

REGULAR MEETING
NOVEMBER 8, 2010

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
2010 NOV - 4 P 5: 1 5

1. Minutes of the City Council Meeting, October 18, 2010.
2. Communication from the Mayor re: request for Executive Session for the purpose of discussing strategy with respect to collective bargaining.
3. Communication from the Mayor re: DPW transfer request in the amount of \$6,000.00 from Undesignated Fund to Overtime Regular for Preston St. roadway reconstruction.
4. Communication from the Mayor re: Fire Department transfer request in the amount of \$95,000.00 from Undesignated Fund to Additional Overtime to cover anticipated shortfalls in the FY11 overtime funding.
5. Communication from the Mayor re: Legal Services transfer request in the amount of \$50,000.00 from Undesignated Fund to Legal Services to fund outside labor services related to ongoing collective bargaining negotiations.
6. Communication from the Mayor re: Water Transfer request in the amount of \$20,000.00 from Undesignated Fund to Professional & Technical Services to meet the Department of Environmental Protection (DEP) compliance requirements.
7. Communication from the Mayor re: Human Task Force Recommendations.
8. Communication from the Mayor re: Human Services transfer request in the amount of \$31,665.91 to move funds from Undesignated to Director and \$75.00 from Undesignated Funds to Office Supplies necessary to implement the department's reorganization plan.
9. Communication from the Mayor re: Certification of Free Cash in the amount of \$3,840,266.00.
10. Communication from the Mayor: Proposed Order amending City Code Chapter 557, Swimming Pools.
11. Communication from Superintendent Nawrocki re: request to meet with City Council or Finance Committee pertinent to the progress of the school building renovation project.
12. Communication from Attorney Bergeron re: conveyance of the land behind the Walker Estate in which a sewer trunk line is located to propose a so-called "open space" subdivision of the property.
13. Petition of National Grid to install stub P. 17-34 and remove pole on Church St.
14. Application from Daniel Deychman d/b/a D & P Limo for Livery License at 35 Hosmer St., Apt. 11.
15. Minutes, Planning Board, October 4, 2010.
16. CLAIMS :
 - A. Julie Purcell, 197 Stowe Rd., other property damage
 - B. Ana Batista, 676 Farm Rd., other property damage
 - C. Diane Welch, 145 Pleasant St., pothole or other road defect

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS

From Urban Affairs Committee

17. **Order No. 10-1002645 - Application for amended Special Permit from Attorney Gadbois, on behalf of Fore kicks II, Inc., seeking to amend Special Permit #07-1001465D to allow the applicant to serve alcoholic beverages on Site.**

Councilor Elder did not attend as he abstained from this matter.

Councilor Clancy disclosed that he did not attend the Public Hearing on September 13th but had reviewed the tape and transcript of the Public Hearing and will participate in the discussion but will not vote on the matter.

Attorney Gadbois reviewed the materials that were provided to Councilors including

- a draft Proposed Decision
- letters and e-mails submitted during the public hearing
- an e-mail from the Norfolk Chief of Police
- a letter from Framingham State College
- Fore Kicks Alcohol Policy Handbook

Attorney Gadbois explained that the latest draft conditions revised the amendment to Condition 19 to address concerns expressed by some Councilor and is modeled after similar conditions placed on the New England Sports Center. The amended Permit allows for a beer and wine license only. Time restrictions are laid out in the conditions as to when alcohol may be served. Food will be available in the *Kick Back Club* during hours of operation when alcohol is being served and during special events. No alcohol will be served from ½ hour before to ½ hour after any school games.

During the period of time from the granting of the amended permit to August 31, 2011, Applicant will only be allowed to serve alcohol on 25 days, effectively allowing for 25 one-day licenses. So long as there are no violations of MGL Chapter 138, local License Board regulations or the conditions of this permit, on and after September 1, 2011 Applicant may serve beer and wine on any day subject to the terms and conditions of this Grant of Amendment. **Recommendation of the Urban Affairs Committee is to approve the application for an amendment to the Special Permit and refer to the City Solicitor to place in proper legal form.**

From Legislative and Legal Affairs Committee

18. **Order No. 10-1002622 – Communication from Tree Warden Christopher White regarding Disclosure of Financial Interest and Exemption as required by M.G.L. c.268A, s.20(d) for filing and approval of exemption by the City Council.** The Committee reviewed the letter dated June 11, 2010 from Christopher White. **Recommendation of the Legislative and Legal Affairs Committee is to approve the exemption 2-0. Councilor Ossing was not present at the time of the vote.**

From City Council

19. **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 November 8, 2010.**



**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
Lisa M. Thomas
140 Main St.
Marlborough, MA 01752
(508) 460-3775 FAX (508) 460-3723
OCTOBER 18, 2010**

Regular meeting of the City Council held on Monday, OCTOBER 18, 2010 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Ossing, Vigeant, Pope, Levy, Delano, Ferro, Elder, Tunnera, Seymour, Clancy and Landers. Meeting adjourned at 8:13 p.m.

ORDERED: That the minutes of the City Council Meeting October 4, 2010, **FILE**; adopted.

ORDERED: That the PUBLIC HEARING On the Petition from Massachusetts Electric Co. and Verizon New England Inc. to install new P.31-50 which is east of present P.31 on Essex St. and to relocate P.19 on Cook Lane, Order No. 10-100708, all were heard who wish to be heard, hearing recessed at 8:05 p.m.; adopted.

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

ORDERED: That the Fire Department transfer request in the amount of \$3,059.76 moving funds from Firefighter to Additional Overtime to fund coverage for an injured employee, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 12200001-50450

\$3,059.76

Firefighter

TO:

Acct. # 12200003-51300

\$3,059.76

Additional Overtime

ORDERED: That the following notification from the City Clerk re: 2010 State Election Call, **FILE**; adopted.

**CITY OF MARLBOROUGH
OFFICE OF CITY CLERK**

That the City Clerk be and is herewith directed to have proper notices issued notifying the **VOTERS** of the City of Marlborough that the **STATE ELECTION** will be held in the polling locations as noted below on **NOVEMBER 2, 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.

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

POLLING LOCATIONS ARE AS FOLLOWS:

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

ORDERED: That the Communication from Attorney Golden re: Acceptance of Peebles Way as a Public Way, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **NOVEMBER 22, 2010** as date for a **PUBLIC HEARING** on the Application for Special Permit from Andy Candiello on behalf of MetroPCS Massachusetts, LLC, to install a Wireless Communications Facility onto the existing communication tower at 860 Boston Post Rd. East, refer to **WIRELESS COMMUNICATIONS COMMITTEE**; adopted.

ORDERED: That the Minutes, School Committee, September 28, 2010, **FILE**; adopted.

ORDERED: That the Minutes, Board of Registrars, October 5, 2010, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, September 13, 2010, **FILE**; adopted.

Reports of Committees:

Councilor Levy reported the following out of the Urban Affairs Committee:

Order No. 10-1002645 - Application for amended Special Permit from Attorney Gadbois, on behalf of Fore kicks II, Inc., seeking to amend Special Permit #07-1001465D to allow the applicant to serve alcoholic beverages on Site.

Councilor Elder did not attend as he abstained from this matter.

Councilor Clancy disclosed that he did not attend the Public Hearing on September 13th but had reviewed the tape and transcript of the Public Hearing and will participate in the discussion but will not vote on the matter.

Attorney Gadbois reviewed the materials that were provided to Councilors including

- a draft Proposed Decision
- letters and e-mails submitted during the public hearing
- an e-mail from the Norfolk Chief of Police
- a letter from Framingham State College
- Fore Kicks Alcohol Policy Handbook

Attorney Gadbois explained that the latest draft conditions revised the amendment to Condition 19 to address concerns expressed by some Councilor and is modeled after similar conditions placed on the New England Sports Center. The amended Permit allows for a beer and wine license only. Time restrictions are laid out in the conditions as to when alcohol may be served. Food will be available in the *Kick Back Club* during hours of operation when alcohol is being served and during special events. No alcohol will be served from ½ hour before to ½ hour after any school games.

During the period of time from the granting of the amended permit to August 31, 2011, Applicant will only be allowed to serve alcohol on 25 days, effectively allowing for 25 one-day licenses. So long as there are no violations of MGL Chapter 138, local License Board regulations or the conditions of this permit, on and after September 1, 2011 Applicant may serve beer and wine on any day subject to the terms and conditions of this Grant of Amendment. **Recommendation of the Urban Affairs Committee is to approve the application for an amendment to the Special Permit and refer to the City Solicitor to place in proper legal form.**

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

Order No. 10-1002622 – Communication from Tree Warden Christopher White regarding Disclosure of Financial Interest and Exemption as required by M.G.L. c.268A, s.20(d) for filing and approval of exemption by the City Council. The Committee reviewed the letter dated June 11, 2010 from Christopher White. **Recommendation of the Legislative and Legal Affairs Committee is to approve the exemption 2-0. Councilor Ossing was not present at the time of the vote.**

ORDERED: That all municipal vehicles be marked with the official city seal and numbered on the back for identification purposes, **TABLED UNTIL NOVEMBER 8, 2010**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:15 p.m.; adopted.



City of Marlborough
Office of the Mayor

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

Nancy E. Stevens L.
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

November 4, 2010

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

RE: Request for Executive Session

Honorable President Vigeant and Councilors:

I hereby request the opportunity to meet with you in executive session during your scheduled Council meeting of November 8, 2010. I am requesting this meeting for the purpose of discussing litigation strategy, as an open meeting may have a detrimental effect on the litigation position of the City of Marlborough.

I have enclosed a proposed Council order reflecting this request, which is in conformance with the terms and conditions set forth in M.G.L. c. 30A, §§ 21(2) and 21(3).

Thank you for your attention to this matter.

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

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ORDERED:

It is moved, in conformance with the provisions of Chapter 30A of the General Laws of the Commonwealth, that the Marlborough City Council conduct an executive session for two purposes, first, to conduct a strategy session in preparation for negotiations with non-union personnel under § 21(2) of Chapter 30A as an open meeting may have a detrimental effect on the negotiating position of the City of Marlborough, and second, to discuss strategy with respect to collective bargaining under § 21(3) of Chapter 30A as an open meeting may have a detrimental effect on the collective bargaining position of the City of Marlborough. It is further moved and stated that the Marlborough City Council will re-convene in open session after the executive session.



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

2010 NOV -4 P 3:27 140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

Nancy E. Stevens 3/1
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

November 4, 2010

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

RE: DPW Transfer Request

Honorable President Vigeant and Councilors:

Preston Street roadway reconstruction was identified by the Community Development Authority as meeting the criteria for block grant funding up to \$600,000.00. As detailed in the attached memo from Commissioner LaFreniere, in order to complete the plans and specifications for inclusion in the December grant submittal, the design work will need to be performed in-house. In order to maintain the flexibility of performing the work on an overtime basis, I am submitting for your approval the following DPW overtime transfer request:

Transfer in the amount of \$6,000.00 moving funds from account number 1000-35900 (Undesignated Fund) to account number 14001103-51310 (Overtime Regular).

Given the tight schedule to complete this work, I respectfully request that you approve this transfer this evening.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure



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CITY OF MARLBOROUGH
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

MEMORANDUM

TO: MAYOR NANCY E. STEVENS

FROM: RONALD M. LAFRENIERE,
COMMISSIONER

DATE: NOVEMBER 4, 2010

**RE: COMMUNITY DEVELOPMENT AUTHORITY BLOCK GRANT;
PRESTON STREET RECONSTRUCTION REQUEST FOR TRANSFER**

As you know, my office recently received a request from the Community Development Authority to prepare plans and specifications for a roadway reconstruction project on Preston Street. This street was identified by the CDA as meeting its criteria for block grant funding up to \$600,000. Program funding requirements include a deadline of December 1st for the submission of these plans and specifications.

I do not believe this is a reasonable time period to complete the necessary work. Regardless, it may be possible to meet the December 1st deadline if the design work is performed in-house and we have the flexibility to perform this work on overtime basis.

I hereby request that you consider supplementing the overtime line item in our engineering division, 14001103-51310, by an additional \$6,000 in order to complete this work by the program deadline.



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

November 2, 2010

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

RE: Fire Transfer Request

Honorable President Vigeant and Councilors:

In the November 1 meeting of the Finance Committee, Fire Chief Plummer outlined the anticipated shortfall in FY11 overtime funding. At currently funded levels, Chief Plummer estimates overtime funds will be depleted sometime in January. As detailed in the attached memo from Chief Plummer, to provide adequate FY11 overtime coverage and to avoid the closure of Station 3, a transfer in the amount of \$95,000.00 is necessary. Per the Chief's recommendation, I have attached the following transfer request:

Transfer in the amount of \$95,000.00 moving funds from account number 1000-35900 (Undesignated) to account number 12200003-51300 (Additional Overtime).

For your further review and consideration, I have attached the transfer request, the Fire Chief's memo detailing the transfer need, a five-year Marlborough overtime usage report, as well as an overtime usage report of comparably sized communities.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosures

4/2

TRANSFER REQUEST

AVAILABLE BALANCE	AMOUNT	FROM ACCOUNT	ORG C OBJECT	ACCOUNT DESCRIP	TO ACCOUNT	AMOUNT	ORG CODE	OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
\$ 3,840,266.00	\$ 95,000.00	10000	35900	Undesignated Fund	\$ 95,000.00		12200003	51300	Additional OT	\$ 21,284.34
				Undesignated Fund				Fire		

\$ 95,000.00

Reason See Attached request from Fire Chief and Mayor



CITY OF MARLBOROUGH

FIRE DEPARTMENT

43

Ricky A. Plummer
Chief of Department

Stanley Clement
Deputy Chief

Ron Ayotte
Deputy Chief

James Diamond
Deputy Chief

Fredrick Flynn
Deputy Chief

MEMO

To : Mayor Stevens
From : Chief Plummer
Date : October 28, 2010
Subj : Overtime

As we discussed earlier today we have a serious issue with Gross Overtime. We are currently down to \$21,284.34 to last until June 30th. Unfortunately this will not last more than a month or so.

We are at the point of no return unless one of two things occurs:

- 1) Money is transferred into the Gross Overtime line to cover the overtime being expended.
- 2) Start closing Station 3 when there is overtime. Keep in mind there will still be overtime as closing the station will only cover 3 slots of overtime. If there are more than 3 openings it would have to be covered with overtime or a second station would have to close which is not an option.

I have attached a spreadsheet outlining the number of shifts the station would have to close if we started now based on last year's overtime use. It also shows roughly how much overtime would still be needed to finish the year under the station closing plan. This amount is roughly \$32,490.00.

In order to fund the overtime properly and eliminate the need to close Station 3 we will need approximately \$95,000.00 added to our gross overtime line of our budget.

Should the station close our staffing level would drop to a dangerous level of 10 Firefighters per shift. This will also bring us down from 3 staffed Engines to 2. With multiple concurrent calls per day we will not be able to answer simple calls requiring just an Engine Company. We would have to recall personnel and pay overtime (4 hour minimum call back) or call mutual aid and have a long delay in response. There is no easy answer to this problem.

We will likely drop a rating on our ISO schedule which is what insurance companies use to set their rates. This would impact residential customers but would seriously hurt commercial properties with an estimated increase in commercial premiums by as much as 6.5 % which for some commercial properties is thousands of dollars. Our rating is currently a class 3 of 10 with 1 being the best, which we have held since 1994. It would be rescinded and reclassified to a class 4 indefinitely should Station 3 close intermittently. It would be extremely difficult and take an extended period of time to regain the class 3 status again. Because we no longer staff our second Ladder truck and the number of on-duty personnel is reduced to a point we no longer meet industry NFPA standards.

I have attached a spreadsheet that shows what comparable communities spend on overtime for their respective fire departments. Most of these communities are smaller and have a smaller work staff and in addition do fewer calls than we do yet we are still over \$100,000 less than the closest community and several hundred thousand dollars less than many of the 14 communities surveyed. In addition to a larger community and (going on) more runs we also have many large hazards that other communities do not have such as Dow Chemical. Additionally, Marlborough has other businesses that house hazardous chemicals and/or businesses that are extremely large. These types of hazards require a larger response and a larger on-duty staff.

We are currently short 1 position that was not filled when a fire fighter retired last year. I have calculated the figures and in fact, it is cheaper to hire overtime than to hire the additional firefighter. If you compound this with long term costs, it actually saves the city thousands of dollars by not hiring a firefighter and utilizing overtime funds when needed.

Not mentioned here is the fact that we do not have daytime (5 day per week) uniformed staff other than the Chief. This leaves us with very little fire prevention work done. There are literally hundreds of buildings that should be inspected but are not. We also do not have an Assistant Chief to assist in management of the department. This severely impacts our organizational structure and accountability. Although it really does not affect overtime it definitely effects how we operate as a department.

As requested by you and the City Council when I was hired, I am currently looking at our needs, how we will pay for them and how we may need to reorganize to meet today's needs and challenges. Reorganization or not, the reality is that the overtime budget is grossly underfunded and needs to be addressed immediately. In the 6 months that I have been here I have learned a lot about our city and department but I have no magic wand that can change the amount of overtime money we need to operate safely for both the citizens and our firefighters.

I look everyday at ways to save money and run more efficiently and I have made several changes. I would like to think we have a better line of communication with you and the City Council, that we have attempted to improve training, hold personnel accountable and make our organization a better one.

As we move forward I see several changes taking place in the department and several areas to improve our organizational structure, improve customer service and make the city safer by reallocating some personnel into fire prevention 5 days per week. Many of these changes require negotiations with Local 1714. This will not happen overnight as it will require many changes in the current firefighter's contract.

I hope I have your support with the request for more overtime funds to keep all 3 fire stations open and look at restructuring our department. I plan on this restructuring to take place in time for the next budget session and have it in place by July 1, 2011.

I know that funds are tight in this economy but keeping fire stations open and functional to me is a must. I hope you and the Council agree. I will be available to discuss this with the Finance Committee as well as the City Council. I want you to know I do not take this lightly but I feel we can't afford not to fund it. I look forward to explaining our operations and situation to you, the Finance Committee and City Council.

Sorted By Population

Town/City	Population	FY 10 Actual OT	Calls	# FF
Leominster	41,303	\$ 542,123.00	5500	86
Beverly	38,862	\$ 221,520.00	3800	64
Marlborough	36,355	\$ 193,573.00	5863	75
Chelmsford	33,858	\$ 267,200.00	4000	53
Braintree	33,828	\$ 333,569.00	5250	90
Natick	32,170	\$ 399,500.00	4000	86
Woburn	31,278	\$ 395,895.00	4800	55
Gloucester	30,273	\$ 375,000.00	4500	68
Dover NH	28,500	\$ 440,569.00	5300	48
West Springfield	27,899	\$ 259,896.00	4800	64
Saugus	27,000	\$ 389,000.00	4593	44
South Portland Me	25,365	\$ 361,500.00	4500	62
Sudbury	18,000	\$ 385,593.00	1200	32

Sorted by Call Volume

Town/City	Population	FY 10 Actual OT	Calls	# FF
Marlborough	36,355	\$ 193,573.00	5863	75
Leominster	41,303	\$ 542,123.00	5500	86
Dover NH	28,500	\$ 440,569.00	5300	48
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Saugus	27,000	\$ 389,000.00	4593	44
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South Portland Me	25,365	\$ 361,500.00	4500	62
Chelmsford	33,858	\$ 267,200.00	4000	53
Natick	32,170	\$ 399,500.00	4000	86
Beverly	38,862	\$ 221,520.00	3800	64
Sudbury	18,000	\$ 385,593.00	1200	32

Sorted by Overtime

Town/City	Population	FY 10 Actual OT	Calls	# FF
Leominster	41,303	\$ 542,123.00	5500	86
Dover NH	28,500	\$ 440,569.00	5300	48
Natick	32,170	\$ 399,500.00	4000	86
Woburn	31,278	\$ 395,895.00	4800	55
Saugus	27,000	\$ 389,000.00	4593	44
Sudbury	18,000	\$ 385,593.00	1200	32
Gloucester	30,273	\$ 375,000.00	4500	68
South Portland Me	25,365	\$ 361,500.00	4500	62
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Beverly	38,862	\$ 221,520.00	3800	64
Marlborough	36,355	\$ 193,573.00	5863	75

Month	Over Time 12 hr shifts	Monthly Costs	# shifts	
			Station 3 Closed	Station 3 Open
Nov	4	\$ 2,160.00	4	56
Dec	6	\$ 3,240.00	10	52
Jan	4	\$ 2,160.00	5	57
Feb	4	\$ 2,160.00	5	51
March	11	\$ 5,940.00	6	56
April	6.5	\$ 3,510.00	12	48
May	14	\$ 7,560.00	16	46
June	10	\$ 5,760.00	22	38
Total		\$ 32,490.00	80	404

With out additional funding Station 3, located on Boston Post Rd East, would close approximately 80 shifts from now until June 30th 2010

Again this will still require \$32,490 or more than one station would have to close.

This will not only close Station 3 it will take our 3rd Engine Company out of service as well.

I do not recommend this plan however without additional OT funding this is the reality of our current budget situation. This leaves us a very small buffer. It is also a dangerous staffing level, well below

NFPA accepted National Standards. This needs to happen soon or we can not make up the money.



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

2010 NOV -4 P 3 26 140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

51

November 3, 2010

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

RE: Legal Service Transfer Request

Honorable President Vigeant and Councilors:

As you recall, during last year's budget process, the legal services line item was reduced. The following transfer is necessary to fund outside labor counsel services related to ongoing collective bargaining negotiations.

Transfer in the amount of \$50,000.00 moving funds from account number 1000-35900 (Undesignated) to account number 11510004-53110 (Legal Services).

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

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TRANSFER REQUEST

FROM ACCOUNT				TO ACCOUNT			
AVAILABLE BALANCE	AMOUNT	ORG C OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
			Undesignated Fund			Legal	
\$ 3,713,525.09	\$ 50,000.00	10000	35900 Undesignated Fund	\$ 50,000.00	11510004	53110 Legal Services	\$ 15,653.34

\$ 50,000.00

Reason See Attached request from Mayor



City of Marlborough
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Office of the Mayor

2010 NOV -4 P 3:40 Main Street

Marlborough, Massachusetts 01752

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

Nancy E. Stevens 61
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

November 4, 2010

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

RE: Water Transfer Request

Honorable President Vigeant and Councilors:

The Department of Environmental Protection (DEP) recently filed what is known as a "sanitary survey" of the City of Marlborough's water distribution and treatment systems. One of the items identified in the DEP report involves the inspection of the inside of our 3 water storage tanks.

As detailed in the attached memo from DPW Commissioner LaFreniere, in order to do the inspections, it is necessary to hire a licensed diving company which specializes in this service. They have the ability to perform the required inspections and develop reports which will meet DEP requirements. They would also have the ability to remove the "sludge" which accumulates over the years in the bottom of the tank.

I am submitting for your approval a transfer in the amount of \$20,000.00 from account number 1000-35900 (Undesignated) to account number 61090004-53180 (Professional and Technical Services). This transfer is necessary to meet DEP compliance requirements.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosures

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TRANSFER REQUEST

		FROM ACCOUNT		TO ACCOUNT			
AVAILABLE BALANCE	AMOUNT	ORG C-OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL
			Undesignated Fund			DPW Water	
\$ 3,663,525.09	\$ 20,000.00	10000	35900 Undesignated Fund	\$ 20,000.00	61090004	53180 Prof & Tech Service	\$ -

Reason See Attached request from Mayor

\$ 20,000.00



63

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

MEMORANDUM

TO: MAYOR NANCY E. STEVENS

FROM: RONALD M. LAFRENIERE,
COMMISSIONER

DATE: NOVEMBER 4, 2010

RE: DEP SANITARY SURVEY; WATER STORAGE TANKS INSPECTION

As you know, the DEP recently filed with us what is known as a "sanitary survey" of the city's water distribution and treatment systems. This survey was performed by the DEP back in 2009, however the actual report with their findings was not received until recently. There were a number of action items identified in the report which we have completed through Woodard & Curran, our contract operator at the Millham Water Treatment Plant and our own in-house personnel.

One major item has not been completed however and that involves the inspection of the inside of our 3 water storage tanks.

In order to do the inspections, it is necessary to hire a licensed diving company which specializes in this sort of thing. As a component of the inspection, settled deposits of solids in the bottom of the tanks which have accumulated over the years also would be removed. If the deposits exceed average depths, additional costs would be incurred. The preliminary estimates to perform the inspections, develop the reports, and remove the settled deposits in all 3 of the city's storage tanks is \$20,000.



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Office of the Mayor

2010 NOV - 4 PM 3:24
140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

November 4, 2010

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

RE: Human Services Task Force Recommendations

Honorable President Vigeant and Councilors:

I have received the attached recommendations from the Human Services Task Force. I first want to thank the following members of the Task Force for their time and commitment to this important issue: City Councilor Rob Seymour-Chairman; City Councilor Steven Levy; Toni Wolf, Employment Options; Mary Carlson, former Marlborough Superintendent of Schools; Mark Leonard, City of Marlborough Chief of Police; Marilyn Perry, former City Councilor; Suzanne Parson, Marlborough Hospital; Pam Wilderman, City of Marlborough Code Enforcement Officer; and Dr. Mary Collins, Professor Boston University School of Social Work, for their comprehensive evaluation of how we deliver Human Services in the City.

I am pleased to see that "In summary, the Task Force feels strongly that this is a valued, much-needed Department in the City of Marlborough and that the position of Human Service Director should continue to be supported in the future." We have many wonderful nonprofit agencies within the City; however, these existing services are not sufficient to address the growing human services needs of our community. I have seen firsthand the struggles and hardships facing our residents, and we must continue to support them during these difficult times.

I have asked the Task Force to reconvene after the first of the year to work on the details of their recommendations. While I agree wholeheartedly with the conceptual reorganization, details will need to be clarified to implement their proposal. For example, the organizational chart as presented is somewhat unclear in certain areas such as Programs and Social Services. We also need to clarify the staffing needs of the proposal. While the proposed reorganization does not include any additional personnel, we need to clearly define the roles and responsibilities of each position as well as the daily operations of the Department. Personnel Director Dave Brumby will be working with the Task Force as well as current personnel to further clarify their proposed organizational chart and specifics as to roles, responsibilities and supervision. We will also be developing clear job descriptions for each position.

7
2

My plan would be to have this reorganization in place for the new fiscal year beginning on July 1, 2011. There are various parts that will need to be adopted by the Council such as salary ordinances. My expectation is that the Council will begin to receive the various pieces of the reorganization sometime in February. This will allow all necessary aspects to be in place prior to the submittal of the FY 2012 Operating budget.

Under separate cover you will be receiving a transfer request to fund the Human Services Department, including the salary of the current position as well as operating expenses through the end of the current fiscal year, June 30, 2010.

In addition, I respectfully request that the Personnel Committee meet to take up the appointment of Jennifer Claro for the position of COA Executive Director. Given Mrs. Claro's background, I believe that she would be an integral part of any reorganization plan.

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

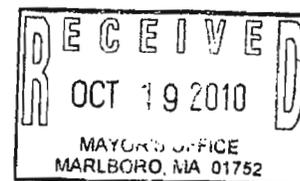
Sincerely,



Nancy E. Stevens
Mayor

Enclosure

October 18, 2010



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

Dear Mayor Stevens:

The Human Services Task Force has completed its work and is prepared to present its findings and recommendations as it relates to the role of the Human Services Department for the City of Marlborough. To recap, the Task Force was charged with examining the current service model, determining if there is a more cost-effective delivery model, and analyzing the pros and cons of combining the Council on Aging and the Human Services Department.

The Task Force met four times between September and October 2010 and conducted a comprehensive review of the documents provided by the City, investigated what other municipalities are doing to provide similar services, and interviewed Ms. Rosalind Baker, the current Human Services Director. After considerable discussion, analysis and consideration, we have reached consensus on the findings and recommendations noted below. In summary, the Task Force feels strongly that this is a valued, much-needed Department in the City of Marlborough and that the position of Human Service Director should continue to be supported in the future. However, the group also believes that the human and social services should be consolidated under a new Department.

FINDINGS

1. The Human Services Department provides a critical, valued, and much needed role in the community. The Director has shown incredible dedication in identifying and addressing the needs of a broad cross-section of residents seeking a wide array of services.
2. The HSD helps residents navigate a patchwork of human and social services to match their individual needs with the respective agencies/programs and serves as the City's point person for youth issues including the Youth Commission.
3. There is a segment of the Marlborough population who do not "fit" into any existing service system and require greater assistance and individualized support. This is partly due to reductions in resources at the state and federal level.
4. There is little similarity between municipalities as it relates to providing this type of service.
5. There is no apparent administrative support for the HSD.
6. The Department's Mission Statement and the job description for the HS Director are unclear.

7. The HSD has been responsible for both the administration and delivery of service without appropriate administrative support staff and a limited budget. A substantial portion of the incumbent's time is spent providing case management/individualized support services. This is an intensive and time consuming function and many of these cases could be referred to community based agencies.
8. The HSD is providing episodic transportation to residents.
9. The present organizational structure for the delivery of human and social services is fractured with little collaboration/redundancy between the respective Departments.
10. There is no evaluation process of the services being delivered.
11. The monthly meeting which occurs with the HSD and staff from community based agencies is important.
12. The role of the HSD on the City's "Impact Team" is a critical function.
13. Some of the services being rendered by the HSD are also provided by community based agencies (e.g. SMOC, UMass Marlborough Hospital).
14. Some services perceived as "voluntary" have been absorbed by the HSD.

RECOMMENDATIONS

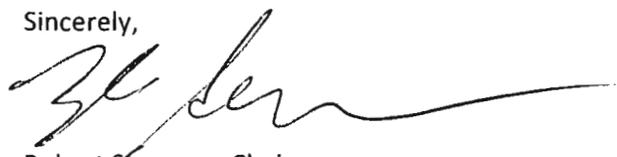
1. This position should not be eliminated from the City's Budget and funding should be allocated to ensure that there is no disruption in service post December 31, 2010.
2. The primary role of the HSD should shift from case management/individualized support services to outreach and referral. However, the Task Force acknowledges that some residents will have nowhere else to turn yet need a greater level of assistance or individual support, and that the HS Director will play a critical role in this endeavor.
3. The Departments providing human and social services (Human Services, Council on Aging, Veteran's Affairs) should be reorganized and consolidated under one Department: Health and Human Services. This Department will be overseen by one Department Head. Please refer to the attached Organizational Chart. This reorganization will provide for:
 - a. the opportunity to ensure continuity and efficiency of service delivery;
 - b. collaboration across the staff currently serving in an isolated capacity;
 - c. the development of redundant knowledge/expertise as the staff can be cross-trained to ensure minimal disruption during vacations/vacancies;
 - d. the opportunity for administrative support through shared resources.[NOTE: In many cases, residents are seeking assistance for similar services from the COA, VA, and HSD. For example, mental health, fuel assistance, and access to health insurance are issues that these different populations share.]

4. The following is a proposed Mission Statement which we believe clearly articulates the role that we envision for the HHS Department: **To enrich the quality of life for Seniors, Veterans, vulnerable and other at-risk populations through the administration of local resources and collaborative coordination of partnerships with other government and community based agencies to maximize the use of public and private resources to meet human service needs.**
5. The HHS Director will serve as a Department Head and will be the administrator for all health and social services, and responsible for the supervision (direct or indirect) of all staff from the existing COA, HS, and Veteran's Affairs Departments. The HHS Director will be responsible for identifying emerging community needs and gaps in services, and develop an appropriate strategy for meeting those needs through collaboration of public and private resources and the development of formal linkages to meet the needs of residents. Further, the HHS Director should serve as the liaison with other Departments (e.g. Board of Health, Police, Recreation, etc) as appropriate.
6. The physical location of the different offices should be configured in such a way to minimize disruption and to best meet the needs of the respective populations being served.
7. Residents should be referred to community based agencies, as appropriate and when possible, to meet their needs.
8. HHS Department staff should be meeting regularly to discuss a myriad of issues affecting the residents they serve, including but not limited to proposed changes at the local/state/federal levels (e.g. changes to MassHealth eligibility, availability of Fuel Assistance, grant opportunities), trends and service utilization, and problem solving of complex issues/cases. This type of collaboration provides the opportunity to better meet the needs of the community in a more efficient manner.
9. A database should be developed to track the activities (e.g. people served, types of referrals, etc) of the HHS Department.
10. There should be one central phone number for the HHS Department and callers will be directed to the appropriate person/resources.
11. The newly created consolidated department should have an adequate and appropriate budget for supplies, equipment, training, etc.
12. The sharing of interns could be a possibility, and the pursuit of grant opportunities should be explored whenever possible.
13. The need to develop a comprehensive Human Service Operational Master Plan with input from community based agencies, which includes recommendations on the following: procurement of services, improving links to those services, enhancing the overall quality of life and opportunities for success for residents, and the possible for the creation of a Health and Human Services Advisory Board. The Plan should also include the potential for creating a Marlborough Resource Center as a single point of information/referral to services.

- 14. The revised organizational structure should be reviewed after the first year of the change and then periodically to ensure that the new Department is effectively meeting the needs of residents.
- 15. To the maximum extent possible, residents seeking transportation services should be utilizing the Lift 7 bus or alternative options. City employees should not be transporting residents in a professional capacity.
- 16. Participation in the Holiday Helper Program and Summer Lunch Program should be on a volunteer basis. Employees of the City should not be participating in these types of endeavors while "on the clock". The City should contact community groups (e.g. Rotary, Lion's Club) and/or faith-based organizations about taking the lead on these initiatives.
- 17. The Task Force considered the prospect of including the Board of Health under this new Department but was not sure if it made sense based on the Board's regulatory and inspectional role. However we strongly believe that there should be strong collaboration between the HHS Department and the BOH. There should also be strong consideration given to utilizing the Public Health Nurse in the BOH to fulfill some/all of the services under the present Council on Aging.
- 18. Although not necessarily germane to the HSD if the Department's are reorganized, the Task Force recommends that an annual evaluation process be put in place for all Department Heads. In addition, the overall organizational structure of the City should be reviewed to determine if there are efficiencies to be gained based on reorganization as the present structure provides a significant "bottleneck" with so many individuals reporting directly to the Mayor.

We hope you find this information helpful in determining how these services can be best provided in the future to ensure that the diverse needs of Marlborough's residents are sufficiently met. The Task Force looks forward to meeting with you on October 21, 2010 from 6-8pm to discuss these recommendations in more detail and to answer any questions.

Sincerely,

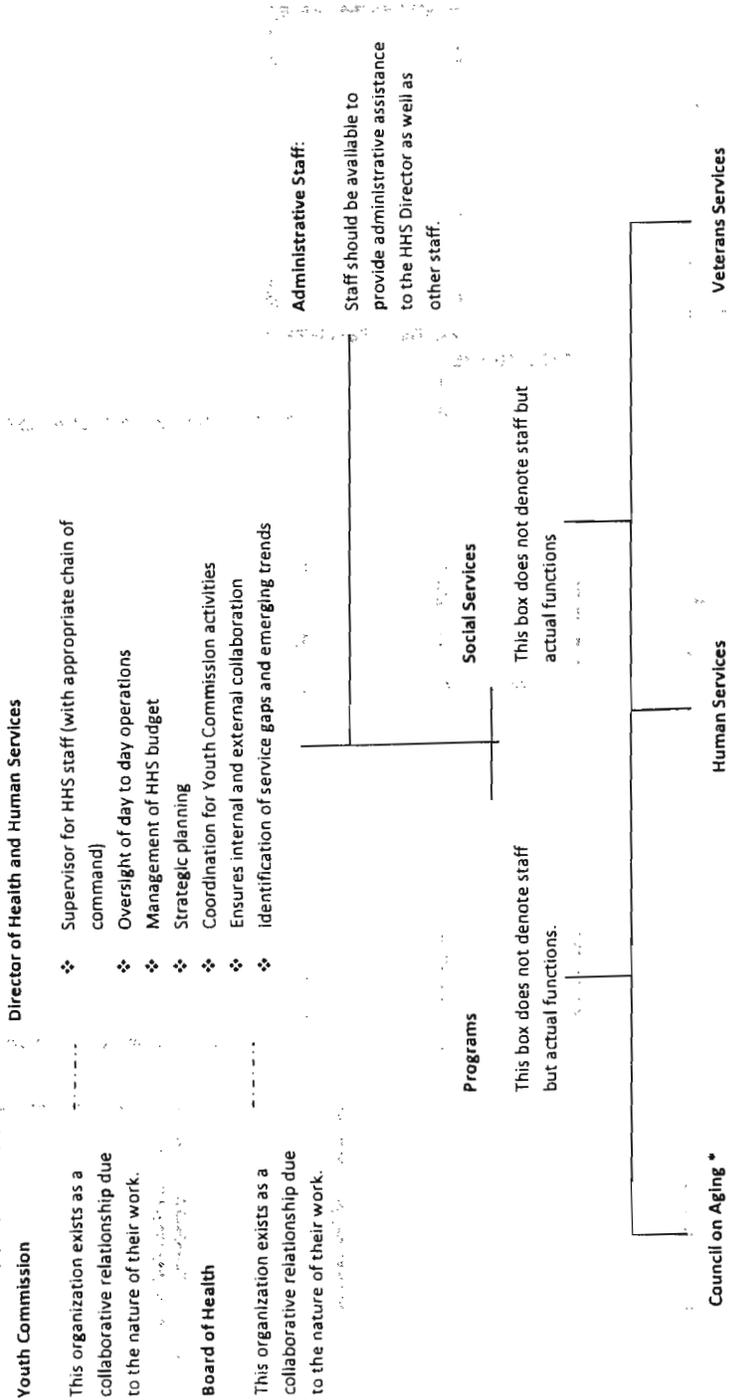


Robert Seymour, Chair
(On behalf of the Human Services Task Force)

Human Services Task Force

- | | |
|---------------|-----------------|
| Toni Wolf | Suzanne Parsons |
| Mary Carlson | Pam Wilderman |
| Steven Levy | Mary Collins |
| Mark Leonard | Robert Seymour |
| Marilyn Perry | |

HEALTH AND HUMAN SERVICES DEPARTMENT



*These are the staff providing the services to seniors, veterans and the general population. The staff here may "specialize" in one particular area (e.g. Human Services) but should be able to assist with veterans and seniors. In this case, the staff responsible for Human Services would be the "subject matter expert" on human services for the general population but also have a basic understanding of the service specific to seniors and veterans and provide assistance on an "as needed" basis.



City of Marlborough
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH
Office of the Mayor

2010 NOV -4 P 3 26 140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

November 4, 2010

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

RE: Human Services Transfer

Honorable President Vigeant and Councilors:

As outlined in my previous communication, and based on the recommendation of the Human Services Task Force, I am requesting additional funding for the Human Services Department through the end of FY2011.

Transfer in the amount of \$31,665.91 moving funds from account number 1000-35900 (Undesignated Fund) to account number 15270001-50595 (Director) and transfer in the amount of \$75.00 moving funds from account number 1000-35900 (Undesignated Fund) to account number 15270005-54220 (Office Supplies).

The attached transfers will allow us the necessary time to implement the department's reorganization plan.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

82

TRANSFER REQUEST

		FROM ACCOUNT			TO ACCOUNT				
AVAILABLE BALANCE	AMOUNT	ORG C OBJECT	ACCOUNT DESCRIP	AMOUNT	ORG CODE OBJECT	ACCOUNT DESCRIP	AMOUNT AVAIL		
		Undesignated Fund				Human Services			
\$ 3,745,266.00	\$ 31,665.91	10000	35900 Undesignated Fund	\$ 31,665.91	15270001	50595 Director	\$ 10,157.01		
	\$ 75.00	10000	35900 Undesignated Fund	\$ 75.00	15270005	54220 Off Supplies	\$ 75.00		

\$ 31,740.91

Reason See Attached request from Mayor



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

2010 NOV -4 P 3 26 140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

Nancy E. Stevens 9
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

October 28, 2010

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

RE: Certification of Free Cash

Honorable President Vigeant and Councilors:

I am writing to notify you that the Massachusetts Department of Revenue has certified Free Cash for the City of Marlborough in the amount of \$3,840,266.00.

I want to thank the department heads, the finance team and City Council for their ongoing efforts to maintain the City's financial stability. I sincerely value the diligence and collaborative work necessary to preserve essential services for our residents. These efforts have positioned the City to weather these challenging economic times and have prepared us for the challenges and opportunities to come.

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

Sincerely,

Nancy E. Stevens
Mayor

Enclosure

Massachusetts Department of Revenue Division of Local Services
Navjeet K Bal, Commissioner
Robert G. Nunes, Deputy Commissioner & Director of Municipal Affairs

9
2

Wednesday, October 20, 2010

Diane L. Smith
City Auditor
City of Marlborough

Re: **NOTIFICATION OF FREE CASH APPROVAL - Marlborough**

Based upon the unaudited balance sheet submitted, I hereby certify that the amount of available funds or "free cash" as of July 1, 2010 for the City of Marlborough is:

General Fund	\$	3,840,266
--------------	----	-----------

This certification is in accordance with the provisions of G. L. Chapter 59, §23, as amended.

Certification letters will be e-mailed to the mayor/manager, board of selectmen, prudential committee, finance director and treasurer immediately upon approval, provided an e-mail address is reported in DLS' Local Officials Directory. Please forward to other officials that you deem appropriate.

Sincerely,



Gerard D. Perry
Director of Accounts



City of Marlborough

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

Office of the Mayor

140 Main Street

2010 NOV -4 P 3 27 Marlborough, Massachusetts 01752

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

Nancy E. Stevens
MAYOR

Krista J. Holmi
EXECUTIVE AIDE

Katherine M. LaRose
EXECUTIVE SECRETARY

November 4, 2010

Arthur Vigeant
President
Marlborough City Council

RE: Proposed Order Amending City Code Chapter 557, Swimming Pools

Dear President Vigeant and Members:

Enclosed is a proposed order concerning Chapter 557 of the City Code which regulates the construction of swimming pools. The proposed order deletes sections 557-1 (Permit Required), 557-2 (Fences or Barriers Required), 557-3 (Inspection Required), 557-4 (Exemptions), 557-5 (Compliance), and 557-6 (Violations And Penalties), and adds to the General References section of Chapter 557.

According to Stephen Reid, Building Commissioner, the City's swimming pool regulations were adopted in 1965 and amended in 1972. When the State Building Code was enacted in 1975, the City's swimming pool regulations were very similar. Since then, however, state regulations have become much more stringent and comprehensive than the City's regulations.

Consequently, it is important to eliminate any confusion as regards the difference between City and state regulations. The attached proposed order would achieve this goal by deleting the City's swimming pool ordinance and amending the General References section of that ordinance with a reference to the State Building Code.

I am available at your convenience to discuss this matter more fully with you. Thank you for your attention to this matter.

Very truly yours

Nancy E. Stevens
Nancy E. Stevens
Mayor

Enclosures
cc: Building Department
Legal Department

102

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 DELETING IN THEIR ENTIRETY SECTIONS 557-1 (PERMIT REQUIRED), 557-2 (FENCES OR BARRIERS REQUIRED), 557-3 (INSPECTION REQUIRED), 557-4 (EXEMPTIONS), 557-5 (COMPLIANCE), AND 557-6 (VIOLATIONS AND PENALTIES) OF CHAPTER 557, AND ADDING THE FOLLOWING NEW PARAGRAPH TO THE SECTION OF CHAPTER 557 ENTITLED "GENERAL REFERENCES":

Commonwealth of Massachusetts State Building Code, as amended (See 780 CMR)

ADOPTED
In City Council
Order No 10-
Adopted

Approved by Mayor
Nancy E. Stevens
Date:

ADOPTED
In City Council
Order No 10-
Adopted

Approved by Mayor
Nancy E. Stevens
Date:

//

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2010 OCT 14 P 1:01

October 14, 2010

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

Dear President and Members:

I would like to request a time for Patrick Collins, Assistant Superintendent; Joseph Valarioti, Marlborough's representative to the Assabet Valley School Committee; Edward Clancy, Marlborough's representative on our School Building Committee; and I to meet with the City Council or the Finance Committee of the City Council in order to provide information as to the rate of progress of our school building renovation project.

Sincerely,



Mary Jo Nawrocki
Superintendent-Director

MJN/jr

ARTHUR P. BERGERON

Attorney-at-Law

27 PROSPECT STREET
MARLBORO, MASSACHUSETTS 01752

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

12

PHONE (508) 481-0103

FAX (508) 485-8506
2010 NOV -4 P 2:48

November 4, 2010

Via Hand Delivery

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

Re: Walker Estate

Dear Councilor Vigeant:

My client, Melanson Development, which has an option to acquire the house on Framingham Road that was formerly owned by Mayor Frank Walker, hereby requests that the City convey to it a fee interest in the land behind the Walker Estate in which a sewer trunk line is located. The conveyance would be necessary in order to allow my client to propose a so-called "open space" subdivision of the property, a proposal which could preserve Mayor Walker's home while constructing other single family homes on the remaining land.

I have discussed this proposal with Public Works Commissioner Ron LaFreniere, as well as, with conservation officer, Priscilla Ryder. At my request, Ward Councilor, Paul Ferro has also scheduled a neighborhood meeting to discuss this "open space" subdivision proposal. Please refer this matter to the appropriate committee for discussion.

Very truly yours,

Arthur P. Bergeron/lmb

Arthur P. Bergeron

APB/lmb

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

13

Hopedale, MA 01747

October 12, 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:

Church St.

National Grid to install stub P.17-84 with a sidewalk guy and remove the pole to tree guy.

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. 9787899 Dated: 10/06/2010

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: *Alexander Yape*
Manager of Distribution Design

VERIZON NEW ENGLAND, INC.

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

1000 10/18/10

14



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

RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2010 OCT 18 P 4:30

**Lisa M. Thomas
City Clerk**

**CITY OF MARLBOROUGH
TAXI AND/OR LIVERY SERVICE LICENSE APPLICATION**

I. TYPE OF LICENSE: _____ TAXI _____ LIVERY

2. APPLICANT'S (LICENSEE) INFORMATION:

- A. Name: Daniel M. Peychman
- B. Address: 35 Hosmer St #11
- C. Business Name: D & P Limo
- D. Business Address: 35 Hosmer St #11
- E. Telephone Number(s): 617-933-9853, 617-828-3583

3. NUMBER OF VEHICLES: 1

APPLICANT'S SIGNATURE [Signature]

**CITY OF MARLBOROUGH
TAXI/LIVERY LICENSE**

is hereby granted a Taxi/Livery License as approved by the City Council of the City of Marlborough on . In accordance with the Code of the City of Marlborough, Chapter 568, this License shall expire two (2) years from the date of issue. Application for renewal of said License shall be made to the City Council through the Office of the City Clerk.

EXPIRATION DATE: _____

A TRUE COPY
ATTEST:

City Clerk

151

City of Marlborough
Commonwealth of Massachusetts
RECEIVED
CITY CLERK'S OFFICE
CITY OF MARLBOROUGH

2010 OCT 19 A 11:00



PLANNING BOARD

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

Carrie Lizotte, Board Secretary

Phone: (508) 460-3769

Fax: (508) 460-3736

Email: CLizotte@marlborough-ma.gov

PLANNING BOARD MINUTES

October 4, 2010

7:00 PM

The Planning Board for the City of Marlborough met on Monday, October 4, 2010 in Memorial Hall, 3rd floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Colleen Hughes, Clerk, Philip Hodge, Clyde Johnson, Edward Coveney and Sean Fay. Also present: City Engineer Thomas Cullen.

MINUTES

Meeting Minutes September 13, 2010

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

To accept and file the minutes of September 13, 2010.

CHAIRS BUSINESS

Colleen Hughes

Appointment Approval

Ms. Hughes was appointed by the City Council at the meeting previously held on Monday, September 13, 2010. Her term will expire on the first Monday in February of 2015. The members gave her a hearty return welcome.

Appointment of new Clerk

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

To unanimously elect Ms. Colleen Hughes for Clerk with her term to expire at the end of 2010.

Citizen Planner Training Collaborative

The fall workshop brochures have been announced and can be reviewed for the members choosing.

152

Mr. Fay stepped out of the room.

Open Space Requirements/Shoestring Hill
Correspondence from the Assistant City Solicitor

The Planning Board asked the Legal Department to determine whether section IV E.1 of the Subdivision Rules and Regulations requires a developer to provide an area designated as open space on subdivision plans. The Assistant City Solicitor, Cynthia Panagore-Griffin responded. If the developer must show this open space, it could impact the number of buildable lots.

It is Mrs. Panagore-Griffin's understanding that the Planning Board has not formally directed Moss Development to show recreational land on a conventional subdivision plan. According to Section IV. E.1 of the Regulations, the Planning Board "may also in proper cases require the [conventional subdivision] plan to show a park or parks suitably located for playground or recreational purposes" (*emphasis added*) The same section of the regulations establish the minimum size of such recreational land as one acre, but not less than 10% of the gross area of the subdivision.

Mrs. Panagore-Griffin also stated that the regulations restrict the number of buildable lots on an open space subdivision plan to the number of buildable lots on a conventional subdivision plan. Because recreational land is not a buildable lot or lots, on a conventional subdivision plan, it cannot be counted towards the number of buildable lots for an open subdivision plan. The regulations also state that the Planning Board allows the releasing of land set aside for recreational purposes on a conventional subdivision plan for use as buildable lots only after the subdivision has been completed for two years. This option is not pertinent to computing the number of available lots for an open space subdivision plan.

Mrs. Panagore-Griffin advised the Planning Board to consider formally requiring Moss Development to show recreational land on its conventional subdivision plan.

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

To accept and file the correspondence.

The Planning Board agreed that a subdivision of this size and in this location should include recreational land and they would like to see this space on the conventional plans.

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

To notify Moss Development that the Planning Board requires them to show usable recreational land on their conventional subdivision plans, attaching Mrs. Panagore-Griffins correspondence.

Mr. Fay returned to the room.

APPROVAL NOT REQUIRED PLAN

PUBLIC HEARING

SUBDIVISION PROGRESS REPORTS

Update from City Engineer

Mr. Cullen provided a current subdivision status report to the Planning Board. He stated there has been no movement on Fiddlehead, however the Indian Hill Subdivision is close to completion. He

stated he has a meeting with Priscilla Ryder and the developers to discuss the conservation order of conditions. He also stated that the developers are deciding whether to grant the open space to the residents of Rose Point or grant the space back to the City of Marlborough.

Blackhorse Farms, Cider Mill Estates, & West Ridge

At this time the Planning Boards request for a new subdivision completion schedule has not be returned by the Developers. Mr. Cullen stated that there has been some work completed at the West Ridge subdivision, however none of the work that was recommended to Blackhorse Farms has been performed.

Davis Estates

Bond Reduction Request

On behalf of his client, Attorney Aldo Cipriano is asking for a further performance bond reduction. They have provided a new subdivision completion schedule for review.

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

To accept and file correspondence, to refer the request to the City Engineer for his review and have him report back to the Planning Board at the next regular scheduled meeting.

Elm Farm Valley Estates

Request for bond reduction

The developer is asking for a bond reduction for their subdivision. At the June 7, 2010 meeting the Planning Board received recommendation from the City Engineer for acceptance; however the City Solicitor was trying to secure the necessary easements of the water and sewer. The developers are asking for the bond to be reduced to \$1,000.00

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

To accept and file the correspondence.

City Solicitors Correspondence

Mr. Donald Rider, the City Solicitor, sent a status update on the easement issue. In his email, he discussed that has secured one of the three "water easements". He will advise the Board when he has more information.

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

To accept and file correspondence.

Attorney Michael Norris presented the plans that were brought to the table by Mrs. Fossile. He stated when the approval of the plan was signed by the Planning Board on approval it stated a "30 Wide Sewer Easement to the City of Marlborough", however it is stated on the Plan and Profile plan that the sewer and water lines. He stated the error is not his client's fault, except it was the City's own mistake.

Mrs. Geraldine Fossile stated that the easements on the properties were written into the individual deeds when the houses sold 6 years ago.

Dr. Fenby stated she understood the developers' frustration of not having the full acceptance on the subdivision, but without the legal documents in place, they cannot reduce the bond to what they are seeking.

Mr. Cullen stated that in the recorded deeds of the three lots, all easements refer to sewer easement, not water and sewer. Mr. Cullen stated the current bond stands at \$35,000.00. He is willing to review the request of the bond reduction and possibly reduce the value of remaining bond, keeping enough bond money for the remaining amount of work to be completed.

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

To refer the reduction in bond request to the City Engineer for his full review and have him report back to the Planning Board at their next meeting.

Forest Grove Subdivision
Conservation Correspondence

Ms. Ryder has reviewed her Commission files and the Open Space Development Special Permit Conditions for the subdivision and noted the following:

- Order of Conditions DEP 212-413 was issued for the first subdivision plan submitted for the property, however that subdivision was never built, the commission issued a Certificate of Compliance on 9-10-04 to clear that title, noting the subdivision was never built.
- The Open Space Development Special Permit condition #15 is still outstanding. She stated the open space itself has been conveyed and accepted by the City Council on August 29, 2005. However, no record of the \$5,000 payment has been paid for in any of the files.

She has alerted Mr. Seaberg from Fafard Real Estate of her findings and he will review his files to see if the payment was made. Ms. Ryder also stated that the trail system and kiosk have been installed by volunteers. The pipe gate was installed by the developer as required. She will update the Planning Board once the payment has been located or made.

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

To accept and file the correspondence.

Legal Correspondence

Donald Rider, the City Solicitor, has reviewed the subdivision known as "Forest Grove" subdivision for its Easements for Drainage and Flowage. In his correspondence, Mr. Rider explained that the "easement documents" pertain to a so-called Grant of Easement-Drainage and Flowage that was granted in 1997 by the Villages of Marlborough East Corporation to Alan Greenwald, trustee of Forest Grove Realty Trust. The language in the easement indicates that the drainage and flowage easement located on the Villages' land would run in favor of the City of Marlborough, if and when the City accepts the Forest Grove subdivision as public roads. Also, the City at the point would be the Realty Trust's successor and would succeed as the right to repair and replace drainage lines.

The only issue Mr. Rider found was that the easement area on the Villages' land may be overburden by the present subdivision which was approved by the Planning Board in 2000. The 1997 Grant of Easement limits use of the easement areas on the Villages' land such that no use of the easement areas by with the Villages or the Realty Trust shall create "an overburdening" of the detention ponds and other improvements. Mr. Rider stated that the Planning Board would have addressed this issue when it approved the subdivision in 2000.

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

To accept and file the correspondence.

PENDING SUBDIVISION PLANS: Updates and Discussion

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

SCENIC ROADS

INFORMAL DISCUSSION

COMMUNICATIONS/CORRESPONDENCE

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

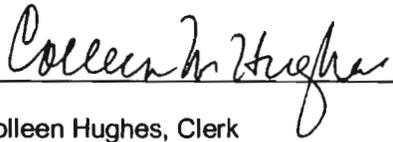
To accept all of the items listed under communications and/or correspondence.

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

To adjourn at 7:48 p.m.

A TRUE COPY

ATTEST:



Colleen Hughes, Clerk