for the Limited Partnership

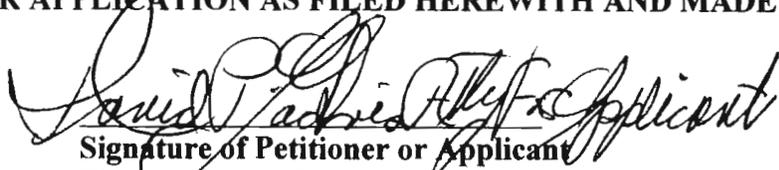
5. Specific Zoning Ordinance under which the Special Permit is sought:
Article V sections 650-15, 650-16 and 650-17 Paragraph (23)

6. Zoning District in which property in question is located:
Limited Industrial (LI)

7. Specific reason(s) for seeking the Special Permit: See Exhibit "A"

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

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



Signature of Petitioner or Applicant

Thomas Teager, President

Fore Kicks II, Inc.

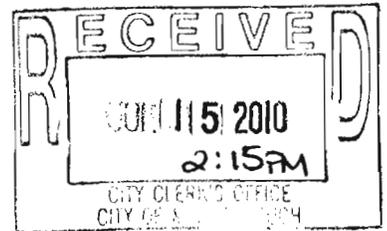
ADDRESS: 190 Rolling Meadow Drive

Holliston, MA 01746

TEL. NO. 508 429 8844

**LIST OF NAMES AND ADDRESSES OF ABUTTERS
AS REQUIRED ON THE APPLICATION FOR SPECIAL PERMIT OF:**

CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK



APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

18

1. Name and address of Petitioner or Applicant:

MetroPCS Massachusetts, LLC

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

157 Union Street, Marlborough, MA (Assessor's Map-43, Lot 56)

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

Marlborough Hospital

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

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

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

Zoning Classification - A3

7. Specific reason(s) for seeking Special Permit

MetroPCS seeks approval for a special permit to install a telecommunications facility onto an existing building at 157 Union Street, Marlborough, MA. MetroPCS proposes to install six(6) wireless communications antennas onto the existing building along with the associated wires / cables and roof mounted equipment cabinets. See attached project narrative for additional details.

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

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

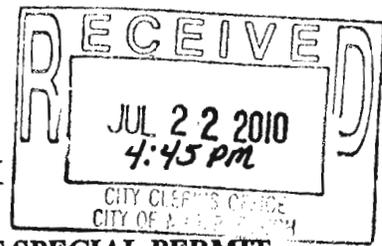
 - Agent
Signature of Petitioner or Applicant

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

Telephone No. 978-244-7200

Date: _____

CITY OF MARLBOROUGH
OFFICE OF THE CITY CLERK



APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant:

Clear Wireless, LLC, an affiliate of Sprint Wireless Broadband and Nextel Communications

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

115/109 Onamog Street, Marlborough, MA Map 81, Block 238

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

City of Marlborough

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

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

Article VI Section 200 Paragraph 25 Sub-paragraph C(2) and C(4)

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

Municipal

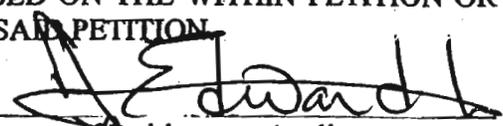
7. Specific reason(s) for seeking Special Permit

Modification of a wireless communications facility

Please see Supporting Statement attached hereto at Tab 2

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

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


Signature of Petitioner or Applicant

James E. Hoyt, Esq.

Address:

Prince, Lobak, Glovsky & Tye LLP

100 Cambridge Street, Suite 2200
Boston, MA 02114

Telephone No. 617-456-8184

Date: July 22, 2010

City Clerk's Office

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**AGREEMENT TO EXTEND
TIME LIMITATIONS**

Date: July 15, 2010

Order No. # 10-1002416

Application for Special Permit from MetroPCS Massachusetts, LLC

Applicant's Name

for Wireless Communications Facility

Purpose

at 257 Donald Lynch Blvd

Location

REFER TO Wireless Sub-Committee

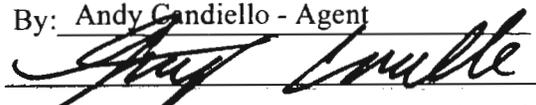
Committee

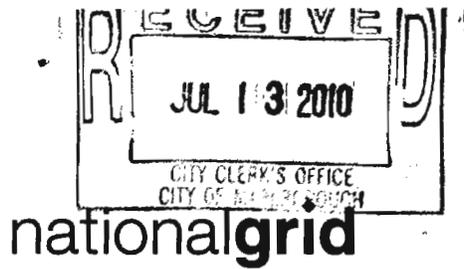
PUBLIC HEARING: February 8th, 2010
Date of Public Hearing

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

Pursuant to Mass. General Laws, c.40A, s.9, as amended, the required time limits for action by the Marlborough City Council, as it is the special permit granting authority in the above referenced matter, is hereby extended, by agreement, until 11:00 p.m. on December 22, 2010.

By: _____
Arthur G. Vigeant, City Council President,
acting on behalf of, and at the direction of,
the special permit granting authority:
Marlborough City Council

By: Andy Candiello - Agent

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



21

July 9, 2010

To the City Council
Marlborough, Massachusetts

Council Members:

Enclosed you will find a petition for installing new P.5 and relocating P.4 Madison St. petition(9007495)

Description: National Grid is proposing the following work on Madison St. Relocate existing P.4(20' +/-) SW of its present location. Install a new P.5,(90 +/-) NE of new P.4. This work is requested by the City of Marlborough, and all pole locations have been reviewed and approved by Mr. Baldelli.

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

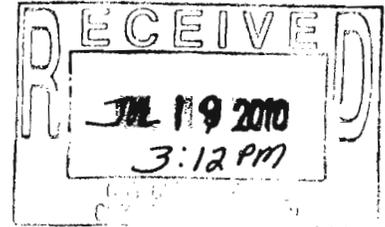
Thank you for your attention to this matter.

Respectfully yours,

Hernan Yopez
Manager of Distribution Design
401-784-7173

KH/br

Enclosures



22

July 15, 2010

Arthur Vigeant
Marlborough City Hall
140 Main Street
Marlborough, Mass 01752

Esteemed City Counselors,

EMS education has been making headline news throughout the commonwealth in the past few weeks. We are happy to announce that none of the offending providers are employed by Patriot Ambulance. We believe that the ethical standards put forth by the principal leadership of our organization, in addition to the high educational standards brought forth by our education department, have steered our providers away from cutting corners as displayed by other organizations and staff.

At Patriot Ambulance, we take pride in the quality of education that we provide to our staff and out contracted communities. Patriot is one of the few private ambulance services in the commonwealth that is an accredited training institution by the Office of Emergency Medical Services. Our education department is headed by Dana Sampson, who has been involved in EMS academia for over 16 years, bringing quality education to the providers while maintaining the highest of ethical standards.

A few years back, we recognized the need for alternative training methods to meet the needs of providers that are unable to traditional classes. Online education has enabled providers to satisfy mandatory training requirements and refreshers at their convenience. We have and continue to develop high quality continuing education programs and refreshers on our website www.MyPatriotEducation.com that we make available free of charge not only to our staff, but to all public safety providers throughout the state.

In the City of Marlborough, we work closely with Deputy Chief Flynn and Emergency Manger Cusson, to ensure that all the medical continuing education and training needs of the City Firefighters and employees are met.

We look forward to continuing our excellent partnership with the City of Marlborough, and if there is anything we can do to further assist with the needs of the City, please do not hesitate to contact me.

Sincerely,

Dave Walton
CO-owner

Alex Pitocchelli
21 Gleason St. Ext.
Marlborough, MA 01752
508-361-1995

Dear City Council,

My name is Alex Pitocchelli, I am writing on behalf of Backyard Lacrosse, Marlborough Youth Lacrosse as well as Forekicks Marlborough. On the date of August 12th 2010 Backyard Lacrosse, a newly formed college lacrosse league within the Marlborough area, will be holding a fundraiser for Marlborough Youth Lacrosse at the Forekicks facility. Between the hours of 6-930pm the time which the league runs Forekicks will be donating 10% of its snack bar profits made during this time to the Marlborough Youth Lacrosse program. During this fundraiser we will be holding competitions at halftime of each of the league games. Due to Forekicks' light permit constraints we may not be able to finish league games due to these competitions. We are asking for consideration that on the date of August 12th 2010 the permit be extended a half of an hour from 9:15pm to 9:45pm. This will guarantee that we will be able to finish our league games as well as giving the youth program the attention that they deserve. We thank you for this consideration and we invite you to join us for the fundraiser on the 12th.

Thank you for your time,
Alex Pitocchelli
Backyard Lacrosse



The Commonwealth of Massachusetts
 STATE RECLAMATION & MOSQUITO CONTROL BOARD
**CENTRAL MASSACHUSETTS
 MOSQUITO CONTROL PROJECT**

111 Otis Street, Northborough, MA 01532-2114
 Telephone (508) 393-3055 • Fax (508) 393-8492
 www.cmmcp.org

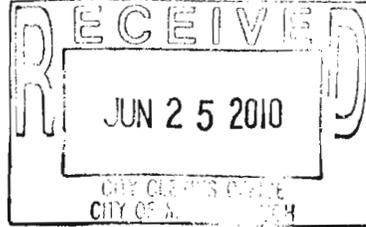


COMMISSION CHAIRMAN
 RICHARD J. DAY

EXECUTIVE DIRECTOR
 TIMOTHY D. DESCHAMPS

June 24, 2010

Health Dept.
 City of Marlborough
 Marlborough, MA 01752



Central Massachusetts Mosquito Control Project personnel will be in your community to investigate resident's complaints about mosquitoes on the following dates during July 2010:

June 30 and July 8,14,21,28

The above dates are very tentative, and are subject to change due to weather conditions, mosquito populations and mosquito virus activity. This program will shut down when cool night time temperature becomes predominant in this area. A notice about our spray schedule is posted on the CMMCP phone system after 3:30 p.m. each day, and it is also listed on our website.

Complaints about mosquitoes may be registered by calling the CMMCP office at 508-393-3055 between 7:00 AM - 3:30 PM, Monday through Friday or through our website.

The results of an investigation may warrant the use of a mosquito insecticide to defined, site-specific areas of the town. Such an application may be accomplished by using hand or truck mounted equipment, depending on the extent of the application.

Per 333CMR13.04: "No intentional application of pesticides shall be made to private property which has been designated for exclusion from such application by a person living on or legally in control of said property." Notices were sent to all City and Town Clerks in February to alert them of the pesticide exclusion process; CMMCP will continue to accept exemptions during the spray season. Residents should contact their Town or City clerk for more information on the exclusion process, or may contact the CMMCP office during business hours or apply for an exclusion through our website.

Please list this information in the local newspapers and on the local cable access station. Additional information on CMMCP may be found on the Internet at:
<http://www.cmmcp.org>

Sincerely,

Timothy D. Deschamps
 Executive Director

cc: City Clerk
 Police Department



The Commonwealth of Massachusetts
 STATE RECLAMATION & MOSQUITO CONTROL BOARD
**CENTRAL MASSACHUSETTS
 MOSQUITO CONTROL PROJECT**

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COMMISSION CHAIRMAN
 RICHARD J. DAY

EXECUTIVE DIRECTOR
 TIMOTHY D. DESCHAMPS

July 20, 2010

City of Marlborough
 Health Dept.
 Marlborough, MA 1752

Central Massachusetts Mosquito Control Project personnel will be in your community to investigate resident's complaints about mosquitoes on the following dates during July 2010:

August 4, 11, 18, 25 & Sept. 1

The above dates are very tentative, and are subject to change due to weather conditions, mosquito populations and mosquito virus activity. This program will shut down when cool night time temperature becomes predominant in this area. A notice about our spray schedule is posted on the CMMCP phone system after 3:30 p.m. each day, and it is also listed on our website.

Complaints about mosquitoes may be registered by calling the CMMCP office at 508-393-3055 between 7:00 AM - 3:30 PM, Monday through Friday or through our website.

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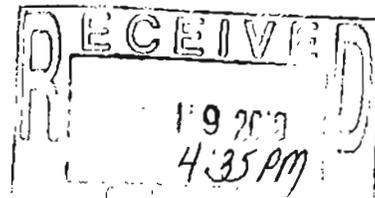
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<http://www.cmmcp.org>

Sincerely,

Timothy D. Deschamps
 Executive Director

cc: City Clerk
 Police Department



**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, May 25, 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 Ricky Plummer and City Clerk Lisa Thomas, Also present: City Engineer Thomas Cullen, Asst. Civil Engineer Tim Collins. Minutes taken by: Karen Lambert, MPD Records Clerk.

1- Minutes

The minutes of the Traffic Commission meeting of Tuesday, April 27, 2010.

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

2-New Business

2a. Communication from Karen Boule, re: 2 hour parking restriction in parking lot next to 91 Main Street.

The Commission received an e-mail from Karen Boule, dated 5/14/10, regarding the parking restrictions at this location. She noted that since the two-hour parking signs were installed, the lot has had very limited use while the lot at Chin's is now full most of the time. She is requesting that perhaps all day parking could be allowed at the back of the lot (against the wall) while maintaining the 2 hour restriction in the front (by the street). Ron LaFreniere stated that the parking restrictions in this lot are consistent with the standard regulations for municipal lots throughout the city. It could open up a "Pandora's Box" if we were to change the regulations for a specific location. Chief Leonard said that he feels that this lot is different in that the 2 hour parking serves a very limited number of businesses due to the lot's location. He has made "casual observations" of this lot over the past week and has also noticed that it is not being fully utilized. There may be a reason to deviate from the norm.

MOTION was made, seconded, duly VOTED to TABLE for now. All members agreed to observe the lot over the next month, at more regular intervals, to get a better feel for the parking situation. It will be discussed again at the next meeting.

2b. Rawlins Ave. parking restrictions.

Tim Collins sent an e-mail to Chief Leonard, dated 5/18/10, with regard to this issue. He also presented a diagram. He explained that Rawlins Ave. is currently under reconstruction. When it is completed the street will need to be re-signed. There are currently no signs at all. Engineering has found a couple of discrepancies that need to be clarified first. 1) The West side of the Street is currently regulated as "No Parking Anytime", however, an overlapping section of the street (according for Council Order #14625 – dated 5/6/75) is limited to 1 hour parking. 2) The West side also includes a regulation for "Angled Parking", however, there is no angled parking available on the West side. Ron LaFreniere asked for a clarification on the reconstruction. Tim advised that nothing is actually changing. They are just fixing the existing roadway along with the sidewalks and curbs. The East side of the road has angled parking which will remain that way as it is outside of the right-of-way. There is plenty of width in the roadway to accommodate parallel parking on the West Side. It was determined that all parking restrictions on the West Side should be eliminated. Ron asked about striping. 1) Would there be a center line and 2) would actual parking spaces be lined on the West side? It was determined that answer was "yes" to both questions.

MOTION was made, seconded, duly VOTED to 1) REFER to CHIEF LEONARD to modify the regulations on the West Side – i.e. all three restrictions will be deleted. 2) to refer to ENGINEERING for the proper layout.

3-Old Business**3a) Municipal off street parking regulation.**

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

3b) High School parking regulations.

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

3c) Stop signs on Bigelow Street.

MOTION was made, seconded, duly VOTED:
To TABLE. Update - Tim Collins advised that the weekend counts will be conducted on June 5th and 6th.

3d) Traffic Commission rules and regulations update.

Chief Leonard advised that a budget request had been made for the necessary funds to hire someone on a part time basis to complete this project. The request was denied by the City Council.

MOTION was made, seconded, duly VOTED:

To TABLE until the Commission can determine how to handle this project.

3e) 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

3f) Request for stop signs on Weed St. at Court St.

Tim Collins conducted a "field review" of the above intersection for the purpose of changing it to a multi-way stop. He presented a detailed outline/cost estimate with a diagram, dated 5/25/10, to the Commission. In summary, to change the intersection and meet all requirements of the Americans with Disabilities Act and MUTCD – it would cost an estimated \$8,910. The stop signs currently located on Court Street are not regulated. Ron LaFreniere made reference to the diagram and pointed out the unusual configuration of the sidewalks and crosswalks. The entrance is angled and comes out into the roadway. He commented that this tends to encourage cars to cut the corner.

MOTION was made, seconded, duly VOTED to REFER to CHIEF LEONARD to prepare the proper wording to regulate the Stop Signs on Court Street and To TABLE any further action until funding is identified.

3g) Request for protected left turn signal for eastbound traffic on Lincoln St. @ Bolton St.

Tim Collins presented a diagram and "timing sequence". The signal currently allows for a 35 second green light. He proposed an 8 second delay to allow for a left turn onto Bolton – similar to the intersection to Bolton and Union. He explained that there is no room for an exclusive left turn at this location. It was further discussed that a green arrow for the left turn would be better – similar to the intersection of Lincoln St. and Pleasant St. The green arrow for the left turn would appear for 8 seconds. The current problem is that one car can hold up the entire queue if it cannot make the left turn.

MOTION was made, seconded, duly VOTED to REFER back to ENGINEERING to modify the timing diagram to reflect the green arrow and present at next meeting.

3h) Parking issues on Farm Rd., west of airport.

Tim Collins presented a diagram of this location which included the 2 existing crosswalks and the Advance Warning signs. It was noted that at the last meeting Councilor Delano was referring to a specific van that was parked in front of the apartments and blocking the view of the crosswalk. Tim has observed the location on numerous occasions and has not seen the van. That specific situation seems to have resolved itself. He also stated that the apartment complex does appear to have sufficient parking. There are six visitor spots along with 2 for every unit. The proper signage is also in place.

MOTION was made, seconded, duly VOTED to PLACE ON FILE. If a specific issue comes up again it can be dealt with on an individual basis.

3i) Lincoln Street parking near Cross Street.

Tim Collins presented a very detailed diagram indicating the “proposed traffic modifications on Lincoln Street between Broad Street and Grant Street to facilitate two parking spaces in front of Bouvier’s Pharmacy”. The diagram compares the current parking situation to the proposed situation. In the “proposed situation” the center line would need to be moved and three parking spots would be eliminated from the opposite side of the street. Parking would be reduced from nine spots to six spots – 2 of which would be specifically reserved for the pharmacy. The Commission went on to discuss that this did not seem fair to the other businesses on the street. Also, the public safety issue still needs to take priority.

MOTION was made, seconded, duly VOTED to TABLE for another month, however, CHIEF LEONARD will call Mr. Bouvier and discuss Tim’s diagram with him.

3j) Parking restrictions on Warren Ave.

Tim Collins presented a memo, dated 5/20/10, and four possible “Parking/No Parking” layouts for Warren Ave. It was discussed and agreed that the best decision is to repeal the existing parking restriction and allow parking on the North Side of Warren Ave. There would then be 23 spaces available for all day parking.

MOTION was made, seconded, duly VOTED to REFER to CHIEF LEONARD to revise the regulations accordingly (as recommended by Engineering) for a vote at the next meeting.

Additional item no on original agenda:

1) Chief Leonard presented the revised regulation reflecting the true configuration for the existing stop sign on Fremont Street.

MOTION was made, seconded, duly VOTED
To APPROVE.

2) Chief Leonard presented a “Grant of Authority Letter” from St. Mary’s of French Hill Redevelopment LLC regarding On-Site Traffic Control at St. Mary’s Condominiums.

The Commission discussed the need for a “blanket regulation” relating to “Grants of Authority” that would give the police department the right to legally write citations on specific private property for specific reasons. The Regulation would need to include language to the effect that “We have received a Grant of Authority from _____ as approved by Special Permit and Site Plan.”

MOTION was made, seconded, duly VOTED to REFER to CHIEF LEONARD to work on the appropriate wording for the regulation

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

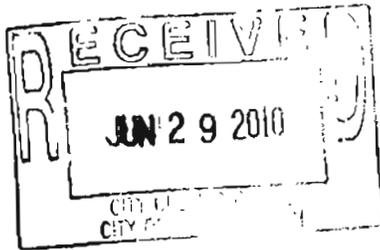
TRAFFIC COMMISSION

5

May 25, 2010

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



City of Marlborough
Commonwealth of Massachusetts

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PLANNING BOARD

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

PLANNING BOARD MINUTES
June 7, 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, June 7, 2010 in Memorial Hall, 3rd floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Steven Kerrigan, Phil Hodge, Clyde Johnson and Sean Fay. Also present: Assistant City Engineer Richard Baldelli.

MINUTES

Meeting Minutes May 24, 2010

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

To accept and file the minutes of May 24, 2010.

CHAIRS BUSINESS

APPROVAL NOT REQUIRED PLAN

*Boston Post Road West
Marlborough/Northborough Realty Trust
Correspondence from Smerczynski & Conn*

Mr. Donald Conn, Attorney for the developer, is asking to continue the consideration of the ANR plan known as Marlborough/Northborough Realty Trust ANR Plan. The finalized changes have not been made by their Engineer from comments from our City Engineer.

Mr. Rider explained that the correspondence he sent in 2006 relating to the same issue of the developer asking for extensions, which is not allowed by statute. He stated that the plan was given back to the developer on the 8th day of the allowed 21 day period which would allow the Planning Board to still have enough time to meet if alerted by the City Engineer under the assumption that all the comments given by the City Engineer would be resolved. In that case, the Board would be able to call an emergency meeting if they should run into a time issue.

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

To accept and file correspondence, to delay taking action until the next regular scheduled meeting on June 28, 2010.

PUBLIC HEARING

Proposed Zone Map Change

Map 78, Parcels 12, 38 & 39

Map 89, Parcel 77

Attorney David Gadbois sent correspondence regarding that he is hereby requesting a continuance of the public hearing. He stated he was unaware of the meeting until today. His client has scheduled a meeting with the neighborhood to be held on June 8, 2010 to review the current proposal and informing them that the public hearing was continued until June 14, 2010. He is asking the Board to continue the hearing until June 28, 2010.

Mr. Fay stated his concerns that if we continue the public hearing with the summer schedule, then the City Council would not be able to vote on this matter until their August 23, 2010 meeting. He stated that the public hearing was continued because one abutter requested time to gather more signatures in opposition effective notice of a properly advertised public hearing. Mr. Fay thought the board should act accordingly. Mr. Hodge and Mr. Johnson both agreed with Mr. Fay.

Mr. Rider stated that this was considered a "mix bag" that it was the abutter to state he had no knowledge of the hearing, that the abutter did not see the placement of advertisement (ads for zoning amendments are only in papers, no direct mailings to abutters) or the Attorney was not present at the meeting. Mr. Rider suggested that the Board wait until the 7:30 time to see if the Attorney or the public shows.

When Attorney Gadbois was present he stated that this neighborhood is already thinking that his clients are pulling a "fast one" and his client would be losing any trust that they may have with the neighbors. Mr. Kerrigan stated as a courtesy to the residents he would be willing to continue the public hearing. Mr. Fay reluctantly agreed with Mr. Kerrigan.

As a result, the Board decided to reopen the hearing.

The Planning Board of the City of Marlborough held a public hearing on Monday, May 24, 2010, at 7:15p.m. in Memorial Hall, 3rd Floor, City Hall, 140 Main Street, Marlborough on the proposed changes to the amend the Zoning Map of the City of Marlborough, established by Chapter 650, Zoning Article III, Establishment of Districts Section 650-8, "Boundaries Established; Zoning Map": Members present: Chairperson Barbara L. Fenby, Clerk Steven Kerrigan, Philip Hodge, Clyde Johnson and Sean Fay. Also present: Asst. City Engineer Richard Baldelli.

Mr. Kerrigan read the advertisement into record.

Notice is hereby given that the Planning Board of the City of Marlborough will hold a public hearing on Monday, May 24 at 7:15 P.M., at Memorial Hall, City Hall, 140 Main Street, Marlborough, MA to amend the Zoning Map of the City of Marlborough, established by Chapter 650, Zoning Article III, Establishment of Districts Section 650-8, "Boundaries Established; Zoning Map". Said map is amended by extending the Business District shown on the City of Marlborough Massachusetts Zoning Map by including in said Business District all of Map 78, Parcels 12, 38 and 39 and Map 89, Parcel 77 of the City of Marlborough Massachusetts Assessor's Map.

A copy of Chapter 650 and the proposed amendment material are available for review in the Office of the City Clerk, City Hall, 140 Main Street, Marlborough, MA.

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Per order of the City Council
#10-1002512

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

To continue the public hearing to June 28, 2010 at 7:05PM.

SUBDIVISION PROGRESS REPORTS

Update from City Engineer

Blackhorse Farms, Cider Mill Estates and West Ridge Estates (Fafard Development)

Correspondence from Donald Seaberg, Benchmark Engineering

Mr. Seaberg, Engineer for Benchmark Engineering is asking for a two year extension of the completion date of all three subdivisions. He has provided updated completion scheduled and a copy of the Continuation Certificate for the Cider Mill Subdivision.

Mr. Fay asked Mr. Seaberg about the completion of the sidewalks at Blackhorse Farms. Mr. Seaberg stated that if property is sold, then they would install the sidewalks as needed.

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

To accept and file the correspondence.

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

To refer the two year extension of Blackhorse Farms, Cider Mill Estates and West Ridge Estates to the City Engineer for a full review and to report back to the Planning Board at their next meeting.

Elm Farm Valley Estates (Cleversy Drive)

*Correspondence from City Engineer
Road Acceptance*

The Planning Board had asked Mr. Cullen to review all files for Elm Farm Valley Estates for Subdivision Acceptance. At this time he has reviewed the following:

- As-built Plan and Profile of Elm Farm Valley Estates: dated May 4, 2001, with the latest revision date of April 14, 2010 prepared by Central Mass Engineering & Survey, Inc.;
- Plan of Acceptance of Cleversy Drive and Easements: dated October 14, 2004 with the latest revision date of March 8, 2010 prepared by Robert J. Parente P.L.S.;
- The latest Legal Descriptions.

Duly noted is the Acceptance Plan has corrected the labeling errors and shows the utility easement and the note explaining that the Utility Easement shown on the Acceptance Plan reflects the existence of a water main and sewer main within the easement area between Cleversy Drive and the Millham Street lots as shown on the Plan & Profile Sheets.

Mr. Cullen stated that the Engineering Division has determined that the work has been completed in accordance with the Planning Board's Rules and Regulations and it was maintained in satisfactory condition for the one year maintenance period. He is also suggesting that the Planning Board hold onto the remaining bond amount of \$35,000.00 until the City Council accepts the streets and all recordings have been made to the South Middlesex Registry of Deeds.

At this time, the City Engineer has given his favorable recommendation for the Planning Board to accept the subdivision.

Mr. Kerrigan was about to make a recommendation when Mr. Rider spoke. Mr. Rider sees one more option of maybe having the Legal Department enter into a side agreement with the residents that reside on Lot 12 where there is the issue of the current utility easement. He stated that if the resident agrees to allow the City an easement, then the City would have access to the water main access that is a part of the utility easement. He is asking the Planning Board prior to accepting the subdivision to allow the Legal Department to review.

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

To refer the subdivision acceptance to the Legal Department for their review.

Shaungnessy Estates (Kelber Drive)

Correspondence from City Engineer

At the last meeting on May 24, 2010, it was asked of the Planning Board by Attorney Joseph Connelly to review the subdivision for a completion schedule. Mr. Cullen's correspondence shows the following still needs to be completed:

Labrache Lane

- There is a proposed 8" sewer and water main within the Westerly Utility Easement on Lot 12 that was never extended to the end of Belleview Ave. This must be completed to connect the sewer to Belleview Ave.
- There is a drainage connection that is required at the end of Belleview Ave and the rear of lot 12 in the same Utility Easement.
- There are a number of granite curbs in the cul-de-sac of Labrache Lane that require adjusting
- Loam and seed all areas involved in the installation of these utilities.

Kelber Drive

- The fence and gate around the detention basin is not installed.
- The area around the detention basin should be graded so that the guard rail is not required.
- Modify driveway the apron and sidewalk at #80 Kelber Drive so that water runoff from the street remains in the street.

Acceptance Plans

- Preparation of approvable as-built plans, acceptance plans and legal descriptions of all roadways.

Mr. Cullen stated that several attempts were made to the original contractor, Franchi Construction. However the phone service has been disconnected and the office building where the company resided was no longer occupied. The records still indicate there is a bond being held in the amount of \$172,000.00. It is Mr. Cullen's desire to complete said subdivision in a timely manner and move forward with the acceptance process.

It was discussed that if the proponent proceeds, then the proponent will have to enter into an amended agreement with the Planning Board.

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

To accept and file the correspondence and to have the Attorney contact to the City's Legal Department regarding amended agreements.

PENDING SUBDIVISION PLANS: Updates and Discussion

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

Marlborough Elms (289 & 401 Elm Street)
Correspondence from Stephen Campbell

On behalf of Marlborough Elms, LLC., Highland Engineering & Development Inc. is requesting to withdraw without prejudice the application of definitive subdivision known as "Marlborough Elms" located at 289 & 401 Elm Street. Mr. Campbell stated that the design is being modified based upon the guidance of the Planning Board and the Engineering Department.

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

To accept and file correspondence and to accept the withdrawal of the definitive subdivision plans known as "Marlborough Elms" without prejudice.

SCENIC ROADS

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

To move up agenda item 10 A (signs) to be discussed prior to 8 A.

SIGNS

222 Bolton Street
Submittal for Variance

Dr. Sanjiv Nehra stated that he recently bought the business and has had his patients are having a difficulty finding his business practice. He stated that since he is in a residential zone he is only allowed a 3 square foot sign. However, he stated 3 square feet was hard to see when you are on a busy road that the mph is 35.

There were some concerns from the Board that if you are traveling north, would there be any site issues for people turning onto Bolton Street. Dr. Nehra stated that because the landscape sits higher than the road, there should be no issue. When asked if it was possible to set back the sign would that be possible? Dr. Nehra stated it could be possible.

When reviewing the sign, the stonework is considered as part of the sign. Mr. Hodge stated that the stonework in this case is a part of the landscaping feature. Mr. Hodge stated that the sign itself would be an improvement over the existing sign.

On a motion by Mr. Hodge, seconded by Mr. Johnson with Dr. Fenby abstaining, it was duly voted:

To **GRANT** relief allowing the stone mounting to be excluded from the calculation of sign area, bringing the proposed signage within the three square feet allowed. No waiver of required sight distances was requested or allowed. If the Building Commissioner finds the planned new sign would not comply with sight distance requirements as proposed, it should come back before the

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Planning Board at the next meeting. The applicant's location is in a residential zone, with very restrictive sign allowances, but located on a street that is of a more commercial than residential nature, including a speed limit higher than normal residential conditions. The difficulty of spotting a sign for the business at customary road speeds presents safety problems as well as business disadvantages. The compromise proposed of a sign within dimensional requirements, but mounted on a stone background should be easier for patrons to spot without negative effects on neighborhood aesthetics.

INFORMAL DISCUSSION

COMMUNICATIONS/CORRESPONDENCE

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

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

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

To adjourn at 8:25 p.m.

A TRUE COPY

ATTEST:



Steven Kerrigan, Clerk



27,
JUL 19 2010
4:32 PM

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

BOARD OF ASSESSORS PUBLIC MEETING

April 14, 2010
9:00 AM SCHEDULED

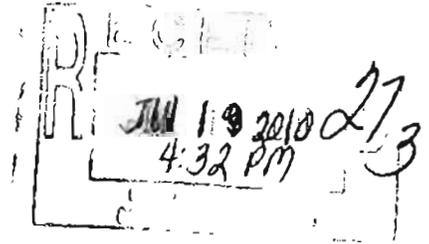
MINUTES

1. CALL TO ORDER – MEETING CALLED TO ORDER AT 9:00 AM
2. ROLL CALL TRODELLA, ARUDDA & BROGIE ALL PRESENT
3. DISCUSSION OF CURRENT MEASURE AND LIST PROGRAM. MOVED BY BROGIE TO ACCEPT PLAN TO INSPECT ALL COMMERCIAL PROPERTY AND APARTMENT COMPLEXES. UNANIMOUS IN FAVOR.
4. EXECUTIVE SESSION(DISCUSSION ON ITEMS 5 THROUGH 9)
EXECUTIVE SESSION CALLED AT 9:15 AM
5. RESUMED OPEN MEETING AT 9:25 AM- UNANIMOUS VOTE TO RESUME.
6. VOTE ON ABATEMENTS TO BE GRANTED RESIDENTIAL AS PER LIST ATTACHED MOVED BY ARRUDA TO ACCEPT 2ND BY BROGIE UNANIMOUS IN FAVOR
7. VOTE ON ABATEMENTS TO BE DENIED RESIDENTIAL AS PER LIST ATTACHED MOVED BY ARRUDA, 2ND BY BROGIE UNANIMOUS VOTE TO DENY.
8. VOTE ON ABATEMENTS TO BE GRANTED COMMERCIAL/IND AS PER LIST ATTACHED. MOVED BY ARRUDA, 2ND BY BROGIE TO -UNANIMOUS TO GRSNT
9. VOTE ON ABATEMENTS TO BE DENIED COMMERCIAL/IND AS PER LIST ATTACHED. MOVED BY ARRUDA, 2ND BY BROGIE UNANIMOUS VOTE TO DENY.
10. VOTE ON PERSONAL PROPERTY ABATEMENTS AS PER ATTACHED LISTS. MOVED BY ARRUDA, 2ND BY BROGIE-UNANIMOUS TO ACCEPT.
11. PUBLIC INPUT AND QUESTIONS NO MEMBERS OF THE PUBLIC IN ATTENDANCE.
12. OLD BUSINESS

13. NEW BUSINESS – NO NEW BUSINESS

14. ADJOURNMENT-MOTION TO ADJOURN BY BROGIE, 2ND BY ARRUDA
UNANIMOUS AT 10:45 AM.

2/2



City of Marlborough

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

BOARD OF ASSESSORS PUBLIC MEETING

July 13, 2010

10:00 AM SCHEDULED

MINUTES

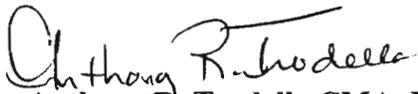
1. CALL TO ORDER *Meeting called to order by Chairman Trodella at 10:03 AM*
2. ROLL CALL *Members in attendance- Trodella, Arruda & Brogie*
3. ACCEPTANCE OF MINUTES FROM FEB. 25 AND APRIL 14 MEETINGS.
Moved by Arruda, second by Brogie to accept. 3-0 to accept/
4. DISCUSS AND VOTE ON TRANSFERRING FUNDS FROM SURPLUS OVERLAY MONIES TO BE USED FOR FY2011 BUDGET ITEMS REDUCED BY THE COUNCIL WITH EXPECTATION OF THE TRANSFERS.(REAL PROPERTY VALUATION AND PERSONAL PROPERTY VALUATION) *Discussed the need to transfer funds from overlay accounts years 1998, 1999.and 2000. Voted to move \$160,000 from those account into an overlay surplus account so that it can be transferred by the City Council into the line items reduced at budget time by the council. (REAL PROPERTY VALUATION\$140,000 and PERSONAL PROPERTY VALUATION \$20,000). Moved to approve by Arruda, second by Brogie voted 3-0 to accept.*
5. EXECUTIVE SESSION (DISCUSSION OF TERMS OF TAX APPEAL SETTLEMENT PROPOSALS). *Executive session called at 10:15am. Moved by Arruda, second by Brogie-3-0 to go into executive session.*
6. RESUME OPEN MEETING at 10:30 am. *Moved by Arruda, second by Brogie to resume open meeting. 3-0 vote to resume.*
7. VOTE ON ABATEMENT SETTLEMENTS DISCUSSED IN EXECUTIVE SESSION. *Vote to settle abatement issues of Howard Faffard for fy2009 and 2010 for west hill property and for fy2010 for Slocum Lane property. Arruda moved, Brogie second 3-0 to accept. Vote to accept settlement proposals from New Cingular Wireless. Moved by Brogie, second by Arruda. Voted 3-0 to accept.*
8. PUBLIC INPUT AND QUESTIONS. *No public in attendance.*

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9. OLD BUSINESS *.None*

10. NEW BUSINESS. *Discussed land valuation for FY 2011. Discussion involved proper process to fairly assess vacant land in relation to improved property.*

11. ADJOURNMENT. *Adjourned at 10:45am.*



Anthony R. Trodella CMA, MAA, MRA
Chairman, Board of Assessors