

1. Minutes, City Council Meeting, June 23, 2008.
2. Communication from the Mayor re: permission to have the Metropolitan Area Planning Council present a PowerPoint slideshow at the July 14, 2008 City Council meeting to remain eligible for FEMA Disaster Mitigation Grants by adopting a Pre-Disaster Mitigation Plan.
3. Communication from the Mayor re: budget transfer request in the amount of \$7,106.10 to move funds from Fringes to Certification for a recently approved stipend for the City Assessor as a result of additional certifications related to his position.
4. Communication from the Mayor re: reconsideration of a salary increase of firefighter Tricia Richard.
5. Communication from the Mayor re: Order for the Appropriation of Money and Order of Taking by Eminent Domain of a Strip of Land on Bellevue Ave. for a Permanent Municipal Utility Easement.
6. Communication from the Mayor re: establishment of a new revolving fund in the amount of \$45,000.00 as the recently executed contract with Patriot Ambulance provides for dispatch fees to be used for public safety training.
7. Communication from the Mayor re: the City being awarded \$16,014.00 by its liability insurance carrier, MIAA for attending loss control trainings and for implementing key risk management procedures during July 1, 2007 to June 30, 2008 policy period.
8. Communication from the Donald Rider, City Solicitor re: MetroPCS Massachusetts, LLC, Special Permit for 450 Boston Post Rd. East. in proper form.
9. Communication from Jack Milgram Esq, on behalf of Ming Wang, re: request to extend deadline for action on Special Permit for conversion of former State Armory building into 12 residential condominium units in a Business B/ Residence C zoned lot at 358-364 Lincoln St, (#08-1001805) to October 28, 2008, at 5:00 PM.
10. Communication from Attorney Bergeron on behalf of Gary White, Trustee of 566 and 574 Lincoln St. Realty Trust, re: request to extend deadline for action on Special Permit to construct 19 new townhouse condominium units on Lincoln St., Map 80, parcels 47, 48 & 51, (#08-1001877) to October 28, 2008.
11. Application for a Special Permit from MetroPCS Massachusetts, LLC for proposed installation of a Telecommunications Facility onto the existing Telecommunications Tower located on 445 Simarano Dr.
12. Communication from Office of the Governor re: 2009 version of Commonwealth Capital.
13. Minutes, Community Development Authority, January 31 & May 8, 2008.
14. Minutes, Planning Board, June 9, 2008.
15. Minutes, MetroWest Regional Transit Authority, June 2, 2008.
16. CLAIMS:
  - A. Michael Dolan, 14 Country Lane, property damage
  - B. Stella Luberto, 215 Broad St., vehicle damage

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Legislative and Legal Committee

17. **Order No. 08-1001778 – Special Act Petitioning the General Court to Amend the City Charter Relative to the Office of the City Solicitor** - The Legislative and Legal Affairs Committee met with the Mayor to discuss the proposed changes to the term and appointment process for the City Solicitor position. This order follows a 2007 City Council order referring the proposed Special Act to the Legal Department and the House Counsel to draft the necessary language to effect this change and report back to City Council for final approval. **Recommendation of the Legislative and Legal Affairs Committee is to approve 2-1 (Ferro opposed) a Special Act changing the position of the City Solicitor to a five year term, appointed by the Mayor and subject to confirmation of the City Council in proper legal form as submitted by the Legal Department and House Counsel.**



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

**Lisa M. Thomas  
140 Main St.  
Marlborough, MA 01752  
(508) 460-3775 FAX (508) 460-3723  
JUNE 23, 2008**

Regular meeting of the City Council held on Monday JUNE 23, at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Delano, Ferro, Schafer, Juairé, Seymour, Clancy and Landers. Meeting adjourned at 11:13 p.m.

**ORDERED:** Minutes, City Council Meeting, June 9, 2008, **FILE**; adopted.

**MOTION:** That agenda #21, communication from abutters of 568-574 Lincoln St. regarding Special Permit application by Gary White, Trustee of 566 and 574 Lincoln St. Realty Trust, proposing to construct 19 new townhouse condominium units on Lincoln St., Map 80, parcels 47, 48 & 51 be moved to agenda #2, regarding the Public Hearing on the application from Gary White, Trustee of 566 and 574 Lincoln St. Realty Trust to construct 19 new townhouse condominium units on Lincoln St., Map 80, parcels 47, 48 & 51, **APPROVED**; adopted.

**ORDERED:** Now being the time set for the **PUBLIC HEARING** on the application from Gary White, Trustee of 566 and 574 Lincoln St. Realty Trust to construct 19 new townhouse condominium units on Lincoln St., Map 80, parcels 47, 48 & 51, all were heard who wish to be heard, hearing adjourned at 9:06 p.m.

**(Councilor Vigeant filed a disclosure statement with the City Clerk's Office)**

**ORDERED:** Now being the time set for the **PUBLIC HEARING** on the application of National Grid to relocate pole #63 on Elm St. in an easterly direction 15' ±, all were heard who wish to be heard, hearing adjourned at 9:08 p.m.

**ORDERED:** That the communication from the Mayor requesting Diane Sullivan, Executive Director of the Marlborough Community Development Authority an opportunity to address council on status of CDA and DHCH investigation, **APPROVED**; adopted.

**ORDERED:** That the following budget transfer request in the amount of \$12,677.00 which would move funds from Fringes to Police Salary to address a deficit in the Police Salary account due to an unanticipated retirement, **APPROVED**; adopted.

**FROM:**

Acct. # 11990006-51500 \$12,677.00  
Fringes

**TO:**

Acct. # 12100001-50420 \$12,677.00  
Police Officers

**ORDERED:** That the following budget transfer request in the amount of \$1,850.00 which would move funds between salary line items within the Inspectional Services/Zoning Board of Appeals in order to fund the shortage in the Electrical Inspector salary line item, which is the result of an increased need for services due to sizeable construction projects, **APPROVED**; adopted.

**FROM:**

Acct. # 12410001-50960	\$1,000.00
Assistant Plumbing Inspector	
Acct. # 12410001-50970	\$575.00
Assistant Wiring Inspector	
Acct. # 12410001-51180	\$275.00
ZBA Members	

**TO:**

Acct. # 1241001-50380	\$1,000.00
Electrical Inspector	
Acct. # 12410001-50380	\$575.00
Electrical Inspector	
Acct. # 12410001-50380	\$275.00
Electrical Inspector	

**ORDERED:** That the following budget transfer request in the amount of \$1,685.00 which would move funds from Equipment Operator to Assistant Chemist to provide necessary funds for Assistant Chemist salary payment, **APPROVED**; adopted.

**FROM:**

Acct. # 60081001-50750	\$1,685.00
Equipment Operator	

**TO:**

Acct. # 60080001-50580	\$1,685.00
Assistant Chemist	

**ORDERED:** That the Department of Elder Affairs recently provided the Council on Aging with a formula grant for 2009 in the amount of \$35,523.00 in which scope of services include a Program Coordinator position of 19 hours, fitness instructors, office supplies, newsletter/printing/copying, equipment repair & maintenance, expenses associated with volunteer recognition, **APPROVED**; adopted.

**ORDERED:** That the Council on Aging has received a supplemental grant from Boston Scientific Corporation in the amount of \$5,000.00 to provide funding for the "Be Strong, Live Long" program, **APPROVED**; adopted.

**ORDERED:** That the communication from the Mayor providing supporting documentation relative to the safe transport of city children to the Boys and Girls club's after school programs in which said transportation services are part of the city-wide contract and Boys and Girls club is billed separately for all associated costs, **FILE**; adopted.

**MOTION:** That agenda #11, communication from the City Solicitor regarding Special Permit Application from Bell Atlantic Mobile of Massachusetts Corp. Ltd. in proper form, be moved to Reports of Committee, **APPROVED**; adopted.

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ORDERED: That the City Council of the City of Marlborough hereby authorizes the Chief Procurement Officer to issue a Notice of Award to Omnipoint Communications, Inc. located at 15 Commerce Way, Norton, MA 02766, a wholly owned subsidiary of T-Mobile USA, Inc. in the amount of \$18,000.00 for the first year of the lease, increasing annually by five (5%) on each anniversary of the Rent Commencement Date, subject to the approval of the Commissioner of Public Works as to the proposal and the location of the tower on the site, and the approval of a Special Permit by the City Council pursuant to the applicable Articles and Sections of the Marlborough Zoning Ordinance; and it is **FURTHERED ORDERED**: that the Mayor is hereby authorized to negotiate a lease, subject to obtaining all necessary permits and licenses, with Omnipoint to construct a monopole or similar tower at the Spoonhill Water Tank site, located at 249 Miles Standish Drive, Marlborough, MA 01752, shown on Assessors' Map 20, Parcel 2. Said municipal property has been declared available for disposition by City Council Order No. 08-1001934, **APPROVED AND REFER TO WIRELESS COMMUNICATION COMMITTEE**; adopted.

ORDERED: That the City Council of the City of Marlborough hereby authorizes the Chief Procurement Officer to issue a Notice of Award to MetroPCS Massachusetts LLC located at 285 Billerica Road – Third Floor, Chelmsford, MA 01824, in the amount of \$30,504.00 for the first year of the lease, increasing annually by four (4%) on each anniversary of the Rent Commencement Date, subject to the approval of the Director of Public Facilities as to the proposal and the location on the tower at the site and the approval of a Special Permit by the City Council pursuant to the applicable Articles and Sections of the Marlborough Zoning Ordinance; and it is **FURTHERED ORDERED**: that the Mayor is hereby authorized to negotiate a lease, subject to obtaining all necessary permits and licenses, with MetroPCS for the placement of antennas on the water tank along with associated wires and ground equipment at the Sligo Hill Water Tank site, located at 97 Arnold Street, Extension, Marlborough, MA 01752, shown on Assessors' Map 68, Parcel 80. Said municipal property has been declared available for disposition by City Council Order No 08-1001935, **APPROVED AND REFER TO WIRELESS COMMUNICATION COMMITTEE**; adopted.

ORDERED: That the City Council of the City of Marlborough hereby authorizes the Chief Procurement Officer to issue a Notice of Award to Bell Atlantic Mobile of Massachusetts Corporation Ltd, d/b/a Verizon Wireless located at 400 Friberg Parkway, Westborough, MA 01581-3956 in the amount of \$26,000.00 for the first year of the lease, increasing annually by three (3%) on each anniversary of the Rent Commencement Date, subject to the approval of the Commissioner of Public Works as to the proposal and the location of the tower on the site and the approval of a Special Permit by the City Council pursuant to the applicable Articles and Sections of the Marlborough Zoning Ordinance; and it is **FURTHERED ORDERED**: that the Mayor is hereby authorized to negotiate a lease, subject to obtaining all necessary permits and licenses, with Bell Atlantic Mobile to construct a monopole or similar tower at the Westerly Wastewater Treatment Plant site, located at 303 Boundary Street, Marlborough, MA 01752, shown on Assessors' Map 71, Parcels 1 and 2. Said municipal property has been declared available for disposition by City Council Order No. 08-1001936, **APPROVED AND REFER TO WIRELESS COMMUNICATION COMMITTEE**; adopted.

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- ORDERED: That the City Council of the City of Marlborough hereby authorizes the Chief Procurement Officer to issue a Notice of Award to MetroPCS Massachusetts LLC located at 285 Billerica Road – Third Floor, Chelmsford, MA 01824 in the amount of \$22,500.00 for the first year of the lease, increasing annually by five (5%) on each anniversary of the Rent Commencement Date, subject to the approval of the Commissioner of Public Works as to the proposal and the location on the tower at the site, and the approval of a Special Permit by the City Council pursuant to the applicable Articles and Sections of the Marlborough Zoning Ordinance; and it is **FURTHERED ORDERED**: that the Mayor is hereby authorized to negotiate a lease, subject to obtaining all necessary permits and licenses, with MetroPCS for the placement of antennas on the water tank along with associated wires and ground equipment at the Fairmount Hill Water Tank site, located at 115 Onamog Street, Marlborough, MA 01752, shown on Assessors' Map 81, Parcel 238. Said municipal property has been declared available for disposition by City Council Order No. 08-1001937, **APPROVED AND REFER TO WIRELESS COMMUNICATION COMMITTEE** adopted.
- ORDERED: That the communication from Barbara L. Fenby, Chairperson of the Planning Board, regarding acceptance of the Limited Development Subdivision amendment, **REFER TO URBAN AFFAIRS COMMITTEE**; adopted.
- ORDERED: That there being no objection thereto set **MONDAY, AUGUST 18, 2008** as date for a **PUBLIC HEARING** on the Application to amend Special Permit from Attorney Bergeron, on behalf of Toll MA Land Limited Partnership, to construct 80 units on less than 14 acres and to revise current permit conditions accordingly, **REFER TO URBAN AFFAIRS COMMITTEE AND ADVERTISE**; adopted.
- ORDERED: That there being no objection thereto set **MONDAY, AUGUST 18, 2008** as date for a **PUBLIC HEARING** on the Petition from Attorney Gadbois, on behalf of Lewis Clark, Jr., to amend the Zoning Ordinance so that the Retirement Community Overlay Districts be abolished and that Retirement Communities can be an allowable use in all districts with a Special Permit in accordance with a new Section 200-22 of the Zoning Ordinance, **REFER TO URBAN AFFAIRS COMMITTEE, PLANNING BOARD AND ADVERTISE**; adopted.
- ORDERED: That the communication from Jack Milgram, on behalf of Ming Wang, re: submission of architectural plans to supplement plans previously submitted for Special Permit for 358-364 Lincoln St., **REFER TO URBAN AFFAIRS COMMITTEE**; adopted.
- ORDERED: That the communication from John Riordan, Executive Director of Marlborough 2010 Corp., re: permission to place signage during the operation of Farmers Market this summer, **APPROVED**; adopted.
- ORDERED: That the Minutes, Planning Board, May 12, 2008, **FILE**; adopted.
- ORDERED: That the Notice from Central Mosquito Control Project investigating resident's complaints about mosquitoes on July 2, 9, 16, 23 and 30, **FILE**; adopted.
- ORDERED: That the following **CLAIMS**, refer to the **LEGAL DEPARTMENT**; adopted.
- A. Marion Langelier, PO Box 40569, Jacksonville, FL, vehicle damage

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## Reports of Committees:

Councilor Levy reported the following out of the Legislative and Legal Affairs:

**Order No. 08-1001778 - Communication from the Mayor regarding petition to the General court to approve an amendment to the City of Marlborough's Charter relative to the office of the City Solicitor.** The Committee met with the Mayor to discuss the proposed changes to the term and appointment process for the City Solicitor position. This order follows a 2007 City Council order referring the proposed Special Act to the Legal Department and the House Counsel to draft the necessary language to effect this change and report back to City Council for final approval. **Recommendation of the Legal and Legislative Affairs Committee is to approve 2-1 (Ferro opposed) a Special Act changing the position of the City Solicitor to a five year term, appointed by the Mayor and subject to confirmation of the City Council in proper legal form as submitted by the Legal Department and House Counsel.**

**Suspension of the Rules requested – granted**

ORDERED: That the petition of Mass Electric to relocate pole #63 on Elm St. in an easterly direction 15' ± **APPROVED**; adopted.

**Suspension of the Rules requested – granted**

The City Council of the City of Marlborough hereby **GRANTS** the application for a Special Permit to BELL ATLANTIC MOBILE OF MASSACHUSETTS CORPORATION, LTD., having a usual place of business at 400 Friberg Parkway, Westborough, MA 01581, as provided in the Decision and subject to the following Findings of Fact and Conditions.

**EVIDENCE**

1. The Applicant is BELL ATLANTIC MOBILE OF MASSACHUSETTS CORPORATION, LTD., d/b/a Verizon Wireless which has a business address of 400 Friberg Parkway, Westborough, MA 01581 (hereinafter "Applicant").
2. Through its Application for a Special Permit, the Applicant seeks permission to allow co-location of wireless communications antennas on an existing telecommunications tower and supporting equipment on the ground within an existing compound (hereinafter "Proposed WCD Project"), substantially as depicted on a set of plans entitled "Marlborough 4, Donald J. Lynch Blvd., Marlborough, MA" by Bay State Design Associates, Inc., dated December 21, 2007, revised January 3, 2008, as submitted with the Special Permit Application, and as further revised May 5, 2008 (hereinafter "Plans").
3. The location of the Proposed WCD Project is 75 Donald J. Lynch Boulevard. The site is more particularly identified on the Assessor's Map of the City of Marlborough as Parcel No. 2 of Plate 13. The owner of record for the site is Albert D. Bombard.
4. The Applicant is a sub-lessee of New Cingular Wireless, which owns the existing telecommunications tower at the site and leases the underlying compound area.
5. The Site is zoned LI. Wireless communication devices are allowed by grant of Special Permit in LI Zoning Districts.
6. The Special Permit is being sought pursuant to Article VI, Section 200-25 and Article VIII, Section 200-59 of the Zoning Code of the City of Marlborough.

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7. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the City Planner certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
8. The Applicant has complied with all of the applicable rules of the Rules and Regulations.
9. The City of Marlborough City Council held a public hearing on the Proposed WCD Project on March 10, 2008, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
10. The Applicant presented oral testimony and demonstrative evidence at the public hearing demonstrating that the Proposed WCD Project meets all the applicable Special Permit criteria of Article VI, Section 200-25 and Article VIII, Section 200-59.
11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCD Project's compliance with the applicable Special Permit criteria.
12. The Council, in reviewing the Applicant's Special Permit application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 200-25 and Article VIII, Section 200-59 of the City of Marlborough Zoning Ordinance, applicable to the proposed Wireless Communications Device.

**BASED UPON THE ABOVE, THE MARLBOROUGH CITY  
COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT  
AND TAKES THE FOLLOWING ACTIONS**

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a Special Permit.
- B) The Site is an appropriate location for the Proposed WCD Project and the Proposed WCD Project is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this Approval.
- C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 200-25 and Article VIII, Section 200-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its proposed WCD Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.
- D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, GRANTS the Applicant its Special Permit, SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 8:
  - 1) The Proposed WCD Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Applicant's Special Permit Application, as amended during the application/hearing process, and in compliance with the Conditions of the Grant of Special Permit as well as with the conditions set forth in Chapter 200-25F of the Marlborough Zoning Ordinance.

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- 2) All plans, site evaluations, briefs and other documentation provided by the Applicant as part of this Special Permit Application are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
- 3) The Applicant shall comply with all rules, regulations, ordinances and statutes of the City of Marlborough, the Commonwealth of Massachusetts and the Federal Government as they may apply to the construction, maintenance and operation of the Proposed WCD Project.
- 4) All terms, conditions, requirements, approvals, plans and drawings required hereunder are hereby made a part of and incorporated herein as a condition to the issuance of this Special Permit.
- 5) Applicant shall minimize the visual impacts of the Proposed WCD Project by screening and/or color coordination as may be depicted on the Plans and other demonstrative evidence submitted as part of the Application for Special Permit.
- 6) Applicant shall pay to the City of Marlborough Open Space Account #100-2410-44515, as mitigation for the alleged impacts caused by the subject of this Permit, the annual sum of One Thousand Five Hundred (\$1,500.00) dollars, the first payment due and payable at the time of the issuance of the building permit hereunder, or within one year of the approval of Special Permit, whichever is earlier, and the subsequent payments to be due and payable on January 2, or the first business day thereafter, of each calendar year in which the WCD referenced in this Permit is still in operation. Failure to make the payment in a timely manner shall constitute a violation of the Special Permit, and the Applicant shall pay an additional sum of \$500 per quarter or portion thereof after the payment due date that the Applicant has failed to make payment.
- 7) Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the Proposed WCD Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCD Project only in cases of power outages to the Proposed WCD Project and for purposes of routine testing and maintenance. The noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 134 of the City Code.
- 8) No operation of this WCD shall commence until the Applicant has received written approval from the Building Inspector that all the above conditions have been satisfied.
- 9) Applicant shall be subject to site plan review if applicable.
- 10) In accordance with the provisions of Mass. Gen. Laws c.40A, § 11, the Applicant at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed.

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**Yea: 10 – Nay: 0**

**Yea: Delano, Ferro, Schafer, Juair, Clancy, Landers, Ossing, Pope, Vigeant, Levy**

**(Councilor Seymour abstained)**

**Suspension of the Rules requested – granted**

**ORDERED:** That Application for Special Permit from MetroPCS Massachusetts, LLC for proposed installation of a Telecommunication Facility onto existing building located at 450 Boston Post Rd., **REFER TO CITY SOLICITOR TO BE PUT IN PROPER FORM AND PLACED ON JULY 14, 2008 AGENDA;** adopted.  
**(Councilor Seymour abstained)**

**Suspension of the Rules requested – granted**

**ORDERED:** That the City of Marlborough adopt MGL Chapter 59, §21A½ by which an assessor or assistant assessor who has completed the necessary courses of study and training and has been awarded a certificate by the International Association of Assessing Officers as a certified assessment evaluator or who has been awarded a certificate by the Association of Massachusetts Assessors as a certified Massachusetts assessor shall receive as compensation from such city or town, in addition to the regular compensation paid by such city or town for services in such office, an amount equal to ten percent of such regular compensation. An assessor who has been awarded both certificates referred to above shall receive such additional compensation for only one of such certificates. In order to qualify for such additional compensation, an assessor or assistant assessor shall submit proof that he has been awarded either or both of the aforesaid certificates to the mayor or the board of selectmen of such city or town. The additional compensation herein provided shall be prorated for any twelve month period in which an eligible person does not hold the office of assessor or assistant assessor for twelve consecutive months, In those cities and towns which accept provisions of section twenty-one A, this section shall not be applicable, **APPROVED;** adopted.

**Suspension of the Rules requested – granted**

**ORDERED:** That the following budget transfer request in the amount of \$1,312.90 which would move funds from Fringes to Certification to award Mr. Trodella, City Assessor, an additional 10% of his salary in recognition as a certified Massachusetts assessor by the Association of Massachusetts Assessors in accordance with adoption of MGL Chapter 59, §21A½, **APPROVED;** adopted.

**FROM:**

Acct. # 11990006-51500	\$1,312.90
Fringes	

**TO:**

Acct. # 11410003-50177	\$1,312.90
Certification	

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**Suspension of the Rules requested - granted**

ORDERED: That the following budget transfer request in the amount of \$54,000.00 which would move funds from Undesignated to Open Space Stabilization which relates to funds received for wireless antennae locations within the City for fiscal years 2007 (\$31,500.00) and 2008 (\$22,500.00) which prior to FY2007 has been deposited directly into the Open Space account, **APPROVED**; adopted.

## FROM:

Acct. # 10000-35900 \$54,000.00  
Undesignated Funds

## TO:

Acct. # 83600-32918 \$54,000.00  
Open Space Stabilization

**Suspension of the Rules requested - granted**

ORDERED: That the following budget transfer request in the amount of \$30,972.00 which moved funds from Fringes to Sick Leave to provide for sick leave buy back relative to a retirement in the Marlborough Fire Department, **APPROVED**; adopted.

## FROM:

Acct. # 11990006-51500 \$30,972.00  
Fringes

## TO:

Acct. # 12200003-51920 \$30,972.00  
Sick Leave

**(Councilor Juairé abstained)**

**Suspension of the Rules requested - granted**

ORDERED: That the sum of Twelve Thousand Seven Hundred Sixteen Dollars and Eight Cents (\$12,716.08), designated as City appropriations, is hereby appropriated in the City of Marlborough, This sum is to be placed into the budgetary line item as defined below, and it is further specified, pursuant to § 53E of Chapter 44 of the General Laws, that said amount shall be offset by the estimated receipts from the fees charged to users of the Site Plan Review process pursuant to § 63-15.F. of Chapter 63 of the City Code of the City of Marlborough, **APPROVED**; adopted.

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
26117401-50032	Twelve months of compensation for the City Planner.	\$12,716.08

MOTION: That agenda #29, Mayor's Municipal Fiscal Year 2009 Budget be moved to after Reports of Committees, **APPROVED**; adopted.

**Suspension of the Rules requested - granted**

ORDERED: That the Fiscal Year 2009 Municipal Operating Budget, **APPROVED** at \$120,447,535.00; adopted.

**Councilors Seymour, Landers, & Delano filed a disclosure statement with the City Clerk's Office.**

**Councilor Schafer requested to be recorded in opposition.**

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ORDERED: Pursuant to City Council Order No. 08-1001774 and the proposals that were submitted in response to the Request for Proposals, the award of a lease to Assabet Valley Collaborative of 14,950 square feet. at the former Bigelow School, 57 Orchard Street, for a one-year lease term (July 1, 2008 to June 30, 2009) in the amount of \$149,500.00, **APPROVED**; adopted.

**Yea: 11 – Nay: 0**

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

ORDERED: That the City Council meeting recessed at 10:17 p.m. and reconvened at 10:25 p.m., **APPROVED**; adopted.

ORDERED: That the sum of \$2,635,500.00 be appropriated for Department Equipment; however recommendation of the Finance Committee is to approve \$2,302,848.00.

MOTION made by Councilor Levy, seconded, to reduce the Finance Committee recommendation of \$2,302,848.00 by \$632,000.00 by removing all Department of Public Works equipment with exception to the Multi purpose Tractor with attached blower/sander/mower deck for a new total sum of **\$1,670,848.00** (one million six hundred seventy thousand eight hundred forty eight) dollars, **APPROVED**; adopted.

**The reduced bond amount of \$1,670,848.00 shall fund the following items:**

Multi purpose Tractor with blower / sander / mower deck:	132,000.00
School Equipment:	200,000.00
High School Life Safety Systems:	1,000,000.00
DPW East Plant HVAC	100,000.00
Security Systems (DPW,Kane,HS)	250,000.00
Minus: 11,152.00 from existing bond funds:	minus - (11,152.00)

**TOTAL SUM OF BOND FOR  
DEPARTMENT EQUIPMENT: \$1,670,848.00**

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of **\$1,670,848.00**.

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

**Yea: 8 – Nay: 3**

**Yea: Delano, Ferro, Schafer, Juairé, Seymour, Pope, Vigeant, Levy**

**Nay: Clancy, Landers, Ossing**

**Suspension of the Rules requested – granted**

ORDERED: That the Mayor speak regarding reduction of a bond authorization and proper allocation. The Mayor assured the Council that anytime there is a bond authorization that is reduced by either a piece of equipment or specific project, that she has been very explicit with allocating monies and has upheld the Council's request; **APPROVED**; adopted.

ORDERED: That the sum of \$4,355,000.00 be appropriated for Street Construction; however recommendation of the Finance Committee is to approve \$3,923,613.00, therefore **\$3,923,613.00** (three million nine hundred twenty three thousand six hundred thirteen) dollars, **APPROVED**; adopted.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of **\$3,923,613.00**.

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

**Yea: 9 – Nay: 2**

**Yea: Delano, Ferro, Juairé, Seymour, Clancy, Landers, Ossing, Vigeant, Levy**

**Nay: Schafer, Pope**

ORDERED: That the sum of \$327,000.00 be appropriated for Sidewalk Construction. Recommendation of the Finance Committee is to approve \$327,000.00, therefore **\$327,000.00** (three hundred twenty seven thousand) dollars, **APPROVED**; adopted.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$327,000.00.

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

**Yea: 9 – Nay: 2**

**Yea: Delano, Ferro, Juairé, Seymour, Clancy, Landers, Ossing, Vigeant, Levy**

**Nay: Schafer, Pope**

ORDERED: That the sum of \$728,000.00 be appropriated for Sewer Construction. Recommendation of the Finance Committee is to deny the bond, therefore the bond, **DENIED**; adopted.

**Yea: 11 – Nay: 0**

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

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ORDERED: That the sum of \$810,464.00 be appropriated for Fire Departmental Equipment. Recommendation of the Finance Committee is to approve \$810,464.00, therefore **\$810,464.00** (eight hundred ten thousand four hundred sixty four) dollars, **APPROVED**; adopted.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$810,464.00.

Pursuant to the provisions of Chapter 44, Section 7 (9) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than ten (10) years from its date of issue.

**(Councilor Juaire abstained)**

**Yea: 8 – Nay: 2**

**Yea: Delano, Ferro, Seymour, Clancy, Landers, Ossing, Vigeant, Levy**

**Nay: Schafer, Pope**

**Suspension of the Rules requested – granted**

ORDERED: That the Mayor the Mayor to speak regarding regionalization with the Town of Southborough Fire Department. She stated that there has been communication between the Marlborough Fire Chief and the Southborough Fire Chief, **APPROVED**; adopted.

ORDERED: That the following transfer in the amount of \$649,336.00 which would move funds from Sale of Real Estate (Fire Station) to Capital Outlay, **APPROVED**; adopted.

FROM:

Acct. # 27000099-48511 \$649,336.00

Sale of Real Estate

TO:

Acct. # 19300006-58512 \$649,336.00

Fire Department

**(Councilor Juaire abstained)**

**Councilor Schafer requested to be recorded in opposition.**

ORDERED: That the sum of \$1,356,000.00 be appropriated for Building Renovations. Recommendation of the Finance Committee is to approve \$1,143,033.00, therefore **\$1,143,033.00** (one million one hundred forty three thousand thirty three) dollars, **APPROVED**; adopted.

That to meet said appropriations, the Comptroller/Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$1,143,033.00.

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

**Yea: 9 – Nay: 2**

**Yea: Delano, Ferro, Juaire, Seymour, Clancy, Landers, Ossing, Vigeant, Levy**

**Nay: Schafer, Pope**

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ORDERED: That the sum of \$200,000.00 be appropriated for Energy Improvements to Buildings. Recommendation of the Finance Committee is to deny the bond, therefore the bond, **DENIED**; adopted.

**Yea: 11 – Nay: 0**

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

ORDERED: That the sum of \$95,000.00 be appropriated for Cemetery Roads and Paths. Recommendation of the Finance Committee is to deny the bond, therefore the bond, **DENIED**; adopted.

**Yea: 11 – Nay: 0**

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

ORDERED: That the sum of \$75,000.00 be appropriated for Engineering and Architectural Design. Recommendation of the Finance Committee, **REFER BACK TO MAYOR**; adopted.

ORDERED: That the sum of \$1,092,500.00 be appropriated for Park Reconstruction. Recommendation of the Finance Committee is to deny the bond, therefore the bond, **DENIED**; adopted.

**Yea: 11 – Nay: 0**

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

ORDERED: That the sum of \$402,000.00 be appropriated for Computer Hardware. Recommendation of the Finance Committee is to deny the bond, therefore the bond, **DENIED**; adopted.

**Yea: 11 – Nay: 0**

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

ORDERED: That the reappointments of Sheila Brecken and Paulina Lynch to the Council on Aging Board for terms of four years expiring on May 1, 2012, **APPROVED AND REFER THE REAPPOINTMENT OF CATHERINE MOCKUS BACK TO THE MAYOR.**

ORDERED: That the reappointments of George Whapham and Diane Halper to the Arts Lottery Council whose terms expire on May 1, 2010 and appointments of Cheryl Desautels, Jackie DiBuono and Ruth Crowell to the Arts Lottery Council whose terms expire on May 1, 2010, **APPROVED**; adopted.

ORDERED: That the communication from the Mayor regarding the March 14, 2008 meeting in which the Mayor, Assabet Valley Regional Technical High School personnel and representatives from the towns of Hudson, Southborough and Maynard met to address issues brought forth in the Inspector General's report of February 2008, in which the primary focus was pertinent to accounting practices and surplus funds, **FILE**; adopted.

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ORDERED: That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does hereby re-authorize a revolving fund during fiscal year 2009 for Geographical Information System (GIS) purposes to be administered by the Department of Public Works. It is further ordered that:

- (a) departmental receipts credited to the fund shall be limited to payments and fees due the City from those who purchase data and related copy-written material that has been created by the City of Marlborough Geographical Information System, unless otherwise directed by the General Laws; and
- (b) that expenditures from said fund shall be limited to the maintenance, improvement and related expenses for the maintenance and improvement of the City of Marlborough Geographical Information System; and
- (c) that the Commissioner of Public Works shall be the only officer authorized to approve expenditures from the fund; and
- (d) no more than \$10,000.00 shall be expended during fiscal year 2009, unless otherwise authorized by the City Council and Mayor; and
- (e) the Commissioner of Public Works shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (f) no provisions of this order shall be changed unless approved by the Mayor and City Council, **APPROVED**; adopted.

ORDERED: That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does hereby re-authorize a revolving fund during fiscal year 2009 for parks and playground improvement purposes to be administered through the Department of Public Works. It is further ordered that:

- (a) departmental receipts credited to the fund shall be limited to lease payments and fees due the City from owners of antennae and related telecommunications equipment located on Fairmount Hill; and
- (b) that expenditures from said fund shall be limited to the maintenance and improvement of neighborhood parks and playgrounds, and that priority for such expenditures shall, through fiscal year 2009, be utilized for the maintenance and improvement of Artemus Ward Park; and
- (c) that the Commissioner of Public Works shall be the only officer authorized to approve expenditures from the fund; and
- (d) no more than \$100,000.00 shall be expended during fiscal year 2009, unless otherwise authorized by the City Council and Mayor; and
- (e) the Commissioner of Public Works shall prepare a year-end report identifying funds received, funds expended, description of expenditures and year-end balance; and
- (f) no provisions of this order shall be changed unless approved by the Mayor and City Council, **APPROVED**; adopted.

ORDERED: That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2009, re-authorize the revolving fund utilized by the Public Facilities Department. It is further ordered that:

- (a) departmental receipts credited to the fund shall be limited to lease payments and fees due the City from owners of antennae and related telecommunications equipment on property that is maintained by, or assigned or transferred to be

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maintained by, the Public Facilities Department, unless otherwise directed by the General Laws; and

(b) that expenditures from said fund shall be limited to the maintenance and related expenses for Sligo Hill and Stevens Park; and

(c) that the Director of Public Facilities shall be the only officer authorized to approve expenditures from the same; and

(d) no more than three hundred thousand dollars shall be expended during Fiscal Year 2009, unless otherwise authorized by the City Council and Mayor; and

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

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

ORDERED: That the following interdepartmental salary transfer requests in the amount of **\$9,154.00** which moves funds from Council on Aging, Auditor and Inspectional Services to Plumbing Inspections, Electrical Inspector and In-State Travel for Inspectional Services and **90,243.55** which would move funds from Reserve for Salaries and Fringes to cover contractual salary increases for the Library, Public Facilities, Inspectional Services and Police Department, **APPROVED**; adopted.

BUDGET TRANSFERS --

DEPT:				FISCAL YEAR:2008			
FROM ACCOUNT:				TO ACCOUNT:			
Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:
\$6,650.00	11350004	53180	Auditor/professional & tech	\$3,363.00	12410001	50370	Inspect/plumbing inspec
Reason: Finance assistant hired. Funds no longer needed				Unexpected retirement of Henry Pacific			
\$447.00	15410001	50392	COA/part-time nurse	\$4,882.00	12410001	50380	Inspece/elec inspector
Reason: Position never filled				Greater number of "per inspections" than anticipated			
\$425.00	12410001	50970	Inspece/asst wiring	\$909.00	12410006	57100	Inspece/instate travel
Reason: excess funds				Travel costs at the updated per mile cost			
\$554.00	12410003-51430		Inspece/longevity				
Reason: excess funds							
\$1,078.00	12410003-51180		Inspece/zoning board				
Reason: less meetings held							
<b>total</b>				<b>total</b>			
<b>\$9,154.00</b>				<b>\$9,154.00</b>			

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FROM ACCOUNT:

TO ACCOUNT:

Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:
\$84,581.00	11990006	57820	Reserve for salaries	\$887.00	16100001	50471	Young adult librarian
Reason:					Contractual agreement		
\$5,662.55	11990006	51500	Fringes	\$851.00	16100001	50656	Head of circulation
Reason:					Contractual agreement		
				\$340.00	16100003	51920	Library/sick leave buy
Reason:					Contractual agreement		
				\$71.00	11920001	51385	Facilities/Electrician
Reason:					Contractual agreement		
				\$2,322.55	11920003	51920	Facilities/sick leave buy
Reason:					Contractual agreement		
				\$3,000.00	12410003	51920	Inspections/sick leave
Reason:					Contractual agreement		
				\$25,000.00	12100003	51490	Police/holiday
Reason:					Contractual agreement		
				\$20,000.00	12100003	51310	Police/regular o.t.
Reason:					Contractual agreement		
				\$35,000.00	12100003	51320	Police/court o.t.
Reason:					Contractual agreement		
				\$2,772.00	12100003	51213	Police/public safety disp
Reason:					Contractual agreement		
<b>total</b>				<b>total</b>			
<b>\$90,243.55</b>				<b>\$90,243.55</b>			

ORDERED: That the following intra-departmental transfer requests in the amount of **\$112.93** for the City Clerk's Office which would move funds from Senior Clerk to Printing to cover additional charges relative to the programming of the two AutoMark voting machines for the Ward Five election, **\$4,000.00** for Public Facilities which would move funds from custodial to Gross Overtime to provide for overtime required to cover for employee out on Worker's Compensation, and **\$20,252.00** for Police which would move between various salary accounts for contract increases, retirements and training., **APPROVED**; adopted.

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DEPT: CLERK

FISCAL YEAR: 2008

FROM ACCOUNT:

TO ACCOUNT:

Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:
<u>112.93</u>	<u>11620002</u>	<u>50770</u>	<u>SENIOR CLERK</u>	<u>\$112.93</u>	<u>11620004</u>	<u>53930</u>	<u>PRINTING</u>

Reason: EXCESS FUNDS DUE TO A RETIREMENT AND A NEW HIRE STARTING AT A LOWER STEP      ADDITIONAL FUNDS NEEDED FOR WARD FIVE PRELIMINARY ELECTION

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DEPT: PUBLIC FACILITIES

FISCAL YEAR: 2008

FROM ACCOUNT:

TO ACCOUNT:

Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:
<u>\$4,000.00</u>	<u>11920003</u>	<u>50560</u>	<u>Custodial</u>	<u>\$4,000.00</u>	<u>11920003</u>	<u>51300</u>	<u>Gross Overtime</u>

Reason: Employee has been out on workers comp since July      Additional funds required to cover overtime

CITY OF MARLBOROUGH  
BUDGET TRANSFERS --

DATE: May 5, 2008

FY: 2008

FROM ACCOUNT:

TO ACCOUNT:

Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:
<u>\$7,352.00</u>	<u>12100001</u>	<u>50510</u>	<u>Police Lieutenants</u>	<u>\$7,352.00</u>	<u>12100001</u>	<u>50420</u>	<u>Police Officers</u>
Reason:	<u>Surplus in account</u>				<u>New contract, increases not budgeted for, and retirement</u>		
<u>\$4,927.00</u>	<u>12100003</u>	<u>51395</u>	<u>In-Service Training</u>	<u>\$4,927</u>	<u>12100001</u>	<u>50420</u>	<u>Police Officers</u>
Reason:	<u>Funds needed elsewhere</u>				<u>Same as above</u>		
<u>\$5,100.00</u>	<u>12100003</u>	<u>51450</u>	<u>Night Shift Differential</u>	<u>\$5,100</u>	<u>12100001</u>	<u>50420</u>	<u>Police Officers</u>
Reason:	<u>Unable to fill positions timely</u>				<u>Same as above</u>		
<u>\$200.00</u>	<u>12100001</u>	<u>50435</u>	<u>Police Specialists</u>	<u>\$200.00</u>	<u>12100001</u>	<u>50420</u>	<u>Police Officers</u>
Reason:	<u>Unable to fill specialist position</u>				<u>Same as above</u>		
<u>\$600.00</u>	<u>12100001</u>	<u>50435</u>	<u>Police Specialists</u>	<u>\$600</u>	<u>12100001</u>	<u>50420</u>	<u>Police Officers</u>
Reason:	<u>Unable to fill specialist position</u>				<u>Same as above</u>		
<u>\$2,073.00</u>	<u>12100003</u>	<u>51395</u>	<u>In-Service Training</u>	<u>\$2,073</u>	<u>12100003</u>	<u>51360</u>	<u>Overtime - Training</u>
Reason:	<u>Funds needed elsewhere</u>				<u>High FTO costs</u>		

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ORDERED: That the following budget transfer requests on behalf of DPW in the amount of \$206,416.71 which would move funds from currently available salary-related items (the result of Worker's Comp injuries or vacancies within positions) to other salary and operating expense lines, **APPROVED**; adopted.

CITY OF MARLBOROUGH  
BUDGET TRANSFER REQUEST

DEPT:	<u>Department of Public Works</u>			DATE:	<u>5/7/2008</u>		FY <u>08</u>
	FROM ACCOUNT:			TO ACCOUNT:			
Amount	Fund	Object	Account Description:	Fund	Object	Account Description:	
<u>\$11,230.00</u>	<u>61090001</u>	<u>50460</u>	<u>Meter reader</u>	<u>60081003</u>	<u>51310</u>	<u>Overtime-Regular</u>	
Reason:	<u>Available funds caused by W/C injury</u>			<u>\$11,230 needed to cover remaining holidays, weekends and emergencies. Additional money spent on necessary sludge dewatering and operational issues caused by snow storms and holiday time off.</u>			
Amount	Fund	Object	Account Description:	Fund	Object	Account Description:	
<u>\$2,000.00</u>	<u>61090001</u>	<u>50740</u>	<u>Equip. Operator</u>	<u>61090003</u>	<u>51310</u>	<u>Overtime-Regular</u>	
Reason:	<u>Available funds caused by W/C injury</u>			<u>Anticipate needing \$45,000 to cover normal overtime needs, which are running exceptionally high. Numerous water main breaks and sewer main blockages have caused this situation.</u>			
Amount	Fund	Object	Account Description:	Fund	Object	Account Description:	
<u>\$40,000.00</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for salaries</u>	<u>61090003</u>	<u>51310</u>	<u>Overtime-Regular</u>	
Reason:	<u>Remaining funds after all contractual agreements have been accounted for</u>			<u>Anticipate needing \$45,000 to cover normal overtime needs, which are running exceptionally high. Numerous water main breaks and sewer main blockages have caused this situation.</u>			
Amount	Fund	Object	Account Description:	Fund	Object	Account Description:	
<u>\$3,000.00</u>	<u>61090001</u>	<u>50460</u>	<u>Meter reader</u>	<u>61090003</u>	<u>51310</u>	<u>Overtime-Regular</u>	
Reason:	<u>Available funds caused by W/C injury</u>			<u>Anticipate needing \$45,000 to cover normal overtime needs, which are running exceptionally high. Numerous water main breaks and sewer main blockages have caused this situation.</u>			

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CITY OF MARLBOROUGH  
BUDGET TRANSFER REQUEST

DEPT: Department of Public Works

DATE: 5/7/2008

F 08

FROM ACCOUNT:

TO ACCOUNT:

Amount	Fund	Object	Account Description:	Fund	Object	Account Description:
<u>\$2,500.00</u>	<u>61090001</u>	<u>50460</u>	<u>Meter reader</u>	<u>61090003</u>	<u>51380</u>	<u>Overtime Water/Sewer Police</u>

Reason: Available funds caused by W/C injury      Monies needed to cover police detail during water emergencies, which are running higher than normal

Amount	Fund	Object	Account Description:	Fund	Object	Account Description:
<u>\$4,220.00</u>	<u>14001103</u>	<u>51430</u>	<u>Longevity</u>	<u>61090003</u>	<u>51430</u>	<u>Longevity</u>

Reason: Sufficient funds in account      Contractual increase

Amount	Fund	Object	Account Description:	Fund	Object	Account Description:
<u>\$1,054.00</u>	<u>61090001</u>	<u>50460</u>	<u>Meter Reader</u>	<u>61090003</u>	<u>51920</u>	<u>Sick Leave Buy Back</u>

Reason: Available funds caused by W/C injury      Contractual obligation has increased demand on this line item

Amount	Fund	Object	Account Description:	Fund	Object	Account Description:
<u>\$200.00</u>	<u>61090001</u>	<u>50460</u>	<u>Meter Reader</u>	<u>61090003</u>	<u>51990</u>	<u>Meal Allowance</u>

Reason: Available funds caused by W/C injury      Extra meal obligation due to numerous emergencies.

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CITY OF MARLBOROUGH  
BUDGET TRANSFER REQUEST

DEPT:	<u>Department of Public Works</u>			DATE:	<u>5/7/2008</u>		FY:	<u>08</u>
	FROM ACCOUNT:			TO ACCOUNT:				
Amount	Fund	Object	Account Description:	Fund	Object	Account Description:		
<u>\$10,600.00</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for salaries</u>	<u>61090001</u>	<u>50690</u>	<u>Foremen</u>		
Reason:	<u>For contractual agreement</u>			<u>Contractual obligation has increased demand on this line item</u>				
Amount	Fund	Object	Account Description:	Fund	Object	Account Description:		
<u>\$5,260.00</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for salaries</u>	<u>61090001</u>	<u>50780</u>	<u>Chief P.S. Operator</u>		
Reason:	<u>For contractual agreement</u>			<u>Contractual obligation has increased demand on this line item</u>				
Amount	Fund	Object	Account Description:	Fund	Object	Account Description:		
<u>\$2,733.00</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for salaries</u>	<u>60085001</u>	<u>50750</u>	<u>Equipment Operator</u>		
Reason:	<u>For contractual agreement</u>			<u>Contractual obligation has increased demand on this line item</u>				

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CITY OF MARLBOROUGH  
BUDGET TRANSFER REQUEST

DEPT: Department of Public Works      DATE: 5/7/2008      FY: 08

FROM ACCOUNT:

TO ACCOUNT:

Amount	Fund	Object	Account Description:	Fund	Object	Account Description:
<u>\$900.00</u>	<u>14001001</u>	<u>50630</u>	<u>Assis. Comm.-Admin.</u>	<u>14001003</u>	<u>51920</u>	<u>Sick Leave Buyback - Admin.</u>

Reason:	<u>Position was vacant during a period</u>	<u>Employee receives this benefit</u>
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Amount	Fund	Object	Account Description:	Fund	Object	Account Description:
<u>\$2,800.00</u>	<u>14001103</u>	<u>51920</u>	<u>Sick Leave Buyback</u>	<u>14001003</u>	<u>51920</u>	<u>Sick Leave Buyback - Admin.</u>

Reason:	<u>Surplus funds in account</u>	<u>Employee receives this benefit</u>
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Amount	Fund	Object	Account Description:	Fund	Object	Account Description:
<u>\$67.00</u>	<u>14001103</u>	<u>51430</u>	<u>Longevity</u>	<u>14001003</u>	<u>51430</u>	<u>Longevity</u>

	<u>Surplus funds in account</u>	<u>Needed to cover retirement</u>
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Amount	Fund	Object	Account Description:	Fund	Object	Account Description:
<u>\$711.00</u>	<u>11990006</u>	<u>57820</u>	<u>Reserve for salaries</u>	<u>14001002</u>	<u>50520</u>	<u>Principle Clerk</u>

	<u>Contractual agreement</u>	<u>Insufficient funds to meet demand</u>
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CITY OF MARLBOROUGH  
BUDGET TRANSFER REQUEST

DEPT:	<u>Department of Public Works</u>			DATE:	<u>5/7/2008</u>		F 08
	FROM ACCOUNT:			TO ACCOUNT:			
Amount	Fund	Object	Account Description:	Fund	Object	Account Description:	
<u>\$1,000.00</u>	<u>14001101</u>	<u>50660</u>	<u>Assistant City Engineer</u>	<u>14001103</u>	<u>51310</u>	<u>Overtime-Regular - Engineering</u>	
Reason:	<u>Position has been vacant for a period</u>			<u>Multiple roadway and water replacement contracts are active during Spring 2008 - \$1,000 equates to 24 working hours</u>			
Amount	Fund	Object	Account Description:	Fund	Object	Account Description:	
<u>\$160.00</u>	<u>14001101</u>	<u>50660</u>	<u>Assistant City Engineer</u>	<u>14001104</u>	<u>53150</u>	<u>Advertising - Engineering</u>	
Reason:	<u>Position has been vacant for a period</u>			<u>Remaining Budget = \$57. Advertising is approximately \$70 per which will equate to three advertisements.</u>			
Amount	Fund	Object	Account Description:	Fund	Object	Account Description:	
<u>\$2,500.00</u>	<u>14001101</u>	<u>50660</u>	<u>Assistant City Engineer</u>	<u>14001106</u>	<u>52560</u>	<u>Vehicle Repair &amp; Maint. - Engin.</u>	
	<u>Position has been vacant for a period</u>			<u>Budget amount expended. One vehicle currently off the road.</u>			
Amount	Fund	Object	Account Description:	Fund	Object	Account Description:	
<u>\$2,000.00</u>	<u>14001101</u>	<u>50660</u>	<u>Assistant City Engineer</u>	<u>14001106</u>	<u>59570</u>	<u>Chapter 90 Construction - Engin.</u>	
	<u>Position has been vacant for a period</u>			<u>Based on current burn rate and Spring 2008 contracts.</u>			

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CITY OF MARLBOROUGH  
BUDGET TRANSFER REQUEST

Amount	Fund	Object	Account Description:	Fund	Object	Account Description:
\$14,000.00	14001101	50660	Assistant City Engineer	14001406	54810	Rep./Maint Supplies

Reason: Position has been vacant for a period Funds anticipated to complete FY 2008

Amount	Fund	Object	Account Description:	Fund	Object	Account Description:
\$3,238.00	14001301	50690	Foremen Street	14001403	50760	Working Foreman

Surplus funds in account Contractual obligation has increased demand on this line item

Department Head Signature: \_\_\_\_\_

CITY OF MARLBOROUGH  
BUDGET TRANSFER REQUEST

DEPT: Department of Public Works DATE: 5/7/2008 FY 08

FROM ACCOUNT:

TO ACCOUNT:

Amount	Fund	Object	Account Description:	Fund	Object	Account Description:
\$64,207.71	11990006	57820	Reserve for salaries	14001303	50740	Equipment Operators

Reason: Contractual agreement Contractual Increases

Amount	Fund	Object	Account Description:	Fund	Object	Account Description:
\$8,100.00	14001303	50790	Dispatcher	14001305	55310	Highway Construction Material

Reason: Funds available due to vacancy Funds anticipated to complete FY 2008

Amount	Fund	Object	Account Description:	Fund	Object	Account Description:
\$2,800.00	14001303	50790	Dispatcher	14001305	5532	Sign Materials

Reason: Funds available due to vacancy Funds anticipated to complete FY 2008

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CITY OF MARLBOROUGH  
BUDGET TRANSFER REQUEST

DEPT:	<u>Department of Public Works</u>			DATE:	<u>5/7/2008</u>		FY08
	FROM ACCOUNT:			TO ACCOUNT:			
Amount	Fund	Object	Account Description:	Fund	Object	Account Description:	
<u>\$17,000.00</u>	<u>14001101</u>	<u>50660</u>	<u>Assistant City Engineer</u>	<u>14001503</u>	<u>51310</u>	<u>Overtime-Regular</u>	
Reason:	<u>Position has been vacant for a period</u>			<u>Funds anticipated to complete FY 2008</u>			
Amount	Fund	Object	Account Description:	Fund	Object	Account Description:	
<u>\$1,000.00</u>	<u>14001503</u>	<u>50740</u>	<u>Equipment Operators</u>	<u>14001503</u>	<u>51470</u>	<u>Interim Foreman</u>	
Reason:	<u>Funds available due to vacancies in division</u>			<u>Funds anticipated to complete FY 2008</u>			
Amount	Fund	Object	Account Description:	Fund	Object	Account Description:	
<u>\$2,000.00</u>	<u>14001503</u>	<u>50740</u>	<u>Equipment Operators</u>	<u>14001504</u>	<u>53150</u>	<u>Advertising</u>	
Reason:	<u>Funds available due to vacancies in division</u>			<u>Funds anticipated to complete FY 2008</u>			
Amount	Fund	Object	Account Description:	Fund	Object	Account Description:	
<u>\$120.00</u>	<u>14001503</u>	<u>50740</u>	<u>Equipment Operators</u>	<u>14001506</u>	<u>54240</u>	<u>License &amp; Inspection</u>	
	<u>Funds available due to vacancies in division</u>			<u>Funds anticipated to complete FY 2008</u>			
Amount	Fund	Object	Account Description:	Fund	Object	Account Description:	
<u>\$1,016.00</u>	<u>14001103</u>	<u>51430</u>	<u>Longevity</u>	<u>14001503</u>	<u>51430</u>	<u>Longevity</u>	
Reason:	<u>Sufficient funds in account</u>			<u>Contractual increase</u>			

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 11:13 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. Kisty*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

July 3, 2008

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

Honorable President Vigeant and Councilors:

Last year, the City Council authorized the funding of \$3,000 toward the Metropolitan Area Planning Council's completion of a Natural Hazards Mitigation Plan for the City. MAPC has been working with our city department heads to develop a plan to mitigate potential damages from natural hazards such as floods, winter storms, hurricanes, earthquakes, and wild fires, before such hazards occur. As part of this planning process, MAPC is required to make a presentation to community officials at a public meeting for the purpose of allowing input before completing the draft.

This is the first step of several necessary to finish of the Natural Hazards Mitigation Plan. Once the draft is finalized, it will be provided to the City for its input then sent to MEMA (Massachusetts Emergency Management Agency) and FEMA (Federal Emergency Management Agency) for comments. The concluding step would be the City's adoption the final document.

The federal Disaster Mitigation Act of 2000 requires that all municipalities adopt a Pre-Disaster Mitigation Plan for natural hazards in order to remain eligible for FEMA Disaster Mitigation Grants. As this is a requirement for future funding and part of the MEMA and FEMA process, I respectfully request permission for Sam Cleaves and Martin Pillsbury of MAPC to make a short power point presentation at the July 14<sup>th</sup> City Council meeting to fulfill this requirement.

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

Sincerely,

*Nancy E. Stevens*  
Nancy E. Stevens  
Mayor



*City of Marlborough*  
*Office of the Mayor*

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

*Nancy E. Stevens* 31  
MAYOR

*Karen M. Kisty*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

July 1, 2008

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

Honorable President Vigeant and Councilors:

Attached please find a budget transfer request in the amount of \$7,106.10 moving funds from Account No. 11990006-51500 (Fringes) to Account No. 11410001-50177 (Certification) which will provide for the recently approved stipend for the City Assessor as a result of additional educational certifications related to his position.

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

Sincerely,

Nancy E. Stevens  
Mayor

# FY 09 TRANSFER REQUEST

Assessor Department

AVAILABLE BALANCE	FROM ACCOUNT			TO ACCOUNT			AMOUNT AVAIL
	AMOUNT	ORG CODE	OBJECT ACCOUNT DISCRIP	AMOUNT	ORG CODE	OBJECT ACCOUNT DISCRIP	
\$ 174,974.00	\$ 7,106.10	11990006	51500 Fringes	\$ 7,106.10	11410001	50177 Certification	\$ -
	\$ 7,106.10		Total	\$ 7,106.10			

Reason: To fund the educational certification stipend as approved by the City Council

32



*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 A. Kisty*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

4/1

July 1, 2008

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

Honorable President Vigeant and Councilors:

Last October, I had submitted a request for consideration of an increase to the salary of firefighter Tricia Richard who came to the City as an experienced firefighter having spent 4 years with the Reading Fire Department. While Ms. Richards was aware of the salary associated with the position accepted with the MFD, the City of Marlborough saved in excess of \$16,000 in potential training expense while the two-year increase in salary proposed would total \$15,885.75.

Although the cost savings may be minimal, the benefit to the City of hiring an experienced professional is something which can not be quantified in dollars. I respectfully request your reconsideration of the proposed salary increase in light of Ms. Richard's contributions to the MFD as well as your past favorable decisions in similar situations.

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) 485-2323 Facsimile (508) 460-3795

October 1, 2007

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

RE: Salary Adjustment

Ms. Tricia Richard was hired in early September to fill the position of a retiring firefighter. Ms. Richard comes to the Department as a lateral transfer from another civil service fire department previously having completed all necessary fire academy training and has four years experience as a firefighter/paramedic.

By hiring Tricia, the Department avoided the usual 6 to 12 month process of training an employee with the Massachusetts Fire Academy thereby lessening overtime costs associated with short staffing during that time.

Contractually, firefighters receive salary increases in three increments reaching maximum the step over a two-year period. Ms. Richard has exceeded that timeframe working as a firefighter for the past four years. She requires no additional training to perform her duties, and requires no probationary period, as would a new hire. She is currently paid as a first step entry-level firefighter.

Therefore, I would request that Tricia be acknowledged for her experience and brought up to an equal salary level as other firefighters of similar experience and time in position.

I respectfully urge your consideration of this request.

Sincerely,

David Adams  
Fire Chief

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HEADQUARTERS  
**READING FIRE DEPARTMENT**  
READING, MASSACHUSETTS 01867

GREGORY J. BURNS, Chief  
757 MAIN STREET  
BUS. PHONE: 781.942.9181  
STA. PHONE: 781.944.3132  
FAX: 781.942.9114

November 9, 2007

Fire Chief  
Marlborough, Ma.

Re: Firefighter Tricia Richard

Regarding the employment of FF Tricia Richard with the Town of Reading, be advised of the following:

When Ms. Richard left the employment of the Town of Reading in 2007 she was earning the Private Step 3 Annual Base Pay of \$46,582.00.

In addition to her base pay of \$46,582.00, Ms. Richard was **guaranteed the following stipends, per the contract,**

\$4,658.20 annual assigned Paramedic pay.  
6% night shift differential pay (approx. \$20 additional per night worked, including Nights taken off for vacation, sick time, personal reasons, etc.)

11 paid holidays per year(guaranteed pay of \$246.35 per holiday even if not worked)

The guaranteed amount of \$495.15 for any holiday actually worked.

Therefore, Ms. Richards annual base pay was \$51,240.00. In addition to that base pay, she was also guaranteed night shift differential pay of 6% of a weeks pay , (amounting to approx. \$1,600 annually and at least \$2,709.85 for holiday pay annually. **These amounts equal approximately \$55,549.00 guaranteed annual base pay.**

If you have questions, do not hesitate to contact myself or Chief Burns.

Also enclosed is a copy of the current RFFA Contract. (they are currently in negotiations for a new contract.)

Very truly yours,

Cynthia M.B. Keenan

Clerk

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Firefighter Tricia Richard, Reading Fire Department salary

Base salary (max)	\$46,582.00
Paramedic	\$4,658.20
Night Shift	\$1,600.00
Holiday pay	\$2,709.85
Total	\$55,550.05

Firefighter Tricia Richard, current Marlborough Fire Department salary

Base salary (step 1)	\$41,165.00
EMT	\$2,058.25
Night Shift	\$1,199.96
First Responder	\$823.30
Holiday pay	\$2,734.71
Total	\$47,981.22

**Cost for 2 year step salary for Firefighter Tricia Richard**

First 6 months:

Base salary	\$41,165.00
EMT	\$2,058.25
Night Shift	\$1,199.96
First Responder	\$823.30
Holiday pay	\$2,734.71
Total	$\$47,981.22/12 = \$3,998.43 \times 6 \text{ months} = \$23,990.58$

Second 6 months:

Base salary	\$42,003.00
EMT	\$2,100.15
Night Shift	\$1,224.39
First Responder	\$840.06
Holiday pay	\$2,790.37
Total	$\$48,957.97/12 = \$4,079.83 \times 6 \text{ months} = \$24,478.98$

Total year 1 salary \$48,469.56

Year 2 salary:

Base salary	\$46,779.00
EMT	\$2,338.95
Night Shift	\$1,363.61
First Responder	\$935.58
Holiday pay	\$3,107.61
Total	\$54,524.75

Total 2 year step salary cost \$102,994.31

**Cost per year to pay Firefighter Tricia Richard maximum salary**

Base Salary (max)	\$50,996.00
EMT	\$2,549.80
Night Shift	\$1,486.53
First Responder	\$1,019.92
Holiday pay	\$3,387.78
Total	\$59,440.03

Total annual salary @ maximum \$59,440.03 x 2 years = \$118,880.06

**Total 2 year costs @ maximum salary \$118,880.06**

**Total 2 year costs @ step salary \$102,994.31**

**Difference \$15,885.75**

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**Breakdown of training costs associated with new hires**  
(July 1, 2007 figures)

Minimum Firefighter salary \$41,165.00 (\$791.63 weekly)

Fire Academy 12 weeks X \$791.63 = \$9,499.56

Total training costs \$9,499.56

Additional overtime costs are incurred during this 12 week period due to the backfilling of the vacant position while the new firefighter is at the academy. I would conservatively estimate this cost to be \$6,547.68 (one overtime shift per week at 12 hours using an average overtime rate of \$45.47 per hour)

Total estimated overtime costs \$6,547.68

**Total estimated costs: \$16,047.24**



3 270

## City of Marlborough Office of the Mayor

140 MAIN STREET, 4<sup>TH</sup> FLOOR  
MARLBOROUGH, MASSACHUSETTS 01752  
TEL. (508) 460-3770 ■ FACSIMILE (508) 460-3698 ■  
TDD (508) 460-3610

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Nancy E. Stevens  
MAYOR

Karen A. Kisty  
EXECUTIVE AIDE

Diane C. Halper  
EXECUTIVE  
SECRETARY

July 2, 2008

Arthur Vigeant  
President  
Marlborough City Council

RE: Order For The Appropriation Of Money and Order Of Taking By Eminent Domain Of A Strip Of Land On Belleview Avenue For A Permanent Municipal Utility Easement

Dear President Vigeant and Members:

Enclosed herewith please find two orders, including an Order For The Appropriation Of Money for an award of damages and an Order Of Taking By Eminent Domain. Both of these Orders concern the taking of a certain strip of land located at the end of Belleview Avenue as more fully described within the proposed Order. The taking is for the purpose of acquiring a permanent municipal utility easement which will enable the Department of Public Works to extend existing underground utility lines from LaBrache Avenue to Belleview Avenue.

This proposal is being requested on behalf of the Department of Public Works. The Commissioner and/or Engineering will be available to answer any specific questions relative to the project.

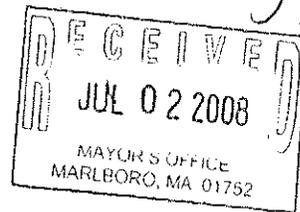
As always, I am available to answer any questions that you may have concerning the attached.

Sincerely,

Nancy E. Stevens  
Mayor

Enclosure

Cc: Donald V. Rider, Jr., City Solicitor  
Cynthia Panagore Griffin, Assistant City Solicitor  
Ronald LaFreniere, Commissioner  
Thomas Cullen, City Engineer



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

July 2, 2008

Nancy E. Stevens  
Mayor  
City of Marlborough

**RE: ORDER FOR APPROPRIATION AND ORDER OF TAKING BY EMINENT DOMAIN OF A STRIP OF LAND ON BELLEVIEW AVENUE FOR A PERMANENT MUNICIPAL UTILITY EASEMENT**

Dear Mayor Stevens:

I request that you send the attached Order For Appropriation and Order Of Taking By Eminent Domain concerning a certain strip of land, as more fully described within the proposed Order of Taking By Eminent Domain, to the City Council for their action.

This taking is for the purpose of acquiring a permanent municipal utility easement which will enable the Department of Public Works to extend existing underground utility lines from LaBrache Avenue to Belleview Avenue. As identified in the Order For Appropriation, the Department of Public Works has set aside funds to pay for the award of damages under account number 30542306-55951.

I am available to answer any specific questions relative to the project.

Sincerely,



Ronald LaFreniere  
Commissioner

Enclosure

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

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ORDERED:

ORDER FOR THE APPROPRIATION OF MONEY

That the City Council of the City of Marlborough hereby appropriates the sum of \$3,100.00 from the Belleview Avenue Sewer Account, number 30542306-55951, for the purposes of awarding damages for the acquisition of a permanent municipal utility easement by Eminent Domain in a certain strip of land located at the end of Belleview Avenue consisting of approximately 818 ± square feet, now or formerly owned by Richard C. DiMatteo and Jacqueline T. Di Matteo.

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

ORDERED:

**EMINENT DOMAIN ORDER OF TAKING**

WHEREAS, in the opinion of the City Council of the City of Marlborough, the common convenience, public welfare, and necessity require that the land described herein be taken for a permanent municipal utility easement for the purposes of construction and maintenance of general municipal utilities, including water, sewer, and drain lines; and

WHEREAS, this land is necessary for the protection of the health, welfare and safety of the residents of Marlborough; and

WHEREAS, the City Council of the City of Marlborough has determined that the taking of a permanent municipal utility easement by Eminent Domain in, on, under, over, across and through the herein described land is necessary and reasonable to carry out the aforementioned purpose; and

WHEREAS, all preliminary requirements have been complied with;

NOW, THEREFORE, IT IS HEREBY ORDERED that the City Council of the City of Marlborough by virtue of the authority and the power conferred by the City Charter and by virtue of the applicable provisions of the Massachusetts General Laws, Chapter 79, and by virtue of every other power and authority thereto enabling, and in the exercise of power and authority conferred by said laws, does hereby take by Eminent Domain a permanent municipal utility easement, including all parcels of land, buildings, trees, and other vegetation thereon, in the following land:

**DESCRIPTION OF LAND TAKEN**

A strip of land now or formerly of Richard C. DiMatteo, Jr. and Jacqueline T. DiMatteo in Marlborough, Middlesex County, Massachusetts, situated at the end of Bellevue Avenue, as shown on the plan entitled "Plan of Taking For Permanent Municipal Utility Easement In Marlborough, Massachusetts, Prepared by: City of Marlborough Department of Public Works, Engineering Division, Scale: 1" = 20', Date: January 18, 2008" and to be recorded at the Middlesex South District County Registry of Deeds together with an attested copy of this Order.

Meaning and intending to take and taking by Eminent Domain a permanent municipal utility easement in land shown as Parcel A as described in the aforementioned plan. For title, see Quitclaim Deed to current owners, Richard C. DiMatteo, Jr. & Jacqueline T. DiMatteo, dated July 7, 2003 and recorded at Middlesex South Registry of Deeds on October 1, 2003 in Book 41087, Page 439. The land consisting of Parcel A as referred to in the description above is also shown on the City of Marlborough Assessors Map as Parcel 93 on Map 43. The total land area being taken for a permanent municipal utility easement consists of approximately 818 ± SF.

ADOPTED  
In City Council  
Order No. 08 -  
Adopted

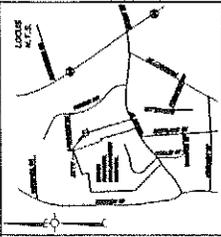
\_\_\_\_\_  
Lisa M. Thomas, Clerk of the  
City Council

Approved by Mayor  
Nancy E. Stevens, Mayor  
Date:

\_\_\_\_\_  
Nancy E. Stevens, Mayor

A TRUE COPY  
ATTEST:  
Date:

\_\_\_\_\_  
Lisa M. Thomas, Clerk of the City



RECORDED FOR REGISTRY USE

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ARE THE LINES DIVIDING EXISTING OWNERSHIPS AND THE LINES OF STREETS, ALLEYS, EASEMENTS, RIGHTS OF WAY, AND OTHER RIGHTS OF PUBLIC USES OF THE PUBLIC, AS THE SAME EXIST AT THE DATE HEREIN SHOWN, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

I HEREBY CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE WOODSLEY SOUTH DISTRICT REGISTRY OF NEEDS.

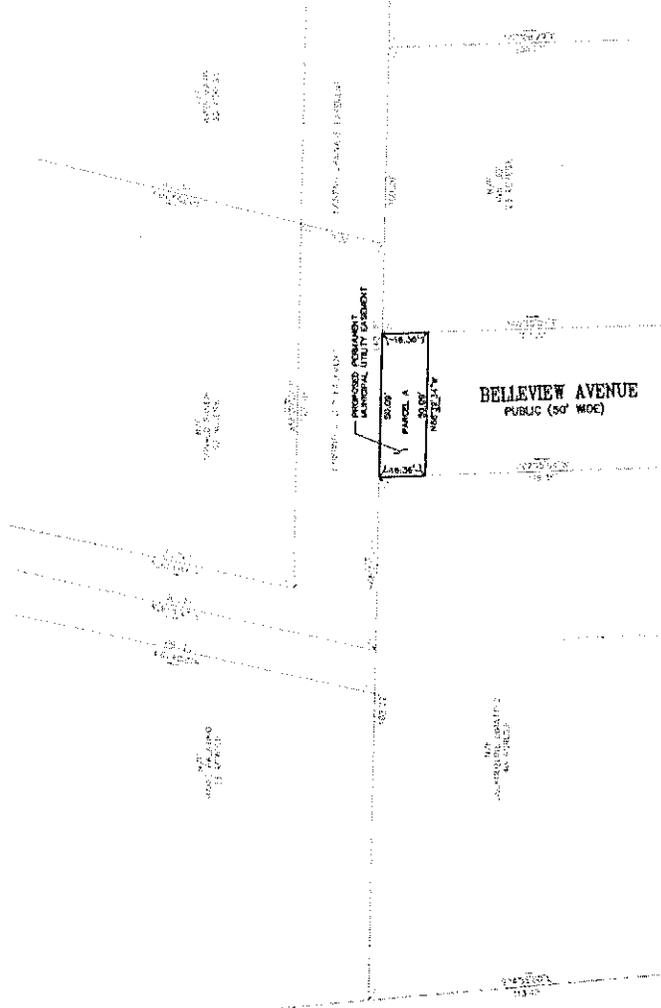
PAUL A. SHARON REG #24038 DATE: JANUARY 18, 2008

ASSESSORS REFERENCE:  
MAP 43 PARCEL 93

DEED REFERENCE:  
DEED BOOK 41087 PG. 439  
DEED BOOK 12340 PG. 541  
DEED BOOK 10333 PG. 449

PLAN REFERENCE:  
PLAN 9803 OF 1986  
PLAN 1211 OF 1989  
PLAN 1212 OF 1989  
PLAN 1213 OF 1989  
PLAN 778 OF 1987

ZONING CLASSIFICATION:  
RESIDENCE A3



PLAN  
OF  
TAKING FOR PERMANENT MUNICIPAL  
UTILITY EASEMENT  
IN  
MARLBOROUGH, MASSACHUSETTS  
PREPARED BY: CITY OF MARLBOROUGH  
DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION

SCALE 1"=20' DATE: JANUARY 18, 2008 SHEET 1 OF 1

PARCEL	OWNER	DATE	INSTRUMENT	AREA
A	ROBERT AND ANNE MARSH	04/20/07	PERMANENT MUNICIPAL UTILITY EASEMENT	1,815.51

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*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 A. Kisty*  
EXECUTIVE AIDE

*Diane C. Halper*  
EXECUTIVE SECRETARY

July 1, 2008

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

Honorable President Vigeant and Councilors:

Since 1996, your body has authorized revolving funds for various City departments to utilize income received from outside concerns for specific uses. Revolving funds contain more controls and safeguards than those imposed on regular accounts, including annual reauthorization, statutory caps and limits on annual expenditures.

I am presently writing to request the establishment of a new revolving fund. The recently executed contract renewal with Patriot Ambulance provides for dispatch fees in the amount of \$45,000 to be used for public safety training. In preparing the FY09 budget, given the status of our negotiations with Patriot, I did not honor the requests made by our fire and police departments to include funding for said training as it was my intent to obtain funding for same within the contract scope.

The enclosed order, if approved, will accomplish that goal and is submitted to you for your consideration.

As always, if you have any questions or concerns, please feel free to contact me.

Sincerely,

Nancy E. Stevens  
Mayor

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**CITY OF MARLBOROUGH**

**Office of the City Auditor**

140 Main St.

Marlborough, MA 01752

508.460.3774

July 2, 2008

Mayor Nancy E. Stevens,

Receipts from Revolving Funds are not used in computing the tax levy.

Please call with any questions or concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Diane Smith', written over a horizontal line.

Diane Smith  
City Auditor

ORDERED:

That pursuant to the provisions of § 53E½ of Chapter 44 of the General Laws of the Commonwealth of Massachusetts, the City Council of the City of Marlborough, upon the recommendation of the Mayor, does, to be effective during fiscal year 2009, authorize the establishment of a revolving fund to be utilized by the Mayor. It is further ordered that:

(a) receipts credited to the fund shall be limited to an emergency dispatch fee due the City pursuant to its contract with Patriot Ambulance, unless otherwise directed by the General Laws; and

(b) that expenditures from said fund shall be limited to public safety training; and

(c) that the Mayor shall be the only officer authorized to approve expenditures from the same; and

(d) no more than forty-five thousand dollars shall be expended during Fiscal Year 2009, unless otherwise authorized by the City Council and Mayor; and

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

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

ADOPTED  
In City Council  
Order No.  
Adopted

Approved by Mayor  
Nancy E. Stevens  
Date:

A TRUE COPY  
ATTEST:



# 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

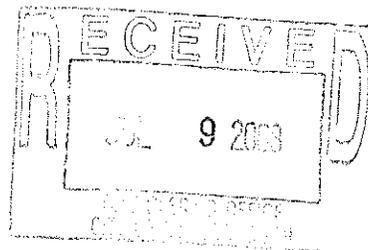
7  
Nancy E. Stevens  
MAYOR

Karen A. Kisty  
EXECUTIVE AIDE

Diane C. Halper  
EXECUTIVE SECRETARY

July 9, 2008

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



Honorable President Vigeant and Councilors:

RE: Reduction in the City's Liability Insurance Premiums

Dear President Vigeant and Members:

I am pleased to report to the Council that the City has been awarded \$16,014 by its liability insurance carrier, Massachusetts Inter-Local Insurance Association (MIIA), for attending loss control trainings offered by MIIA and for implementing key risk management procedures during the July 1, 2007 to June 30, 2008 policy period.

Coordinated by the City's Chief Procurement Officer, Beverly Sleeper, City officials and employees were asked to complete certain training activities intended to minimize the City's future insurance claims and, in return, earn credits to reduce the City's insurance premiums. Through the efforts of the City's departments and its employees, this credit towards our policy premiums was made possible.

The City began participating in the MIIA rewards program during the July 1, 2004 to June 30, 2005 policy period, when the City was awarded \$9,257. In the second year of participation during the July 1, 2005 to June 30, 2006 policy period, the City was awarded \$11,632. In the third year of participation during the July 1, 2006 to June 30, 2007 policy period, the City was awarded \$14,090. Thus, the \$16,014 award this year marks the fourth consecutive year of increased savings to the City.

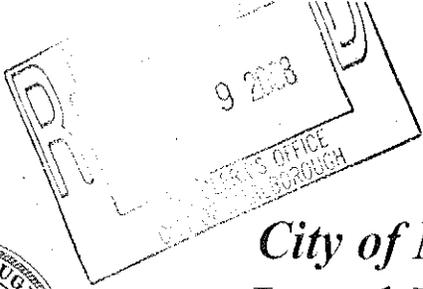
The City's participation in the MIIA rewards program is voluntary. However, the City recognizes the opportunity to save money while, at the same time, taking steps to minimize claims and control liability insurance costs. The City will continue to participate in this program.

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

Sincerely,

Nancy E. Stevens  
Mayor

cc: Personnel Director  
Chief Procurement Officer



*City of Marlborough*  
**Legal Department**

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

81  
DONALD V. RIDER, JR.  
CITY SOLICITOR

CYNTHIA M. PANAGORE GRIFFIN  
ASSISTANT CITY SOLICITOR

BEVERLY J. SLEEPER  
CHIEF PROCUREMENT OFFICER

KATHERINE M. KIMBER  
PARALEGAL

July 9, 2008

Arthur Vigeant  
President  
Marlborough City Council

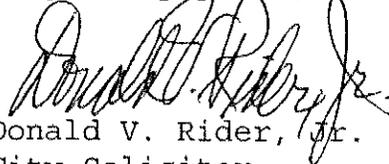
RE: Order 08-100-1857  
Special Permit Application  
MetroPCS Massachusetts, LLC  
450 Boston Post Road East (Countryside Apartments)

Dear President Vigeant and Members:

Pursuant to Chapter 200-59C(13) of the Marlborough Zoning Ordinance, I provide this letter as to the legal form of the City Council's proposed findings on the special permit application submitted by MetroPCS Massachusetts, LLC for 450 Boston Post Road East (Countryside Apartments). The application is for co-location of six (6) panel antennas in three (3) flues onto an existing rooftop, as well as the placement of the associated cabinets.

I have enclosed a copy of the proposed decision. I certify that that decision is in proper legal form.

Very truly yours,



Donald V. Rider, Jr.  
City Solicitor

Enclosure  
cc: Francis D. Parisi, Esquire

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July 14, 2008  
**DECISION ON A SPECIAL PERMIT  
METROPCS MASSACHUSETTS, LLC  
CITY COUNCIL ORDER NO. 08-100-1857**

Re: 450 Boston Post Road East

The City Council of the City of Marlborough hereby GRANTS the application for a Special Permit to METROPCS MASSACHUSETTS, LLC, having a usual place of business at 285 Billerica Road, Chelmsford, MA 01824, as provided in the Decision and subject to the following Findings of Fact and Conditions.

EVIDENCE

1. The Applicant is METROPCS MASSACHUSETTS, LLC, which has a business address of 285 Billerica Road, Chelmsford, MA 01824 (hereinafter "Applicant").
2. Through its Application for a Special Permit, the Applicant seeks permission to allow co-location of six (6) panel antennas in three (3) flues onto an existing rooftop as well as the placement of the associated cabinets (hereinafter "Proposed WCD Project"), substantially as depicted on a set of plans entitled "BOS0484A Countryside Apartments Marlborough, 450 Boston Post Rd" by Chappell Engineering Associates, LLC and dated 2/13/08 as submitted, as submitted with the Special Permit Application (hereinafter "Plans").
3. The location of the Proposed WCD Project is 450 Boston Post Road East. The site is more particularly identified on the Assessor's Map of the City of Marlborough as Map 73, Block 31. The owner of record for the site is Trinity Countryside Limited Partnership.
4. The Applicant is a lessee of the Owner for purposes of this Special Permit Application.
5. The Site is zoned B (Business). Wireless communication devices are allowed by grant of Special Permit in B (Business) Zoning Districts.
6. The Special Permit is being sought pursuant to Article VI, Section 200-25 and Article VIII, Section 200-59 of the Zoning Code of the City of Marlborough.
7. Pursuant to the Rules and Regulations of Application for Special Permit ("Rules and Regulations"), the City Planner certified that the Special Permit application materials are complete and conform to said Rules and Regulations and that the Plans conform in all respects to the City Code.
8. The Applicant has complied with all of the applicable rules of the Rules and Regulations.

- 9. The City of Marlborough City Council held a public hearing on the Proposed WCD Project on May 12, 2008, for which proper notice had been published and for which proper notice had been given to all parties entitled to notice under the law.
- 10. The Applicant presented oral testimony and demonstrative evidence at the public hearing demonstrating that the Proposed WCD Project meets all the applicable Special Permit criteria of Article VI, Section 200-25 and Article VIII, Section 200-59.
- 11. The Applicant provided further oral testimony and demonstrative evidence to the City Council's Wireless Communications Committee regarding the Proposed WCD Project's compliance with the applicable Special Permit criteria.
- 12. The Council, in reviewing the Applicant's Special Permit application, considered the Review Standards and Development Requirements, as enumerated in Article VI, Section 200-25 and Article VIII, Section 200-59 of the City of Marlborough Zoning Ordinance, applicable to the proposed Wireless Communications Device.

**BASED UPON THE ABOVE, THE MARLBOROUGH CITY  
COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT  
AND TAKES THE FOLLOWING ACTIONS**

- A) The Applicant has complied with all the Rules and Regulations promulgated by the Marlborough City Council pertaining to the said Application for a Special Permit.
- B) The Site is an appropriate location for the Proposed WCD Project and the Proposed WCD Project is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions of this Approval.
- C) The Applicant has complied with the applicable Review Standards and Development Requirements pertaining to Wireless Communications Devices, enumerated in Article VI, Section 200-25 and Article VIII, Section 200-59 of the City of Marlborough Zoning Ordinance, by siting, designing and screening its proposed WCD Project to minimize adverse impact on the abutting neighborhood and on nearby residential properties.
- D) The Council, pursuant to its authority under M.G.L. Chapter 40A and the City of Marlborough Zoning Ordinances, **GRANTS** the Applicant its Special Permit, **SUBJECT TO THE FOLLOWING CONDITIONS NUMBERED 1 THROUGH 10:**
  - 1) The Proposed WCD Project shall be constructed, maintained and operated according to the specifications, terms and conditions of the Applicant's Special Permit Application, as amended during the application/hearing

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process, and in compliance with the Conditions of the Grant of Special Permit as well as with the conditions set forth in Chapter 200-25F of the Marlborough Zoning Ordinance.

- 2) All plans, site evaluations, briefs and other documentation provided by the Applicant as part of this Special Permit Application are herein incorporated into and become a part of this Special Permit and become conditions and requirements of the same, unless otherwise altered by the City Council.
- 3) The Applicant shall comply with all rules, regulations, ordinances and statutes of the City of Marlborough, the Commonwealth of Massachusetts and the Federal Government as they may apply to the construction, maintenance and operation of the Proposed WCD Project.
- 4) All terms, conditions, requirements, approvals, plans and drawings required hereunder are hereby made a part of and incorporated herein as a condition to the issuance of this Special Permit.
- 5) Applicant shall minimize the visual impacts of the Proposed WCD Project by screening and/or color coordination as may be depicted on the Plans and other demonstrative evidence submitted as part of the Application for Special Permit.
- 6) Applicant shall pay to the City of Marlborough Open Space Account #100-2410-44515, as mitigation for the alleged impacts caused by the subject of this Permit, the annual sum of One Thousand Five Hundred (\$1,500.00) dollars, the first payment due and payable at the time of the issuance of the building permit hereunder, or within one year of the approval of Special Permit, whichever is earlier, and the subsequent payments to be due and payable on January 2, or the first business day thereafter, of each calendar year in which the WCD referenced in this Permit is still in operation. Failure to make the payment in a timely manner shall constitute a violation of the Special Permit, and the Applicant shall pay an additional sum of \$500 per quarter or portion thereof after the payment due date that the Applicant has failed to make payment.
- 7) Applicant shall not utilize a permanent electrical generator, of any type, in connection with the operation of the Proposed WCD Project. Applicant shall be permitted to use a temporary electrical generator in connection with the operation of the Proposed WCD Project only in cases of power outages to the Proposed WCD Project and for purposes of routine testing and maintenance. The temporary generator shall be affixed to the roof in a safe manner and the noise produced by the temporary generator shall conform to the City's noise ordinance set forth in Chapter 134 of the City Code.

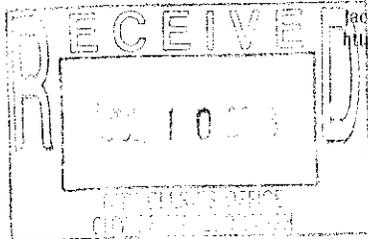
85

- 8) No operation of this WCD shall commence until the Applicant has received written approval from the Building Inspector that all the above conditions have been satisfied.
- 9) Applicant shall be subject to site plan review if applicable.
- 10) In accordance with the provisions of Mass. Gen. Laws c.40A, § 11, the Applicant at its expense shall record this Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Special Permit has elapsed with no appeal having been filed.

LAW OFFICES OF  
JACK P. MILGRAM

52 KNEELAND STREET  
BOSTON, MA 02114  
jackp.milgram@verizon.net  
<http://www.milgramlaw.com>

SYDNEY S. MILGRAM



July 3, 2008

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

RE: Application for Special Permit  
Ming Wang, Jing-Wei Wang & Yi Wang  
358-364 Lincoln Street  
Marlborough, MA. 01752

Dear President Vigeant:

I write to you relative to the above captioned matter.

After careful consideration of all the issues discussed at the meeting of the Urban Affairs Committee on Tuesday, June 24, 2008, my clients have decided that it would not be in their best interests to request, at this time, that the above captioned application be withdrawn and subsequently re-filed.

As discussed at said meeting, the variances for this project will become void on November 21, 2008, and quite simply we do not believe that we will be able to complete permitting in time in order to preserve said variances if said application is withdrawn and re-filed.

Therefore, my clients respectfully request, pursuant to M.G.L. Ch. 40. Sec. 9, a sixty, (60) day extension of the required time limits for action of the special permit granting authority relative to the above.

While it is unfortunate that this would result in Ward Five City Councilor Seymour being unable to participate in this important project, notwithstanding the public statement by Councilor Pope during the June 24, 2008, meeting of Urban Affairs, my clients accept no responsibility for this as the re-filing on February 19, 2008, was in direct response to an e-mail received from Steven Reid, Building Commissioner,

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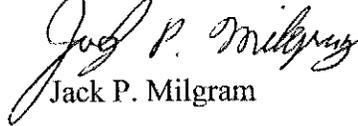
City of Marlborough, on February 5, 2008. **See E-Mail a copy of which is attached hereto, incorporated herein and marked as Exhibit "A".**

I would also like to advise you that as a result of a communication received from the Massachusetts Historical Commission on Wednesday, June 25, 2008, my clients believe that we will receive a favorable response from said commission in July 2008, as to the proposed changes to the exterior of the building.

I look forward to your response.

Thanking you in advance for your anticipated courtesy and cooperation.

Very truly yours,

  
Jack P. Milgram

JPM/jpm  
Enclosure

cc: Donald V. Rider, Jr., Esq.

**EXHIBIT "A"**

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**Jack P. Milgram**

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**From:** "Reid, Steve" <sreid@marlborough-ma.gov>  
**To:** "Bruce Saluk" <bruce@salukassoc.com>; <jackp.milgram@verizon.net>  
**Sent:** Tuesday, February 05, 2008 12:30 PM  
**Subject:** Armory

To both:

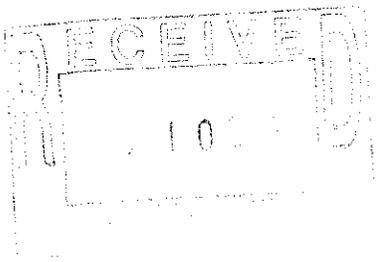
Is there any anticipated schedule for resubmission of the application for a special permit at the Armory?

**Stephen F. Reid**

Building Commissioner  
City of Marlborough  
140 Main Street  
Marlborough, MA 01752  
Office: 508-460-3725  
Fax: 508-460-3736  
[sreid@marlborough-ma.gov](mailto:sreid@marlborough-ma.gov)

6/25/2008

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**AGREEMENT TO EXTEND  
TIME LIMITATIONS**

2-11-08 - ORDER #08-100-1805

Application for Special Permit from Ming Wang for conversion of former State Armory building into 12 residential condominium units in a Business B / Residence C zoned lot at 358 - 364 Lincoln Street

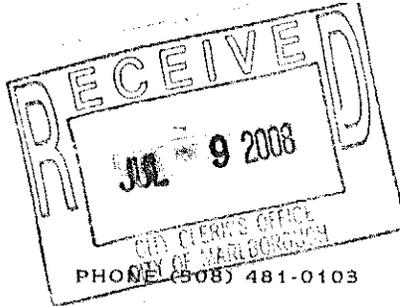
-REFER TO URBAN AFFAIRS  
**PUBLIC HEARING: MARCH 24, 2008**

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

Pursuant to Mass. General Laws, c.40A, s.9, as amended, the required time limits for action by the Marlborough City Council, as it is the special permit granting authority in the above referenced matter, is hereby extended, by agreement, until 5:00 p.m. on October 28, 2008.

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

By: Jack P. Milgram  
Jack P. Milgram Esq.  
Acting on behalf of, and at the direction of,  
Petitioner:  
**Ming Wang**  
**Jing-Wei Wang**  
**Yi Wang**  
**67 Magoun Avenue, Medford, MA 02155**



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ARTHUR P. BERGERON  
*Attorney-at-Law*  
27 PROSPECT STREET  
MARLBORO, MASSACHUSETTS 01752

FAX (508) 485-8506

July 9, 2008

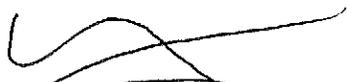
Councilor Arthur Vigeant, President  
Marlborough City Council  
City Hall  
Marlborough, MA 01752

Re: special permit application of Gary White, trustee, Order # 08-1001877A

Dear Councilor Vigeant:

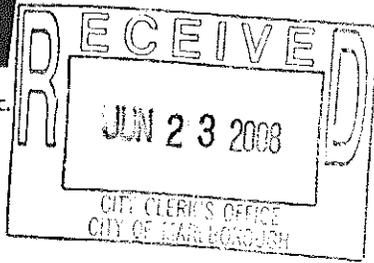
I represent Gary White, trustee. The public hearing regarding the above-referenced matter was held on June 23, so the current deadline for City Council action is 90 days later, on September 21, 2008. Pursuant to General Laws Chapter 40A sec. 9, my client hereby requests that the deadline for City Council action be extended to Tuesday, October 28, 2008.

Very truly yours,



Arthur P. Bergeron





June 20, 2008

**VIA HAND DELIVERY**

Marlborough City Hall  
140 Main St.  
Marlborough, MA 01752

**RE: MetroPCS – Application for Special Permit**  
**Site Location: 445 Simarano Dr (AKA Crane Meadow Rd), Marlborough, MA**

Dear Members of the Board:

Enclosed please find an application for Special Permit, submitted on behalf of MetroPCS Massachusetts, LLC for the proposed installation of a Telecommunications Facility onto the existing Telecommunications Tower located on 445 Simarano Dr.

Enclosed please find the following:

- Special Permit Application with Associated Filing Checks
- Special Permit-Summary Impact Statement
- Certified Abutters List
- Certification by Planning Department (To be Completed)
- Application Delivery Checklist (To Be Completed)
- Summary of Proposal
- Antenna Specifications Sheet
- Ground Equipment Specification Sheet
- Letter of Authorization From the Tower Owner
- Radio Frequency Affidavit
- MetroPCS FCC License.
- Radio Frequency Coverage Maps, both existing and proposed.
- Zoning Drawings

Please feel free to contact me with any questions or if any additional materials are required. Thank you for your consideration.

Continued...



TOWER RESOURCE MANAGEMENT, INC.

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Applicant: MetroPCS Massachusetts, LLC  
285 Billerica Rd,  
Third Floor  
Chelmsford, MA 01824

Submitted By: Andy Candiello, Agent to MetroPCS  
Tower Resource Management  
30 Lyman St, Suite 12  
Westborough, MA 01581  
Cell: 978-855-3644

A handwritten signature in cursive script, reading "Andy Candiello", is written over a horizontal line.

CITY OF MARLBOROUGH  
OFFICE OF THE CITY CLERK

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APPLICATION TO CITY COUNCIL FOR ISSUANCE OF SPECIAL PERMIT

1. Name and address of Petitioner or Applicant: MetroPCS Massachusetts, LLC  
285 Billerica RD, 3<sup>rd</sup> Floor, Chelmsford, MA 01824
2. Specific Location of property including Assessor's Plate and Parcel Number.  
445 Simarano DR. / Map 116, Block 1
3. Name and address of owner of land if other than Petitioner or Applicant:  
445 Simarano DR. ~~Marlborough, LLC~~ / 445 Simarano DR.  
40 Ram Mgmt. CO, Inc. / Marlborough, MA 01752
4. Legal interest of Petitioner or Applicant (owner, lessee, prospective owner, etc.)
5. Specific Zoning Ordinance under which the Special Permit is sought:  
Article V Section 20/25 Paragraph \_\_\_\_\_ Sub-paragraph Wireless Comm.
6. Zoning District in which property in question is located:  
(I) Industrial
7. Specific reason(s) for seeking Special Permit  
MetroPCS Proposes to Co-Locate (6) antennas  
along with the associated wires and ground equipment  
at/on the existing Wireless Communications tower.
8. List of names and addresses of abutter. SEPARATE SHEET ATTACHED

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

Francy Conlellb - Agent  
Signature of Petitioner or Applicant

Address: 30 Lyman St, Suite 12  
Westborough, MA 01581

Telephone No. 978-855-3644

Date: 6/17/08

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**SPECIAL PERMIT-SUMMARY IMPACT STATEMENT**

Applicant's Name: Metropolis Massachusetts LLC Address: 285 Billerica RD. Chelmsford

Project Name: Crown Marlborough Address: 445 Simerano DR, Marlborough.

1. PROPOSED USE: (describe) Co-locate additional wireless comm. equipment at/on the existing wireless comm. tower.

2. EXPANSION OR NEW: Addition

3. SIZE: floor area sq. ft. 10' x 16' 1<sup>st</sup> floor N/A all floors N/A  
# buildings N/A # stores N/A lot area (s.f.) N/A

4. LOT COVERAGE: N/A %Landscaped area: N/A %

5. POPULATION ON SITE: Number of people expected on site at anytime:  
Normal: N/A Peak period: N/A

6. TRAFFIC:

(A) Number of vehicles parked on site: 1

During regular hours: \_\_\_\_\_ Peak period: More During Construction

(B) How many service vehicles will service the development and on what schedule?

Typically 1 vehicle per month post construction

7. LIGHT: How will the development be lit at the exterior? How much light will leave the property and enter the abutting property? N/A

8. NOISE:

(A) Compare the noise levels of the proposed development to those that exist in the area now.

No significant increase will result.

(B) Described any major sources of noise generation in the proposed development and include their usual times of operation. N/A

9. AIR: What sources of potential air pollution will exist at the development? N/A

10. WATER AND SEWER: Describe any unusual generation of waste. N/A

11. HAZARDOUS MATERIAL: List any types of Hazardous Waste that will be on-site. How will this waste be stored? Where? How much will be in storage on a daily basis? How will it be disposed? N/A

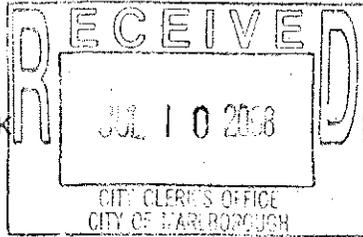
**\*Attach additional sheets if necessary**

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OFFICE OF THE GOVERNOR  
COMMONWEALTH OF MASSACHUSETTS  
STATE HOUSE • BOSTON, MA 02133  
(617) 725-4000

DEVAL L. PATRICK  
GOVERNOR



TIMOTHY P. MURRAY  
LIEUTENANT GOVERNOR

July 1, 2008

Dear Municipal Leader:

Development decisions with profound implications for future generations are made every day in city and town halls across the Commonwealth. These decisions produce the new homes and businesses we need to house our residents and grow our economy. It is vital that we make development decisions that are best for our environment, our economy and our Commonwealth.

Therefore, today I am releasing the 2009 version of Commonwealth Capital, which has proven to be an effective program for promoting better land use choices. Commonwealth Capital explicitly endorses planning and zoning measures that are consistent with the Commonwealth's Sustainable Development Principles and encourages municipalities to implement these measures by using state funding as an incentive.

Communities that have planned for land conservation and development and enacted zoning, subdivision and other regulations consistent with the Sustainable Development Principles are more likely to receive financial assistance from the Commonwealth. Over the past four years this incentive has produced dozens of plans and hundreds of improvements to zoning and other local land use regulations.

Enhancements to the Commonwealth Capital criteria for 2009 incorporate comments received from communities as well as important initiatives of my Administration. For example, a new criterion encourages communities to implement prompt and predictable permitting practices in order to make timely decisions without compromising public health, the

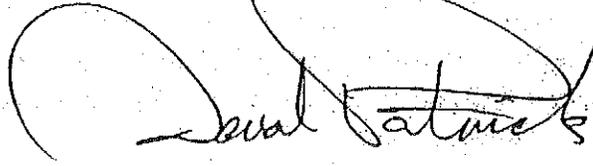
1/2

Municipal Leader  
July 1, 2008  
Page Two

environment or quality of life. Other new criteria encourage communities to promote environmental equity, plan regionally, implement innovative transportation measures and conserve energy.

Working together, we can do a better job of conserving land, energy and natural resources while expanding housing and business opportunities. At the state level, my Administration is striving to make our policies and programs consistent with the Sustainable Development Principles, and I ask municipalities to do the same. Together, we can create a more successful and sustainable Commonwealth

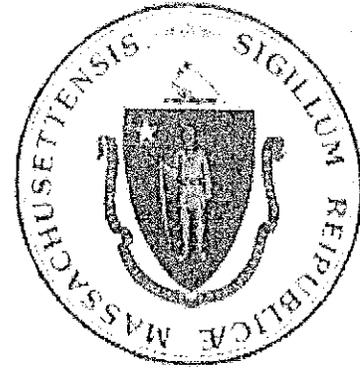
Sincerely,

A handwritten signature in black ink, appearing to read "David Patrick". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail that extends to the right.

## Commonwealth Capital – 2009 Summary

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The Commonwealth Capital Policy coordinates state capital spending programs in order to invest in projects that are consistent with the Commonwealth's Sustainable Development Principles and to partner with municipalities seeking to advance our shared conservation and development interests. Commonwealth Capital explicitly endorses planning and zoning measures that are consistent with Administration policy and encourages local implementation by linking state spending programs to municipal land use practices. Municipal smart growth / smart energy consistency is assessed through a Commonwealth Capital application that examines municipal implementation of 32 land use planning and regulatory practices. Resulting scores are part of the proposal evaluation process for each grant or loan program.



**Programs Included.** For fiscal year 2009 the Commonwealth Capital policy will apply to the following grant and loan programs offered by the Executive Offices of Administration and Finance, Energy and Environmental Affairs, Housing and Economic Development, and Transportation and Public Works. All municipalities seeking funding from these programs will need to submit an FY 2009 Commonwealth Capital application in order to receive points associated with their smart growth / smart energy consistency:

1. Public Works Economic Development Program (EOTPW)
2. Transit Oriented Development Bond Program (EOTPW)
3. Water Transportation Capital Funding Program- (EOTPW)
4. Small Town Road Assistance Program- (EOTPW)
5. Community Development Action Grant Program (EOHED-DHCD)
6. Massachusetts Opportunity Relocation and Expansion (MORE) Jobs Capital Program- (EOHED-MOBD)
7. State Revolving Fund (EOEEA - DEP)
8. LAND (formerly Self-Help) Program (EOEEA- DCS)
9. PARC (formerly Urban Self-Help Program) (EOEEA - DCS)
10. Drinking Water Supply Protection Grant Program (EOEEA)
11. Coastal Pollutant Remediation Grant Program (EOEEA - CZM)
12. Alternative Energy Property Program- (EOEEA - DOER)
13. Municipal Sustainability Grant Program (formerly the Solid Waste Management & Recycling Technical Assistance & Regulatory Development Program) - (EOEEA- DEP)
14. Off-Street Parking Program (EOAF)

**How to Apply:** Grant applicants will continue to apply directly to each of the Commonwealth Capital programs. In addition, municipalities need to apply annually for a Commonwealth Capital score. For FY 09, Commonwealth Capital applications will again be submitted electronically. The application and guidance to assist applicants can be found at <http://www.mass.gov/commcap>. As before, the application will be accessible via a log-in system. While anyone can visit the site and view the application each community has been assigned a username and password that will be required to submit a municipality's official application. A sheet containing the community's username and password, plus instructions on how to log-in and register has been enclosed with letters mailed to Chief Elected Officials. Note that local officials in more than 275 communities have already established individual passwords which remain effective. Each municipality will have one official application, but may have multiple users accessing it. The system will allow applicants to submit the application only once, although changes and updates may be requested later via e-mail.

**Timing:** Communities should electronically submit their Commonwealth Capital applications for scoring by the due date of the program to which they are applying. Exceptions are the LAND (formerly Self-Help) and PARC (formerly Urban Self-Help) programs for which program applications are due 7/15/08 and Commonwealth Capital applications a month later, 8/15/08.

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Only one application is needed annually; the resulting score will be used for all Commonwealth Capital programs to which a community applies that year. If circumstances change and a community has earned additional points relevant information should be sent to [commcap@massmail.state.ma.us](mailto:commcap@massmail.state.ma.us).

**Criteria:** Project proposals to any of the Commonwealth Capital grant and loan programs will be evaluated using two sets of criteria:

- **Program-Specific Criteria:** These criteria are related to the purpose of the particular program and evaluate the merits of a proposed project against the housing, environmental, transportation, or other goals of that program. These criteria will account for 70% of the possible points for the grant and loan programs.
- **Commonwealth Capital Criteria:** A community's Commonwealth Capital score is a measure of the consistency of a municipality's land use planning and regulatory practices with the Sustainable Development Principles. The Commonwealth Capital score will account for 30% of the possible points for the grant and loan programs. Communities are not required to submit a Commonwealth Capital application to be eligible for funding, but their proposals will be significantly less competitive without one.

**Results:** A letter will be sent to the Chief Elected Official or their designee once the review of a community's submission is complete. In addition, the score and application as approved will be posted on the Commonwealth Capital website.

**New for 2009:** Modifications were made to this year's Commonwealth Capital application reflecting Patrick Administration priorities, "lessons learned," and feedback received from municipalities and other stakeholders. New criteria address clean energy, transportation, permitting, environmental equity, and regional planning. Changes were also made to some of the existing criteria, so please read the guidance document carefully when completing the application.

Like the last application, many of the criteria will not require any documentation, with compliance verified through lists accessed through the on-line application. "Bonus" points may be earned for commitments implemented at any time since a community's 2008 application. As in 2008, commitment letters will not need to be signed by the various local boards as the password will serve as the signature of the Chief Elected Official.

**Financial and technical assistance to improve Commonwealth Capital scores:** The Massachusetts Smart Growth / Smart Energy Toolkit provides model bylaws, case studies, and other materials municipalities can use to implement 22 different smart growth / smart energy techniques. In addition, funding is available through DHCD's Priority Development Fund for measures that will lead to housing production and technical assistance grants are available for implementation of expedited permitting measures pursuant to Chapter 43D.

**For More Information:** Visit our website <http://www.mass.gov/commcap>

**Questions/Comments:** Email: [commcap@massmail.state.ma.us](mailto:commcap@massmail.state.ma.us)  
Call: (617) 626-4949

FISCAL YEAR 2009 COMMONWEALTH CAPITAL APPLICATION

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Municipality:

Contact Name:

Title:

Address:

Email:

Date:

Phone:

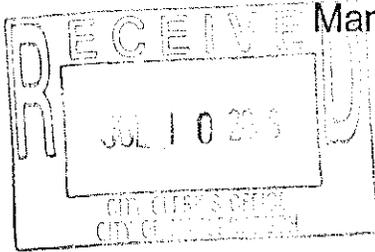
Municipal applicants will need to provide evidence of having met or made a binding commitment to the following criteria.

	Existing	Commit
<b>PLAN FOR &amp; PROMOTE LIVABLE COMMUNITIES &amp; PLAN REGIONALLY (19)</b>		
1. Current Master Plan OR:	<input checked="" type="checkbox"/> 6	
Executive Order 418 Community Development Plan; OR	<input checked="" type="checkbox"/> 4	
Current housing plan AND current DCS-approved Open Space and Recreation Plan; OR	<input checked="" type="checkbox"/> 3	
Current housing plan OR current DCS-approved Open Space and Recreation Plan	<input checked="" type="checkbox"/> 2	
1a. Commitment to complete a <input type="checkbox"/> Master, <input type="checkbox"/> 418, <input type="checkbox"/> Housing, or <input type="checkbox"/> Open Space and Recreation Plan by December 31, 2009		<input type="checkbox"/> 2
1b. Funding of regulatory actions implementing 2 specific Plan recommendations since July 1, 2006	<input type="checkbox"/> 3	<input type="checkbox"/> 1
2. Water resource plan: Source Water Protection, Water Conservation, Comprehensive Wastewater, or Integrated Water Resource Management	<input type="checkbox"/> 3	<input type="checkbox"/> 1
3. Execution of a compact or MOU, provision of funding, or regulatory change to attain a regional or intergovernmental goal since July 1, 2006	<input type="checkbox"/> 3	<input type="checkbox"/> 1
4. Adoption of the Community Preservation Act	<input type="checkbox"/> 4	<input type="checkbox"/> 2
<b>ZONING &amp; PERMIT CONCENTRATED DEVELOPMENT AND MIXED USE (26)</b>		
5. Zoning for mixed-use in an applicable location	<input type="checkbox"/> 4	<input type="checkbox"/> 2
5a. If mixed-use zoning is a DHCID approved 40R District or for Transit Oriented Development (TOD)	<input type="checkbox"/> 2	<input type="checkbox"/> 1
5b. Building permit issued for a mixed-use development since July 1, 2006	<input type="checkbox"/> 2	
6. Zoning for accessory dwelling units (ADU)	<input type="checkbox"/> 3	<input type="checkbox"/> 1
6a. Occupancy permit issued for at least one accessory dwelling unit since July 1, 2006	<input type="checkbox"/> 2	
7. Zoning allowing by-right multi-family dwellings (not age restricted)	<input type="checkbox"/> 3	<input type="checkbox"/> 1
7a. If zoning allows by-right multi-family dwellings of 4 or more units (not age restricted)	<input type="checkbox"/> 3	<input type="checkbox"/> 1
8. Zoning for clustered development / Open Space Residential Development (OSRD)	<input type="checkbox"/> 3	<input type="checkbox"/> 1
8a. If cluster is mandated, by-right, or includes a density bonus	<input type="checkbox"/> 2	<input type="checkbox"/> 1
8b. A cluster development has been permitted since July 1, 2006	<input type="checkbox"/> 2	
<b>EXPAND HOUSING OPPORTUNITIES (21)</b>		
9. Zoning requiring the inclusion of affordable units (IZ)	<input type="checkbox"/> 3	<input type="checkbox"/> 1
9a. Building permits issued for affordable units under an inclusionary bylaw/ordinance since July 1, 2006	<input type="checkbox"/> 2	
10. Increased housing stock by 50-99% of state goal OR	<input checked="" type="checkbox"/> 3	
100% or more of state goal	<input checked="" type="checkbox"/> 4	
11. 66% or more of new units produced using a listed smart growth technique	<input type="checkbox"/> 4	
12. Attainment of Housing Production certification (.5% of housing units) OR	<input checked="" type="checkbox"/> 4	
Attainment of a Chapter 40B threshold	<input checked="" type="checkbox"/> 5	
13. Production of housing units on municipal land or with municipal funding since July 1, 2006	<input type="checkbox"/> 3	<input type="checkbox"/> 1
<b>MAKE EFFICIENT DECISIONS &amp; INCREASE JOB AND BUSINESS OPPORTUNITIES (11)</b>		
14. Redevelopment Strategy: (a) inventory, (b) remediation, revitalization, or reuse strategy, or (c) site planning	<input type="checkbox"/> 4	<input type="checkbox"/> 2
15. Approved 43D Priority Development Site or provision of a (a) financial, or (b) regulatory redevelopment incentive	<input type="checkbox"/> 4	<input type="checkbox"/> 2
16. Adoption of permitting best practices	<input type="checkbox"/> 3	<input type="checkbox"/> 1
<b>PROTECT LAND AND ECOSYSTEMS (21)</b>		
17. 15-25% of town area protected [by a Chapter 184-type restriction or Article 97] OR	<input checked="" type="checkbox"/> 4	
25% or more of town area protected	<input checked="" type="checkbox"/> 5	
18. Land protected via a restriction or fee acquisition alone or with a land trust since July 1, 2006	<input type="checkbox"/> 4	
19. Existence of an agricultural commission	<input type="checkbox"/> 3	<input type="checkbox"/> 1
20. Adoption of a Right-to-Farm bylaw/ordinance	<input type="checkbox"/> 3	<input type="checkbox"/> 1
21. Stewardship plan for a municipal forest	<input type="checkbox"/> 3	<input type="checkbox"/> 1
22. Transfer of Development Rights (TDR) or other zoning for agricultural, forestry, or natural resource conservation	<input type="checkbox"/> 3	<input type="checkbox"/> 1
<b>USE NATURAL RESOURCES WISELY (8)</b>		
23. Adoption of a bylaw, ordinance, or regulation that encourages the use of Low Impact Development (LID) to address stormwater	<input type="checkbox"/> 4	<input type="checkbox"/> 2
24. Implementation of the 2006 Massachusetts Water Conservation Standards	<input type="checkbox"/> 4	<input type="checkbox"/> 2
<b>PROMOTE CLEAN ENERGY (9)</b>		
25. Implementation of energy efficiency measures	<input type="checkbox"/> 3	<input type="checkbox"/> 1
26. Production or purchase of renewable energy	<input type="checkbox"/> 3	<input type="checkbox"/> 1
27. Clean energy regulations or incentives	<input type="checkbox"/> 3	<input type="checkbox"/> 1
<b>PROMOTE TRANSPORTATION CHOICE (9)</b>		
28. Regulations requiring or actions to facilitate bicycling and walking since July 1, 2006	<input type="checkbox"/> 3	<input type="checkbox"/> 1
29. Regulations requiring or completion of a context sensitive transportation project since July 1, 2006	<input type="checkbox"/> 3	<input type="checkbox"/> 1
30. Regulations requiring or implementation of innovative transportation measures since July 1, 2006	<input type="checkbox"/> 3	<input type="checkbox"/> 1
<b>ADVANCE EQUITY (6)</b>		
31. Actions that promote fair housing since July 1, 2006	<input type="checkbox"/> 3	<input type="checkbox"/> 1
32. Actions that promote environmental equity since July 1, 2006	<input type="checkbox"/> 3	<input type="checkbox"/> 1
<b>PROMOTE SUSTAINABLE DEVELOPMENT VIA OTHER ACTIONS (UP TO 10)</b>		
33. Existence of or commitment to additional local measures or actions <input type="checkbox"/> 2, <input type="checkbox"/> 4, <input type="checkbox"/> 6, <input type="checkbox"/> 8, OR	<input type="checkbox"/> 10	

BONUS - 1 POINT FOR EVERY FISCAL YEAR 2008 COMMITMENT IMPLEMENTED

TOTAL: EXISTING, COMMIT, AND BONUS POINTS (MAXIMUM 140)


13,



Marlborough Community Development Authority

January 31, 2008

8:00 am

Minutes

Present: Diane Sullivan, Betsy Roszko, Lyn Faust, Michael Hogan, Steven Vigeant, Tom Able, Diane Smith, Jackie Malloy

Absent: Dr. Muir, Camille Duridas, Mayor Stevens

Meeting was held at City Hall, 4<sup>th</sup> Floor Mayor's Conference Room and was called to order at 8:15 am by Lynn Faust.

Half day meeting was discussed for February 27, 2008, will revisit after confirming with the Mayor. Michael Hogan asks that we pull Foreclosures from the City. Lynn Faust motions to accept Section 8 Public Hearing Minutes, Steven Vigeant seconds. Minutes accepted.

Housing Director's report; bills payable to be signed, Steve Vigeant motions to accept Michael Hogan seconds. Accepted.

240 Main street update; Michael Hogan asks to skip update and move to action items; all in favor

Betsy Roszko discusses the Windows for 240 Main Street, CBI Consultants will be doing the work, and the breakdown is \$640,000.00 construction, \$45,000.00 Design fee. Fees are coming from DHCD, funds can be increased if necessary. Steven Vigeant would like to see a plan in place on the window repairs. How will this be handled in the cold weather? Betsy mentions that one unit will be done in a day. Steven Vigeant motions to accept CBI, Michael Hogan seconds. All in favor.

Vote to accept DHCD data for ALL public housing. Motion to accept by Steven Vigeant, Seconded by Michael Hogan.

"Other items" Auditors Sec. 8 Hurley report, so moved for 2 years by Michael Hogan. Motion to approve Lynn Faust, Seconded by Michael Hogan.

Diane Sullivan discusses with the board the background on the Subordination in question. Ratio proves that we will continue to be at risk. Diane Recommends we proceed to move from variable to fixed. Steven Vigeant motions to approve, Michael Hogan seconds, Subordination request granted.

Michael Hogan questions Credit Scores and Loan to Value, we need to discuss our guidelines on credit scores.

Motion to adjourn by Lynn Faust, Second by Michael Hogan.

Adjourn 8:45 am

Respectfully submitted,  
Jackie Malloy  
Community Development Authority

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MARLBOROUGH COMMUNITY DEVELOPMENT AUTHORITY  
MARCH 10, 2008  
MINUTES

Meeting was held at City Hall, 4<sup>th</sup> Floor Conference Room and was called to order at 8:15 A.M. by Mayor Nancy Stevens.

PRESENT: Mayor Nancy Stevens, Camille Duridas, Lynn Faust, Dr. Muir, Betsy Roszko, Diane Sullivan and Jackie Malloy. Absent were Michael Hogan and Stephen Vigeant.

Betsy asks that the Bills Payable receive authorization for payment, motion to accept by L. Faust, seconded by Dr. Muir – All in Favor

Standard Contract for the Administration of State Rental Assistance Programs: Contracts are for renewal and are required by the State Comptroller's Office. Review. Motion by Muir Seconded by Faust to authorize Housing Director to sign the Renewal Contracts as presented. All in Favor.

Contract for State-Aided Capital Improvement Program: Contract is for a planning grant for the upgrade of the two elevators at 240 Main Street (667-3) in the amount of \$50,000.00. Work plan #1005 and Project #170016. Motion by Faust Seconded by Muir to authorize chair to sign contracts as presented. All in Favor.

Motion by Muir Seconded by Faust to accept the Housing Director's report. All in Favor.

Community Development Report:

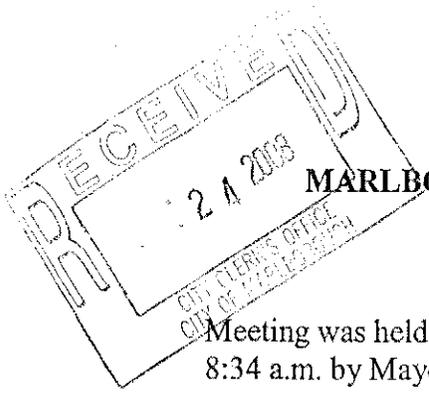
Subordination case #24 – submitted by D. Sullivan - program lien in the amount of \$15,000.00 – homeowner will received proceeds from closing to do more home improvements. L. Faust motion to approve Dr. Muir seconds.....Camille asks if the board was going to set precedence with regard to Loan to Value ratio? She mentions we should not go over 80%. This subordination was going over 2% than what the Board agreed upon. L. Faust states that they made a paydown. The Mayor mentions that with today's market it is difficult. Motion to approve by - All in favor

Minutes: Motion by Muir Seconded by Faust to accept the Minutes of 1/31/08 with corrections as discussed and place on file. All in Favor.

Meeting Adjourn at 10:15

Respectfully Submitted,  
Jackie Malloy  
Marlborough CDA

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**MARLBOROUGH COMMUNITY DEVELOPMENT AUTHORITY  
MAY 8, 2008  
MINUTES**

Meeting was held at City Hall, 4<sup>th</sup> Floor Conference Room and was called to order at 8:34 a.m. by Mayor Nancy Stevens.

**PRESENT:** Mayor Nancy Stevens, Michael Hogan Stephen Vigeant, Lynn Faust, Diane Sullivan, David McCabe, Betsy Roszko, Dr. Muir, Tom Able, Diane Smith and Jackie Malloy

**ABSENT:** Camille Duridas

Steve Vigeant motions to accept the minutes from the April 9, 2008 meeting, seconded by Lynn Faust – All in Favor – Approved.

**HOUSING REPORT:**

**Bills payable:** Muir moves to accept Fee contract, Steve Vigeant seconds, All in Favor – Approved.

Fee accountant -contract with Rich Conlon, CPA was presented for the Federal Section 8 program and the State Housing programs for a 5 year period beginning July1, 2008.

Discussion. Motion by Muir, seconded by Vigeant to accept and approve contracts for Rich Conlon as presented, authorize Chair to sign – all in favor

Window project update for 240 Main Street \$600,000.00 initial budget has been increased by DHCD to \$994,000.00. This is due to Asbestos Caulking, which must be completely removed. There is no definite start date on this project. The elevator needs upgrades worth \$400,000.00.

Betsy discusses 61 Emmett Street – Maintenance has been there 2 times this month, will be going again. Steve Vigeant asks Diane Sullivan to update the members on the status of the property. Diane Sullivan explains the plan is to expend the insurance proceeds to repair the home and then place the property up for sale. The Mayor concurs.

Betsy informs the members that the Audit of the city's Section 8 Programs went very well. No Findings – a copy of the report is on the way.

Betsy verbally provided the members with an update on housing authority programs and opportunities, with specifics about the status the State MRVP and AHVP rental programs, which currently have little to no additional funding planned to increase the programs.

Steve Vigeant asks for a more in depth report from the Housing Director, i.e. written report for the next meeting. Betsy replies she agrees that a written report was expected but that she has been extremely busy over the past two weeks and will now focus on delivering the report.

COMMUNITY DEVELOPMENT REPORT:

Diane Sullivan presented a subordination request to the members for their consideration noting in this particular case the homeowner is at risk of losing the home and that the reverse mortgage is the only viable options at this point. She further advised the members of the due diligence conducted to determine the program's investment in the home based on the CDA commissioned appraisal and HUD calculations, which collectively suggest that our risk is not increased as a result of this transaction.

Lynn Faust expressed concern that the members should be better informed on the mechanics of a reverse mortgage prior to taking this mater up for consideration. Mayor Stevens requested that Diane Sullivan walk the members through the transaction.

Dave McCabe offered in response to Lynn Faust's concern to arrange for a colleague to come and brief the members on these types of transactions at a future meeting.

Dr. Muir motions to approve the subordination request, Lynn Faust abstains from vote. Accepted.

Members reviewed the draft work plan presented by Diane Sullivan. Steve Vigeant suggested the plan should include an additional column or two that provides more detail on the individual items. Diane Sullivan will update the document monthly and insert additional columns providing greater detail.

Diane Sullivan discusses the proposed Foreclosure Strategy, suggesting a tracking system is in place to keep members updated on properties in transition. A flyer in three languages is under development that would provide specific consumer related information for those at risk with the mailing to be timed with the next city tax bill to expedite the receipt of the material by residents.

Members would like a monthly update on foreclosures in City. Steve Vigeant asks that the CDA utilize this list to generate a list of properties to purchase and redevelop, in particular within the Lincoln Street area. Diane Sullivan suggested a mini master plan for the greater Lincoln Street neighborhood is under development and would include real estate opportunities. This plan would be the instrument to engage stakeholders and the banking community to leverage their resources and interest.

Lynn Faust began discussion about the press releases in light of the draft SBLF and SF Program releases generated and included in the member's book, suggesting releases come out every 2 weeks, not 2 in one week. Lynn suggested we choose one for today and announce the other program in two weeks. Michael Hogan suggested that the program

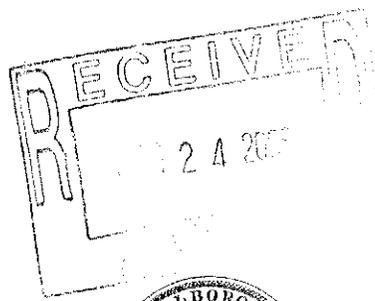
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offerings where aligned with one another targeting businesses in the central business district and those business seeking space in the district and bundling them together reflects a solid message to our small business community. The Mayor further suggested the releases where ready and that we should address both at the planned event following today's meeting. Members agreed and a motion to proceed was passed.

The meeting was adjourned at 9:51 AM.

Respectfully Submitted,

Jackie Malloy  
Marlborough Community Development



*City of Marlborough*  
*Commonwealth of Massachusetts*

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**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**  
June 9, 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, June 9, 2008 in Memorial Hall, 3<sup>rd</sup> floor, City Hall, Marlborough, MA 01752. Members present: Barbara Fenby, Chairperson, Steve Kerrigan, Clerk, Phil Hodge, Edward Coveney, Robert Hanson and Sean Fay. Also present: City Engineer Thomas Cullen.

**MINUTES**

*Meeting Minutes May 12, 2008*

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

To accept and file the meeting minutes.

**CHAIR'S BUSINESS**

*MAPC Route 85 (North) Corridor Study*

Department of Public Works Commissioner, Ronald LaFreniere, sent correspondence to the Planning Board regarding the study by the Metropolitan Area Planning Council for the land use corridor of Route 85 between Main Street, Marlborough and Main Street, Hudson. The first step of the MAPC was to review the City's zoning ordinance and site plan approval process. Mr. LaFreniere would like the members to review the document and if they have comments to pass them along.

**APPROVAL NOT REQUIRED PLAN**

**PUBLIC HEARING**

**Limited Development Subdivision  
Proposed Amendment  
7:15 PM**

The Planning Board of the City of Marlborough held a public hearing on Monday, June 9, 2008, at 7:15 p.m. in Memorial Hall, 3<sup>rd</sup> Floor, City Hall, 140 Main Street, Marlborough on the Limited Development Subdivision Proposed Amendment. Members present: Chairperson Barbara L.

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Fenby, Clerk Steven Kerrigan, Philip Hodge, Edward Coveney, Robert Hanson and Sean Fay. Also present: City Engineer Thomas Cullen.

The Chair introduced all of the members of the board including the City Engineer and the Planning Board Secretary. She advised the audience that everyone should direct questions to her and she will direct the questions to the proponent or others.

Mr. Kerrigan read the public hearing notice into record.

#### LEGAL NOTICE

Notice is hereby given that the **Planning Board of the City of Marlborough** will hold a **PUBLIC HEARING on Monday, June 9, 2008 at 7:15 PM in Memorial Hall, 3rd floor, City Hall, 140 Main Street, Marlborough Massachusetts for Proposed Amendments to Limited Development Subdivisions Ordinance.**

**PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING RECEIVED A SUBMISSION FROM THE PLANNING BOARD OF THE CITY OF MARLBOROUGH TO AMEND THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BY FURTHER AMENDING CHAPTER 200, ARTICLE VI, SECTION 200-30, ENTITLED "LIMITED DEVELOPMENT SUBDIVISIONS," NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY ADDING THERETO, AS FOLLOWS:**

1. The introductory preamble to § 200-30 is hereby deleted in its entirety and replaced with the following:

A parcel located in a residence district with frontage on a public way may be subdivided, subject to a special permit from the Planning Board, into Limited Development Subdivision lots for the use only as single-family dwellings under the alternative lot area, frontage and dimensional criteria set forth below; provided, however, that the special permit applicant must clearly demonstrate to the Board that the parcel which is the subject of the special permit application could be subdivided by right under conventional subdivision requirements, as set forth in the applicable ordinances of the City of Marlborough, the Subdivision Control Law and the Board's Rules and Regulations, into at least two and one-half times as many building lots as the number of building lots proposed in the special permit application.

2. The caption of Section 200-30A is hereby amended by deleting the word, "Dimensional."
3. Section 200-30A (8) is hereby deleted in its entirety and replaced with the following:

(8) The applicant for a special permit hereunder shall file with the Planning Board a preliminary plan that must clearly demonstrate to the Board that the parcel which is the subject of the special permit application is capable, as of right, of conventional subdivision, pursuant to the applicable ordinances of the City of Marlborough, the Subdivision Control Law and the Board's Rules and Regulations, into at least two and one-half building lots for each building lot proposed under the Limited Development Subdivision criteria.

The proposed amendment materials are available for review in the Office of the City Clerk, City Hall, 140 Main St., Main Floor, Marlborough, MA 01752

Mr. Hodge stated that the language is what the ordinance intended.

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Mr. Fay asked if the clarification in the ordinance was clear enough to make the ordinance complete. Mr. Hodge stated that this was the original intent for the 2 ½ times building lot for each building lot proposed not how it currently states in the ordinance.

The Public Hearing closed at 7:20 pm.

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

To recommend acceptance of the Limited Development Subdivision amendment to the City Council.

**SUBDIVISION PROGRESS REPORTS**

*Update from City Engineer*

Mr. Cullen provided an subdivision update that included several action items.

- Waters Edge Subdivision: As-builts and acceptance plans, waiting on revised plans.
- O'Leary's Landing: Need Mylars before recommendation for subdivision acceptance.
- Forest Grove: Still need latest plans and legal descriptions.
- Commonwealth Heights: Working on trenches for Glen St. and Conrad Road.

***Acre Bridge Estates***  
*Amended Covenant*

Mr. Garofalo submitted an amended covenant.

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

To accept and file correspondence; refer the amended covenant to the City Solicitor and the City Engineer for their review.

***Berlin Farms***  
*Engineering Correspondence*

Dick Baldelli, Assistant City Engineer has reviewed the bond reduction request and is recommending the bond be reduced from \$284,000.00 to \$147,000.00.

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

To accept and file correspondence; to reduce to the bond from \$284,000.00 to \$147,000.00.

***Davis Estates***  
*Bond Modification*

With an adjustment of the number of additional street lights needed for the subdivision, Dick Baldelli is recommending to reduce the bond from \$367,000.00 to \$328,000.00.

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

To accept and file correspondence; reduce the bond from \$367,000.00 to \$328,000.00.

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*Tri-Partite Agreement*

Mr. Aldo Cipriano, Attorney for the developer, provided to the Planning Board two versions of a Tri-Partite Agreement. The first version with the impending bond reduction amount of \$328,000.00 and a blank version. The Board reduced the bond amount to \$328,000.00 earlier in the evening.

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

To accept and file the Tri-Partite agreement; to refer the agreement for a full review to the City Solicitor and the City Engineer for their approval.

**PENDING SUBDIVISION PLANS: Updates and Discussion**

**PRELIMINARY/ OPEN SPACE SUBDIVISION SUBMITTALS**

**DEFINITIVE SUBDIVISION SUBMISSIONS**

***26 Pembroke Street***

*Engineering Correspondence*

In Mr. Cullen's correspondence, he stated that the changes that he asked for in the original plan have been made to satisfy his department. He also stated that the language change of "lots 1 & 2 are not to be considered building lots until a variance has been granted by the Marlborough Zoning Board of Appeals" has been added to the plan. He stated that the Engineering Division recommends the endorsement of the plan.

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

To accept and file correspondence.

*Subdivision Approval*

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

To **GRANT** the waiver request for lot 1, "The Planning Board is responsible for granting a waiver for insufficient frontage and the Zoning Board Appeals for granting waivers for area, front, side and rear setbacks and lot coverage. "

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

To **GRANT** the waiver request for lot 2, "The Planning Board is responsible for granting a waiver for insufficient frontage and the Zoning Board Appeals for granting waivers for area, front, side and rear setbacks and lot coverage. "

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

To approve a Definitive Plan of a Subdivision known as 26 Pembroke Street. Note that there are two approved waivers with the understanding these lots are not to be considered buildable lots until a variance from the Zoning Board of Appeals has been granted. The Planning Board will endorse the definitive plans after the twenty (20) day appeal period, provided no appeal has been recorded and a covenant has been submitted and approved by the Planning Board. Name of owner: William P. Wyskoczka, 26 Pembroke Street, Marlborough, MA 01752. Engineer: Jarvis Land Survey, 29 Grafton Circle, Shrewsbury, MA 01545.

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SCENIC ROADS

SIGNS

INFORMAL DISCUSSION

COMMUNICATIONS/CORRESPONDENCE

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

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

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

To adjourn at 7:29 p.m.

A TRUE COPY

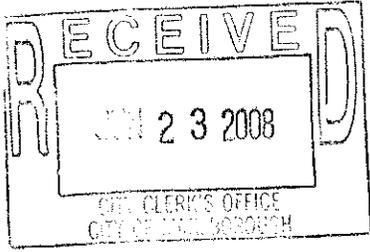
ATTEST:



Steven Kerrigan, Clerk

Clyde Johnson

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MetroWest Regional Transit Authority

**Advisory Board  
Meeting Minutes  
Monday, June 2, 2008**

The MetroWest Regional Transit Authority Advisory Board meeting was held on June 2, 2008 at 4:00 p.m., at the maintenance and operations facility of the MWRTA, located at 160 Waverley Street, Framingham, MA. Philip Jack, acting Chairman for John Stasik, called the meeting to order. In attendance were; Philip Jack, Ashland, Edward Carr, Administrator, Charles Stevenson, MWRTA Counsel, Carl Damigella, Holliston, Charles Hughes, Natick, Betty Soderholm, Southborough, Elise Marcil, Disabled Community Representative, Frank Hess, Sherborn, Karen Kisty, Marlborough, Kris Kiesel, Sudbury, Gary Daugherty, Hopkinton, and Joseph Nolan, Wayland. Audience members in attendance were Anthony and Jemie Miceli of Framingham, Ginger Esty, Framingham Selectman, Tammy Perrault of Framingham, Jim Oliver of Foxboro, JoAnne Thompson of Tommy's Taxi, Ted Welte of the MetroWest Chamber of Commerce, and Neil Libson of Framingham.

Charles Hughes made a motion to approve the previous minutes; it was seconded by Frank Hess and approved with abstentions from Carl Damigella, and Karen Kisty.

***Administrator's Report:***

• **Fixed Route Service:**

The implementation of moving the "Pulse" from downtown Framingham to the "Central Hub" on Waverley Street has begun. The Natick buses are now coming up to Waverley as well.

Two **public hearings** were held in Natick on Tuesday, May 20<sup>th</sup> and Thursday May 22<sup>nd</sup>, regarding fare and service changes.

Eva Willens and David Parker have set-up the Transportation **Access Pass System**, that will enable senior and disabled riders of fixed route service to ride for 1/2 fare on the MWRTA system as well

as throughout the state. The pass will have the MWRTA Transportation Pass info on the front, and the Charlie Card on the reverse side. Riders will be able to add money to the Charlie Card and use the pass at 1/2 fare on the MBTA fixed route services, (rail and buses). Betty Soderholm wanted to know if it was the same as the Commission for the Blind card. Mr. Carr said no, the RTA card was half fare, while the Commission for the Blind Card entitled the rider to a free ride.

- **Demand Response:**

Four vendors have responded to the **request for proposals** for Demand Response Service. The RTA is currently in contract negotiations with them. The Administrator will be contacting the towns COA's that the RTA has contracts with, to extend those contracts.

A meeting was held on May 23<sup>rd</sup> with the MBTA regarding the para transit service known as "THE RIDE", currently being provided by the MBTA. Transitional meetings have been scheduled between the MWRTA and the MBTA.

- **Capital:**

The MWRTA has provided the Town of Holliston's COA with a vehicle.

- **Budget:**

Mr. Carr is developing a draft budget, which he will e-mail each member before the next meeting.

- **Planning:**

The **Eliot Service** proposal for the Suburban Mobility Program, has been submitted and they have asked for more information. With the help of MWGMC (MetroWest Growth Management Committee) that information has also been submitted.

The **CTPS study** contract has not yet been executed, there are some details to be worked out with the MBTA, but it is expected to happen shortly.

- **Outreach:**

The RTA is continuing to work with Michele Brooks of Transaction Associates, who is working hard to increase sales of **multi ride passes**.

The RTA will be capable of accepting **credit cards** for payment of passes shortly.

The RTA is also working with the **Boy's/Girls club** this summer to try and get the kids to utilize the bus system.

Eva Willens attended a bike event at Farm Pond in Framingham with one of the MWRTA's buses. The participants in the ride were very enthusiastic about the bike rack feature on the new MWRTA buses.

- **Southborough:**

Southborough has voted to leave the WRTA and has requested to join the MWRTA.

- **Research:**

The MWRTA is continuing to work with the Geo labs of Bridgewater State to improve customer service.

- **Marketing:**

Interviews are ongoing for a potential marketing firm.

- **Comments on Administrators Report:**

Mr. Hughes asked when and how many **transition meetings** the RTA would have with the MBTA regarding THE RIDE. Mr. Carr stated that two have been scheduled, and that he felt they would be ongoing and probably monthly.

Mr. Hughes also wanted to reconfirm that as of July 1, 2008, First Transit would be the contractor providing **fixed route service in Natick**. Mr. Carr affirmed that yes, that would in fact be the case.

**Old Business:**

- **Disabled Community Representative (Ashland)**

Mr. Jack stated that he has two possible candidates for the Disabled Community Representative and he is hopeful that one will accept by the next board meeting to be held in July 2008.

- **Goals/Objectives:**

Mr. Jack stated that Mr. Stasik's wishes were for the board to begin discussions on goals/objectives.

**New Business:**

- **Southborough:**

Mr. Carr stated that **Southborough has requested to join** the MWRTA. They have written a letter to the Governor stating their intention. The RTA is waiting for a letter from the town, to the board, requesting to join. Mr. Carr suggested that the board could waive receipt of the letter and vote to approve their membership. Mr. Hughes made a motion for approval, of accepting Southborough in the MWRTA, seconded by Mr.

Damigella, and the vote was unanimous. Mr. Carr stated that all that was needed now from Southborough was the letter to the board requesting to join and stating that Betty Soderholm would be the Advisory Board designee. Mr. Jack welcomed Southborough to the MWRTA.

• **THE RIDE:**

Mr. Carr began by informing the board that in their packets was a letter to the editor that he wrote regarding THE RIDE. He stated that it is the MWRTA's intention to assume responsibility for **services after June 30, 2009**. He also stated that over the next year, the RTA will be working with the MBTA to provide a seamless as possible transition.

Ms. Kiesel, of Sudbury asked what the plan was for providing RIDE service to other communities. Mr. Carr stated that the plan was to make one system for all communities. He said that the services currently provided to Natick, and Framingham go far and above what the MWRTA could provide to all communities. The RTA's intention is to provide Natick/Framingham no less service than what they have now, and give the other communities the opportunity to be able to transfer on to the system. Mr. Carr stated that the other communities will receive para transit service, but not the seven day a week, late hour service that Natick/Framingham will continue to receive. He stated that the Natick/Framingham service is almost half the RTA's budget.

Mr. Hess of Sherborn asked if the other communities needed to be within the 3/4 mile corridor to receive the service. Mr. Carr said that Sherborn residents could be brought to Natick/Framingham area and then onto the system.

Mr. Damigella talked about the Town of Holliston funding a **taxi voucher** system to allow for additional services that may be needed on week-ends or later hours.

Elise Marcil commented about **"Tom"** and how it is intended to be more regional than what is required under ADA

(American with Disabilities Act), and the 3/4 mile law. The service would be town wide, servicing seniors and disabled.

Mr. Jack stated that riders from towns in the RTA, but not living in Natick/Framingham, could be taken by the RTA system to possibly Wellesley, where they could then transfer to THE RIDE. Mr. Carr said that his goal is to provide a safe, and dignified place for riders to transfer, and that the details of how and where those transfers will take place is still being discussed with the MBTA.

- **Comments from the Audience on THE RIDE:**

***Service for those with sight impairment***

Mr. Neil Libson, a resident of Framingham, and current user of THE RIDE, stated that because of his sight impairment he would not be able to utilize the bus system and that without THE RIDE he would have to move out of Framingham in order to live and keep his current employment. He mentioned that there were numerous sight impaired residents of Framingham that depend on THE RIDE. Mr. Carr reiterated the fact that the RTA's intention is continue the current level of service in Natick/Framingham, and that he will be working with the MBTA, and using their ridership data to identify current users.

Mr. Libson also stated that he absolutely needs weekend service to continue his employment.

***Qualifying for Paratransit Service***

Ms. Tammy Perrault of Framingham asked what a person would do if they could not, due to a minor medical procedure, stand and wait for the bus. Mr. Carr stated that they would receive the same service from the RTA that they are now receiving, if the individual qualified for THE RIDE. The RTA would have the same type vehicles as THE RIDE. His intentions are not to force people to ride the bus if unable to do so.

Ms. Esty commented that not everyone who has surgery qualifies for THE RIDE, unless you are already qualified. Mr. Jack stated that the RTA's responsibility is to maintain the current level of service.

Ms. Esty also stated that someone in a town other than Natick/Framingham, who qualifies for THE RIDE, and can get to Natick/Framingham, can already transfer onto THE RIDE.

Ms. Kiesel stated that currently qualifying for THE RIDE is very arduous and that she hopes that qualifying for the RTA ADA Service would not be so difficult.

Mr. Carr stated that since the RTA would be working closely with THE RIDE that the process would probably be similar. Mr. Carr explained that if a rider from Ashland wanted to utilize THE RIDE on a Sunday, and it was beyond the scope of the RTA's paratransit service on that day, than that rider would indeed have to find their own way to Natick/Framingham to be able to transfer onto the service.

Mr. Jack stated that the RTA's goal will be to provide paratransit services with-in the MWRTA's communities with varying hours, but the hours in Natick/Framingham for paratransit will not change from the current level of service.

***Comparable Service***

Ms. Esty thought that it would be beneficial to show comparisons between the current RIDE service available (hours of operations, vehicle size etc.), to what the RTA will offer through its "TOM" service. She also had concerns regarding the RTA's financial ability to pay for the same level of service: Mr. Carr assured her that an analysis would be done, and also that the RTA will have capital funds that it will invest in the service to offset some of the costs.

***Assessment***

Ms. Esty also asked about the "Cherry Sheet" situation. Mr. Carr stated that early on in the process there was an error made at both DOR and the MBTA. The estimated assessments were added for 20 municipalities, not just in Metro West, and he believes the legislature is working to correct the error.

**Transfers**

Mr. Libson asked about the procedure of transferring in Natick/Framingham and then continuing on into Boston. Mr. Carr stated that he did not know where, at this point, a transfer would take place and he also stated that he wasn't sure that the RTA would be transferring current users, and that discussions with the MBTA would help to determine the most efficient way of providing the transfer service. Mr. Carr also stated, that the ideal situation would be to provide the service in the same way that it is currently being done.

Mr. Miceli, whose daughter currently uses THE RIDE, wanted to know if her service, which involves no transfers from her home in Boston to her destination in Framingham, would remain the same. Mr. Carr stated that it was the goal of the RTA to keep the service the same as it is now. Mr. Carr said that within the next year the details will be in place.

**Door-to-Door/Origin-Destination Service**

Jim Oliver a RIDE user for 20 years asked if the RTA service would go "door to door" in Natick/Framingham. Mr. Carr stated that yes, there would be "origin to destination" service.

Ms. Miceli wanted to know if the door to door service would continue if a person on THE RIDE came out to Framingham. Mr. Carr said yes, if THE RIDE brought the rider out

here, then he believes that it would be door to door. She mentioned to Mr. Carr that the transfer system that was used by her daughter a few years ago, which they no longer use, was disastrous. Ms. Miceli asked, what the advantage of changing a service that is working so well for her daughter now is. She also asked Mr. Carr why they were losing the service in Natick/Framingham. Mr. Carr stated that it is the RTA's intention to give the ridership the same service that they are receiving now. The advantage would be to the other communities and to Natick/Framingham who would now be able to access those other communities, which they could not access before.

***TLC and AVCOA Service in Southborough***

Betty Soderholm asked Mr. Carr if the TLC (The Local Connection), in Southborough would become part of the service. Mr. Carr stated that it would be part of the "TOM" service. He also stated that Southborough will now have the opportunity to utilize the rest of the RTA system.

Betty Soderholm also asked about the AVCOA (Assabet Valley Council on Aging) Service and what a person would do now, that the MWRTA will provide the service. Mr. Carr stated that the MWRTA will provide the service in the same way.

***Two Way Service***

Mr. Oliver asked Mr. Carr, what would happen if a person had a late medical appointment in Boston and it went beyond the hours of operation of the MWRTA Service. Mr. Carr assured Mr. Oliver that if the RTA brought the rider in, then the RTA would be responsible for bringing that person back.

***Prohibition of Service***

Ms. Esty stated that she thought now that the RTA is in existence, that it would preclude the MBTA from providing service to Natick/Framingham.

Mr. Stevenson stated that the legislation creating the MWRTA did not require the decision of the MBTA to change the geographic area that THE RIDE covers. He stated that there is nothing in the law that says that the MBTA cannot provide the service. Mr. Stevenson said that Natick/Framingham are still members of the MBTA and that chapter 161A governs the MBTA and that under 161A the MBTA has the authority to provide Mass Transit services to its membership.

Mr. Stevenson told Ms. Esty that there is no legal prohibition for providing the service.

Mr. Stevenson also stated that if the MBTA believes there is a legal prohibition that would be for them to say so. Mr. Stevenson stated that he represents the MWRTA and it's not his position that the MBTA is prohibited by law from operating. He added that they operate train service through the district.

Ms. Esty challenged that, stating that it was misleading that Natick/Framingham was able to continue under the current contract with the MBTA, saying that it lead people to believe that the service would last forever.

Mr. Jack stated that there was probably always the intention that eventually the RTA would take over the service, although he believed it would not happen so soon.

Mr. Stevenson stated that the contract that the MWRTA has with the MBTA which runs through June 30, 2009, was approved by the MBTA General Manager and the General Counsel and the MWRTA Advisory Board.

Mr. Stevenson presumes that since the contract was approved by the MBTA General Counsel, that the MBTA had legal authority to enter into the contract.

Elise Marcil mentioned that at the meeting with Dan Grabauskas last week, his reasons for not continuing THE RIDE service were financial not legal. She felt that if it were legal restrictions for not providing the service, he would of stated that fact.

**Service Area**

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JoAnne Thomson asked if post June 30, 2009, would it be possible for a person registered with THE RIDE, who lived outside of Metro West and worked in Sudbury along the Route 20 corridor, would they be able to have some combination of service to get there, if there are no transfers. Mr. Carr said that it would be something the RTA would workout with the MBTA.

### ***Increase in Service Volume by MWRTA***

Mr. Neil Libson asked whether the MWRTA would be able to handle the larger volume of service that they will have to provide after June 30, 2009. Mr. Carr stated that at the meeting last week, the MBTA General Manager stated that the MBTA would help in anyway possible to accommodate the increase in service required. Mr. Carr is confident that with the MBTA's help, the RTA will be able to provide the service. It was made clear at the meeting that the RTA was seeking the help of the MBTA.

### ***Cherry Sheet***

Frank Hess was concerned about the double assessment, and how the MWRTA was going to get the funds to operate. Mr. Carr stated that the RTA would have to seek a RAN (revenue anticipation note), and receive the funds next year. Mr. Hess asked if the MWRTA would operate as the other RTA's, a year behind in debt. Mr. Carr said yes.

Ms. Esty commented that the RTA was already a year behind, so that would mean it was 2 years behind. Mr. Carr stated that the error has not been rectified as of yet, and he does not know when that will happen.

Ms. Esty asked if it will be based on audited figures. Mr. Carr said yes, but the RTA has no audited figures as of now, since the fiscal year has not yet ended. Mr. Carr told Ms. Esty that the MBTA assessments will stay and not change. Mr. Carr also stated that he did not know what the legislative fix would be, but that they were working on it.

Mr. Stevenson said that the legislative amendment to correct the assessment error is included in the senate budget, and is what is reflected in the revised cherry sheet, which is reflecting the senate budget proposal. He said that the House budget that was passed did not include the corrected amendment. The senate budget includes a fix of the problem, and that will go to the conference. MARTA (Massachusetts Association of Regional Transit Authorities), anticipate that the senate version will be adopted at the conference committee of the budget. He also stated that the error effects, as Mr. Carr stated, 20 communities, and that there is a lot of legislative support to rectify the problem.

Mr. Stevenson said that since it is part of the budget it will need the Governor's signature. He stated that what it means, is that for the 20 communities and the RTA's that are affected by the error will have an additional 12 month delay before getting the assessments from their communities. Senator Spilka's staff has asked Mr. Stevenson what cost this will have on the MWRTA. He stated that the cost will be a year's interest on about a million dollars in assessments. He thought it would be approximately thirty thousand dollars of interest expense that the RTA would not of had if the mistake had not been made. Mr. Nolan asked if the RTA would miss a year of reimbursements. Mr. Stevenson said no, the RTA will not miss them, they will get them a year later than expected. The RTA would have received the assessments for this years service, December 08-March 09, approximately. Because of the error it will not receive those assessments until December 09-March 2010, approximately. Mr. Stevenson also stated that the RTA will always have an 18-22 month delay in receiving their assessments.

### ***Public Communication***

A question was asked how the RTA will keep the public informed as to important information regarding THE RIDE issue. Mr. Carr said that the website will be updated with information,

and that the public is always welcome to attend the monthly board meetings. Ms. Marcil mentioned that a Consumer Advisory Group, Chaired by Mr. Paul Spooner, was currently being formed, and that members are being sought from all RTA towns. She also said that she hoped meetings could be conducted in various places and times, to maximize availability to all.

**Other Business:**

• **Natick Service and Fare changes:**

Mr. Carr asked for a vote of the board to require the Authority to bring the Natick rates in line with the rest of the system. The current adult rate for Natick is \$1.00 per ride, and the RTA routes are \$1.50. Ms. Kisty made the motion, seconded by Mr. Damigella, it was unanimous. The new rates will take effect July 1, 2008.

Mr. Hughes asked if a vote of the board was needed for the changes in the Natick routes. Mr. Carr stated that a vote was not necessary since it was not an added service.

**Goals/Objectives**

Mr. Jack stated that Mr. Stasik would like a discussion to take place on the overall **visions and goals of the Authority**, which would include the review of the Administrator.

Mr. Hughes mentioned that #6 under service in the document assumes that THE RIDE will continue, as opposed to what was discussed at today's meeting, so he thought that would need to be reworded.

Ms. Kiesel wanted to know if in #4 under service the Advisory Group was what Elise Marcil mentioned as the Consumer Advisory Group. Mr. Carr said yes.

1514

Mr. Danigella wanted to know if there was to be a set of number of members for the CAG. Ms. Marcil hoped that there would be a representative from each member town.

Mr. Carr suggested that Mr. Spooner would have some input on how many members would be a good fit for the committee.

Mr. Hughes asked if on page 3, # 6 under budget, and # 3 under operations were the same thing. After consideration, Mr. Carr thought they were the same.

Mr. Hughes also asked about # 8 under service and whether it meant that the RTA would enter into an agreement with the MBTA to use there commuter rail parking. Mr. Carr mentioned that some RTAs that are contiguous to the commuter rail, operate parking facilities for the MBTA to generate revenue for themselves.

Mr. Hughes asked what # 9 under budget meant. Mr. Carr stated that it had to do with the inter district funds, and that the issue was resolved.

### ***Comments from the Audience (continued)***

Ms. Esty stated that she sits on the MPO (Metropolitan Planning Organization), and also the Suburban Mobility Sub Committee, and she asked if the RTA had rewritten the application previously submitted to Suburban Mobility. Mr. Carr responded yes, and stated that the destination was still Eliot Station. Ms. Esty suggested that Eliot does not have ADA accessibility. Mr. Carr recognized that those issues would need to be resolved.

Ms. Esty also talked about a member of the committee from Newton who wanted to know about whether the RTA could plan the route into Newton without discussions with the city on certain issues. Mr. Carr said that application was rewritten and resubmitted last Friday, with some of those questions answered.

Ms. Esty said that the committee assumed that the destination of the route would be Woodland. Mr. Carr

submitted times to the committee, and also showed that using Woodland as a destination would add four more traffic lights to the commute. He stated that the reason for choosing Eliot was to provide service with the most direct route for use as a commuter shuttle. Mr. Carr stated that the purpose of the proposal was how to get people from the Green line to Metro West in the shortest amount of time possible. Mr. Carr thanked Ms. Esty for her input.

***Town Planning Assistance***

Ms. Kiesel wanted to know if under planning there could be a goal to work more with the groups in the towns that are not getting a lot of help from their town planners regarding transportation. Mr. Carr asked if Sudbury was a part of MWGMC. Ms. Kiesel did not know, but she was looking for some direction for planning.

***Improved COA Service***

Mr. Nolan suggested that a line be added that would have a towns planning board involved with other towns with similar services through their COA's. He also suggested that a possible subcommittee or working group be formed, to enable discussions to take place with some of the smaller towns who want to improve their COA services.

***CTPS Study***

Ms. Esty, through the Chairman, mentioned that the MPO voted almost \$80,000 for a marketing study for the new RTA which is going on now. Mr. Carr said that he has had some difficulty getting the CTPS study, coming out of the MPO, which would give the RTA a good planning foundation, before moving onto marketing, and he's not sure what the delay is. He believes the study is with the MBTA at this point.

Mr. Jack asked if it was the study talked about at early meetings. Mr. Carr said yes, and that the study that Ms. Esty was talking about was additional funds for marketing.

Ms. Esty thought it was important that the member communities knew about the marketing study.

Mr. Nolan expressed again his desire that more should be written under planning regarding a coordinated effort with COA's. Mr. Nolan mentioned that # 2, under budget should be more generic and read "annual state contract assistance" and that # 5, under budget should read "annual",

not a specific year. Mr. Nolan also asked Mr. Carr if he thought anything should be added since his evaluation would come from the goals/objectives document. Mr. Carr did not have any suggestions.

Mr. Nolan said that the discussion would continue with Mr. Stasik's return.

Mr. Jack asked if other RTA's did the same as # 1 under budget. Mr. Carr stated that there are **TMA's** (Transportation Management Associations), that work with the private sector to look for ways for them to join with the public sector entities, and have transportation be part of the process. He used the Natick Collection as an example, stating that part of the planning included transit amenities.

***Additional Comments***

Mr. Carr stated that the **marketing piece** of the RTA will come into play when the fixed route part of the system is ready to market. Mr. Jack suggested that the CTPS study will be part of helping to complete the goal.

Ms. Kiesel congratulated Mr. Carr on the **positive visibility** of the buses.

Mr. Daugherty talked about the **future growth of the Ashland/ Hopkinton area** in the next 5 years. He believes that the Authority needs to be involved in the **planning** process of the development. He also brought up the **cost of fuel** and how to increase ridership on the bus system.

1517

Mr. Carr mentioned that he had a meeting with the Secretary at EOT (Executive Office of Transportation), last week with some discussion on the cost of fuel and the impact on the RTA. Mr. Carr also talked about how MWGMC can be part of the process of planning in the early stages of new development to include public transit.

Mr. Carr mentioned that the ridership is increasing.

Mr. Hess wanted to clarify that the ride like service was to start July 1, 2009, for towns that do not have it now. Mr. Carr said that the service, known as "TOM" will begin sometime this year for Sherborn and that because Sherborn does not have Fixed Route Service, it will not be "ADA Service", but "TOM Service".

Mr. Nolan mentioned that the board may consider focusing on having a period for public discussion at a defined time, and keeping the meeting on track with the order of the agenda. He also stated that he felt it will take the RTA another year to solidify the current service and also figure in the new service.

The next meeting was set for Monday, June 23, 2008 at 4:00 pm. Mr. Hughes made a motion to adjourn; seconded by Mr. Damigella, it was unanimous.

The meeting ended at 5:30 p.m.

# # #

Certificate

The undersigned being the duly qualified clerk of the MetroWest Regional Transit Authority Advisory Board, acknowledges that the foregoing minutes accurately reflect the actions taken at a legally convened meeting of the Advisory Board held on June 2, 2008.

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Carl Damigella, Holliston