

REGULAR MEETING
FEBRUARY 25, 2008

IN CITY COUNCIL
ABSENT:

CONVENED:
ADJOURNED:

1. Minutes, City Council Meeting, February 11, 2008.
2. Communication from the Mayor re: reappointments of John Peltier and Kevin Boyle as Fence Viewers for a period of one year concluding February 2, 2009.
3. Communication from the Mayor on behalf of Chief Leonard re: transfer request in the amount of \$27,851.00 from various related payroll accounts to Court OT.
4. Communication from the Mayor re: Fire Department's opportunity to replace the 24-year old vehicle currently serving as a fire investigation and rehabilitation unit.
5. Communication from Margaret Shea, Director of the Marlborough Retirement Board, re: consideration to grant an increased cost-of-living adjustment (COLA).
6. Communication from Ron LaFreniere re: proposed Council order to create a Municipal Charges Lien ordinance.
7. Application for Special Permit from Ming Wang for conversion of former State Armory Building into twelve residential condominiums in a Business B/Residence C zoned lot at 358-364 Lincoln St.
8. Application for Special Permit from Boston Post Rd LLC for permission to construct and operate a car wash at 355 Boston Post Rd. West.
9. Minutes, Planning Board, January 28, 2008.
10. Minutes, Conservation Commission, January 3, 2008
11. TransReport, February 2008.
12. CLAIMS:
 - A. Andrew Day, 99 Jimney Dr., Westford, MA, vehicle damage
 - B. Navnit Desas, 119 Bracken Dr., property damage
 - C. Barbara Sher, 182 Vega Rd., vehicle damage
 - D. Susan Bent, 64 Simpson Rd., vehicle damage
 - E. Clawdio Oliveira, 135 Mechanic St., #2., property damage
 - F. Kim Morgan, 655 Boston Post Rd. #1311., Sudbury, MA, vehicle damage
 - G. Maureen Hopkins, 13 Birch Dr., Sterling, MA, vehicle damage
 - H. Vinnie Rizzelli, 14 Clinton St., vehicle damage
 - I. Tucker MacGregor, 4 Barrows Ct., Norton, MA, vehicle damage
 - J. Earl Geary, 46 Sidney St., property damage
 - K. Regina M. Davis, 24 Garabed Blvd., vehicle damage
 - L. Ann Cross, 26 James Ave., property damage

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From City Council

13. **Order No. 08-1001766** - That an oversight was made in the closing of the FY2007 books regarding funds in the amount of \$1,451,150.50 were not encumbered for the June 30th retirement fund payment and these funds were closed out at year end and became part of the free cash calculation. **It was referred back to Mayor, Comptroller and Auditor and to be placed on the February 11, 2008 agenda.**

MOTION: Councilor Schafer requested that the Mayor, Comptroller and Auditor can address City Council regarding the oversight.

SINCE THE COMPTROLLER WAS NOT PRESENT AT THE FEBRUARY 11, 2008 MEETING, THIS ITEM IS TO BE PLACED ON THE FEBRUARY 25, 2008 AGENDA.

From Personnel Committee

14. **Order No. 08-1001765** – Reappointment of Dr. Kevin Cozzi to the Board of Health for three years commencing on February 4, 2008 and terminating on February 7, 2011. **Recommendation of the Personnel Committee is to approve 3-0.**
15. **Order No. 08-1001764** – Reappointment of Daniel C. Brogie to the Board of Assessors for a term of three years expiring on February 1, 2011. **Recommendation of the Personnel Committee is to approve 3-0.**
16. **Order No. 08-1001760** – Reappointment of Mark Gibbs as Information Systems Director for a term of three years expiring January 1, 2011. **Recommendation of the Personnel Committee is to approve 3-0.**
17. **Order No. 08-1001762** – Reappointment of Stephen F Reid as Building Inspector for a term of three years expiring February 1, 2011. **Recommendation of the Personnel Committee is to approve 3-0.**
18. **Order No. 08-1001759** – Reappointment of Jean Peters to the Library of Trustees for a term of three years expiring February 1, 2011. **Recommendation of the Personnel Committee is to approve 3-0.**

From Public Services Committee

19. **Order No. 08-1001782** - Communication from the Commissioner of Public Works, Ronald LaFreniere, requesting that the Department of Public Works be authorized to remove snow and ice from the following private ways in accordance with the provisions of Chapter 225 of the Acts of 1943:
 - DuFresne Drive
 - Goodwin St.
 - Joseph North Rd.
 - Blake Cir.**Recommendation of the Public Services Committee is to approve 3-0.**
20. **Order No. 08-1001789** – Application from Benjamin Smith of Tunison Smith Co. regarding sewer connection permit for Mauro Farm. **Recommendation of the Public Services Committee is to approve with the conditions as recommended by Assistant Commissioner Doran Crouse:**
 1. **The Sewer Connection Permit is limited to 11,880 gpd;**
 2. **The Sewer Connection Permit shall lapse if the connection is not made within 18 months after the date of final approval;**
 3. **If the total volume is not needed, the surplus shall be returned to the City of Marlborough.**

From Finance Committee

21. **Order No. 08-1001768** – Transfer \$4,285.00 from Undesignated Funds to Elections Printing. The Finance Committee reviewed the Mayor's letter dated January 24, 2008 requesting a transfer of \$4,285.00 from Undesignated Funds to the Elections Printing account to cover the cost associated with programming the voting machines for the Presidential Primary election. The City Clerk informed the Finance Committee that an additional transfer will be required to cover the two Ward 5 elections. **Recommendation of the Finance Committee is to approve 5-0.**

22. **Order No. 08-1001777** – Transfer \$6,000.00 from Undesignated Funds to Reverse 911 Support. The Finance Committee reviewed the Mayor’s letter dated January 9, 2008 requesting a transfer of \$6,000.00 from Undesignated Funds to Reverse 911 account to accommodate an expansion of 12 additional service ports (3,500.00) and payment for the balance of the MassCall requirements from August (\$2,500.00) **Recommendation of the Finance Committee is to approve 5-0.**

23. **Order No. 08-1001767** – Transfer \$130,649.98 from Reserve for Salaries to fund the FY08 Municipal Employee Association Contract. The Finance Committee reviewed the Mayor’s letter dated January 24, 2008 to fund the FY08 Marlborough Municipal Employee Association contract in the amount of \$130,649.98. This money will be transferred from Reserve for Salaries to various salary account line items. **Recommendation of the Finance Committee is to approve 5-0.**



CITY OF MARLBOROUGH
OFFICE OF CITY CLERK
Lisa M. Thomas
140 MAIN STREET
MARLBOROUGH, MASSACHUSETTS 01752
(508)460-3775 FAX (508)624-6504
FEBRUARY 11, 2008

Regular meeting of the City Council held on Monday FEBRUARY 11, 2008 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Schafer, Juare, Clancy and Landers. Meeting adjourned at 8:42 p.m.

ORDERED: Minutes, City Council meeting, January 28, 2008, **FILE**; adopted.

ORDERED: That the request to increase the salary of Officer Brian Cox from the minimum contractual amount of \$41,009.37 to a step III figure of \$51,041.72, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the following budget transfer in the amount of \$6,657.60 which would move funds from Undesignated to Senior Clerk to provide for proposed Senior Clerk position to assist the Code Enforcement Officer to fund through the remainder of FY08, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 100-35900 \$6,657.60
Undesignated Funds

TO:

Acct. # 12410002-50770 \$6,657.60
Sr. Clerk

ORDERED: That a transfer request in the amount of \$58,490.03 from Undesignated Funds to various other accounts as noted below, in order to address costs associated with the City's taking of Corbin plaza, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 100-35900 \$58,490.03
Undesignated Funds

TO:

Acct. # 11930006-57415 \$26,255.83
Legal-Corbin Plaza

Acct# 11930006-57416 \$10,400.00
Building Insurance-Corbin Plaza

Acct # 11930006-57417 \$2,834.20
Liability Insurance-Corbin Plaza

Acct # 11920006-52445 \$10,000.00
Maintenance-Corbin Plaza

Acct # 11920006-52121 \$9,000.00
Electricity-Corbin Plaza

ORDERED: That that the communication from the Mayor re: FY08 Capital Bond request totaling \$12,076,463.62, refer to the **FINANCE COMMITTEE**; adopted.

Suspension of the Rules requested – granted, to allow the Assistant City Solicitor to speak.

ORDERED: That the City Council of the City of Marlborough confirms the transfer of \$405,000.00 from the Robin Hill Stabilization account to the Robin Hill Water Line account, Order No. 07-1001657, of which \$9,000.00 shall be used to provide funds for the eminent domain taking of land needed for the purpose of constructing and maintaining improvements to Robin Hill Street and Robin Hill Street bridge and for other municipal purposes including the extension and maintenance of municipal utilities, **APPROVED**; adopted.

Yea 9 Nay 1

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

Nay: Vigeant

Ward 5 seat is vacant.

ORDERED: That the City Council of the City of Marlborough confirms the eminent Domain Order of Taking approved by Order No. 07-1001743A, attached hereto, **APPROVED**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, MARCH 10, 2008** as date for a **PUBLIC HEARING** on the application for Special permit by Bell Atlantic Mobile of Massachusetts Corp, Ltd. for co-location of antennas and equipment at an existing wireless communication facility at 75 Donald J. Lunch Blvd., refer to **WIRELESS COMMUNICATION COMMITTEE AND ADVERTISE**; adopted.

ORDERED: That the Minutes, Planning Board, January 14, 2008, **FILE**; adopted.

ORDERED: That the following **CLAIMS**, refer to the **LEGAL DEPARTMENT AND DPW COMMISSIONER TO PROVIDE A REPORT REGARDING THE LOCATION OF WHERE THE INCIDENTS OCCURRED**; adopted.

- A. Kevin Dauphinais, 45 Woodruff Rd., Clinton, MA, vehicle damage
- B. Angela Doherty, 127 Donahue Dr., property damage
- C. Ping Huang, 53 Lancaster Rd., Unit 9, Clinton, MA, vehicle damage
- D. Matthew Langlois, 14 McDermot Way, property damage
- E. John MacDonald, 20 Donahue Dr., property damage
- F. Thelma Balsler, 125 Framingham Rd., property damage
- G. Louis Turieo, Sr., 15 West St., vehicle damage
- H. Ann Marie Kett-O'Doherty, 99 St. Nicholas Ave., Worcester, MA, vehicle damage
- I. Nicole Fallon, 35 Evelina Dr., vehicle damage
- J. Nicholas Mbogo, 218 Providence St., Putnam, CT, vehicle damage

ORDERED: Reports of Committees:

Councilor Clancy reported the following out of the Personnel Committee:

Order No. 08-1001765 – Reappointment of Dr. Kevin Cozzi to the Board of Health for three years commencing on February 4, 2008 and terminating on February 7, 2011. **Recommendation of the Personnel Committee is to approve 3-0.**

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Order No. 08-1001764 – Reappointment of Daniel C. Brogie as Senior Assessor for a term of three years expiring on February 1, 2011. **Recommendation of the Personnel Committee is to approve 3-0.**

Order No. 08-1001760 – Reappointment of Mark Gibbs as Information Systems Director for a term of three years expiring January 1, 2011. **Recommendation of the Personnel Committee is to approve 3-0.**

Order No. 08-1001762 – Reappointment of Stephen F Reid as Building Inspector for a term of three years expiring February 1, 2011. **Recommendation of the Personnel Committee is to approve 3-0.**

Order No. 08-1001759 – Reappointment of Jean Peters to the Library of Trustees for a term of three years expiring February 1, 2011. **Recommendation of the Personnel Committee is to approve 3-0.**

Councilor Juaire reported the following out of the Public Services Committee:

Order No. 08-1001782 - Communication from the Commissioner of Public Works, Ronald LaFreniere, requesting that the Department of Public Works be authorized to remove snow and ice from the following private ways in accordance with the provisions of Chapter 225 of the Acts of 1943:

DuFresne Drive
Goodwin St.
Joseph North Rd.
Blake Cir.

Recommendation of the Public Services Committee is to approve 3-0.

Order No. 08-1001789 – Application from Benjamin Smith of Tunison Smith Co. regarding sewer connection permit for Mauro Farm. **Recommendation of the Public Services Committee is to approve with the conditions as recommended by Assistant Commissioner Doran Crouse:**

- 1. The Sewer Connection Permit is limited to 11,880 gpd;**
- 2. The Sewer Connection Permit shall lapse if the connection is not made within 18 months after the date of final approval;**
- 3. If the total volume is not needed, the surplus shall be returned to the City of Marlborough.**

Councilor Ossing reported the following out of the Finance Committee:

Order No. 08-1001768 – Transfer \$4,285.00 from Undesignated Funds to Elections Printing. The Finance Committee reviewed the Mayor's letter dated January 24, 2008 requesting a transfer of \$4,285.00 from Undesignated Funds to the Elections Printing account to cover the cost associated with programming the voting machines for the Presidential Primary election. The City Clerk informed the Finance Committee that an additional transfer will be required to cover the two Ward 5 elections. **Recommendation of the Finance Committee is to approve 5-0.**

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Order No. 08-1001777 – Transfer \$6,000.00 from Undesignated Funds to Reverse 911 Support. The Finance Committee reviewed the Mayor's letter dated January 9, 2008 requesting a transfer of \$6,000.00 from Undesignated Funds to Reverse 911 account to accommodate an expansion of 12 additional service ports (3,500.00) and payment for the balance of the MassCall requirements from August (\$2,500.00) **Recommendation of the Finance Committee is to approve 5-0.**

Order No. 08-1001767 – Transfer \$130,649.98 from Reserve for Salaries to fund the FY08 Municipal Employee Association Contract. The Finance Committee reviewed the Mayor's letter dated January 24, 2008 to fund the FY08 Marlborough Municipal Employee Association contract in the amount of \$130,649.98. This money will be transferred from Reserve for Salaries to various salary account line items. **Recommendation of the Finance Committee is to approve 5-0.**

Suspension of the Rules requested – granted

ORDERED: That Deborah A. Puleo's reappointment as City Collector effective February 1, 2008, **APPROVED**; adopted.

Suspension of the Rules requested – granted

ORDERED: That City Council Order No. 06100-1337A, as adopted on November 6, 2006, and as amended on March 12, 2007, is hereby further amended by authorizing the Mayor, after having conferred collectively with two City Councilors appointed by the Council President, the Chief Procurement Officer and the Public Facilities Director, to have the exclusive authority to execute a binding agreement, for a period not to exceed a 5-year maximum term inclusive of any renewals or extensions of said agreement, with the selected supplier once pricing bids have been received and reviewed, as well as the exclusive authority to amend such agreement with regard to non-substantive issues and to report same to the Council, **APPROVED; adopted.**

ORDERED: That an oversight was made in the closing of the FY2007 books regarding funds in the amount of \$1,451,150.50 were not encumbered for the June 30th retirement fund payment and these funds were closed out at year end and became part of the free cash calculation, be and is herewith **REFER BACK TO MAYOR, COMPTROLLER AND AUDITOR AND TO BE PLACED ON THE FEBRUARY 11, 2008 AGENDA.**

SINCE THE COMPTROLLER WAS NOT PRESENT AT THE FEBRUARY 11, 2008 MEETING, THIS ITEM IS TO BE PLACED ON THE FEBRUARY 25, 2008 AGENDA; adopted.

ORDERED: That a part-time Senior clerk be dedicated to the Code Enforcement Office, **FILE**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:46 p.m.



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

Karen H. Kist
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

February 21, 2008

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

Honorable President Vigeant and Councilors:

I am submitting herewith the names of John Peltier and Kevin Boyle for reappointment as Fence Viewers. These reappointments would be for a period of one year concluding the first Monday of February – February 2, 2009.

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

Sincerely,

Nancy E. Stevens
Mayor



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Office of the Mayor

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Nancy E. Stevens
MAYOR

Karen M. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

February 20, 2008

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

Honorable President Vigeant and Councilors:

I am submitting herewith, on behalf of Police Chief Leonard, the attached budget transfer request related to payroll accounts as follows:

\$6,522 from Account No. 12100003-51920 (Sick Leave Buy Back)
\$15,000 from Account No. 12100003-51410 (First Responder)
\$5,000 from Account No. 12100003-50435 (Police Specialists)
\$1,059 from Account No. 12100003-51370 (Celebrations OT)

All funds will be transferred to Account No. 12100003-51320 (Court OT) to provide for an increased number of court cases requiring Police representation.

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

Sincerely,

Nancy E. Stevens
Mayor

CITY OF MARLBOROUGH
BUDGET TRANSFERS FY2008

FY: 2008

18-Feb-08

DATE:

DEPT: police

FROM ACCOUNT:		TO ACCOUNT:			Available Balance			
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance
\$6,522	12100003	51920	Sick Leave Buy Back	\$6,522	12100003	51320	Court OT	\$3,414
Reason:			Less requests for buy back than anticipated				Account underfunded - increase in court cases	
\$33,583	12100003	51410	First Responder	\$15,000.00	12100003	51320	Court OT	\$3,414
Reason:			Change in contract				Account underfunded - increase in court cases	
\$14,643	12100001	50435	Police Specialists	\$5,000	12100003	51320	Court OT	\$3,414
Reason:			Unable to fill all specialists positions				Account underfunded - increase in court cases	
\$1,059	12100003	51370	Celebrations OT	\$1,059	12100003	51320	Court OT	\$3,414
Reason:			Unused funds for celebrations OT				Account underfunded - increase in court cases	

Dept Head signature: 



City of Marlborough
Office of the Mayor

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Nancy E. Stevens
MAYOR

Karen A. Kisty
EXECUTIVE AIDE

Diane C. Halper
EXECUTIVE SECRETARY

February 20, 2008

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

Honorable President Vigeant and Councilors:

The Marlborough Fire Department has an opportunity to replace the 24-year-old vehicle currently serving as a fire investigation and rehabilitation unit with a model year 2000 ambulance offered as donation by Patriot Ambulance.

Massachusetts General Law Chapter 44 Section 53A ½ stipulates that, with City Council (and if provided by its Charter, Mayoral) approval, gifts of tangible personal property can be accepted from the federal government, a charitable foundation, private corporation, individual, the Commonwealth (or any political subdivision thereof) and may, in its sole discretion and authority, use said gifts for purposes outlined or, if no restriction are attached, for other purposes as it deems advisable.

I request your approval of the acceptance of Patriot Ambulance's generous offer to the City.

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

Sincerely,

Nancy E. Stevens
Mayor



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City of Marlborough

FIRE DEPARTMENT

215 Maple Street, Marlborough, Massachusetts 01752
Business (508) 460-6986 Facsimile (508) 460-3795

February 20, 2008

The Honorable Nancy E. Stevens, Mayor
City of Marlborough
140 Main Street
Marlborough, MA 01752

Dear Mayor Stevens,

Attached please find documentation in support of a donation to the fire department by Patriot Ambulance of Chelmsford Ma. of a 2000 model year ambulance that has been recently retired by them with the intent of converting it for use by the fire department.

The fire department would like to make some minor modifications to the vehicle and place it into service as a fire investigations and rehabilitation unit. We currently have a 24-year old Ford van for this purpose that is no longer reliable or roadworthy.

As a matter of practice when vehicles become available, Patriot Ambulance provides this opportunity as a way to lessen the financial burden of communities to provide emergency services.

I would ask that this information be placed on the next council agenda, February 25, 2008 and that you recommend and ask the City Council to approve acceptance of this gift for the intended purposes as described.

Thank You,

David Adams
Fire Chief



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Thursday, February 07, 2008

Chief David Adams
Marlborough Fire Department
215 Maple Street
Marlborough, MA 01752

Dear Chief Adams,

Patriot Ambulance is pleased to present your department with one of our recently retired ambulances to serve the need of an arson investigation unit as requested by your department.

As you may be aware, Patriot Ambulance has donated many of our retired ambulances to local communities such as the City of Lawrence and also to underprivileged countries such as the Dominican Republic.

We're glad to have the opportunity to assist the needs of the City of Marlborough. We couldn't think of a better place for our ambulance to retire.

We would like the opportunity to present the vehicle to your department. Please contact me with a suitable time for you. I can be reached at 978.367.5000 Ext 142.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mina Thabet".

Mina Thabet
General Manager

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CITY OF MARLBOROUGH
NOTICE OF GRANT AWARD

DEPARTMENT: Fire DATE: February 20, 2008

PERSON RESPONSIBLE FOR GRANT EXPENDITURE: David Adams, Fire Chief

NAME OF GRANT: Gift

GRANTOR: Patriot Ambulance of Chelmsford MA

GRANT AMOUNT: \$4,500.00

GRANT PERIOD: not defined

SCOPE OF GRANT/
ITEMS FUNDED Gift of retired ambulance to replace our 24 year-old van currently
used for fire investigation and rehabilitation unit.

IS A POSITION BEING
CREATED: No

IF YES: CAN FRINGE BENEFITS BE PAID FROM GRANT? _____

ARE MATCHING CITY
FUNDS REQUIRED? No

IF MATCHING IS NON-MONETARY (MAN HOURS, ETC.) PLEASE SPECIFY:

IF MATCHING IS MONETARY PLEASE GIVE ACCOUNT NUMBER AND DESCRIPTION OF CITY FUNDS TO
BE USED:

ANY OTHER EXPOSURE TO CITY?
No

IS THERE A DEADLINE FOR CITY COUNCIL APPROVAL: No

DEPARTMENT HEAD MUST SUBMIT THIS FORM, A COPY OF THE GRANT APPROVAL, AND A COVER
LETTER TO THE MAYOR'S OFFICE REQUESTING THAT THIS BE SUBMITTED TO CITY COUNCIL
FOR APPROVAL OF DEPARTMENT TO EXPEND THE FUNDS RECEIVED FOR THE PURPOSE OF THE GRANT

51
MARLBOROUGH RETIREMENT BOARD

140 Main Street, City Hall
Marlborough, Massachusetts 01752-3812

Telephone (508) 460-3760

Fax (508) 481-7814

Board Members

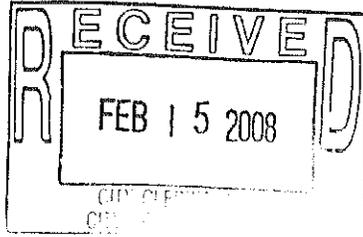
Gregory P. Brewster, Chairman

Thomas J. Abel

Christopher M. Sandini, Sr.

Diane Smith

William S. Taylor



February 14, 2008

President and Members
Marlborough City Council
140 Main Street
Marlborough, MA 01752

Dear President and Members:

Please be advised that the Marlborough Retirement Board will consider whether to grant an increased cost-of-living adjustment (COLA) pursuant to Section 51 of the Acts of 1999 at its March meeting. The meeting will be held on March 31, 2008 at 4:30 p.m. in the Mayor's Conference Room.

Sincerely,

A handwritten signature in cursive script that reads "Margaret R. Shea".

Margaret R. Shea
Director



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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

February 21, 2008

President and Members
Marlborough City Council
City Hall, 140 Main Street
Marlborough MA 01752

**RE: PROPOSED COUNCIL ORDER TO CREATE A MUNICIPAL CHARGES LIEN
ORDINANCE**

Dear President and Members,

Enclosed herewith please find a proposed council order to create a Municipal Charges Lien ordinance that would allow the Department of Public Works to establish a lien for the cost of work the department may perform on private property under the specific circumstances described therein. The Legal Department has reviewed this proposed order.

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

Very truly yours,


Ronald M. LaFreniere,
Commissioner of Public Works

Enclosure

Cc: Nancy E. Stevens
Donald V. Rider, Jr., City Solicitor
Cynthia Panagore Griffin, Assistant City Solicitor
Tom Cullen, City Engineer

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ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, PURSUANT TO M.G.L. C. 40, § 58, THAT THE CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY ADDING CHAPTER 66, ENTITLED "MUNICIPAL CHARGES LIENS", AS FOLLOWS:

CHAPTER 66 MUNICIPAL CHARGES LIENS

§ 66 - 1 Municipal Charges Liens: Department Of Public Works

A. In accordance with M.G.L. c. 40, § 58, the Commissioner of the Department Of Public Works ("DPW") is hereby authorized to impose a municipal charges lien on real property for charges or fees for work performed by the DPW to or on private property, when such work involves a condition or conditions determined by the DPW Commissioner or his designee to constitute a hazard to public safety, subject to the provisions enumerated below.

(1) The work subject to this ordinance shall include, but not be limited to:

- a. the complete or partial removal of trees and/or shrubs, and/or
- b. the complete or partial removal, replacement and/or repair to retaining walls or other revetments, provided that such work abuts public sidewalks, public roadways or other public property.

(2) The municipal charge or fee shall be imposed:

- a. after the DPW has sent written notice to the property owner to perform the work subject to this ordinance;
- b. the property owner has failed or refused to perform such work within a reasonable amount of time after having received said notice; and
- c. the DPW has then performed such work.

(3) The lien for the municipal charge or fee shall be imposed:

- a. after the DPW has sent to the property owner an invoice seeking reimbursement for the work performed by the DPW; and
- b. the property owner has failed or refused to reimburse the DPW for such work on or before the invoice's due date.

(4) The DPW is not hereby authorized to enter onto private property, but must obtain the prior consent of the property owner, unless the DPW Commissioner or his designee has determined that the condition or conditions constitutes an imminent threat to public safety.

B. In further accordance with M.G.L. c. 40, § 58:

(1) Said municipal charges lien shall take effect upon the recording of a list of unpaid municipal charges and fees by

parcel of land and by name of the person assessed for the charge or fee in the Middlesex County South District Registry of Deeds;

(2) If the charge or fee which is secured by the municipal charges lien remains unpaid when the Assessor is preparing a real estate tax list and warrant to be committed under M.G.L. c. 59, § 53, the Tax Collector shall certify such charge or fee to the Assessor, who shall add such charge or fee to the real estate tax on the property to which it relates and commit it to the Assessor's warrant to the Tax Collector as part of such tax;

(3) If the property to which such charge or fee relates is tax exempt, such charge or fee shall be committed as the tax;

(4) Said municipal charges lien may be discharged by filing a certificate from the Tax Collector that all municipal charges or fees constituting a lien, together with any interests or costs thereon, have been paid or legally abated; and

(5) All costs of recording or discharging a lien under this section shall be borne by the owner of the property.

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ADOPTED
In City Council
Order No. 08 -

Adopted

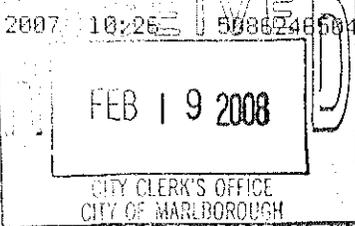
Lisa M. Thomas, Clerk of the
City Council

Approved by Mayor
Nancy E. Stevens, Mayor
Date:

Nancy E. Stevens, Mayor

A TRUE COPY
ATTEST:
Date:

Lisa M. Thomas, Clerk of the
City



CITY OF MARLBOROUGH OFFICE OF CITY CLERK

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

71

1. Name and address of Petitioner or Applicant:
Ming Wang
Jing-Wei Wang 67 Magoun Avenue, Medford, MA 02155
Yi Wang
2. Specific location of property Including assessor's Plate & Parcel Number.
358-364 Lincoln Street / Map 69 / Parcel 265 & 267
3. Name & address of owner of land if other than petitioner or applicant:
Same As Above
4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.)
Owner
5. Specific Zoning Ordinance under which the Special Permit is sought:
Article 5 Section 200-1 Paragraph _____ Sub-Paragraph _____
6. Zoning District in which property in question is located:
Business B / Residence C
7. Specific reason(s) for seeking the Special Permit
Conversion of former State Armory Building into
12 residential condominiums in a Business B/Residence C
zoned lot.
8. List of names and addresses of abutters. SEPARATE SHEET ATTACHED.

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

Ming Wang Jing Wei Wang Yi Wang

Signature of Petitioner or Applicant

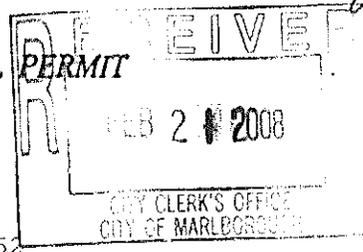
ADDRESS: 67 Magoun Avenue
Medford, MA 02155

TEL.NO. (617) 750-8481

DATE: November 19, 2007

90 500 for check # 1546 8/1

APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT



1. Name and address of Petitioner or Applicant:

Boston Post 355 LLC 355 Boston Post Rd West Marlborough, MA 01752

2. Specific location of property:

355 Boston Post Road West

3. Name & address of owner of land if other than petitioner or applicant:

same

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

Owner

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

Article V Section 200-17 Paragraph Sub-Paragraph

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

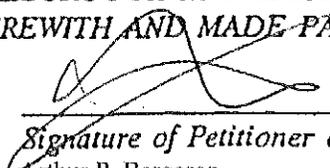
Business

7. Specific reason(s) for seeking the Special Permit:

For permission to construct and operate a car wash

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

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

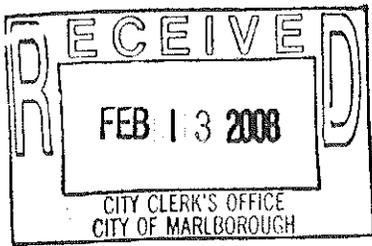

Signature of Petitioner or Applicant
Arthur P. Bergeron

ADDRESS: Atty. for Boston Post 355, LLC

27 Prospect Street, Marlborough, MA 01752

DATE: February 21, 2008

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City of Marlborough
Commonwealth of Massachusetts



PLANNING BOARD

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

PLANNING BOARD MINUTES
January 28, 2008
7:00 PM

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

The Planning Board for the City of Marlborough met on Monday, January 28, 2008 in Memorial Hall, 3rd floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Chairperson, Steve Kerrigan, Clerk, Philip Hodge, Clyde Johnson, Edward Coveney, Robert Hanson and Sean Fay. Also present: City Engineer Thomas Cullen.

MINUTES

Meeting Minutes January 14, 2008

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

To accept and file the meeting minutes of January 14, 2008 with the noted changes.

CHAIR'S BUSINESS

Meeting Schedule

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

To accept the meeting schedule and to post the schedule with the City Clerk.

APPROVAL NOT REQUIRED PLAN

560, 566, 568 & 574 Lincoln Street

Tim Collins, Assistant City Engineer, is recommending to the Planning Board to sign the ANR.

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

To accept and file correspondence from Mr. Collins.

On a motion by Mr. Kerrigan, seconded by Mr. Coveney, with Mr. Johnson Abstaining and Mr. Hanson opposing it was duly voted:

To accept and endorse a plan of land believed to be Approval Not Required of Gary White, Trustee, 566 Lincoln Street Realty Trust, 116 Broad Street, Marlborough, MA. Engineer: Hancock Associates, 315 Elm Street, Marlborough, MA Deed of property is recorded in the Middlesex Registry of Deeds book 44389, page 461; book 47189, page 335; plan 1603 of 1960; plan 668 (A & B of 2) of a970, deed book 11526, page 487; plan 974 (B of 2) of 1970, deed book 11896, page 496; plan 879 of 1985, end of deed book 16255; plan 509 of 2000, deed book 31402, page 70 and 1880 county layout of Lincoln Street. Location and description of property: Assessors Map 80, lots 47, 48, 50 & 51, parcels located on Lincoln Street.

Notes for the record:

1. The intent of the plan is to create two new lots, Lot 1A and 2A. See notes 3 and 4 below.
2. The existing dwelling, no. 568, located on parcels B & D and the wood garage located on parcel D are to be razed.
3. Parcel A and parcel B are not buildable lot and are to be combined with lot 1 and to form a new lot, lot 1A, with a total combined area of 12,126 S.F. (2.282 AC) and a total combined frontage of 90.00 feet.
4. Parcel C and parcel D are not buildable lots and are to be combined with lot 2 to form a new lot, lot 2A, with a total combined frontage of 145.16 feet.
5. The plan is a result of an actual on the ground survey.

PUBLIC HEARING

SUBDIVISION PROGRESS REPORTS

Update from City Engineer

Mr. Cullen stated at this time there are no current updates.

Berlin Farms (Long Drive)

Correspondence from Attorney Yates

Correspondence from Attorney Yates asking the Planning Board to place the Berlin Farms subdivision on tonight's agenda.

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

To accept and file correspondence.

Amendment to the Covenant

City Solicitor Donald Rider spoke during the meeting that the developer has agreed to add the anti blight and tax payment to the covenant. He gave a verbal recommendation for the Planning Board to sign the second amendment to the covenant.

To **Approve** and sign the Seconded Amended Covenant for the subdivision known as the Definitive Open Space Subdivision Plan Lotting Plan for "Berlin Farms" in Marlborough, MA. Covenanter: Charles V. Freeman, 7 Freeman Circle, Hudson, MA 01749 as trustee of the Berlin Farms 2007 Realty Trust. Engineer: Inland Survey, DBA Zanca Land Surveying, 16 Gleasondale Road, Suite 1-2, Stow, MA 01775 .

Modification to subdivision plan

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The second modification to the lotting plan has been reviewed by the City Engineer and has his recommendation to the planning board to sign the mylars.

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

To **Approve** and sign the second lotting plan known as the Definitive Open Space Subdivision for "Berlin Farms" in Marlborough, MA Modification of Plan No. 277 of 2006 and Plan No. 868 of 2007.

PENDING SUBDIVISION PLANS: Updates and Discussion

PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS

DEFINITIVE SUBDIVISION SUBMISSIONS

SCENIC ROADS

SIGNS

419-435 Lakeside Ave

Attorney Bergeron sent correspondence to the Planning Board asking the board to reschedule the sign appeal until the first meeting in February since his client is trying to compromise with the Building Commissioner.

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

To accept and file correspondence.

INFORMAL DISCUSSION

Limited Development Subdivision

At this time there is not further information.

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

To send correspondence to the City Solicitor asking him to provide a schedule for his review of proposed changes to the Limited Development Subdivision language, and an estimate of the date when the Planning Board may expect to see a response.

Abutters Literature

At this time there is not further information.

COMMUNICATIONS/CORRESPONDENCE

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

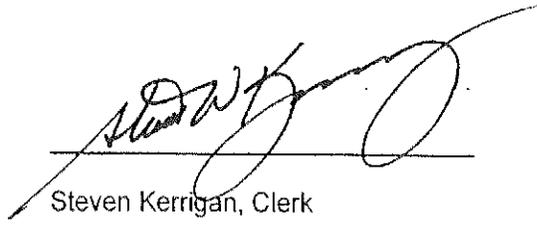
To accept all of the items listed under communications and/or correspondence.

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

To adjourn at 7:45 p.m.

A TRUE COPY

ATTEST:

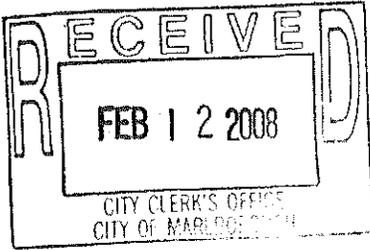


A handwritten signature in black ink, appearing to read 'Steven Kerrigan', is written over a horizontal line. The signature is stylized and cursive.

Steven Kerrigan, Clerk

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Accepted at the January 17, 2008 meeting



**CITY OF MARLBOROUGH
CONSERVATION COMMISSION**

MINUTES

January 3, 2008

Memorial Hall, 3rd Floor, City Hall

Members Present: Edward Clancy-Chairman, David Williams, Lawrence Roy, John Skarin, Michele Higgins and Priscilla Ryder-Conservation Officer

Absent: Allan White; Dennis Demers,

Discussion- None

Public Hearings

Notice of Intent (Continuation of Public Hearing)

735 Boston Post Rd. East - Route 20 Marlborough Properties

Forrest Lindwall of Mistry Associates was present and represented the applicant R.K. Associates. He presented a revised plan showing some of the changes requested at the previous meeting these included:

1. Adding more trees and shrubs to the buffer zone area
2. Including construction sequencing notes
3. Adding information about the meadow mix and maintenance and
4. The sight line from Home Depot and Rte. 20 were shown on the display copy provided at the meeting

Mr. Lindwall explained that he thought these addressed the issues raised at the previous meeting. However, Chairman Clancy and Commissioner Higgins explained that because the original trees were taken down in violation of the Wetlands Act without a permit, it made more sense to re-vegetate the entire 100' buffer zone and not just the 20 foot no disturbance buffer zone. After some lengthy discussion about sight lines and the need to restore the 100' buffer zone more fully, Mr. Lindwall suggested adding some shrubs in the 100' buffer zone area to naturalize the area between the new roadway and the boulders shown on the plan. 45 shrubs are already called out on the plan, these could be redistributed throughout the "open field area designated for meadow mix on the plan". After additional discussion, the Commission agreed to the shrub layer within the proposed meadow mix area, with some limited mowing permitted in order to prevent tree growth in this area over time.

The Commission closed the hearing and reviewed the draft Order of Conditions for the project a bit later in the meeting. Upon review of the draft and some discussion about the addition of the shrubs in the "meadow mix area" and maintenance of this area, the Commission voted unanimously 5-0 to issue the Order of Conditions as drafted and amended.

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Notice of Intent (Continuation of Public Hearing)
Hayes Memorial Dr. – First Student, Inc.

At the applicants request due to the snow cover and the inability to check the wetland delineation, this item was continued to the Jan. 17, 2008 meeting.

Notice of Intent

84 and 158 Waterford Dr. (off Robin Hill St.) – Sepracor, Inc.

Bill Bergeron from Hayes Engineering and Bryan Iwata of Sepracor were both present. Mr. Bergeron explained that Sepracor is now constructing the second building in the complex and desires to now connect these buildings with a pedestrian walking path that will connect the third floor at both of these buildings. The pedestrian bridge as proposed would span over an existing wetland, which is the outlet channel for Muddy Pond and is a man made channel. The walkway would be 28+ feet off the ground and will go through the crowns of the trees over the wetlands. 21 trees within the wetland and 20 ft. buffer zone are proposed to be removed to accommodate the pedestrian bridge construction and long term use. Some additional tree trimming over the years will also be needed long term to maintain the proper clearances and safety for the pedestrian bridge. The trees to be removed are to be replaced with 42 shrubs that are shade tolerant. A list of these species and their habitat needs was provided in the Notice of Intent filing. The shrub species were also chosen for their wildlife habitat enhancement value as cover and food source. The trees to be removed will be cut in such a way that an 18-20 foot snag can be left for wildlife value.

The 184 foot long pedestrian bridge will be supported with three steel tubed frames installed with steel caissons to minimize the ground disturbance.

The Commission asked several questions on why the walk way was necessary and what the long term impact to the wetland would be. Mr. Bergeron and Mr. Iwata explained that the walkway is a convenience to allow foot travel between the two buildings and they have been working to minimize disturbance on the ground. After some additional discussion the Commission determined that a site visit would be needed to view the trees to be removed, the location of the pedestrian bridge and the location of the steel support structures. Mr. Bergeron will mark these items in the field and let the Commission know when this has been accomplished so the Commission can check the site before the next meeting.

The hearing was continued to the January 17th meeting.

Notice of Intent

247 Maple St. – Dennis Kennedy

Peter Bemis from Engineering Design Consultants was present as were Dennis and Michael Kennedy. Mr. Bemis explained that the Kennedy's have purchased some parcels adjacent to their current Restaurant and have now master planned the renovation and additions to the restaurant and the construction of the

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adjacent commercial and automotive zoned property. The proposal includes the following:

- Demolishing the existing fish market, relocating the fish market into the building that used to be the Comcast building which will itself be remodeled to serve as a casual dining and gathering area.
- Relocating the kitchen into the Comcast building to serve both the market and the restaurant.
- The second part of the plan is to install two buildings on what used to be the Mongeau property between Kennedy's and the Fire station. One of the buildings will be long and narrow and will be located along the old railroad bed area; the second will be a larger building around the existing building on the site.

Mr. Clancy noted that the previous permits issued to the Kennedy's allowed for the culverting of a small section of the stream on the property, with the approval of the Metropolitan District Commission (MDC now known as DCR). In the Order of Conditions issued for that work, a portion of green space adjacent to the culvert was to be left open and green to allow for infiltration. He noted that the Commission would like to see this additional green space added to the plans. Mr. Bemis did provide a diagram showing this green space, having received Ms. Ryder's comments by e-mail, he has not yet incorporated the full square footage of this green space, but has substantially increased the green space coverage on the site. Mr. Bemis indicated he would work on incorporating that. The Commission suggested that this might be best located somewhere near the open channel of the stream to help restore this riparian corridor.

The Commission reviewed the plans and discussed with Mr. Bemis the traffic circulation patterns, drainage patterns current and proposed and grading on the site. Mr. Bemis also explained that he still needs to get some feedback from Steve Reid regarding some zoning issues and that he needed to bring the plan before the Site Plan Review committee next week for some preliminary input on several of the items noted above. Ms. Ryder noted that the wetland line should be checked next to the large detention basin as it doesn't quite reflect the wetland boundary.

The Commission requested that the next plan revisions include the construction sequencing and phasing plan, drainage information and green space items noted above.

The hearing was continued to the February 7th meeting to allow time for review and revisions by others. The applicant consented to the continuation.

Correspondence/Other Business

The following correspondence was reviewed and the Commission unanimously voted to accept and place on file.

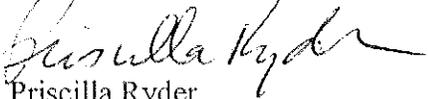
- Letter from Sanford Ecological Services, Inc. dated November 26, 2007 RE: Results of fall 2007 storm water sampling effort for the Fairbanks Blvd. project
- Letter from Inland Survey, Inc. dba Zanca Land Surveying dated Dec. 13, 2007 RE: Mosher Lane DEP 212-870
- Letter from Acton Survey & Engineering, Inc. dated Dec. 14, 2007 RE: 246 Maple St. Bluefin Properties, LLC DEP 212-1026
- Letter to Thomas A Martinez, dated Dec. 19, 2007 RE: Assabet River Signage and Kiosk – Robin Hill St. Completed Eagle Project Proposal.

Meetings – Next Conservation Commission meetings are scheduled for January 17 and February 7, 2008 (Thursdays)

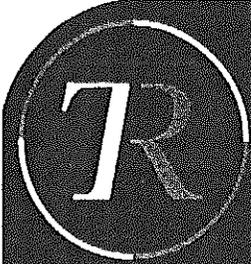
Adjournment

There being no further business the meeting was adjourned at 9:40 PM.

Respectfully submitted,



Priscilla Ryder
Conservation Officer



THE NEWSLETTER OF THE BOSTON REGION METROPOLITAN PLANNING ORGANIZATION

FAIRMOUNT LINE BRIDGE REPLACEMENTS

Page 2

FEDERAL EARMARKS

Page 2

BIKE LANES FOR BOSTON

Page 2

COMMUTER TAX BREAKS

Page 3

MPO ACTIVITIES

Page 3

MEETING CALENDAR

For the most recent information on the following public meetings and others that may have been scheduled after TRANSREPORT went to press, go to www.bostonmpo.org or call (617) 973-7119. A photo ID is required to access most meeting sites.

AT THE STATE TRANSPORTATION BUILDING, 10 PARK PLAZA, BOSTON

February 21 (Thursday)

Boston Region MPO Transportation Planning and Programming Committee. Conference Room 4. 10:00 AM

February 25 (Monday)

MBTA Rider Oversight Committee. Conference Rooms 1, 2, and 3. 5:00 PM to 7:00 PM

February 26 (Tuesday)

Access Advisory Committee to the MBTA. Conference Room 4. 1:00 PM

March 6 (Thursday)

Boston Region MPO Transportation Planning and Programming Committee. Conference Room 4. 10:00 AM

AT OTHER BOSTON AREA LOCATIONS

February 13 (Wednesday)

Boston Region MPO Transportation Improvement Program (TIP) "How To" Seminar. Framingham Town Hall, Blumer Room, 150 Concord Street. 9:00 AM

Calendar continued on p. 2

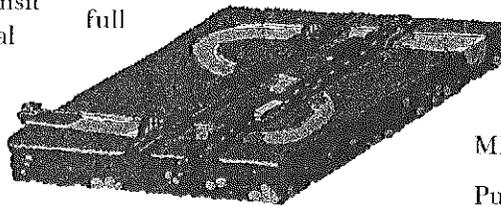
Congress Approves Transportation Funds, State Bond Bill Hearings Begin

The U.S. Congress approved an omnibus appropriations bill on December 26, a \$555 billion bill that includes \$40.2 billion for highway transportation programs and nearly \$9.5 billion for transit programs for federal fiscal year (FFY) 2008.

Federal funding for highways has increased by \$1.1 billion from FFY 2007 and meets the level of funding authorized under federal transportation legislation. Transit funding, though higher this year than last, is below the authorized funding level.

The bill earmarked nearly \$36.5 million for transportation projects in Massachusetts.

For the Commonwealth to access the full



suite of federal funds for eligible transportation projects, the state must have a transportation bond bill or another funding mechanism that assures the Federal Highway Administration and Federal

Transit Administration that the state can provide the appropriate matching funds for projects included in the Statewide Transportation Improvement Program, which is a compilation of all the Transportation Improvement Programs developed by the state's 13 MPOs.

Public hearings began at the State House in late January on a state bond bill, filed by Governor Deval Patrick last November, that would provide enough funding for the Commonwealth to tap into

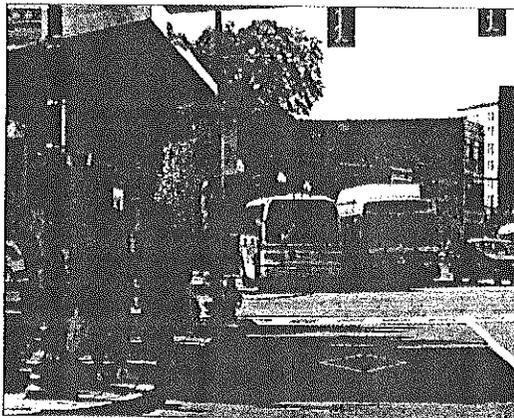
• Bond Bill cont. on p. 4

Regional Equity Outreach Underway

MPO TO MEET WITH ENVIRONMENTAL JUSTICE COMMUNITIES

This month the Boston Region Metropolitan Planning Organization (MPO)

will begin another phase of its outreach in communities in the region with substantial populations of minority and low-income residents to better assess their transportation needs and concerns, and



to encourage long-term involvement of these communities in the MPO's transportation planning process.

This outreach follows on previous MPO work that identified

concerns that some residents of these communities have about the transportation system and its impact on their neighborhoods. Many of these residents are dependent on public transportation, and some face language and cultural barriers that present problems for using the system.

The MPO's Regional Equity Program is focused on identifying transportation issues in environmental justice areas, which are defined by the MPO as areas that con-

• Outreach cont. on p. 4

The members of the Boston Region MPO: Executive Office of Transportation and Public Works, Cities of Boston, Newton, Salem, and Somerville, Federal Highway Administration, Federal Transit Administration, Massachusetts Bay Transportation Authority, Massachusetts Bay Transportation Authority Advisory Board, Massachusetts Highway Department, Massachusetts Port Authority, Massachusetts Turnpike Authority, Metropolitan Area Planning Council, Regional Transportation Advisory Council, Towns of Bedford, Framingham, and Hopkinton