

REGULAR MEETING  
AUGUST 23, 2010

IN CITY COUNCIL  
ABSENT:

CONVENED:  
ADJOURNED:

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2010 AUG 19 P 5:05

1. Minutes of the City Council Meeting, July 26, 2010.
2. PUBLIC HEARING On the Petition from Massachusetts Electric Co. and Verizon New England Inc. to install new P.5 and relocate P.4 on Madison St., Order No. 10-1002649
3. CONTINUED 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., Order No. 10-1002623A.
4. PUBLIC HEARING On the Application for Wireless Special Permit from MetroPCS Massachusetts LLC, to install a telecommunications facility onto an existing building at 157 Union St., Order No. 10-1002646.
5. PUBLIC HEARING On the 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., Order No. 10-1002644.
6. Communication from the Mayor re: Doubling of Exemptions for Qualified Residents.
7. Communication from the Mayor re: Massachusetts Interlocal Insurance Association (MIIA) rewards.
8. Communication from the Mayor re: appointment of Jennifer Crawford-Claro to the position of Council on Aging Director for a three year term from date of approval.
9. Communication from the Mayor re: appointment of Colleen Hughes to the Marlborough Planning Board for a term to expire the first Monday in February, 2015.
10. Communication from the Mayor re: reappointments of Lee Thompson and Joseph DelGenio to the Fort Meadow Commission for three year terms from date of approval.
11. Communication from the City Clerk re: State Primary Election Call.
12. Communication from the Chairman of the Public Services Committee re: Proposed City Code Amendments for Junk Dealer Licenses.
13. Communication from DPW Commissioner re: Grant of Easement to Massachusetts Electric Co. for the Westerly Wastewater Treatment Plant.
14. Communication from the Chief Procurement Officer re: Request for Proposals for Wireless Telecommunications Leasing Project at Easterly Wastewater Treatment Plant.
15. Application for Special Permit from Attorney Bergeron, on behalf of Global Montello Group Corp., to amend Special Permit Order No. 02-9612C pertinent to a new owner, Global Montello Group Corp., and modify Condition 5 to allow Global to have the convenience store located on premises operated by its subsidiary, Alliance Energy, LLC.
16. Application of Best Buy Stores, LP for Junk Dealer's license at 769 Donald Lynch Blvd.
17. Petition from Massachusetts Electric Company and Verizon New England Inc. to install intermediate pole on Cook Lane P.19-50 for the purposes of feeding a new urd.
18. Minutes, Planning Board, June 28, 2010.
19. CLAIMS:
  - A. 1<sup>st</sup> Church of Marlboro, 37 High St., other property damage
  - B. Charlene Milton, 15 Clearview Dr., pothole or other road defect

REPORTS OF COMMITTEES:

20. **ORDERED:** That the City Council request the Procurement Officer to issue an RFP for the municipal property now or formerly known as "Site #21Old Landfill Hudson Street" to be used for wireless purposes and further that the Wireless Communications Committee study all other municipal sites for possible locations for wireless purposes. .... Submitted by Councilors Clancy and Vigeant

UNFINISHED BUSINESS:

**From Personnel Committee**

21. **Order No. 10-1002606 - Reappointment of Diane Smith to the position of City Auditor for three year term from the date of confirmation. Recommendation of the Personnel Committee is to approve the reappointment of Diane Smith to the position of City Auditor for a three year term from date of confirmation 2-0.**

**From Finance Committee**

22. **Order No. 10-1002472A-1 – Bond in the amount of \$445,388 (four hundred forty five thousand three hundred eighty eight) dollars for departmental equipment payable in not more than five (5) years from its date of issue. Recommendation of the Finance Committee is to advertise under Suspension of the Rules. Bond was advertised on August 6, 2010.**
23. **Order No. 10-1002472A-2 – Bond in the amount of the sum of \$9,886,000 (nine million eight hundred eighty six thousand) dollars for street construction payable in not more than ten (10) years from its date of issue. Recommendation of the Finance Committee is to advertise under Suspension of the Rules. Bond was advertised on August 6, 2010.**
24. **Order No. 10-1002472A-3 – Bond in the amount of \$1,100,000 (one million one hundred thousand) dollars for sidewalk construction payable in not more than five (5) years from its date of issue. Recommendation of the Finance Committee is to advertise under Suspension of the Rules. Bond was advertised on August 6, 2010.**
25. **Order No. 10-1002472A-4 – Bond in the amount of \$1,535,000 (one million five hundred thirty five thousand) dollars for sewer construction payable in not more than thirty (30) years from its date of issue. Recommendation of the Finance Committee is to advertise under Suspension of the Rules. Bond was advertised on August 6, 2010.**
26. **Order No. 10-1002472A-5 – Bond in the amount of \$200,000 (two hundred thousand) dollars for water meters payable in not more than ten (10) years from its date of issue. Recommendation of the Finance Committee is to advertise under Suspension of the Rules. Bond was advertised on August 6, 2010.**

27. **Order No. 10-1002472A-6 – Bond in the amount of \$3,716,000 (three million seven hundred sixteen thousand) dollars for water main construction payable in not more than forty (40) years from its date of issue. Recommendation of the Finance Committee is to advertise under Suspension of the Rules. Bond was advertised on August 6, 2010.**
28. **Order No. 10-1002472A-7 – Bond in the amount of \$864,000 (eight hundred sixty four thousand) dollars for park reconstruction payable in not more than fifteen (15) years from its date of issue. Recommendation of the Finance Committee is to advertise under Suspension of the Rules. Bond was advertised on August 6, 2010.**
29. **Order No. 10-1002472A-8 – Bond in the amount of \$80,000 (eighty thousand) dollars for park engineering and architectural design payable in not more than five (5) years from its date of issue. Recommendation of the Finance Committee is to advertise under Suspension of the Rules. Bond was advertised on August 6, 2010.**
30. **Order No. 10-1002472A-9 – Bond in the amount of \$350,000 (three hundred fifty thousand) dollars for computer hardware payable in not more than five (5) years from its date of issue. Recommendation of the Finance Committee is to advertise under Suspension of the Rules. Bond was advertised on August 6, 2010.**
31. **Order No. 10-1002472A-10 – Bond in the amount of \$2,980,000 (two million nine hundred eighty thousand) dollars for building renovations payable in not more than twenty (20) years from its date of issue. Recommendation of the Finance Committee is to advertise under Suspension of the Rules. Bond was advertised on August 6, 2010.**
32. **Order No. 10-1002474-1 – Bond in the amount of \$1,236,280 (one million two hundred thirty six thousand two hundred eighty) dollars for departmental equipment payable in not more than five (5) years from its date of issue. Recommendation of the Finance Committee is to advertise under Suspension of the Rules. Bond was advertised on August 6, 2010.**
33. **Order No. 10-1002473-1 – Bond in the amount of \$4,000,000 (four million) dollars for sewer construction payable in not more than thirty (30) years from its date of issue. Recommendation of the Finance Committee is to advertise under Suspension of the Rules. Bond was advertised on August 6, 2010.**

#### **From City Council**

34. **Order No. 10-1002657 - All municipal vehicles be marked with the official city seal and numbered on the back for identification purposes. Recommendation of the City Council is to table until August 23, 2010.**
35. **Order No. 10-1002648 - Application for Special Permit from Clear Wireless LLC, to modify wireless communication facility at 115/109 Onamog St. Recommendation of the City Council is to table until August 23, 2010.**



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK  
Lisa M. Thomas  
140 Main St.  
Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723  
JULY 26, 2010**

Regular meeting of the City Council held on Monday, JULY 26, 2010 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Elder, Tunnera, Seymour, Clancy, and Landers. Meeting adjourned at 9:03 p.m.

ORDERED: That the minutes of the City Council Meeting June 28, 2010, **FILE AS AMENDED**; adopted.

ORDERED: Now being the time set for the 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, all were heard who wish to be heard, hearing recessed at 8:07 p.m.; adopted.

ORDERED: At President Vigeant's request to recess at 8:08 PM and returned to open meeting at 8:10 PM, **APPROVED**; adopted.

ORDERED: That the PUBLIC HEARING 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 **OPEN AND CONTINUE HEARING WITHOUT ANY EVIDENCE BEING HEARD TO THE AUGUST 23, 2010 MEETING WITH THE CONDITION THAT THE BALLOON TEST IS CONDUCTED PRIOR TO THE AUGUST 23, 2010 MEETING**; adopted.

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 (\$1,161,759.00), refer to **FINANCE COMMITTEE**.

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

Account Number	Description	Amount
13800006-59948	1999 Multi-Purpose	\$792,000.00
13850006-58948	1999 Multi Purpose Int.	\$369,759.00

ORDERED: That City Council Order No. 04-100540 authorizing the appropriation of four hundred ninety five thousand dollars (\$495,000.00) for the purpose of purchasing land known as Frye Land through the issuance of Bonds is hereby rescinded, refer to **FINANCE COMMITTEE**; adopted.

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ORDERED: That the transfer request in the amount of \$27,098.49 which moves funds from Fringes to Head Clerk associated with an employee's retirement, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 11990006-51500

\$27,098.49

Fringes

TO:

Acct. # 11620002-50550

\$27,098.49

Head Clerk

ORDERED: That the transfer request in the amount of \$2,000.00 which moves funds from Library Director to Professional & Technical Services to fund part-time temporary help during the search for a new Library Director, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 16100001-50230

\$2,000.00

Library Director

TO:

Acct. # 1610004-53180

\$2,000.00

Professional & Technical Services

ORDERED: That the 60 day extension of temporary appointment of Jack Gracey for Director of Council on Aging, **FILE**; adopted.

ORDERED: That the reappointment of reappointment of Walter Bonin to the License Commission for a six-year term from date of approval, refer to **PERSONNEL COMMITTEE**; adopted.

ORDERED: That Marlborough's bond rating has been changed from Aa3 to Aa2 due to a change in its rating scale, **FILE**; adopted.

ORDERED: The Communication from the Comptroller re: refinancing of two General Obligation Bonds dated June 15, 1999 and June 15, 2001 in which the City reduced the principal amount of the bonds from \$16,154,789.00 with an average rate of 5% to a principal amount of \$6,540,000.00 with an average interest of 2.30%, **FILE**; adopted.

ORDERED: The Communication from the Comptroller re: Notification from the Massachusetts Water Pollution Abatement Trust pertinent to selling \$4,103,500.00 worth of bonds, **FILE**; adopted.

ORDERED: The 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, **FILE**; adopted.

ORDERED: The Communication from the Chief Procurement Officer re: Request for Proposal for Wireless Telecommunication Leasing Project at 115 Onamog St., **MOVED TO ITEM 19 OF THE JULY 26, 2010 AGENDA**; adopted.

ORDERED: That the Communication from the Planning Board re: Proposed Zoning Map Change for Map 78, Parcels 12, 38 & 39 and Map 89, Parcel 77, Order No. 10-1002512, **MOVED TO REPORTS OF COMMITTEES**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, AUGUST 23, 2010** as date for a **PUBLIC HEARING** on the 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., refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, SEPTEMBER 13, 2010** as date for a **PUBLIC HEARING** on the amended Special Permit from Attorney Gadbois on behalf of Fore Kicks II Inc., seeking to allow the applicant to serve alcoholic beverages on Site for the following reasons:

- 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, refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.

**Councilor Elder abstained**

ORDERED: That there being no objection thereto set **MONDAY, AUGUST 23, 2010** as date for a **PUBLIC HEARING** on the from MetroPCS Massachusetts LLC, to install a telecommunications facility onto an existing building at 157 Union St, refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE**; adopted.

**Councilor Seymour abstained**

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, refer to **WIRELESS COMMUNICATIONS COMMITTEE**; adopted.

ORDERED: That the Application for Special Permit from Clear Wireless LLC, to modify wireless communication facility at 115/109 Onamog St, **TABLED UNTIL THE AUGUST 23, 2010 CITY COUNCIL MEETING**; adopted.

ORDERED: That the communication from Andy Candiello, on behalf of Metro PCS Massachusetts, LLC, re: request to extend time limitations to install a Telecommunications Facility onto the existing utility pole at 257 Donald Lynch Blvd. to December 22, 2010 at 11:00 PM, **APPROVED**; adopted.

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ORDERED: That there being no objection thereto set **AUGUST 23, 2010** as date for a **PUBLIC HEARING** on the Petition from Massachusetts Electric Co. and Verizon New England, Inc. to install P.5 and relocate P.4 on Madison St., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from Patriot Ambulance re: EMS Education, **FILE**; adopted.

ORDERED: That the Communication from Alex Pitochelli, on behalf of Backyard Lacrosse, to extend permit a half hour from 9:15 PM to 9:45 PM on August 12, 2010, to ensure that the games will be finished, **APPROVED**; adopted.

ORDERED: That the 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, **FILE**; adopted.

ORDERED: That the minutes, Traffic Commission, May 25, 2010, **FILE**; adopted.

ORDERED: That the minutes, Planning Board, June 7, 2010, **FILE**; adopted.

ORDERED: That the minutes, Board of Assessors, April 14 and July 13, 2010, **FILE**; adopted.

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

A. Nicole Alger, 90 Grove St., pothole or other road defect

#### Reports of Committees:

Councilor Delano reported the following out of the Personnel Committee:

**Order No.10-1002606 - Reappointment of Diane Smith to the position of City Auditor for three year term from the date of confirmation. Recommendation of the Personnel Committee is to approve the reappointment of Diane Smith to the position of City Auditor for a three year term from date of confirmation 2-0.**

Councilor Ossing reported the following out of the Finance Committee:

**The Finance Committee continued the discussion on the following capital bond packages:**

- **Order No. 10-1002472A – FY10 Capital Bond Package - \$21,156,388**
- **Order No. 10-1002473A – Sudbury Street Bond for \$4,000,000**
- **Order No. 10-1002474 – DPW Equipment Bond for \$1,236,280**

Attachment 1 identifies each bond, the amount, and the Finance Committee recommendations. A summary of the meeting is presented below:

The Finance Committee continued the discussions on the FY10 capital bonds from July 12, 2010. All votes taken were to obtain a sense of the Finance Committee position on each bond. The bonds will go through a final vote after all the bonds have been reviewed. Finance Committee members were asked to determine the dollar amount that they would be comfortable with supporting.

DPW Equipment Bond - \$1,236,280 – five year bond

- The Finance Committee voted 3 – 0 to approve \$1,091,080 bond. This amount excludes the 4 pickup trucks and one van identified as Equipment # 13, 61, 65, 67 and 84.

**Street Bond – Reconstruction Portion - \$9,886,000 – ten year bond**

- The Finance Committee reviewed the DPW Commission spreadsheet that divided the street reconstruction projects over a three year period.
- The Finance Committee voted 3 – 0 to approve \$2,090,000 to bond the streets that will be reconstructed in 2001. The street that will be funded by this bond include: Wood Road, Berkeley Street (entire length), Gates Ave (entire length, Royce Road, Washington Street (remaining portion), Ferrechia Drive (entire length), Ellis Ave (entire length), Mountain Ave (entire length), Cortland Drive, First Road (entire length), Russet Lane, Maple Terrace (entire length), and Raffaele Road (entire length).
- The Finance Committee agreed that if sufficient progress is made in 2011, then the 2012 road reconstruction projects would be considered.

**Street Bond – Other – part of the \$9,886,000 bond – ten year bond**

- The Finance Committee reviewed the DPW Commission spreadsheet that divided the street other projects over a three year period.
- The Finance Committee voted 3 – 0 to approve \$1,150,000 to bond the following projects for 2011: Edinboro Street (Maple Street to Church Street) overlay, paving Poirier Drive at the High School, paving at the Middle School, crack sealing at various streets, Farm Road right of way, and East Main Street right of way.
- The Finance Committee agreed that if sufficient progress is made in 2011, then the 2012 street other projects would be considered.
- The total street bond approval \$3,240,000 (1,150,000 plus 2,090,000).

**Sidewalk Construction and Repair Bond - \$1,100,000 – five year bond**

- The Finance Committee voted 3 – 0 to approve \$200,000 to bond various sidewalk construction and repair projects for 2011.

**Sewer Construction Bond - \$1,535,000 – thirty year bond**

- The Finance Committee voted to approve \$475,000 to bond the following sewer construction projects: Country Lane (replace pump station), Hosmer Street (replace generator pump station), and the three pieces of equipment at the Easterly Wastewater Treatment Plant.

**Water Main Construction Bond - \$3,716,000 – forty year bond**

- The Finance Committee approved correcting the bond request to reflect the bond duration is forty year. This is to be corrected on the version that will be advertised.
- The Finance Committee voted 3 – 0 to approve \$1,626,000 to bond the following water projects: Replace lead services, Bolton street, and Route 85 (replace 6” with 8” water main, phase 2)
- The DPW Commissioner indicated that there are 199 lead services to be replaced.

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Sudbury Street Sewer Construction - \$4,000,000 – thirty year bond

- The Finance Committee voted 2 – 1 (Ossing opposed) to approve \$1,800,000 for the first phase of the Sudbury Street sewer project. The DPW Commissioner indicated that this would be a six year project.

**The Finance Committee voted 3 – 0 to request a suspension of the rules to recommend at the July 26, 2010 meeting to advertise all the bonds so that the bonds could be available to be voted on at the August 23, 2010 meeting. There were two changes to the text of the bonds:**

- **Recommend the \$350,000 computer bond be changed from a 10 year bond to a five year bond.**
- **Correct the Water Main Construction bond to spell out the word “forty”. It currently states “thirty (40)”.**

The Finance Committee agreed to meet again in August with the full Finance Committee to go over the results of the July 12 and July 19, 2010 meetings on the capital bond requests. In addition, the FINANCE COMMITTEE requested the Mayor provide the following information prior to the next FINANCE COMMITTEE meeting:

- Provide the impact on the FY11 BAN accounts if the bond total for FY11 is \$12,121,584.
- Provide the impact on the water and sewer bill that includes the Westerly Treatment Plant, the water and sewer bonds in Attachment 1 and estimate for the Easterly Treatment Plant.
- Provide the projected debt service if the bonds in Attachment 1 are approved on the debt service for FY12 to FY32.
- Provide the status of the existing bonds to determine if any of the funds can be used to offset the FY10 bond request.
- Provide the impact of refinancing the school bond of \$9,580,170. Identify the funds that will be available for potentially offsetting the FY10 bond request.

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**ATTACHMENT 1  
FY10 Capital Bonds  
Summary of Finance Committee Recommendation**

Bond Number Description	Bond Amount \$	Finance Committee Recommendation \$	Reduction \$	Comments
1. Department Equipment	445,388	389,504 App 5-0	55,884	Mayor requested the vehicle for the Code Enforcement, Veterans, and IT be removed from the bond.
2. Street Construction	9,886,000	3,240,000	6,646,000	Approve the items that can be completed in 2011 on the DPW spreadsheet
3. Sidewalk Construction	1,100,000	200,000	900,000	Approved various sidewalk repair only.
4. Sewer Construction	1,535,000	475,000	1,060,000	See list of projects in meeting minutes
5. Water Meters	200,000	200,000 App 5-0	0	Will purchase 1142 meters at \$175 per meter
6. Water	3,716,000	1,626,000	2,090,000	See list of projects in meeting minutes
7. Parks	864,000	Tabled 5 - 0		
8. Design	80,000	Tabled 5 - 0		
9. Computers	350,000	350,000 App 5-0		
10. Buildings	2,980,000	275,000 App 5-0		\$30,000 for DPW generator not required. \$200,000 for Walker building tabled pending discussions with the Mayor
11. DPW Equipment	1,236,280	1,091,080	230,000 145,200	Excludes 4 pickup trucks and one van
12. Sudbury Street	9,943,000	1,800,000	8,143,000	First phase of project
<b>Total</b>	<b>32,335,668</b>	<b>12,121,584</b>	<b>19,270,084</b>	Does not include the Parks and Design Bonds that were tabled.

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**Suspension of the Rules requested – granted as the following BOND was Ordered Advertised:**

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

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

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

**Suspension of the Rules requested – granted as the following BOND was Ordered Advertised:**

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

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

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

**Suspension of the Rules requested – granted as the following BOND was Ordered Advertised:**

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

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

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

**Suspension of the Rules requested – granted as the following BOND was Ordered Advertised:**

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

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

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

**Suspension of the Rules requested – granted as the following BOND was Ordered Advertised:**

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

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

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

**Suspension of the Rules requested – granted as the following BOND was Ordered Advertised:**

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

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

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

**Suspension of the Rules requested – granted as the following BOND was Ordered Advertised:**

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

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

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

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**Suspension of the Rules requested – granted as the following BOND was Ordered Advertised:**

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

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

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

**Suspension of the Rules requested – granted as the following BOND was Ordered Advertised:**

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

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

Pursuant to the provisions of Chapter 44, Section 7 (28) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than five (5) years from its date of issue.

**Suspension of the Rules requested – granted as the following BOND was Ordered Advertised:**

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

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

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

**Suspension of the Rules requested – granted as the following BOND was Ordered Advertised:**

**Ordered:** That the sum of \$1,236,280 (one million two hundred thirty six thousand two hundred eighty) dollars be and is hereby appropriated for departmental equipment.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$1,236,280.

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

**Suspension of the Rules requested – granted as the following BOND was Ordered Advertised:**

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

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

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

ORDERED: That the favorable 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, **FILE**; adopted.

**Suspension of the Rules requested - granted**

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 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 the Zoning Map, as hereinabove amended, also state in the Map's legend the following notation pertaining to this amendment: "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", **APPROVED**; adopted.

**First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain, adopted. No objection to passage in one evening.**

**Councilor Tunnera abstained**

**NOTE: Councilor Pope initially objected to passage in one evening but reconsidered to allow passage in one evening and requested to be recorded in opposition.**

ORDERED: That all municipal vehicles be marked with the official city seal and numbered on the back for identification purposes, **TABLED UNTIL AUGUST 23, 2010**; adopted.

ORDERED: That the reappointment of Dianne Plummer to the City Scholarship committee for a term expiring three years from date of confirmation, **APPROVED**; adopted.

**Councilor Vigeant abstained**

ORDERED: That the reappointment of Edward Clancy and Dennis Demers to the Conservation Commission for three years expiring March 5, 2013, be and is herewith **APPROVED**; adopted.

**Councilor Clancy abstained**

/12

ORDERED: That the reappointment of Linda Clark as Registrar of Voters expiring April 1, 2013, **APPROVED**; adopted.  
**Councilor Ferro abstained**

ORDERED; At Councilor Levy's request to recess at 8:55 PM and returned to open meeting at 8:59 PM, **APPROVED**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 9:03p.m.; adopted.



# IN CITY COUNCIL

2

Marlborough, Mass., JULY 26, 2010

ORDERED:

That there being no objection thereto set **AUGUST 23, 2010** as date for a **PUBLIC HEARING** on the Petition from Massachusetts Electric Co. and Verizon New England, Inc. to install new P.5 and relocate P.4 on Madison St., be and is herewith refer to **PUBLIC SERVICES COMMITTEE**.

ADOPTED

ORDER 10-1002649



# IN CITY COUNCIL

3

JULY 26, 2010

Marlborough, Mass., \_\_\_\_\_

## ORDERED:

That the PUBLIC HEARING 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 be and is herewith **OPEN AND CONTINUE HEARING TO THE AUGUST 23, 2010 MEETING WITH THE CONDITION THAT THE BALLOON TEST IS CONDUCTED PRIOR TO THE AUGUST 23, 2010 MEETING.**

(IN WIRELESS COMMUNICATIONS COMMITTEE)

ADOPTED

ORDER NO. 10-1002623A



# IN CITY COUNCIL

4

JULY 26, 2010

Marlborough, Mass., \_\_\_\_\_

## ORDERED:

That there being no objection thereto set **MONDAY, AUGUST 23, 2010** as date for a **PUBLIC HEARING** on the from MetroPCS Massachusetts LLC, to install a telecommunications facility onto an existing building at 157 Union St, be and is herewith refer to **WIRELESS COMMUNICATIONS COMMITTEE AND ADVERTISE.**

**Councilor Seymour abstained**

ADOPTED

ORDER 10-1002646



# IN CITY COUNCIL

5

JULY 26, 2010

Marlborough, Mass., \_\_\_\_\_

**ORDERED:**

That there being no objection thereto set **MONDAY, AUGUST 23, 2010** as date for a **PUBLIC HEARING** on the 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., be and is herewith refer to **URBAN AFFAIRS COMMITTEE AND ADVERTISE.**

ADOPTED

ORDER 10-1002644



*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 61

*Krista J. Holmi*  
EXECUTIVE AIDE

*Katherine M. LaRose*  
EXECUTIVE SECRETARY

August 18, 2010

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

RE: Doubling of Exemptions for Qualified Residents

Honorable President Vigeant and Councilors:

With the City Council's approval of the FY11 operating budget, I am recommending the adoption of Section 4, Chapter 73 of the Acts of 1986 which allows for the doubling of all exemptions offered in the City to qualified residents (i.e. Elderly, Blind, Disabled Vets) as provided by Massachusetts law. The City would absorb any associated costs through the overlay account.

As indicated in the attached correspondence from City Assessor Tony Trodella, City Council must approve this proposed adoption each year prior to values being certified in the fall.

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

Sincerely,

Nancy E. Stevens  
Mayor

Enclosure



62

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

August 9, 2010

Mayor Nancy Stevens  
City of Marlborough

Mayor Stevens:

As you recall, the City Council adopted Section 4 of Chapter 73 of the acts of 1986. This action allowed the doubling of all the exemptions offered in the City. (Elderly, Blind, Disabled Vets etc.)

As adopted, the mayor must recommend and the council must vote this adoption each year.

This is done so that the fiscal health of the City can be reviewed to ascertain the ability of the city to absorb the extra cost through the overlay account.

None of this extra money is reimbursed by the State.

I am requesting that you decide what your wishes are and make the recommendation to the council to adopt it once again for FY2011 if appropriate.

Let me know if you need more information on this matter.

It must be adopted before our values are certified in the fall.

Respectfully:

Anthony R. Trodella, Chairman- Board of Assessors.



*City of Marlborough*  
*Office of the Mayor*

140 Main Street  
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*Nancy E. Stevens*  
MAYOR

*Krista J. Holmi*  
EXECUTIVE AIDE

*Katherine M. LaRose*  
EXECUTIVE SECRETARY

August 19, 2010

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

RE: MIIA Rewards

Honorable President Vigeant and Councilors:

I am pleased to report that for the sixth year, the City participated in the Massachusetts Interlocal Insurance Association (MIIA) rewards program during its July 1, 2009 to June 30, 2010 policy period. Coordinated by the City's Chief Procurement Officer, Beverly Sleeper, City officials and employees were asked to complete certain training activities intended to minimize the City's future insurance claims. In return, the City earns credits to reduce its insurance policy premiums. The policy credits detailed below would not have been possible without this city-wide effort.

In 2010, the City was awarded \$17,004.00 by MIIA for participating in loss control trainings offered by MIIA and implementing key risk management procedures. Marlborough also received participation credits for its longevity as a MIIA member for FY11 in the amount of \$23,555.00. This brings the City's total credit during this policy term to \$40,559.00. The City also received an additional \$10,000.00 in grant funds to conduct an Operations and Maintenance Plant Audit for use by the Department of Public Works Water and Sewer Division.

In the City's six years of participation in the MIIA rewards program, a total of \$164,059.00 has been returned to the City in the form of credits or grants. Participation in the program is voluntary; however, the City recognizes the opportunity to save money by taking steps to minimize claims and control insurance costs. The City will continue to participate in this valuable cost-saving program.

As always, please let me know if you have any questions.

Sincerely,

Nancy E. Stevens  
Mayor

cc: David Brumby, Beverly Sleeper



*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 81  
*Krista J. Holmi*  
EXECUTIVE AIDE

*Katherine M. LaRose*  
EXECUTIVE SECRETARY

August 19, 2010

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

RE: Appointment –Council on Aging Director

Honorable President Vigeant and Councilors:

I am submitting for your approval the appointment of Jennifer Crawford-Claro to the position of Council on Aging Director. I would like to provide a brief summary of the selection process resulting in my recommendation.

I initially appointed a three member search committee consisting of the following individuals:

- David Brumby, Personnel Director, City of Marlborough
- Janice Long, COA Director, Town of Hudson
- Brenda Costa, Chairperson of the Marlborough Council on Aging Board

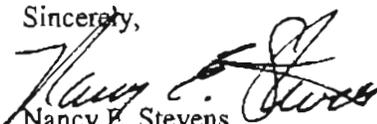
I want to publicly acknowledge the efforts of the search committee for their invaluable contributions during the search process. Thank you all!

In response to our advertisings, the City received a total of twenty-four candidate applications. The search committee screened all twenty-four applicants and selected eight semi-finalists for first-round interviews. The committee interviewed the eight semi-finalists, and from the original eight semi-finalists, the committee selected two finalists.

I joined the search committee for a second-round interview with the two finalists, and I have selected Ms. Crawford-Claro for City Council consideration as Council on Aging Director. Both candidates were outstanding. While the search committee and I believed either candidate would do an excellent job for the City of Marlborough, I believe Ms. Crawford-Claro is the best choice for the Director's position. Upon Council approval, Ms. Crawford-Claro will serve a three-year term from the date of approval.

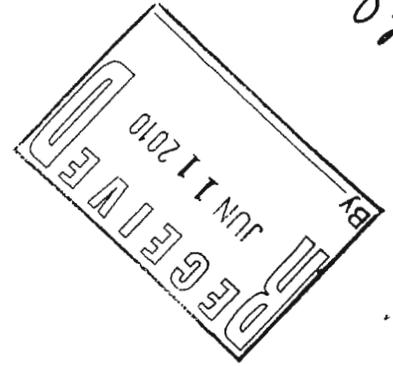
As always, please feel free to contact me with any questions or concerns.

Sincerely,

  
Nancy E. Stevens  
Mayor

Enclosure  
cc: David Brumby, Personnel Director

**Jennifer Crawford-Claro**  
320 Mechanic Street  
Marlborough, MA 01752  
Residence: 508.481.0395



June 10, 2010

Mr. David Brumby, Personnel Director  
City of Marlborough  
140 Main Street  
Marlborough, MA 01752

Dear Mr. Brumby,

I have supervised, directed senior programs, have extensive case management experience as well as trained and worked side by side hundreds of wonderful volunteers in my last ten years of as the executive director of a non-profit, multi-faceted United Way social service agency. I also am very familiar with writing and administering grants due to the diverse funding streams that supported many of our programs.

In leading a community organization voted "Agency of the Year" by United Way I have learned the importance of cultivating relationships and partnerships with political leaders, local business owners, grantors, schools, civic organizations, interested citizens and more importantly the individuals that use the services on a daily basis. I would like the opportunity to share my experience in leading a community agency and working in partnership with other resource entities, social workers and integral individuals to help carry out the mission of the Council on Aging, "To promote healthy, successful aging and to enhance the quality of life for Marlborough's senior citizens."

The resume enclosed also outlines all the details of my professional career, background as an Executive Director and education. With these credentials and my belief in quality and hard work I will make a significant contribution to the City of Marlborough and more importantly our seniors.

I welcome the chance to speak with you and/or committee about this position so that I can elaborate on my enthusiasm and commitment to Marlborough's Council on Aging. Thank you again for this opportunity.

Sincerely,

Jennifer C. Claro

83

# Jennifer Crawford-Claro

320 Mechanic Street  
Marlborough, MA. 01752  
Residence: 508.481.0395  
Mobile: 251.776.2284  
Sunshineandco@aol.com

## Objective

An opportunity to utilize my administrative, business and counseling experience working in a community agency serving the senior population.

## Experience

The Shoulder, A Male Residential Drug Treatment Center  
Daphne, AL

### **Practicum/Internship- May 2008 to December 2009**

- Responsible for clients' initial intake and assessment
- Developed individual treatment plans for clients
- Provided case management for court ordered and non-court ordered clients
- Met with clients daily for individual and group counseling
- Responsible for charting and data input for clients files
- Coordinated special events such as Fourth of July picnic, Easter egg hunt
- Helped set up a thrift shop to diversify funding stream for agency

Ecumenical Ministries, Inc., A United Way Social Service Agency  
Fairhope, AL

### **Executive Director –September 1997 to June 2009**

- Director of \$650,000 + annual budget social service organization
- Daily supervision of twenty associates and 80 volunteers
- Acquired 40 unit low income elderly apartment complex and helped secure \$3.6 million in rehabilitation tax credits as well as oversaw 40 unit property
- Oversaw ten social service programs including a Federal Head Start program, Meals on Wheels, Prescription Assistance Program, Home Repair and Weatherization Program for indigent elderly, two emergency-aid centers and food pantries, Christmas Sharing program for elderly and children, EMMY's Thrift Shop
- Directed marketing and fundraising efforts
- Responsible for grant writing and compliance reporting
- Served as community liaison for public speaking venues as well as served on several advisory boards such as the Alabama Department of Human Resources, Baldwin County Interagency Council, Baldwin County Emergency Management Disaster Recovery and Federal Emergency Management Food and Shelter Board

Compass Bank Corporate Headquarters  
Birmingham, AL

### **Commercial Loans and Asset Based Lending**

#### **Representative-August 1993- July 1997**

- Responsible for maintaining and analyzing commercial loan files
- Maintaining a portfolio of accounts over \$500,000
- Responsible for communication with customers, reconcile income and balance sheets daily on asset accounts
- Represented department on Compass Bank Foundation Board

Marriott's Grand Hotel  
Point Clear, AL  
**Banquet and Catering Department**  
**April 1991- August 1993**

- Setting up various size banquet functions from 25-3000 people while working in conjunction with catering and kitchen staff
- Working and motivating banquet associates and kitchen staff to carry out positive and successful event functions
- Communicating and meeting event planners requests
- Cross-training in various departments of hotel

**Education**

University of South Alabama- Mobile, AL  
Master in Community Counseling, 12/2009

University of South Alabama – Mobile, AL  
B.A. Hotel Management and Business  
Administration, 6/1992

**References**

Dr. Philip Norris, Administrator  
University of South Alabama  
P.O.B. 8133,  
Fairhope, AL. 36533  
(251) 928.8133

Joe Donaldson, MS, MLAP, ICADC, Clinical Director  
The Shoulder, A Residential Drug Recovery Center  
P.O.B. 7130  
Daphne, AL. 36577  
(251) 626.2199

Carol Stickney  
6823 Cedar Brook Drive  
Montrose, AL. 36526  
(251) 928.9547



*City of Marlborough*  
*Office of the Mayor*

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

*Krista J. Holmi*  
EXECUTIVE AIDE

*Katherine M. LaRose*  
EXECUTIVE SECRETARY

August 18, 2010

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

RE: Appointment to the Marlborough Planning Board

Honorable President Vigeant and Councilors:

I am submitting for your approval the appointment of Colleen Hughes to the Marlborough Planning Board. Ms. Hughes previously served on the Planning Board, and her knowledge and experience will be a valuable asset to the City.

Upon approval, Ms. Hughes's will serve a term expiring the first Monday in February, 2015.

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

Sincerely,

Nancy E. Stevens  
Mayor

cc: Barbara L. Fenby



*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 10

*Krista J. Holmi*  
EXECUTIVE AIDE

*Katherine M. LaRose*  
EXECUTIVE SECRETARY

August 19, 2010

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

RE: Fort Meadow Commission-Reappointments

Honorable President Vigeant and Councilors:

I am submitting for your approval the reappointments of Lee Thomson and Joseph DelGenio to the Fort Meadow Commission. Mr. Thomson's and Mr. DelGenio's appointments are three-year terms from the date of approval.

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

Sincerely,

Nancy E. Stevens  
Mayor



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 **STATE PRIMARY ELECTION** will be held in the polling locations as noted below on **SEPTEMBER 14, 2010** as follows: Governor, Lieutenant Governor, Attorney General, Secretary of State, Treasurer, Auditor, Representative in Congress, Councillor, Senator in General Court, Representative in General Court, District Attorney, and Sheriff.

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

POLLING LOCATIONS ARE AS FOLLOWS:

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

12,



RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2010 JUL 30 P 2:32

CITY OF MARLBOROUGH  
*Office of the City Council*  
Edward J. Clancy, Chairman  
Public Services Committee  
140 Main Street  
Marlborough, Massachusetts 01752  
(508) 460-3711 TDD (508) 460-3610

August 2, 2010

Arthur G. Vigeant, President  
Members of the City Council  
City Hall  
Marlborough, MA 01752

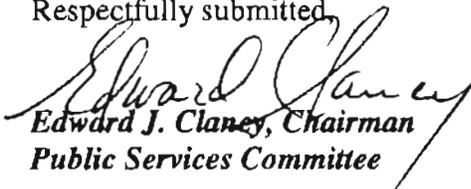
Reference: Proposed City Code Amendments – Junk Dealers

Dear President and Members:

In the recent past, the City Council has dealt with certain junk dealers who continue to operate after their licenses have been revoked or lapsed. The attached, proposed changes to the City Code will provide additional enforcement measures to more effectively deal with these issues in the future.

A motion would be in order to refer the proposed amendments and the attached supporting documentation to the Legislative & Legal Affairs Committee at which time I would request that a meeting be held with the Code Officer and Asst. City Solicitor to consider the adoption of the amendments.

Respectfully submitted,

  
**Edward J. Clancy, Chairman**  
**Public Services Committee**

EC/kb  
enclosures

**DRAFT PROPOSED ORDER** (Amendments in **bold**)

122

ORDERED:

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

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

**377-1. License Required; License Revocation.**

- A. No person shall be a **collector of**, dealer in or **keeper of** a shop for the purchase, sale or barter of junk, old metals, rags or secondhand articles unless licensed by the City Council, which may grant licenses as it may determine.
- B. **Said licenses may be revoked or suspended at pleasure by the City Council.**
- C. **Upon revocation of such license, the City Clerk shall note the revocation upon the face of the record thereof, and shall give written notice to the licensee as provided under M.G.L. c. 140, § 205.**

Further, Chapter 377 is also hereby amended by adding the following new sub-section:

**377-10: Enforcement; Penalties**

**Whoever acts as a collector of, dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals, rags or second hand articles without a license, or in any other place or manner than that designated in his license or after notice that his license has been revoked, or acts in violation of any rule, regulation, restriction or condition regarding such license shall be subject to a fine of \$100.00 per day for each and every day the violation continues after issuance of a Notice of Violation by the Building Inspector of his designee, who may enforce this section by non-criminal disposition pursuant to the provisions of M.G.L. c. 40, § 21D. All fines are payable to the City of Marlborough through the City Clerk's office.**

ADOPTED

In City Council  
Order No. 10-  
Adopted

Approved by Mayor  
Nancy E. Stevens  
Date:

A TRUE COPY  
ATTEST:

123

**DRAFT PROPOSED ORDER**

ORDERED:

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

Chapter 315 is hereby amended by adding the following new sub-section to part B of section 315-2, Noncriminal Disposition:

Ordinance/Violation (Chapter/Section)	Penalty	Enforcing Agent
30) Junk And Second Hand Dealers Licenses, Ch. 377	\$100	Building Inspector or his designee

ADOPTED

In City Council  
Order No. 10-  
Adopted

Approved by Mayor  
Nancy E. Stevens  
Date:

A TRUE COPY  
ATTEST:

ORDERED:

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

127

Chapter 315 is hereby amended by adding to section 315-2(B) the following new sub-section:

(33) Junk And Second Hand Dealer's Licenses (Chapter 377): \$20.00

Enforcing person: Building Inspector and his designees

ADOPTED

In City Council  
Order No. 10-  
Adopted

Approved by Mayor  
Nancy E. Stevens  
Date:

A TRUE COPY  
ATTEST:

125

**From:** Panagore Griffin, Cynthia  
**Sent:** Thursday, July 29, 2010 2:58 PM  
**To:** City Council  
**Cc:** Rider, Donald; Wilderman, Pam  
**Subject:** Attn: Edward Clancy Proposed Amend Junk Dealers License Code Chapter 377.docx

Dear Councilor Clancy:

The two attached draft orders propose to (1) amend City Code Chapter 377 concerning Junk Dealer's Licenses; and (2) amend City Code Chapter 315 concerning Non-Criminal Disposition. I have also attached the three statutes which are referenced in this email.

As you are aware, these proposed amendments were drafted in response to certain junk dealer(s) who continue to operate their business(es) after their licenses have been revoked or their licenses have lapsed. Note that MGL c. 140, s. 54 specifically authorizes the City to make rules and regulations relative to the business of junk dealers and to provide for the supervision thereof.

The proposed amendments to Chapter 377 include terms found in MGL c. 140, s. 54, (s. 377-1, proposed paras. A and B) and MGL c. 140, s. 205 (s. 377-1, proposed para. C). Note that because these additions are statutory, they exist independent from the ordinance, yet they underscore the rights and obligations of the City. Paragraph 377-10 is intended to delineate and delegate responsibility for enforcement. Presumably the City Council is the enforcing body, by default, at present.

The second order proposes to amend Chapter 315 to include a \$100 fine by the Building Inspector or his designee (similar to the section concerning the sign ordinance) for violations of Chapter 377. Although MGL c. 140, s. 55 provides for a fine of \$20.00, that amount is not a maximum, which means that the City may set the fine at an amount greater than \$20.00.

I am available to speak with you about this matter at your convenience.

Cynthia

126

**PART I. ADMINISTRATION OF THE GOVERNMENT**

**TITLE XX. PUBLIC SAFETY AND GOOD ORDER**

**CHAPTER 140. LICENSES**

**EMPLOYMENT AGENCIES**

**MISCELLANEOUS PROVISIONS**

**Chapter 140: Section 54. Junk dealers**

Section 54. Cities and towns by ordinance or by-law may provide for the licensing, by the police commissioner in Boston, by the license commission in Lowell, by the aldermen in other cities and by the selectmen in towns, of suitable persons to be collectors of, dealers in or keepers of shops for the purchase, sale or barter of junk, old metals or second hand articles, may make rules and regulations relative to their business, and may provide for the supervision thereof. Said licensing board or officer may, except as otherwise provided in such ordinance or by-law, make additional rules, regulations and restrictions which shall be expressed in all licenses. Said licenses may be revoked at pleasure, and shall be subject to sections two hundred and two to two hundred and five, inclusive, except that societies, associations or corporations organized solely for religious or charitable purposes and their agents shall not be required to pay a fee for such licenses.

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**PART I. ADMINISTRATION OF THE GOVERNMENT**

**TITLE XX. PUBLIC SAFETY AND GOOD ORDER**

**CHAPTER 140. LICENSES**

**EMPLOYMENT AGENCIES**

**MISCELLANEOUS PROVISIONS**

**Chapter 140: Section 55. Junk dealers; penalty; exceptions**

Section 55. Whoever acts as a collector of, dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals or second hand articles without a license, or in any other place or manner than that designated in his license or after notice to him that his license has been revoked, or violates any such rule, regulation or restriction, shall forfeit twenty dollars. The purchase, sale or barter of books, prints, coins or postage stamps shall not be deemed to be the purchase, sale or barter of second hand articles within the meaning of this and the preceding section.

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**PART I. ADMINISTRATION OF THE GOVERNMENT**

**TITLE XX. PUBLIC SAFETY AND GOOD ORDER**

**CHAPTER 140. LICENSES**

**EMPLOYMENT AGENCIES**

**GENERAL PROVISIONS**

**Chapter 140: Section 205. Revocation of license; record; notice**

Section 205. Upon the revocation of such a license, such clerk shall note the revocation upon the face of the record thereof, and shall give written notice to the licensee by delivering it to him in person or by leaving it at the place of business designated in the license.

131



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

August 17, 2010

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

Dear President Vigeant and Members:

I have enclosed for your consideration and approval a Grant of Utility Easement to Massachusetts Electric Company ("MEC") from the City of Marlborough. The Easement is intended to provide for upgrades to the overhead system and an underground electric distribution system for the Westerly Wastewater Treatment Plant. As you are aware, the plant upgrades are currently under construction and the Easement is necessary for MEC to install and maintain its equipment. Also enclosed for your reference is the sketch entitled: "National Grid Work Location 303 Boundary Street, Work Order # 8148764" ("Exhibit A" – Not to Scale) depicting the Easement area at 303 Boundary Street.

I will be available to answer any specific questions relative to this matter.

Very truly yours,

Ronald M. LaFreniere  
Commissioner of Public Works

Enclosures

cc: Nancy E. Stevens, Mayor  
Thomas E. Cullen, Jr., City Engineer  
Donald V. Rider, Jr., City Solicitor  
Cynthia Panagore Griffin, Assistant City Solicitor

B<sub>2</sub>

Property Address: 303 Boundary Street, Marlborough, MA (MIDDLESEX SOUTH)

**KNOW ALL MEN BY THESE PRESENTS**

that CITY OF MARLBOROUGH, a Massachusetts municipal corporation having a usual place of business at 140 Main Street, Marlborough, Massachusetts (hereinafter referred to as the Grantor), for consideration of One (\$1.00) dollar, grants to MASSACHUSETTS ELECTRIC COMPANY, a Massachusetts corporation with its usual place of business at 40 Sylvan Road, Waltham, Massachusetts 02451 (hereinafter referred to as the Grantee) with quitclaim covenants, the perpetual right and easement to install, construct, reconstruct, repair, replace, add to, maintain and operate for the transmission of high and low voltage electric current and for the transmission of intelligence for electrical purposes, lines to consist of, but not limited to, one (1) pole, (which may be erected at different times) with wires and cables strung upon and from the same and all necessary anchors, guys, and appurtenances (hereinafter referred to as the "OVERHEAD SYSTEM") and "UNDERGROUND ELECTRIC DISTRIBUTION SYSTEM" (hereinafter referred to as the "UNDERGROUND SYSTEM") located in Marlborough, Middlesex County, Massachusetts, consisting of lines of buried wires and cables and lines of wires and cables installed in underground conduits, together with all equipment and appurtenances thereto for the transmission of intelligence for electrical purposes and for the furnishing of electric service to the herein described premises, and without limiting the generality of the foregoing, but specifically including the following equipment, namely: manholes, manhole openings, bollards, handholes, junction boxes, transformers, transformer vaults, padmounts, padmount transformers and all housings, connectors, switches, conduits, cables and wires all located within the easement area of the hereinafter described property.

Said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" are located in, through, under, over, across and upon certain parcels of land situated on the northerly side of Boundary Street, being more particularly shown as City of Marlborough Assessor Map Lot 76, Parcels 1 and 2. No new boundaries were created by this document.

2010-05-25-3004

Address of Grantees:  
Mass El. - 40 Sylvan Road, Waltham, Massachusetts 02451

After recording return to:  
Stephen T. Tiarks Esq.  
National Grid  
Service Company, Inc.  
40 Sylvan Road  
Waltham, MA 02451

05 MARLMA GEN

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Said "OVERHEAD SYSTEM" is to originate from Pole P. 18, which is located on the southerly side of Boundary Street, then proceed in a northerly direction from said Pole P.18 crossing Boundary Street over, upon and across land of the Grantor to Pole P. 18-1.

And further, said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" (locations of the electrical equipment and other facilities on the hereinbefore referred to premises of the Grantor) are approximately shown on a sketch entitled: "NATIONAL GRID; WORK LOCATION 303 BOUNDARY STREET, WORK ORDER # 8148764," a reduced copy of said sketch is attached hereto as "Exhibit A" and recorded herewith, copies of which are in the possession of the Grantor and Grantee herein, but the final definitive locations of said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" shall become established by and upon the installation and erection thereof by the Grantee.

Also with the further perpetual right and easement from time to time without further payment therefore to pass and repass over, across and upon said land of the Grantor as is reasonable and necessary in order to renew, replace, repair, remove, add to, maintain, operate, patrol and otherwise change said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" and each and every part thereof and to make such other excavation or excavations as may be reasonably necessary in the opinion and judgment of the Grantee, its successors and assigns, and to clear and keep cleared the portions and areas of the premises wherein the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" are specifically located, as shown on the sketch herein referred to, of such trees, shrubs, bushes, above ground and below ground structures, objects and surfaces, as may, in the opinion and judgment of the Grantee, interfere with the efficient and safe operation and maintenance of the "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" and other related electrical equipment. However, said Grantee, its successors and assigns, will properly backfill said excavation or excavations and restore the surface of the land to as reasonably good condition as said surface was in immediately prior to the excavation or excavations thereof.

If the herein referred to locations as laid out and shown on the Sketch are unsuitable for the purposes of the Grantee or the Grantor, then the locations may, subject to the prior written consent of Grantee, which consent shall not be reasonably withheld, be changed to areas mutually satisfactory to both the Grantor and the Grantee herein; and further the newly agreed to locations shall be indicated and shown on the Sketch by proper amendment or amendments thereto. Any relocation so requested shall be at the sole cost and expense of the requesting party.

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It is the intention of the Grantor to grant to the Grantee, its successors and assigns, all the rights and easements aforesaid and any and all additional and/or incidental rights needed to install, erect, maintain and operate within the Grantor's land an "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" for the transmission of intelligence for electrical purposes and for the purpose of supplying electric service for the building, buildings or proposed buildings shown on the last herein referred to sketch or amended sketch and the right to service others from said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM" .

It is agreed that the "OVERHEAD SYSTEM and "UNDERGROUND SYSTEM" shall remain the property of the Grantee, its successors and assigns, and that the Grantee, its successors and assigns, shall pay all taxes assessed thereon. Grantor agrees that the rights and easement herein granted are for the purpose of providing service to Grantor's property and the further right to service others from said "OVERHEAD SYSTEM" and "UNDERGROUND SYSTEM".

135

For Grantor's title as to Map 76, Parcel 1, see a taking recorded on August 1, 1962 with the Middlesex South District Registry of Deeds in Book 10091, Page 186; and a confirmatory deed recorded on August 1, 1962 with said Registry of Deeds in Book 10091, Page 188. For Grantor's title as to Map 76, Parcel 2, see a taking recorded on October 7, 1892 with said Registry of Deeds in Book 2148, Page 444; a taking recorded on November 4, 1892 with said Registry of Deeds in Book 2153, Page 81; a taking recorded on January 7, 1893 with said Registry of Deeds in Book 2169, Page 581; and a deed recorded on June 2, 1926, recorded with said Registry of Deeds in Book 4977, Page 24.

Executed as a sealed instrument as of this \_\_\_\_\_ day of \_\_\_\_\_, 2010

CITY OF MARLBOROUGH

\_\_\_\_\_  
By: Nancy E. Stevens  
Its: Mayor

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Commonwealth of Massachusetts

County of \_\_\_\_\_ } ss.

On this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me,

\_\_\_\_\_  
Name of Notary Public the undersigned Notary Public,

personally appeared \_\_\_\_\_,  
Name(s) of Signer(s)

proved to me through satisfactory evidence of identity, which was/were

\_\_\_\_\_  
Description of Evidence of Identity

to be the persons whose names are signed on the preceding Grant of Easement, and  
acknowledged to me that he/she/they signed it voluntarily for its stated purpose(s).

as partner(s) for \_\_\_\_\_  
Name of Partnership

\_\_\_\_\_, a partnership.

as \_\_\_\_\_ for  
Title of Office

\_\_\_\_\_, a corporation.  
Name of Corporation

as attorney in fact for \_\_\_\_\_

\_\_\_\_\_, the principal.  
Name of Principal Signer

as \_\_\_\_\_ for \_\_\_\_\_  
Type of Capacity

\_\_\_\_\_, a/the \_\_\_\_\_  
Name of Person/Entity Type of Entity

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Printed Name of Notary

My Commission Expires \_\_\_\_\_

Place Notary Seal and/or Any Stamp Above

05 MARLGEN

CITY OF MARLBOROUGH

TO

MASSACHUSETTS  
ELECTRIC COMPANY

GRANT OF EASEMENT

**AFTER RECORDING RETURN TO:**

STEPHEN T. TIARKS ESQ.  
NATIONAL GRID  
SERVICE COMPANY, INC.  
40 SYLVAN ROAD

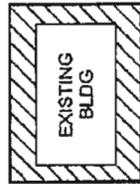
Approved By: \_\_\_\_\_

**Exhibit A - Not to Scale**

The exact location of said Facilities to be established by and upon the installation, and erection of the Facilities thereof.

BOUNDARY LINE

INSTALLING 250 FEET FROM P18-1 TO T-1 3/C #2 AL CABLE  
INSTALLING 500 KVA 277/480V TRANSFORMER



EXISTING P18-1  
TO BE REPLACED

BOUNDARY STREET

P18

**UG LEGEND**

	URD POLE
	MANHOLE
	PULL BOX
	HAND HOLE
	SINGLE PHASE PAD
	3-PHASE PAD
	XFMR FOUNDATION
	PRIMARY UG WIRE
	SECONDARY UG WIRE
	STREET LIGHT WIRE
	SERVICE ARROW



*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. /4  
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN /1  
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER  
CHIEF PROCUREMENT OFFICER

DENISE M. LINDBERG  
PARALEGAL

August 19, 2010

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

**RE: Request for Proposals for Wireless Telecommunications Leasing Project  
At Easterly Wastewater Treatment Plant, 860 Boston Post Road  
Assessors' Map 61, Parcel 16**

Dear President Vigeant and Members:

The above referenced Request for Proposals was issued for a ground lease for placement of an approved shelter and related equipment ("Facilities") adjacent to the current location of the Verizon Wireless Tower on city-owned property at the Easterly Wastewater Treatment Plant located at 860 Boston Post Road. Proposals were due for the above-referenced tower site on August 17, 2010. The City received one proposal from MetroPCS Massachusetts LLC ("MetroPCS"), 285 Billerica Road, 3<sup>rd</sup> Floor, Chelmsford, MA 01824, in the amount of \$6,600.00 for the first year of the ground lease, increasing annually by three (3%) on each anniversary of the Rent Commencement Date. The value of the ground lease is \$122,753.00 over the fifteen-year term. The initial term of the ground lease is five (5) years with the option to extend for two additional five (5)-year terms. Upon granting of a ground lease from the City of Marlborough, it is the intention of MetroPCS to become a co-locator on the Verizon Wireless Tower, subject to a special permit issued by the City Council.

I seek your approval to issue a Notice of Award subject to the Commissioner of Public Works' evaluation and approval of MetroPCS's proposal.

Sincerely,

Beverly J. Sleeper  
Chief Procurement Officer

Attachment (1) – Proposed Order

Cc: Nancy E. Stevens, Mayor  
Legal Department  
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 MetroPCS Massachusetts LLC ("MetroPCS"), 285 Billerica Road, 3<sup>rd</sup> Floor, Chelmsford, MA 01824, in the amount of \$6,600.00 for the first year of the ground 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 city-owned property adjacent to the current location of the Verizon Wireless Tower at the Easterly Wastewater Treatment Plant at 860 Boston Post Road, shown on Assessors' Map 61, Parcel 16, 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 ground lease, subject to obtaining all necessary permits and licenses, with MetroPCS for the placement of an approved shelter and related equipment outside the existing fenced compound adjacent to the current Verizon Wireless Tower site. 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:

---

# MIRICK O'CONNELL

---

A T T O R N E Y S   A T   L A W

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CITY OF MARLBOROUGH

2010 AUG 19 P 4:23

15  
Arthur P. Bergeron  
Mirick O'Connell  
100 Front Street  
Worcester, MA 01608-1477  
abergeron@mirickoconnell.com  
t 508.929.1652  
f 508.463.1385

August 19, 2010

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

Re: Request for minor Special Permit modification

Dear Councilor Vigeant:

My client, Global Montello Group Corp. hereby requests that the Special Permit to operate a gasoline service station which was originally granted to Equiva Services, LLC in 2001, and which was later modified in 2001 through an amended Special Permit granted to Exxon Mobil Corp., be further amended to specify that the owner of the service station which is located at 656 Boston Post Road in Marlborough be changed to Global Montello Group Corp., and further that condition No. 5 of the Special Permit modification be amended to allow Global Montello Group Corp. to have the convenience store located at the premises operated by its subsidiary, Alliance Energy, LLC. I will have a completed application in the standard form filed by Monday, August 23. It is my understanding that no plans need to be filed in this matter.

Very truly yours,



Arthur P. Bergeron

APB/lmb

---

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

\$25<sup>00</sup> / 16



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CITY OF MARLBOROUGH

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

2010 AUG -4 A 10:20

**Lisa M. Thomas**  
**City Clerk**

MARLBOROUGH, MA

DATE: 8/3/10

**To the City Council:**

Owner Name: Best Buy Stores, LP

Residential Address: 7601 Penn Ave S, Richfield, MN 55423

Telephone Number: 612-291-4863

Business Name: Best Buy Stores, LP #820

Business Address: 769 Donald Lynch Blvd, Marlborough, MA 01752

Business Telephone Number: 508-486-9430

Owner Signature: Paula Kiefer, Authorized Agent

Authorized Agent  
815-609-8451  
paula.kiefer@thomsonreuters.com

The above-signed Paula Kiefer respectfully requests that he/she be

granted a Junk Dealer's License license.

**In City Council**

Best Buy Corporate Campus  
7601 Penn Avenue South  
Richfield, MN 55423



Trade-in

John Slothower  
Trade-in Program Lead  
(612) 812-6641

162

Best Buy Confidential

23 July 2010

Dear Licensing Official:

Best Buy has been active in developing different solutions for our customers' unwanted consumer electronics. Last year, Best Buy began offering a recycling option for most consumer electronics in our stores. Best Buy is extending its support for end-of-life options for consumer electronics beyond recycling and offering customers a trade-in option for select working electronics that still have resale value.

This letter is to provide you an overview of the trade-in program. We currently accept only a limited number of product types in our stores for trade-in: video games, cell phones, laptops, mp3 players, and handheld gaming devices. We anticipate eventually adding several more product types.

There are several important aspects of this program:

- The program is in support of our primary business of selling new products. The program will be a very low volume activity, likely representing less than 1% of a store's transactions.
- Items will be purchased from sellers in exchange for a gift card or check only.
- Items received through the trade-in program will not be resold in the store. All trade-in items are shipped to one of our processing centers, refurbished, and sold through our secondary market channels.
- A robust default recordkeeping and reporting procedure (detailed below) will be in place at each store, even when no regulation applies.

Best Buy is firmly committed to preventing fraud and not facilitating the sale of stolen property. Best Buy's trade-in program currently includes the following standard business procedures:

- We cooperate with local law enforcement agencies investigating theft crimes.
- A seller must be at least 18 years of age.
- We require a government-issued photo ID to verify the seller's identity when the seller does not have a valid Best Buy receipt for the purchase of the product.
- We maintain electronic records for every transaction and each store maintains an electronic book of its transactions, which can be printed upon request by law enforcement. Transaction information includes:
  - A description of the item including manufacturer, model, serial number, and any personalization;
  - The seller's information contained on the government-issued photo ID, including name, address, phone number, and date of birth, as well as the ID type, issuer, number, and expiration;
  - The amount paid;
  - Transactions are date-/time-stamped; and
  - Any additional information required by applicable law.
- We report transaction information to LeadsOnline ([www.leadsonline.com](http://www.leadsonline.com)), a national database, as part of our commitment to combat theft and fencing. We also comply with any reporting requirements required by applicable law.
- We require the seller's signature to a declaration stating they are the rightful owner of the item.
- We license plate each item and track it through ultimate disposition.
- We hold items in-store for 10 days, or longer as required by applicable law. The items are then shipped to our processing centers to be inspected, data-cleaned, and refurbished.
- The item remains within our control for a total of approximately 30 to 45 days before ultimate disposition.
- Each employee has a unique logon to the trade-in system and we track who executed each trade-in.
- We instruct our personnel not to accept a product with a missing, defaced or tampered with serial number or to accept factory sealed product without a valid retail receipt for the item. We also instruct our personnel not to accept items with a company asset tag unless the seller can show proof of ownership.
- We track how and when each gift card is used.
- We retain records for at least 12 months following the transaction, or longer as required by applicable law.
- All data is stored in our central database and we have the capability of generating complete transaction documentation.

Please note that Best Buy's process may be updated, subject to applicable law, as this is a new program.

If you have any questions you can email [Tradeincompliance@bestbuy.com](mailto:Tradeincompliance@bestbuy.com) or contact me personally.

John Slothower, Trade-in Program Lead  
[John.slothower@bestbuy.com](mailto:John.slothower@bestbuy.com)



THOMSON REUTERS

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Friday, July 30, 2010

Dear Licensing Official:

Best Buy Stores, LP has engaged with Thomson Reuters (Tax & Accounting) Inc to manage the license application process for the newly developed Trade-in Program.



Please send all correspondence related to the licensing for this program to:

**Best Buy Stores, LP c/o  
Thomson Reuters (Tax & Accounting)  
2200 Cabot Drive, STE 300  
Lisle, IL 60532  
Attn: Paula Kiefer**

In the event of questions, please contact me personally at:

Office: 815-609-6451

Fax: 815-609-6452

[Paula.Kiefer@thomsonreuters.com](mailto:Paula.Kiefer@thomsonreuters.com)

Thank you for your assistance with matter.

**nationalgrid**

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CITY OF MARLBOROUGH

TOWN COPY 171

2010 AUG 16 A 10:59

July 29, 2010

To the City Council  
Marlborough, Massachusetts

Council Members:

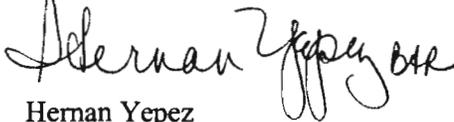
Enclosed you will find a petition for Cook Lane petition( #8949929)

Description: National Grid to install new intermediate pole on Cook Lane P.19-50 for the purposes of feeding a new urd. This pole will be jointly owned with Verizon, and is located 76' +/- north of existing P.20.

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,



Herman Yopez  
Manager of Distribution Design  
401-784-7173

KH/br

Enclosures

**PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS**

172

Hopedale, MA 01747

July 29, 2010

To the City Council  
of the City of Marlborough, Massachusetts

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

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

**Cook Lane**

**National Grid to install new intermediate pole on Cook Lane P.19-50 for the purposes of feeding a new urd. This pole will be jointly owned with Verizon, and is located 76'+/- north of existing P.20**

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

Plan No. **8949929** Dated: **07/29/2010**

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

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

**MASSACHUSETTS ELECTRIC COMPANY**

By: *Ahernan Lopez*  
Manager of Distribution Design

**VERIZON NEW ENGLAND, INC.**

By: *Paul S. ...*  
Manager, R.O.W.

*City of Marlborough*  
*Commonwealth of Massachusetts*

18,  
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CITY OF MARLBOROUGH

2010 JUL 27 A 10:41



**PLANNING BOARD**

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

Carrie Lizotte, Board Secretary

Phone: (508) 460-3769

Fax: (508) 460-3736

Email: CLizotte@marlborough-ma.gov

**PLANNING BOARD MINUTES**

June 28, 2010

7:00 PM

The Planning Board for the City of Marlborough met on Monday, June 28, 2010 in Memorial Hall, 3<sup>rd</sup> floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Steven Kerrigan, Phil Hodge, Clyde Johnson, Edward Coveney and Sean Fay. Also present: City Engineer Thomas Cullen.

**MINUTES**

*Meeting Minutes June 7, 2010*

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

To accept and file the minutes of June 7, 2010, with noted changes.

**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. Mr. Conn explained that their Engineer has not completed changes by the City Engineer but he does not expect any further continuances.

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

To accept and file correspondence.

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

To deny without prejudice the ANR known as Marlborough/Northborough Realty Trust ANR Plan.

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The members all agreed that time is of the essence even though the proponent indicted the willingness to waive the time requirement. As noted by the by the City Solicitor at the last meeting once the ANR is returned, the time frame is started with 15 days left to approve. It was suggested by Dr. Fenby to deny the plan without prejudice and have the applicant resubmit once all issues have been resolved.

*299 Maple Street  
JEMS of New England  
Resign ANR Plan*

Peter Bemis of Engineering Design Consultants, Inc is requesting to have the Planning Board re-endorse the ANR Plan for 299 Maple Street. This plan was approved in January 2009; however the plan was never registered with the Registry of Deeds.

Dr. Fenby asked if Mr. Cullen has reviewed the plan and he stated that he has not seen it to date.

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

To accept and file correspondence.

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

To refer the ANR known as "299 Maple Street, JEMS of New England" to the City Engineer for his review.

**PUBLIC HEARING**

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

*Continuation from June 7, 2010*

The Planning Board of the City of Marlborough held a public hearing on Monday, June 28, 2010, at 7:05p.m. in Memorial Hall, 3<sup>rd</sup> 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, Edward Coveney and Sean Fay. Also present: City Engineer Thomas Cullen.

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.

Per order of the City Council  
#10-1002512

183

Mr. Gadbois submitted the correspondence to the Planning Board which entailed the letter that was sent to the residents of Glenbrook. He stated that since the last meeting, there was a neighborhood meeting and the attendance was low.

Dr. Fenby then opened the meeting up for general comments:

Al Broz  
50 Teller Street

Mr. Broz wanted to state he was never notified that there was a public hearing, never received Mr. Elders community flyer and asked if there was a survey conducted on the effects this may have on the municipalities' resources.

Jamey Giancola  
124 Glen Street

Mr. Giancola explained that he is a current member of the City of Marlborough Fire Department, however he is speaking as a private citizen. He believes this would be taxing to the Fire Department and is adamantly opposed to the zone change.

Peter Nucchio  
116 Glen Street

Mr. Nuccio is concerned about the drainage systems. He stated that work promised in connection to prior plans with the owners of the property has not been completed to date. And has asked what would guarantee was promised since their promise of the last project has not been met to date.

Matt Elder  
12 Teller Street  
Ward Councilor

Mr. Elder stated that he sent letters to his constituents regarding the zoning change. He stated that the general conscious of the neighbors is that they are concerned about the resident and construction traffic. He stated only one constituent would rather see apartments over retail use.

This portion of the public hearing is closed.

Mr. Johnson stated that he is concerned that the City will be losing some of its Limited Industrial zoned land. Mr. Fay stated he was not in favor of the "sliver" of LI zoning that would be the buffer to Glen Street. Mr. Kerrigan stated that he sees the point in extending the B district and that it is in the same character as the current neighborhood with this unique opportunity for development.

Several of the members encourage the developers to consider walking paths since some of the space is considered wetlands.

Mr. Fay noted that a vote should be forthcoming in time for the July 26, 2010 City Council Meeting.

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.

Proposed Amendment to Planning Board Rules and Regulations

The Planning Board of the City of Marlborough held a public hearing on Monday, June 28, 2010, at 7:15p.m. in Memorial Hall, 3<sup>rd</sup> Floor, City Hall, 140 Main Street, Marlborough on the proposed changes to the amend the Planning Board Rules and Regulations. Members present: Chairperson Barbara L. Fenby, Clerk Steven Kerrigan, Philip Hodge, Clyde Johnson, Edward Coveney and Sean Fay. Also present: City Engineer Thomas Cullen.

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, June 28, 2010 at 7:15 PM in Memorial Hall, 3rd floor, City Hall, 140 Main Street, Marlborough Massachusetts for a Proposed Amendment to the Planning Boards Rules and Regulations.

7. Performance Guarantee

Before endorsement of the Board's approval of a Definitive Plan of subdivision, the subdivider shall agree to complete the required improvements specified in Section V for any lots in a subdivision, such construction and installation to be secured by one, or in part by one and in part by the other, of the following methods which may from time to time be varied by the applicant with the written consent of the Planning Board.

(a) Approval with Bonds or Surety

The subdivider shall either file a proper bond or a deposit of money or negotiable securities in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements specified in Section V not covered by a covenant under sub-section (b) hereof.

The amount of the security provided hereunder shall be determined by the Planning Board in consultation with the City Engineer, taking into consideration the City Engineer's standard contingency and inflation factors.

Such bond or security, if filed or deposited shall be approved as to form and manner of execution by the City Solicitor and as to sureties by the City Treasurer. The legal sufficiency of the bond shall be contingent upon the completion by the subdivider of the required improvements specified in Section V within two (2) years of the date of the bond.

If the improvements specified in Section V not covered by a covenant under sub-section (b) hereof are not completed within two (2) years of the date of the bond, such completion to be certified in writing by the City Engineer, the Planning Board shall proceed with enforcement thereof as provided in §81Y of the Subdivision Control Law unless the Planning Board first takes one of the following actions:

- i. The Planning Board, on its own, grants an extension of the two (2) year completion date for a period of not more than sixty (60) days to allow a subdivider to submit the documentation required for a complete extension request; or,

- ii. The Planning Board, upon request of the subdivider, grants a request not to exceed two (2) years from the date such extension is approved. Any such extension shall be contingent upon the following:
  - a. Written certification from the City Engineer that the bond or other security currently in place, or in place at the date such approval is granted by the Planning Board, is in an amount sufficient to cover the cost of all or any part of the improvements specified in Section V not covered by a covenant under sub-section (b) hereof, taking into consideration the City Engineer's standard contingency and inflation factors;
  - b. Written certification from the City Tax Collector that all real estate taxes for the sub-division are paid to date; and,
  - c. Written certification from the Code Enforcement Officer or Building Commissioner stating that the sub-division is free from any violations of the City's Anti-Blight Ordinance.

(b)Approval with Covenant

The subdivider shall file a covenant, executed and duly recorded in the Registry of Deeds by the owner of record, running with the land, whereby such ways and services as specified in Section V, not covered by bond or deposit under (a) hereof, shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed.

The developer shall also note on his Definitive Plan that any and all lots within the subdivision are subject to the restrictions of the covenant.

Dr. Fenby opened the meeting to comments.

No Comments were made.

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

To amend the Planning Board Rules and Regulations as outlined in the legal notice.

Mr. Fay stepped out of the room.

Shoestring Hill Moss Development  
Preliminary Plan

The Planning Board of the City of Marlborough held a public hearing on Monday, June 28, 2010, at 7:30p.m. in Memorial Hall, 3<sup>rd</sup> Floor, City Hall, 140 Main Street, Marlborough on the Preliminary Plan Known as "Shoestring Hill", located off of South Street, Marlborough, MA. Members present: Chairperson Barbara L. Fenby, Clerk Steven Kerrigan, Philip Hodge, Clyde Johnson, and Edward Coveney. Also present: City Engineer Thomas Cullen.

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, June 28, 2010 at 7:30 P.M., at Memorial Hall, City Hall, 140 Main Street, Marlborough, MA on the following Preliminary Subdivision Plan "Shoestring Hill" subdivision which proposal is herewith published in compliance with the requirements of the M.G.L. 41, §81T and is hereby set forth as follows:

NAME OF SUBDIVIDER:	Moss Development 15 Brickyard Lane Westborough, MA 01581
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NAME OF ENGINEER: Connorstone Development  
10 Southwest Cutoff, Suite 7  
Northborough, MA 01532

LOCATION OF PROPERTY: Property located on South Street, total acreage  
is Approx. 88 Acres

A plan of the proposed subdivision is on file in the City Clerk's Office, the Planning Board Office, and the City Engineer's Office and may be seen prior to the public hearing.

Mr. Michael Sullivan of Connorstone Engineering and Mr. Robert Moss of Moss Development were in attendance to present the preliminary plan. Mr. Sullivan showed the three plans; one conventional plan with 71 lots with a road starting at South Street and connecting through to Bracken Drive, an open space concept plan with 71 lots with a road through South Street and connecting through Bracken Drive and a third with 71 open space lots with a double barrel boulevard configuration without connecting through Bracken Drive.

Mr. Sullivan stated that he has comments from the City Engineer and is working to address those comments. Both he and Mr. Moss have met with the Fire Chief regarding the plans and they stated Chief Plummer had no issue with the double barrel boulevard that is being proposed.

Mr. Sullivan and Mr. Cullen defer on wetland delineation and interruption regulations calling for space to be set aside for recreational purposes. How Mr. Sullivan perceives is 16 lots would be affected with wetlands and 61% to 63% should remain as open space while the other space is used for homes, roads and utilities.

Mr. Moss also stated that they withdrew the Zoning Ordinance change request that was submitted to the City Council. He stated that it was met with negative feedback.

Dr. Fenby opened the floor for general comments.

Elisha Simon  
147 Desimone Drive

Ms. Simon asked about the price point for the new homes. Mr. Moss stated that the market dictates what the marketability of prices is and that he will not be bound by establishing the prices of homes at this time.

George Wright  
330 South Street

Mr. Wright asked which plan are they proposing to build, he also stated that the traffic is already terrible on South Street and he thinks this is a ridiculous idea. He would prefer to see the covenantal plan built.

Diane Morau-Rollin  
213 Desimone Drive

Ms. Rollin asked what the process was including what kind of lot size and determination of house size. She is concerned about the average square footage of the proposed homes. She stated space should be left as open.

Brian Feeny  
220 Desimone Drive

Mr. Feeny stated that if there is 8700 feet of road proposed for roadway in the first proposal, 5700 feet of roadway proposed for the second proposal and 7200 roadway for the third proposal; he asked what benefit is it to reduce roadway.

Cliff Bodenwiser  
51 Leoleis Drive

Mr. Bodenwiser stated that the traffic would be greater if the people know that the roads connect through. He would also like to see the house lots spread out through the development. He also stated that the Bracken Drive needs to be repaired prior to the construction of any development.

Joel Duca  
99 Beach Street

Mr. Duca is a life long resident of Beach Street. He stated that he disagreed with the fire chief and that should not be an only access road and there should be another access street. He also stated that since there is a perennial brook that runs through the proposed development and through his own yard the grounds are always wet.

Norman Wheeler  
155 Leolis Drive

Mr. Wheeler asked since the three plans are shown...which plan the developer is building. He stated it looks like the developer is leaning towards the third plan.

Monique Duross  
261 Desimone Drive

Ms. Duross is really concerned about the drainage systems, curbing and catch basins. Mr. Moss stated that he will be asking to do natural grass swales. Ms. Duross stated that during the last few storms she has had gallons of water in her basement and will be submitting the pictures to the Board.

Karen Kisty  
273 Desimone Drive

Ms. Kisty stated that the developers want you to think all is "warm, fuzzy and green all over", however the residents are concerned. She wanted to inquire about the runoff dissipating. She believes that the proposed grass swales would not hold the runoff.

Jerry Griep  
169 Desimone Drive

Mr. Griep asked about the large power lines that traverse through the property, would they have easements on only part of the property?

Cheryl Desaultels  
131 Bracken Drive

Ms. Desaultels stated that the base of the curve for Bracken Drive is already dangerous during the winter months and adding more roadways just increases the dangerous factor. She is also concerned about the developmental timeline; shape factors defined in zoning and the wetlands.

Caroline Griep  
169 Desimone Drive

Ms. Griep asked if the proponents know the width of the barriers, she is asking if they would consider having more land between the lots.

Tony Martinez  
148 Bracken Drive

Mr. Martinez is concerned because if they cut through to Bracken Drive, the other residents of the City will learn that this would be a cut through road to get to the other side of the City. He is concerned about children's safety with the increased traffic this will cause.

Priscilla Ryder  
Conservation Officer  
City of Marlborough

Ms. Ryder on behalf of the Conservation Commission provided the Planning Board with the concerns of the Conservation Commission. Mr. Kerrigan read the letter into record.

These are the initial concerns of the Conservation Commission:

- Wetlands have been delineated by the applicant on plans, however the Commission has not done a site walk to confirm the wetlands are as they say and or determined if the stream is a perennial stream requiring the riverfront areas and larger setbacks, or an intermittent stream just requiring a buffer zone, they would not be able to weigh in on whether lots are buildable.
- Commission also noted that even at this conception level, land will need to be set aside for drainage and detention basins which will take up some lots space as well. This will need to be considered when determining number of buildable lots.
- This is a large visible track of land which has high value from a land conservation perspective, making sure the open space ties in well with the overall city wide open space plan will be critical, the Commission will look at current and future trail link to ensure wildlife corridors are protected.
- Commission recommends that the subdivision be built as an Open Space Development.

Once the wetlands have been formally confirmed, the Commission will continued to provide input on the subdivision to make sure all conservation issues, both open space and wetland protection are addressed.

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

To accept and file correspondence.

Ms. Ryder also commented that the open space configuration is shown scattered through out the plans and are considered as "sliver portions". She stated that there needs to be a bigger buffer for wetlands and she would like to see a more useful open space.

Mr. Hodge asked Ms. Ryder if she was recommending connecting the wetlands through paths such as the past open space delineations the Planning Board approved. She stated yes, however it has been a nightmare with just these slivers of open space land because the homeowners of

the lots clearly do not understand what portion is theirs and which portion is open space. Mr. Hodge agreed that corridors of open space would make more sense over slivers of open space.

Elisa Simon  
147 Desimone Drive

Ms. Simon asked if there was any reason why the conventional lots could not have buffers between the lots with green space. Dr. Fenby stated that was not feasible.

Ty Rollin  
213 Desimone Drive

Mr. Rollin is asking if there would be walking trails through the open space. Dr. Fenby stated it was a little premature to determine the trail system.

Krista Holmi  
232 Desimone Drive

Ms. Holmi stated that she is employed by the City of Marlborough however she is speaking as a private citizen. She is concerned about the wetland, water runoff of the hill and the overall impact. She stated that she provided pictures of the wetlands to the Conservation Commission and will submit the pictures of the wetlands to the Planning Board as well.

The public hearing was closed at 8:25.

Mr. Fay returned to the room.

**SUBDIVISION PROGRESS REPORTS**

***Update from City Engineer***

Mr. Cullen provided a new subdivision status report and a subdivision map. Mr. Cullen also noted that he has had a pre construction meeting with Mauro Farm and that they will be starting to mobilize on the site.

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

Correspondence from Councilor Delano

Mr. Delano sent emails requesting that the Planning Board be aware that there is still no progress in cleaning up the Blackhorse Farms subdivision. One resident who resides at the only house built on Blackhorse Farms is surrounded by the overgrown weeds, trash and stated it has gone too long without cleanup according to Councilor Delano.

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

To accept and file correspondence.

Mr. Cullen stated that he has been asked to review this matter by the Commissioner of Public works and will have a summary by the next Planning Board meeting in July. He also stated that he was asked by the Planning Board to review the bond amounts which he will provide at the July meeting as well.

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

1810

To send correspondence to Councilor Delano stating that Mr. Cullen will be advising them on the conditions of the Subdivision at the Regular scheduled July Meeting.

***Davis Estates (Bouvin Drive)***

*Correspondence from Robert Valchuis*

Mr. Valchuis is asking for the Planning Board to reconsider their vote for the fencing around the detention areas located at 180 Farm Road and Bouvin Drive. He stated he spoke to the Building Commissioner on his accord as suggested by DPW Engineering, thinking that Mr. Reid would be the final request prior to installing the fences.

Mr. Valchuis also met with the Tree Warden for the City, Chris White, and he stated that he will be planting the 30 trees as previously discussed. He is hiring a private contractor to do this work within the next 30 days.

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

To accept and file correspondence.

*Correspondence from the Building Commissioner*

Building Commissioner Stephen Reid sent correspondence to the Planning Board regarding the need of fencing or additional protection around detention basins or drainage structures. He cited that the former City Code Chapter 176 titled "Swimming Pools" has been recoded as Chapter 557 is being superseded by life regulation of the State Building Code and is no longer adequate or enforceable in his opinion. He also stated that a detention basin does not fall within the definition of pools to be regulated by the fencing provision of the state building code 780 CMR Section 421.

It is Mr. Reid's position that the Planning Board cannot use the regulations of Chapter 557 of the provisions of the state building code to regulate how the detention basins or drainage swales are constructed unless they are designed to hold water and intended for recreational bathing. He observed that the basins have never contained any water during his routine inspections.

He is also concerned about the aesthetics of the subdivision. The location is on an historic road with the Davis home being the keystone of the street corner. The created stone walls as constructed are superior and more costly than those that typically appear on a speculative subdivision and provide ample visual notification to alert citizens of their existence, embellishments in the form of additional fencing or barriers would negatively affect this signature development or the stone walls surround the basins provide.

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

To accept and file correspondence.

Mr. Cullen stated that he firmly stands by his previous letter that fencing should be around the basin and this is a public safety issue. The approved definitive subdivision plans also show the fencing around the two basins.

Mr. Hodge stated that the public safety outweighs the aesthetics.

Mr. Coveney made a motion seconded by Mr. Kerrigan, opposing was Dr. Fenby, Mr. Hodge, Mr. Johnson and Mr. Fay to waive the fence requirement. With the four members opposing, it was defeated.

***Elm Farm Valley Estates (Cleversy Drive)***

1811

*Correspondence from the City Solicitor*

Mr. Rider sent correspondence to the residents of 96 Millham Street, 109 Millham Street and 49 Cleversy Drive. In this letters, the City Solicitor explained that there is both a sewer line as well as a water line traversing through their property. He stated that they were also made aware of the deed from the developer recites only a "sewer easement", reserving a 30' wide easement to the developer which will be conveyed to the City of Marlborough once the city accepts "Cleversy Drive" as a public way.

At this time Mr. Rider is asking the residents to provide them with an easement for the water line to provide a 'water easement'. This easement will provide the City as well as the resident's protection of both the sewer and water lines that traverse through their property. The Legal Department provided the necessary paperwork to the residents asking them to sign the documents prior to July 1, 2010.

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

To accept and file correspondence; to ask the legal department to provide a status update when one is available.

**PENDING SUBDIVISION PLANS: Updates and Discussion**

**PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS**

**Shoestring Hill, Moss Development (7/08/2010)**

*Correspondence from the City Engineer*

Mr. Cullen has provided a summary review of the conventional subdivision plan. He states in his correspondence that he has not met with the proponent's engineer, also noted was that the package did include multiple "cluster subdivision". He stated that it was still to premature to have a consensus on the preliminary conventional subdivision plan.

Some of the Mr. Cullen's concerns:

- Questioned if the Any other department heads have commented
- Noted there is not Comparative Impact Analysis
- Proposed Conventional Subdivision provided no area for designated open space
- Proponent should not that a series of test pits and borings will be required
- Lot shape rectangle needs to be provided
- Identify the number of lots that the proponent identified with steep slopes
- Locate the lots in which wetland boundaries have been identified

Mr. Cullen provided three pages of concerns for the proponent to resolve prior to moving forward. This was some concern that a lot more work at the drawing board was needed.

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

To accept and file correspondence.

The Planning Board realized at the end of the meeting that the 45 days to act upon a subdivision for a preliminary plan would expire prior to the next meeting in July. Neither a representative from Moss Development or Connorstone Engineering was available to ask for an extension of the review period. It was discussed among the Board members that there were several key issues to

812

address prior to proceeding with the currant preliminary plans including addressing the Conservation Commission requirements and the City Engineer's comments.

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

To deny without prejudice the preliminary plans known as "Shoestring Hill, Moss Development".

**DEFINITIVE SUBDIVISION SUBMISSIONS**

**SCENIC ROADS**

**SIGNS**

**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 9:25 p.m.

**A TRUE COPY**

ATTEST:



Steven Kerrigan, Clerk

~~Steven Kerrigan~~ Acting Clerk

Clyde Johnson -